

Law on Foreigners

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Chapter I

GENERAL PROVISIONS

Subject of the Law

Article 1

This Law shall regulate the condition of entry, exit, departure, stay, return of illegally staying foreigners, as well as the rights and obligations of foreigners in the Republic of Macedonia.

Definition of terms

Article 2

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

- 1) **"Foreigner"** means a person who is not a citizen of the Republic of Macedonia and a person with no citizenship, that is, a person who is regarded by no country, by force of its law, as its own citizen;
- 2) **"Sponsor"** means a foreigner who lawfully resides in the Republic of Macedonia and applies for family reunification;
- 3) **"Legal stay"** means stay of a foreigner on the basis of an authorization issued by a competent body of the Republic of Macedonia allowing the foreigner to stay legally in its territory;
- 4) **"Unaccompanied minor"** means a foreigner under the age of 18, who enters the Republic of Macedonia unaccompanied by a parent or guardian, that is, is left unaccompanied after the entry in the Republic of Macedonia;
- 5) **"Vulnerable persons"** means minors, unaccompanied minors, disabled persons, elderly people, pregnant women, single parents with minor children or persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence;

- 6) **“International protection”** means a refugee status or the status of a person under subsidiary protection;
- 7) **“Threat to public health”** means any disease with potential to grow into epidemics as defined in the international health regulations of the World Health Organization and any other infectious diseases or diseases caused by parasites, provided that they are subject of protection provisions applying to citizens of the Republic of Macedonia upon a recommendation of a competent body within a particular period;
- 8) **“Residence permit”** means any authorization issued by a competent body of the Republic of Macedonia allowing the foreigner to stay legally in its territory;
- 9) **“Short stay”** means a stay of a foreigner with a visa or without a visa, in duration of no more than 90 days in any 180 day-period, and such period precedes each day of the stay, unless otherwise determined by this Law or a ratified international agreement;
- 10) **“Temporary residence”** means a stay authorized to a foreigner intending to stay in the Republic of Macedonia in accordance with this Law;
- 11) **“Long-term residence”** means a stay authorized to a foreigner who continuously resides in the territory of the Republic of Macedonia for at least five years prior to the submission of the application for authorization of long-term residence on the basis of an authorized temporary residence, unless otherwise determined by this Law;
- 12) **“Valid travel document”** means a travel document the validity of which is not expired and which is not fake, changed or falsified;
- 13) **“Visa”** means an authorization for entry and short-term stay or transit of a foreigner issued by a competent body of the Republic of Macedonia;
- 14) **“Visa regime of the Republic of Macedonia”** means a list of countries the citizens of which should mandatorily hold a visa when crossing the border of the Republic of Macedonia and of those countries the citizens of which are exempted from such an obligation;
- 15) **“Flight crew member”** means a person holding a pilot’s license or a certificate, that is, a certificate for a flight crew member in accordance with Annex 9 to the Convention on International Civil Aviation of 7.12.1944;
- 16) **“Seafarer”** seaman in transit or sailor” means a person who holds a seaman’s book or any other identity document recognized as a seafarer’s identity document, in accordance with the provisions of the international agreements; 3

- 17) **“National Visa Information System”** (hereinafter: N-VIS) means an electronic information database for acceptance, exchange, processing and keeping of data in the visa issuance procedures;
- 18) **“Work of foreigners”** means employment, seasonal employment and work of a foreigner who is a posted worker;
- 19) **“Return decision”** means a decision adopted by the Ministry of Interior, establishing the illegal stay of a foreigner and imposing an obligation to the foreigner to leave the Republic of Macedonia;
- 20) **“Expulsion”** means a return decision in terms of point 19 of this Law, accompanying an entry ban;
- 21) **“Entry ban”** means a measure imposed on the foreigner by the Ministry of Interior, determining a time period within which the foreigner is not allowed to enter the Republic of Macedonia;
- 22) **“Voluntary return”** means a period specified in the return decision within which the foreigner is obliged, by its own or by assistance, to leave the territory of the Republic of Macedonia;
- 23) **“Removal”** means enforcement of the foreigner’s obligation to return, that is, departure from the territory of the Republic of Macedonia;
- 24) **“Risk of absconding”** means the existence of reasons in individual cases which are based on objective criteria, indicating that the foreigner who is the subject of return procedure may abscond;
- 25) **“School pupil”** means a foreigner enrolled in a domestic educational institution in order to attend a recognized education program of primary or secondary education corresponding to levels 1, 2 or 3 of the International Standard Classification of Education, in the context of an exchange program or education project led by an educational institution, in accordance with the law;
- 26) **“Student”** means a foreigner enrolled in a domestic higher education institution, registered in the Register of Higher Education Institutions, in order to acquire a higher education qualification, including diplomas, certificates or doctoral degrees in a higher education institution, which may cover a preparatory course prior to such education in accordance with the law; and
- 27) **“Researcher”** means a foreigner who has acquired an academic degree of doctor of sciences or an appropriate higher education qualification, which gives such third-country national access to doctoral programs selected by a research organization, who is selected

by a research organization and who is authorized the admittance to the territory of a Member State of the European Union for the purpose of carrying out research activities for which qualification is normally required.

Scope of application

Article 3

The provisions of this Law shall apply to all foreigners, except to foreigners who:

- seek international protection from the Republic of Macedonia in accordance with the Law on International and Temporary Protection, unless otherwise determined by this Law, or
- enjoy privileges and immunities under the international law, provided that the application of this Law is contrary to the international obligations undertaken and the principle of reciprocity.

Legal status of foreigners

Article 4

(1) During their legal stay in the Republic of Macedonia, the foreigners shall have the same rights and obligations as those of the citizens of the Republic of Macedonia, unless otherwise determined by a law.

(2) During their stay in the Republic of Macedonia, the foreigners shall be obliged to comply with the Constitution of the Republic of Macedonia, the laws, the other regulations and the acts of the state administrative bodies, as well as with the obligations determined by the ratified international agreements.

Relation of the Law with international rules

Article 5

The application of this Law shall be in compliance with the international agreements ratified by the Republic of Macedonia in accordance with the Constitution, which put the foreigners in a more favorable position.

Application of the Law on the General Administrative Procedure

Article 6

The provisions of the Law on the General Administrative Procedure shall accordingly apply to the procedures conducted in accordance with this Law, unless otherwise determined by this Law.

Control of movement and stay of foreigners

Article 7

The activities related to the control of the movement and stay of foreigners in the Republic of Macedonia shall be performed by the Ministry of Interior, unless such competence is determined by law for another body.

Migration policy

Article 8

The Assembly of the Republic of Macedonia shall, on a proposal of the Government of the Republic of Macedonia, adopt a resolution on migration policy indicating the status, problems and measures to be undertaken in the field of migration.

Chapter II

ENTRY OF FOREIGNERS AND EXIT FROM THE REPUBLIC OF MACEDONIA

I. Entry of foreigners

1. Legal entry

Article 9

(1) A foreigner shall be considered to have legally entered into the Republic of Macedonia when he/she crosses the state border and is allowed entry upon the conducted border control at the border crossing point, in accordance with the provisions of this Law and the Law on Border Control.

(2) As an exception to paragraph (1) of this Article, a foreigner may enter the Republic of Macedonia under the conditions and in the procedure in accordance with the law.

2. Illegal entry

Article 10

(1) A foreigner shall enter the Republic of Macedonia illegally if he/she:

- crosses the state border at the place, time, or in the manner which is different than the one specified for crossing the state border,
- avoids the border control,
- at entry, uses falsified, someone else's, or invalid travel or other documents prescribed for crossing the state border, as well as any other identity documents, or
- enters in the Republic of Macedonia prior to the expiry of the entry ban.

(2) The provision of paragraph (1) of this Article shall not apply to a foreigner who is suspected to be a victim of human trafficking, provided that he/she has entered as a result of the crime of "Human trafficking".

(3) The provision of paragraph (1) of this Article shall not apply to a foreigner who seeks recognition of the right to international protection under the Law on International and Temporary Protection.

3. Entry conditions

Article 11 4

(1) A foreigner intending to stay in the Republic of Macedonia in duration of no more than 90 days in any 180 day-period, and such period precedes each day of the stay, shall enter the Republic of Macedonia if:

(a) he/she possesses a valid travel document or any other document prescribed for crossing the state border. The travel document should satisfy the following criteria:

- to be valid at least three months after the intended date of departure of the foreigner from the territory of the Republic of Macedonia, but in justified cases, determined by a law, this obligation may not be fulfilled and

- to be issued in the previous 10 years. 5

(b) he/she possesses a valid visa, provided that it is required in accordance with the act on determination of countries whose citizens must be in possession of a visa when crossing the border of the Republic of Macedonia and those countries whose citizens are exempt from such requirement (Visa Regime of the Republic of Macedonia), except if he/she holds a valid residence permit;

(c) he/she justifies the purpose and conditions of the intended stay and has means of subsistence, both for the duration of the intended stay and for the return to his/her country of origin or transit to any other country into which the foreigner is certain to be admitted or is in a position to acquire such means lawfully;

(d) he/she is not a person for whom an alert for an entry ban has been issued in the systems for control of passengers and vehicles; and

(e) he/she is not a threat to the public policy, national security, public health or international relations of the Republic of Macedonia.

(2) Date of entry, in terms of this Law, shall be considered the first day of stay on the territory of the Republic of Macedonia, and date of exit shall be considered the last day of stay on the territory of the Republic of Macedonia.

(3) The period of stay allowed under the residence permit or the D visa shall not be taken into account in the calculation of the duration of the short stay in the territory of the Republic of Macedonia.

(4) By way of derogation from paragraph (1) of this Article, an entry shall be authorized to a foreigner:

(a) to whom a visa is issued at a border crossing point in accordance with Article 41 of this Law, provided that he/she meets the conditions referred to in paragraph (1) points (a), (c), (d) and (e) of this Article;

(b) who does not meet one or more of the conditions of entry referred to in paragraph (1) of this Article, for humanitarian reasons, for national interest of the Republic of Macedonia or for fulfillment of obligations under international agreements;

(c) if he/she possesses a valid diplomatic, service, consular or special identity card, issued in accordance with Article 179 of this Law, for the period for which the card is issued and meets the conditions of entry referred to in paragraph (1) points (a), (d) and (e) of this Article;

(d) who is a citizen of a third country, who is granted an authorization for permanent residence in a Member State of the European Union or a signatory to the Schengen Agreement, possesses a multiply "C" Schengen visa valid for all Member States of the European Union or a signatory to the Schengen Agreement or possesses a valid visa of a third country for which, by a decision of the Government of the Republic of Macedonia, there is no visa regime for the Republic of Macedonia, that is, by a decision of the Republic of Macedonia the visa regime for a short stay has been abolished, provided that he/she meets the conditions of entry referred to in paragraph (1) points (a), (c), (d) and (e) of this Article;

(e) who is a citizen of a Member State of the European Union or a signatory to the Schengen Agreement, holder of a valid identity card or is a citizen of a country with which the Republic of Macedonia has a ratified bilateral agreement providing for no visa entry in the Republic of Macedonia, provided that he/she meets the entry conditions referred to in paragraph (1) points (c), (d) and (e) of this Article.

(5) The Government of the Republic of Macedonia, on a proposal of the Ministry of Foreign Affairs, may decide a foreigner who possesses a temporary stay in a Member State of the European Union or a signatory of the Schengen Agreement to enter the Republic of Macedonia and to stay for a short period, provided that he/she meets the entry conditions referred to in paragraph (1) points (a), (c), (d) and (e) of this Article, in accordance with the provisions of this Law. 6

Sufficient means of subsistence

Article 12

(1) The sufficient means of subsistence, in terms of Article 11 paragraph (1) point (c) of this Law, shall be assessed in accordance with the duration and the purposes of the stay, taking into consideration the decision of the Government of the Republic of Macedonia referred to in paragraph (2) of this Article.

(2) The Government of the Republic of Macedonia shall determine the amount of the means of subsistence for a foreigner for a period of stay in the Republic of Macedonia, for return in the country of origin or for traveling in a third country.

(3) The sufficient means of subsistence may be assessed on the basis of cash, travelers' cheques and credit cards owned by the foreigner or on the basis of evidence of possession of immovable properties in accordance with the law (possession of an immovable property or leasing of an immovable property in the Republic of Macedonia, on the basis of which he/she can ensure means of subsistence during the stay in the Republic of Macedonia, means on grounds of direct foreign investments, production and technical co-operation and corporation, and alike).

(4) A letter of guarantee and an invitation from a domestic or foreign natural person and legal entity or a state administrative body, in case the foreigner is staying with a host, may constitute evidence of possession of means of subsistence.

A letter of guarantee and an invitation from a legal entity and a state administrative body

Article 13

(1) A letter of guarantee shall be issued by a citizen of the Republic of Macedonia or a foreigner granted residence in the Republic of Macedonia.

(2) An invitation from a legal entity shall be issued by a domestic or foreign legal entity registered in the Republic of Macedonia inviting the foreigner to a business visit, as well as by a state administrative body.

(3) The letter of guarantee, the invitation from the legal entity and from the state administrative body shall be accepted as a certificate for possession of means of subsistence, that is, provided accommodation, provided that they contain a statement by the guarantor, that is, the legal entity that it takes on the obligation to ensure accommodation and bear all the costs related to the foreigner's stay in the Republic of Macedonia and his/her departure from the territory of the Republic of Macedonia.

(4) The letter of guarantee and the invitation from the legal entity must be notary certified, except the invitation by the state administrative body.

Documents justifying the purpose and conditions of the intended stay

Article 14

The foreigner shall prove the purpose and the conditions of the intended stay in the Republic of Macedonia, in terms of Article 11 paragraph (1) point c) of this Law, by the following documents:

a) for business trips:

- invitations from firms or any other legal entities for participation in a meeting or any other event related to trade, business or any other cooperation,
- other documents on the basis of which the existence of trade, business or any other cooperation can be determined, and
- entry tickets for participation in fairs and congresses. 7

b) for traveling for the purpose of attending courses, study or professional training:

- a certificate of enrollment at an educational institution for the purposes of attending courses of vocational or theoretical courses within the framework of basic or advanced training and
- students' cards/identity cards or certificates of enrolled courses. 8

c) for journeys undertaken for the purposes of tourism or private visits:

1) evidence for accommodation:

- an invitation or a letter of guarantee from the person who the foreigner visits and
- an evidence from the institution providing accommodation services or another appropriate document indicating the accommodation envisaged. 9

2) evidence related to the intended journey:

- a confirmation of the booking of the organized journey or any other appropriate document indicating the travel plans. 10

3) evidence for return:

- return or any other travel ticket. 11

(d) for journeys undertaken for the purpose of participating in political, scientific, cultural, sports or religious events or journey for other reasons (invitations, entry tickets, certificates of enrollment or programs stating, wherever possible, the name of the host organization and the length of stay or any other appropriate document indicating the purpose of the visit).

Entry with a collective passport

Article 15

A foreigner included in someone else's travel document, provided that he/she fulfills the conditions set out by this Law, shall enter the Republic of Macedonia and shall leave the country only if accompanied by the person in whose travel document he/she is included.

4. Obligations of carriers

Article 16

(1) A natural person or legal entity dealing professionally with passenger transport may bring a foreigner on the territory of the Republic of Macedonia by land, air or lake only if the foreigner possesses a valid travel document or any other document prescribed for crossing the state border, a valid visa or a residence permit, if required.

(2) The carrier who, contrary to paragraph (1) of this Article, brings a foreigner who is refused entry into the Republic of Macedonia, shall be obliged to take the foreigner out of the territory of the Republic of Macedonia immediately or within a deadline determined by the Ministry of Interior, at its own expense, to the country which has issued the travel document or to the country which guarantees foreigner's entry or to find a way for foreigner's further transport, as well as to bear the costs incurred by his/her temporary detention and removal in accordance with this Law.

(3) Where the carrier cannot act in accordance with paragraph (2) of this Article, it shall be obliged, at its own expense, to find any other way of transport or if any other transport is not possible at that moment, to bear the costs incurred during the stay and transport of the foreigner.

(4) Where the foreigner in transit is refused entry in the Republic of Macedonia, the police officer of the Ministry of Interior shall act in accordance with paragraphs (2) and (3) of this Article.

(5) In the cases of paragraphs (2) and (3) of this Article, the police officer shall be obliged to take all necessary measures for preventing the foreigner who is refused entry to illegally enter the Republic of Macedonia.

II. Refusal of entry

Article 17 12

(1) A foreigner who does not fulfill the entry conditions and who does not fall within the exemptions set out in Article 11 of this Law, shall be refused the entry in the Republic of Macedonia.

(2) The refusal of entry shall be without prejudice to the application of the special provisions on the right of international protection.

(3) A decision on refusal of entry of a foreigner in the Republic of Macedonia shall be adopted by the Ministry of Interior.

(4) The foreigner shall have the right to appeal against the decision on refusal of entry in accordance with Article 18 of this Law,

(5) The data on refusal of entry shall be entered in the travel document of the foreigner, provided that he/she possesses one, as well as in the system for control of passengers and vehicles.

(6) The police officers in charge of border control shall ensure that the foreigner who is refused entry does not enter the territory of the Republic of Macedonia.

Appeal

Article 18 13

(1) The foreigner shall have the right to lodge an appeal against the decision on refusal of entry referred to in Article 17 paragraph (3) of this Law which shall be submitted in a written form in the Macedonian language and its Cyrillic letters with the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance within a period of eight days as of the day of receipt of the decision by paying an administrative fee determined by a law.

(2) The appeal referred to in paragraph (1) of this Article shall not have a suspensive effect on the decision.

(3) The decision of the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance shall be adopted within a period of 15 days as of the day of lodging the appeal.

(4) An administrative dispute may be initiated against the decision of the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance before a competent court, in accordance with the Law on Administrative Disputes.

(5) If the appeal procedure results in annulment of the first decision adopted, a stamp stating annulled shall be affixed on the travel document of the foreigner or on the visa sticker across the stamp for refusal of entry and shall be acted in accordance with the final decision.

Special protection against entry refusal

Article 19

(1) A foreigner cannot be refused entry on the basis of Article 17 of this Law if he/she: 14

- expresses an intention to submit an application for recognition of the right to international protection in the Republic of Macedonia,
- submits an application for recognition of the right to international protection at the border crossing points in the Republic of Macedonia, or
- has been recognized the right to international protection by the Republic of Macedonia.

III. Exit from the country

Freedom of movement

Article 20

(1) The foreigner may freely leave the territory of the Republic of Macedonia, in accordance with this Law.

(2) The foreigner shall not be allowed to leave the Republic of Macedonia if:

- he/she does not possess a valid travel document or any other document prescribed for crossing the state border or a valid visa, provided that it is necessary in order to be allowed entry in any other country, or he/she uses falsified, changed or false travel document or any other document prescribed for crossing the state border or valid visa, if required, at the exit of the Republic of Macedonia,
- a criminal, misdemeanor or court procedure is initiated against him/her, or
- if so requested by the competent court.

Obligation of the foreigner to leave the country

Article 21

The foreigner shall be obliged to leave the Republic of Macedonia:

- until the expiry of the deadline set in the visa,
- when the visa issued is annulled,
- until the expiry of the deadline set in the temporary residence permit,
- when he/she is deprived or cancelled the right to stay,
- when a decision on return of the foreigner is adopted,
- when he/she is expelled from the Republic of Macedonia, or
- until the expiry of the period of 90 days the most during the 180 day-period preceding each day of the stay, provided that there is no visa requirement for entry in the Republic of Macedonia.

Article 22

(1) A foreigner who possesses several travel documents shall be obliged to leave the country with the travel document he/she has entered, or its substitute which is accepted by the Republic of Macedonia.

(2) A foreigner who is included in the travel document of another person shall enter and exit the Republic of Macedonia only with the person in whose travel document he/she is included.

Chapter III

VISAS

Issuance of a visa

Article 23 15

(1) The visa shall be issued to a foreigner in order he/she to:

- enter the Republic of Macedonia and to stay shortly during the period set by the visa;
- enter the Republic of Macedonia and stay for the purpose of regulating the temporary residence; and
- pass through the territory or the international airport transit area in the Republic of Macedonia.

(2) The foreigner shall be obliged to obtain a visa prior to his/her entry into the Republic of Macedonia, except in the cases determined by this Law.

(3) The foreigner shall stay in the Republic of Macedonia only for the purpose for which the visa has been issued.

(4) The possession of visa shall give the foreigner the right to enter the Republic of Macedonia, except in the cases determined in Article 17 of this Law.

1. Types of visas

Article 24 16

Types of visas shall be the following:

- airport transit visa (A visa),
- short-stay and transit visa (C visa), and
- visa for regulation of temporary stay (D visa).

Airport transit visa (A visa)

Article 25 17

(1) The foreigners that do not leave the international transit area of the airports in the Republic of Macedonia or the aircraft, do not need to possess an airport transit visa.

(2) As an exception to paragraph (1) of this Article, the Government of the Republic of Macedonia may decide that citizens of certain countries need an airport transit visa.

(3) The following categories of persons shall be exempt from the requirement to hold an airport transit visa, provided for in paragraph (2) of this Article:

- family members of citizens of the Republic of Macedonia,
- holders of diplomatic passports, or
- flight crew members.

(4) On the basis of the visa referred to in paragraph (2) of this Article, the foreigner may be detained in the airport international transit area until continuing the journey with the first following international flight.

(5) A foreigner's detention at the international airport transit area in the Republic of Macedonia, based on the visa referred to in paragraph (2) of this Article, shall not be regarded as entry into the Republic of Macedonia and the foreigner must not leave such an area.

Short-stay visa and transit visa (C visa)

Article 26 18

(1) The short-stay and transit visa (C visa) shall be issued to a foreigner for a single, double or multiple entries, for all travel purposes in the Republic of Macedonia, except for those for which an airport transit visa (A visa) or a visa for regulation of temporary stay (D visa) is issued.

(2) The stay on the basis of the issued C visa must not exceed 90 days during a 180 day-period preceding each day of the stay.

(3) If the C visa is issued for transit purposes, the foreigner shall have the right to one time stay on the territory of the Republic of Macedonia in duration of five days at the most, taking into consideration paragraph (2) of this Article.

Visa for regulation of temporary stay (D visa)

Article 27 19

(1) A visa for regulation of temporary stay (D visa) shall be issued for a single entry and right to stay in duration of up to 30 days to a foreigner intending to stay in the Republic of Macedonia for the purposes determined in Article 71 of this Law.

(2) The foreigner cannot exercise the rights and obligations deriving from the purpose of his/her stay in the Republic of Macedonia only on the basis of the issued visa for regulation of temporary stay (D visa).

(3) The visa referred to in paragraph (1) of this Article shall be issued upon the adoption of a decision on temporary residence by the Ministry of Interior.

(4) The foreigner to whom the visa referred to in paragraph (1) of this Article is issued shall be obliged to report to the Ministry of Interior within five days as of the day of entry in the Republic of Macedonia which shall issue to the foreigner a temporary residence permit in the Republic of Macedonia within 25 days as of the day of reporting.

2. Visa issuance

Visa application

Article 28 20

(1) The foreigner shall submit a visa application to the competent (resident or non-resident) diplomatic and consular representative office of the Republic of Macedonia, not longer than six months and not shorter than 15 days prior to the beginning of the intended journey.

(2) As an exception to paragraph (1) of this Article, the visa application may be also submitted through a foreign diplomatic and consular representative office of a state with which the Republic of Macedonia has signed a bilateral agreement on consular representation in third countries, through external visa service providers or commercial intermediaries, in the manner prescribed by Article 199 paragraph (1) line (1) of this Law.

(3) The diplomatic and consular representative office of the Republic of Macedonia may require the applicant to schedule an appointment for submission of the visa application.

(4) The application shall be submitted in person, except in the cases laid down in paragraph (5) and (6) of this Law. 21

(5) As an exception to paragraph (4) of this Article, the visa application may be submitted also by an authorized natural person or legal entity where:

- the foreigner is a disabled person and
- the foreigner is a well-known person and there are no suspicions of his/her good faith.

(6) The application referred to in paragraph (4) of this Article for a minor shall be submitted in person by a parent or a guardian.

(7) A separate visa application shall be submitted for persons included in a travel document.

(8) The applicant shall mandatorily attach an application for regulation of temporary stay and the necessary supporting documents determined in Articles 72 and 73 paragraph (7) of this Law, as well as any other documents determined by this Law, to the application for issuance of a visa for regulation of temporary stay (D).

Interview with the visa applicant

Article 29 22

(1) Prior to the issuance of the visa, the diplomatic and consular representative office of the Republic of Macedonia shall invite the applicant for an interview for the purpose of explaining the reasons indicated in the visa application, especially if there is a suspicion of the purpose of the visit or the intention of the foreigner to return to the country wherefrom he/she comes.

(2) In the cases determined in paragraph (1) of this Article, the foreigner shall be obliged to appear personally and if he/she fails to do so, his/her visa application shall be rejected.

