

# **LAW**

## **ON FOREIGNERS**

### **I. BASIC PROVISIONS**

#### **Subject of the Law**

##### **Article 1**

This Law shall stipulate the conditions for entry, movement and stay of foreigners, as well as the competence and activities of the public administration bodies in the Republic of Serbia with respect to entry, movement and stay of foreigners in the territory of the Republic of Serbia.

#### **Implementation of the Law**

##### **Article 2**

This Law shall not apply for the foreigners who:

- 1) Have applied for asylum, or have been granted asylum in the Republic of Serbia, unless otherwise stipulated by the Law;
- 2) Enjoy privileges and immunities pursuant to the international law, as regards the provisions hereof which are excluded as a result of these privileges and immunities;
- 3) Have been granted the status of refugee.

Stateless persons shall be the subject of the provisions of the Convention Relating to the Status of Stateless Persons, if this is more favourable to them.

#### **Definition of terms**

##### **Article 3**

Certain terms used for the purpose of this Law shall have the following meaning:

- 1) Foreigner shall mean any person who does not have the citizenship of the Republic of Serbia;
- 2) Competent authority shall mean a territorial unit of the Ministry of Interior (hereinafter referred to as: the Ministry), competent for the affairs related to foreigners;
- 3) Border police shall mean an organisational unit of the Ministry, directly responsible for the affairs of border control and other state border protection activities;
- 4) Entry into the Republic of Serbia shall mean the entry of foreigners into its territory, approved by the competent public authority, by crossing the state border, i.e. the state border crossing where border control is performed. The stay of foreigners in the transit area of airports or harbour and port anchorage through which international transport is conducted shall not, in the context of this Law, be regarded as entry into the Republic of Serbia;
- 5) Transit shall mean the crossing over the territory of the Republic of Serbia;
- 6) Border control shall imply the inspection of persons and travel documents, means of transportation and goods, conducted at the border crossing point prior to the intended crossing of the state border, or immediately

after having crossed the state border, as well as other control pursuant to the law;

- 7) Foreign travel document shall mean ordinary personal, family, collective, diplomatic or service passport, seaman's book containing a visa and other documents recognised by international treaties as travel documents, which can be used to reveal identity of its holder, the term of validity of which has not expired and which has been issued in accordance with the regulations of a foreign country or by a relevant act of an international organisation;
- 8) Foreigner travel document shall mean a refugee travel document, a stateless person's travel documents and foreigner's laissez-passer;
- 9) Foreigner identity card shall mean identification document issued to a foreigner permanently resident in Serbia, or a foreigner in temporary residence who does not have a valid travel document;
- 10) Carrier shall mean a natural person or a legal entity registered as provider of public passenger transportation services in air, road, waterway or railway traffic;
- 11) Detention centre for foreigners shall imply facilities for accommodation of foreigners who have been denied entry into the country, or on whom banishment or removal from the country has been imposed but it is not possible to dispatch them in this manner, and who have been ordered to stay under close police surveillance, according to the law.

### **Entry and stay of foreigners**

#### **Article 4**

A foreigner may enter into and stay in the Republic of Serbia, under the conditions stipulated by this Law, using a valid travel document containing a visa, or a permission to stay, unless provided otherwise by the law or an international treaty.

### **Limitation or prohibition of movement**

#### **Article 5**

Movement and stay in a specific territory in the Republic of Serbia shall be limited or prohibited to a foreigner if this is necessary due to reasons related to protection of public order or safety of the Republic of Serbia and its citizens, or pursuant to an international treaty.

### **Compliance with laws**

#### **Article 6**

A foreigner shall be obliged to observe the regulations and decisions of the public authorities during his/her movement and stay in the Republic of Serbia.

### **Application of legislation in the decision-making procedure regarding the rights and obligations of foreigners**

#### **Article 7**

The provisions of the law regulating the general administrative procedure shall apply in the decision-making procedure regarding the rights and obligations of foreigners, unless otherwise stipulated by this law.

As regards the procedure of registering the place of permanent or temporary residence or termination of permanent or temporary residence and changing the home address of a foreigner, the provisions of the law regulating the place of

permanent and temporary residence of the citizens of the Republic of Serbia shall apply, unless otherwise provided for herein.

## **II. ENTRY OF FOREIGNERS INTO AND EXIT FROM THE REPUBLIC OF SERBIA**

### **Border control**

#### **Article 8**

A foreigner shall be obliged to undergo border control procedure on entry into or exit from the Republic of Serbia.

Border control of foreigners shall be conducted in accordance with the applicable special law, and includes detection and prevention of illegal entry into the Republic of Serbia, denial of entry under the conditions stipulated in Article 11 hereof and/or denial of exit from the territory of the Republic of Serbia under the conditions established by Article 13, paragraph 2 of this Law.

### **Entry and exit using a collective travel document**

#### **Article 9**

A foreigner listed in the travel document of another person may enter into and exit from the Republic of Serbia only if accompanied by the person in whose travel document he/she is listed.

Foreigners using a collective travel document shall only be allowed to enter into and exit from the Republic of Serbia if they travel together.

Foreigners listed in a collective travel document shall also be required to have a document with their personal photograph, which can be used to confirm their identity.

The leader of the group shall have his/her ordinary personal travel document.

### **Illegal entry into the Republic of Serbia**

#### **Article 10**

Entry into the Republic of Serbia shall be considered illegal if it is gained:

- 1) Out of the place or time prescribed for crossing the state border;
- 2) By avoiding the border control;
- 3) By using another person's, invalid, and/or forged travel or other document;
- 4) By providing incorrect information to the border police;
- 5) During the period in which the protective measure of removal of foreigners from the Republic to Serbia, the security measure of banishing foreigners from the country, or the measure of cancellation of the permission to stay is in effect.

### **Denial of entry**

#### **Article 11**

Entry into the Republic of Serbia shall be denied to a foreigner if:

- 1) He/she does not have a valid travel document, or a visa if required;
- 2) He/she does not have sufficient financial means to sustain him/her during the stay in the Republic of Serbia, to return to his/her country of origin or transit into the third country, and if he/she is not provided with means of livelihood in any other way during his/her stay in the Republic of Serbia;

- 3) He/she is in transit, but does not meet the requirements to enter the third country;
- 4) The protective measure of removal or the security measure of banishment is in effect, or if his/her permission to stay is cancelled, and/or other measures recognised in the domestic or international law, which include the prohibition of crossing the state border, are effective; this prohibition shall apply during the period in which the respective measure, or the cancellation of the permission to stay, is in force;
- 5) He/she does not have the certificate of vaccination or other proof of good health, when arriving from areas affected by an epidemic of infectious diseases;
- 6) Required so by reasons related to protection of the public order or the safety of the Republic of Serbia and its citizens;
- 7) He/she is registered as an international felon in the relevant records;
- 8) There is reasonable doubt that he/she will take advantage of the stay for purposes other than those declared.

The denial of entry shall be denoted in the respective foreigner's travel document.

The conditions referred to in paragraph 1, items 2), 5), 6) and 7) of this Law shall be prescribed more specifically by the Government.

### **Entry into and stay in the Republic of Serbia without a visa**

#### **Article 12**

An international treaty or a Government decision may establish that citizens of particular countries may enter the Republic of Serbia without a visa, provided that obstacles referred to in Article 11 hereof do not exist.

The Government shall be competent to decide that citizens of particular countries may also enter the Republic of Serbia using a valid personal identity card, and/or other document which can confirm their identity and citizenship, on condition that obstacles referred to in Article 11, paragraph 1, Items 2) to 8) of the Law do not exist.

A foreigner who does not need a visa or a travel document to enter the Republic of Serbia may stay in the country for a maximum period of 90 days, within a timeframe of six months starting from the day of the first entry.

#### **Exit**

#### **Article 13**

A foreigner shall be free to exit the Republic of Serbia.

