

REPUBLIC OF SERBIA

**LAW ON EMPLOYMENT
OF FOREIGN CITIZENS**

Belgrade, 2019

LAW ON EMPLOYMENT OF FOREIGN CITIZENS

Note: This is a true translation of the original Law,
but it is not legally binding.

Original title:

ZAKON O ZAPOSŁJAVANJU STRANACA

© 2019, JP “Službeni glasnik”

Sva prava su zadržana. Nijedan deo ove brošure ne može biti reprodukovan niti smešten u sistem za pretraživanje ili emitovan u bilo kom obliku, elektronski, mehanički, fotokopiranjem, snimanjem ili na drugi način, bez prethodne pismene dozvole izdavača.

All rights reserved. No part of this work may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying and recording, or by any information storage or retrieval system, without permission in writing from the publishers.

CONTENTS

LAW ON EMPLOYMENT OF FOREIGN CITIZENS

I.	BASIC PROVISIONS.....	3
II.	CONDITIONS FOR EMPLOYMENT OF FOREIGN CITIZENS	6
III.	RESTRICTIONS ON EMPLOYMENT OF FOREIGN CITIZENS.....	14
IV.	PROCEDURE FOR ISSUANCE OF WORK PERMIT.....	14
V.	RECORD-KEEPING AND COOPERATION	17
VI.	SUPERVISION	17
VIII.	TRANSITIONAL AND FINAL PROVISIONS	19
	ARTICLES NOT INCLUDED INTO FINAL TEXT	20

LAW ON EMPLOYMENT OF FOREIGN CITIZENS*

PUBLISHER'S NOTE: Law on Amendments and Additions to the Law on Employment of Foreign Citizens (Službeni glasnik RS, No. 31/19) entered into force on the eighth day from the date of its publication in the Službeni glasnik Republike Srbije, i.e. on 7 May 2019, where provisions of Articles 1 through 3, Article 4, paragraph 2, Article 5, paragraph 1, Article 6 and Article 7, paragraph 1 (amending certain provisions of Art. 9, 16, 19, 21, 22 and 23 and adding Article 15a of the Law) shall apply as of 1 January 2020 (see Article 10 of the Law - 31/2019-6).

I. BASIC PROVISIONS

Subject

Article 1

This Law shall regulate the conditions and procedures for the employment of foreign citizens in the Republic of Serbia (hereinafter: the Republic) and other issues of concern to the employment of foreign citizens in the Republic.

Terms

Article 2

Specific terms used in this Law shall be understood to mean the following:

- 1) **Foreign Citizen** is any person that does not have citizenship of the Republic of Serbia;
- 2) **Employment of Foreign Citizen** is conclusion an employment contract or other contract whereby a foreign citizen exercises his or her labour rights without entering into employment in accordance with the law;
- 3) **Self-employment of Foreign Citizen** is employment of a foreign citizen in a business entity or other form of business activity, in accordance with the law, wherein such foreign citizen is the only or controlling member, in accordance with the law;
- 4) **EU Citizen** is a national of a Member State of the European Union, European Economic Area or Swiss Confederation, whose right is ascertained on the basis of citizenship of a Member State of the European Union, European Economic Area or Swiss Confederation;

*Published in the *Službeni glasnik RS*, Nos. 128/14 of 26 November 2014, 113/17 of 17 December 2017, 50/18 of 29 June 2018 and 31/19 of 29 April 2019. The latest changes are given in *italic*.

5) **Employer** is a domestic or foreign legal entity or natural person registered in the Republic, as well as branch office and local office of a foreign employer registered for the performance of activities in the Republic;

6) **Foreign Employer** is a foreign legal entity or natural person registered abroad for the performance of activities;

7) **Seconded Person** is a foreign citizen employed by a foreign employer through which their labour rights are exercised, who is temporarily performing tasks or providing services from the activities of the foreign employer in the territory of the Republic, in accordance with the law or ratified international agreement;

8) **Refugee** is a foreign citizen who has been granted the right to asylum in accordance with the regulations governing asylum, excluding persons from the territory of the former Socialist Federal Republic of Yugoslavia whose refugee status is recognised in accordance with the regulations on refugees, to whom this Law does not apply;

9) **Person from Special Category of Foreign Citizens** is a person requesting asylum, a person granted temporary protection, a victim of human trafficking, or a person granted subsidiary protection, in accordance with the law;

10) **Independent Professional** is a self-employed natural person or sole trader registered abroad for the performance of activities, who performs activities in the territory of the Republic on the basis of a contract concluded directly with a domestic employer or end-user of services;

11) **Student** is a foreign citizen who has been granted temporary residence for study and who is enrolled in an accredited study programme in accordance with the law;

12) **Seasonal Jobs** are jobs of a seasonal character in the fields of agriculture, forestry, construction or other activities, which are characterized by significant temporary workload increase for a period not exceeding six months during 12 months.