(3) As an exception to paragraph (2) of this Article, where the visa applicant is a known person and there is no suspicion of his/her good faith, as well as where the application is submitted through a foreign diplomatic and consular representative office of a state with which the Republic of Macedonia has signed a bilateral agreement on consular representation in third countries or through external visa service providers or commercial intermediaries, the diplomatic and consular representative office of the Republic of Macedonia may decide not to invite the visa applicant for an interview.

Conditions for issuing a visa

Article 30 23

(1) A visa shall be issued to a foreigner if he/she:

- submits a filled-in and signed visa application,
- holds a valid travel document containing at least two empty consecutive pages and has been issued during the last 10 years, and its validity must be at least three months longer than the visa validity, except in justified urgent cases,
- submits a photograph prepared according to the prescribed standards,
- submits a proof of paid consular visa fee, except in the cases foreseen by a special law,
- submits documents proving the purpose and conditions of the intended journey in the Republic of Macedonia,
- submits documents related to accommodation provided and possession of financial means of subsistence during the stay in the Republic of Macedonia and for return to the country he/she comes from or for transit to a third country,
- has a health insurance or supplementary health insurance or individual or group travel insurance determined by a special law, international agreement ratified in accordance with the Constitution of the Republic of Macedonia or a bylaw,
- does not pose a threat to the public policy, national security, public health, or the international relations of the Republic of Macedonia,
- there are no grounds for entry refusal determined in Article 17 of this Law, and
- the condition referred to in Article 27 paragraph (3) of this Law is met.

(2) The following categories of persons shall not have the obligation to submit a health insurance, supplementary health insurance or individual or group travel insurance:

- holders of diplomatic, service or any other special travel documents and
- seafarers and any other professional categories who already have travel and health insurance because of their profession.

(3) As an exception to paragraph (1) of this Article, a foreigner may be issued a visa even if some of the visa requirements are not met, provided that it is for humanitarian reasons, reasons of national interest for the Republic of Macedonia, or based on obligations under a ratified international agreement.

Supporting documents

Article 31 24

(1) In the case of submission of an application for an airport transit visa (A visa) or a short-stay and transit visa (C visa), the applicant shall prove the purpose and the justification of the stay by attaching any of the following documents: 25

1) For business trips:

- an invitation from a firm or a state body to attend a meeting, a conference or events connected with trade, industry or work,
- documents which show the existence of trade or business relations,
- entry tickets for fairs and congresses, if needed,
- documents proving the economic activity of the legal entity, and
- documents proving the status of the applicant regarding the employment in the legal entity. 26

2) For journeys undertaken for the purposes of studying or other types of training:

- a certificate of enrollment at an educational institution for the purposes of attending vocational or theoretical courses in the framework of basic and further training and
- student cards or certificates for the courses to be attended. 27

3) For journeys undertaken for the purposes of tourism or for private reasons:

(a) documents as regards accommodation:

- an invitation or a letter of guarantee from the host, if staying with one and
- a document from the institution providing accommodation or any other appropriate document indicating the accommodation envisaged,

(b) documents as regards the itinerary:

- confirmation of the booking of an organized trip or any other appropriate document indicating the envisaged travel program and
- in case of transit: a visa or any other document for entry in another country of destination, tickets for further traveling. 28

4) For journeys undertaken for political, scientific, cultural, sports or religious events or other reasons:

- (invitations, entry tickets, enrollments or programs stating (wherever possible) the name of the host organization and the length of stay or any other appropriate document indicating the purpose of the visit). 29

5) For journeys of members of official delegations who, according to the official invitation addressed to the government of the other country concerned, participate in meetings, consultations, negotiations or exchange programs, as well as in events held in the territory of the Republic of Macedonia by intergovernmental organizations:

- a letter issued by an authorized body of the other country concerned confirming that the applicant is a member of the official delegation traveling to the Republic of Macedonia in order to participate in the above-mentioned events, accompanied by a copy of the official invitation. 30

6) For journeys undertaken for medical reasons:

- an official document of the health institution confirming the necessity for medical care in that institution and a proof of financial means to pay for the medical treatment and
- reservation of or return ticket or round ticket. 31

7) Documentation allowing for the assessment of the visa applicant's intention to leave the territory of the Republic of Macedonia:

- a proof of financial means in the country of residence,
- a proof of employment: bank statements,
- a proof of real estate property, and
- a proof of integration into the country of residence: family ties; professional status. 32

8) Documents in relation to the visa applicant's family situation:

- a consent of a parent or legal guardian (when a minor does not travel with them) and
- a proof of family relation with the host/inviting person.

Health insurance, supplementary health insurance, or individual or group travel insurance

Article 32 33

(1) Health insurance in terms of Article 30 paragraph (1) line (7) of this Law shall be the health insurance determined by a law or a ratified international agreement.

(2) Supplementary health insurance or individual or group travel Insurance in terms of Article 30 paragraph (1) line (7) of this Law shall be the insurance covering the possible costs which might incur in relation to the repatriation for medical reasons, urgent medical interventions, urgent medical treatment or death of the foreigner during his/her stay in the Republic of Macedonia.

(3) The holders of diplomatic passports shall be exempt from the requirement to hold travel and health insurance.

Criteria for issuing a multiple entry visa

Article 33 34

The short-stay visa and the airport transit visa shall be issued for multiple entries, in accordance with Article 30 of this Law, provided that the following conditions are met:

- the applicant proves the need or justifies the intention to travel frequently and/or regularly, in particular due to his/her professional or family status and
- the applicant proves his integrity and reliability, in particular the lawful use of the previous visas, his/her economic situation in the country of origin and his/her genuine intention to leave the territory of the Republic of Macedonia before the expiry of the visa he/she applied for.

Competent bodies and examination and decision on the visa application

Article 34 35

(1) The Ministry of Foreign Affairs shall decide on the submitted visa application, and the visa shall be issued by the diplomatic and consular representative office of the Republic of Macedonia.

(2) In cases of suspicion that the foreigner poses a threat to the public policy and national security of the Republic of Macedonia, the Ministry of Foreign Affairs and the National Security Agency shall be obliged to ensure a prior consent from the Ministry of Interior. 36

(3) The Ministry of Interior shall decide on a visa application submitted at a crossing border point.

(4) The diplomatic and consular representative office shall check the admissibility of the visa application in terms of Article 28 paragraph 1 and Article 30 of this Law.

(5) If the application is admissible, the competent consular officer in the diplomatic and consular representative office shall enter the data in the N-VIS in the manner prescribed by a special bylaw.

(6) If the conditions foreseen in Article 28 paragraph 1 and Article 30 of this Law are not met, the authorized officer shall return the application form and all documents submitted by the applicant.

(7) If the visa application is not withdrawn, a visa shall be issued in accordance with Article 30 of this Law or the visa application shall be refused in accordance with Article 37 of this Law.

(8) A previous visa application refusal shall not lead to an automatic refusal of a new application. The new application shall be assessed on the basis of all available information.

Deadlines for decision-making

Article 35 37

(1) The deadline for making a decision on issuance of an airport transit visa (A visa) and a short-stay and transit visa (C visa) shall be 15 calendar days as of the day of submission of the complete visa application.

(2) As an exception to paragraph (1) of this Article, the deadline may be extended up to 30 days at the most, especially where further scrutiny of the application is needed.

(3) The deadline referred to in paragraph (1) of this Article may be extended up to 60 days at the most, where in special cases additional documents or previous consent are needed to be submitted.

(4) In case of making a decision on a submitted visa application for regulation of temporary stay (D visa), the Ministry of Foreign Affairs shall decide within a period of three working days as of the day of submission of the decision on authorized temporary residence by the Ministry of Interior.

Visa validity period

Article 36 38

(1) The airport transit visa (A visa) shall be issued with a period of validity of up to six months, and the short-stay and transit visa (C visa) shall be issued with a period of validity of up to one year.

(2) As an exception to paragraph (1) of this Article, the short-stay or transit visa (C visa) shall be issued with a period of validity longer than one year, but two years at the most, provided that it is of scientific, economic, cultural, sports or any other national interest of the Republic of Macedonia, the decision on which shall be made by the Ministry of Foreign Affairs.

(3) Without prejudice to Article 30 paragraph (1) line 2 of this Law, the period of validity of the short-stay visa for a single entry, as well as the airport transit visa, shall include additional period of 15 days.

(4) The visa for regulation of temporary stay (D visa) shall be issued with a period of validity of up to 90 days.

Refusal of the visa application

Article 37 39

The visa application shall be refused if the applicant:

- withdraws the visa application,
- has no valid travel document which contains at least two empty pages and has been issued during the last 10 years and has no validity period of three months longer than the visa validity,
- does not submit a photograph prepared according to the prescribed standards,
- does not provide justification for the purpose and conditions of the intended stay,
- does not submit documents for paid consular visa fee,
- does not provide proof of provided accommodation and possession of financial means of subsistence both for the duration of the intended stay in the Republic of Macedonia and for the return to the country he/she comes from or for the transit to a third country,
- has already stayed for 90 days during the current 180 day-period on the territory of the Republic of Macedonia,
- does not hold a health insurance or supplementary health insurance or individual or group travel insurance determined by a law, international agreement ratified in accordance with the Constitution of the Republic of Macedonia or a bylaw,

- poses a threat to the public policy, national security public health or international relations of the Republic of Macedonia, 40
- there are reasons for refusing the entry determined in Article 17 of this Law,
- no decision authorizing temporary residence is adopted in accordance with Article 75 paragraph (3) of this Law, and
- there is a grounded suspicion on the authenticity of the statement and the documents attached for issuance of a visa.

Competence for adoption of a decision on visa application refusal

Article 38 41

(1) The Ministry of Foreign Affairs shall adopt a decision on refusal of the visa application and of the request for annulment and cancellation of the visa on a standard form, which the diplomatic and consular representative office of the Republic of Macedonia shall deliver to the foreigner.

(2) The Ministry of Interior, on a standard form, shall adopt and shall deliver the decision on refusal of the visa application submitted at a border crossing point of the Republic of Macedonia.

(3) The data on the adopted decision referred to in paragraphs (1) and (2) of this Article and on its delivery shall be entered in the N-VIS in the manner determined by a bylaw.

(4) Where the visa application is refused for the reasons stated in Article 37 line 9 of this Law, the competent body shall not be obliged to explain the reasons guided by during the adoption of such a decision.

Appeal against the decision on visa application refusal

Article 39 42

(1) The foreigner shall have the right to lodge an appeal against the decision on refusal of the visa application within a period of eight days as of the day of receipt of the decision with the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance.

(2) The appeal against the decision referred to in paragraph (1) shall be submitted in a written form in the Macedonian language and its Cyrillic letters to the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance within a period of eight days as of the day of receipt of the decision by paying an administrative fee determined by a law.

(3) The appeal shall not have a suspensive effect on the decision.

Article 40 43

(1) The decision of the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance shall be adopted within a period of 15 days as of the day of submission of the appeal.

(2) An administrative dispute against the decision of the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance may be initiated before a competent court in accordance with the Law on Administrative Disputes.

(3) If the appeal procedure results in annulment of the first decision adopted, a stamp stating "annulled" shall be affixed to the travel document of the foreigner (or to the visa entry application) across the stamp stating shortening, annulment and cancellation of the visa.

Visa issued at a border crossing point

Article 41 44

(1) The short-stay and transit visa (visa C), for a single entry with the right to stay up to 15 days, as an exception to Article 34 of this Law, may be issued also at a border crossing point if it is of national interest for the Republic of Macedonia, for humanitarian reasons or if so provided for by a ratified international agreement.

(2) In the cases where the visa cannot be entered in the travel document, it is entered in a special form for visa entry.

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

- the foreigner meets the general conditions of entry in the Republic of Macedonia referred to in Article 11 paragraph (1) points (a), (c), (d) and e) of this Law, 45
- the foreigner submits documents proving, 46
- the unforeseeable and imperative reasons for entry in the Republic of Macedonia due to which he/she has not been in a position to submit a visa application in advance, and
- the return of the foreigner to the country of residence or from which he/she comes to the Republic of Macedonia is ensured.

(4) A visa may be issued at a border crossing point for the purpose of transiting through the territory of the Republic of Macedonia to seafarers if they meet the conditions referred to in paragraph (3) of this Article and if they cross the border in order to embark on, or disembark from, a vessel on which they are to work or have been working as crew members.

(5) If the conditions for issuance of a visa at a border crossing points referred to in paragraphs (1) and (3) of this Article are not met, as well as if there is a reasonable doubt in the authenticity of the supporting documents submitted by the applicant or the authenticity

of their content, the confidentiality of the statements given by the applicant or his/her intention to leave the territory of the Republic of Macedonia prior to the expiry of the visa for which he/she has applied, a decision in accordance with Article 38 paragraph (2) of this Law shall be adopted.

(6) The foreigner shall have the right to file an appeal against the decision referred to in paragraph (5) of this Article in accordance with Article 39 of this Law.

Visa form and content

Article 42 47

(1) The visa shall be issued in a form of a sticker, affixed to the travel document.

(2) The visa shall contain the following data:

- name and surname of the foreigner,
- type of the visa,
- visa validity period,
- duration of the stay in the Republic of Macedonia,
- number of entries,
- foreigner's passport number,
- date and place of visa issuance,
- comments made by the competent body issuing the visa,
- stamp of the issuing competent body and signature of the authorized person,
- machine readable zone, and
- place for a photograph.

(3) The visa shall contain in-built security features.

(4) The data in the visa shall be entered and printed electronically, and the data cannot be mechanically or manually altered or deleted once the sticker is printed.

(5) The visa sticker may be manually filled only in case of *force majeure*, and in such case the data once entered cannot be manually altered or deleted.

(6) Consent by the competent body for issuing visa shall be necessary to be obtained for the purpose of manual filling of the visa sticker referred to in paragraph (5) of this Article.

(7) Regarding the persons included in the travel document of the foreigner and for whom separate visa applications have been submitted, special visa stickers for each person individually shall be affixed to the travel document.

(8) As an exception to paragraph (1) of this Article, the visa sticker shall be affixed to a form to which a visa is affixed in case the travel document is not recognized by the Republic of Macedonia, prescribed by a bylaw in accordance with Article 199 paragraph (1) line 2 of this

Law.

(9) The form for entering the visa shall be issued/provided by the diplomatic and consular representative office of the Republic of Macedonia, that is, the Ministry of Interior, provided that the visa is issued at a border crossing point.

(10) The data on affixing the visa sticker on the form on which a visa is affixed in case the travel document is not recognized by the Republic of Macedonia, shall be entered in the N-VIS in the manner determined by a regulation adopted by the minister of foreign affairs.

Annulment and destruction of a filled in visa sticker

Article 43 48

(1) If a printed or technical error in the visa sticker is discovered, it shall be annulled, in the prescribed manner.

(2) The destruction of the annulled visa sticker, as well as the printed sticker of the annulled or cancelled visa, which are not affixed on the travel document of the foreigner or on the form for entering the visa referred to in Article 42 paragraph (8) of this Law, shall be made by a commission formed by the minister of foreign affairs, composed of three members of the Ministry of Foreign Affairs.

Visa extension

Article 44 49

(1) The short-stay and transit visa (visa C) may be extended on a single occasion due to *force majeure* and humanitarian reasons preventing the foreigner to leave the Republic of Macedonia, before the expiry of the validity or the duration of the stay approved by the visa.

(2) The visa referred to in paragraph (1) of this Article may be also extended on a single occasion if the visa holder justifies the extension by providing a proof of existence of serious personal reasons, but the total duration of the stay in the country must not be longer than 90 days during the 180 day-period preceding each day of stay in the Republic of Macedonia.

(3) A fee for the visa shall be charged for the extension of the visa referred to in paragraphs (1) and (2) of this Article, in accordance with the Law on Administrative Fees.

(4) The visa shall be extended in a form of a visa sticker by the Ministry of Interior.

(5) The data on the extension of the visa shall be entered in the N-VIS, in the manner determined by a regulation adopted by the minister of foreign affairs.

(6) If the applicant withdraws the application for extension of the visa, the Ministry of interior shall adopt a decision on termination of the procedure, within a period of 15 days as of the day of withdrawal of the application.

Shortening the validity period of the visa issued

Article 45 50

(1) The Ministry of Interior shall shorten the validity period of the visa issued at the border crossing points, provided that it establishes that the foreigner does not possess sufficient means of subsistence for the determined period of stay in the Republic of Macedonia or provided that the foreigner would exceed the allowed period of stay of 90 days in the 180-day period as of the day of the first entry.

(2) The validity of the visa shall be shortened by issuing a new visa sticker by the Ministry of Interior.

(3) The data on shortening the validity of the visa issued shall be entered in the N-VIS, in the manner determined by a regulation adopted by the minister of foreign affairs.

Visa annulment and cancellation

Article 46 51

(1) The visa shall be annulled if:

- it is established additionally that the foreigner, at the time of issuing the visa, has not met some of the conditions for visa issuance determined by this Law,
- in the visa application, the foreigner has given false data on his/her identity, the purpose and conditions of the journey, the transit and the stay or any other false data, has used falsified, somebody else's travel or other documents or the right to stay has been revoked or he/she has been returned or expelled from the Republic of Macedonia, or 52
- in the visa application, the foreigner has given false data on his/her identity, the purpose and conditions of the journey, the transit and the stay or any other false data, has used falsified, somebody else's travel or other documents or the right to stay has been revoked or he/she has been returned or expelled from the Republic of Macedonia.

(2) The visa shall be cancelled:

- if it is determined that the foreigner no longer meets the conditions for issuing the visa and
- at a request of the visa holder.

(3) The visa shall be annulled and cancelled by the Ministry of Interior, but if the foreigner has not entered the Republic of Macedonia, the visa shall be annulled and cancelled by the diplomatic and consular representative office of the Republic of Macedonia which has issued the visa, on a previous decision of the Ministry of Foreign Affairs.

(4) The annulment and the cancellation of the visa shall be clearly indicated in the travel document of the foreigner, that is, in the visa entry form.

(5) A foreigner found in the Republic of Macedonia whose visa is annulled or cancelled shall be obliged to immediately leave the territory of the Republic of Macedonia.

(6) The competent body referred to in paragraph (3) of this Article, within a period of three days, shall adopt a decision on annulment and cancellation of the visa, on a standard form, which shall be delivered to the foreigner.

(7) The failure of the visa holder to produce one or several supporting documents listed in Article 31 paragraph (3) of this Law at the border does not automatically mean adoption of a decision on annulment or cancellation of the visa.

Appeal against the decision on visa annulment and cancellation

Article 47 53

(1) The foreigner shall have the right to file an appeal against the decision on visa annulment and cancellation, unless the request for cancellation is submitted by the visa holder.

(2) The appeal against the decision referred to in paragraph (1) shall be submitted in a written form in the Macedonian language to the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance, within a period of eight days as of the day of receipt of the decision, by paying an administrative fee determined by a law.

(3) The appeal shall not have a suspensive effect on the decision.

(4) The decision of the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance shall be adopted within a period of 15 days as of the day of lodging the appeal.

(5) An administrative dispute may be initiated against the decision of the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance before a competent court, in accordance with the Law on Administrative Disputes.

(6) The data on the annulment or cancellation of the visa shall be entered in the N-VIS in the manner determined by a regulation adopted by the minister of foreign affairs.

3. National Visa Information System (N-VIS)

Establishment

Article 48

A National Visa Information System (N-VIS) shall be established in the Ministry of Foreign Affairs.

Article 49

(1) The following data on the visa applicants may be processed in the N-VIS: name and surname (former surnames); name of the mother and the father; date and place of birth; sex; country of birth; citizenship/s; former citizenship; number of identity card (optional); marital status; passport's type; passport number; institution that has issued the passport; date of issuance; passport's validity period; whether return in the country of residence is allowed, provided that it is not the country of origin of the applicant; profession; employer, employer's address and telephone number; name and address of the educational institution and telephone number (for students); main destination; visa type; number of entries that are applied for; duration of the stay; previously issued visas (in the last three years) and their period of validity, whether an entry in the country of final destination is approved (in case of transit); previous stays in the Republic of Macedonia; purpose of traveling; date of arrival, date of departure; border crossing point for the first entry or of the transit direction; type of the means of transport; name and address of the inviting domestic natural person or legal entity, as well as a contact person; name of the hotel or temporary address of stay in the Republic of Macedonia, who covers the costs for the travel and the stay; means of subsistence during the stay, proof of paid visa fee; proof of plane round ticket; surname of the spouse, birth surname of the spouse, name of the spouse, date of birth and place of birth of the spouse; children; home address of the applicant telephone number and e - mail address; place and date of application; applicant's signature; the purposes for which visa is applied for; purposes for which authorization of temporary residence is applied for and duration; person based on whose status permit for temporary residence is applied for; health insurance, supplementary health insurance or individual or group travel insurance; type of education; certificate of no criminal records; certificate that no criminal procedure is conducted; photograph with dimensions 3,5 cm x 4,5 cm in color with white background; proof of residence in a Member State of the European Union or of the Organization for Economic Cooperation and Development (hereinafter: OECD); property certificate; purchase and sale agreement/proof of property value. 54

(2) The following data shall be also entered and processed in the N-VIS: decision on temporary residence together with a delivery note; decision on refusal of the application for temporary residence together with a delivery note, opinion of the Ministry of Interior with regard to the possibility of issuing a visa for a particular countries; opinion of the Employment Service Agency of the Republic of Macedonia with regard to the work, the posted and seasonal workers, issued, extended, shortened, refused, annulled and cancelled visas; withdrawal of visa applications, serial number of visa stickers.

(3) The data referred to in paragraph (1) of this Article shall be processed in the procedure for obtaining visa determined by this Law.

Competent bodies for processing the data in the N-VIS

Article 50

The following competent bodies shall process data in the N-VIS:

- 1) the Ministry of Foreign Affairs;
- 2) the Ministry of Interior;
- 3) the Employment Service Agency of the Republic of Macedonia; and
- 4) the National Security Agency. 55

Personal data processing

Article 51

(1) The personal data that are entered in the N-VIS shall be processed in accordance with the purposes determined by a law and in accordance with the regulations on personal data protection.

(2) The personal data included in the processing procedures shall be deleted immediately in the cases where it is determined that they are not correct or the reasons, that is, the conditions due to which the personal data have been included in such procedures have terminated.

(3) The personal data contained in the N-VIS, from the moment of their entry until the moment of their deletion, may be given to be used under conditions and in a procedure determined by a law and the regulations on personal data protection.

N-VIS maintenance

Article 52

The Ministry of Foreign Affairs shall be responsible for the maintenance of the N-VIS in a manner determined by a special regulation laying down the work of the N-VIS, as well as in accordance with the regulations on personal data protection.

N-VIS data processing

Article 53

(1) The visa application and the data gathered from the visa applicants shall be entered and processed in the N-VIS.

(2) Access to the N-VIS may be granted to persons employed in the competent bodies determined in Article 50 of this Law, provided that they work at jobs that require processing of data from the N-VIS.

(3) The access of the persons referred to in paragraph (2) of this Article shall be withdrawn if:

- they no longer work at jobs that require processing of data from the N-VIS,
- they process the data from the N-VIS without authorization, or
- they do not apply the technical and organizational security measures for the N-VIS.

(4) The manner of collecting, entering and processing of data collected from the visa applicants, the granting of access to the competent bodies, the levels of access, the detailed criteria for determining the level of access, the duration of the access, the manner of determining the termination and withdrawal of the access to the data in the N-VIS shall be determined by a bylaw adopted by the minister of foreign affairs.

Responsibility for the quality of data

Article 54

(1) The competent bodies referred to in Article 50 of this Law shall be responsible for the quality of the data entered in the N-VIS from their scope of competence and for their authenticity and accuracy.

(2) The persons employed in the competent bodies shall be obliged to enter the data from their scope of competence in the N-VIS determined in Article 49 of this Law.

Manner of processing and deadlines for keeping the data in the N-VIS

Article 55

(1) The data in the N-VIS shall be processed electronically, only for the purposes determined by a law.

(2) The data in the N-VIS shall be kept electronically for a period which is necessary for achieving the purposes for which the data are collected, but for five years as of the day of their entry at the most, after which they shall be destroyed in a manner foreseen by a bylaw adopted by the minister of foreign affairs.

Obligation for keeping a secret

Article 56

The persons employed in the competent bodies who are granted access to the N-VIS shall be obliged to keep as a secret the data they come across in their work, as well as during their employment in the competent state bodies and after its termination, that are considered personal data in accordance with the law.

Safety of the data in the N-VIS

Article 57

The competent bodies shall be obliged, in accordance with the law, to take all the necessary technical and organizational measures in order to ensure protection, that is, safety of the data that are processed in the N-VIS.

4. Submission of an application and issuance of visas through external visa service providers or commercial intermediaries

External service providers

Article 58 56

(1) An external service provider shall be a foreign legal entity registered for providing services of intermediation for obtaining visas for a foreign country, which intermediates in the gathering of visa applications, in terms of receipt of the visa application and the other necessary documentation depending on the type of the visa, its forwarding to the competent diplomatic and consular representative office of the Republic of Macedonia, as well as issuance of a passport containing a visa to a foreign citizen who has submitted the visa application through an external service provider.

