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FOREIGN NATIONALS EMPLOYMENT ACT

("Off. Herald of RS", Nos. 128/2014, 113/2017, 50/2018 and 31/2019)

I BASIC PROVISIONS

Subject Matter

Article 1

This Act regulates the conditions and procedure for employment of foreign nationals in the Republic of Serbia (hereinafter: the Republic) and other issues of concern for the employment of foreign nationals in the Republic.

Basic Terms

Article 2

Specific terms used in this Act have the following meaning:

- 1) **Foreign national** is any person that has no citizenship of the Republic of Serbia;
- 2) **Employment of a Foreign National** is concluding employment contract, or other contract whereby a foreign national exercises his work related rights without being employed, in accordance with the law;
- 3) **Self-Employment of a Foreign National** is employment of a foreign national in a business entity or other form of business activity, in accordance with the law, wherein such a foreign national is the only or the controlling member, in accordance with the law;
- 4) **EU Citizen** is a citizen of a Member State of the European Union, European Economic Area or Swiss Confederation, who proves his right on the basis of citizenship of a Member State of the European Union, European Economic Area, i.e. Swiss Confederation;
- 5) **Employer** is a domestic or foreign legal or natural person registered for performance of activities in the Republic, as well as a branch office and a representative office of a foreign employer registered for performance of activities in the Republic;
- 6) **Foreign Employer** is a foreign legal or natural person registered abroad for the performance of activities;
- 7) **Seconded Person** is a foreign national employed by a foreign employer where he exercises his employment related rights, and who temporarily performs tasks, i.e. provides services in the territory of the Republic from the scope of activities of the foreign employer, in accordance with the law, i.e. ratified international agreement;
- 8) **Refugee** is a foreign national who has been granted the right to asylum in accordance with the regulations governing asylum, excluding persons from the territory of the former SFRY whose

refugee status has been recognized in accordance with the regulations on refugees, to whom this Act does not apply;

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

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

11) **Student** is a foreign national who has been granted temporary residence for the purpose of studies and who is enrolled in accredited studies programs 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 a period of 12 months.

Application of the Act

Article 3

A foreign national may be employed in the Republic upon the fulfillment of conditions established by law, i.e. by a ratified international agreement.

The conditions for the employment of a foreign national established by this Act do not apply to the employment of a foreign national who:

- 1) Is entitled to privileges and immunities in accordance with ratified international agreements;
- 1a) Is a member of the family of a member of a diplomatic mission or consular post of a state with which the Republic has a bilateral agreement enabling the person to perform a paid activity in the Republic;
- 2) Resides in the Republic, without entering into employment relationship, for the purpose of performing activities on the basis of relevant contracts or agreements with international organizations, 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 organizes, i.e. conducts charitable activities within the framework of registered churches and religious communities in the Republic, in accordance with the law;
- 5) Is a volunteer, in accordance with the act governing the field of volunteering;
- 6) Performs activities of interest to the Republic or for the purposes of defense or security of the country or is engaged in professional development in these fields, on the basis of agreements concluded between the authorities competent for defense or internal affairs;
- 7) Is a member of a crew of a vessel, i.e. 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 which provides assistance in eliminating the consequences of accidents and natural disasters, as well as in cases of humanitarian aid;
- 9) Is a member of a team of authors or actors who produce an audiovisual work in the territory of the Republic, in accordance with the law.

The conditions for the employment of a foreign national established by this Act do not apply to a foreign national residing in the Republic for a period not exceeding 90 days within a period of six months from the day of first entry into the Republic, namely to a foreign national who:

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

- 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 organized professional conferences or research projects or performing work with a view to presenting or implementing various scientific and technical achievements, as well as his supporting personnel;
- 4) Performs temporary educational, sporting, artistic, cultural, and other similar activities or resides in the Republic at a scientific, artistic, cultural or sporting event, organized by authorized organizations, government bodies or authorities of the autonomous province and local government units, as well as supporting organizational 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 work on such machinery or equipment;
- 6) Resides in the Republic, independently or for the needs of a foreign employer, in order to perform activities of outfitting and displaying the equipment and exhibits at trade and other fairs and exhibitions.

Equal Position

Article 4

A foreign national getting employed in the Republic in accordance with this Act, has equal rights and obligations in respect to work, employment and self-employment as the citizens of the Republic, if the conditions established by law are met.