As an exception to paragraph 1 of this Article, the border police shall temporarily deny exit from the Republic of Serbia to a foreigner if:

- 1) He/she is in possession of another person's, invalid, and/or forged travel or other document;
- 2) He/she does not have the visa required to enter the next country;
- 3) There is justified suspicion that, by exiting the Republic of Serbia, the person may escape legal prosecution with respect to a criminal act or misdemeanour, avoid serving the sentence of imprisonment, execution of a court order, being arrested or execution of a due liability imposed by a competent authority.

After the reasons referred to in paragraph 2 hereof have ceased to exist, the foreigner shall be allowed to exit the Republic of Serbia.

### **III. VISAS**

#### **Visas, competence for issuing visas and consular cooperation**

##### **Article 14**

Visa is a permission of entry, stay or transit obtained by a foreigner prior to entering the territory of the Republic of Serbia.

A visa shall be issued to a foreigner with a valid travel document; the term of visa's validity shall be shorter than the term of validity of the respective travel document.

A visa shall be issued by a diplomatic mission or consular office of the Republic of Serbia, unless otherwise stipulated in this Law.

Before issuing a visa, the relevant diplomatic mission or consular office of the Republic of Serbia shall be obliged, when provided for in paragraph 5 of this Article, to obtain the prior consent of the Ministry.

Having obtained the consent from the minister competent for interior affairs, the minister competent for foreign affairs shall establish the regulation stipulating the layout and content of the application form for visa, the request for obtaining the Ministry's consent, as well as the procedure for issuing visas in diplomatic missions or consular offices of the Republic of Serbia.

Exceptionally, when there are serious humanitarian reasons or it is in the interest of the Republic of Serbia, the border police may, with consent of the Ministry, issue a transit visa (type B visa) for a single transit, or a visa for short stay (type C visa) for a single entry with the term of validity of up to 15 days, when a foreigner has had no opportunity to apply for a visa via a diplomatic mission or a consular office of the Republic of Serbia, provided he/she presents adequate proof of urgency of the trip for which he/she needs the visa.

The visa referred to in paragraph 6 hereof shall not be issued to a foreigner associated to obstacles referred to in Article 11 of the Law.

Elaborated conditions and the procedure for issuing the visa referred to in paragraph 6 of this Article shall be prescribed by the minister competent for interior affairs.

An international treaty with the countries in which the Republic of Serbia does not have a diplomatic mission or a consular office may establish mutual representation in the procedure for issuing visas.

#### **Types of visas**

##### **Article 15**

The types of visas shall be as follows:

- 1) Airport transit visa (type A visa);
- 2) Transit visa (type B visa);
- 3) Short stay visa (type C visa);
- 4) Temporary residence visa (type D visa).

The layout of the visa form, its content and the modality of entering the visa referred to in paragraph 1 of this Article into a foreign travel document shall be

prescribed by the minister competent for foreign affairs, with consent of the minister competent for interior affairs.

### **Airport transit visa (type A visa)**

#### **Article 16**

A foreigner who does not leave the international transit area of airports or the aircraft during the intermediate stop between two legs of a flight or between connecting flights shall not need a visa.

As an exception to the provision in paragraph 1 hereof, the Government may specify which foreigners in particular travel routes shall need the airport transit visa, if so required by the reasons referred to in Article 5 of the Law.

At the personal request of a foreigner, an airport transit visa may be issued to him/her for a single or multiple transit through the international transit area of an airport, with which the foreigner is allowed to stay in this area up to 24 hours per one instance of transit.

### **Transit visa (type B visa)**

#### **Article 17**

A transit visa shall be issued to a foreigner for a single, double or multiple transit through the territory of the Republic of Serbia.

A transit visa shall be issued with the term of validity of up to six months, and the duration of stay in the country per one transit shall not exceed five days.

A transit visa may be issued to a foreigner who is in possession of the visa for entry into the destination country or the country through which he/she is transiting if his/her obligation to have that visa is not abolished by an international treaty.

A transit visa may also be issued to a group of travellers which had been established before the decision to travel was taken, when the travellers are to transit through the territory of the Republic of Serbia together.

The visa referred to in paragraph 4 of this Article may be issued to a group of at least five and at most 50 persons, where the leader of the group shall be obliged to have a separate visa, if required.

### **Short stay visa (type C visa)**

#### **Article 18**

A short stay visa shall be issued for the purpose of tourism, business and other travelling for a single, double or multiple entry into the Republic of Serbia.

The duration of an uninterrupted stay, and/or the total duration of successive visits of a foreigner with a short stay visa shall not exceed 90 days within a period of six months which started on the day of the first entry.

A short stay visa with the multiple entry option shall be issued with the term of validity of up to one year; however, it may also be issued with a longer term of validity to the staff of a foreign diplomatic mission or a consular office on condition of applied principle of reciprocity.

A short stay visa with the term of validity of up to 30 days may also be issued to a group of at least five and at most 50 persons, which had been established before the decision to travel was taken, provided that the members of that group are entering the territory of the Republic of Serbia together, staying in it and exiting as a group, where the leader of the group shall be obliged to have a separate visa, if required.

## **Temporary residence visa (type D visa)**

### **Article 19**

A temporary residence visa shall imply permission for entry into and temporary residence of foreigners in the Republic of Serbia.

A temporary residence visa shall be issued for the purposes, under the conditions and with the term of validity stipulated by this Law with respect to the permission for temporary residence.

If a foreigner intends to stay more than 90 days in the Republic of Serbia, he/she shall be obliged to obtain the visa referred to in paragraph 1 hereof, or to obtain the permission for temporary residence from the competent authority during his/her stay in the Republic of Serbia.

### **Extension of the visa's term of validity**

#### **Article 20**

The visa's term of validity shall not be extendable.

As an exception to the provision in paragraph 1 of this Article, the visa's term of validity shall be extendable if so required by the humanitarian, professional or personal reasons and force majeure.

Elaborated conditions, the form of the application and the procedure for extension of the visa validity term in circumstances referred to in paragraph 2 hereof shall be prescribed by the minister competent for interior affairs.

The application for extension of the visa's term of validity shall be filed to the competent authority according to the place of foreigner's temporary residence.

### **Refusal of visa applications and visa cancellation**

#### **Article 21**

The authority competent for issuing visas shall not issue a visa if:

- 1) The term of validity of a foreign travel document expires in less than ninety days;
- 2) Any of the obstacles referred to in Article 11 of the Law exists;
- 3) A foreigner fails to present himself/herself when summoned by a diplomatic mission or a consular office of the Republic of Serbia.

As an exception to the provisions in paragraph 1 of this Article, a visa may be issued for humanitarian reasons, if this is in the interest of the Republic of Serbia, or if accepted international obligations so require.

In the case referred to in paragraph 2 of this Article, the Ministry may prescribe that a foreigner shall only be allowed to enter the country at a particular border crossing.

The authority competent for issuing visas or the border police will cancel any issued visa if it is afterwards established that some of the obstacles referred to in Article 11 of the Law do exist.

There shall be no right of appeal against the decision to refuse one's application for visa or the decision to cancel a visa.

The decision referred to in Article 5 of this Law shall not require a statement of grounds.

## **Obligations of carriers**

### **Article 22**

A carrier may transport a foreigner to a border crossing only if none of the obstacles referred to in Article 11, paragraph 1, Item 1) of this Law exist.

A carrier shall be obliged to provide transportation free of charge without delay or, if immediate transportation is not possible, to bear the costs of the stay and removal of the foreigner associated with the obstacles in Article 11, paragraph 1, Item 1) hereof.

The provisions in paragraph 2 of this Article shall also apply for the carrier who brought a foreigner into the international transit area of an airport if another carrier has refused to transport the foreigner into the destination country, or if entry into the destination country is denied to the foreigner.

An agency organising a tourism or business related travel shall be obliged to reimburse the incurred costs referred to in paragraph 2 hereof if these costs cannot be charged to the foreigner and if his/her illegal stay resulted from a fault on the part of the agency that organised the travel.