(2) The examination of the visa application, the interview, the printing and the affixing of the visa sticker shall be made by the diplomatic and consular representative office of the Republic of Macedonia.

(3) The external service provider shall have no access to the N-VIS of the Ministry of Foreign Affairs.

Article 59 57

(1) The cooperation with the external service providers shall be achieved on the basis of an agreement for cooperation concluded between the external service provider and the Ministry of Foreign Affairs or the diplomatic and consular representative office of the Republic of Macedonia, upon a previous consent of the Ministry of Foreign Affairs.

(2) The agreement for cooperation referred to in paragraph (1) of this Article shall regulate particularly the issues related to:

- the general information on the visa regime of the Republic of Macedonia and the visa application forms and the application forms for issuance of temporary residence permits that the external service provider makes available to the applicants;
- the technical, organizational and security measures that should be fulfilled by the service provider in order to protect the personal data against accidental or illegal destruction or accidental loss, change, unauthorized use of or access to the personal data,
- the expertise and the manner of conduct of the service provider employees,
- the amount of the fee for the service provided by the provider,
- the control of the successfulness in conducting the activities of the service provider,

- the manner of treating the general requirements made by the diplomatic and consular representative office, as well as
- the manner of conducting supervision by the diplomatic and consular representative office of the Republic of Macedonia.

Article 60 58

(1) The Ministry of Foreign Affairs shall select the external service provider based on a public call or based on expressed interest for cooperation by an external service provider.

(2) The public call referred to in paragraph (1) of this Article shall be published on the internet site of the Ministry of Foreign Affairs, that is, the diplomatic and consular representative office of the Republic of Macedonia, having a deadline of at least 15 working days for submission of documentation as of the day of publication of the public call.

(3) The external service provider shall have the right to charge a fee for the provided service to the service seeker.

(4) The amount of the fee referred to in paragraph (3) of this Article cannot be higher than half of the visa tax determined by a law.

(5) The manner of selection of an external service provider shall be determined by a special regulation adopted by the minister of foreign affairs.

Article 61 59

The diplomatic and consular representative office shall provide professional training to the external service providers and shall supervise the implementation of the agreement referred to in Article 59 of this Law, by a random choice, in the premises of the external service provider.

Commercial intermediaries

Article 62 60

The cooperation with the commercial intermediaries shall be achieved based on a granted accreditation by the Ministry of Foreign Affairs for collection of visa applications for tourism purposes (hereinafter: accreditation).

Granting of accreditation

Article 63 61

(1) The accreditation referred to in Article 62 of this Law shall be granted by the Ministry of Foreign Affairs, within a period of 30 days as of the day of submission of a request for accreditation, and based on the completed examination of:

- the current status of the commercial intermediary (license, trade register, agreements with

banks),

- the existing agreements with commercial partners established in the Republic of Macedonia offering services for accommodation and organizing tourist arrangements, and
- the existing agreements with transport companies that include organized transport to the Republic of Macedonia and return of the foreigners in the country from which they have been transported from.

(2) For the purpose of obtaining the accreditation, the commercial intermediary shall submit the request referred to in paragraph (1) of this Article to the diplomatic and consular representative office of the Republic of Macedonia in the period between 15 January and 15 March in the current year for which accreditation is required.

(3) The commercial intermediary shall attach the following to the request referred to in paragraph (1) of this Article:

- a work permit in the field of tourism or a notary verified copy, in the Macedonian language and its Cyrillic letter and in the English language, in accordance with the law,
- an agreement with the commercial partner referred to in paragraph (1) line 2 of this Article and a decision on entry in the Central Register,
- an agreement with the transport company referred to in paragraph (1) line 3 of this Article,
- an agreement with an insurance company for group or individual insurance of tourists,
- an assessment of the number of tourists to use the tourist arrangements for traveling to the Republic of Macedonia, and
- a power of attorney for the representative of the commercial intermediary authorized to submit the submitted visa applications and the necessary documentation to the diplomatic and consular representative office, as well as for taking the issued visas, that is, decisions on refusal of the visa applications.

(4) The accreditation referred to in paragraph (1) of this Article shall be issued in the Macedonian language and its Cyrillic letters and in the English language and shall contain data on: the commercial intermediary to which the accreditation is granted, the diplomatic and consular representative office of the Republic of Macedonia to which the commercial intermediary is to submit the submitted visa applications, the representative of the commercial intermediary authorized for submitting the visa applications, the duration of the accreditation, signature and seal of the Ministry of Foreign affairs.

Rights and obligations

Article 64 62

(1) The diplomatic and consular representative office of the Republic of Macedonia shall publish the data on the commercial intermediary through which the foreign citizens may submit a visa application on the website of the Ministry of Foreign Affairs.

(2) Control of the operation of the commercial intermediary shall be made by the competent diplomatic and consular representative office of the Republic of Macedonia.

(3) The commercial intermediary to which the accreditation is granted shall be obliged to notify the diplomatic representative office it cooperates with about:

- cancellation of the agreement with the commercial partner referred to in Article 63 paragraph (1) line 2 of this Law,
- conclusion of an agreement for cooperation with a new commercial partner, and
- change of the representative of the commercial intermediary referred to in Article 63 paragraph (3) line 6 of this Law.

Revocation of the accreditation

Article 65 63

The Ministry of Foreign Affairs shall revoke the accreditation referred to in Article 62 of this Law if:

- the commercial intermediary does not inform the diplomatic and consular representative office about the changes in the current status and the agreements referred to in Article 63 paragraph (1) lines 1, 2 and 3 of this Law. In such case, the agreements referred to in Article 63 paragraph (1) lines 2 and 3 of this Law shall be null and void,
- the commercial intermediary does not make regular submission of the submitted visa applications and the necessary documentation to the diplomatic and consular representative office,
- the commercial intermediary submits falsified, false or changed documentation, and
- acts contrary to the purpose of the granted accreditation.

Chapter IV

STAY OF FOREIGNERS

Definition of stay of foreigners

Article 66

Stay of foreigners, in terms of this Law, shall be:

- 1) short-term stay;
- 2) temporary residence; and
- 3) permanent residence.

1. Short-term stay

Definition of a short-term stay

Article 67

(1) Short-term stay, in terms of this Law, shall be considered a stay of a foreigner holding or not holding a visa, unless otherwise determined by this Law or a ratified international agreement.

(2) A foreigner who meets the entry conditions referred to in Article 11 of this Law shall stay for a short-term in the Republic of Macedonia for 90 days at the most in whatever period of 180 days preceding each day of stay in the Republic of Macedonia.

(3) When determining the duration of the short stay referred to in paragraph (2) of this Article, the time of the previously authorized temporary or permanent residence in the territory of the Republic of Macedonia shall not be taken into consideration.

(4) The foreigner referred to in paragraph (1) of this Article who stays for a short-term without a visa, may stay in the Republic of Macedonia for the same purposes as those allowed to foreigners who must have a visa.

(5) A foreigner shall not stay for a short-term in terms of paragraph (2) of this Article if:

- he/she has entered the Republic of Macedonia illegally,
- he/she does not hold a valid visa, provided that it is required in accordance with the visa regime of the Republic of Macedonia,
- he/she has used the visa or the validity period of the issued visa has expired,
- he/she has stayed longer than 90 days in whatever period of 180 days preceding each day of stay in the Republic of Macedonia, and
- he/she has been transported from the state border in the court premises for the purpose of conducting misdemeanor or criminal procedure, but he/she is not authorized entry in the Republic of Macedonia.

Termination of a short stay

Article 68

The short stay of the foreigner shall terminate:

- if he/she is imposed an effective ban on entry in the Republic of Macedonia,
- upon expiry of the period determined by the visa,
- by cancelling the short stay, and
- upon expiry of the period determined in Article 67 paragraph 2 of this Law.

Cancellation of the short stay

Article 69

The foreigner shall be cancelled the short stay if:

- he/she is left without means of subsistence and accommodation or transit to a third country where it is certain that he/she is to be accepted, and the subsistence and

accommodation during the stay in the Republic of Macedonia is not provided in any other legitimate way,

- he/she has not settled the due financial obligations in the Republic of Macedonia, and
- he/she poses a threat to the public policy, national security or international relations of the Republic of Macedonia.

Competence for adoption of a decision on cancellation of the short stay

Article 70

(1) The Ministry of Interior shall decide on cancellation of the short stay.

(2) A deadline for voluntary return within which the foreigner is obliged to leave the territory of the Republic of Macedonia, in accordance with Article 152 of this Law, as well as the period during which re-entering in the Republic of Macedonia is prohibited, shall be set in the decision referred to in paragraph (1) of this Article.

(3) The foreigner may initiate an administrative dispute against the decision referred to in paragraph (1) of this Article before a competent court, in accordance with the Law on Administrative Disputes.

(4) The initiation of an administrative dispute before a competent court referred to in paragraph (3) of this Article shall not have a suspensive effect on the decision on cancellation of the short stay.

2. Temporary residence

2.1. Reasons for temporary residence

Article 71

(1) Temporary residence shall be authorized to a foreigner who intends to stay in the Republic of Macedonia for the following reasons:

- work,
- attending school or studies,
- participation in international student or pupil exchange programs,
- specialization, professional development or practical training,
- volunteering,
- scientific and research activity,
- medical treatment,
- accommodation in aged care facilities,
- family reunification, or
- humanitarian reasons.

(2) Temporary residence shall be also authorized to:

- a foreigner who is a member of the nucleus family of a citizen of the Republic of Macedonia,
- a foreigner who is from the Republic of Macedonia by origin,
- a foreigner's child born in the Republic of Macedonia, or
- a foreigner resident of a Member State of the European Union or OECD, who has acquired the right of ownership of an apartment, a residential building, and a house on the territory of the Republic of Macedonia under the conditions determined by law, in the amount of at least EUR 40 000.

(3) The foreigner who is granted temporary residence for a specific purpose may stay in the Republic of Macedonia only in accordance with the purpose for which his/her residence is granted and for a determined period.

Conditions of approving temporary residence

Article 72

(1) A foreigner shall be authorized temporary residence in the Republic of Macedonia if:

- he/she possesses means of subsistence, that is, his/her subsistence is ensured in any other legitimate way,
- he/she has ensured accommodation or has means for accommodation,
- he/she has a health insurance,
- he/she fulfills the conditions provided for different types of temporary residence determined in Article 71 of this Law,
- there are no grounds for entry refusal determined in Article 17 of this Law,
- he/she is not convicted in the country of citizenship and in the country of residence to unconditional imprisonment in duration longer than 6 (six) months for a crime prosecuted *ex officio*, and
- no criminal procedure is conducted against the foreigner in the country of citizenship or in the country of residence and wherefrom he/she submits the application for authorization of temporary residence for a crime for which imprisonment of longer than 6 (six) months is foreseen and is prosecuted *ex officio*.

(2) A foreigner who is under 18 and intends to stay in the Republic of Macedonia unaccompanied by a parent, that is, guardian, in addition to fulfilling the conditions referred to in paragraph (1) lines 1, 2, 3 and 4 of this Article, must submit a certified permission by the parents, that is, the guardian for stay in the Republic of Macedonia.

(3) The permission referred to in paragraph (2) of this Article must be certified by a competent body of the country where the foreigner comes from or by a diplomatic and consular representative office of the Republic of Macedonia.

2.2. Procedure for authorizing temporary residence

Application for authorization of temporary residence

Article 73

(1) Temporary residence shall be authorized on the basis of an application of a foreigner who intends to stay in the Republic of Macedonia.

(2) As an exception to paragraph (1) of this Article, in cases determined by this Law, temporary residence shall be also authorized on the basis of an application of another natural person, authorized representative or legal entity.

(3) The foreigner may submit the application for authorization of temporary residence in the Republic of Macedonia, as a supporting document to the application for issuing a visa for regulation of a long stay (D visa), to the diplomatic and consular representative office of the Republic of Macedonia or through a diplomatic or consular representative office in the country with which the Republic of Macedonia has signed an agreement for consular representation in third countries, through external service providers or commercial intermediaries or directly to the Ministry of Interior, in the cases foreseen by this Law.

(4) For humanitarian reasons, the application for authorization of temporary residence shall be submitted to the Ministry of Interior.

(5) The applicant for authorization of temporary residence, on request of the competent body, shall be obliged to appear in person to an interview.

(6) The purpose and the conditions of the intended stay in the Republic of Macedonia must be indicated in the application referred to in paragraph (1) of this Article and they must not be altered during the procedure.

(7) The foreigner shall be obliged to attach to the application for authorization of temporary residence a valid travel document or a certified copy of such document valid for at least 90 days more than the period of the intended stay in the Republic of Macedonia and evidence that the conditions referred to in Article 72 paragraph (1) lines 1, 2, 3 and 4 of this Law are fulfilled.

Actions to be taken by the diplomatic and consular representative office of the Republic of Macedonia abroad regarding the submitted application

Article 74

(1) The diplomatic and consular representative office of the Republic of Macedonia, which has received an application for issuance of a temporary residence visa (D visa) by a foreigner, shall attach to the application the application for authorization of temporary

residence in the Republic of Macedonia, shall enter the application in the N-VIS information system, for the purpose of making a decision on the application by the Ministry of Interior.

(2) The diplomatic and consular representative office of the Republic of Macedonia shall not accept the application referred to in paragraph (1) of this Article if the required documentation determined in Article 73 paragraph (7), as well as any other documents determined by this Law, are not attached to the application.

Competence for making a decision on authorization of temporary residence

Article 75

(1) The Ministry of Interior shall decide on the foreigner's application for authorization of temporary residence in the Republic of Macedonia by a decision.

(2) The Ministry of Interior shall issue the decision authorizing the temporary residence within a period of 30 working days as of the day of receipt of the application – provided that the application is submitted in the Ministry of Interior, that is, 60 working days – provided that the application is submitted in a diplomatic and consular representative office of the Republic of Macedonia or through a diplomatic or consular representative office of the country with which the Republic of Macedonia has signed an agreement for consular representation in third countries, through external service providers or commercial intermediaries to external service providers.

(3) The foreigner who has submitted an application for authorization of temporary residence in the Ministry of Interior in accordance with this Law may stay in the Republic of Macedonia until the adoption of a final decision on his/her application, for which the Ministry of Interior shall issue him/her a special certificate.

(4) As an exception to paragraph (2) of this Article, the deadlines may be extended for 30 working days at the most, especially where additional consideration of the application is necessary.

(5) The best interest of minors shall be taken into consideration when considering the application for authorization of temporary residence.

(6) In case where the application for authorization of temporary residence in the Republic of Macedonia is refused by the decision referred to in paragraph 1 of this Article, the reasons for refusal of the application shall be stated in the decision.

(7) The decision referred to in paragraph (1) of this Article shall be entered (scanned) in the N-VIS system and the diplomatic and consular representative office shall deliver a printed copy of the scanned decision where the foreigner has submitted the application.

(8) The foreigner shall confirm the receipt of the decision by signing and dating the printed copy of the scanned decision.

(9) In the cases foreseen in Article 77 paragraph (3) of this Law, the decision may be also taken by the representative authorized by the foreigner or by the legal entity.

(10) The foreigner shall have the right to lodge an appeal against the decision referred to in paragraph (1) of this Article with the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance within eight days as of the day of receipt of the decision.

(11) The decision of the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance shall be brought within 30 days as of the day of lodging the appeal.

(12) An administrative dispute before a competent court may be initiated against the decision of the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance in accordance with the Law on Administrative Disputes.

Temporary residence permit

Article 76

(1) The Ministry of Interior shall issue a temporary residence permit to the foreigner, who has been issued a decision authorizing the temporary residence.

(2) The Ministry of Interior shall issue the temporary residence permit to the foreigner to whom the permit refers personally.

(3) The Ministry of Interior shall extend the temporary residence permit if the foreigner is issued a decision on extension of the temporary residence in accordance with Article 79 of this Law.

(4) The permit issued for temporary residence for the purpose of work shall constitute a single permit for work and residence of the foreigner to whom it is issued.

Article 77

(1) The foreigner must be in possession of a decision authorizing temporary residence in the Republic of Macedonia prior to his/her first entry in the Republic of Macedonia on such ground, provided that the application is submitted in the diplomatic and consular representative offices of the Republic of Macedonia.

(2) At the first entry in the Republic of Macedonia, it shall be necessary the foreigner referred to in paragraph (1) of this Article, in addition to the decision on authorization of temporary residence, to hold also a visa for regulation of temporary stay (D visa).

(3) As an exception to paragraph (1) of this Article, where the foreigner, an authorized representative of the foreigner or of a legal entity initiates the procedure for temporary residence in the Republic of Macedonia, in accordance with this Law, the foreigner shall be issued a visa for regulation of the temporary stay (D visa), provided that he/she submits the decision authorizing the temporary residence in the diplomatic and consular representative office of the Republic of Macedonia.

Article 78

On the basis of the temporary residence permit, the foreigner may enter and exit the Republic of Macedonia without a visa until the expiry of the period determined in the residence permit.

Extension of temporary residence

Article 79

(1) The temporary residence shall be extended for the period necessary to fulfill the purpose of the stay, but not longer than one year.

(2) Upon a request of the foreigner, submitted 30 days prior to the expiry of his/her temporary residence at the earliest or 15 days after the expiry of the temporary residence at the latest, provided that the conditions referred to in Article 72 of this Law are fulfilled, the temporary residence shall be extended, but each extension cannot be longer than one year.

(3) The foreigner, who submits a request for extension of the temporary residence within the deadline referred to in paragraph (2) of this Article, may stay in the Republic of Macedonia until the adoption of the final decision on his/her request, for which the Ministry of Interior shall issue him/her a special certificate.

(4) The temporary residence shall not be extended if it is established that the foreigner has not stayed in the Republic of Macedonia for a period longer than one quarter of the period for which temporary residence has been authorized without any justification.

(5) The Ministry of Interior shall adopt a decision on the submitted request in accordance with paragraph (2) of this Article within a period of 30 working days as of the day of receipt of the request.

(6) The foreigner shall have the right to lodge an appeal against the decision on extension of the temporary residence of the Ministry of Interior with the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance within eight days as of the day of receipt of the decision.

(7) The decision of the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance shall be brought within 30 days as of the day of lodging the appeal.

(8) An administrative dispute may be initiated against the decision of the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance with a competent court in accordance with the Law on Administrative Disputes.

(9) The duration of the extended temporary residence referred to in paragraph (2) of this Article cannot be shortened due to illness of the foreigner who meets the conditions referred to in Article 72 of this Law.

2.3. Temporary residence for different purposes

a) Temporary residence for the purposes of work

Article 80

(1) Temporary residence for work, according to the purpose, shall be authorized for:

- 1) employment of a foreigner;
- 2) seasonal employment of a foreigner; and
- 3) posted workers.

(2) As an exception to paragraph (1) of this Article, a foreigner may reside and work in the Republic of Macedonia also on the basis of a certificate for registration of work, which is issued in accordance with a separate law, provided that the work that is carried out by the foreigner is shorter than 90 days.

Article 81

(1) Temporary residence for the purposes of employment and seasonal employment shall be authorized to a foreigner who meets the conditions in accordance with the law and for whom a positive opinion by the Employment Service Agency of the Republic of Macedonia (hereinafter: the Agency) is obtained.

(2) The Agency with regard to the submitted request for obtaining an opinion shall issue an opinion for the period which the foreigner has stated in the request, but not longer than one year.

(3) If the period of work engagement is not stated in the request of the client, the first opinion shall be issued for a period of six months.

Article 82

(1) A foreigner in the Republic of Macedonia may work on the basis of a decision on temporary residence for the purpose of work.

(2) The foreigner holding authorized temporary residence for the purpose of work in the Republic of Macedonia may carry out only the work for which his/her temporary residence is authorized.

(3) As an exception to paragraph (1) of this Article, the foreigner who has a short stay in the country may carry out short-term works in the period of 90 days on the basis of a certificate for registration of the work, unless otherwise determined by a law.

Article 83

(1) Temporary residence for the purposes of work shall be authorized on the basis of an application submitted by the foreigner, by the legal entity with which the foreigner is to conclude an employment contract or by its authorized representative, which may also be submitted to the Ministry of Interior.

(2) Temporary residence for the purpose of work shall be authorized if the Agency issues a positive opinion that the foreigner meets the conditions in accordance with the law, unless otherwise determined by a ratified international agreement.

(3) The Ministry of Interior shall provide the opinion referred to in paragraph (2) of this Article *ex officio* in accordance with the law.

(4) The Agency shall be obliged to submit the opinion referred to in paragraph (2) of this Article to the Ministry of Interior within a period of 15 working days as of the day of receipt of the documentation.

(5) If the documentation submitted through the Ministry of Interior to the Agency is not complete, the Agency shall issue an opinion that the conditions of issuance of an opinion are not met, explaining which of the evidence determined by this Law are missing.

(6) If the Agency does not act within the deadline referred to in paragraph (4) of this Article, it shall be considered that the opinion is negative.

Article 84

(1) The Agency shall keep records of issued opinions based on the data gathered in the procedure for issuance of the opinion.

(2) With regard to the issued opinion by the Agency, the responsible persons in the legal entity where the foreigner is engaged to work must report the beginning of the work, within a period of 90 days as of the day of issuance of the opinion by the Agency at the latest.

(3) The Agency shall *ex officio* submit a notification, on a quarterly basis, to the Ministry of Interior about persons who are issued a positive opinion, but the beginning of their work has not been reported within the statutory deadline.

(4) If the employment contract or the engagement contract is not concluded for whatever reason or the employment contract or the engagement contract with the foreigner is cancelled before the expiry of the validity of the residence permit for work, the applicant shall be obliged to notify the body which has issued the permit.

(5) The obligation referred to in paragraph (4) of this Article shall also apply to self-employed persons if they terminate to carry out the activity before the expiry of the permit.

Article 85

(1) In order to obtain a positive opinion by the Agency in the procedure for extension of the temporary residence for the purpose of work, the application should be issued within the period of validity of the previously issued opinion, but not earlier than 30 days prior to the expiry of the opinion.

(2) The Agency, in addition to the examination of the evidence in accordance with Articles 87, 89 and 91 of this Law, in the procedure for extension of the temporary residence for the purpose of work, shall examine whether during the time of the previously regulated temporary residence for the purpose of work:

- the work of the foreigner is reported in the Agency and
- the obligation for social insurance in the Republic of Macedonia is settled or additional proof of social and health insurance in the cases of posted workers is submitted.

2.3.1 Temporary residence for the purpose of employment

Article 86

(1) Temporary residence for the purpose of employment of a foreigner shall be authorized on the basis of an issued positive opinion of the Agency that the foreigner meets the following conditions:

- the employer meets the statutory prescribed conditions,
- the quota valid for such kind of employment is not filled, and
- the employment of the foreigner has no negative effects on the labor market, especially on the domestic situation with unemployment, the structure of employment or the regional needs for creation of new jobs in the industries.

(2) In accordance with the provisions of paragraph (1) of this Article, a positive opinion shall be issued under the condition that the domestic job-seekers do not seek the respective job.

(3) In the cases related to managers, founders, sportsmen, workers in the field of culture, scientists, editors, personnel in diplomatic representative offices which do not have a privileged status and foreigners, who more than a years work at the same employer and at the same job, the employment of foreigners shall not be connected to the labor market, because of the nature of the work in question, and a positive opinion in the above-mentioned cases shall be issued no matter the current conditions on the labor market in the Republic of Macedonia in view of deficiency of the work force. 64

(4) The opinions in view of the temporary residence for the purpose of employment of a foreigner shall be issued as part of the quota determined for employment of foreigners in the Republic of Macedonia.

Conditions for temporary residence for the purpose of employment

Article 87

In the procedure for obtaining an opinion by the Agency in terms of Article 80 paragraph (1) line 1 of this Law, it shall be necessary the following proofs to be also attached:

- a proof of registration, that is, entry in the Central Register of the Republic of Macedonia of the legal entity where the person is to be engaged to work,
- a document proving the identity of the foreigner,
- an explanation of the needs for employment of the foreigner,
- a signed employment contract between the employer and the foreigner in accordance with the regulations on employment, and
- a proof of appropriate education or specific vocational qualification of the foreigner issued by an authorized body or institution.

Temporary residence for the purpose of seasonal employment

Article 88

(1) A positive opinion by the Agency in view of an application for authorization of temporary residence for the purpose of seasonal employment in terms of Article 80 paragraph (1) line 2 of this Law shall be issued as part of the quota determined for seasonal employment.

(2) Seasonal employment of foreigners shall be permitted within the framework of the activities of seasonal nature only in the cases where the demand of the work force market temporary exceeds the offer, which shall serve as a basis for determining the annual quota for such purposes.

(3) A positive opinion in view of the application for authorization of temporary residence for the purpose of seasonal employment of the foreigner shall be issued with a validity period of six months and for seasonal employment in construction up to nine months, only once in the calendar year, unless otherwise determined by this Law.

(4) The employer shall be obliged to conclude an employment contract for a definite period of time with the foreigner for the purpose of effectuating the seasonal employment.