A foreign national is considered unemployed in accordance with the regulations governing employment and insurance in case of unemployment and exercises equal rights as the citizens of the Republic if the conditions established by this Act are met.

II CONDITIONS FOR EMPLOYMENT OF A FOREIGN NATIONAL

1. Conditions for Employment of EU Citizens

Article 5

The right to free access to the labor market in the Republic, i.e. to employment, self-employment and the exercise of rights in the event of unemployment, unless otherwise specified in an 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 approval for family members or permanent residence in such countries whereby proving their right to free access to the labor market.

The following persons are 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, younger than 21 years of age;
- 3) Adopted children under 21 years of age or stepchildren of EU citizens or of their spouses in or out of wedlock, younger than 21 years of age;

4) Persons referred to in items 2) and 3) of this paragraph older than 21 years of age who are unable to support themselves independently, i.e. who an EU citizen or his spouse are obligated to support, in or out of wedlock;

5) Direct ancestors of EU citizens or direct ancestors of their spouses in or out of wedlock, who an EU citizen or his 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 labor market do not require a work permit within the meaning of the provisions of this Act.

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

Article 6

The person referred to in Article 5 of this Act also has free access to the labor market in the Republic if:

- 1) His employment is terminated during temporary inability to work due to occupational disease or injury;
- 2) Through no fault of his own, such person loses employment which lasted for at least one year in the Republic, and if such person is registered as unemployed with the organization competent for employment affairs;
- 3) Such person is engaged in professional education and training programs.

Article 7

The right to free access to the labor market of an EU citizen lasts for six months following the termination of employment if:

- 1) His fixed-term employment which lasted for less than 12 months was terminated and if such person has been registered as unemployed with the organization competent for employment affairs;
- 2) His full-time employment was terminated during the first 12 months of residence, through no fault of his own, and if such person has been registered as unemployed with the organization competent for employment affairs.

Article 8

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

A foreign employer may second the foreign national referred to in paragraph 1 of this Article, provided that such a foreign national has:

- 1) A concluded contract with the employer or the end user of services, which shall contain the location and time frame for completing such work;
- 2) A concluded employment contract with the foreign national 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 the registered office;
- 3) A decision on secondment to the Republic for temporary work which determines the manner of exercising the rights and obligations arising from employment, as well as the manner of accommodation and board during his stay and work in the Republic.

The foreign national referred to in paragraph 1 of this Article is required to possess a residence permit and work permit in the Member State in which the foreign employer has its registered office.

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

2. Employment of Foreign nationals

Article 9

Employment of a foreign national is carried out under condition that he possesses a visa for a longer stay on the basis of employment, temporary residence approval, or permanent residence and work permit, unless otherwise provided by this Act.

Proofs of eligibility for employment of a foreign national in accordance with this Act shall be kept in the business premises in which such foreign national works.

Types of Work Permits

Article 10

A work permit, within the meaning of this Act, is deemed to be a document on the basis of which a foreign national may get employed or self-employed in the Republic, in accordance with the law.

A work permit may be issued as:

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

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

Personal Work Permit

Article 11

A personal work permit is a work permit allowing a foreign national 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 is issued at the request of a foreign national if:

- 1) He possesses a permanent residence approval;
- 2) He has a status of a refugee;
- 3) He belongs to a special category of a foreign national.

A personal work permit is issued in cases established by an international agreement which binds the Republic, in accordance with such agreement.

A personal work permit is issued for the purpose of family reunification and at the request of a member of the immediate family of the foreign national 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 of a foreign national who is an immediate family member of a citizen of the Republic and a foreign national of Serbian descent 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 the employment regulations.

Spouses, in or out of wedlock, of a foreign national who possesses a personal work permit, minor children born in or out of wedlock, minor adopted children or minor stepchildren, as well as other family members, are considered to be immediate family members, in accordance with the law governing the residence of foreign nationals.

Article 13

A personal work permit is issued to a foreign national who possesses approval for permanent residence for a period of duration of his identity card for foreign nationals.

A personal work permit is issued to a refugee for the period of duration of his identity card for a person granted asylum.

A personal work permit may be issued to a person requesting asylum for nine months after the filing of application for asylum, if the decision on such request has not been made without his fault 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 is issued to a person granted temporary protection for the duration of such person's status of person under temporary protection.

A personal work permit is issued to a victim of human trafficking for the duration of his residence permit.

A personal work permit is issued to a person granted subsidiary protection for the duration of his status as person with subsidiary protection.