## **Obligations of guarantors**

### **Article 23**

A legal entity or a natural person that provided a foreigner with a letter of guarantee whereby the guarantor accepts the responsibility to cover any costs of the foreigner's stay and removal if these costs cannot be charged to the foreigner, shall be obliged to submit a certified copy of the letter of guarantee to the competent authority in accordance with the place of foreigner's temporary residence.

## **IV. THE STAY OF FOREIGNERS**

### **The types of stay**

#### **Article 24**

The types of stay of foreigners in terms of this Law shall be as follows:

- 1) Stay of up to 90 days;
- 2) Temporary residence;
- 3) Permanent residence.

### **Stay of up to 90 days**

#### **Article 25**

Stay of up to 90 days shall mean the stay of a foreigner either without a visa or on the grounds of a visa, unless otherwise stipulated by this Law or an international treaty.

### **The purpose of temporary residence**

#### **Article 26**

Temporary residence may be permitted to a foreigner whose intention is to stay in the Republic of Serbia longer than 90 days for the purposes of:

- 1) Work, employment, performance of economic or other professional activities;
- 2) Enrolling a school, university or advanced education course, scientific research, practical training, participation in the programmes of

international exchange of pupils and students, and/or other scientific/education activities;

- 3) Family rejoining;
- 4) Other reasonable reasons in accordance with the law or an international treaty.

A foreigner to whom temporary residence has been permitted due to the reasons referred to in paragraph 1 hereof shall be obliged to stay in the Republic of Serbia in accordance with the purpose for which the stay has been approved.

### **Applying for temporary residence and the pertinent competence**

#### **Article 27**

A foreigner who is already resident in the Republic of Serbia on other grounds shall apply for temporary residence to the competent authority.

In addition to the application for temporary residence, a foreigner shall also be obliged to submit a valid foreign travel document, as well as other proof justifying the reasons on account of which he/she is requesting the approval of temporary residence.

The applicant in paragraph 1 of this Article may not alter the reason of stay during the course of the procedure.

A foreigner shall file the application for extension of the temporary residence period to the competent authority at least 30 days prior to the expiry of the temporary residence period.

The decision on the application referred to in paragraphs 1 and 4 hereof shall be taken by the competent authority with prior consent of the public authority competent to verify the justification of the reasons for temporary residence; the latter public authority shall be obliged to respond to the request for consent within 15 days.

### **Conditions for issuing permissions**

#### **Article 28**

A foreigner may be granted the permission for temporary residence if he/she furnishes the proof that:

- 1) He/she has got sufficient financial means to sustain him/her;
- 2) He/she has got health insurance;
- 3) His/her reasons for temporary residence are justified and in compliance with the purpose of temporary residence referred to in Article 26, paragraph 1 of the Law.

Fulfilment of the conditions stipulated in paragraph 1, Item 2) hereof shall be specified in more detail in a regulation by the minister competent for interior affairs, with consent from the minister competent for health.

A foreigner shall be denied the permission for temporary residence if any obstacles referred to in Article 11, paragraph 1 of this Law exist.

As an exception to the provisions in paragraphs 1 and 3 hereof, if it is in the interest of a court procedure regarding the criminal act of human trafficking, a foreigner who is the victim of such a criminal act shall be given the permission for temporary residence in the Republic of Serbia, except when obstacles referred to in Article 11, paragraph 1, Items 6) and 8) of this Law exist.

During the temporary residence in the Republic of Serbia, the foreigner referred to in paragraph 5 hereof, who does not have sufficient financial means to sustain himself/herself, shall be provided with appropriate accommodation, meals and elementary living conditions.

### **Duration of temporary residence**

#### **Article 29**

Temporary residence may be approved for a period of up to one year, and may be extended for the same period, unless otherwise provided in this Law or an international treaty.

The staff of a diplomatic mission or a consular office may be given the permission for temporary residence with the term of validity longer than one year, provided that the principle of reciprocity is applied.

The foreigner referred to in Article 28, paragraph 5 of this Law shall be given the permission for temporary residence with a term of validity corresponding the time necessary for his/her participation in the criminal procedure.

The permission for temporary residence shall be entered into the travel document of a foreigner. The term of validity of a travel document shall exceed by at least six months the term of validity of the granted permission.

Exceptionally, the permission for temporary residence of a foreigner who does not possess a valid travel document shall be granted and extended by means of a decision.

The layout, content and the procedure of entering the permission for temporary residence into a foreign travel document shall be prescribed by the minister competent for interior affairs.

### **Temporary residence for the purpose of work, employment or performance of other activities**

#### **Article 30**

Temporary residence for the purpose of work, employment, performance of economic or other professional activity may be permitted to a foreigner:

- 1) Who has been granted the right to work, or the permission for temporary residence is a precondition for exercising that right, in accordance with the regulations governing the work of foreigners in the Republic of Serbia;
- 2) Who intends to stay in the Republic of Serbia longer than 90 days, provided that he/she has fulfilled all other conditions stipulated by this Law, and does not require a work permit in terms of the regulations governing the work of foreigners in the Republic of Serbia.

The temporary residence referred to in paragraph 1 hereof shall be permitted to a foreigner until the expiry of the term of approved labour contract in the Republic of Serbia, or with the term of validity referred to in Article 29, paragraph 1 of the Law, as appropriate.

### **Temporary residence for the purpose of enrolling a school or university**

#### **Article 31**

In addition to the application for obtaining the permission for temporary residence for the purpose of enrolling a school, university or advanced education course, scientific research, practical training, participation in the programmes of international exchange of pupils or students, and/or other scientific/education

activities, a foreigner shall be obliged to present the proof of fulfilment of the conditions referred to in Article 28, paragraph 1, Item 3) of the Law.

The fulfilment of the conditions referred to in Article 28, paragraph 1, Item 3) of the Law, with respect to paragraph 1 hereof, shall be stipulated more specifically in a regulation by the minister competent for education and the minister competent for science.

Temporary residence referred to in paragraph 1 hereof may be extended for the term of maximum two years after the expiry of the period prescribed for attending a school, university, advanced education or practical training course.

### **Temporary residence for the purpose of rejoining the family**

#### **Article 32**

The application for obtaining the permission for temporary residence for the purpose of rejoining the family shall be submitted by a foreigner – a nuclear family member of a citizen of the Republic of Serbia, or a nuclear family member of a foreigner who has been given the permission for permanent residence or temporary residence.

For the purpose of this Law, the members of a nuclear family shall include: spouses, their underage children born in or out of wedlock, underage adopted children or underage stepchildren.

Exceptionally, other cousins may also be considered as members of the nuclear family, provided that there are especially important personal or humanitarian reasons for family rejoining in the Republic of Serbia.

The fulfilment of the conditions referred to in paragraphs 1 and 3 hereof shall be stipulated more specifically in a regulation by the minister competent for interior affairs, with consent of the minister competent for social policy.

### **Extension of temporary residence**

#### **Article 33**

A foreigner, who is a member of the nuclear family of a citizen of the Republic of Serbia, may be granted extension of the temporary residence up to the period of three years, or until the fulfilment of the conditions for obtaining the permission for permanent residence.

A foreigner, who is a member of the nuclear family of a citizen of the Republic of Serbia, may also be granted extension of the temporary residence in the case if the citizen of the Republic of Serbia is deceased, as well as in the case of divorced marriage with a citizen of the Republic of Serbia which lasted in the Republic of Serbia at least three years.

### **Temporary residence of an underage foreigner born in the territory of the Republic of Serbia**

#### **Article 34**

An underage foreigner born in the territory of the Republic of Serbia shall be granted extension of the temporary residence for the period specified for the temporary residence of one of his/her parents or guardians.