Conditions for temporary residence for the purpose of seasonal employment

Article 89

(1) In the procedure for obtaining an opinion by the Agency for temporary residence for the purpose of seasonal employment, it shall be necessary the following proofs to be also attached:

- a proof of registration, that is, entry in the Central Register of the Republic of Macedonia of the legal entity where the person is to be engaged to work,
- a document proving the identity of the foreigner,
- a signed employment contract between the employer and the foreigner in accordance with the regulations on employment,
- an explanation of the needs for seasonal employment of a foreigner,
- a proof of appropriate education in the appropriate field or qualification of the foreigner if the foreigner works in a regulated profession in accordance with the law,
- a proof of knowledge of the Macedonian language and its Cyrillic letters, in the cases where it is required by the work, and
- a proof that he/she has ensured accommodation which gives an appropriate living standard during his/her stay.

(2) The Agency shall not issue a positive opinion if:

- the employer is punished for illegal employment or not reporting the foreigner as a worker,
- if a bankruptcy procedure is initiated, or
- if the employer is punished for failure to fulfill the obligations determined by a law in relation to payment of contributions, taxes, as well as any other obligations determined by a law.

Temporary residence of posted workers

Article 90

(1) A positive opinion by the Agency in view of the application for authorization of temporary residence for the purpose of posting a worker in terms of Article 80 paragraph (1) line 3 of this Law shall be issued as part of the quota determined for posted workers.

(2) A foreign legal entity may temporary post its workers in the Republic of Macedonia for the purpose of rendering a service on the basis of a concluded agreement with a client from the Republic of Macedonia.

(3) A foreign legal entity may temporary post its workers from the location of their permanent work abroad in a branch office or any other organizational business unit through which it is to be present at the market of the Republic of Macedonia, for the purpose of carrying out any specific tasks or for the purpose of providing the agreed services on the territory of the Republic of Macedonia.

(4) A foreign legal entity may post workers employed in the entity if the workers have been previously employed in the legal entity for at least one year.

(5) As an exception to paragraph (4) of this Article, in case of trainees, they should be previously employed in the legal entity for at least six months.

(6) The foreigner workers may be posted in the Republic of Macedonia for not longer than two years, unless otherwise determined by this or any other law or international agreement ratified in accordance with the Constitution of the Republic of Macedonia.

(7) The foreign workers in terms of paragraph (1) of this Article may reapply for temporary residence for the purpose of work in accordance with Article 80 paragraph (1) line 1 of this Law after temporary termination of the work imposed by the validity of the previously authorized temporary residence for the purpose of work.

(8) As an exception to the provisions of this Article, in case of posted workers in accordance with ratified bilateral agreements on social insurance, the provisions of the bilateral agreement shall apply.

Conditions for temporary residence for the purpose of posted workers

Article 91

It shall be necessary the following proofs to be also attached in the procedure for obtaining an opinion by the Agency for temporary residence for the purpose of posting a worker:

- a proof of registration, that is, entry of the foreign legal entity, the branch office or any other organizational business unit in the Central Register of the Republic of Macedonia,
- a document proving the identity of the posted worker,
- a proof that the posted worker is employed for at least one year and is registered in the mandatory social insurance by the foreign employer,
- a document for posting the worker to a temporary work in the organizational unit,
- an agreement of the foreigner with the trade company, that is, the branch office, and

- a proof of appropriate social insurance of the foreigner from the country of origin or a proof of appropriate health insurance, in accordance with the regulations in the Republic of Macedonia.

b) Temporary residence for the purpose of attending school or studies

Conditions for temporary residence for the purpose of attending school or studies

Article 92

(1) Temporary residence of a foreigner for the purpose of attending school or studies shall be authorized if the foreigner attaches the following to the application:

- a certificate that he/she is enrolled as a regular student in an approved syllabus in a primary or secondary education in a school verified by the Ministry of Education and Science, in which the duration of the planned schooling is determined or
- a certificate that he/she is enrolled as a regular student in an approved study program in a higher education institution registered in the Register of Higher Education Institutions kept by the Ministry of Education and Science, in which the duration of the planned studying is determined,
- a permit from a parent, that is, a guardian for the residence in the Republic of Macedonia, provided that the foreigner is a minor, and
- a proof of language skills or of enrollment in a course of the language used in the syllabus of the educational institution in the Republic of Macedonia.

(2) As an exception to paragraph (1) line 4 of this Article, provided that the pupils, that is, the students attend school in a language of the state where they come from or have completed the previous education in the language in which the teaching, that is, the study program of the educational institution they enroll in is delivered, it shall be necessary to prove it by submitting a copy of the report card, that is, the diploma by which it shall be considered that they know the language in which the syllabus is delivered.

(3) The Ministry of Education and Science, on a previous request by the Ministry of Interior, shall submit a list of higher education institutions entered in the Register of Higher Education Institutions and a list of accredited study programs to the Ministry of Interior and shall regularly inform about every change.

(4) In case where the foreigner referred to in paragraph (1) of this Article legally resides in the Republic of Macedonia for the purpose of attending studies, the application for authorization of temporary residence may be submitted also to the Ministry of Interior.

(5) The minister of education and science in cooperation with the minister of interior shall prescribe the type, form and contents of the form of the certificate referred to in paragraph (1) lines 1 and 2 of this Article.

Duration of the residence

Article 93

(1) The temporary residence for the purpose of attending school or studies shall be authorized for a period of up to one year and may be extended if the foreigner fulfills the conditions determined in Article 79 of this Law and if he/she attaches a certificate of the educational institution confirming that he/she has achieved a significant progress in the education.

(2) Regardless of the fulfillment of the conditions referred to in paragraph (1) of this article, the temporary residence for the purpose of attending studies shall not be extended if it is established that the foreigner exceeded the number of working hours in accordance with the law.

(3) The temporary residence for the purpose of attending school or studies may be extended for up to one year upon the expiry of the term determined for such type of school or study.

(4) If there are particularly justified reasons, the temporary residence may be extended also upon expiry of the term referred to in paragraph (3) of this Article, but not longer than one year.

(5) Upon completion of the school or studies on the basis of which the temporary residence is granted, the foreigner shall be obliged to leave the Republic of Macedonia.

(6) The foreigner who stays in the Republic of Macedonia for the purpose of attending school or studies cannot be employed or work in the Republic of Macedonia.

(7) As an exception to paragraph (6) of this Article, a foreigner who stays for the purpose of attending school or studies may be allowed to do short-term or auxiliary jobs in accordance with the law.

c) Temporary residence for the purposes of participating in international pupil or student exchange programs

Conditions for authorizing temporary residence

Article 94 65

(1) Temporary residence shall be authorized to a foreigner who comes to the Republic of Macedonia for the purpose of participating in international pupil or student exchange programs, provided that the foreigner also submits the following:

- a certificate issued by a state body, a higher education institution entered in the Register of Higher Education Institutions of the Ministry of Education and Science or an institution in

charge of implementation of ratified international agreements on international pupil or student exchange which confirms the acceptance of the foreigner in the international exchange, as well as the duration of his/her participation in the international pupil or students exchange program, and

- a certificate issued by a state body, a higher education institution entered in the Register of Higher Education Institutions of the Ministry of Education and Science or an institution in charge of implementation of ratified international agreements on international pupil or student exchange for assuming the financial responsibility for the foreigner during his/her stay in the Republic of Macedonia in relation to the costs of subsistence, accommodation, schooling, that is, studying, health insurance, and the costs for his/her return.

Duration of the temporary residence

Article 95

(1) The temporary residence for the purpose of participating in international pupil or student exchange programs shall be authorized for a period of up to one year.

(2) As an exception to paragraph (1) of this Article, provided that there are particularly justified reasons, the temporary residence referred to in paragraph (1) of this Article may be extended, but not longer than one year.

(3) The foreigner staying in the Republic of Macedonia for the purpose of participating in international pupil or student exchange programs cannot be employed or work in the Republic of Macedonia.

d) Temporary residence for the purposes of specialization, professional development or practical training

Conditions for authorizing temporary residence

Article 96

(1) Temporary residence for the purpose of specialization, professional development or practical training shall be authorized if the foreigner also attaches to his/her application a certificate issued by a relevant legal entity or a competent body of the Republic of Macedonia certifying that specialization, professional development or practical training has been authorized, as well as a program verified in accordance with the law determining the duration of the planned specialization, professional development or practical training.

(2) The temporary residence referred to in paragraph (1) of this Article shall be authorized to a foreigner who has acquired a higher education degree for the purpose of professional development of a trainee or to a foreigner who studies in another country for the purpose of carrying out practical work needed for acquiring the higher education degree, and meets the general conditions of temporary residence under this Law.

(3) As a proof of the justification of the application, in addition to the certificate and the program, the foreigner shall attach a proof of the acquired degree of education and qualification in the previous two years before the submission of the application, that is, a proof of the obligation for practical work for the purpose of acquiring a higher education degree.

(4) The professional development or the practical training shall be conducted in accordance with a verified program containing:

- description of the program for professional development or practical training of the trainee, that is, the practical training of students, purpose and phase of development, that is, studies,
- duration of the trainee period, that is, practical training,
- number of hours for professional training of the trainee, that is, practical training,
- manner of conducting supervision over the conducting of the professional development or practical training, and
- rights and obligations between the trainee and the employer.

(5) If the foreigner referred to in paragraph (1) of this Article does not meet the conditions referred to in Article 72 paragraph 1 lines 1 and 2 of this Law, it shall be necessary for the legal entity, that is, the competent body referred to in paragraph 1 of this Article to submit a proof for covering the costs during his/her stay and that he/she has been provided accommodation.

Duration of the temporary residence

Article 97

(1) The temporary residence for the purpose of specialization, professional development or practical training shall be authorized for a period of up to one year and it may be extended if the conditions determined in Article 79 of this Law are fulfilled.

(2) Upon expiry of the term determined in the program for the planned specialization, professional development or practical training, the foreigner shall be obliged to leave the territory of the Republic of Macedonia.

(3) As an exception to paragraph (1) of this Article, if there are particularly justified reasons, the temporary residence referred to in paragraph (1) of this Article may be extended even upon the expiry of the term determined in the program for such type of specialization, professional development or practical training, but not longer than one year.

e) Temporary residence for the purpose of volunteering

Article 98

(1) Temporary residence for the purpose of volunteering shall be authorized if the foreigner attaches to the application a consent for volunteering issued by the Ministry of Labor and Social Policy.

(2) The temporary residence referred to in paragraph (1) of this Article shall be authorized for the period for which the consent is issued, but not longer than one year and it may be extended if the conditions referred to in Article 79 of this Law are met.

f) Temporary residence for the purpose of carrying out a scientific and research activity

Conditions for temporary residence

Article 99 66

(1) Temporary residence for the purpose of carrying out a scientific and research activity shall be authorized if the foreigner – researcher attaches the following to the application:

- a contract concluded with entities carrying out a scientific and research activity that are entered in the registry of the Ministry of Education and Science,
- a proof of the research project funding,
- a certified copy of the degree of education (a diploma for completed first, second or third cycle of studies), and
- a certificate by the entities referred to in paragraph (1) line 1 of this Article with which a contract on assuming the financial obligation for the costs related to the stay, health insurance and return of the foreigner conducting the scientific and research activity in the Republic of Macedonia is concluded.

Prior consent of the Ministry of Education and Science

Article 100

(1) The entity that carries out a scientific and research activity and is entered in the registry of entities that carry out a scientific and research activity of the Ministry of Education and Science may conclude a contract with a foreigner to conduct a scientific and research activity.

(2) The contract referred to in paragraph (1) of this Article should contain:

- the title and the purpose of the scientific and research activity,
- the obligation of the foreigner - researcher to complete the scientific and research activity,
- the obligation of the entity that carries out a scientific and research activity to provide conditions for conducting the scientific and research activity, and
- the start and end date of the scientific and research activity.

(3) The Ministry of Education and Science, on the basis of a submitted request by the entity referred to in paragraph (1) of this Article, shall confirm that it is registered in the Register of Entities That Carry out a Scientific and Research Activity of the Ministry of Education and Science.

(4) The entity referred to in paragraph (1) of this Article shall be obliged to attach to the request referred to in paragraph (2) of this Article a certificate for assuming the financial obligation for the costs related to the stay, health insurance and return costs of the foreigner - researcher.

(5) The entity referred to in paragraph (1) of this Article, within a period of 24 hours, shall be obliged to inform the Ministry of Education and Science in case of prevention to carry out or interruption in carrying out the scientific and research activity.

(6) The entity referred to in paragraph (1) of this Article shall be obliged to inform the Ministry of Education and Science on the results and the termination of the conducted scientific and research project within two months upon expiry of the contract on conducting a scientific and research activity.

Conditions for concluding a contract on conducting a scientific and research activity

Article 101

(1) The entity that carries out a scientific and research activity which is entered in the registry of entities that carry out a scientific and research activity of the Ministry of Education and Science, may conclude a contract with a foreigner to conduct a scientific and research activity if the following conditions are fulfilled:

a) the scientific and research project is accepted by the competent bodies of the entity upon establishment of:

- the aim and duration of the scientific and research activity and provision of financial means for its implementation and

- the qualifications of the foreigner - researcher in view of the aims of the scientific and research activity, determined by a certified copy of his/her diploma. 67

b) the foreigner - researcher carrying out a scientific and research activity in the Republic of Macedonia possesses sufficient means of subsistence for his/her stay in the Republic of Macedonia and for his/her return, and

c) the foreigner - researcher has a health insurance in the Republic of Macedonia.

(2) The foreigner - researcher may deliver classes not longer than eight hours a week, in accordance with the act on norms and standards for establishment of higher education institutions and on carrying out a higher education activity.

Duration of the temporary residence for the purpose of scientific and

research activity

Article 102

(1) The temporary residence for the purpose of a scientific and research activity shall be authorized for a period of up to one year and it shall be extended if the conditions referred to in Article 79 of this Law are still fulfilled.

(2) Upon expiry of the term for implementation of the scientific and research project determined in the contract, the foreigner - researcher shall be obliged to leave the territory of the Republic of Macedonia.

g) Temporary residence for the purpose of medical treatment

Conditions for authorizing temporary residence for the purpose of medical treatment

Article 103

Temporary residence for the purpose of medical treatment shall be authorized if the foreigner attaches the following to the application:

- a certificate issued by a health institution in the Republic of Macedonia providing the required medical treatment of the foreigner, stating the period of the necessary treatment and the possible post-medical treatment,
- a certificate issued by the health institution in the Republic of Macedonia referred to in paragraph (1) line 1 of this Article confirming that the reception of the foreigner for medical treatment in that health institution is not to be to the detriment of the patients who are citizens of the Republic of Macedonia, and
- a proof that the funds for the treatment are to be borne by the foreigner him/herself or his/her country of origin.

Duration of the temporary residence for the purpose of medical treatment

Article 104

(1) The temporary residence for the purpose of medical treatment shall be authorized for a period of up to one year and it may be extended if the conditions determined in Article 79 of this Law are fulfilled.

(2) Upon expiry of the period for the necessary medical treatment and the possible post-medical treatment, the foreigner shall be obliged to leave the territory of the Republic of Macedonia.

h) Temporary residence for the purpose of accommodating in aged care facilities

Conditions for authorizing temporary residence for the purpose of accommodating in aged care facilities

Article 105

(1) The temporary residence for the purposes of accommodating in aged care facilities may be authorized if the foreigner attaches the following to the application:

- evidence that he/she is older than 60 years,
- a contract for accommodation, concluded between the foreigner and the aged care facility in the Republic of Macedonia, and
- evidence for assuming the financial obligation by the institution referred to in paragraph (1) line 2 of this Article for the costs in case of foreigner's death.

(2) As an exception to paragraph (1) line 1 of this Article, in case where the foreigner has less than 60 years, he/she shall attach to the application appropriate health documentation issued by the country of citizenship regarding the need of his/her accommodation in an aged care facility.

Duration of the temporary residence for the purpose of accommodating in aged care facilities

Article 106

(1) The temporary residence for the purposes of accommodating in aged care facilities shall be authorized for a period of one year and it may be extended if the conditions determined in Article 79 of this Law are met.

(2) Upon the expiry of the contract referred to in Article 105 paragraph (1) line 2 of this Law or in case of its premature cancellation, the foreigner shall be obliged to leave the territory of the Republic of Macedonia.

l) Temporary residence on the basis of family reunification

Right to family reunification

Article 107

(1) A foreigner who is authorized permanent residence or temporary residence in the Republic of Macedonia for a period of one year for the purpose of work, scientific and research activity, volunteering, or a foreigner who is from the Republic of Macedonia by origin, under the conditions in accordance with this Law, shall be granted the right to family reunification with the members of his/her nuclear family who are foreigners, no matter whether the family relation is created before or after the entry of the foreigner who is the holder of the right to family reunification (hereinafter: sponsor).

(2) As an exception to paragraph (1) of this Article, the right to family reunification shall not be recognized to members of the nuclear family of a foreigner who has a temporary residence permit for the purpose of seasonal employment in terms of Article 88 of this Law.

A member of the nuclear family of the sponsor

Article 108

(1) A member of the nuclear family of the sponsor, in terms of this Law, shall be the foreigners who are:

- a spouse of the sponsor,
- minor children of the sponsor and his/her spouse including his/her or his/her spouse's adopted children, determined by a proof of the home country where the adoption has been made,
- minor children of the sponsor including the adopted children, being under the custody of the sponsor and who depend on him/her, and
- minor children, including the adopted children of the spouse of the sponsor, being under the custody of the spouse and who depend on him/her.

(2) The minor children should be at the age of up to 18 and not married.

(3) As an exception to paragraph (1) of this Article, the following foreigners shall also be considered as nuclear family members:

- the parents of the sponsor or his/her spouse, when they depend on them and not enjoy appropriate family support in the country they live in,
- the foreigner's or his/her spouse's adult children who are not married and are unable to take care of their needs due to their health condition, and
- the parents of a minor child if it is in the best interests of the child.

Rights of the sponsor's nuclear family members

Article 109

The members of sponsor's nuclear family who are authorized temporary residence in the Republic of Macedonia shall have the right to education, professional development, employment and carrying out a business activity by their own, under the conditions determined by a law.

Conditions for authorizing temporary residence

Article 110

(1) An application for authorization of temporary residence for members of the nuclear family may also be submitted by the sponsor who has been authorized residence in the Republic of Macedonia and the sponsor shall submit the application with the Ministry of Interior.

(2) The application referred to in paragraph (1) of this Article may also be submitted to the Ministry of Interior by a member of the nuclear family who legally resides in the territory of the Republic of Macedonia.

(3) The sponsor shall be obliged to attach to the application evidence of:

- authorized residence in the territory of the Republic of Macedonia,
- family relationships,
- stable and regular means of subsistence sufficient for him/herself and for his/her nuclear family members who intend to stay in the Republic of Macedonia,
- accommodation provided for the nuclear family members,
- personal health insurance, as well as health insurance for the nuclear family members, and
- certified copies of their travel documents.

(4) In case an application for authorization of temporary residence for the sponsor's or his/her spouse's minor children determined in Article 108 paragraph (1) line 2 of this Law is submitted, and the parental right is shared, the sponsor must attach to the application a consent of the other parent, certified by a competent body in the country of residence of the other parent.

(5) In case where the custody referred to in Article 108 paragraph (1) lines 3 and 4 of this Law is shared, the sponsor, for the purpose of exercising the right to family reunification, must attach to the application referred to in paragraph (1) of this Article a consent from the other guardian who shares the custody, certified by the competent body in the state of his/her residence.

(6) The temporary residence on the basis of family reunification shall not be authorized if there are grounds to suspect that the marriage with the sponsor who has been authorized residence in the Republic of Macedonia, that is, that the adoption or the custody over minor children is contracted solely with a view to enable the person to enter or stay in the Republic of Macedonia.

(7) In case of polygamous marriage, where the sponsor who has been authorized residence in the Republic of Macedonia has a spouse with whom he/she cohabits on the territory of the Republic of Macedonia, family reunification with the other spouse shall not be allowed.

Duration of the temporary residence

Article 111

(1) The members of the nuclear family of the sponsor who is authorized temporary residence in the Republic of Macedonia shall be authorized temporary residence for a period of up to one year, with the possibility to be extended for the same period as the authorized temporary residence of the sponsor.

(2) The members of the nuclear family of the sponsor who is authorized permanent residence shall be authorized temporary residence for a period of up to one year with the possibility, under the conditions determined by this Law, to be extended until fulfilling the conditions of permanent residence.

(3) In addition to the reasons determined in Article 79 paragraph (4) of this Law, the residence referred to in paragraph (1) of this Article shall not be extended in case it is established that:

- the sponsor and his/her nuclear family members do not cohabit in a real matrimony family union,
- it is established that the spouse is married or in permanent long-term relationship with another person,
- it is established that untrue or false information have been given in the decision-making procedure on the submitted application for extension of the temporary residence or falsified, somebody else's or invalid documents have been used or fraud has been committed in any other way,
- there are grounds to suspect that the marriage with the sponsor who is authorized residence in the Republic of Macedonia, that is, the adoption of or custody over the minor children is contracted for convenience, and if
- the residence of the sponsor has terminated, and the member of the family does not fulfill the conditions for obtaining autonomous residence permit.

(4) The circumstance referred to in paragraph (3) of this Article may be determined by statements of the persons concerned or by third persons, on the basis of a written documentation or investigations made by the Ministry of Interior.

(5) The length of residence of the foreigner in the Republic of Macedonia, his/her personal, family relations, as well as the existence of family, cultural and social relations with his/her country of origin, shall be taken into consideration in the decision-making process for authorizing extension of the temporary residence referred to in paragraph (1) of this Article.

Autonomous residence permit

Article 112

(1) On a request of the spouse, as well as of the child who has become an adult, and who have been authorized temporary residence in the Republic of Macedonia on the grounds of family reunification in an interrupted duration of at least four years and who have not been authorized temporary residence for the other purposes determined in Article 71 of this Law, shall be issued autonomous residence permit if they fulfill the conditions referred to in Article 72 of this Law.

(2) As an exception to paragraph (1) of this Article, in case where the sponsor has died or the marriage has terminated, as well as for particularly difficult circumstances of the persons referred to in paragraph (1) of this Article, they may be issued an autonomous residence permit if the temporary residence on grounds of family reunification has been with uninterrupted duration of at least three years.

Marriage of convenience

Article 113

(1) Marriage of convenience, in terms of this Law, shall mean a marriage concluded between a citizen of the Republic of Macedonia or a foreigner who is authorized residence in the Republic of Macedonia and a foreigner, solely for the purpose of avoiding the conditions of entry and stay determined by this Law and authorizing residence in the Republic of Macedonia.

(2) There are grounds for suspicion that the marriage is concluded for convenience, especially if:

- the spouses do not cohabit together,
- there is a lack of a proper contribution in the context of marriage responsibilities,
- contradictory information on personal data of the other marital partner (name and surname, address, nationality, job and alike), circumstances relating to their first meeting or any other important personal information are provided,
- the spouses have not met each other before they entered marriage,
- the spouses do not speak a language which both of them understand,
- there is a payment of certain amount of money as for the marriage conclusion, with an exception of the money given as dowry in case the foreigner comes from a country where giving dowry is a custom,
- the past of one of the spouses or both spouses includes evidence on previous marriages of convenience or irregularities in the residence, and
- there are other circumstances indicating that such marriage is a marriage of convenience.

(3) The grounds for suspicion referred to in paragraph (2) of this Article shall be established on the basis of statements of the persons concerned or of third parties, written documentation or checks made by the Ministry of Interior.

(4) The provisions of paragraphs (1), (2) and (3) of this Article shall apply also to the procedure for authorizing permanent residence.

j) Authorization of temporary residence to a foreigner who is a member of a nuclear family of a citizen of the Republic of Macedonia

Article 114

A foreigner who is a member of a nuclear family of a citizen of the Republic of Macedonia, under the conditions determined in accordance with this Law, shall be entitled to temporary residence in the Republic of Macedonia.

A member of a nuclear family of a citizen of the Republic of Macedonia

Article 115

(1) A member of the nuclear family of a citizen of the Republic of Macedonia (hereinafter: the citizen), in terms of this Law, shall be the foreigners who are:

- a spouse of the citizen,
- minor children of the citizen and his/her spouse including the adopted children, determined by a certificate (proof) of the home country where the adoption has been made,
- minor children of the citizen including the adopted children, being under the custody of the citizen and who depend on him/her, and
- minor children, including the adopted children of the spouse of the citizen, being under the custody of the marital or partner and who depend on him/her. 68

(2) The minor children should be at the age of up to 18 and not married.

(3) As an exception to paragraph (1) of this Article, the following foreigners shall also be considered as nuclear family members:

- the parents of the citizen or his/her spouse, when they depend on them and not enjoy appropriate family support in the country they live in,
- the citizen's or his/her spouse's adult children who are not married and are unable to take care of their needs due to their health condition, and
- the parents of a minor child if it is in the best interests of the child.

Conditions for authorizing temporary residence

Article 116

(1) A citizen of the Republic of Macedonia who has a registered residence in the Republic of Macedonia may submit an application for authorization of temporary residence for his/her nuclear family members.

