

LAW ON THE EMPLOYMENT AND WORK OF FOREIGNERS

CHAPTER I

GENERAL PROVISIONS

Scope of the Law

Article 1

(1) This Law shall regulate the conditions and the procedure for employment or work of foreigners in the Republic of Macedonia, unless otherwise determined by a ratified international agreement.

(2) A foreigner shall be considered an employed person in the Republic of Macedonia if the foreigner, on the basis of an employment contract, has established a labor relation with an employer the head office or place of residence of which is in the Republic of Macedonia or if the foreigner acquires the status of a self-employed person in accordance with this or another law.

(3) The services provided by foreigners and the other forms of work performed by foreigners on the basis of employment contracts or other contracts in accordance with the civil law, which are performed on the territory of the Republic of Macedonia for a definite period of time, shall be considered work performed by foreigners.

Definition of terms

Article 2

(1) The terms used in this Law shall have the following meaning:

1. "Foreigner" is a person who is not a citizen of the Republic of Macedonia;
2. "Foreigner" is also a person without citizenship, that is, a person who is not considered by any country as its citizen under its national law;
3. "Asylum seeker" is a foreigner who seeks protection from the Republic of Macedonia, in accordance with the Law on Asylum and Temporary Protection;
4. "Recognized refugee" is a foreigner who, in accordance with the Law on Asylum and Temporary Protection, has been recognized the right to asylum;
5. "Person enjoying subsidiary protection" is a foreigner who does not qualify for a recognized refugee, and whose right to asylum is to be recognized by the Republic of Macedonia and is to be permitted to stay on its territory;
6. "Person enjoying temporary protection" is a foreigner who has been recognized the right to temporary protection, in accordance with the Law on Asylum and Temporary Protection;
7. "Victim of human trafficking" is a foreigner under grounded suspicions of being a victim of a criminal offense human trafficking determined by the Criminal Code and who, in accordance with the Law on Foreigners, is issued a temporary residence permit for work purposes out of humanitarian reasons;

8. "Employer" is a legal entity or natural person registered to do business and the other persons referred to in the Law on Labor Relations who employ workers on the basis of an employment contract;

9. "Employee" is a natural person who is employed with an employer on the basis of an employment contract and is registered in the mandatory social insurance by the employer on such a ground.

Application of the Law

Article 3

The provisions of this Law shall apply to all foreigners, unless otherwise determined by a law or a ratified international agreement.

Basic provisions

Article 4

(1) The Assembly of the Republic of Macedonia, on a proposal of the Government of the Republic of Macedonia (hereinafter: the Government), by a resolution, shall establish the migration policy and the basis of the policy for employment and work of foreigners to be implemented in accordance with this Law and the bilateral and multilateral ratified international agreements. The draft resolution submitted to the Government of the Republic of Macedonia shall be prepared by the Ministry of Interior in cooperation with the Ministry of Foreign Affairs and the Ministry of Labor and Social Policy. On the basis of the established policy for work and employment of foreigners, the Government, on an annual basis, shall establish a permit quota, determined by a decision, adopted not later than the end of the current year for the next year.

(2) In compliance with the established policy for employment and work of foreigners, the Government shall conclude international agreements setting up the conditions for a certain category of workers, the course of the services between the signatory countries which shall be exempted from the anticipated quotas, and shall adopt measures for protection of the domestic labor market, determined by this Law.

(3) The foreigners, who in accordance with the provisions of this or another law may be employed, self-employed, or work in the Republic of Macedonia, should possess a temporary residence permit for work purposes issued by the Ministry of Interior or a work permit issued by the Employment Service Agency of the Republic of Macedonia and regulated residence on any other ground in the Republic of Macedonia. In the procedure for granting a temporary residence permit for work purposes in accordance with the law, the Employment Service Agency of the Republic of Macedonia shall issue an opinion based on quota fulfillment and the current needs of the labor market in the Republic of Macedonia. The person responsible for registration of their work should register it as a work of a foreigner, in accordance with the provisions of this Law. In certain cases laid down in Articles 11, 12, 13, 14 and 15 of this Law, provision of services by foreigners on the basis of a work registration certificate shall be permitted.