Application of Law

Article 3

Any foreign citizen shall enter into employment in the Republic upon the fulfilment of conditions established by law or ratified international agreement.

The conditions for the employment of a foreign citizen established by this Law shall not apply to the employment of a foreign citizen who:

1) is entitled to privileges and immunities in accordance with ratified international agreements;

1a) is a family member of a member of a diplomatic-consular mission of a state with which the Republic has concluded a bilateral agreement according to which the person is permitted to perform paid activities in the Republic;

2) resides in the Republic, without entering into employment, for the purpose of performing activities on the basis of relevant contracts or agreements with international organisations, between competent institutions of the Republic and other countries or within the framework of international projects on professional and technical cooperation, education or research;

3) is a representative of a foreign media outlet entered into the register of foreign media representatives, kept by the ministry competent for public information affairs in the Republic;

4) resides in the Republic for the purpose of performing religious activities and religious services or organising or conducting charitable activities under registered churches and religious communities in the Republic, in accordance with the law;

5) is a voluntary worker, in accordance with the law governing the field of volunteering;

6) performs activities of interest to the Republic or in support of defence or security of the country or is engaged in professional development in these fields, on the basis of an agreement concluded between authorities competent for defence or internal affairs;

7) is a member of the crew of a vessel or an aircraft, or performs activities in road or rail transport, and is employed by a foreign employer;

8) is a member of a rescue unit providing assistance in eliminating the consequences of accidents and natural disasters, as well as in cases of humanitarian aid;

9) is a member of a crew of authors or actors that are producing an audio-visual work in the territory of the Republic, in compliance with the law.

The conditions for the employment of a foreign citizen established by this Law shall not apply to foreign citizen residing in the Republic for a period not exceeding 90 days within six months from the date of first entry into the Republic, and to foreign citizen who:

1) is the owner, founder, representative or member of a legal entity registered in the Republic, in accordance with the law, if not employed by such legal entity;

2) resides in the Republic for the purpose of establishing business contacts or attending business meetings and who, without generating income in the Republic, conducts other business activities relating to the preparation of a foreign employer to establish a presence and begin operations in the Republic;

3) is a lecturer or researcher participating in organised professional conferences or research projects or performing work with a view to presenting or implementing various scientific and technical achievements, as well as their supporting personnel;

4) is performing temporary educational, sporting, artistic, cultural, and other similar activities or residing in the Republic at a scientific, artistic, cultural or sporting event, organised by authorised organisations, government bodies or authorities of the autonomous province and local government units, as well as supporting organisational and technical personnel;

5) is a seconded person performing work in the Republic on the basis of a contract on the purchase of goods, purchase or lease of machinery or equipment and its delivery, installation, assembly, repair or training for operation of such machinery or equipment;

6) resides, independently or for the purposes of a foreign employer in the Republic, at trade and other fairs and exhibitions in support of activities relating to outfitting and displaying of equipment and exhibits.

Equal Position

Article 4

A foreign citizen employed in the Republic in accordance with this Law shall have equal rights and obligations in terms of labour, employment and self-employment as citizens of the Republic if the conditions established by law are met.

A foreign citizen shall be considered unemployed in accordance with the regulations governing employment and insurance in case of unemployment and exercise equal rights as citizens of the Republic if the conditions established by this Law are met.

II. CONDITIONS FOR EMPLOYMENT OF FOREIGN CITIZENS

1. Conditions for Employment of EU Citizens

Article 5

The right to free access to the labour market in the Republic or to employment, self-employment and the exercise of rights in the event of unemployment, unless otherwise specified in international agreement binding to the Republic, shall have:

1) EU citizens;

2) family members of citizens referred to in item 1) of this paragraph, who are not EU citizens and have been issued a temporary residence permit for family members or permanent residence in such countries, constituting proof of their right to free access to the labour market.