(2) The citizen of the Republic of Macedonia may also submit the application referred to in paragraph (1) of this Article to the Ministry of Interior.

(3) The temporary residence of the person referred to in paragraph (1) of this Article shall be authorized for a period of up to one year and may be extended under the conditions determined by this Law.

(4) The temporary residence of the person referred to in paragraph (1) of this Article may independently be extended in case the citizen of the Republic of Macedonia passes away or the marriage ceases after lasting for at least three years on the territory of the Republic of Macedonia, as well as when especially difficult circumstances require so.

(5) The temporary residence referred to in paragraph (1) of this Article shall neither be authorized nor extended if it is established that there is a grounded suspicion that the marriage with the citizen of the Republic of Macedonia is a marriage of convenience.

(6) The child who is born on the territory of the Republic of Macedonia and one of his/her

parents is a citizen of the Republic of Macedonia and the other parent is a foreigner who is authorized temporary residence in the Republic of Macedonia at the time of his/her birth, but who does not have a citizenship of the Republic of Macedonia, shall not be required to possess a residence permit in the first six months of his/her life.

(7) As an exception to paragraph (6) of this Article, on the basis of a submitted application by the citizen of the Republic of Macedonia, supplied with a consent of the other parent, the Ministry of Interior shall authorize permanent residence in the Republic of Macedonia to the child referred to in paragraph (6) of this Article after six months from his/her birth.

k) Temporary residence of a foreigner who is from the Republic of Macedonia by origin

Conditions for authorizing residence

Article 117

(1) A foreigner who is from the Republic of Macedonia by origin shall be authorized temporary residence if the foreigner fulfills the conditions for authorizing temporary residence determined in Article 72 of this Law.

(2) In case where the foreigner referred to in paragraph (1) of this Article legally resides in the Republic of Macedonia, the application for authorization of temporary residence may be submitted also to the Ministry of Interior.

(3) The temporary residence referred to in paragraph (1) of this Article shall be authorized for a period of up to one year and may be extended if the foreigner fulfills the conditions referred to in Article 79 of this Law.

l) Temporary residence of a child of a foreigner born in the Republic of Macedonia

Article 118

(1) A foreigner's child who is born in the Republic of Macedonia and who is not a citizen of the Republic of Macedonia shall not be required to hold a residence permit during the first six months of his/her life.

(2) As an exception to paragraph (1) of this Article, on the basis of the application submitted by one of the parents, that is, the guardian who is authorized temporary residence in the Republic of Macedonia and with consent of the other parent, the Ministry of Interior shall authorize temporary residence for a period of up to one year to the child referred to in paragraph (1) of this Article after six months from his/her birth.

(3) The temporary residence referred to in paragraph (2) of this Article may be extended on the basis of an application submitted by one of the parents, that is, the guardian and it may be extended for the same period as the validity of the temporary residence of one of the parents, that is, the guardian.

(4) If one of the parents, that is, the guardian of the child referred to in paragraph (1) of this Article is authorized permanent residence in the Republic of Macedonia, the child shall be authorized permanent residence in the Republic of Macedonia after six months from his/her birth, upon application of the parent, that is, the guardian and consent of the other parent.

m) Temporary residence of a foreigner who has acquired the right of ownership of an apartment, a residential building, and a house in the territory of the Republic of Macedonia

Article 119

(1) A foreigner resident of a Member State of the European Union or OECD shall be authorized temporary residence if the foreigner attaches evidence to the application that he/she has acquired the right of ownership of an apartment, a residential building, and a house in the territory of the Republic of Macedonia under the conditions determined by a law. 69

(2) The temporary residence referred to in paragraph (1) of this Article shall be authorized for a period of up to one year and it may be extended in accordance with Article 79 of this Law.

n) Temporary residence for humanitarian reasons

Article 120

(1) Temporary residence for humanitarian reasons shall be authorized as an exception, to a foreigner who does not fulfill the conditions for authorizing temporary residence determined by this Law in the following cases:

- if there are grounds for suspicion that he/she is a victim of the criminal act "Human trafficking" determined in the Criminal Code,
- is an unaccompanied minor,
- to persons with no citizenship, or
- other justifiable reasons of humanitarian nature.

(2) The temporary residence referred to in paragraph (1) lines 2, 3 and 4 of this Article shall be authorized for a period of up to one year and it may be extended if it is determined that the humanitarian reasons still exist.

(3) The provisions on return in accordance with this Law shall not apply in the case the foreigner is authorized temporary residence for humanitarian reasons for the duration of the humanitarian reasons.

(4) The provisions of Article 145 paragraph (1) and (2) of this Law shall cease to be valid for the foreigner by the authorization of the residence referred to in paragraph (1) of this Article.

Temporary residence of victims of human trafficking

Period of recovery and reflection

Article 121

(1) In case of suspicion that the foreigner is a victim of the crime "Human trafficking" determined in the Criminal Code (hereinafter: a victim of human trafficking), he/she shall be provided a period of recovery and reflection in duration of up to two months for the purpose of providing him/her protection and assistance in the recovery and avoiding the influence of the perpetrators of the crime "Human trafficking".

(2) Within the period of recovery and reflection, the foreigner who is a victim of human trafficking should decide on either to cooperate with the competent state bodies in detection of the crimes and prosecution of their perpetrators or to return in the country of citizenship or legal residence.

(3) The period of recovery and reflection shall not be conditioned on the cooperation of the victim of human trafficking with the competent state bodies referred to in paragraph (1) of this Article.

(4) During the period of recovery and reflection, the foreigner referred to in paragraph (1) of this Article shall be accommodated in a separate room in the Reception Center for Foreigners of the Ministry of Interior, and after authorizing him/her temporary residence in accordance with the law, in the Center for Victims of Human Trafficking of the Ministry of Labor and Social Policy.

(5) The Ministry of Interior shall authorize the temporary residence referred to in paragraph (4) of this Article within the shortest possible period, but not longer than five days.

(6) In the case where minors under the age of 18 are victims of human trafficking, in view of the best interest of the minors, the period referred to in paragraph (1) of this Article may be extended.

(7) During the period set in paragraphs (1) and (5) of this Article, the foreigner cannot be expelled from the Republic of Macedonia.

(8) The period referred to in paragraph (1) of this Article may be interrupted if:

- the foreigner poses a threat to the public policy and national security of the Republic of Macedonia or
- it is determined that the status of a victim of the crime "Human trafficking" is illegally acquired.

(9) The Ministry of Interior shall bring a decision on interruption of the period of recovery and reflection against which the foreigner shall have the right to lodge an appeal to the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance within eight days as of the day of receipt of the decision.

(10) The decision of the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance shall be brought within 30 days as of the day of lodging the appeal.

(11) An administrative dispute against the decision of the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance may be initiated with a competent court in accordance with the Law on Administrative Disputes.

Rights of the victims of human trafficking during the period of recovery and reflection

Article 122

(1) During the period of recovery and reflection, the victim of human trafficking shall have the right to adequate and safe accommodation; medical and psychological and social assistance; material assistance; translation and interpretation of advises and information about their legal rights, as well as legal aid during the criminal or any other procedure in which the victim of human trafficking exercises its rights determined by a law.

(2) The victim of human trafficking shall be informed in a language he/she may understand about the right to education, about the appropriate court or administrative procedures, as well as about the right to asylum, about the possibilities and the procedure for their return in the country of citizenship or in the country where they had legal residence before they entered the territory of the Republic of Macedonia, as well as about the conditions for issuance of a permit for temporary residence in the Republic of Macedonia.

Costs incurred in the period of reflection

Article 123

The costs incurred in accommodating the victim of human trafficking in the Reception Center of the Ministry of Interior in the period of recovery and reflection shall be born by the Budget of the Republic of Macedonia.

Conditions for authorizing temporary residence and duration

Article 124

(1) During the period of recovery and reflection, the foreigner who is determined the status of a victim of human trafficking shall be issued a temporary residence permit, provided that:

- his/her stay is necessary because of his/her personal condition or
- his/her stay is necessary for the cooperation with the competent state bodies in detection of the crimes and prosecution of the perpetrators.

(2) The temporary residence referred to in paragraph (1) of this Article shall be authorized for a period of up to six months and it shall be extended, provided that the conditions determined in paragraph (1) of this Article are met.

Deprivation of the right of temporary residence

Article 125

The victim of human trafficking shall be deprived of the temporary residence:

- if the foreigner abuses or loses the status of a victim of human trafficking or
- he/she poses a threat to the public policy and nationality security of the Republic of Macedonia.

3. Termination of temporary residence

a) Revocation of the temporary residence

Reasons for revocation of the temporary residence

Article 126

(1) A foreigner who is authorized temporary residence, except for temporary residence authorized to the victims of human trafficking, shall be revoked the temporary residence if:

- based on an effective judgment, he/she is sentenced to a minimum three-month imprisonment,
- he/she no longer has means of subsistence and accommodation, and the subsistence and accommodation are not provided in any other legal way during his/her stay in the Republic of Macedonia,
- it is established that the foreigner has provided false information or has wittingly concealed the purpose and the conditions relevant to the issuance of the temporary residence permit, or falsified, someone else's or invalid documents have been used,
- it is additionally established that he/she does not or no longer fulfills the conditions for authorizing temporary residence,
- his/her stay is contrary to the indicated purpose and conditions of stay,
- he/she refuses to comply with the decisions of the state bodies,

- he/she violates the provisions of this Law,
- he/she poses a threat to the public policy and national security of the Republic of Macedonia,
- it is established that he/she has unjustifiably stayed out of the Republic of Macedonia for more than one quarter of the period for which he/she is authorized temporary residence,
- he/she has been authorized temporary residence for the purpose of family reunification, but it is established that he/she does not live in a real matrimony or family union with the foreigner who is the holder of the family reunification right,
- he/she is authorized temporary residence for the purpose of work, but he/she has not succeeded to conclude the employment contract with the legal entity or the employment contract ceased to be valid before the expiry of the validity of the issued temporary residence permit for the purpose of work, or the foreigner has started to work at a job different than the one for which he/she has been issued temporary residence permit for the purpose of work, for which the Employment Service Agency has submitted a notification to the Ministry of Interior,
- it is established that the sponsor or his/her spouse is married or in a long relationship with another person, or
- there are grounded suspicions that the marriage with the foreigner who is authorized residence or with the citizen of the Republic of Macedonia is a marriage of convenience or there are suspicions that such marriage is not concluded upon the will of either of the two parties.

(2) In the process of making a decision on revocation of the temporary residence, the length of the stay of the foreigner in the Republic of Macedonia, his/her personal, economic and any other connections with the Republic of Macedonia, as well as the consequences that are to arise from the measure imposed affecting him/her or his/her family, shall be taken into account.

(3) Prior to bringing a decision, the foreigner shall be required to make a statement on the conditions which are relevant for making a decision.

(4) As an exception to paragraph (1) of this Article, a foreigner shall not be revoked the temporary residence if the degree of seriousness of the act committed and the foreigner's connections with the Republic of Macedonia indicate that the revocation of the temporary residence shall have disproportionately serious consequences for the foreigner or his/her nuclear family member residing legally in the Republic of Macedonia.

Competence for making a decision on revocation of temporary residence

Article 127

(1) Ministry of Interior shall decide on revocation of the temporary residence by a decision.

(2) The decision referred to in paragraph (1) of this Article shall set a deadline for voluntary return within which the foreigner shall be obliged to leave the territory of the Republic of Macedonia.

(3) The foreigner shall have the right to lodge an appeal against the decision referred to in paragraph (1) of this Article with the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance within eight days as of the day of receipt of the decision.

(4) The appeal lodged by the foreigner who has stayed on the territory of the Republic of Macedonia for a period of up to three years on the basis of a temporary residence permit shall not have a suspensive effect on the decision.

(5) The provision referred to in paragraph (4) of this Article shall not apply to a foreigner whose child has a legal residence on the territory of the Republic of Macedonia and live in a family household with the foreigner.

(6) The decision of the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance shall be brought within 15 days as of the day of lodging the appeal.

(7) An administrative dispute against the decision of the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance may be initiated with a competent court in accordance with the Law on Administrative Disputes.

b) Termination of the temporary residence

Article 128

The temporary residence shall terminate:

- if the foreigner is expelled from the Republic of Macedonia;
- if the foreigner is imposed a ban on entering the Republic of Macedonia;
- if the foreigner is deprived of the right to temporary residence;
- upon expiry of the period for which temporary residence in the Republic of Macedonia is authorized, but he/she does not apply for extension of the temporary residence permit within the set deadline;
- if the foreigner cancels his/her temporary residence as of the day of submitting the statement on cancellation of temporary residence; or
- if the foreigner acquires the citizenship of the Republic of Macedonia.

4. Permanent residence

4.1 Authorization of permanent residence

Article 129

(1) Permanent residence shall be authorized to a foreigner who, prior to the submission of an application for authorization of permanent residence, has stayed on the territory of the Republic of Macedonia for an uninterrupted period of minimum five years on the basis of authorized temporary residence.

(2) Permanent residence shall be authorized to a person under international protection who, prior to the submission of an application for authorization of permanent residence, has stayed on the territory of the Republic of Macedonia for an uninterrupted period of minimum five years in accordance with such status.

(3) Permanent residence shall not be authorized to a foreigner who resides in the Republic of Macedonia on the basis of a temporary residence permit issued for the purpose of:

- work of seasonal workers, daily migrants, posted workers or workers posted by service providers for the purposes of cross border provision of services,
- attending school or studies,
- participation in international pupils or student exchange programs,
- specialization, professional development or practical training,
- volunteering,
- scientific research,
- family reunification with a sponsor who temporary resides in the Republic of Macedonia for the purpose of scientific research,
- family reunification with a sponsor who temporary resides in the Republic of Macedonia for the purpose of volunteering,
- accommodation in an aged care facility,
- medical treatment, and
- humanitarian reasons.

(4) Permanent residence shall not be authorized also to a foreigner who:

- has an authorization to reside in the Republic of Macedonia on the basis of temporary protection or has submitted an application for authorization of residence on such basis and waits a decision on his/her status,
- has submitted an application for international protection and a final decision in the procedure for recognition of the right to international protection is not adopted,
- has temporary residence authorized for the purpose of acquiring the right to ownership of an apartment, a residential building and a house in the territory of the Republic of Macedonia in accordance with the provisions of this Law, and
- has a legal status regulated by the 1961 Vienna Convention on Diplomatic Relations, 1963 Vienna Convention on Consular Relations or Vienna Convention on the Representations of States in their Relations with International Organizations of a Universal Character.

(5) Permanent residence on the basis of family reunification shall be authorized only to nuclear family members of the sponsor who has been authorized permanent residence, provided that they live in a real matrimony or family union, as well as to the dependent nuclear family members of the foreigner who meet the condition referred to in paragraph (1) of this Article.

(6) A foreigner whose residence is in the interests of the Republic of Macedonia shall be authorized permanent residence prior to the expiry of the period referred to in paragraph (1) of this Article.

(7) The Ministry of Interior shall issue the permanent residence permit to the foreigner in person.

Conditions for authorizing permanent residence

Article 130

Permanent residence shall be authorized to a foreigner and a person under international protection who:

- until the moment of application, have stayed in the Republic of Macedonia for an uninterrupted period of five years in accordance with Article 129 paragraphs 1 and 2 of this Law,
- have stable and regular means of subsistence, without using social security,
- have accommodation or means for accommodation,
- have health insurance,
- during their stay in the Republic of Macedonia, within the period of five years prior to the submission of the application for permanent residence, have not committed a crime which is punishable by imprisonment for minimum one year,
- do not pose a threat to the public policy, public health, national security or international relations of the Republic of Macedonia, and
- master the Macedonian language to the extent that they can easily understand the surrounding.

Calculation

Article 131

(1) The condition of five years uninterrupted residence in the Republic of Macedonia referred to in Article 129 paragraph (1) of this Law shall be considered met if the foreigner, in the period of five years prior to the submission of the application for authorization of permanent residence, has not resided outside the Republic of Macedonia for six consecutive months or within a period whose total duration does not exceed ten months.

(2) In the cases of special or exceptional reasons of temporary nature, the foreseen deadline referred to in paragraph (1) of this Article may be extended.

(3) Only half of the period of the temporary residence shall be calculated to a foreigner who has been authorized residence in the Republic of Macedonia in accordance with Article 71 paragraph (1) lines 2, 3 and 4 of this Law when calculating the period referred to in Article 129 paragraph (1) of this Law, provided that he/she meets the conditions of Articles 129 and 130 of this Law.

(4) With regard to a person under international protection, when calculating the period referred to in Article 129 paragraph (1) of this Law:

- half of it shall be calculated, provided that the period as of the date of submission of the application for international protection until the adoption of the final decision in the procedure for recognition of the right to international protection does not exceed 18 months and

- the whole period shall be calculated, provided that the period as of the date of submission of the application for international protection until the adoption of the final decision in the procedure for recognition of the right to international protection exceeds 18 months.

Special conditions for authorizing permanent residence

Article 132

(1) The persons who are considered foreigners in the Republic of Macedonia by the entry into force of this Law and who have been citizens of SFRY until 8 September 1991 and have legal residence in the territory of SRM, and after 8 September 1991 have continued to reside in the Republic of Macedonia, as well as their children who are at the age of over five years, shall acquire the right to permanent residence in the Republic of Macedonia, provided that they submit an application for authorization of permanent residence within a period of three years as of the day of entry into force of this Law.

(2) The provisions of Article 130 of this Law shall not apply to the persons referred to in paragraph (1) of this Article.

(3) In particular cases (social cases, minors, persons who are not entered in the register of births), an opinion by a competent institution that the person or the family members have enjoyed particular rights by a competent body in the Republic of Macedonia shall be attached to the application referred to in paragraph (1) of this Article in the procedure for authorization of permanent residence.

(4) The persons referred to in paragraph (1) of this Article shall be necessary to submit evidence that they are not citizens of another state for which it can be reasonably assumed that is the country of origin or origin of their parents.

(5) The provisions of Article 130 of this Law shall apply to the persons referred to in paragraph (4) of this Article who are citizens of another country.

Rights of the foreigner who is authorized permanent residence

Article 133

(1) Unless otherwise provided for by another law, a foreigner who is authorized permanent residence in the Republic of Macedonia shall enjoy the same rights as the citizen of the Republic of Macedonia, such as:

- residence in the Republic of Macedonia without time limitation,
- access to employment or performance of an activity by his/her own,
- education and professional training, including university education,
- recognition of professional diplomas, certificates and other qualifications,
- social protection and social security,
- tax benefits,
- access to goods and services and purchase of goods and services accessible to the public,
- freedom of association and membership in particular organization of workers or employers or organizations where members are included on the basis of certain professions, and
- free access to the whole territory of the Republic of Macedonia, except for the areas where movement is prohibited or limited for reasons of protection of the security or defense of the Republic of Macedonia.

(2) The foreigner who is authorized permanent residence may exit and enter the Republic of Macedonia without a visa.

(3) The foreigner shall be informed about the rights referred to in paragraphs (1) and (2) of this Article by the Ministry of Interior at the time of delivery of the decision referred to in Article 135 of this Law.

Procedure for authorizing permanent residence

Application for authorization of permanent residence

Article 134

(1) Permanent residence shall be authorized on the basis of an application submitted by the foreigner.

(2) The foreigner shall be obliged to attach a valid travel document or its verified copy, as well as evidence that the conditions referred to in Article 130 paragraph (1) lines 1, 2, 3, 4 and 6 of this Law are fulfilled to the application referred to in paragraph (1) of this Article.

(3) As an exception to paragraph (2) of this Article, the foreigner who is a person under international protection and a person foreseen in Article 130 paragraph (1) of this Article, shall not be obliged to submit a valid travel document or its verified copy.

(4) The best interest of the minors shall be taken into consideration when considering the application for authorization of permanent residence.

Competence for adoption of a decision on authorization of permanent residence

Article 135

(1) The Ministry of Interior shall decide on the application of the foreigner for authorization of permanent residence in the Republic of Macedonia within a period of four months as of the day of delivery of the application together with the documents referred to in Article 134 paragraph (2) of this Law.

(2) In exceptional cases related to the complexity of the consideration of the application, the deadline referred to in paragraph (1) of this Article may be extended, but not longer than three months.

(3) In case the permanent residence is not authorized to the foreigner for reasons determined in Article 130 paragraph (1) line 6 of this Law, the competent body shall not be obliged to explain the reasons taken into consideration when making such a decision.

(4) The foreigner shall have the right to lodge an appeal against the decision referred to in paragraph (1) of this Article with the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance within eight days as of the day of receipt of the decision.

(5) The decision of the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance shall be brought within 30 days as of the day of lodging the appeal.

(6) An administrative dispute against the decision of the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance may be initiated with a competent court, in accordance with the law.

4. 2 Termination of permanent residence

a) Revocation of permanent residence

Reasons for revocation of permanent residence

Article 136

(1) A foreigner who is authorized permanent residence in the Republic of Macedonia shall be revoked the permanent residence if:

- by an effective judgment, he/she is sentenced to imprisonment of minimum one year for a

crime which is prosecuted *ex officio* and poses a threat to the public policy in the Republic of Macedonia,

- it is established that the foreigner has wittingly provided untrue data or has wittingly concealed the purpose and conditions relevant to authorizing permanent residence,

- it is established that the foreigner resides outside the Republic of Macedonia for an uninterrupted period of more than 12 months, without consent of the Ministry of Interior,

or

- the international protection of the foreigner in the Republic of Macedonia terminates.

(2) The Ministry of Interior may give consent for the foreigner, except the foreigner referred to in Article 129 paragraph (2) of this Law, to stay outside the Republic of Macedonia for a period longer than 12 consecutive months without being deprived of the right to permanent residence, taking into consideration the length of the foreigner's stay in the Republic of Macedonia, as well as the purpose and conditions of the stay outside of the Republic of Macedonia.

(3) The length of the foreigner's stay in the Republic of Macedonia, the age of the foreigner, his/her personal, economic and other connections with the Republic of Macedonia, as well as the consequences resulting from such decision affecting him/her or his/her nuclear family, shall be taken into consideration when making a decision on deprivation of the right to permanent residence.

(4) Prior to adopting the decision, the foreigner shall be required to make a statement on the conditions of relevance for making a decision.

(5) The foreigner shall not be revoked the permanent residence if the degree of seriousness of the act committed and the connections with the Republic of Macedonia indicate that the revocation of the permanent residence are to have disproportionately serious consequences for the foreigner or a member of his/her nuclear family legally staying on the territory of the Republic of Macedonia.

Competence for making a decision on revocation of permanent residence

Article 137

(1) The Ministry of Interior shall bring a decision on revocation of permanent residence.

(2) The decision referred to in paragraph (1) of this Article shall set a deadline for voluntary return within which the foreigner shall be obliged to leave the territory of the Republic of Macedonia.

(3) The foreigner shall have the right to lodge an appeal against the decision referred to in paragraph (1) of this Article with the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance within eight

days as of the day of receipt of the decision.

(4) The appeal referred to in paragraph (3) of this Article shall have a suspensive effect on the decision, except in the case where the foreigner poses a threat to the public policy and national security.

(5) The decision of the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance shall be brought within 30 days as of the day of lodging the appeal.

(6) An administrative dispute against the decision of the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance may be initiated with a competent court in accordance with the Law on Administrative Disputes.

b) Termination of permanent residence

Article 138

(1) Permanent residence of a foreigner shall terminate:

- if he/she is expelled from the Republic of Macedonia,
- if he/she is imposed a ban on entering the Republic of Macedonia,
- he/she is deprived of the right to permanent residence,
- he/she waives the right to permanent residence as of the day of the submitted statement on cancellation of permanent residence permit, and
- he/she acquires the citizenship of the Republic of Macedonia.

(2) The expiry of the validity of the permanent residence permit shall not mean termination of the right to permanent residence of the foreigner.

5. Form and contents of the residence permit

Article 139

(1) The temporary residence permit and the permanent residence permit (hereinafter: residence permit) shall be issued in a form of a separate document.

(2) The residence permit shall contain:

- type of the residence permit,
- number of the permit,
- photograph of the holder of the permit,
- name and surname of the person to whom the permit is issued,
- validity period,
- date and place of issuance,
- citizenship,
- date and place of birth,

- sex,
- foreigner's personal identification number of the person to whom it is issued,
- signature of the holder of the permit,
- temporary residence and address, that is, permanent residence and address,
- coat of arms of the Republic of Macedonia,
- machine-readable zone,
- security printing techniques,
- ultraviolet and infrared protection,
- security with optical variable ink,
- special effective protective motives against forgeries and fraud,
- protection against copying, and
- protection of issuance techniques.

(3) The residence permit shall contain incorporated protective features.

Duration of residence permits

Article 140

(1) The separate document on which the permanent residence permit is issued shall be issued to a foreigner at the age of five to 27 years of age with a validity period of five years, and to a foreigner over 27 years of age with a validity period of ten years.

(2) The permanent residence permit shall be renewed upon the expiry of the validity period and based on a submitted request.

(3) The separate document on which the temporary residence permit is issued shall be issued with a validity period of the decision on authorization of temporary residence, but not longer than one year.