A work permit is issued to an immediate family member of the foreign national referred to in Article 12, paragraph 3 of this Act for the duration of his residence permit.

Work Permit

Article 14

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

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

A foreign national who possesses a work permit may only perform those activities in the Republic which have been granted to him by the work permit.

Article 15

An employer at whose request the work permit was issued:

- 1) May not second such foreign national to work for another employer;
- 2) Is required to register the foreign national for compulsory social insurance, in accordance with the law;
- 3) Bear the costs of work permit issuance and may not forward them to the foreign national.

An employer who employed a foreign national without a proper residence approval and work permit shall pay him all monetary claims, in accordance with the employment relating regulations, along with the payment of employment-related taxes and contributions for compulsory social insurance.

In the case referred to in paragraph 2 of this Article, a presumption exists that employment had been lasting for no less than three months, unless proven otherwise.

Article 15a

A work permit issued on the basis of a visa for a longer stay based on employment is issued for the period which is not longer than the period of validity of the visa for a longer stay based on employment.

a) Work Permit for Employment

Article 16

A work permit for employment is issued at the request of an employer, in accordance with the state of the labor market, provided that such employer:

- 1) Had not, prior to submitting an application for work permit for employment, fired employees due to technological, economic or organizational changes on work positions for which the work permit for employment is being requested, in accordance with employment regulations;
- 2) Did not, within ten days prior to submitting an application for work permit for employment, find the citizens of the Republic, persons that have free access to the labor market, or a foreign national with personal work permit, of appropriate qualifications registered with the organization in charge of employment;
- 2a) Notwithstanding the provision of paragraph 1, item 2) of this Article, when this is in the interest of the Republic of Serbia or imposed by internationally accepted obligations, the Minister in charge of employment may also determine a time limit shorter than ten days;
- 3) Encloses a proposal of employment contract or other contract whereby work related rights are exercised, in accordance with the law.

A work permit for employment is issued for the employment of a foreign national who has a visa for a longer stay based on employment, a temporary residence approval and who meets all of the requirements set out in the employer's request relating to appropriate knowledge and skills, qualifications, previous work experience, etc.

Exceptionally, when this is in the interest of the Republic of Serbia or imposed by internationally accepted obligations, a temporary work permit for employment may be issued to a foreigner who fulfills all the requirements of the employer's request relating to the appropriate knowledge and skills, qualifications, previous experience, and so on, with the acquired prior consent of the minister in charge of internal affairs, provided that the foreigner has applied for temporary residence.

A work permit for employment referred to in paragraph 3 of this Article is issued for a period which may not exceed 45 days.

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

Article 17

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

Conditions for issuing a work permit for carrying out seasonal jobs are that the foreign national possesses:

- 1) Approval for temporary residence of a foreign national;
- 2) Concluded employment contract with the employer;
- 3) 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 is issued at the employer's request, namely for the:

- 1) Seconded persons;
- 2) Relocations within a company;

- 3) Independent professionals;
- 4) Training and improvement.

Article 19

A work permit for seconded persons employed by a foreign employer are 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 contract on business and technical cooperation with a foreign employer, in accordance with this Act.

Conditions for issuing the permit referred to in paragraph 1 of this Article comprise that the foreign national possesses:

- 1) Visa for a longer stay based on employment or approval for the temporary residence of a foreign national;
- 2) (Deleted)
- 3) Proof that that the seconded person has been employed by the foreign employer for at least one year;
- 4) 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 residence and work in the Republic.

The work permit referred to in paragraph 1 of this Article is issued for the period for which the contract has been concluded between the employer for whom the services are provided and the foreign employer, but not exceeding one year.

The work permit for seconded persons may be extended for a maximum of two years, with the consent of the ministry competent for employment, and according to the previously obtained opinion of the ministry responsible for the field which regulates the activity of the employer for jobs or services of interest to the Republic.

Notwithstanding paras. 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 a concluded international agreement governing secondment, is issued following the procedure, conditions and period specified in that agreement.

The consent and opinion referred to in paragraph 4 of this Article is obtained, ex officio, by the organization in charge of employment.

Article 20

A permit for seconded persons - for the purposes of performing activities or providing services under a contract for the purchase of goods, purchase or lease of machinery or equipment and its delivery, installation, assembly, repair or training for operation of such machines or equipment, is issued under the conditions set out in Article 19 of this Act for a period longer than 90 days, i.e. for the period required to complete such activity.