The following persons shall be considered as family members of EU citizens:

1) spouses of EU citizens in or out of wedlock, in accordance with the law;

2) direct descendants of EU citizens under 21 years of age or direct descendants of their spouse in or out of wedlock, under 21 years of age;

3) adopted children under 21 years of age or stepchildren of EU citizens or of their spouse in or out of wedlock, under 21 years of age;

4) persons referred to in items 2) and 3) of this paragraph over 21 years of age who are unable to support themselves, or who an EU citizen or their spouse are obligated to support, in or out of wedlock;

5) direct ancestors of EU citizens or direct ancestors of their spouse in or out of wedlock, who an EU citizen or their spouse in or out of wedlock is obligated to support.

The persons referred to in paragraph 1 of this Article that are entitled to free access to the labour market shall not require a work permit within the meaning of the provisions of this Law.

The persons referred to in paragraph 1 of this Article must not become an undue burden to the social welfare system of the Republic, i.e. such persons shall be required to have sufficient funds to support themselves and their family members.

Article 6

The person referred to in Article 5 of this Law shall also have free access to the labour market in the Republic if:

1) their employment is terminated during temporary inability to work due to illness or occupational injury;

2) such person, through no fault of their own, loses employment which lasted for at least one year in the Republic, and if such person is registered as unemployed with the organisation competent for employment affairs;

3) such person is engaged in professional education and training programmes.

Article 7

The right to free access to the labour market of an EU citizen shall last for six months following the termination of employment if:

1) their fixed-term employment, which lasted for less than 12 months, was terminated and if such person has been registered as unemployed with the organisation competent for employment affairs;

2) their employment on a full-time basis was terminated during the first 12 months of residence, through no fault of their own, and if such person has been registered as unemployed with the organisation competent for employment affairs.

Article 8

Any foreign employer with registered office in a Member State of the European Union, European Economic Area or the Swiss Confederation may second a foreign citizen who is not an EU national to work in the Republic without a work permit within the meaning of the provisions of this Law, unless otherwise specified in an international agreement binding to the Republic.

Any foreign employer may second the foreign citizen referred to in paragraph 1 of this Article provided that:

1) an employment contract was concluded with the employer or the end user of services, which must contain the location and time frame for completing such work;

2) an employment contract was concluded with a foreign citizen referred to in paragraph 1 of this Article in accordance with the law in force in the Member State in which the foreign employer has registered office;

3) a decision on secondment for temporary work in the Republic was issued, which determines the manner of exercising the rights and obligations arising from employment and the manner of accommodation and board during their stay and work in the Republic.

Any foreign citizen referred to in paragraph 1 of this Article shall be allowed to reside and work in the Member State in which the foreign employer has registered office.

The foreign citizen referred to in paragraph 1 of this Article may not be employed for the sole purpose of being seconded for work in the Republic.

2. Employment of Foreign Citizens

Article 9

*Foreign citizens shall be employed on condition that he/she possesses a visa for longer stay based on employment, permit for temporary or permanent residence and work permit, unless where laid down otherwise by this Law.**

* Published in the *Službeni glasnik RS*, No 31/19 of 29 April 2019.

Proof of eligibility for employment of a foreign citizen in accordance with this Law shall be kept on the premises in which such foreign citizen works.

Types of Work Permits

Article 10

A work permit, within the meaning of this Law, shall constitute a decision on the basis of which a foreign citizen may be employed or self-employed in the Republic, in accordance with the law.

A work permit may be issued as:

- 1) personal work permit;
- 2) work permit.

Only one type of permit may be issued for same period.

Personal Work Permit

Article 11

A personal work permit shall constitute a permit allowing a foreign citizen residing in the Republic unrestricted employment, self-employment and the exercise of rights in the event of unemployment, in accordance with the law.

Article 12

A personal work permit shall be issued at the request of a foreign citizen if:

- 1) their permanent residence has been approved;
- 2) such person has the status of refugee;
- 3) such person belongs to the special category of foreign citizens.

A personal work permit shall be issued in cases established by international agreements binding for the Republic, in accordance with such agreement.

A personal work permit shall be issued for the purpose of family reunification at the request of an immediate family member of the foreign citizen referred to in paragraph 1, items 1) and 2) of this Article, who has been issued with a permit for permanent residence or temporary residence, as well as foreign citizen who is an immediate family member of a citizen of the Republic or a foreign citizen of Serbian origin up to the third degree of consanguinity in the direct line, if the person meets the requirement regarding the minimum age for employment in accordance with labour regulations.

The spouse, in or out of wedlock, of a foreign citizen with a personal work permit, underage children born in or out of wedlock, underage adopted children or underage stepchildren, as well as other family members, shall be considered immediate family members in accordance with the law governing the residence of foreign citizens.

Article 13

A personal work permit shall be issued to a foreign citizen with approved permanent residence for the duration of their identity card for foreign citizens.