(4) A work registration certificate on a prescribed form shall be a document confirming the lawfulness of the work performed by foreigners in the country.

(5) An employment contract or a work contract concluded between an employer and a foreigner who does not possess a temporary residence permit for work purposes or a work permit and a regulated residence for the foreigner shall be considered null and void.

(6) When employing a foreigner, the employer must not put the job seeker in less favorable position due to race, color of skin, gender, age, health condition, that is, disability, religious, political or other convictions, trade union membership, national or social background, family status, property status, sexual orientation, or due to other personal circumstances. The ban on

direct or indirect discrimination in these cases shall refer to discrimination of the candidate for employment and the employee, in accordance with the Law on Labor Relations.

CHAPTER II

LIMITATION OF THE NUMBER OF FOREIGNERS AT THE LABOR MARKET

Establishment of quotas for work permits for foreigners that may be engaged on the territory of the Republic of Macedonia

Article 5

(1) The quotas for work permits for foreigners that may be engaged on the territory of the Republic of Macedonia (hereinafter: the quota) shall be proposed to the Government by the minister responsible for the issues in the field of labor, on a proposal of the Employment Service Agency of the Republic of Macedonia (hereinafter: the Employment Service Agency), in cooperation with the ministers responsible for the respective fields, in accordance with the legislation, an opinion for which may be also given by the Economic and Social Council.

(2) The quota shall not include foreigners:

1) who have been entitled equality with the citizens of the Republic of Macedonia on the basis of a reciprocity agreement with the European Union,

2) who carry out activities in the Republic of Macedonia on the basis of an international agreement concluded between the Republic of Macedonia and another country, based on a reciprocity principle,

3) professional sportsmen and sports workers;

4) who are temporary posted by a foreign legal entity in a registered branch office or another organizational unit in the Republic of Macedonia for carrying out managerial or specialized works;

5) who are included in implementation of development projects supported by the Government.

(3) The quota shall be divided into permit groups for the following purposes:

1) employment of foreigners in the Republic of Macedonia;

2) foreigners posted to the Republic of Macedonia;

3) seasonal work of foreigners; and

4) individual services rendered by foreigners.

(4) The quota referred to in paragraph (3) point 1 of this Article cannot, on an annual basis, exceed 5% of the population of the Republic of Macedonia that is legally employed, according to the data of the State Statistical Office.

(5) The quota referred to in paragraph (3) point 1 of this Article shall also include the permits that are granted consent by the Republic of Macedonia, in accordance with the ratified international agreements with the countries the citizens of which do not have an equal status with the citizens of the Republic of Macedonia.

(6) The Government may reduce and change the quotas for employment and work of foreigners by regions, areas, legal entities and job positions. Furthermore, it may place limitations and bans on the flow of new foreign workers on the whole or in certain municipalities, provided that there are well grounded reasons that this is of public interest or general commercial interest.

(7) The following shall be considered grounded reasons for accepting the measures referred to in paragraph (6) of this Article:

1) conclusion of an international agreement under which the applications for employment of foreign workers are reduced;

2) increased unemployment trends;

3) decline of the need for foreign workers resulting from the policy programs for their employment;

4) estimation that the foreigner concerned cannot return to his country of origin upon the expiry of his work permit; and

5) requests from the competent chamber or the representative trade union at national level, supported by evidence for lost jobs in particular sectors.

(8) The Government may set out special measures to limit the number of self-employed foreigners per particular activity if the growth of the number of self-employed foreigners affects the growth of the national unemployment in the activity concerned.

(9) Initiative for accepting the measures referred to in paragraph (8) of this Article may be proposed by the competent line minister, professional association, competent chamber, or representative trade union at national level.

(10) Individual increases of the established annual quota during the year shall be approved in exceptional cases if the Government establishes that it is of public commercial interest for the country. In such cases, the Government shall determine the scope and the duration of this kind of increase of the quota, on a proposal of the competent chamber in concurrence with the representative trade unions at national level, the ministry responsible for the issues in the field of labor and the ministry responsible for the respective field within which the exemption is proposed.

