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The Law on Employment of Foreigners („Official Gazette RS“, no.128/2014)



General Assembly of the Republic of Serbia passed The Law on Employment of Foreigners on 25.11.2014., on the Eighth Session of the Second Regular Assembly in 2014. („Official Gazette RS“ no. 128/14, hereinafter: „**The Law**“) entered into force and being applied since 04.12.2014., except for provisions in Article 5-8 of The Law that are to be applied from the moment Republic of Serbia enters EU memberships.

The law regulates the conditions and recruitment procedure of foreigners in the Republic of Serbia (hereinafter: „**RS**“),

provided that it does not apply to persons exempted by Article 3 of the Law (foreigners residing in the RS on the basis of or in connection with international agreements, representatives of the foreign media, volunteers, members of the crews of the ships or rescue units and etc.) but neither to a foreigner whose residence in the RS does not last longer than 90 days within six months from the date of first entry in the RS and in relation to the founders, representatives or members of the organs of a legal person established in the RS, who has been assigned by

foreign employer on some basis, in regard to the researchers and lecturers, conducting educational, artistic and similar activities. On the other hand, EU nationals and their family members, have free access to the labor market and they do not need work permit, provided that the mentioned articles of the Law regulating this issue apply only upon receipt of the RS in the European Union.

Conditions for employment of foreigners in the RS refer to approval for temporary stay (regardless of duration) or permanent residence in the RS and obtaining the license. The Law thereby, distinguishes two types of licenses - a personal work permit and work permit.

The conditions for the issuance of personal work permit refer to the existence of a permit for permanent residence and the special status of a foreigner - refugee status or affiliation to special category of foreigners (asylum seekers, a person who has been granted temporary personal protection, victims of trafficking, the person who has been approved subsidiary protection). On the other hand, a work permit may be issued as a work permit for employment, work permit for special cases of employment and work permit for self-employment. A work permit is issued at the request of the employer who is obliged to bear the costs of issuing of a work permit and has Obligation to register a foreigner to the mandatory social insurance. If the employer fails to act in this manner, he will certainly be required to pay wages to the foreigner, with related taxes and contributions. The request for the issuance or renewal of work permits shall be submitted to the relevant National Employment Service, with the submission of the evidences on fulfilled conditions for issuing the permit.

Criminal provisions of the Law provides a monetary fine for an offense of an employer, in the range of 800,000 to 1,000,000 dinars, or 20,000-150,000 dinars for the responsible person in the legal entity, for failure to comply with the provisions of the Law, with the possibility of imposing restraining orders for performing a certain activity for a period of six months to one year. In addition, the Law provides

the monetary fine for tort of the foreigner in the range of 15,000 to 150,000 dinars for acting contrary to the provisions of the Law.