A personal work permit shall be issued to a refugee for the duration of their identity card for a person granted asylum.

A personal work permit may be issued to a person requesting asylum upon the expiry of a nine-month period following their application for asylum, if the decision on such application has not been made through no fault of their own, for a period of six months with a possibility for extension, for the duration of such person's status as person requesting asylum.

A personal work permit shall be issued to a person granted temporary protection for the duration of such person's status of person under temporary protection.

A personal work permit shall be issued to a victim of human trafficking for the duration of their residence permit.

A personal work permit shall be issued to a person granted subsidiary protection for the duration of their status as person with subsidiary protection.

A work permit shall be issued to an immediate family member of a foreign citizen referred to in Article 12, paragraph 3 of this Law work permit for the duration of their residence permit.

Work Permit

Article 14

A work permit shall be a type of work permit which is issued as:

- 1) work permit for employment;
- 2) work permit for special cases of employment;
- 3) work permit for self-employment.

A foreign citizen issued with a work permit may only perform those activities in the Republic for which they have been authorised.

Article 15

An employer on whose request the work permit was issued:

- 1) may not second such foreign citizen to work with another employer;
- 2) shall be obligated to register such foreign citizen with compulsory social insurance, in accordance with the law;
- 3) shall bear the costs of issuing the permit and may not transfer it to the foreign citizen.

An employer who employed a foreign citizen without proper authorisation for residence and work permit shall be obligated to settle all monetary claims made by such person, in accordance with the labour regulations, in addition to payment of employment-related taxes and contributions for compulsory social insurance.

In the case referred to in paragraph 2 of this Article, it shall be presumed that that employment lasted for no less than three months, unless proven otherwise.

Article 15a*

*A work permit issued on the basis of a visa for longer stay based on employment shall be issued for the validity period of the visa for longer stay based on employment at the maximum.**

a) Work Permit for Employment

Article 16

A work permit for employment shall be issued at the request of an employer, in accordance with the state of affairs on the labour market, provided that such employer:

1) had not, prior to submitting an application for work permit for employment, terminated employment of employees due to technological, economic or organisational changes for positions for which the work permit for employment is being requested, in accordance with labour regulations;

2) has failed, within ten days prior to submitting an application for work permit for employment, to locate citizens of the Republic, persons with free access to the labour market or foreign citizens with personal work permits, of appropriate qualifications registered with the organisation competent for employment affairs;

2a) notwithstanding the provision of paragraph 1, item 2) of this Article, when it is in the interest of the Republic of Serbia or it is required by the internationally accepted obligations, the minister competent for employment affairs may also determine a time limit shorter than ten days;

3) encloses an employment contract or other contract for exercising labour rights, in accordance with the law.

A work permit for employment shall be issued for the employment of a foreign citizen with *a visa for longer stay based on employment*,* temporary residence permit who meets all of the requirements set out in the employer's request relating to relevant knowledge and skills, qualifications, previous work experience, etc.

Exceptionally, when it is in the interest of the Republic of Serbia or it is required by the internationally accepted obligations, a temporary work permit for employment may be issued to a foreign citizen who meets all the requirements set out in the employer's request relating to relevant knowledge and skills, qualifications, previous work experience, etc., with the previously obtained consent of the minister competent for internal affairs, provided that a foreign citizen has applied for a temporary residence permit.

A work permit for employment referred to in paragraph 3 of this Article shall be issued for a period not exceeding 45 days.

A work permit for employment shall be issued for the planned term of employment, which shall not exceed the duration of temporary residence.

Article 17

Any employer may employ a student under the terms set out in Article 16 of this Law, provided that the activities performed during the period when courses are taking place do not exceed 20 hours per week, or 80 hours per month.

* Published in the *Službeni glasnik RS*, No 31/19 of 29 April 2019.

For a foreign citizen, the conditions for issuing a work permit to perform seasonal jobs shall comprise the following:

- 1) granted temporary residence permit;
- 2) concluded contract of employment with the employer;
- 3) the decision of the employer determining the manner of accommodation and board for the duration of residence and work in the Republic.

b) Work Permit for Special Cases of Employment

Article 18

A work permit for special cases of employment shall be issued at the employer's request for the following purposes:

- 1) seconded persons;
- 2) relocations within a single company;
- 3) independent professionals;
- 4) training and specialist training.

Article 19

A work permit for seconded persons employed by a foreign employer shall be issued at the employer's request for the purposes of performing activities or providing services in the territory of the Republic, *on the basis of the concluded agreement on business and technical cooperation with the foreign employer,** in accordance with this Law.