(11) The Government may determine, regarding cases related to international tenders, that the temporary residence permits for work purposes are issued beyond the quota, without previously granting a consent by the Employment Service Agency of the Republic of Macedonia. In such cases, the Government shall determine the number of foreign employees and the other necessary conditions, pursuant to this Law.

Establishment of priorities

Article 6

The quota established by the Government for individual purposes shall be divided in compliance with the following priorities:

1) valid work permits;

2) work permits issued on the basis of ratified international agreements covering the already agreed quotas; and

3) new work permits and temporary residence permits for work purposes.

CHAPTER III

WORK PERMITS

General provisions

Article 7

(1) A work permit shall be a document on the basis of which the domestic or foreign employer concludes an employment contract, in accordance with the provisions of this Law.

(2) The work permit shall be issued for a definite period of time of up to one year or for an indefinite period of time.

(3) The foreigner may be issued only one work permit for the same time period.

(4) The foreigner's work permit shall be revoked and canceled if:

1) the foreigner's temporary or permanent residence permit expires pursuant to law;

2) the foreigner resides out of the Republic of Macedonia for a continuous period of more than six months, except when the foreigner is posted in a foreign country on the basis of an order by the employer or is absent due to education, illness, maternity or childcare leave; and

3) the foreigner does another work, other than the work for which the permit is issued.

(5) The provisions of paragraph (4) point 2 of this Article shall not apply to foreigners who possess a work permit valid for an indefinite period of time.

(6) The minister responsible for the issues in the field of labor shall prescribe the manner of issuing the work permits and the form and contents of the work permits, as well as the form and contents of the permit form.

Competent bodies

Article 8

(1) The Employment Service Agency shall adopt a decision on issuance of work permits and extension of work permits determined by this Law. The decision shall be adopted within a period of five working days as of the day of submission of the application with the necessary documentation.

(2) The foreigner shall have the right to file an appeal against the decision of the Employment Service Agency, as a first instance body, rejecting the foreigner's application for work permit, with the ministry responsible for the issues in the field of labor and social policy within eight days as of the day of receipt of the decision.

(3) If it is determined that the conditions laid down in Article 7 of this Law exist, the Employment Service Agency shall adopt a decision on revocation of the work permit within a period of three days as of the day of finding out about the existence of the conditions.

(4) The Employment Service Agency shall inform the Ministry of Interior on the decision on revocation of the work permit referred to in paragraph (3) of this Article.

(5) The foreigner shall have the right to file an appeal against the decision of the Employment Service Agency referred to in paragraph (3) of this Article with the Ministry of Labor and Social Policy within eight days as of the day of receipt of the decision.

(6) The ministry shall decide on the appeals referred to in paragraphs (2) and (5) of this Article within a period of 15 days as of the day of submission of the appeal.

Procedure for issuance of a work permit

Article 9

(1) An application may be submitted in the Employment Service Agency or in another premises determined by the Employment Service Agency by a foreigner who has regulated the stay in the country on another ground.

(2) The application referred to in paragraph (1) of this Article shall contain data on the foreigner, his qualification structure (the speciality of the worker), and data on the type of work he wants to engage.

(3) An opinion from the Ministry of Interior shall not be needed to be provided for the application submitted to the Employment Service Agency, provided that the foreigner has previously regulated the stay in the Republic of Macedonia on another ground.

(4) The form and the contents of the application form and the necessary documents shall be prescribed by the minister responsible for the issues in the field of labor.

Work permit

Article 10

(1) A work permit which is issued for a definite period of time of up to one year shall be a renewable or permanent form of a work permit, which allows the foreigner free access to the labor market during its validity period.

(2) An application for granting a work permit referred to in paragraph (1) of this Article may be submitted by a foreigner who fulfills the requirements set out in this Law and by an asylum seeker.

(3) The work permit referred to in paragraph (1) of this Article shall be issued to:

1) a close family member of Macedonian citizens who possesses a valid temporary residence permit for work purposes;

2) a close family member of a foreigner who possesses a work permit for an indefinite period of time;

3) a foreigner originating from the Republic of Macedonia or his successor up to third generation who does not have a Macedonian citizenship;

4) a foreigner who resides in the Republic of Macedonia on the basis of a temporary residence permit for work purposes for the purpose of reuniting the family;

5) a foreigner asylum seeker whose application for recognition of the right to asylum has not been decided within a period of one year, upon the expiry of the period of one year (the work permit shall be issued for a period of three months with a possibility of extension);

6) a foreigner who has been recognized the status of a refugee;

7) a foreigner under subsidiary protection; and

8) a foreigner under temporary protection.