Obligation for carrying the residence permit

Article 141

The foreigner shall be obliged to carry the residence permit with him/herself.

Obligation for substitution of the residence permit

Article 142

(1) A foreigner shall be obliged to submit a request to substitute the residence permit:

- if it is damaged or well-worn, or it cannot serve its purpose because of other reasons,
- if the foreigner changes his/her name, or
- when the period of its validity determined in Article 140 paragraph (1) of this Law expires.

(2) The foreigner shall be obliged to submit a request to substitute the residence permit within a period of 15 days as of the day of occurrence of any of the reasons referred to in paragraph (1) of this Article the latest.

Obligation to return the residence permit

Article 143

The foreigner shall be obliged to return the issued residence permit to the Ministry of Interior in the cases determined in Article 128 and Article 138 of this Law.

6. Limitation or prohibition of movement of foreigners in the Republic of Macedonia

Article 144

The Government of the Republic of Macedonia shall limit or prohibit any movement of foreigners within certain areas or shall prohibit permanent or temporary stay in certain areas for reasons of security or defense of the Republic of Macedonia by a special act.

Chapter V

RETURN OF A FOREIGNER

1. Conditions of return

Article 145

(1) The Ministry of Interior shall decide on the return of a foreigner whose legal residence in the country is cancelled or revoked, who resides illegally or is expelled from the territory of the Republic of Macedonia, in accordance with the provisions of this Law.

(2) The making of the decision on return shall be an integral part of the decisions cancelling or revoking the legal residence of the foreigner, the decision on return and the decision on expulsion.

(3) On a request of the foreigner, translation of the decision on return, as well as of the part of the decisions referred to in paragraph (2) of this Article referring to the return of the foreigner and of the legal remedies, shall be provided in a language which is considered the foreigner understands or may understand.

(4) It shall not be acted in accordance with paragraph (3) of this Article in the case where the foreigner has crossed the state border illegally outside the place, time or manner determined for crossing the state border or is caught shortly after the crossing of the state border.

Principle of non-refoulement, best interest of the minor, family life and health condition

Article 146

(1) The foreigner shall be returned in accordance with the principle of non-refoulement, the best interest of the minor and the needs of the other vulnerable persons and victims of human trafficking, the family life and the health condition of the foreigner.

(2) The foreigner shall be returned to his/her country of origin, in a country of transit in accordance with the readmission agreements or other procedures, as well as in any other country in which he/she voluntarily decides to return and in which he/she is to be accepted.

(3) The minor must not be returned in the home country or in any other country which is consented to accept it until it is provided appropriate conditions of acceptance in such country.

(4) The minor must not be returned in any other country where its return would be contrary to the Convention on the Rights of the Child, the Convention on Protection against Torture and Inhuman or Degrading Treatment or Punishment, or the Convention for the Protection of Human Rights and Fundamental Freedoms.

(5) In case of detecting unaccompanied minor who illegally stays in the territory of the Republic of Macedonia, the Ministry of Interior shall immediately inform:

- the diplomatic and consular representative office of the country whose citizen is the minor, for the purpose of determining the members of its nuclear family, as well as
- the social service center in order to determine a guardian in accordance with the law.

(6) The unaccompanied minor referred to in paragraph (5) of this Article shall be accommodated at a location proposed by the guardian, and in exceptional cases may be accommodated in the Reception Center for Foreigners in a procedure determined by a law.

Illegal stay

Reasons for illegal stay

Article 147

(1) A foreigner is illegally staying in the Republic of Macedonia if he/she does not meet or no longer meet the conditions of entry and stay, that is, if:

- he/she enters the Republic of Macedonia illegally,
- he/she stays longer than 90 days during the 180-day period preceding each day of stay in the Republic of Macedonia, but he/she does not need a visa for entry,
- he/she does not possess a valid visa, provided that he/she is required to possess in accordance with the visa regime of the Republic of Macedonia,
- he/she has used the visa or the validity period of the issued visa has expired

- upon expiry of the period for which temporary residence in the Republic of Macedonia has been authorized, and the foreigner has not submitted an application for extension of the temporary residence permit within the determined period,
- he/she does not leave the Republic of Macedonia within the deadline he/she is determined,
- he/she has entered the Republic of Macedonia before the expiry of the entry ban,
- he/she is finally rejected in the procedure upon submitted application for exercising the right to international protection from the Republic of Macedonia, as well as the person whose right to asylum has terminated, has been annulled or abolished in accordance with the Law on International and Temporary Protection and does not leave the territory of the Republic of Macedonia within the specified period in accordance with the law, and
- the foreigner who has expressed his/her intention to submit an application for recognition of the right to asylum, provided that he/she has not submitted an application for recognition of the right to asylum in accordance with the provisions of the Law on International and Temporary Protection within a period of 72 hours.

(2) The provision of paragraph (1) line 1 of this Article shall not apply to a foreigner who is suspected to be a victim of the crime "Human trafficking", provided that the unauthorized entry is a consequence of the crime "Human trafficking".

(3) The provision of paragraph (1) line 1 of this Article shall not apply to a foreigner who has applied for recognition of the right to international protection in accordance with the Law on International and Temporary Protection.

Competence for adoption of a decision on return of the foreigner

Article 148

(1) The Ministry of Interior shall decide on the return of the foreigner in the cases of Article 147 of this Law by a decision.

(2) The return decision shall determine a deadline for voluntary return within which the foreigner shall be obliged to leave the territory of the Republic of Macedonia in accordance with Article 152 of this Law.

(3) Based on the decision referred to in paragraph (1) of this Article, the foreigner shall be informed that if he/she does not leave the territory of the Republic of Macedonia within the deadline for voluntary return, he/she shall be removed from the Republic of Macedonia.

(4) The foreigner may initiate an administrative dispute against the decision referred to in paragraph (1) of this Article before a competent court.

(5) The initiation of an administrative dispute before a competent court referred to in paragraph (4) of this Article shall not have a suspensive effect on the return decision.

(6) The procedure before the competent court shall be urgent.

2. Expulsion of a foreigner

Reasons for expulsion

Article 149

(1) A foreigner may be expelled if:

- based on an effective judgment, he/she is sentenced to imprisonment of minimum one year,
- he/she poses a serious threat to the public policy, national security or international relations of the Republic of Macedonia,
- there are serious reasons to believe that he/she has committed serious crimes, especially crimes related to production and putting into circulation of narcotic drugs, psychotropic substances and precursors, or there is a solid evidence of his/her intention to commit such crimes on the territory of the Republic of Macedonia,
- he/she is finally rejected in the procedure upon submitted application for exercising the right to international protection from the Republic of Macedonia, as well as the person whose right to asylum has terminated, has been annulled or abolished in accordance with the Law on International and Temporary Protection and has not left the territory of the Republic of Macedonia within the specified period in accordance with the law,
- he/she stays contrary to the stated purpose and conditions of stay,
- he/she poses a threat to the public health, or
- he/she commits several repeated or more serious violations of the provisions of this Law.

(2) The provision of paragraph (1) line 6 of this Article shall not apply if the foreigner's illness which poses a risk to the public health occurs three months after his/her entry into the Republic of Macedonia.

(3) The length of foreigner's stay in the Republic of Macedonia, his/her age, his/her personal, economic or other connections with the Republic of Macedonia and the consequences of the measure imposed affecting him/her or on his/her nuclear family member legally staying on the territory of the Republic of Macedonia shall be taken into account when making a decision on expulsion of the foreigner from the Republic of Macedonia.

(4) The provisions of this Article shall not apply to a foreigner seeking international protection from the Republic of Macedonia in accordance with the Law on International and Temporary Protection.

Expulsion of foreigners enjoying special protection

Article 150

(1) A foreigner who is authorized permanent residence in the Republic of Macedonia and a foreigner who is a spouse of a citizen of the Republic of Macedonia whose stay is based on a temporary residence permit may be expelled from the Republic of Macedonia only if:

- by an effective judgment, he/she is sentenced to imprisonment of minimum three years and
- he/she poses a serious threat to the public policy, national security or international relations of the Republic of Macedonia.

(2) The foreigner referred to in paragraph (1) line 1 of this Article shall not be expelled if the degree of seriousness of the crime committed and the foreigner's connections with the Republic of Macedonia indicate that the expulsion of the foreigner is to have disproportionately serious consequences for the foreigner or for a member of his/her nuclear family legally staying in the Republic of Macedonia.

Competence for making a decision

Article 151

(1) The Ministry of Interior shall bring a decision on expulsion of a foreigner from the Republic of Macedonia.

(2) The decision referred to in paragraph (1) of this Article shall determine the deadline for voluntary return within which the foreigner shall be obliged to leave the territory of the Republic of Macedonia in accordance with Article 152 of this Law, as well as the period during which he/she is banned to enter the Republic of Macedonia, determined in Article 153 of this Law.

(3) In case of expulsion of the foreigner for reasons determined in Article 149 paragraph (1) lines 2 and 3 of this Law, the competent body shall not be obliged to explain the reasons taken into account when making such a decision.

(4) The foreigner shall be notified by the decision referred to in paragraph (1) of this Article that if he/she does not leave the territory of the Republic of Macedonia within the specified period on a voluntary basis, he/she shall be removed from the Republic of Macedonia.

(5) The foreigner may initiate an administrative dispute against the decision referred to in paragraph (1) of this Article before a competent court, in accordance with the Law on Administrative Disputes.

(6) The initiation of an administrative dispute before a competent court referred to in paragraph (5) of this Article shall not have a suspensive effect on the decision.

(7) The expulsion, the deadline within which the foreigner is obliged to leave the territory of the Republic of Macedonia, as well as the period within which the foreigner is banned to enter the Republic of Macedonia, shall be entered in the foreigner's travel document,

provided that he/she possesses one.

Period of voluntary return

Article 152

(1) The period of voluntary return shall be between seven and thirty days and shall not exclude the possibility for the foreigner to leave earlier.

(2) The time necessary for the foreigner to provide the necessary documents or financial means for leaving the Republic of Macedonia shall be taken into consideration in determining the deadline within which the foreigner shall be obliged to leave the territory of the Republic of Macedonia.

(3) As an exception to paragraph (1) of this Article, in case of existence of justified reasons (duration of their stay, minors who attend school, and any other justified reasons), on a request of the foreigner, the Ministry of Interior may extend the period referred to in paragraph (1) of this Article, but not longer than 90 days.

(4) During the period of voluntary return, as well as in the case of paragraph (3) of this Article, the foreigner shall be enabled maintenance of the family union with the members of his/her family who are found in the territory of the Republic of Macedonia, urgent health care and appropriate treatment of the disease, if any, satisfaction of the special needs of vulnerable persons, as well as access to the primary education system of the minors depending on the duration of their stay.

(5) If there is a risk of absconding or if the foreigner poses a threat to the public policy, national security or international relations of the Republic of Macedonia, as well as in case of cancellation of a short stay, it may be determined, by a decision, the foreigner to leave the Republic of Macedonia within a period which is shorter than the one foreseen in paragraph 1 of this Article.

(6) The Ministry of Interior may change the decision referred to in paragraph (5) of this Article and to determine a deadline for voluntary return additionally, taking into consideration the specific circumstance such as (duration of the stay, children attending school, existence of another family, social connections, etc.). 70

(7) In case of a vulnerable foreigner who is determined a deadline for voluntary return in accordance with paragraphs (1) and (3) of this Article, he/she may be accommodated in a particular place by the Ministry of Labor and Social Policy.

(8) The foreigner who is determined a deadline for voluntary return, in order to avoid the risk of absconding, may be imposed obligations for regular reporting to the Ministry of Interior, deposit of adequate financial guarantee, submission of documents, or an obligation to stay at a certain place.

(9) The Ministry of Labor and Social Policy, through the annual program, shall propose support measures regarding the voluntary return process.

(10) The foreigner who is determined a period of voluntary return may submit an application for assistance in the voluntary return process.

(11) The deadline within which the foreigner is obliged to leave the territory of the Republic of Macedonia shall be entered in the travel document of the foreigner, if he/she possesses on.

Entry ban

Article 153

(1) A foreigner who has not left the Republic of Macedonia in the period of voluntary return, who is determined a voluntary deadline in accordance with Article 152 paragraph 5 of this Law, who is cancelled the short stay by a decision of the Ministry of Interior, or who is expelled from the Republic of Macedonia may be determined a period within which he/she cannot enter the Republic of Macedonia.

(2) The period during which the foreigner is banned to enter the Republic of Macedonia cannot be longer than five years.

(3) The entry ban cannot be shorter than six months if a decision on expulsion is adopted.

(4) The entry ban cannot be shorter of 30 days nor longer than three months if a decision on cancellation of a short stay is adopted.

(5) As an exception, the period referred to in paragraph (2) of this Article may be longer if the foreigner poses a serious threat to the public order, public policy or national security, in the cases determined by a special law.

(6) The length of the stay of the foreigner in the Republic of Macedonia, his/her age, his/her personal, economic and any other connections with the Republic of Macedonia, and the consequences of the measure imposed affecting him/her or a member of his/her nuclear family legally residing in the Republic of Macedonia, shall be taken into account in the process of making a decision on entry ban.

(7) If there are humanitarian or reasons of interest for the Republic of Macedonia, the Ministry of Interior may terminate or shorten the period of entry ban to the foreigner, provided that he/she proves that he/she has acted completely in compliance with the decision referred to in Article 151 paragraph (2) of this Law in order to facilitate the voluntary return.

(8) If the foreigner has submitted an application for recognition of the right to asylum, the entry ban shall be stopped, and when the status of a refugee or a person under subsidiary protection is authorized, the entry ban shall be withdrawn.

(9) The foreigner shall submit the application referred to in paragraph (7) of this Article to the Ministry of Interior through a diplomatic and consular representative office of the Republic of Macedonia abroad.

(10) The entry ban shall be entered in the travel document of the foreigner, if he/she possesses one.

Removal

Article 154

(1) The foreigner who has not left the Republic of Macedonia in the period of voluntary return or where no voluntary return is determined in the cases determined by this Law, shall be removed from the territory of the Republic of Macedonia.

(2) A foreigner who is imposed a punishment or misdemeanor sanction expulsion of a foreigner from the country shall be immediately removed from the country.

Enforcement of removal

Article 155

(1) In case where a period of voluntary return is determined, the removal referred to in Article 154 paragraph (1) of this Law shall be enforced upon expiry of such period, unless the circumstances referred to in Article 152 paragraph (5) of this Law have occurred in the meantime.

(2) A foreigner who, in accordance with this Law, is removed from the country shall be carried out by police officers of the Ministry of Interior to the state border, they shall send him/her over the border, hand him/her over to the representatives of the foreign country whose citizen the foreigner is or to the representatives of the foreign country from which he/she has arrived.

(3) If there are justified reasons, the foreigner may be transferred to a third country which is not his/her country of origin (country of citizenship) or a transit country by his/her consent.

(4) In the course of removing, it shall be necessary to take into consideration the physical condition and mental capacity of the foreigner.

(5) If in the course of removal, the foreigner resists and use of coercive measures by the police officers are necessary, they shall be applied as last resort, in a proportionate and reasonable manner, in accordance with the law, respecting the fundamental rights, the

dignity and physical integrity of the foreigner.

(6) An unaccompanied minor shall be removed in the country where it shall be handed over to a member of the family, a designated guardian or a children reception institution.

(7) In the procedure for removal of the foreigner, the Ministry of Interior may cooperate with other state bodies, competent bodies of other countries or international organizations.

Postponement of removal

Article 156

(1) The removal of the foreigner may be postponed for an appropriate period taking into account the specific circumstances of the individual case, that is:

- when it violates the principle of non-refoulement,
- when the physical or health condition of the foreigner is disturbed, or
- there is no possibility for transport when returning the foreigner.

(2) In the cases determined in paragraph (1) lines 1, 2 and 3 of this Article, the Ministry of Interior shall issue the foreigner a certificate for postponement of removal.

(3) The obligations referred to in Article 152 paragraph (8) of this Law may be imposed to the foreigner whose removal is postponed.

(4) In the period during the postponement of removal, the foreigner shall be enabled maintenance of the family union with the members of his/her family who are found in the territory of the Republic of Macedonia, urgent health care and appropriate treatment of the disease, if any, satisfaction of the special needs of vulnerable persons, as well as access to the primary education system of the minors depending on the duration of their stay.

Prohibition on removal of a foreigner

Article 157

A foreigner must not be removed in a country:

- where his/her life or freedom would be threatened due to his/her race, religion, nationality, membership of a social group, or political opinion, or
- where he/she would be subjected to torture, inhuman or degrading treatment or punishment.

Temporary detention of a foreigner

Article 158

(1) For the purpose of safeguarding in the removal procedure, a foreigner may be detained by the Ministry of Interior for maximum 24 hours.

(2) The foreigner referred to in paragraph (1) of this Article shall be immediately informed about the reasons for the detention and the possibility, on his/her request, to inform the diplomatic and consular representative office of the country of citizenship, to make a contact with a legal representative and the members of his/her family.

(3) The Social Service Center and the diplomatic and consular representative office of the country of citizenship shall be immediately informed about the detention of an unaccompanied minor.

(4) The detention shall immediately be terminated upon the termination of the reasons for his/her detention and upon the expiry of the deadline set in paragraph (1) of this Article at the latest.

Accommodation of a foreigner in the Reception Center for Foreigners of the Ministry of Interior

Article 159

(1) A Reception Center for Foreigners of the Ministry of Interior (hereinafter: the Reception Center) shall be established for the purpose of accommodating foreigners who are not possible to be removed from the territory of the Republic of Macedonia for whatever reason within the deadline determined in Article 158 paragraph (1) of this Law.

(2) A foreigner who stays in the territory of the Republic of Macedonia illegally and for whom a decision on return is not adopted due to a risk of absconding or where the foreigner avoids or hinders the return procedure may also be detained in the Reception Center.

(3) A foreigner for whom a decision on return is adopted, but he/she does not possess a valid travel document so he/she cannot voluntarily leave the Republic of Macedonia may also be detained in the Reception Center.

(4) An asylum seeker for whom a decision on limitation of freedom of movement is adopted in accordance with the law may be also accommodated in the Reception Center.

(5) An unaccompanied minor who cannot be delivered immediately to the state body of the country of citizenship due to objective reasons shall be accommodated in a special room for minors in the Reception Center and the Social Service Center shall be informed thereof for the purpose of determining a guardian in accordance with the Law on Family.

(6) The principle of the best interest for the child shall be respected in the cases referred to in paragraph (5) of this Article.

(7) The unaccompanied minors and families shall be detained in the Reception Center only as a last resort and for the shortest period possible.

(8) During the accommodation, the foreigners in the Reception Center shall be enabled inclusion in free and recreational activities appropriate for their age, legal, social, medical and psychological assistance, as well as the right to education in the educational institutions in the Republic of Macedonia.

Competence for adoption of a decision

Article 160

(1) The Ministry of Interior shall decide on the detention of the foreigners referred to in Article 159 of this Law in the Reception Center by a decision.

(2) The foreigner may initiate an administrative dispute against the decision referred to in paragraph (1) of this Article before a competent court in accordance with the Law on Administrative Disputes.

(3) The initiation of the administrative dispute before a competent court referred to in paragraph (2) of this Article shall not have a suspensive effect on the decision.

(4) The procedure before a competent court shall be urgent.

Duration of the temporary detention in the Reception Center

Article 161

(1) The foreigner shall be temporary detained in the Reception Center until the termination of the reasons which have prevented his/her removal from the territory of the Republic of Macedonia, but not longer than six months.

(2) As an exception to paragraph (1) of this Article, the detention may be extended for additional 12 months at the longest, provided that the foreigner:

- refuses to give personal or other data and documents that are necessary for his/her removal or has given false data,
- hinders or prolongs the removal in any other manner, or
- if it is justifiably expected the travel or any other documents that are necessary for removal and that are requested from competent bodies of other countries to be delivered.

(3) The foreigner refer to in Article 159 paragraph (3) of this Law shall be detained in the Reception Center until obtaining a valid travel document from the state of citizenship, that is, until the issuance of the passport referred to in Article 170 paragraph (2) of this Law.

(4) The foreigner must not leave the Reception Center except if there are particularly justifiable reasons and consent is given from the competent body thereof.

(5) Upon expiry of the deadlines referred to in paragraphs (1) and (2) of this Article, the foreigner shall leave the Reception Center.

Article 162

A foreigner who cannot be removed, as well as the foreigner referred to in Article 159 paragraph (3) of this Law, provided that he/she has accommodation and means of subsistence in the Republic of Macedonia and considering the circumstances of the case it may be assessed that he/she does not need accommodation in the Reception Center, the Ministry of Interior may adopt a decision limiting the movement only in the place of accommodation and shall determine an obligation for his/her regular reporting in particular time periods to the Ministry of Interior.

Termination of the temporary detention in the Reception Center

Article 163

(1) The temporary detention of the foreigner in the Reception Center shall terminate:

- by removal of the foreigner,
- upon expiry of the deadline for which temporary detention is determined,
- if the stay of the foreigner becomes legal,
- if the decision on detention is annulled,
- if the reasons for which the decision on detention has been adopted cease, and
- by release from the Reception Center.

(2) The foreigner shall be released from the Reception Center if:

- the circumstances point out that the removal cannot be made and
- the foreigner is temporary detained in the Reception Center if the identity cannot be determined in accordance with Article 183 paragraph (3) of this Law, but a new decision on temporary detention in the Reception Center is not adopted after the determination of the identity.

(3) The foreigner may be released from the Reception Center in case where:

- the removal of the foreigner is postponed due to violation of the principle of non-refoulement and
- the conditions of Article 162 of this Law are met.

(4) The Ministry of Interior shall decide on termination of the temporary detention of the foreigner in the Reception Center by a decision.

(5) The foreigner may initiate an administrative dispute against the decision referred to in paragraph (1) of this Article before a competent court in accordance with the Law on Administrative Disputes.

(6) The initiation of the administrative dispute before a competent court referred to in paragraph (5) of this Article shall not have a suspensive effect on the decision.

(7) The procedure before a competent court shall be urgent.

Costs for removal

Article 164

(1) The costs arising from the foreigner's temporary detention in the Reception Center, as well as the other costs arising from his/her return, shall be borne by the foreigner.

(2) If the foreigner has no means, the costs shall be borne by the carrier which has brought the foreigner on the territory of the Republic of Macedonia without a valid and recognized travel document, or with a travel document with no visa or residence permit, if required.

(3) If the costs are not borne by the carrier in accordance with paragraph (2) of this Article, such costs shall be borne by the individual who has obliged him/herself to bear the costs during the foreigner's stay in the Republic of Macedonia.

(4) If no means can be provided in any way determined in paragraphs (1), (2) and (3) of this Article, the costs shall be born by the Budget of the Republic of Macedonia.

Chapter VI

TRAVEL AND OTHER DOCUMENTS FOR FOREIGNERS

1. Travel documents

Definition of a travel document

Article 165

Travel documents, in terms of this Law, shall be:

- a foreign travel document and
- a travel document for a foreigner.

Foreign travel document

Article 166

A foreign travel document, in terms of this Law, shall be considered:

- a passport or any other travel document issued in accordance with the international standards by countries and international organizations which are recognized and accepted by the Republic of Macedonia,
- a passport or any other travel documents which, although issued by countries or international organizations not recognized by the Government of the Republic of Macedonia, guarantee the foreigner's return and which are determined as travel documents entitling entry and stay in the Republic of Macedonia by an act of the Government of the Republic of Macedonia,

- a travel document for a recognized refugee, issued in accordance with the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees, and
- a travel document for stateless persons, issued in accordance with the 1954 Convention Relating to the Status of Stateless Persons.

Condition of acceptance of a foreign travel document

Article 167

The foreign travel document shall be accepted as valid if:

- it contains data determining the holder's identity and in case of the travel documents referred to in Article 166 lines 1 and 2 of this Law, data of the holder's citizenship or nationality,
- it is issued in accordance with the international standards,
- its validity period is at least three months longer than the period of stay in the Republic of Macedonia authorized to the foreigner,
- it enables the foreigner's return to the country of origin or entry into a third country, and
- it is complete, not altered, false or falsified.

Travel document for a foreigner

Article 168

(1) A travel document for a foreigner shall be an identity document issued by a competent body of the Republic of Macedonia to a foreigner who legally stays in the Republic of Macedonia.

(2) A travel document for a foreigner shall be:

- a passport for a foreigner,
- an emergency passport for a foreigner,
- a travel document for a stateless person, in accordance with the 1954 Convention Relating to the Status of Stateless Persons, and
- a travel document for a recognized refugee, in accordance with the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees, determined by a law.

Application for issuance of a travel document for a foreigner

Article 169

(1) A travel document for a foreigner shall be issued upon an application of a foreigner who has reached the age of 18 and has full legal capacity.

(2) The application for issuance of a travel document for a minor, that is, a person who does not have full legal capacity shall be submitted by one of the parents, with consent of the other parent.

(3) Where the parental right is exercised by one of the parents, the application for issuance of a travel document for a person under the age of 18 shall be submitted by the parent who is entrusted with the person's upbringing and education.