## **Cancellation of the permission to stay and prohibition of entry into the Republic of Serbia**

### **Article 35**

The competent authority shall cancel the permissions issued to a foreigner in the Republic of Serbia who has been granted the permission for a short stay of up to 90 days and a foreigner who has been granted the permission for temporary residence in the Republic of Serbia if any of the obstacles referred to in Article 11 of this Law occur, or are detected at a later stage.

In the process of cancellation, the competent authority shall prescribe a deadline of maximum 30 days within which the foreigner shall be obliged to leave the Republic of Serbia and the period during which the foreigner shall be prohibited to re-enter the Republic of Serbia.

The cancellation of stay and the prohibition of entry shall be entered in the foreign travel document in the way stipulated by the minister competent for interior affairs.

### **Termination of stay**

#### **Article 36**

A foreigner's stay shall terminate:

- 1) By expiry of the term of validity of the permission to stay;
- 2) By cancellation of the permission to stay;
- 3) If the protective measure of removal or the security measure of banishment is imposed on him/her.

### **Permanent residence**

#### **Article 37**

Permanent residence may be permitted to a foreigner:

- 1) Who has stayed with no interruptions in the Republic of Serbia for at least five years on account of the permission for temporary residence before applying for permanent residence permit;
- 2) Who has been married to a citizen of the Republic of Serbia, or a foreigner with permanent residence, for at least three years;
- 3) Who is an underage person in temporary residence in the Republic of Serbia if one of his/her parents is a citizen of the Republic of Serbia or a foreigner with permanent residence, subject to the consent of the other parent;
- 4) Who has ancestral links to the territory of the Republic of Serbia.

As an exception to the provisions of paragraph 1 hereof, permanent residence may also be granted to other foreigners who have been granted the permission for temporary residence, if required by the humanitarian reasons or if this is in the interest of the Republic of Serbia.

With respect to the duration of uninterrupted stay in the Republic of Serbia required for eligibility for permanent residence referred to in paragraph 1, Item 1) hereof, only one half of the time spent in the Republic of Serbia by a foreigner, who has been granted the permission for temporary residence in the Republic of Serbia for the purposes referred to in Articles 30 and 31 of the Law, shall be recognised to this end.

The uninterrupted stay, referred to in paragraph 1, Item 1) hereof, shall also mean the stay with multiple periods of absence from the Republic of Serbia, totalling to the maximum of ten months of absence, or a single period of absence of up to six months, over a period of five years.

Marriage, in terms of paragraph 1, Item 2) hereof shall mean the matrimonial community for the purposes of living together in the territory of the Republic of Serbia.

A parent, in terms of paragraph 1, Item 3) hereof shall also mean any person who is in legal terms equal to a parent.

The time served in prison by a foreigner who has been granted the permission for temporary residence shall not be recognised as time accrued for eligibility for permanent residence.

A foreigner who has been granted permanent residence shall be equal in terms of rights and obligations with the citizens of the Republic of Serbia, except regarding the rights and obligations from which he/she is exempt pursuant to the Constitution and the law.

Further conditions for obtaining the permission for permanent residence shall be prescribed by the minister competent for interior affairs.

### **Competence**

#### **Article 38**

The Ministry shall decide upon an application for permanent residence.

Appeal against the decision on rejection of an application for permanent residence shall be decided upon by the Government.

Permanent residence permit shall be entered into the travel document of a foreigner, if the foreigner possesses one; otherwise, it shall be entered into the foreigner identification card.

The layout, content and the modality of entering the permanent residence permit into a travel document or foreigner identification card, as appropriate, shall be prescribed by the minister competent for interior affairs.

### **Rejection of an application**

#### **Article 39**

Permanent residence shall not be granted to a foreigner:

- 1) Who fails to fulfil the requirements stipulated in Article 37 hereof;
- 2) Who has been convicted of a criminal offence for which the perpetrator is prosecuted ex officio or in case that proceedings have been instituted for such an offence;
- 3) Who does not have any means of subsistence;
- 4) Who does not have health insurance;
- 5) Who does not have place of residence;
- 6) For reasons of safeguarding public order or security of the Republic of Serbia and its citizens.

A foreigner who has not been granted permanent residence owing to reasons referred to in paragraph 1, items 3–6 of this Article, shall receive cancellation of temporary residence as well.

## **Cancellation of permanent residence**

### **Article 40**

Stay in the Republic of Serbia shall be cancelled to a foreigner who has been granted permanent residence in the Republic of Serbia in the following cases:

- 1) Under the circumstances referred to in Article 39, paragraph 1, items 3–5 hereof;
- 2) Upon release from prison, if he/she has received the final unconditional sentence to imprisonment of more than six months for a criminal offence for which perpetrators are prosecuted ex officio;
- 3) If the protective measure of removal or security measure of banishment has been imposed on him/her;
- 4) If this is required for reasons of safeguarding public order or security of the Republic of Serbia and its citizens;
- 5) If he/she has provided false data regarding his/her identity or has concealed circumstances relevant to issuing the permit.

Cancellation of stay shall be subject to the provisions of Article 35, paragraphs 2 and 3 hereof, as appropriate.

As an exception, time limit within which the foreigner referred to in paragraph 1 of this Article is obliged to leave the Republic of Serbia may be extended, out of humanitarian reasons, for up to six months.

## **Termination of the right to permanent residence**

### **Article 41**

A foreigner's right to permanent residence shall be terminated if:

- 1) It has been ascertained that the foreigner has moved out of the Republic of Serbia or that he/she has stayed abroad in continuity for longer than one year and has failed to notify this fact to the competent authority;
- 2) His/her stay has been cancelled;
- 3) He/she has renounced the right to permanent residence.

The form of the statement on renunciation of the right to permanent residence shall be prescribed by the minister competent for interior affairs.

## **V. UNLAWFUL stay**

### **Obligation of a foreigner to leave the Republic of Serbia on the grounds of unlawful stay**

#### **Article 42**

Stay on the territory of the Republic of Serbia without a visa, permission for temporary residence or other legal grounds shall be regarded as unlawful residence.

A foreigner who unlawfully stays in the Republic of Serbia is obliged to leave its territory immediately or within a set time limit.

A foreigner shall be considered to have left the Republic of Serbia when he/she enters another state which he/she is permitted to enter.

A foreigner who has submitted an application for the extension of temporary residence or for asylum in a timely manner may remain in the Republic of Serbia until the final decision regarding the application has been issued.

## **Time limit for leaving the Republic of Serbia**

### **Article 43**

Time limit within which a foreigner who unlawfully stays in the Republic of Serbia is obliged to leave its territory shall be set by the decision issued by the competent authority. If considered necessary, an exact border crossing point may be determined and obligation imposed on the foreigner to report to a police officer at the border crossing.

Appeal against the decision referred to in paragraph 1 of this Article shall not suspend execution of the decision.

When setting the time limit referred to in paragraph 1 of this Article, the competent authority shall take into account the time necessary for the foreigner to leave the territory of the Republic of Serbia; such time limit may not be longer than 30 days from the day of issuing the decision.

The responsible authority may set a new time limit to a foreigner who has not left the Republic of Serbia within the set time limit for justifiable reasons.

A foreigner on whom a protective measure of removal or a security measure of banishment has been imposed, as well as a foreigner who should be repatriated pursuant to an international agreement, shall be granted extension of time limit for leaving the state only if there are justifiable reasons for doing so.

## **Execution of protective measure of removal**

### **Article 44**

When imposing a protective measure of removing a foreigner from the territory of the Republic of Serbia, provisions of Article 35, paragraph 2 hereof shall apply as appropriate.

## **Obligation to report unlawful stay of a foreigner**

### **Article 45**

State authorities, legal entities and natural persons are obliged to notify the responsible authority, without delay, of a foreigner who unlawfully stays in the Republic of Serbia or of a foreigner who fulfils the requirements for cancellation of residence in the Republic of Serbia.

The authority which has instituted criminal or petty offence proceedings against a foreigner is obliged to inform the competent authority, without delay, of unlawful residence of the foreigner.

