

New Rules for Residence and Employment of Foreigners in Serbia

On 26 July 2023, the National Assembly of the Republic of Serbia adopted the Law on Amendments to the Law on Foreigners („Amendments to the Law on Foreigners”), as well as the Law on Amendments to the Law on Employment of Foreigners („Amendments to the Law on Employment of Foreigners”). Certain amendments of the laws came into effect on 4 August 2023, while the most significant provisions that facilitate the procedure will come into force on 1 February 2024, following the fulfillment of technical requirements and the adoption of by-laws by the competent authorities. The purpose of these amendments is to shorten and simplify administrative procedures related to the regulation of the status of foreigners, as well as to facilitate conditions for employing foreigners in the Republic of Serbia.

The most significant amendments introduced by these laws are:

1. Unified permit for temporary residence and work

Amendments to the Law on Foreigners and Amendments to the Law on Employment of Foreigners jointly introduce the concept of a unified permit in the form of a biometric document, enabling foreigners, its holders, to reside and work in the Republic of Serbia for a duration of up to three years.

Instead of the previous legal regime, which required foreigners intending to work in Serbia to obtain prior approval for temporary residence from the Ministry of Internal Affairs and a work permit from the National Employment Service (the NES) in separate procedures, starting from February 2024, foreigners will be able to obtain a unified permit issued by the Ministry of Internal Affairs.

Upon the implementation of the new provisions of the Law on Foreigners and the Law on Employment of Foreigners, starting from February 2024 electronic submission of applications for issuing the unified permit will be formally enabled by the foreigner themselves, the employer on behalf of the foreigner, or an authorized representative. The competent authority will issue a decision on the application within 15 days, significantly reducing the administrative procedure.

The unified permit will also allow foreigners to change their job position or employer through a simplified procedure, without the need for obtaining a new permit. Additionally, if a foreigner's employment is terminated during the validity of the unified permit, they will have the possibility to retain their unified permit by concluding a new employment agreement within 30 days.

It is worth noting the practical advantages brought by the amendments, such as allowing foreigners to legally work in Serbia while the procedure is ongoing, and general possibility to initiate the procedure while they are abroad.

2. Duration of temporary residence

Starting from 4 August 2023, temporary residence (based on any available legal ground) may be granted to foreigners for a duration of up to three years, compared to the previous maximum period of one year.

Moreover, the application for extending temporary residence may be submitted within 90 days prior to its expiration, and at the latest until the expiry of the approved residence, extending the previous timeframe when foreigners were obliged to request an extension at least 30 days before the expiry date of the current permit.

3. Work without a unified or work permit

As of February 2024, according to the Amendments to the Law on Employment of Foreigners, foreigners who do not possess a unified permit but have the right to temporary residence (e.g., based on family reunification with a foreigner holding a unified permit or based on the property ownership) will be allowed to work legally without a unified or work permit, but only for the duration of their approved temporary residence.

4. Shorter term for issuing labor market test reports

Report on the conducted labor market test shall be issued within four days, instead of the previous 10-day timeframe.

5. Retention of evidence of employment conditions fulfillment

Employers will have the flexibility to keep evidence of fulfilling employment conditions for foreigners according to their organizational preferences, without the obligation to keep such documentation specifically at the premises where the foreigner is performing their duties, which was abolished by the current amendments.

6. Permanent residence

Amendments to the Law on Foreigners simplify the conditions for obtaining permanent residence. Starting from 4 August 2023, permanent residence may be granted to foreigners who continuously reside in Serbia for a minimum of three years on the basis of approved temporary residence. Amendments to the Law on Foreigners also permit absences from Serbia for a total duration of ten months, or a one-time absence of up to six months, during the three-year reference period, without interrupting the continuous residence.

Foreigners with granted permanent residence will no longer be obliged to obtain a personal work permit to be engaged in a legal employment in the Republic of Serbia.

7. Assignment of foreigners

Amendments to the Law on Employment of Foreigners stipulate detailed rules for assignment, including the introduction of the institute of a temporary work and assignment of a foreigner to temporarily perform work at the beneficiary employer. These changes are applicable as of 4 August 2023.

8. Increased monetary fines

According to the Amendments to the Law on Employment of Foreigners, the maximum amounts of penalties for non-compliance with legal provisions have been doubled.

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