For a foreign citizen, the conditions for issuing the permit referred to in paragraph 1 of this Article shall comprise the following:

- 1) *a visa for longer stay based on employment or a temporary residence permit of the foreign citizen;**
- 2) *(deleted)**
- 3) proof that that the seconded person has been employed by the foreign employer for at least one year;
- 4) the decision on secondment for temporary work in the Republic, determining the manner of exercising the rights and obligations arising from employment, as well as the manner of accommodation and board for the duration of their residence and work in the Republic.

The work permit referred to in paragraph 1 of this Article shall be issued for the duration of the contract concluded between the employer for whom the services are provided and the foreign employer, but not exceeding one year.

* Published in the *Službeni glasnik RS*, No 31/19 of 29 April 2019.

The work permit for seconded persons can be extended up to two years at the maximum, with the consent from the ministry competent for employment affairs, and upon a previously obtained opinion of the ministry competent for the field whereby the business activity of the employer is regulated for the jobs or services of interest for the Republic.

Notwithstanding paragraphs 1 through 3 of this Article, the work permit for persons seconded by a foreign employer registered for the performance of activities in a country with which the Republic has concluded an international agreement governing secondment, shall be issued following the procedure, conditions and period specified in that agreement.

*The consent and the opinion referred to in paragraph 4 of this Article shall be acquired, ex officio, the organization competent for employment.**

Article 20

A permit for seconded persons – for the purposes of performing activities or providing services under contracts for the purchase of goods, purchase or lease of machinery or equipment and its delivery, installation, assembly, repair or training for operation of machines or equipment, shall be issued under the conditions set out in Article 19 of this Law for a period longer than 90 days, and/or for the period required to complete such work.

Article 21

A work permit for relocation within a single company registered abroad shall be issued at the request of the branch or subsidiary company registered in the Republic, for the purpose of temporary secondment or relocation of an employee for work in such branch or subsidiary, provided that the person has been employed by the foreign employer for at least one year at the position of executive, manager or specialist for a specific field (key personnel), and that such person shall continue to perform the same activities in the Republic.

Notwithstanding the conditions stipulated by paragraph 1 of this Article, a work permit for relocation within a single company registered abroad shall be issued at the request of the branch or subsidiary company registered in the Republic, for the purpose of temporary secondment or relocation of an employed intern for work in that organisational unit or subsidiary company.

The work permit referred to in paragraphs 1 and 2 of this Article shall be issued under the conditions set out in Article 19 of this Law for the duration of *a visa for longer stay based on employment or** a temporary residence permit, but not exceeding one year.

The work permit for relocation within a single company can be extended for two years at the maximum, with the consent from the ministry competent for employment affairs, and upon a previously obtained opinion of the ministry competent for the field whereby the business activity of the employer is regulated for the jobs or services of interest for the Republic.

*The consent and the opinion referred to in paragraph 4 of this Article shall be acquired, ex officio, by the organization competent for employment.**

Article 22

A work permit for an independent professional shall be issued at the request of an employer or end-user of services.

The work permit referred to in paragraph 1 of this Article shall be issued if an independent professional has obtained the following:

* Published in the *Službeni glasnik RS*, No 31/19 of 29 April 2019.

1) *a visa for longer stay based on employment or a temporary residence permit*;^{*}

2) a contract concluded with the employer or the end-user of services, which must contain the location and time frame for completing the work;

3) appropriate higher education degree and/or technical qualifications and the required work experience in their profession.

The work permit referred to in paragraphs 1 of this Article shall be issued for the term required to complete the work, but not exceeding one year.

Article 22a

The work permit for training and specialist training shall be issued at the request of the employer, i.e. of the foreign citizen for the purpose of conducting training, traineeship, professional practice, professional training, i.e. specialist training.

The work permit referred to in paragraph 1 of this Article shall be issued if the foreign citizen possesses:

1) the approval for temporary residence;

2) the agreement concluded with the employer on conducting training, traineeship, professional practice, professional training, i.e. specialist training, which includes the place and the term.

The work permit referred to in paragraph 1 of this Article shall be issued for the period of duration of such training, traineeship, professional practice, professional training, i.e. specialist training, which however may not exceed one year, with the option of extension for another one year period.

v) Work Permit for Self-employment

Article 23

A work permit for self-employment shall be issued at the request of a foreign citizen with *a visa for longer stay based on employment or*^{*} a temporary residence permit in the Republic.