(4) The work permit shall be issued to victims of human trafficking who have been granted a temporary residence permit out of humanitarian reasons for as long as the temporary residence permit is valid.

(5) The foreigners referred to in paragraph (3) of this Article, in case their employment terminates not of their fault, may register in the records of unemployed persons in the Employment Service Agency.

(6) Close family members of a citizen of the Republic of Macedonia, in accordance with this Law shall be:

1) a spouse;

2) children of up to 18 years of age who are not married;

3) spouse's children of up to 18 years of age who are not married;

4) children over the age of 18 who are not married and their parents who a Macedonian national is obliged to support in accordance with law of the country whose resident he is;

5) children over the age of 18 who are not married and the parents of the spouse who the spouse of the Macedonian citizen is obliged to support, in accordance with the law of the country whose citizen he is; and

6) parents of Macedonian citizens up to 18 years of age.

(7) Close family members of a foreigner shall be considered:

1) a spouse;

2) minors of up to 18 years of age of the foreigner who are not married;

3) minors of up to 18 years of age of the spouse who are not married;

4) parents of a minor foreigner; and

5) adult unmarried children and parents of the foreigner or spouse who the foreigner or the spouse is obliged to support, in accordance with the law of the country whose citizen he is.

(8) In accordance with this Law, close family members of the foreigner shall be also considered the other relatives who have been issued a residence permit for the Republic of Macedonia for the purpose of reuniting the family by the body competent for residence permit issuance.

(9) An application for a work permit valid for an indefinite period of time may be submitted by a foreigner who possesses a permit for permanent residence in the Republic of Macedonia and a person who has been recognized the status of a refugee.

(10) The persons obliged to register the commencement and the termination of the work performed by foreigners shall be the employers who employ the foreigner.

(11) The work permit shall cease to be valid:

- 1) upon the expiry of the validity of the work permit;
- 2) upon the expiry of the validity of the residence permit;
- 3) if the foreigner renounces his work permit;
- 4) if the foreigner is granted citizenship of the Republic of Macedonia;
- 5) in case of death of the foreigner.

CHAPTER IV

SERVICES PROVIDED BY FOREIGNERS ON THE BASIS OF REGISTRATION OF THE WORK

Creative services in the field of culture

Article 11

(1) The foreigners who provide creative services by themselves in the field of culture as participants in cultural workshops, meetings, colonies, and other cultural events or as reporters of such events, as creators and adapters in the field of music, music performances, folk-dances, ballet, and literature works, photography, video, film and electronic media art, as supporting staff for instructors, reporting and organizational and technical staff, and as experts in the field of protection of cultural heritage, library science, archive and creative cultures, and who do not stay in the country for more than seven days, shall be obliged, depending on the place of provision of the creative services, to obtain a previous consent from the Ministry of Culture, the Ministry of Economy, the Agency of Youth and Sports, or the unit of local self-government on the territory of which the cultural event takes place.

(2) The foreigners referred to in paragraph (1) of this Article, for the purpose of regulating their stay, depending on where the services are to be provided, need to be granted a consent for their creative services in the field of culture by:

- the Ministry of Culture regarding the creative services that they provide, that is, perform in institutions in the field of culture,
- the Ministry of Economy regarding the creative services that they provide, that is, perform in horeca facilities,
- the Agency of Youth and Sport regarding the creative service that they provide, that is, perform in sports halls and facilities, or
- the units of local self-government on the territory of which the creative services are provided or performed.

(3) A plan and a program of activities that the foreigners referred to in paragraph (1) of this Article are to be implemented, a list of previously implemented activities and a short CV of the foreigners, and an invitation to participate or a contract concluded with the organizer or the client for the service should be attached to the request for consent submitted by the organizer or the clients for the service. The circuses and the entertainment parks shall be an exception which, for the purpose of regulating their stay, should be granted a consent by the municipality which has approved their installation on their territory.