Article 21

A work permit for relocation within a company registered abroad is issued at the request of a branch office, i.e. a subsidiary company registered in the Republic, for the purpose of temporary secondment, i.e. relocation of an employee for work in that branch office, i.e. 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), as well as 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 company registered abroad is also issued at the request of the branch office, i.e. subsidiary company registered in the Republic, for the purpose of temporary secondment, i.e. relocation of an employed intern for work in that organizational unit, i.e. subsidiary company.

The work permit referred to in paras. 1 and 2 of this Article is issued under the conditions set out in Article 19 of this Act for the period of duration of the visa for longer stay on the basis of employment or temporary residence, but not exceeding one year.

The work permit for relocation within a company can be extended for a maximum of two years, with the consent of the ministry competent for employment, and according to the previously obtained opinion of the ministry responsible for the field regulating the activity of the employer for jobs or services of interest to the Republic.

The consent and opinion referred to in paragraph 4 of this Article is obtained, ex officio, by the organization in charge of employment.

Article 22

A work permit for an independent professional is issued at the request of an employer, i.e. end-user of services.

The work permit referred to in paragraph 1 of this Article is issued if an independent professional possesses the following:

- 1) Visa for longer stay on the basis of employment or approval for temporary residence;
- 2) Contract concluded with the employer or the end-user of services, which shall contain the time frame for completing the work;
- 3) Appropriate higher education degree and/or technical qualifications and the prescribed work experience in the profession.

The work permit referred to in paragraph 1 of this Article is issued for the term necessary to complete the work, but not exceeding one year.

Article 22a

Work permit for training and improvement is issued at the request of the employer, i.e. the foreign national, for the purpose of training, internships, professional practice, vocational training i.e. improvement.

The work permit referred to in paragraph 1 of this Article is issued if the foreign citizen has:

- 1) Temporary residence approval;
- 2) Contract concluded with the employer on conducting training, internship, professional practice, vocational training, i.e. improvement, which contains the venue and expiration date.

The work permit referred to in paragraph 1 of this Article is issued for the period of duration of the training, internship, professional practice, vocational training, i.e. improvement, but not longer than one year, with the possibility of extension for another year.

v) Work Permit for Self-employment

Article 23

A work permit for self-employment is issued at the request of a foreign national who has a visa for longer stay on the basis of employment or an approval for temporary residence in the Republic.

In the procedure for the issuance of a work permit for self-employment, together with the request the foreign national submits the following:

- 1) Statement regarding the nature, duration and scope of activities he plans to engage in;
- 2) Proof that he possesses matching qualifications to perform a specific activity;
- 3) Pre-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) Statement regarding the number and structure of persons that he plans to employ, especially citizens of the Republic, persons with free access to the labor market and foreign nationals with a personal work permit.

A work permit for self-employment is issued for the period of duration of the temporary residence approval, but not exceeding one year with the possibility of extension, provided that the foreign national proves that he continues the performance of the same activity under the conditions under which he received the permit.

A foreign national issued with a work permit for self-employment shall commence the performance of activities for which the work permit was issued within a term of 90 days from the day of receipt of such permit.

III LIMITING THE EMPLOYMENT OF FOREIGN NATIONALS

Article 24

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

The quota is determined upon the proposal of the ministry competent for employment affairs, having priorly obtained the opinion of the social and economic council established for the territory of the Republic and of the organization competent for employment affairs.

The quota does not apply to a foreign national, i.e. employer employing a foreign national, submitting an application for:

- 1) Personal work permit, excluding personal work permit issued at the request of a special category of a foreign national;
- 2) Work permit for relocation within a company.

IV PROCEDURE FOR ISSUANCE OF WORK PERMIT

Article 25

The organization competent for employment affairs, performing such activities as entrusted activities in accordance with the law governing general administrative procedure, issues decisions in the procedure of issuance, extension, revocation and cessation of validity of a work permit, unless specific issues are regulated otherwise by this Act or the act governing the residence of foreign nationals.

The organization competent for employment affairs keeps the record of data relevant to the issuance of decisions in accordance with this Act, in accordance with the principles of protection of personal data, efficacy, efficiency, conscientiousness, and responsibility.

Article 26

Territorially competent organizational unit of the organization competent for employment affairs, as defined by articles of association, rules in the first instance in the procedure for the issuance, extension, revocation and cessation of validity of a work permit.

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

The final decree on the appeal is issued by the minister competent for employment affairs.