In the procedure for the issuance of a work permit for self-employment, the foreign citizen shall submit together with the application the following:

1) a statement regarding the nature, duration and scope of activities that such person plans to engage in;

2) proof that such person possesses the proper qualifications to perform a specific activity;

3) a promissory contract or a contract constituting proof of the right of ownership or lease of office space in which the activity is to be performed;

4) *(deleted)*^{*}

5) a statement regarding the number and structure of persons that such person plans to employ, in particular citizens of the Republic, persons with free access to the labour market and foreign citizens with a personal work permit.

^{*} Published in the *Službeni glasnik RS*, No 31/19 of 29 April 2019.

A work permit for self-employment shall be issued for the duration of the temporary residence permit for a maximum of one year with the possibility of extension, provided that the foreign citizen demonstrates the continuation of performance of the same work under the conditions under which the permit was granted.

A foreign citizen issued with a work permit for self-employment shall be obligated to commence the performance of activities for which the work permit was issued within 90 days from the date of receipt of permit.

III. RESTRICTIONS ON EMPLOYMENT OF FOREIGN CITIZENS

Article 24

The Government may, in a decision, limit the number of foreign citizens issued with work permits (hereinafter: quota) in the event of disturbance on the labour market, in accordance with migration policy and the state and trends in the labour market.

The quota shall be determined upon the proposal of the ministry competent for employment affairs, having obtained the prior opinion of the social and economic council established for the territory of the Republic and of the organisation competent for employment affairs.

The quota shall not apply to foreign citizens or employers employing a foreign citizen submitting applications for:

- 1) personal work permit, excluding work permits issued at the request of special categories of foreign citizens;
- 2) work permit for relocation within a single company.

IV. PROCEDURE FOR ISSUANCE OF WORK PERMIT

Article 25

The organisation competent for employment affairs shall issue decisions in the procedure for the issuance, extension, revocation and cessation of validity of work permits, performing such activities as entrusted activities, in accordance with the law governing general administrative procedure, unless specific issues are regulated otherwise by this Law or the law governing the residence of foreigners.

The organisation competent for employment affairs shall keep records of information relevant to the issuance of decisions in accordance with this Law, following the principles of personal data protection, efficiency, efficacy, conscientiousness and responsibility.

Article 26

The locally competent organisational unit of the organisation competent for employment affairs, as defined by statute, shall issue decisions in the first instance in the procedure for the issuance, extension, revocation and cessation of validity of work permits.

An appeal may be lodged against the decision referred to in paragraph 1 of this Article.

The final decision on the appeal shall be issued by the minister competent for employment affairs.

An administrative dispute may be instituted against the final decision referred to in paragraph 3 of this Article before a competent court, in accordance with the law.

1. Issuance and Extension of Work Permit

Article 27

A work permit shall be issued not exceeding the period specified by this Law and the duration of residence of a foreign citizen.

An appropriate proof of fulfilment of conditions for the issuance of permit shall be submitted together with the application for the issuance of work permit.

A work permit shall be extended if, at the time of submission of the application for extension, the conditions for its issuance are met.

Article 28

The application for issuance or extension of a work permit shall be submitted to the organisation competent for employment affairs according to the location of temporary or permanent residence of the foreign citizen in question, or according to the employer's registered office or location where the work is performed, depending on the type of permit.

The application for an extension of a work permit shall be submitted no earlier than 30 days and no later than prior to the date of expiry of the previous permit.

*By way of exception, an application for validity extension of a work permit referred to in Article 19, paragraph 4 and Article 21, paragraph 4 shall be submitted to an organization competent for employment within 60 days prior to the expiry of validity term of the previous permit.**

The manner of issuance or extension of a work permit, the manner of delivering proof of fulfilment of conditions specified by this Law, proofs required for issuance or extension of a work permit, as well as form and content of the work permit shall be specified by the minister competent for employment affairs.

2. Revocation of Work Permit

Article 29

A work permit shall be revoked if:

1) the foreign citizen performs activities for which no permit has been issued or if such citizen is working for a different employer;

* Published in the *Službeni glasnik RS*, No 31/19 of 29 April 2019.

2) the foreign citizen fails to commence work within 15 days from the date of issuance of a work permit for employment;

3) the foreign citizen issued with a permit for self-employment fails to commence the performance of activities for which the work permit was issued within 90 days from the date of receipt of permit;

4) at the time of issuance or extension, the conditions specified by this Law had not been met.