(4) The requirement for provision of services in accordance with paragraph (1) of this Article shall be the registration of the work with the Employment Service Agency. The organizers or the clients for the service shall be responsible for registration of the work with the Employment Service

Agency in the place where the service should be provided or, if the work is performed on a number of locations, in the place where the organizer's or client's head offices are located.

(5) If the work performed on the basis of a contract lasts longer than the period set out in paragraph (1) of this Article, the foreigners to whom the work refers shall be obliged to obtain a work permit in accordance with the type of work they perform.

(6) The services stated in paragraph (1) of this Article may be provided several times on the basis of a work registration certificate, but up to 30 days within one calendar year the most.

Services related to commercial fairs

Article 12

(1) Foreign workers posted to a country for the purpose of installing, mounting and displaying equipment and items for commercial fairs and exhibitions participated by their employer, shall not need to obtain a work permit, provided that they complete their services within the period that do not exceed the duration of the commercial fair.

(2) With regard to the cases referred to in paragraph (1) of this Article, the foreign employer displaying its products and items in a display window shall be obliged to register the work performed by the foreigners with the Employment Service Agency in the place the service is to be provided.

Short-term services provided by foreigners

Article 13

(1) The work permit shall not be required in the following cases:

1) where the services provided by foreign workers are related to supply of goods and installation of machines, devices and equipment, where the service provider gives initial instructions to the client's staff and where the services are accompanied by dismantlement of machines, devices and equipment;

2) where regular services related to maintenance are required, provided that such services are agreed upon under the contract for purchase of machines, devices or equipment and provided that they are rendered by workers employed by the manufacturer or the legal entity authorized by the manufacturer;

3) where, under the contract for purchase of machines, devices or equipment from abroad, the supplier is obliged to determine the faults of the machines, devices or equipment purchased at its own cost; and

4) where the work lasts up to 60 days the most and the person responsible for registration registers the work performed by the foreigners.

(2) The person who is responsible for registration of the beginning of the work of the foreigner should be a local client to whom the foreign employer and its workers or the foreigner as a natural person provide services.

(3) The services referred to in paragraph (1) of this Article may be provided several times during the year on the basis of a work registration form, but up to 60 days in one calendar year at the most.

Work performed by foreigners residing in the Republic of Macedonia for the purpose of studying

Article 14

(1) The foreigners residing in the Republic of Macedonia for the purpose of studying may perform short-term or ancillary activities without a work permit, provided that the total period for the performance of such activities is not longer than 10 working hours during the week.

(2) The condition for performance of short-term or ancillary activities, in accordance with the paragraph of this Article, shall be registration of the work with the Employment Service Agency. Persons responsible to register the work in the Employment Service Agency shall be the organizer, the clients or the employer in the place where the work should be performed.

(3) The employer shall be obliged to cover the costs for social insurance of the foreign students for the period during which the short-term or ancillary works are performed.

Emergency services

Article 15

(1) If, at request of a local client which may be a trade company, a state body, local self-government units, and the City of Skopje or an authorized organization, it is necessary to immediately obtain services by a foreign provider for the purpose of establishing or preventing economic damage or other consequence of natural disasters or other disasters or breakdowns, or carrying out rescue operations or taking measures necessary to prevent the threats to people's health, or during special diagnostics, that is, inspection of aircraft, it shall not be necessary to obtain a work permit for the foreign workers or for the suitably qualified foreign natural persons.

(2) In the cases referred to in paragraph (1) of this Article, the client for whom the services are intended should register the service within a period of three days as of the day of arrival of the foreigners in the country, the work that they perform with the Employment Service Agency in the place where client's head office is located.

(3) The provision of the services in accordance with this Article must not last longer than 30 days. If longer presence of the foreigners is needed, the client must require a work permit for the registered foreigners, which shall be issued regardless of the situation and the conditions at the labor market.