## **VI. FORCED removal**

### **Time limit for forced removal**

#### **Article 46**

The responsible authority shall forcibly remove a foreigner if the foreigner unlawfully resides in the Republic of Serbia or in case the foreigner has failed to leave the Republic of Serbia within the set time limit.

A foreigner on whom a protective measure of removal or a security measure of banishment has been imposed, as well as a foreigner who is to be repatriated pursuant to an international agreement, shall be forcibly removed immediately.

## **Prohibition of forced removal**

### **Article 47**

A foreigner may not be forcibly removed to a territory where he/she would be under threat of persecution on the grounds of his/her race, sex, religion, nationality, citizenship, membership of a particular social group or his/her political views.

Provision of paragraph 1 of this Article shall not apply to a foreigner who is, on reasonable grounds, regarded as a threat to security of the Republic of Serbia or to a foreigner finally convicted of a grave criminal offence, wherefore he/she represents a threat to public order.

Notwithstanding the provisions of paragraph 2 of this Article, a foreigner may not be forcibly removed to a territory in which he/she would be under threat of torture, inhuman or degrading treatment or punishment.

### **Detaining a foreigner**

#### **Article 48**

As an exception, if required for reasons of security of forced removal, a foreigner may be detained on the premises of the competent authority, but not longer than 24 hours.

Detention of a foreigner shall be subject to provisions of the Law on Police.

### **Ordering the stay in the immigration detention centre**

#### **Article 49**

A foreigner who cannot be forcibly removed immediately or a foreigner whose identity has not been ascertained or who does not possess a travel document, as well as in other cases stipulated by law, shall be ordered to stay in the immigration detention centre of the Ministry (hereinafter: detention centre), under close police surveillance, pursuant to a decision to be issued by the competent authority.

Notwithstanding the provisions of paragraph 1 of this Article, a foreigner with health-related or other special needs shall be assigned other appropriate accommodation.

Appeal against the decision on ordering or extending the measure referred to in paragraph 1 of this Article, shall be decided upon by a responsible district court.

The procedure of resolving the appeal referred to in paragraph 3 of this Article shall be subject to the provisions of Article 53 of the Law on Police (*Official Gazette RS*, No. 101/05).

Appeal against the decision on ordering the stay in the detention centre shall not suspend execution of the decision.

### **Duration of stay in the detention centre**

#### **Article 50**

A foreigner shall stay in the detention centre until the time of his/her forced removal. Duration of residence in the Shelter shall not be longer than 90 days.

Upon expiry of time limit referred to in paragraph 1 of this Article, stay of a foreigner in the detention centre may be extended if:

- 1) Identity of the foreigner has not been ascertained;
- 2) The foreigner intentionally obstructs forced removal;

- 3) The foreigner has filed an application for asylum during the forced removal procedure, with the aim of avoiding forced removal.

Total duration of residence in the detention centre shall not exceed 180 days.

A foreigner whose identity has been ascertained shall be discharged from the detention centre if it is expected, on reasonable grounds, that forced removal of the foreigner will not be possible.

The time a foreigner has spent out of the detention centre, in prison or in confinement shall not count as time spent in the detention centre, with the exception of the case referred to in Article 48, paragraph 1 hereof.

### **House rules and rules of stay in the detention centre**

#### **Article 51**

A foreigner is obliged to observe the house rules and rules of stay in the detention centre, which he/she may not leave without permission.

House rules and rules of stay in the detention centre shall be prescribed by the minister responsible for interior affairs.

### **Placement of a minor in the detention centre**

#### **Article 52**

An underage foreigner shall be placed in the detention centre together with a parent or other legal representative, as appropriate, unless the competent authority estimates that another type of accommodation is more suitable to the minor.

An underage foreigner may not be returned to the country of origin or to a third country willing to receive him/her, until appropriate reception has been ensured.

### **Termination of stay in the detention centre**

#### **Article 53**

Stay in the detention centre shall be terminated:

- 1) Upon foreigner's departure from the Republic of Serbia;
- 2) Upon expiry of the set time limit for such stay;
- 3) Upon revocation of the decision on ordering or extending the stay in the detention centre;
- 4) Upon foreigner's acquisition of the right to asylum;
- 5) By release from the Shelter pursuant to Article 50, paragraph 4 hereof.

### **Travel restriction order**

#### **Article 54**

The competent authority may issue a decision on imposing a travel restriction order requiring the stay in a particular place (hereinafter: travel restriction order) on a foreigner whose identity is known, who has residence and means of subsistence and who cannot be forcibly removed immediately.

A foreigner subject to travel restriction order is obliged to remain at a particular address and to regularly report to the nearest competent authority.

When there are justifiable reasons, the foreigner may temporarily leave the place specified by the travel restriction order, only on condition that he/she is allowed to do so by decision of the competent authority.

Duration of travel restriction order may not exceed 180 days.

A foreigner may, through the competent authority, lodge an appeal with the Ministry against the decision referred to in paragraph 1 of this Article and against the decision referred to in paragraph 3 of this article ruling that he/she is not allowed to leave, within eight days from the day of receipt of the decision. Appeal against the decision shall not suspend its execution.

The travel restriction order shall be entered into the foreigner's travel document. A foreigner who does not possess a travel document shall be issued with a temporary identification card.

The modality of entering travel restriction order into a travel document, as well as the layout of the temporary identification card shall be prescribed by the minister responsible for interior affairs.

In accordance with Article 49 hereof, the competent authority shall order stay in the detention centre to a foreigner who, intending to prevent or obstruct forced removal, acts in contravention of the provisions of paragraphs 2 and 3 of this Article.

### **Termination of travel restriction order**

#### **Article 55**

The travel restriction order shall be terminated:

- 1) Upon the foreigner's departure from the Republic of Serbia;
- 2) Upon expiry of the time period for which the travel restriction order was imposed;
- 3) By declaring the decision void in the appeal procedure;
- 4) When the competent authority declares the decision void in case that grounds for imposing the travel restriction order have ceased;
- 5) In the case referred to in Article 50, paragraph 4 hereof.

### **Costs of escorting a foreigner**

#### **Article 56**

The costs of escorting a foreigner to the diplomatic mission or consular office or detention centre, and/or to the state border, shall be borne by the foreigner in question.

If the foreigner has no means of subsistence, the employer that has recruited the foreigner without the required permit and the person that has committed to bear the costs of the foreigner's stay in the Republic of Serbia shall bear the costs referred to in paragraph 1 of this Article jointly and severally.

The costs which cannot be recovered in the manner described in paragraphs 1 and 2 of this Article shall be charged to the budget of the Republic of Serbia.

### **Temporary confiscation of documents and travel tickets**

#### **Article 57**

In order to ensure the enforcement of the protective measure of removal, the foreigner's travel or other documents and travel tickets may be temporarily confiscated.

A certificate of confiscation of documents and tickets referred to in paragraph 1 of this Article shall be issued.

## **Treatment of persons with special needs**

### **Article 58**

Throughout the removal procedure, the competent authority shall take into consideration the specific situation of a foreigner belonging to a group of persons with special needs, such as: minors, persons fully or partially deprived of their legal capacity, children separated from their parents or legal guardians, persons with disabilities, elderly persons, pregnant women, single parents with underage children and persons who have been subjected to torture, rape or other grave forms of psychological, physical or sexual violence.

In the course of execution of official actions in respect of foreigners referred to in paragraph 1 of this Article, the competent authority is obliged to act in conformity with regulations governing the status of persons with special needs and with international treaties.

## **VII. FOREIGNER TRAVEL DOCUMENTS**

### **Types of foreigner travel documents**

#### **Article 59**

Foreigner travel documents, for the purposes of this Law, shall be refugee travel document, stateless person's travel document and foreigner's laissez-passer.

A refugee travel document shall be issued in conformity with the applicable special law and international treaty.