The labour inspector shall immediately notify the organisation competent for employment affairs if, during an inspection procedure, the facts referred to in paragraph 1, item 1) of this Article are established.

Any employer shall be obligated to notify the organisation competent for employment affairs if a foreign citizen fails to commence work within 15 days from the date of issuance of a work permit for employment.

Any foreign citizen shall be obligated to notify the organisation competent for employment affairs of the circumstances referred to in paragraph 1, item 3) of this Article within 15 days from date of expiry of the term for commencing activities.

The organisation competent for employment affairs shall issue a decision revoking a work permit upon report of the facts referred to in paragraph 1 of this Article or *ex officio*.

3. Cessation of Validity of Work Permit

Article 30

A work permit shall cease to be valid in the following cases:

1) upon expiry of the term for which it was issued;

2) upon waiver;

3) upon cessation of the status of refugee, person requesting asylum, person granted temporary protection or person granted subsidiary protection;

4) upon termination of a contract of employment or of another contract without entering into employment whereby a foreign citizen exercises their labour rights in accordance with the law, or upon cessation of work of a foreign citizen with temporary residence permit in the Republic;

5) if a foreign citizen loses the status of sole trader or if a legal entity ceases work prior to the expiry of a work permit for self-employment;

6) for reasons of protection of public order or security of the Republic and its citizens, in accordance with the law;

7) upon cessation of the right of a foreign citizen to permanent or temporary residence in the Republic;

8) if a foreign citizen becomes a domestic citizen;

9) in the event of death;

10) if a foreign citizen has resided outside the Republic for more than six months continuously.

Any foreign citizen shall be obligated to notify the organisation competent for employment affairs of the facts referred to in paragraph 1, items 2) and 5) of this Article within 15 days from the date of waiver, or from the date of cessation of the status of sole trader or the date of cessation of work by a legal entity.

Any employer shall be obligated to notify the organisation competent for employment affairs of the facts referred to in paragraph 1, item 4) of this Article within 15 days from the date of termination of employment of a foreign citizen.

The organisation competent for employment affairs shall issue the decision on cessation of validity of a work permit for the circumstances referred to in paragraph 1, with the exception of cases referred to in items 1), 8) and 9) of this Article, upon report of circumstances or *ex officio*.

V. RECORD-KEEPING AND COOPERATION

Article 31

The organisation competent for employment affairs shall keep records of:

- 1) work permits;
- 2) foreign citizens exercising the right to employment in accordance with this Law.

The organisation competent for employment affairs shall perform the activities referred to in paragraph 1 of this Article as entrusted activities, in accordance with the regulation governing in more detail the content of information and the manner of record-keeping in the field of employment.

Article 32

The authorities and organisations performing activities in relation to residence and employment of foreign citizens, other authorities and organisations performing activities in relation to the exercise of various rights of foreign citizens, as well employers' associations and trade unions, shall be obligated to engage in direct and continuous cooperation and exchange of necessary information, both mutually and with other authorities and organisations abroad.

VI. SUPERVISION

Article 33

The ministry competent for employment affairs shall supervise the work of holders of public authority in the exercise of state administration activities delegated by this Law.

Inspection supervision of the enforcement of this Law, and/or of fulfilment of the conditions for employment of a foreign citizen in accordance with this Law shall be performed by the Labour Inspectorate.

VII. PENAL PROVISIONS

Article 34

A fine between RSD 800,000 and RSD 1,000,000 shall be imposed for a misdemeanour on a legal entity – employer that:

- 1) employs a foreign citizen contrary to the provisions of this Law (Article 9, paragraph 1);
- 2) fails to keep record of eligibility for employment of a foreign citizen on the premises in which such foreign citizen works (Article 9, paragraph 2);
- 3) employs a foreign citizen for activities for which a work permit has not been issued (Article 14, paragraph 2);
- 4) fails to fulfil the obligations set out in Article 15;
- 5) employs a foreign citizen contrary to the provisions of Articles 16 and 17 of this Law;
- 6) employs a foreign citizen contrary to the provisions of Articles 19 through 22 of this Law;
- 7) fails to apply for an extension of the work permit within the prescribed period (Article 28, paragraph 2);
- 8) fails to comply with the provision of Article 29, paragraph 3 of this Law;
- 9) fails to comply with the provision of Article 30, paragraph 3 of this Law.

A fine between RSD 50,000 and RSD 500,000 shall be imposed for the misdemeanour referred to in paragraph 1 of this Article on a natural person – employer with the status of sole trader.

A fine between RSD 20,000 and RSD 150,000 shall be imposed for the misdemeanour referred to in paragraph 1 of this Article on the responsible person in a legal entity.