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

1. Issuance and Extension of a Work Permit

Article 27

A work permit is issued for the period not exceeding the one specified by this Act and for the period of duration of residence of a foreign national.

Appropriate proofs of fulfillment of conditions for the issuance of the work permit are submitted together with the application for the issuance of the permit.

A work permit is 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, i.e. extension of a work permit is submitted to the organization competent for employment affairs according to the location of temporary residence or permanent settlement of the foreign national, i.e. according to the employer's registered office or location where the work is performed, depending on the type of work permit.

The application for an extension of a work permit is submitted no earlier than 30 days prior to the expiry of the previous permit, and no later than the expiry thereof.

Exceptionally, the request for the extension of the work permit referred to in Article 19, paragraph 4 and Article 21, paragraph 4 is submitted to the organization competent for employment affairs no later than 60 days before the expiration of the validity of the previous permit.

The manner of issuance, i.e. extension of the work permit, the manner of proving the fulfillment of conditions specified by this Act, proofs required for issuance, i.e. extension of the work permit, form and content of the work permit are specified by the minister competent for employment affairs.

2. Revocation of Work Permit

Article 29

A work permit shall be revoked if:

- 1) A foreign national performs activities for which no work permit has been issued or if he works for a different employer;
- 2) A foreign national fails to commence work within a term of 15 days from the day of issuance of the work permit for employment;
- 3) A foreign national issued with a permit for self-employment fails to commence the performance of activities for which the work permit has been issued within a term of 90 days from the day of receipt of the permit;
- 4) At the time of issuance, i.e. extension, the conditions specified by this Act had not been met.

The labor inspector shall immediately notify the organization competent for employment affairs if, during an inspection procedure, he establishes the facts referred to in paragraph 1 item 1) of this Article.

The employer shall notify the organization competent for employment affairs if the foreign national fails to commence work within the term of 15 days from the day of issuance of the work permit for employment.

The foreign national shall notify the organization competent for employment affairs of the

circumstances referred to in paragraph 1, item 3) of this Article within a term of 15 days from day of expiry of the term for commencing of the performance of activities.

The organization competent for employment affairs issues a decree 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 ceases 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, i.e. person granted subsidiary protection;
- 4) Upon termination of a contract of employment or of another contract without entering into employment relationship whereby a foreign national exercises his work related rights in accordance with the law, i.e. upon cessation of work of a foreign national who possesses temporary residence approval in the Republic;
- 5) If a foreign national loses the status of sole trader or if a legal entity ceases to operate prior to the expiry of a term of validity of the work permit for self-employment;
- 6) If reasons of protection of public order or security of the Republic and its citizens require so, in accordance with the law;
- 7) If the right of a foreign national to permanent or temporary residence in the Republic terminated;
- 8) If a foreign national becomes a domestic citizen;
- 9) In the event of death;
- 10) If a foreign national has resided outside the Republic for more than six months continuously.

A foreign national shall notify the organization competent for employment affairs of the facts referred to in paragraph 1, items 2) and 5) of this Article within a term of 15 days from the day of waiver, i.e. from the day of cessation of the status of sole trader or day of cessation of operations by a legal entity.

An employer shall notify the organization competent for employment affairs of the facts referred to in paragraph 1, item 4) of this Article within a term of 15 days from the day of cessation of work by a foreign national.

The organization competent for employment affairs issues a decree on cessation of a work permit for the circumstances referred to in paragraph 1, except in 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 organization competent for employment affairs shall keep records of:

- 1) Work permits;
- 2) Foreign nationals exercising the right to work in accordance with this Act.

The activities referred to in paragraph 1 of this Article are performed by the organization competent for employment affairs 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 organizations performing activities relating to residence and employment of a foreign national, other authorities and organizations performing activities in relation to the exercise of various rights of a foreign national, as well employers' associations and trade unions, shall directly and continuously cooperate and exchange of necessary information, both mutually and with other authorities and organizations abroad.

VI SUPERVISION

Article 33

The ministry competent for employment affairs supervises the work of holders of public authorities in the exercise of state administration activities delegated by this Act.

Inspection of the implementation of this Act, i.e. of fulfillment of the conditions for employment of a foreign national in accordance with this Act, is performed by the Labor Inspectorate.