#### **Stateless person's travel document**

#### **Article 60**

A stateless person's travel document shall be issued by the competent authority according to the place of permanent or temporary residence of the concerned stateless person, in conformity with the international treaty.

The term of validity of stateless person's travel document shall be up to two years.

#### **Foreigner's laissez-passer**

#### **Article 61**

A foreigner's laissez-passer shall be issued to a foreigner who does not possess a valid travel document:

- 1) If his/her citizenship of the Republic of Serbia has ceased – for the purposes of travelling abroad;
- 2) If he/she has lost a foreign travel document or been deprived thereof in some other way, and the country whereof he/she is a citizen does not have a diplomatic mission or consular office in the Republic of Serbia, nor are its interests represented by another country – for the purposes of travelling abroad;
- 3) If, while in a foreign country, he/she has lost a foreigner's travel document issued by a diplomatic mission or consular office of the Republic of Serbia or a competent authority or an authority competent pursuant to a special law – for the purposes of re-entry into the Republic of Serbia.

A foreigner's laissez-passer may also be issued to a foreigner in different circumstances if there are justifiable reasons for this.

## **Competence for issuing foreigner's laissez-passers and prescription of the form of foreigner's laissez-passers**

### **Article 62**

A foreigner's laissez-passers shall be issued:

- 1) By the competent authority – in cases referred to in Article 61, paragraph 1, clauses 1) and 2) hereof;
- 2) By a diplomatic mission or consular office of the Republic of Serbia, subject to prior approval by the Ministry – in the case referred to in Article 61, paragraph 1, clause 3) hereof;
- 3) By the competent authority or diplomatic mission or consular office of the Republic of Serbia, subject to prior approval by the Ministry – in cases referred to in Article 61, paragraph 2 hereof.

The form and contents of the foreigner's laissez-passers shall be stipulated by the minister competent for interior affairs.

## **Rejection of the application for issuing foreigner travel document and confiscation thereof**

### **Article 63**

A foreigner travel document shall not be issued to a foreigner, i.e. travel document issued previously shall be confiscated from him/her in the following cases:

- 1) If criminal or petty offence proceedings have been instituted in relation to him/her, unless approval of the authority conducting the proceedings has been obtained;
- 2) If he/she has been sentenced to imprisonment or fine, until he/she completes the sentence or pays the fine, as appropriate;
- 3) If he/she has failed to settle a liability due for payment and imposed by final decision, at the request of the competent court;
- 4) If this is required for reasons of safeguarding public order or security of the Republic of Serbia;
- 5) If this is required by internationally accepted obligations of the Republic of Serbia.

A certificate of temporary confiscation of the foreigner travel document shall be issued.

The competent body shall return the temporarily confiscated foreigner travel document to the foreigner in question upon cessation of circumstances referred to in paragraph 1 of this Article.

## **VIII. IDENTITY DOCUMENTS**

### **Types of identity documents**

#### **Article 64**

A foreigner shall prove his/her identity in the Republic of Serbia by means of a foreign travel document, foreigner identity card, special identity card or other public document containing a photograph.

## **Usage of identity documents**

### **Article 65**

A foreigner shall be obliged to produce an identity document at the request of a police officer.

A foreigner may not give his/her identity document to another person to use, or use an invalid identity document, or use another person's identity document as his/her own.

## **Issuing a foreigner identity card**

### **Article 66**

A foreigner identity card shall be issued to a foreigner who has been granted permanent residence and to a foreigner who has been granted temporary residence and does not possess a valid travel document.

A foreigner identity card shall also be issued to a foreigner who has been granted temporary residence and possesses a valid travel document, at his/her own request or request by a diplomatic mission or consular office of the country whereof he/she is a citizen.

A special identity card shall be issued to a foreigner who is a member of a diplomatic mission or consular office of a foreign country or of another mission with the diplomatic status.

The form, contents and method of issuing identity cards referred to in paragraphs 1 and 2 of this Article shall be prescribed by the minister competent for interior affairs, and the form, contents and method of issuing the special identity card referred to in paragraph 3 of this Article shall be prescribed by the minister competent for foreign affairs.

## **Form and contents of foreigner identity card and special identity card**

### **Article 67**

A foreigner identity card and special identity card shall contain the following data on the foreigner: photograph, signature, name and surname, day, month and year of birth, place and country of birth, citizenship, place of permanent residence, home address and capacity in which the foreigner is staying in the Republic of Serbia.

The minister competent for interior affairs shall issue a regulation governing more specifically the form, contents and method of issuing the foreigner identity card referred to in Article 66, paragraphs 1 and 2 hereof, and the minister competent for foreign affairs shall issue a regulation governing more specifically the form, contents and method of issuing special identity card referred to in Article 66, paragraph 3 hereof.

## **Filing an application for issuing identity documents**

### **Article 68**

Foreigner referred to in Article 66, paragraph 1 hereof who has attained 16 years of age is obliged to file an application for issuing a foreigner identity card within 30 days of arrival in the place of permanent or temporary residence or within 15 days of attaining 16 years of age.

At the parents' request, a foreigner identity card may also be issued to an underage foreigner referred to in Article 66, paragraph 1 and 2 hereof who has attained ten years of age.

## **Competence**

### **Article 69**

The foreigner identity card referred to in Article 66, paragraphs 1 and 2 hereof shall be issued by the competent authority.

The special foreigner identity card referred to in Article 66, paragraph 3 hereof shall be issued by the ministry competent for foreign affairs.

## **Term of validity**

### **Article 70**

The term of validity of a foreigner identity card issued to a foreigner who has been granted permanent residence shall be five years.

The term of validity of a foreigner identity card issued to a foreigner who has been granted temporary residence shall be equal to the granted term of temporary residence.

The validity period of a foreigner identity card issued to an underage foreigner who has been granted permanent residence shall be two years.

## **Replacement of foreigner identity card**

### **Article 71**

A foreigner identity card shall be replaced if it is damaged or worn out, if the photograph thereon no longer corresponds to the foreigner's appearance, or when it cannot serve its purpose for other reasons.

A foreigner is obliged to file an application with the competent authority for the replacement of the foreigner identity card within eight days of the occurrence of circumstances referred to in paragraph 1 of this Article.

## **Mandatory return of foreigner identity card**

### **Article 72**

A foreigner is obliged to return the foreigner identity card to the competent authority in the following cases:

- 1) If he/she has acquired citizenship of the Republic of Serbia;
- 2) If he/she is relocating out of the Republic of Serbia;
- 3) If his/her temporary or permanent residence permit has been revoked.

## **Loss or disappearance of an identity document**

### **Article 73**

A foreigner is obliged to notify the competent authority or the nearest diplomatic mission or consular office of the Republic of Serbia of the disappearance or loss of an identity document issued by an authority in the Republic of Serbia, without delay.

Authorities referred to in paragraph 1 of this Article are obliged to issue the foreigner with a certificate of disappearance or loss of the identity document.

A notice of loss or disappearance of an identity document shall be published in the *Official Gazette of the Republic of Serbia* at the foreigner's expense.

The competent authority is obliged to issue the foreigner with a new identity document in the place of the missing or lost document referred to in paragraph 1 of this Article.

## **IX. PLACES OF FOREIGNER'S TEMPORARY AND PERMANENT RESIDENCE AND PERSONAL DATA COLLECTION**

### **The concept of place of permanent and temporary residence**

#### **Article 74**

Place of temporary residence, for the purposes of this Law, shall be the settlement in which a foreigner granted a stay in the Republic of Serbia intends to stay for longer than 24 hours.

Place of permanent residence, for the purposes of this Law, shall be the settlement in which a foreigner granted permanent residence intends to live permanently at a specific address.

### **Registration of temporary and permanent residence, change of address and termination of permanent residence**

#### **Article 75**

Legal and natural persons providing accommodation services to foreigners for a fee, as well as persons receiving visits from foreigners, are obliged to notify the competent authority of the foreigners' stay within 24 hours of the provision of service to the foreigner or of the moment of foreigner's arrival for a visit, as appropriate.