The employer referred to in paragraph 1, item 1 of this Article may be imposed with a protective measure of prohibition from performing certain activities for a period of six months to one year.

The employer referred to in paragraph 2 of this Article may be imposed with a protective measure of prohibition from performing certain activities for a period of six months to one year.

Article 35

A fine between RSD 15,000 and RSD 150,000 shall be imposed for a misdemeanour on a foreign citizen that:

- 1) enters into employment contrary to the provisions of this Law (Article 9, paragraph 1);
- 2) performs activities for which a work permit has not been issued (Article 14, paragraph 2);
- 3) fails to comply with the provision of Article 29, paragraph 4 of this Law;

4) fails to comply with the provision of Article 30, paragraph 2 of this Law.

Article 36

A fine between RSD 500,000 and 1,000,000 shall be imposed for a misdemeanour on a legal entity – organisation competent for employment affairs that:

1) fails to allow an unemployed foreign citizen to exercise their rights established by Article 4, paragraph 2 of this Law;

2) issues several types of work permits for the same time period contrary to the provision of Article 10, paragraph 3 of this Law;

3) issues a work permit contrary to the provisions of Article 24 of this Law;

4) fails to perform, or performs in a manner contrary to the provisions of this Law, the activities specified in Articles 25 through 30 of this Law.

A fine between RSD 20,000 and RSD 150,000 shall be imposed for the misdemeanour referred to in paragraph 1 of this Article on the responsible person in a legal entity – organisation competent for employment affairs.

VIII. TRANSITIONAL AND FINAL PROVISIONS

Article 37

Foreign citizens who entered into employment or who are employed based on an authorisation for employment issued under regulations that were in force prior to entry into force of this Law shall continue their employment until the expiry of the term for which such authorisation was issued.

Article 38

The minister competent for employment affairs shall pass regulations pursuant to authorisations provided by this Law within three months from the date of entry into force of this Law.

Article 39

The Law on the Conditions for the Employment of Foreign Citizens shall cease to apply on the date of entry into force of this Law (Službeni list SFRJ, Nos. 11/78 and 64/89, Službeni list SRJ, Nos. 42/92, 24/94 and 28/96 and Službeni glasnik RS, No. 101/05 – other law).

Article 40

The regulations adopted under the Law on the Conditions for the Employment of Foreign Citizens (Službeni list SFRJ, Nos. 11/78 and 64/89, Službeni list SRJ, Nos. 42/92, 24/94 and 28/96 and Službeni glasnik RS, No. 101/05 – other law) shall remain in force until entry into force of the regulations adopted under this Law, unless such regulations are contrary to the provisions of this Law.

Article 41

This Law shall enter into force on the eighth day following the date of publication in the Službeni glasnik Republike Srbije, with the exception of the provisions of Articles 5 through 8, which shall become applicable on the date of accession of the Republic to the European Union.

ARTICLES NOT INCLUDED INTO FINAL TEXT LAW ON AMENDMENTS AND ADDITIONS TO THE LAW ON EMPLOYMENT OF FOREIGN CITIZENS

(Službeni glasnik RS, No. 113/17)

Article 9

This Law shall enter into force on the eighth day following the date of publication in the Službeni glasnik Republike Srbije.

ARTICLES NOT INCLUDED INTO FINAL TEXT LAW ON AMENDMENT AND ADDITION TO THE LAW ON EMPLOYMENT OF FOREIGN CITIZENS

(Službeni glasnik RS, No. 50/18)

Article 2

Proceedings initiated prior to the entry into force of this Law shall be terminated according to the regulations under which they were initiated.

Article 3

This Law shall enter into force on the eighth day following the date of publication in the Službeni glasnik Republike Srbije.

ARTICLES NOT INCLUDED INTO FINAL TEXT LAW ON AMENDMENTS AND ADDITIONS TO THE LAW ON EMPLOYMENT OF FOREIGN CITIZENS

(Službeni glasnik RS, No. 31/19)

Article 9

The Minister in charge of employment shall harmonize the Rulebook on Work Permits (Službeni glasnik RS, No. 63/18) with the provisions of this Law, within 90 days from the date of entry into force of this Law.

Article 10

This Law shall enter into force on the eighth day from the date of its publication in the Službeni glasnik Republike Srbije, where provisions of Articles 1 through 3, Article 4, paragraph 2, Article 5, paragraph 1, Article 6 and Article 7, paragraph 1 shall apply as of 1 January 2020.