(4) The Ministry of Interior shall decide on the application of the foreigner by a decision against which the foreigner shall have the right to lodge an appeal with the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance within eight days as of the day of receipt of the decision.

(5) The decision of the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance shall be brought within 30 days as of the day of lodging the appeal.

(6) An administrative dispute against the decision of the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance may be initiated with a competent court, in accordance with the Law on Administrative Disputes.

(7) The provisions of paragraphs (1), (2), (3), (4), (5) and (6) of this Article shall not apply to the issuance of a travel document for a refugee.

Passport for a foreigner

Article 170

(1) A foreigner who stays legally in the Republic of Macedonia, but does not possess and is unable to obtain a valid foreign travel document from the country of citizenship, may be issued a passport for a foreigner for entry into and exit from the Republic of Macedonia.

(2) A foreigner who needs to leave the territory of the Republic of Macedonia, but does not possess and is unable to obtain a valid foreign travel document from the country of citizenship, may be issued a passport for a foreigner for exit from the Republic of Macedonia.

(3) The provision of paragraph (1) of this Article shall not apply to a foreigner having a status of a refugee in accordance with the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees.

Article 171

(1) A passport for a foreigner shall be issued by the Ministry of Interior.

(2) A foreigner who has a temporary residence permit in the Republic of Macedonia and who meets the conditions referred to in Article 178 of this Law shall be issued a passport for a foreigner with a validity period until the expiry of the validity of the temporary residence permit, but not longer than one year.

(3) A foreigner who has a permanent residence permit and who meets the conditions referred to in Article 178 of this Law shall be issued a passport for a foreigner with a validity period of up to two years.

Article 172

(1) The passport for a foreigner shall enable the foreigner to enter into and exit from the Republic of Macedonia during the period it is issued for.

(2) The passport for a foreigner shall be valid for all countries, except the country of foreigner's citizenship.

(3) As an exception to paragraph (2) of this Article, the passport for a foreigner may be issued with validity only for certain countries.

(4) In case of particularly justified reasons, the passport may also be valid for the country of foreigner's citizenship.

Emergency passport for a foreigner

Article 173

(1) An emergency passport for a foreigner shall be issued by a diplomatic and consular representative office of the Republic of Macedonia abroad on the basis of a prior consent of the Ministry of Interior, to a foreigner who legally stays in the Republic of Macedonia and who has been left abroad without a valid travel document for a foreigner issued by a competent body of the Republic of Macedonia.

(2) The document referred to in paragraph (1) of this Article shall be valid only for the return of the foreigner in the Republic of Macedonia and it shall be issued with a validity period of up to 30 days.

Travel document for a stateless person

Article 174

(1) A travel document for a stateless person shall be issued by the Ministry of Interior, in accordance with the 1954 Convention Relating to the Status of Stateless Person.

(2) The travel document referred to in paragraph (1) of this Article shall be issued with a validity period of up to one year.

(3) The travel document referred to in paragraph (1) of this Article may be extended in accordance with the 1954 Convention Relating to the Status of Stateless Person.

Travel document for a refugee

Article 175

(1) A travel document for a refugee shall be issued by the Ministry of Interior, in accordance with the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees determined by a law.

(2) The travel document referred to in paragraph (1) of this Article shall be issued with a validity period of up to two years.

(3) The travel document referred to in paragraph (1) of this Article may be extended in accordance with the 1951 Convention Relating to the Status of Refugees.

Refusal to issue a passport for a foreigner

Article 176

A passport for a foreigner shall not be issued to a foreigner if:

- a criminal or misdemeanor procedure is conducted against him/her, upon a request of a competent court,
- he/she is sentenced to unconditional imprisonment, until such sentence is served,
- he/she does not settle the property or financial obligations towards the Republic of Macedonia, upon a request of a competent body,
- there is a suspicion in respect to the foreigner's identity,
- he/she is unable to prove that he/she does not possess or is unable to obtain a valid travel document of the country of citizenship, or
- the interests of the national security or international relations of the Republic of Macedonia require so.

Seizure of a travel document for a foreigner

Article 177

(1) The travel document for a foreigner shall be seized if:

- it is additionally established that the grounds referred to in Article 135 of this Law existed prior to the day of issuance of the travel document,
- the grounds referred to in Article 184 of this Law additionally occur,
- the right to residence terminates,
- the foreigner is expelled from the Republic of Macedonia or he/she is deprived of the right to residence,
- the travel document is damaged or became unusable in any other way,
- the contents of the travel document is altered or supplemented without the knowledge of

the competent body,

- there is no photograph or the foreigner's identity cannot be established based on the photograph, or
- the identity document is possessed by an unauthorized person.

(2) The Ministry of Interior shall bring a decision on seizure of a travel document against which the foreigner shall have the right to lodge an appeal to the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance within eight days as of the day of receipt of the decision.

(3) The appeal shall not have a suspensive effect on the decision.

(4) The decision of the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance shall be brought within 15 days as of the day of lodging the appeal.

(5) An administrative dispute against the decision of the State Commission for Decision-making in Administrative Procedure and Labor Relations Procedure in Second Instance may be initiated with a competent court, in accordance with the Law on Administrative Disputes.

Obligation to return the travel document for a foreigner

Article 178

(1) The foreigner shall be obliged to return the travel document for a foreigner when he/she obtains a valid travel document of the country of citizenship or when he/she acquires the citizenship of the Republic of Macedonia.

(2) If the foreigner does not act in accordance with paragraph (1) of this Article, such document shall be seized by the Ministry of Interior.

2. Diplomatic, service, consular or special identity card

Article 179

(1) A foreigner who is a member of a diplomatic and consular representative office of a foreign country or a member of any other foreign mission having a diplomatic status in the Republic of Macedonia, as well as the members of his/her nuclear family (spouse and children), shall be issued a diplomatic, service or consular identity card.

(2) A foreigner who is a member of the representative office of a foreign country or any other foreign mission, which enjoys a special status in the Republic of Macedonia determined by a special agreement between the Republic of Macedonia and the foreign country, that is, the foreign mission, as well as the members of his/her family (spouse and children), shall be issued a special identity card.

(3) The special identity card referred to in paragraph (2) of this Article shall be issued to:

- a foreign expert or a volunteer engaged in implementation of projects of public interest for the Republic of Macedonia, by the bodies of the state administration of the Republic of Macedonia or by the diplomatic and consular representative office of a foreign state or a representative office of any other foreign mission, which enjoys a diplomatic or special status in the Republic of Macedonia,
- a parent of a foreigner who is a member of a diplomatic and consular representative office of a foreign state or a representative office of any other foreign mission, which enjoys a diplomatic or special status in the Republic of Macedonia, and
- a foreigner who is a member of the support staff engaged by the diplomatic and consular representative office of a foreign state or a representative office of any other foreign mission, which enjoys a diplomatic status in the Republic of Macedonia.

(4) The diplomatic, service, consular or special identity card referred to in paragraph (1) of this Article shall be issued by the Ministry of Foreign Affairs.

(5) The foreigner referred to in paragraphs (1), (2) and (3) of this Article shall be obliged to carry the diplomatic, service, consular or special identity card with him/herself and return it upon expiry of his/her status.

3. Reporting disappearance, loss, theft or any other alienation of a travel or any other identity document of a foreigner

Article 180

(1) The foreigner shall be obliged to report any disappearance or loss, theft or other alienation of a travel document, that is, an identity document proving the foreigner's identity to the Ministry of Interior within a period of maximum 24 hours as from the moment he/she has noticed such an occurrence.

(2) The Ministry of Interior shall issue the foreigner a certificate of the report in terms of paragraph (1) of this Article.

(3) A foreigner who loses the travel document issued by the Ministry of Interior abroad shall be obliged to report it to the diplomatic and consular representative office of the Republic of Macedonia abroad.

(4) In the cases referred to in paragraphs (1) and (3) of this Article, the foreigner shall be obliged to state and explain all the circumstances related to the disappearance, loss, theft or any other alienation of the travel document, that is, the identity document proving his/her identity.

Chapter VII

PROVING THE IDENTITY OF A FOREIGNER

Documents proving the identity

Article 181

(1) A foreigner shall prove his/her identity by: a travel document of the country of citizenship, a travel document for foreigners, a residence permit, a diplomatic, service, consular or special identity card, or by any other public identity document containing a photograph based on which his/her identity can be established.

(2) It shall be prohibited for a foreigner to give to another person to use the identity document referred to in paragraph (1) of this Article or to use someone else's identity document as his/her own.

(3) It shall be prohibited to give or take the identity document referred to in paragraph (1) of this Article as security for outstanding obligations towards the state bodies, legal entities or natural persons, as well as for gaining any other benefit or exercise of any right.

(4) It shall be prohibited to alter, delete or correct the data and the comments in the identity document referred to in paragraph (1) of this Article, as well as to change the photograph or the signature in the identity document.

(5) It shall be prohibited to use the identity document referred to in paragraph (1) of this Article if entered in the records of lost and missing identity documents.

Obligation to present an identity document

Article 182

(1) A foreigner shall be obliged, on a request of an authorized officer of the Ministry of Interior, to present the identity document proving his/her identity, as well as to provide any other information regarding his/her identity and stay in the Republic of Macedonia.

(2) In case of suspicion that the foreigner's identity established is not authentic, the foreigner shall be obliged to contribute in clarifying his/her identity for the purpose of which he/she shall be enabled to prove the identity in any other way.

(3) In the case referred to in paragraph (2) of this Article, the foreigner shall be informed that supply of false information is punishable.

Detention of a foreigner whose identity cannot be established

Article 183

(1) If the foreigner refuses or is unable to prove his/her identity, the authorized officers of the Ministry of Interior may detain him/her for the purpose of establishing his/her identity for a period not longer than 12 hours.

(2) If it is not possible to establish the foreigner's identity within the period referred to in paragraph (1) of this Article, the authorized officers of the Ministry of Interior shall file a motion for initiation of a misdemeanor procedure with the competent court.

(3) Based on the court decision imposing a measure "detention of the foreigner in the Reception Center", the authorized officers of the Ministry of Interior shall detain the foreigner in the Reception Center.

(4) The foreigner referred to in paragraph (1) of this Article may, by a decision of a court, be detained in the Reception Center until data on his/her identity is supplied.

Retention of a travel document for a foreigner

Article 184

(1) If there are grounds for suspicion that the foreigner's identity is not authentic, the authorized officer of the Ministry of Interior may retain the travel document, that is, the other identity document used by the foreigner to prove his/her identity.

(2) The authorized officer of the Ministry of Interior may also retain the travel document, that is, the other identity document used by the foreigner to prove his/her identity if there are grounds for suspicion that the foreigner has committed a crime prosecuted *ex officio*, that is, has committed a misdemeanor.

(3) The authorized officer shall issue the foreigner a receipt for retention of the identity document referred to in paragraphs (1) and (2) of this Article and shall submit the identity document together with the motion for initiation of a misdemeanor procedure, that is, the criminal charges to the competent court.

Checks and search of a foreigner

Article 185

If a foreigner, on request of an authorized officer of the Ministry of Interior, does not present the identity document proving the identity, that is, he/she keeps silent or hides information about his/her identity, the authorized officers of the Ministry of Interior may, in accordance with the law, make a check and search of the foreigner, search of his/her home and of other premises, as well as a check of his/her means of transportation.

Taking photographs and fingerprints

Article 186

(1) The authorized officers of the Ministry of Interior may photograph and fingerprint the foreigner when:

- he/she is unable to supply a proof of his/her identity, supplies false data on his/her identity, or the identity documents are falsified, someone else's or invalid,
- he/she is issued a residence permit,
- he/she is issued a travel document for a foreigner,
- his/her residence permit application is rejected,
- he/she has committed a crime on the territory of the Republic of Macedonia for which imprisonment may be imposed,
- he/she is expelled from the Republic of Macedonia,
- he/she is deprived of the right to temporary or permanent residence, or
- he/she stays illegally in the Republic of Macedonia.

(2) The authorized officers of the Ministry of Interior may compare the fingerprints of the foreigner referred to in paragraph (1) of this Article with the existing fingerprints in the dactyloscopic databases.

Chapter VIII

REGISTRATION OF THE PLACE OF PERMANENT RESIDENCE AND THE PLACE OF TEMPORARY RESIDENCE

Obligation of the foreigner to register the place of temporary residence or the place of permanent residence

Article 187

(1) A foreigner shall be obliged to register the place of temporary residence in the Republic of Macedonia during the short stay to the Ministry of Interior.

(2) A place of temporary residence, in terms of this Law, shall be a place where the foreigner temporarily stays during his/her short stay or during the period of validity of the temporary residence permit.

(3) A place of permanent residence, in terms of this Law, shall be a place where the foreigner, who is a holder of a permanent residence permit, settles with an intention to live there permanently.

Registration of a foreigner with temporary or permanent residence

Article 188

(1) A foreigner who is authorized temporary residence in the Republic of Macedonia shall be obliged to register the place of temporary residence or the change of the address of the apartment within three days as of the day of crossing the state border, that is, as from the day of apartment's address change.

(2) A foreigner who is authorized permanent residence in the Republic of Macedonia shall be obliged to register the place of permanent residence or the change of the address of the apartment within eight days as of the day of arrival in the place, that is, as of the day of address change.

(3) The foreigner referred to in paragraph (2) of this Article who intends to stay out of his/her place of permanent residence for a period longer than 30 days shall be obliged to register the place of temporary residence within three days as of the day of arrival in the place of temporary residence.

(4) The foreigner referred to in paragraphs (1) and (2) of this Article shall be obliged to de-register the place of temporary or permanent residence within 24 hours before leaving.

Obligation of health institutions

Article 189

The health institutions admitting a foreigner for medical treatment whose illness is established to pose a risk to the public health shall be obliged to report such treatment to the Ministry of Interior within 24 hours as from the admission of the foreigner.

Registration of a foreigner staying for a short-term

Article 190

(1) The legal entities and the natural persons who provide accommodation services to foreigners by charging a fee shall be obliged to register the stay of the foreigner to the Ministry of Interior within 12 hours from the hour of providing the service.

(2) Any other persons who accommodate foreigners shall be obliged to register the stay of the foreigner within 48 hours as from the hour of the foreigner's arrival.

(3) The foreigner who does not use the services referred to in paragraphs (1) and (2) of this Article shall be obliged to register his/her temporary residence to the Ministry of Interior by him/herself within 48 hours as from the hour of crossing the state border, that is, within 48 hours as from the change of the apartment's address in the place of temporary residence.

(4) The provisions of paragraphs (1), (2) and (3) of this Article shall apply to a foreigner staying in the Republic of Macedonia for a short-term.

Records of foreigners

Article 191

(1) The legal entities and the natural persons providing accommodation services to foreigners by charging a fee shall be obliged to keep records of the foreigners.

(2) The records referred to in paragraph (1) of this Article shall be verified by the Ministry of Interior.

(3) The records of foreigners shall be kept for three years as of the day of the last recorded stay.

(4) The legal entities and the natural persons shall be obliged to enable the authorized officers of the Ministry of Interior to make an inspection of the records of foreigners.

Chapter IX

PROCEDURE, LEGAL ASSISTANCE AND COURT PROTECTION

Article 192

(1) If the foreigner does not understand the language of the procedure, but a procedure of expulsion from the Republic of Macedonia, cancellation and revocation of the right to residence is initiated against him/her or it is necessary to leave the Republic of Macedonia in accordance with a return decision, the Ministry of Interior shall ensure that the foreigner is provided with explanation into the language he/she understands.

(2) The costs referred to in paragraph (1) of this Article shall be provided by the Ministry of Interior.

Legal assistance and court protection

Article 193

In case a procedure for expulsion from the Republic of Macedonia, revocation of the right to residence or deprivation of liberty is initiated against the foreigner or it is necessary the foreigner to leave the Republic of Macedonia in accordance with a return decision, the foreigner shall be informed of the right to legal assistance and court protection and the right to contact the representative of his/her country in the Republic of Macedonia.

Chapter X

RECORDS AND AUTHORIZATION FOR BYLAWS

Article 194

(1) For the purpose of supplying data on the state and movement of foreigners, as well as on the documents issued to foreigners, the Ministry of Interior shall keep records, that is:

1. Records of authorized temporary residence kept in a form of registers containing the following rubrics:

- ordinal number,
- date,
- name and surname of the foreigner,
- date of birth,
- place and country of birth,
- citizenship,
- determined personal identification number of the foreigner,
- type of education,
- marital status,
- number, type, date, place of issuance and validity period of the travel document,
- data and place of entry in the Republic of Macedonia,
- place of temporary residence, that is, address in the Republic of Macedonia,
- change of address of the temporary residence,
- reason for the authorized temporary residence,
- number, data and validity period of the issued temporary residence permit, and
- note. 71

2. Records of refused applications for temporary residence kept in a form of registers containing the following rubrics:

- ordinal number,
- date,
- name and surname of the foreigner,
- date of birth, place and country of birth,
- citizenship,
- number, type, date, place of issuance and validity period of the travel document,
- date of submission of the application,
- legal ground, that is, reason for refusing the application, and
- note. 72

3. Records of authorized permanent residence kept in a form of registers containing the following rubrics:

- ordinal number,
- date,
- name and surname of the foreigner,
- date of birth,
- place and country of birth,
- citizenship,
- personal identification number of the foreigner,
- type of education,

- marital status,
- number, type, date, place of issuance and validity period of the travel document,
- date and place of entry in the Republic of Macedonia,
- place of permanent residence in the Republic of Macedonia,
- change of address of the permanent residence,
- number and date of the decision on authorization of permanent residence,
- number, date and validity period of the issued permanent residence permit, and
- note. 73

4. Records of refused applications for permanent residence kept in a form of registers containing the following rubrics:

- ordinal number,
- date,
- name and surname of the foreigner,
- date of birth, place and country of birth,
- citizenship,
- personal identification number of a foreigner,
- number, type, date, place of issuance and validity period of the travel document,
- date of submission of the application,
- legal ground, that is, reason for refusing the application, and
- note. 74

5. Records of foreigners regarding short stay kept in a form of registers containing the following rubrics:

- ordinal number,
- date of registration,
- date of de-registration,
- name and surname of the foreigner,
- date, place and country of birth,
- citizenship,
- type, number and validity period of the travel document,
- type, number, validity period of place of issuance of the visa,
- place of temporary residence, that is, the address of the apartment in the Republic of Macedonia,
- date and place of entry in the Republic of Macedonia, and
- note. 75

and in the form of card index containing the following rubrics:

a) First part of the card index entitled Registration and deregistration of the place of temporary residence, address in the Republic of Macedonia, containing the following rubrics:

- name and surname,
- date, place and year of birth,
- place and country of birth,

- citizenship,
- type, number, validity period and place of issuance of the visa,
- place and date of crossing the border,
- date by which the foreigner may stay legally,
- prior registered place of temporary residence in the Republic of Macedonia,
- present registered place of temporary residence in the Republic of Macedonia,
- date of registration,
- date of deregistration,
- note, and
- signature of the applicant. 76

b) Second part of the card index Registration and deregistration of the place of temporary residence, address in the Republic of Macedonia named "CERTIFICATE":

- surname and name,
- date, month and year of birth,
- type and number of travel document,
- address in the Republic of Macedonia,
- place for a seal, and
- signature of an officer. 77

6. Records of foreigners who have registered place of temporary/permanent residence kept in a form of registers containing the following rubrics:

- ordinal number,
- date of registration,
- name and surname of the foreigner,
- date, place and country of birth,
- citizenship,
- type and number of the travel document,
- place of temporary residence, place of permanent residence, that is, address of the apartment in the Republic of Macedonia,
- date and place of entry in the Republic of Macedonia,
- date of deregistration, and
- note. 78

7. Records of submitted applications and issued visas at a border crossing points, kept in a form of registers containing the following rubrics:

- ordinal number,
- date,
- name and surname of the foreigner,
- date, place and country of birth,
- citizenship,
- type, number and validity period of the travel document,
- type of issued visa,
- reason for the issuance,

- validity period of the visa, and

- note. 79

8. Records of annulled, cancelled visas, extended visas, shortened visas, as well as destroyed visa stickers, kept in a form of registers containing the following rubrics:

- ordinal number,

- date,

- name and surname of the foreigner,

- date, place and country of birth,

- citizenship,

- type, number and validity period of the travel document,

- type and number of the visa which is annulled, cancelled or extended,

- diplomatic and consular representative office where the visa is issued,

- reasons for annulment, that is, cancellation or extension of the visa,

- type and number of the new visa, and

- note. 80

9. Records of issued passports for foreigners and travel documents for stateless persons, kept in a form of registers containing the following rubrics:

- ordinal number,

- date,

- name and surname of the foreigner,

- date, place and country of birth,

- citizenship,

- personal identification number of a foreigner,

- place of permanent/temporary residence in the Republic of Macedonia,

- reason for issuing the passport,

- type and number of the issued passport,

- validity period of the travel document, and

- note. 81

10. Records of refused applications for issuance of passports for foreigners and travel documents for stateless persons kept in a form of registers containing the following rubrics:

- ordinal number,

- date,

- name and surname of the foreigner,

- citizenship,

- place of permanent/temporary residence, that is, address of the apartment,

- legal ground for refusing the application,

- date of lodging an appeal,

- outcome of the appeal,

- date of lodging a lawsuit,

- outcome of the lawsuit, and

- note. 82

11. Records of reported missing, lost, stolen or in any other manner alienated travel and other documents, kept in a form of registers containing the following rubrics:

- ordinal number,
- date,
- name and surname,
- date, place and country of birth,
- citizenship,
- reason for staying in the Republic of Macedonia,
- type and number of the missing travel document,
- manner of determining the identity, and
- note. 83

12. Records of foreigners accommodated in the Reception Center, kept in a form of registers containing the following rubrics:

- ordinal number,
- date,
- name and surname of the foreigner,
- date, place and country of birth,
- citizenship,
- type and number of an identification document,
- reason for the accommodation, and
- note. 84

13. Records of imposed measures to foreigners and foreigners who are expelled from the Republic of Macedonia, kept in a form of registers containing the following rubrics:

- ordinal number,
- date,
- name and surname of the foreigner,
- date, place and country of birth,
- citizenship,
- type and number of the travel document,
- reasons for the stay in the Republic of Macedonia,
- legal ground,
- deadline within which the foreigner is obliged to leave the Republic of Macedonia,
- period for which the foreigner is banned to enter the Republic of Macedonia, and
- note. 85

14. Records of foreigners who are cancelled the short stay in the Republic of Macedonia, kept in a form of registers containing the following rubrics:

- ordinal number,
- date,
- name and surname of the foreigner,
- date of birth,
- place and country of birth,

- citizenship,
- type and number of the travel document,
- validity period of the travel document,
- reason for cancellation of the short stay,
- deadline for voluntary departure of the Republic of Macedonia,
- period during which the foreigner is banned to re-enter the Republic of Macedonia, and
- note. 86

15. Records of foreigners who are revoked the temporary/permanent residence in the Republic of Macedonia, kept in a form of registers containing the following rubrics:

- ordinal number,
- date,
- name and surname,
- date, place and country of birth,
- citizenship,
- number of the travel document,
- validity period of the travel document,
- personal identification number of a foreigner,
- reason for staying in the Republic of Macedonia,
- legal ground for revocation of the residence,
- deadline for departure,
- ban, and
- note. 87

16. Records of foreigners who are issued a return decision, kept in a form of registers containing the following rubrics:

- ordinal number,
- date,
- name and surname,
- date, place and country of birth,
- citizenship,
- type and number of the travel document,
- reasons for the stay in the Republic of Macedonia,
- legal ground for return,
- period within which the foreigner is obliged to leave the Republic of Macedonia,
- period during which the foreigner is banned to enter the Republic of Macedonia, and
- note. 88

17. Records of foreigners who are refused the entry in the country, kept in a form of registers containing the following rubrics:

- ordinal number,
- date,
- name and surname,
- date, place and country of birth,

- type, number, date, place of issuance and validity period of the travel document,
- reasons for the entry refusal, and
- note. 89

18. Records of foreigners from whom fingerprints are taken, kept in a form of registers containing the following rubrics:

- ordinal number,
- name and surname of the foreigner,
- date, place and country of birth,
- sex,
- type, number, date, place of issuance and validity period of the travel document,
- reason for taking fingerprints, and
- note. 90

19. Records kept by legal entities and natural persons rendering accommodation services to foreigners by charging a fee, kept in a form of registers containing the following rubrics:

- ordinal number,
- name and surname,
- date of birth,
- place and country of birth,
- citizenship,
- type and number of the travel document, and
- type and number of the residence permit.