CHAPTER V

REGISTRATION OF THE COMMENCEMENT AND TERMINATION OF THE WORK PERFORMED BY FOREIGNERS

General provisions for registration of the commencement and termination of the work performed by foreigners

Article 16

(1) The registration of the work performed by foreigners shall be a mandatory condition that applies to all foreigners who are employed or work in the Republic of Macedonia on the basis of the provisions of this or another law.

(2) The persons who are responsible to register the work performed by foreigners in accordance with this Law should mandatorily register the commencement and the termination of the work performed by the foreigners, in accordance with the provisions of this Law.

(3) The responsible persons referred to in paragraph (2) of this Article shall be obliged to make the registration:

1. within a period of one day as of the commencement of the work, in the cases of employment;
2. one day before the commencement of the work, in cases other than employment of a foreigner;
3. within a period of three days as of the day of arrival of the foreigner in the country, in the cases referred to in Article 15 paragraph (2) of this Law.

(4) The Employment Service Agency shall issue to the person responsible for registration of the work performed by foreigners an application form in a prescribed form.

(5) The person responsible for registration should mandatorily keep the application form during the entire period of the performance of the work in the main place of the activity, and in the case of field work, on the construction site where the foreigner works. If the registration is based on a work permit, the responsible person shall be obliged to keep the application form for the same period he is responsible to keep the other prescribed documents as well.

(6) The person responsible for registration of the work performed by foreigners shall be obliged to provide the application form for registration of the work at request of a supervisory body. If the person fails to do so, it shall be considered that he does not possess such an application form.

(7) If the application form for registration of the work is lost, the Employment Service Agency shall issue the person responsible for registration a copy.

(8) The manner of registration and termination of the work performed by the foreigners, the evidence attached to the application, as well as the exchange of data on particular registrations between particular bodies and services, shall be prescribed by the minister responsible for the issues in the field of labor.

Article 17

The Employment Service Agency shall monthly process the gathered data on registration and deregistration of the work of foreigners, shall compare them to the data on issued work permits within particular purposes, according to which the quota for work permits is divided, and shall inform the Ministry of Labor and Social Policy and the State Labor Inspectorate, and on request, the other bodies and services responsible for implementation of this Law, on the results.

CHAPTER VI

SUPERVISION

Authorized supervisory bodies

Article 18

(1) The supervision over the implementation of this Law shall be carried out by the Ministry of Labor and Social Policy.

(2) The inspection over the implementation of this Law shall be carried out by the State Labor Inspectorate (hereinafter: the Labor Inspectorate).

(3) The inspection may be carried out in a legal entity and natural person *ex officio* or at request of the Employment Service Agency.

(4) The Labor Inspectorate shall be obliged, every six months, to submit reports regarding the instituted procedures and imposed misdemeanor sanctions to the Employment Service Agency which shall be obliged to keep records of committed misdemeanors and the imposed misdemeanor sanctions by the employers and foreigners.

Obligations towards supervisory bodies

Article 19

(1) The employed foreigner and the employer should mandatorily cooperate with the authorized supervisory bodies and act in compliance with the measures imposed by these bodies. They must provide the competent bodies access to the entire available documentation, serving as a basis for issuance of a document permitting employment or work in the Republic of Macedonia.

(2) The foreigner shall be obliged to keep the work permit at his place of work and at request of the authorized control person to produce it as evidence in the procedure.

(3) The employer shall be obliged to keep the complete documentation related to the work and the payments to the foreigners within a period of five years as of the day of termination of the employment or the work performed by the foreigners in the Republic of Macedonia.

CHAPTER VII

PROTECTION OF PERSONAL DATA

Responsibilities of the bodies

Article 20

(1) The personal data collected in compliance with this Law may be processed only for the purposes determined by the law.

(2) The personal data which are collected and processed in accordance with this Law shall be kept in a form that allows identification of the data subject until fulfillment of the aim for which they are collected.

(3) The transfer of the personal data between the organs and bodies may be carried out for the purposes determined by law, on the basis of a previously concluded agreement guaranteeing protection of the personal data.

(4) The institutions that possess data significant for establishment of possible irregularities related to the implementation of this Law shall be obliged to cooperate and deliver the data requested by the authorized body referred to in Article 18 of this Law.