A foreigner who does not use accommodation services referred to in paragraph 1 of this Article is obliged to notify the competent authority of his/her stay and change of address within 24 hours of the arrival in the place of temporary residence, or of the day of change of address in the place of temporary residence, as appropriate.

A foreigner who has been granted permanent residence is obliged to register in the place of permanent residence and to register a change of address in the place of permanent residence within eight days of arrival in the place of permanent residence or of the day of change of address, as appropriate.

The minister competent for foreign affairs may, in agreement with the minister competent for interior affairs, rule that certain foreigners are not under an obligation to register their stay in the Republic of Serbia.

Registration of a foreigner's stay may also be conducted via e-mail.

A foreigner is obliged to register termination of permanent residence prior to the day of leaving the place of permanent residence.

The method of registration of temporary residence, permanent residence, change of address and termination of permanent residence for foreigners shall be regulated more specifically by a regulation issued by the minister competent for interior affairs.

### **Personal data collection**

#### **Article 76**

The competent authority may collect personal data on foreigners from public administration bodies, companies and other legal entities, sole traders and citizens of the Republic of Serbia, as well as from the foreigner himself/herself, in the following cases:

- 1) When this is provided for in a law or international treaty;
- 2) When this is in the foreigner's interest, and he/she does not object to it;

- 3) When this is necessary for the purposes of safeguarding public order and security of the Republic of Serbia.

At the request of the competent authority, bodies, organisations and other persons referred to in paragraph 1 of this Article are obliged to provide the requested data.

Personal data on foreigners shall be collected, processed and used in conformity with a special law governing personal data protection.

## **X. SPECIAL PROVISIONS ON THE MOVEMENT OF FOREIGNERS IN UNIFORMS**

### **Requirements concerning wearing foreign military, police or customs service uniforms**

#### **Article 77**

Foreigners may travel in the territory of the Republic of Serbia dressed in foreign military, police or customs service uniforms:

- 1) As members of a diplomatic mission or consular office of a foreign country or of another mission which has the diplomatic status in the Republic of Serbia, in their capacity as military, police or customs service representatives, for the duration of the mission;
- 2) As members of foreign military missions or foreign military, police or customs service delegations during official visits to the Republic of Serbia;
- 3) While studying at military, police or customs schools, if this is allowed by the rules of the school in question;
- 4) As participants in military exercises or military, police or customs training;
- 5) As members of foreign military missions or foreign military, police or customs service delegations, bearing diplomatic or official documents, during transit through the territory of the Republic of Serbia;
- 6) In other cases provided for by an international treaty.

## **XI. REGISTERS AND CENTRAL DATABASE**

### **Types of registers and competency for maintenance thereof**

#### **Article 78**

The Ministry shall maintain registers of:

- 1) Foreigners who have been granted permanent residence;
- 2) International felons who are prohibited from entering the Republic of Serbia;
- 3) Foreigners who have been granted temporary residence;
- 4) Foreigners whose temporary residence has been revoked;
- 5) Prohibitions of foreigners' entry into and exit from the country;
- 6) Foreigners in respect of whom a protective measure of removal or security measure of banishment is in force;
- 7) Foreigner travel documents and identity cards issued;
- 8) Foreigner travel and other documents reported lost and found, in conformity with this Law;
- 9) Travel documents temporarily confiscated;

- 10) Registrations of foreigners' stays;
- 11) Registrations of foreigners' permanent residence, terminations of permanent residence and changes of address;
- 12) Carriers and tour operators in respect of which a protective measure of prohibition of engagement in commercial activity referred to in Article 81, paragraph 4 hereof has been pronounced;
- 13) Legal entities and sole traders in respect of which a protective measure of prohibition of engagement in commercial activity referred to in Article 82, paragraph 3 hereof is in force;
- 14) Foreign travel documents used for entry into and exit from the Republic of Serbia;
- 15) Foreigners in transit through the territory of the Republic of Serbia;
- 16) Visas issued at border crossing and rejected applications for issuing visas at border crossing;

The ministry competent for foreign affairs shall maintain registers of:

- 1) Issued special identity cards;
- 2) Issued visas;
- 3) Rejected visa applications;
- 4) Issued foreigner's laissez-passers;
- 5) Foreigner travel and other documents reported lost and found, in conformity with this Law.

The method of keeping registers referred to in paragraph 1 of this Article and contents thereof shall be prescribed by the minister competent for interior affairs with the approval of the minister competent for foreign affairs, and the method of keeping registers referred to in paragraph 2 of this Article and contents thereof shall be prescribed by the minister competent for foreign affairs with the approval of the minister competent for interior affairs.

### **Central database**

#### **Article 79**

Data from the registers referred to in Article 78 hereof shall be entered in the central database kept by the Ministry.

The central database referred to in paragraph 1 of this Article may be used by authorized police officers in the Ministry and competent authority and by authorized civil servants of the ministry competent for foreign affairs and of diplomatic missions and consular offices of the Republic of Serbia, for the purposes of conducting activities falling within the competences stipulated by this Law.

Subject to approval by the minister competent for interior affairs, the data from the central database may also be used by other public administration bodies when this is required for the purposes of conducting activities falling within their respective spheres of competence.

The method of collection, entry and usage of data in the central database shall be regulated in more detail by a regulation issued by the minister competent for interior affairs with the approval of the minister competent for foreign affairs.

## **XII. SUPERVISION**

### **Article 80**

The implementation of this Law and of regulations passed pursuant thereto shall be supervised by the ministry competent for interior affairs and ministry competent for foreign affairs, within their respective spheres of competence as appropriate.

## **XIII. PENALTY PROVISIONS**

### **Article 81**

A legal entity or sole trader shall be fined 100,000 to 500,000 dinars for an infraction if:

- 1) They transport a foreigner into the territory of the Republic of Serbia or refuse to transport him/her therefrom in contravention of Article 22, paragraphs 1 and 2 hereof;
- 2) Through their fault in the organization of a tourist or business trip, a foreigner stays unlawfully in the territory of the Republic of Serbia (Article 22, paragraph 4 hereof);
- 3) They fail to provide a certified copy of the letter of guarantee to the competent body in the foreigner's anticipated place of temporary residence, in contravention of Article 23 hereof.

The responsible person in the legal entity shall also be fined 10,000 to 50,000 dinars for the infractions referred to in paragraph 1 of this Article.

The natural person – guarantor shall be fined 10,000 to 50,000 dinars for the infraction referred to in paragraph 1, clause 3) of this Article.

In addition to the fine for repeated infraction referred to in paragraph 1, clause 1) of this Article, the perpetrator shall also receive the protective measure of prohibition of engagement in commercial activity of international passenger transportation by air, road, water or rail, and for infraction referred to in paragraph 1, clause 2) of this Article – security measure of prohibition engagement in commercial activity of organizing international tourist or business trips.

### **Article 82**

A legal entity or sole trader that fails to register a foreigner's stay with the competent authority within 24 hours of providing accommodation service to the foreigner shall be fined 20,000 to 100,000 dinars (Article 75, paragraph 1 hereof).

The responsible person in the legal entity shall also be fined 5,000 to 25,000 dinars for the infraction referred to in paragraph 1 of this Article.

In addition to the fine for repeated infraction referred to in paragraph 1 of this Article, the perpetrator shall also receive the protective measure of prohibition of engagement in commercial activity of providing accommodation services to foreigners.

### **Article 83**

A natural person that fails to register a foreigner's stay with the competent authority within 24 hours of the moment of foreigner's arrival for a visit shall be fined 5,000 to 25,000 dinars for an infraction (Article 75, paragraph 1 hereof).