(2) The Ministry of Foreign Affairs shall keep records of:

- submitted applications for issuing visas issued, annulled and cancelled visas and destroyed visa stickers that contain the data determined in Article 49 of this Law,
- issued emergency passports for foreigners containing the following data: surname, name, sex, citizenship, date of birth, place of birth, place of permanent residence and address, personal identification number, date of issuance, body that issues it, validity period, type, code and number of the emergency passport for a foreigner,
- issued diplomatic service, consular or special identity cards containing data holder of the identity card, that is, name and surname, sex, day, month and year of birth, place of birth, type and number of the travel document, position, address of the apartment and name of the foreign diplomatic or consular representative office, that is, international mission, and 91
- concluded agreements with external visa service providers and issued accreditations for commercial intermediaries for visas containing the following data: number and date of a concluded agreement with an external visa service provider, validity period of the agreement, name surname and position of the signatories of the agreement, name and head office of the foreign legal entity external visa service provider, that is, commercial intermediary, number and date of the issued license, name diplomatic and consular representative office of the Republic of Macedonia where the commercial intermediary delivers the submitted visa applications, name and surname, date of birth, passport number

and citizenship of the representative of the commercial intermediary authorized for delivery of the visa applications, validity period of the accreditation, name surname and position of the signatory of the accreditation. 92

(3) The Ministry of Interior and the Ministry of Foreign Affairs shall have access to the records kept by them, in the manner determined by a bylaw.

(4) The data from the records of authorized temporary residence and refused applications for its issuance shall be kept for five years upon expiry of the validity of the authorized temporary residence, that is, the submitted application.

(5) The data from the records of authorized permanent residence and refused applications for its issuance shall be kept for ten years upon expiry of the permanent residence, that is, the submitted application.

(6) The data from the records of registered place of temporary/permanent residence shall be kept for five years as of the deregistration, that is, upon expiry of the registration of the place of temporary, that is, permanent residence.

(7) The data from the records of short stay shall be kept for five years as of the deregistration, that is, upon expiry of the deadline for the short stay.

(8) The data from the records of annulled, revoked visas, extended visas, as well as visas the validity period of which have been shortened, as well as destroyed visa stickers, shall be kept for five years as of the annulment, revocation, extension, that is, shortening of their validity period.

(9) The data from the records of submitted applications and issued visas at a border crossing point shall be kept for five years as of the day of their issuance.

(10) The data from the records of issued, that is, refused applications for issuance of travel and other documents shall be kept for ten years upon their issuance.

(11) The data from the records of reported missing, lost, stolen or in any other manner alienated travel and other documents shall be kept for two years as of their reporting for missing, lost, stolen or in any other manner alienated.

(12) The data from the records of imposed measures (security and preventive measures, cancellation of a short stay, revocation of the temporary or permanent residence, return decision, expulsion, entry refusal) shall be kept for five years upon expiry of the term for which the measure is imposed.

(13) The data from the records of foreigners accommodated in the Reception Center shall be kept for five years upon termination of their stay in the Reception Center.

Article 195

The state bodies may use the data from the records referred to in Article 194 of this Law, provided that they have legal interest thereto, which shall be decided upon by the Ministry of Interior, that is, the Ministry of Foreign Affairs.

Article 196 93

(1) The minister of interior shall adopt bylaws on:

- the manner of entry authorization and refusal, authorization and extension of temporary residence and authorization of permanent residence, cancellation and revocation of residence, return, expulsion and removal of a foreigner, registration and de-registration of a place of temporary residence and permanent residence of a foreigner, as well as on the method of keeping and using the data from the records referred to in Article 194 paragraph (1) of this Law,
- the form and contents of the form of: the decision on entry refusal of a foreigner in the Republic of Macedonia, the decision on cancellation of a short stay, the application for issuance/extension of temporary residence, the temporary residence permit, the decision on extension of temporary residence, the certificate for stay in the Republic of Macedonia until adoption of a decision on extension of the temporary residence, the decision refusing the application for authorization/extension of temporary residence, the decision on revocation of temporary residence, the application for authorization of permanent residence, the permanent residence permit, the decision refusing the permanent residence, the decision on revocation of permanent residence, the application for replacement of a residence permit, the return decision, the decision on expulsion of a foreigner from the Republic of Macedonia, decision on temporary detention of a foreigner in the Reception Center for Foreigners of the Ministry of Interior, the decision limiting the movement of a foreigner within the place of residence, the expulsion stamp, the stamp for cancellation of a short stay, the stamp for revocation of temporary/permanent residence, the form for consent granted by the Ministry of Interior to the foreigner for stay outside the Republic of Macedonia longer than 12 months in case of permanent residence, and the form of the certificate for residence in the Republic of Macedonia until the adoption of a decision on authorization of temporary residence,
- the form and the contents of the form for registration or de-registration of the place of temporary or permanent residence of the foreigner, as well as the form of the card index for registration and deregistration of a place of temporary residence, the address in the Republic of Macedonia, as well as the form of the records of foreigners kept by legal entities and individuals providing accommodation services to foreigners, and
- the house order of the Reception Center.

Article 197 94

(1) The minister of interior in concurrence with the minister of foreign affairs shall adopt bylaws on:

- the manner of issuance of travel and other documents for a foreigner,
- the manner of reporting missing, lost, stolen or in any other manner alienated travel and other documents for a foreigner,
- the form and the contents of the form of the travel and any other identity document for a foreigner, as well as the form of the application for their issuance, and
- the manner of keeping records and using the data from the records of issued travel and other documents for a foreigner.

Article 198

The minister of labor and social policy shall adopt a bylaw on the manner of issuance of the opinion referred to in Article 83 paragraph (2) of this Law.

Article 199

(1) The minister of foreign affairs in concurrence with the minister of interior shall adopt bylaws on:

- the manner of issuance of visas for foreigners, visa annulment and visa revocation, extension, reduction of their validity period, as well as destruction of the visa sticker, and
- the form and the contents of the form of the visa sticker, the visa application form, the form for visa issuance in case of a travel document which is not recognized by the Republic of Macedonia, as well as the form for visa refusal, annulment and revocation.

(2) The minister of foreign affairs shall adopt bylaws on:

- the manner of keeping records and using the data from the records referred to in Article 194 paragraph (2) of this Law,
- the form and the contents of the accreditation form regarding the cooperation with commercial intermediaries,
- the manner of selecting an external service provider,
- the manner of treating and distributing the visa forms, and
- the manner of operating and functioning of the N-VIS.

(3) The Ministry of Foreign Affairs, in accordance with Article 166 paragraph (1) line 1 of this Law, shall publish a list of passports and other travel documents issued consent the international standards, which are issued by countries and international organizations which are recognized and accepted by the Republic of Macedonia or by special administrative regions and entities and territorial authorities which are not recognized as countries. 95

(4) The minister of foreign affairs in accordance with Article 166 paragraph (1) line 2 of this Law shall publish a list of passports or other travel documents issued by countries and international organizations or by special administrative regions and entities and territorial

authorities which are not recognized as countries and whose travel documents are not recognized and accepted by the Republic of Macedonia.

(5) The Government of the Republic of Macedonia, on a proposal of the Ministry of Foreign Affairs, in cooperation with the Ministry of Interior, in accordance with Article 25 paragraph (2) of this Law, shall adopt a list of countries whose citizens are required to hold an airport transit visa when crossing the international transit zone in the airports of the Republic of Macedonia (Visa A).

(6) The Government of the Republic of Macedonia, on a proposal of the Ministry of Foreign Affairs, shall adopt a decree on determining the countries whose citizens must hold a visa when crossing the border of the Republic of Macedonia and the countries whose citizens are exempt from such obligation (Visa Regime of the Republic of Macedonia).

Chapter XI

INTEGRATED BASE OF FOREIGNERS, INCLUDING DATA ON ASYLUM, MIGRATIONS AND VISAS

1. Establishment and functioning

Establishment

Article 200

(1) An Integrated Database of Foreigners including data on asylum, migrations and visas (hereinafter: the Database), shall be established in the Ministry of Interior.

(2) The Database shall represent an integrated information system enabling processing and use of data among competent bodies, with the purpose of recording of the conditions in connection with the entry, movement and stay of foreigners in the Republic of Macedonia on different grounds determined by a law.

Database contents

Article 201

(1) The Database shall contain data on:

- the foreigner,
- the members of the foreigner's nuclear family,
- the person where the foreigner is staying,
- the specific data on the procedures in which the data contained in the Database are

processed, and

- the data regarding the documents created in the procedures in which the data contained in the Database are processed.

(2) The following personal data about the foreigner may be processed in the Database: identification number of a foreigner; personal identification number of a foreigner; name, surname, maiden name, middle name, father's and mother's name; sex; citizenship; date of birth; place of birth abroad; postal code of the place of birth abroad; place of birth in the Republic of Macedonia; state of birth; occupation; education; e-mail address; contact telephone number; marital status; date of marriage; place where the marriage is concluded; employment; place of temporary/permanent residence prior to arriving in the Republic of Macedonia; postal code of the place of temporary/permanent residence prior to arriving in the Republic of Macedonia; place of temporary residence, state, street and number; place of residence or place of permanent residence in the Republic of Macedonia; identification documents; type of travel document, state that has issued the travel document, number of the travel document, date of issuance of the travel document and validity of the travel document; and military service - year, military service - type and military service - place.

(3) The following personal data about the members of the nuclear family of the foreigner may be processed in the Database: identification number of a foreign - holder; family relations with the foreigner - holder; married to the foreigner - holder; identification number of a foreigner; personal identification number of a foreigner; name, surname, maiden name, middle name, father's and mother's name; sex; citizenship; date of birth; place of birth abroad; place of birth in the Republic of Macedonia; state of birth; occupation; education; marital status; place of temporary/permanent residence prior to arriving in the Republic of Macedonia; postal code of the place of temporary/permanent residence prior to arriving in the Republic of Macedonia; place of temporary residence, state, street and number; place of residence or place of permanent residence in the Republic of Macedonia; and type of travel document, state that has issued the travel document, number of the travel document, date of issuance of the travel document and validity of the travel document.

(4) The following personal data about the person where the foreigner is staying may be processed in the Database: identification number of a foreign - holder; family relations with the foreigner - holder; married to the foreigner - holder; personal identification number; name, surname, maiden name, middle name, father's and mother's name; sex; citizenship; date of birth; place of birth abroad; place of birth in the Republic of Macedonia; state of birth; occupation; education; marital status; and street, number and place of temporary or permanent residence in the Republic of Macedonia.

(5) The data referred to in paragraph (1) of this Article shall be processed in the procedures for temporary residence in accordance with the conditions for issuance of a temporary residence permit of a foreigner, that is, deprivation of the right to temporary residence of a

foreigner in the Republic of Macedonia in accordance with the laws; the procedures for permanent residence in accordance with the conditions for issuance of a permanent residence permit of a foreigner, that is, deprivation of the right to permanent residence of a foreigner in the Republic of Macedonia in accordance with the law; the procedures for citizenship; entry, that is, departure from the territory of the Republic of Macedonia; the procedures for readmission and illegal migration; the procedures for visa issuance or extension; the procedures for issuance, that is, extension of the work permits in accordance with the regulations on employment and work of foreigners; the procedures for obtaining and termination of the right to international protection in accordance with the law, as well as for volunteering in accordance with the regulations on volunteering.

Competent bodies for processing and use of data from the Database

Article 202

(1) The following competent bodies shall process the data from the Database:

- 1) the Ministry of Interior;
- 2) the Ministry of Foreign Affairs;
- 3) the Ministry of Labor and Social Policy; and
- 4) the Employment Service Agency of the Republic of Macedonia.

(2) The data in the Database may be given to be used by the State Statistical Office for the purpose of their processing in accordance with the law.

Processing of personal data

Article 203

(1) The personal data entered in the Database may be processed in accordance with the purposes determined by a law and in accordance with the regulations on personal data protection.

(2) The personal data included in the processing shall be immediately deleted in the case when it is determined that they are false or that the reasons, that is, the conditions due to which the personal data has been included in such processes have terminated.

(3) The personal data contained in the Database as of their entry until their deletion may be used under conditions and in a procedure determined by a law and the regulations on personal data protection.

Maintenance of the Database

Article 204

(1) The Ministry of Interior shall maintain the Database, in accordance with the law and the regulations on personal data protection.

(2) The competent bodies referred to in Article 202 paragraph (1) points 2, 3 and 4 of this Law shall be obliged to appoint an authorized person for administration of the databases kept in accordance with the law, for the purpose of successful operation of the Database.

(3) The manner of maintenance of the Database, as well as the mutual relations of the competent bodies referred to in Article 202 of this Law in the process of maintaining the Database, shall be regulated by the Government of the Republic of Macedonia.

2. Processing of data in the Database

Access to the Database

Article 205

(1) The persons employed in the competent bodies may be granted access to the Database, provided that they work at jobs that require processing of the data in the Database in accordance with their acts on systematization of jobs.

(2) The persons shall be cancelled the access if:

- they no longer work at jobs that require processing of the data in the Database,
- they process the data in the Database without authorization, or
- they do not apply the technical and organization measures for security of the Database.

(3) The manner of granting the access, the levels of access, the detailed criteria in accordance with which the level of access is determined, the duration of the access, the manner for determining the termination and cancellation of the access to the data in the Database shall be regulated by the Government of the Republic of Macedonia.

Responsibility regarding the data quality

Article 206

(1) The competent bodies shall be responsible for the quality of the data in the Database and their authenticity and accuracy.

(2) The persons employed in the competent bodies shall be obliged to immediately enter the data determined in Article 201 of this Law in the Database.

(3) Only the competent body that has entered the data may supplement, change or delete the data that are not complete, not accurate or not updated.

(4) In case the competent bodies have entered different data on the same person in the Database, they shall consult each other to determine the authenticity and the accuracy of the data.

Manner of processing and deadlines for keeping the data in the Database

Article 207

(1) The data in the Database shall be automatically or in any other manner processed and solely for the purposes determined by a law.

(2) The data in the Database shall be kept for a period which is necessary for achieving the purposes for which the data have been gathered, but up to the deadline determined by a law at the latest.

(3) Where it is determined that the purpose for which the data have been entered in the Database is achieved, that is, where it is determined that the reasons for which the data have been entered in the Database have ceased, they shall be immediately deleted or destroyed from the Database by a competent body referred to in Article 202 of this Law.

Obligation for keeping a secret

Article 208

The persons employed in the competent bodies who have been granted access to the Database shall be obliged to keep as a secret the data they came across during their work, for the period of their employment in the competent state bodies, as well as following its termination, and which are considered personal data in accordance with the law.

Rights of the personal data subject

Article 209

(1) Each personal data subject shall have the right to access, correction or deletion of his/her personal data contained in the Database.

(2) The subject referred to in paragraph (1) of this Article shall exercise his/her right to access, correct or delete his/her personal data contained in the Database under conditions and in a procedure determined by a law.

(3) As an exception to paragraphs (1) and (2) of this Article, the personal data subject shall not be granted the right to access the data, provided that it is necessary for the prevention and detection of crimes, that is, it is necessary for the protection of the personal data subject or the rights and freedoms of any other persons.

3. Safety of the data in the Database

Article 210

(1) The competent bodies shall be obliged to take all the necessary technical and organizational measures in accordance with the law in order to provide protection, that is, safety of the data they process in the Database.

(2) The Government of the Republic of Macedonia shall regulate the provision of secrecy, protection and safety of the data contained in the Database.

Chapter XII

PENAL AND MISDEMEANOR PROVISIONS

Criminal offenses

Assistance of a foreigner in unauthorized entry and transit

Article 211

(1) A person who assists a foreigner to enter the Republic of Macedonia without an authorization or to cross the territory of the Republic of Macedonia contrary to the provisions of this Law shall be sentenced for a crime of assisting in unauthorized entry or transit of a foreigner to imprisonment of up to one year or shall be fined.

(2) A person who commits the crime referred to in paragraph (1) of this Article with an intention to obtain unlawful material benefit for him/herself or for any other person shall be sentenced to imprisonment of minimum three years.

(3) In case the life of a foreigner is endangered during the commitment of the crime referred to in paragraph (2) of this Article or the crime is committed by a group, gang or any other association created for the purpose of committing such a crime, the perpetrator shall be sentenced to imprisonment of minimum eight years.

(4) The attempt to commit the crime referred to in paragraphs (1) and (2) of this Article shall be punishable.

(5) If the crime referred to in paragraphs (1), (2), (3) and (4) of this Article is committed by a legal entity, it shall be fined, and for the crime referred to in paragraphs (2) and (3) of this Article, in addition to the fine, the legal entity shall be imposed a temporary prohibition on performance of a certain business activity or a permanent prohibition on performance of a certain business activity.

(6) The means of transportation used in such crime shall be seized.

Assistance of a foreigner in illegal stay

Article 212

(1) A person who, with the intention to obtain unlawful material benefit for him/herself or for any other person, assists a foreigner to stay in the Republic of Macedonia contrary to the provisions of this Law shall be sentenced for a crime of assistance of a foreigner in illegal stay to imprisonment of minimum three years.

(2) The attempt to commit the crime referred to in paragraph (1) of this Article shall be punishable.

(3) If the crime referred to in paragraph (1) of this Article is committed by a legal entity, it shall be fined and shall be imposed a temporary prohibition on performance of a certain business activity or a permanent prohibition on performance of a certain business activity.

(4) The means of transportation used in committing the crime shall be seized.

Misdemeanors

Article 213

(1) A fine in the amount of EUR 3 000 in Denar counter value shall be imposed for a misdemeanor on a legal entity if it:

- 1) brings or refuses to take a foreigner who does not have a valid and recognized travel document supplied with a visa or with a residence permit, if required, out of the territory of the Republic of Macedonia or refuses to bear the costs for his/her return, temporary detention and forcible removal (Article 16);
- 2) keeps a foreigner's identity document as security for outstanding obligations or for gaining any other benefit or right (Article 181 paragraph (3));
- 3) does not register the admission of a foreigner for medical treatment within the deadline prescribed when it is established that his/her illness poses a risk to the public health (Article 189);
- 4) does not register the foreigner's stay within the deadline prescribed (Article 190 paragraph (1));
- 5) does not keep or does not keep the records on foreigners orderly or if it does not keep the records for three years as of the day of the last recorded stay (Article 191 paragraphs (1) and (2)); and
- 6) does not enable the authorized officers of the Ministry of Interior to make an inspection of the records of foreigners (Article 191 paragraph (4)).

(2) The legal entity referred to in paragraph (1) point 1 of this Article shall be imposed a misdemeanor sanction temporary prohibition on performing a business activity, in accordance with the Law on Misdemeanors.

(3) A fine in the amount of 30% of the determined fine for the legal entity shall be imposed on the responsible person in the legal entity for the actions referred to in paragraph (1) of this Article.

Article 214

The amount of the fine for the legal entity shall be determined in accordance with the Law on Misdemeanors.

Article 215

(1) A fine in the amount of EUR 800 to 1 000 in Denar counter value shall be imposed for a misdemeanor on a person that carries out a business activity on its own - provision of accommodation services if she/he:

- 1) keeps a foreigner's identity document as security for outstanding obligations or for gaining any other benefit or right (Article 181 paragraph (3));
- 2) does not register the foreigner's stay within the deadline prescribed (Article 190 paragraph (1));
- 3) does not keep or does not keep the records of foreigners orderly or if he/she does not keep the records for three years as from the day of the last recorded stay (Article 191 paragraphs(1) and (2)); and
- 4) does not enable the authorized officers of the Ministry of Interior to make an inspection of the records of foreigners (Article 191 paragraph (4)).

(2) The fine referred to in paragraph (1) of this Article shall also be imposed on a private sector employer who professionally deals with passenger transport, provided that it brings or refuses to take a foreigner who does not have a valid and recognized travel document supplied with a visa or with a residence permit, if required, out of the territory of the Republic of Macedonia or refuses to bear the costs for his/her return, temporary detention and forcible removal (Article 16).

(3) The private employer referred to in paragraph (2) of this Article may be also imposed a misdemeanor sanction prohibition on exercising a profession, business or office.

Article 216

(1) A fine in the amount of EUR 600 to 1 000 in Denar counter value shall be imposed for a misdemeanor on a natural person if he/she: 96

- 1) keeps a foreigner's identity document as security for outstanding obligations or for gaining any other benefit or right (Article 181 paragraph (3));
- 2) makes changes, deletions or corrections in the data and the comments in the identity document, as well as changes of the photograph or the signature in the identity document (Article 181 paragraph (4));
- 3) uses an identity document entered in the records of lost and missing identity documents

(Article 181 paragraph (5)); and

4) does not register a foreigner's stay within the deadline prescribed (Article 190 paragraph (2)).

Article 217

(1) A fine in the amount of EUR 700 to 1 000 in Denar counter value shall be imposed for a misdemeanor on a foreigner who:

1) enters the republic of Macedonia illegally (Article 10 paragraph (1)); 97

2) stays in the Republic of Macedonia contrary to the stated purpose and reasons for the stay (Article 23 paragraph (3), Article 67 paragraph (4) and Article 71 paragraph (3));

3) deletes or alters the data in the visa issued (Article 42 paragraph 4);

4) does not leave the Republic of Macedonia within the deadline specified (Articles 70 paragraph (2), 127 paragraph (2), 137 paragraph (2), 148 paragraph (2) and 151 paragraph (2));

5) moves and stays in a certain area where movement or stay of foreigners is limited or prohibited (Article 144);

6) illegally stays in the Republic of Macedonia (Article 147);

7) leaves the Reception Center for Foreigners without consent of the competent body (Article 161 paragraph (4));

8) gives his/her own identity document to be used by another person or uses another person's identity document as his/her own (Article 181 paragraph (2));

9) gives his/her identity document as security for outstanding obligations towards state bodies, legal entities or natural persons or for gaining any other benefit or right (Article 181 paragraph (3));

10) makes changes, deletions or corrections in the data and the comments in the identity document, as well as makes changes of the photograph or the signature in the identity document (Article 181 paragraph (4));

11) uses an identity document entered in the records of lost and missing identity documents (Article 181 paragraph (5));

12) upon request of an authorized officer of the Ministry of Interior, refuses to present the identity document proving his/her identity and refuses to supply information on his/her identity and residence (Article 181 paragraph (1)); and

13) upon request of an authorized officer of the Ministry of Interior, is not able to prove his/her identity (Article 182 paragraph (2)).

(2) The foreigner may also be imposed a misdemeanor sanction - expulsion from the country for the misdemeanors referred to in paragraph (1) of this Article.

Article 218

A fine in the amount of EUR 500 to 1 000 in Denar counter value shall be imposed for a misdemeanor on a foreigner who:

1) does not report to the Ministry of Interior within a period of five days as of the day of

entry in the Republic of Macedonia for the purpose of issuing a temporary residence permit (Article 27 paragraph (4));

- 2) does not carry a valid residence permit with him/her (Article 141);
- 3) does not apply for substitute of the residence permit in accordance with Article 142 of this Law;
- 4) does not return the issued residence permit (Article 143);
- 5) does not return the travel document for a foreigner when he/she obtains a valid travel document from the country of citizenship or when he/she acquires citizenship of the Republic of Macedonia (Article 178 paragraph (1));
- 6) does not report missing, lost, stolen or in any other manner alienated travel document, that is, identity document proving the identity (Article 180 paragraph (1));
- 7) does not register, that is, de-register the place of temporary residence, the place of permanent residence or any change of the address within the deadline prescribed in accordance with Article 188 of this Law; and
- 8) does not register, that is, de-register the place of permanent residence and the change of the address of the foreigner in accordance with Article 190 paragraph (3) of this Law.

Article 219

The misdemeanor procedure shall be conducted and a misdemeanor sanction shall be imposed for the misdemeanors foreseen by this Law by the competent court.

Chapter XIII

TRANSITIONAL AND FINAL PROVISIONS

Article 220

The bylaws foreseen by this Law shall be adopted within 12 months as of the day of entry into force of this Law.

Article 221

The National Visa Information System (N-VIS) which is established and the Reception Center for Foreigners of the Ministry of Interior which is formed based on the Law on Foreigners ("Official Gazette of the Republic of Macedonia" nos. 35/2006, 66/2007, 117/2008, 92/2009, 156/10, 158/11, 84/12, 13/13, 147/13, 148/15 and 217/15) shall continue to work in accordance with this Law.

Article 222

The procedures initiated by the day of entry into force of this Law shall be completed in accordance with the provisions of the Law on Foreigners ("Official Gazette of the Republic of Macedonia" nos. 35/2006, 66/2007, 117/2008, 92/2009, 156/10, 158/11, 84/12, 13/13, 147/13, 148/15 and 217/15).

Article 223

The identity documents issued in accordance with the regulations which have been valid by the day of entry into force of this Law shall continue to be valid until the expiry of their validity period stated therein.

Article 224

As of the day of entry into force of this Law, the Law on Foreigners ("Official Gazette of the Republic of Macedonia" nos. 35/2006, 66/2007, 117/2008, 92/2009, 156/10, 158/11, 84/12, 13/13, 147/13, 148/15 and 217/15) shall cease to be valid.

Article 225

The provisions of Articles 11, 17, 18, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 58, 59, 60, 61, 62, 63, 64 and 65 shall cease to be valid as of the day of accession of the Republic of Macedonia to the European Union.

Article 226

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 shall start to apply one year after its entry into force.

PROVISIONS OF ANOTHER LAW

Law Amending the Law on Foreigners ("Official Gazette of the Republic of North Macedonia" no. 108/2019):

Article 4

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 North Macedonia" and shall start to apply as of 1 September 2019.

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