CHAPTER VIII

RECORDS

Records of foreigners' work permits

Article 21

(1) The records of foreigners employed or working in the territory of the Republic of Macedonia in accordance with law, shall be kept and stored in the Employment Service Agency in an electronic form.

(2) The foreigners' data collected and recorded by the Employment Service Agency from the applications for work permits shall include:

- 1) first name, father's name and surname;
- 2) gender;
- 3) date of birth;
- 4) foreigner's ID card number and personal identification number;
- 5) passport number, issuing body and expiry date;
- 6) place of birth and country of origin;
- 7) nationality;
- 8) last place of residence abroad, permanent or temporary, or in the Republic of Macedonia (country, place of residence, address);
- 9) present permanent or temporary place of residence in the Republic of Macedonia (place of residence, address);
- 10) passport type and number, date and place of issuance and validity period;
- 11) type of residence permit, issuance date and validity period;
- 12) level of professional education;
- 13) occupation;
- 14) expert knowledge; and
- 15) work experience.

(3) The Employment Service Agency may collect, exchange and record data on foreigners from the records kept in the Ministry of Interior, related to the residence in the Republic of Macedonia, the Health Insurance Fund of the Republic of Macedonia, related to the health insurance, and the Pension and Disability Insurance Fund of Macedonia, related to pension and disability insurance for foreigners in the Republic of Macedonia.

(4) The data in the records referred to in paragraphs (2) and (3) of this Article shall be kept within a period of two years as of the expiry date of the work permit and then they shall be archived.

(5) The Employment Service Agency shall also keep records of issued opinions regarding the procedures for granting a temporary residence permit for work purposes. The data in the referred records shall be kept within a period of five years as of the day of their issuance, revocation, that is, cancellation and then they shall be archived.

(6) The Agency shall collect evidence and data *ex officio* from other bodies and shall submit data on request of other bodies electronically.

(7) The Agency and the other public bodies and institutions shall mandatorily communicate in an electronic form.

Article 22

The Employment Service Agency shall submit monthly reports to the Public Revenue Office regarding the employers that have employed foreigners or where foreigners have been engaged on the basis of a contract for provision of services.

CHAPTER IX

MISDEMEANOR SANCTIONS

Article 23

(1) Fine in the amount of Euro 1.500 in Denar counter value shall be imposed for a misdemeanor on an employer as a legal entity that facilitates, induces or participates in illegal employment of foreigners in the Republic of Macedonia or of Macedonian citizens abroad.

(2) Fine in the amount of 30% of the determined fine for the legal entity referred to in paragraph (1) of this Article shall be also imposed on the responsible person in the legal entity that facilitates, induces or participates in illegal employment of foreigners in the Republic of Macedonia or of Macedonian citizens abroad.

Article 24

(1) Fine in the amount of Euro 25 to 50 in Denar counter value shall be imposed for a misdemeanor on the official person in the Employment Service Agency if he:

1) does not adopt a decision on issuance of the work permits, extension of the work permits and revocation of the work permits, within a period of five working days as of the day of submission of the application together with the necessary documentation contrary to Article 8 paragraph (1) of this Law.

2) does not submit a decision on revocation of the work permit within a period of three days as of the day of finding out about the existence of the conditions, contrary to Article 8 paragraph (4) of this Law.

(2) Fine in the amount of Euro 25 to 50 in Denar counter value shall be imposed for a misdemeanor on the official person in the Ministry of Labor and Social Policy if he does not adopt a decision on the submitted appeal within a period of 15 days, contrary to Article 8 paragraph (7) of this Law.

Article 25

(1) Fine in the amount of Euro 2.000 in Denar counter value shall be imposed for a misdemeanor on an employer (legal entity) for not returning the work permit of a foreigner whom it has not employed or with whom it has not entered into a contractual relation or whom it has terminated the employment or the work contract prior to the expiry of the work permit (Article 7 paragraph (7)).

(2) Fine in the amount of 30% of the determined fine for the legal entity referred to in paragraph (1) of this Article shall be imposed for a misdemeanor on the responsible person with an employer.

