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In focus: Law on Foreigners and Law on the Employment of Foreigners

Adoption of the Law on Amendments to the Law on Foreigners (*"Official Gazette of RS"*, no. 62/2023) and the Law on Amendments to the Law on Employment of Foreigners (*"Official Gazette of RS"*, no. 62/2023) by the National Assembly of the Republic of Serbia, facilitates and accelerates the procedure for approving temporary residence, i.e. permanent residence of foreigners in the Republic of Serbia, which indirectly improves their position.

While some solutions came into force immediately after the law was passed at the beginning of August this year, below is an outline of the most important changes which shall be applicable from **1 February 2024**.

Unified permit for temporary residence of foreigners and work of foreigners

Amendments to the Law on Foreigners establish **the duty of filing for issuance of the unified permit** to a foreigner who plans to stay and work in the Republic of Serbia, i.e. perform professional specialization, training and practice.

With the introduction of the unified permit, the procedure for approving temporary residence and obtaining a work permit is significantly shortened, given that the procedures are now unified, and that foreigners are no longer obliged to separately file for approval of temporary residence and for obtaining a work permit, but rather only one request is submitted on the basis of which a foreigner receives the unified permit.

Amendments to the Law on the Employment of Foreigners determines the possibility of working without prior obtaining of the unified permit, in cases where temporary residence has already been approved to a foreigner on one of the following grounds: family reunification with a member of the immediate family of a citizen of the Republic of Serbia, i.e. a foreigner with approved permanent residence; ownership of real estate; humanitarian stay; studying and international student exchange; status of presumed victim of human trafficking and victim of human trafficking; independent stay, etc.

Duration of temporary residence and deadline for extension of temporary residence

With the amendments to the Law on Foreigners, temporary residence is approved **for a period of up to three years and shall be extended for the same period**, which means a significant extension of the period of temporary residence compared to the previous term of a maximum of one year.

Additionally, instead of the previous solution which provided that filing for extension of temporary residence may be done no earlier than 3 months and no later than 30 days before expiration of the existing permit, **a new deadline is established for filing for extension of temporary residence, which may now be done no earlier than 3 months and no later than expiration of the validity of temporary residence.**

Deadline for acquiring permanent residence in general and special cases

Amendments to the Law on Foreigners shortens the deadline for approval of permanent residence so that **now, a foreigner obtains the right to permanent residence after three years of continuous residence in the Republic of Serbia**, and not after five years of continuous residence, as previously foreseen.

Further, with the amendments to the Law on Foreigners, the basis for permanent residence in special cases is deleted for a foreigner who is in a marital or cohabiting union with a citizen of the Republic of Serbia, or a foreigner with approved permanent residence who has resided for at least three years based on approved temporary residence on the basis of family reunification. **A new basis is introduced for obtaining permanent residence in special cases, i.e. for a foreigner of Serbian ancestry.**

In addition, the right to residence has been established for those foreigners who have resided in the Republic of Serbia for more than three years on the basis of the approved right to asylum.

The possibility of changing the basis of work, employer, employment with two or more employers

A novelty introduced by the Amendments to the Law on Foreigners is the possibility for a foreigner to change the basis of work, change employers, be employed with two or more employers during the period of validity of the unified permit. This possibility is available to a foreigner on the basis of a consent issued by the organization responsible for employment affairs.