VII PENAL PROVISIONS

Article 34

A fine between RSD 800,000 and RSD 1,000,000 shall be imposed for a misdemeanor on a legal person - employer that:

- 1) Employs a foreign national contrary to the provisions of this Act (Article 9, paragraph 1);
- 2) Fails to keep proofs of fulfillment of conditions for employment of a foreign national in the premises in which such foreign national works (Article 9, paragraph 2);
- 3) Employs a foreign national for activities for which a work permit has not been issued (Article 14, paragraph 2);
- 4) Fails to fulfill the obligations set out in Article 15;
- 5) Employs a foreign national contrary to the provisions of Art. 16 and 17 of this Act;
- 6) Employs a foreign national contrary to the provisions of Art. 19 through 22 of this Act;
- 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 Act;

9) Fails to comply with the provision of Article 30, paragraph 3 of this Act.

A fine between RSD 50,000 and RSD 500,000 shall be imposed for the misdemeanor 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 misdemeanor referred to in paragraph 1 of this Article on the responsible person in a legal person.

The employer referred to in paragraph 1 item 1 of this Article may be imposed with a protective measure prohibiting performance of a certain business activity 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 prohibiting performance of a certain activity 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 misdemeanor on a foreign national that:

- 1) Gets employed contrary to the provisions of this Act (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 provisions of Article 29, paragraph 4 of this Act;
- 4) Fails to comply with the provisions of Article 30, paragraph 2 of this Act.

Article 36

A fine between RSD 500,000 and 1,000,000 shall be imposed for a misdemeanor on a legal person - organization competent for employment affairs that:

- 1) Fails to allow an unemployed foreign national to exercise his right established by Article 4, paragraph 2 of this Act;
- 2) Issues several types of work permits for the same time period contrary to the provisions of Article 10, paragraph 3 of this Act;
- 3) Issues a work permit contrary to the provisions of Article 24 of this Act;
- 4) Fails to perform, or performs in a manner contrary to the provisions of this Act, the activities specified in Art. 25-30 of this Act.

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

VIII TRANSITIONAL AND FINAL PROVISIONS

Article 37

Foreign nationals who entered into employment or who are working based on approval for employment issued under regulations that were in force prior to entry into force of this Act continue working until the expiry of the term for which such approval was issued.

Article 38

The minister competent for employment affairs shall pass regulations pursuant to authorizations provided by this Act within a term of three months from the day of entry into force of this Act.

Article 39

The Act on the Conditions for the Employment of Foreign Citizens is repealed as of the day of entry into force of this Act ("Official Gazette of SFRY", Nos. 11/78 and 64/89, "Official Gazette of FRY", Nos. 42/92, 24/94 and 28/96 and "Official Herald of RS", No. 101/05 - other law).

Article 40

The regulations adopted under the Act on the Conditions for the Employment of Foreign Citizens ("Official Gazette of SFRY", Nos. 11/78 and 64/89, "Official Gazette of FRY", Nos. 42/92, 24/94 and 28/96 and "Official Herald of RS", No. 101/05 - other law) remain in force until the day of entry into force of the regulations adopted under this Act, unless they are contrary to the provisions of this Act.

Article 41

This Act enters into force on the eighth day following the day of publication in the "Official Herald of the Republic of Serbia", with the exception of the provisions of Art. 5-8 which become applicable as of the day of accession of the Republic to the European Union.

Independent Article of the Amendments and Supplements of the Foreign Nationals Employment Act

("Off. Herald of RS", No. 113/2017)

Article 9

This Act enters into force on the eighth day from the day of its publication in the "Official Herald of the Republic of Serbia".

Independent Articles of the Act to Amend and Supplement the Foreign Nationals Employment Act

("Off. Herald of RS", No. 50/2018)

Article 2

Procedures initiated before this Act entered into force will end according to the provisions of the regulations under which they begun.

Article 3

This Act enters into force on the eighth day from the day of its publication in the "Official Herald of the Republic of Serbia".

Independent Articles of the Amendments and Supplements the Foreign Nationals Employment Act

("Off. Herald of RS", No. 31/2019)

Article 9

The minister in charge of employment harmonizes the Rulebook on Work Permits ("Official Herald of RS", No. 63/18) with the provisions of this Act, within 90 days from the day this Act enters into force.

Article 10

This Act enters into force on the eighth day from the day of publication in the "Official Herald of the Republic of Serbia", provided that the provisions of Art. 1-3, Article 4, paragraph 2, Article 5, paragraph 1, Article 6 and Article 7, paragraph 1 apply from 1 January 2020.



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