Article 26

(1) Fine in the amount of Euro 1.200 in Denar counter value shall be imposed for a misdemeanor on an employer (legal entity) if it has not provided access to the complete available documentation on the basis of which the documents permitting foreigner's employment or work have been issued (Article 19).

(2) Fine in the amount of 30% of the determined fine for the legal entity referred to in paragraph (1) of this Article shall be imposed for a misdemeanor on a responsible person with an employer referred to in Article 19 of this Law.

Article 27

Fine in the amount of Euro 150 to 300 in Denar counter value shall be imposed for a misdemeanor on a foreigner for not submitting the work permit at request of the supervisory body (Article 19 paragraph (2)).

Article 28

(1) Fine in the amount of Euro 1.500 in Denar counter value shall be imposed for a misdemeanor on an employer (legal entity) for not keeping the work permit in the head office of the trade company or at the construction site out of the head office of the trade company (Article 19 paragraph (3)).

(2) Fine in the amount of 30% of the determined fine for the legal entity referred to in paragraph (1) of this Article shall be imposed for a misdemeanor on a responsible person with an employer referred to in Article 19 paragraph (3) of this Law.

Article 29

(1) With regard to the misdemeanors determined in Articles 23, 24, 25, 26, 27 and 28 of this Law, the authorized control person shall be obliged to issue a misdemeanor payment order in accordance with the Law on Misdemeanors to the authorized person or a person in the legal entity authorized by him.

(2) Where the offender agrees on initiation of a settlement procedure, the authorized control person shall prepare minutes and shall issue a misdemeanor payment order to the responsible person or a person in the institution authorized by him.

(3) The statement of consent referred to in paragraph (2) of this Article shall be noted in the minutes.

(4) If the offender receives the misdemeanor payment order it shall be obliged to sign it. The receipt of the payment order by the offender shall be noted in minutes. It shall be considered that the offender agrees to pay the fine by putting a signature at the receipt of the misdemeanor payment order within a period of eight days as of the day of receipt of the misdemeanor payment order at the account of the body indicated in the payment order.

(5) If the offender is a legal entity, the minutes and the misdemeanor payment order shall be signed by the responsible person or a person authorized by him.

(6) The offender who pays the fine within the deadline referred to in paragraph (4) of this Article, shall pay only half of the fine imposed.

(7) If the offender does not pay the fine within the deadline referred to in paragraph (4) of this Article, the authorized control person shall file a motion for initiation of a misdemeanor procedure with a misdemeanor body.

(8) If there are no grounds for conducting a settlement procedure by inviting the offender, the authorized control person shall deliver the misdemeanor payment order together with minutes of the established misdemeanor to the offender by mail. The settlement procedure shall be considered conducted and the authorized control person may file a motion for initiation of a misdemeanor procedure if the offender has received the misdemeanor payment order by mail,

but has not paid within the deadline foreseen or has returned the misdemeanor payment order noting that it does not want to accept it.

(9) The minister responsible for the issues in the field of labor shall prescribe the form and the contents of the misdemeanor payment order.

(10) The authorized control person shall be obliged to keep records of the initiated procedures and their outcome.

CHAPTER X

TRANSITIONAL AND FINAL PROVISIONS

Article 30

The minister responsible for the issues in the field of labor, within a period of six months as of the day of entry into force of this Law, shall adopt the by-laws anticipated by this Law.

Article 31

The procedures that have commenced in accordance with the provisions of the Law on the Employment and Work of Foreigners ("Official Gazette of the Republic of Macedonia" nos. 70/2007, 5/2009, 35/10, 148/11, 84/12, 148/13, 38/14 and 150/15) before the beginning of application of this Law, shall be completed in accordance with this Law.

Article 32

The documents issued before the day of beginning of application of this Law shall be valid up to their expiry date.

Article 33

The Law on the Employment and Work of Foreigners ("Official Gazette of the Republic of Macedonia" nos. 70/2007, 5/2009, 35/10, 148/11, 84/12, 148/13, 38/14 and 150/15) shall cease to be valid as of the day of beginning of application of this Law.

Article 34

This Law shall enter into force on the eighth day as of the day of its publication in the "Official Gazette of the Republic of Macedonia" and it shall start to be applied six months after the day of its entry into force.