### **Article 84**

A foreigner shall be fined 10,000 to 50,000 dinars for an infraction if:

- 1) He/she enters the Republic of Serbia unlawfully (Article 10 hereof);
- 2) He/she fails to leave the Republic of Serbia within the set time limit (Article 35, paragraph 2 and Article 42, paragraph 2 hereof);
- 3) Leaves the detention centre without permission or fails to observe the house rules and rules of stay in the detention centre (Article 51, paragraph 1 hereof);
- 4) Leaves the place of stay ordered by the competent authority or fails to report regularly to the competent authority (Article 54, paragraph 2 hereof).

In addition to the fine for infractions referred to in paragraph 1 of this Article, the foreigner may also receive the protective measure of removal from the territory of the Republic of Serbia.

#### **Article 85**

A foreigner shall be fined 6,000 to 30,000 dinars for an infraction if he/she:

- 1) Travels or stays in a particular area in contravention of the restriction or prohibition referred to in Article 5 hereof;
- 2) Stays in the Republic of Serbia for purposes other than those for which he/she has been issued a visa or granted a stay (Article 18, paragraph 1 and Article 26, paragraph 2 hereof);
- 3) Stays in the Republic of Serbia unlawfully (Article 42, paragraph 1 hereof);
- 4) Refuses to present an identification document to a police officer from the competent authority (Article 65, paragraph 1 hereof);
- 5) Gives his/her identity document to another person to use, or uses an invalid identity document, or uses another's identity document as his/her own (Article 65, paragraph 2 hereof).

In addition to the fine for infractions referred to in paragraph 1 of this Article, the foreigner may also receive the protective measure of removal from the territory of the Republic of Serbia.

#### **Article 86**

A foreigner shall be fined 3,000 to 15,000 dinars for an infraction if he/she:

- 1) Fails to file an application for the extension of temporary residence within the prescribed time limit (Article 27, paragraph 4 hereof);
- 2) Fails to file an application with the competent authority for issuing a foreigner identity card within the prescribed time limit (Article 68, paragraph 1 hereof);
- 3) Fails to file an application with the competent authority for replacement of the foreigner identity card within the prescribed time limit (Article 71, paragraph 2 hereof);
- 4) Fails to return the identity card to the competent authority in cases stipulated by Article 72 hereof;
- 5) Fails to report the loss or disappearance of documents referred to in Article 73, paragraph 1 hereof to the competent authority;
- 6) Fails to register his/her stay or change of address with the competent authority within 24 hours of arrival in the place of temporary residence or

of change of address in the place of temporary residence, as appropriate, in contravention of Article 75, paragraph 2 hereof;

- 7) Wears a foreign military, police or customs service uniform during his/her stay in the Republic of Serbia in contravention of Article 77 hereof.

#### **XIV. TRANSITIONAL AND FINAL PROVISIONS**

##### **Competences for passing regulations**

###### **Article 87**

Within six months of the entry of this Law into force, the Government shall adopt an ordinance governing more specific conditions for refusal of a foreigner's entry into the Republic of Serbia referred to in Article 11 hereof.

Within six months of the entry of this Law into force, the minister competent for interior affairs shall issue regulations on:

- 1) More specific conditions for and procedure of issuing visas at the border crossing referred to in Article 14, paragraph 6 hereof;
- 2) More specific conditions, application form and procedure of extending visa validity in cases referred to in Article 20, paragraph 3 hereof;
- 3) Fulfilment of requirements for granting temporary residence to a foreigner referred to in Article 28, paragraph 1, clause 2) hereof;
- 4) Form, contents and modality of entry of permission for temporary stay into the foreign travel document referred to in Article 29, paragraph 6 hereof;
- 5) Fulfilment of requirements referred to in Article 28, paragraph 1, clause 3) hereof with reference to Article 31, paragraph 1 hereof;
- 6) Fulfilment of requirements referred to in Article 32, paragraphs 1 and 3 hereof;
- 7) Modality of recording in a foreign travel document the cancellation of stay and prohibition of entry into the country referred to in Article 35 hereof;
- 8) Form, contents and modality of entry of permanent residence permit in a foreign travel document and foreigner identity card referred to in Article 38, paragraph 4 hereof;
- 9) Form of the statement on waiving the right to permanent residence referred to in Article 41, paragraph 2 hereof;
- 10) House rules and rules of stay in the detention centre referred to in Article 51, paragraph hereof;
- 11) Modality of entry of the travel restriction order in the travel document and form of temporary identity card referred to in Article 54, paragraph 7 hereof;
- 12) Form and contents of foreigner's laissez-passer referred to in Article 62, paragraph 2 hereof;
- 13) Form, contents and modality of issuing the foreigner identity card referred to in Article 66, paragraphs 1 and 2 hereof;
- 14) Procedure of registration of foreigners' place of temporary and permanent residence, change of address and termination of permanent residence referred to in Article 75 hereof;
- 15) Method of keeping registers referred to in Article 78, paragraph 1 hereof and contents thereof;

- 16) Method of collecting, entering and using data in the central database referred to in Article 79 hereof.

Within six months of the entry of this Law into force, the minister competent for foreign affairs shall issue regulations on:

- 1) Layout and contents of visa application form, obtaining the approval of the Ministry and procedure of issuing visas in a diplomatic mission or consular office of the Republic of Serbia referred to in Article 14, paragraph 5 hereof;
- 2) Forms and contents of visas referred to in Article 15, paragraph 2 hereof and modality of entry thereof into foreign travel documents;
- 3) Form, contents and modality of issuing the special identity card referred to in Article 66, paragraph 3 hereof;
- 4) Method of keeping records referred to in Article 78, paragraph 2 and contents thereof.

### **Conduct of commenced procedures and validity of documents**

#### **Article 88**

Procedures commenced prior to the entry of this Law into force shall be finalised pursuant to provisions of the Law on the Movement and Stay of Foreigners (*Official Journal of SFRY* no. 56/80, 53/85, 30/89, 26/90 and 53/91, *Official Journal of FRY* no. 24/94, 28/96 and 68/02, *Official Journal of S&MN* no. 12/05 and *Official Gazette of RS* no. 101/05 and 109/07), except in the event that finalising the procedure pursuant to provisions hereof is more favourable to the foreigner.

Documents issued by the day of entry of this Law into force shall be valid for one year following the entry of this Law into force.

### **Retaining the status of foreigner acquired pursuant to the previously applicable law**

#### **Article 89**

Foreigners issued with permanent residence permit and temporary stay permit prior to the entry of this Law into force shall retain such status if they comply with the requirements stipulated by this Law.

### **Cessation of application of the Law on the Movement and Stay of Foreigners**

#### **Article 90**

On the day of commencing the application of this Law, the Law on the Movement and Stay of Foreigners (*Official Journal of SFRY* no. 56/80, 53/85, 30/89, 26/90 and 53/91, *Official Journal of FRY* no. 24/94, 28/96 and 68/02, *Official Journal of S&MN* no. 12/05 and *Official Gazette of RS* no. 101/05 and 109/07) shall cease to be applicable, with the exception of Articles 67–75, which shall cease to be applicable on the day of commencing the application of the law governing citizens' associations.

### **Application of regulations until the adoption of new regulations pursuant to this Law**

#### **Article 91**

Regulations adopted pursuant to the Law on the Movement and Stay of Foreigners (*Official Journal of SFRY* no. 56/80, 53/85, 30/89, 26/90 and 53/91, *Official Journal of FRY* no. 24/94, 28/96 and 68/02, *Official Journal of S&MN* no. 12/05 and *Official Gazette of RS* no. 101/05 and 109/07) shall remain in force until

the day of entry into force of regulations to be adopted by the Government, minister competent for interior affairs and minister competent for foreign affairs pursuant to this Law, unless the former are contrary to the provisions of this Law.

**Entry of this Law into force**

**Article 92**

This Law shall enter into force on the eighth day following its publication in the *Official Gazette of the Republic of Serbia*, and its application shall commence on 1 April 2009.