

**DVA MESECA OD POČETKA PRIMENE
OBJEDINJENOG SISTEMA ODOBRENJA
PRIVREMENOG BORAVKA PO OSNOVU
ZAPOŠLJAVANJA I IZDAVANJA RADNE DOZVOLE
U REPUBLICI SRBIJI**

Uopšteno o poslednjim izmenama i dopunama

Na temelju poslednjih izmena i dopuna Zakona o strancima („Sl. glasnik RS“, br. 24/2018, 31/2019 i 62/2023) i Zakona o zapošljavanju stranaca („Sl. glasnik RS“, br. 128/2014, 113/2017, 50/2018, 31/2019 i 62/2023), usvojeni su i podzakonski akti, uključujući Pravilnik o odobravanju privremenog boravka („Sl. glasnik RS“, br. 6/2024) kojim se, između ostalog, propisuju bliži uslovi za odobrenje privremenog boravka, Pravilnik o izdavanju jedinstvene dozvole za privremeni boravak i rad stranca („Sl. glasnik RS“, br. 6/24) kojim se propisuju bliži uslovi za podnošenje i obradu zahteva za izdavanje jedinstvene dozvole za privremeni boravak i rad stranca elektronskim putem, bliži uslovi za izdavanje jedinstvene dozvole kao i izgled obrasca jedinstvene dozvole, i novi Pravilnik o odobravanju stalnog nastanjenja („Sl. glasnik RS“, br. 118/2023) kojim se propisuju bliži uslovi za odobravanje stalnog nastanjenja stranca. Zajedno sa navedenim zakonima, ovi pravilnici predstavljaju sveobuhvatni okvir za regulisanje procesa odobravanja boravka stranaca u Republici Srbiji, unapređujući administrativne procedure u ovom kontekstu.

**TWO MONTHS FROM THE COMMENCEMENT OF
THE APPLICATION OF THE INTEGRATED SYSTEM
OF APPROVAL OF TEMPORARY RESIDENCE ON
THE BASIS OF EMPLOYMENT AND ISSUANCE OF
WORK PERMIT IN THE REPUBLIC OF SERBIA**

**General information about the latest
amendments and supplements**

On the basis of the latest amendments and supplements to the Law on Foreigners („Official Gazette of RS“, No. 24/2018, 31/2019 and 62/2023) and the Law on Employment of Foreigners („Official Gazette of RS“, No. 128/2014, 113/2017, 50/2018, 31/2019 and 62/2023), by-laws were also adopted, including the Rulebook on the Approval of Temporary Residence („Official Gazette of RS“, No. 6/2024) which, among other things, prescribes closer conditions for the approval of temporary residence, the Rulebook on Issuing an Integrated Permit for Temporary Residence and Work of a Foreigner („Official Gazette of the RS“, No. 6/24) which prescribes the detailed conditions for submitting and processing requests for issuing an integrated permit for temporary residence and work of a foreigner electronically, detailed conditions for issuing an integrated permit as well as the layout of the integrated permit form, and the new Rulebook on the Approval of Permanent Residence („Official Gazette of RS“, No. 118/2023) which prescribes detailed conditions for the approval of permanent residence of a foreigner. Together with the aforementioned laws, these regulations represent a comprehensive framework for regulating the process of approving the stay of foreigners in the Republic of Serbia, improving administrative procedures in this context.

Podsećamo da većina zakonskih odredaba Zakona o strancima nisu imale odložno dejstvo i njihova primena je počela 4. avgusta 2023. godine. U pitanju su, između ostalog, sledeće novine:

- Produžen je rok za odobravanje privremenog boravka na **period do tri godine**, umesto prethodnog roka od godinu dana;
- Rok za podnošenje zahteva za produžetak privremenog boravka je produžen, te podnosilac zahtev može da podnese **do isteka roka važenja privremenog boravka**;
- Uslov za stalno nastanjenje je ublažen te stalno nastanjenje može biti odobreno strancu koji, po osnovu odobrenog privremenog boravka, neprekidno boravi u Republici Srbiji u trajanju od **najmanje tri godine** umesto dosadašnjih pet godina;
- Uveden je poseban osnov za dobijanje stalnog nastanjenja koji omogućava stranom državljaninu **koji je srpskog porekla** da dobije stalno nastanjenje, bez obzira na prethodni boravak u Srbiji;
- Uvedeni su **dodatni osnovi** za podnošenje zahteva za privremeni boravak – u tom smislu, Vlada Republike Srbije biće zadužena da posebnim aktom odredi kategorije stranaca, kriterijume, način i bliže uslove odobravanja privremenog boravka strancima, kao što su: stranci investitori u Republici Srbiji, stranci talenti, stranci koji su uključeni u inovacione delatnosti, stranci digitalni nomadi, stranci sa visokim kvalifikacijama i dr;

We remind you that most of the legal provisions of the Law on Foreigners did not have a suspensive effect and their implementation began on 4 August 2023. These are, among others, the following novelties:

- The deadline for approving temporary residence has been extended for a **period of up to three years**, instead of the previous deadline of one year;
- The deadline for submitting a request for extension of temporary residence has been extended, and the applicant can submit the request **until the expiration of the validity period of the temporary residence**;
- The condition for permanent residence has been eased, and permanent residence can be granted to a foreigner who, on the basis of an approved temporary residence, resides continuously in the Republic of Serbia for a period of **at least three years** instead of the previous five years;
- A special basis for obtaining permanent residence was introduced, which enables a **foreign citizen of Serbian origin** to obtain permanent residence, regardless of previous residence in Serbia;
- **Additional basis** for submitting requests for temporary residence have been introduced – in this sense, the Government of the Republic of Serbia will be responsible for determining by a special act the categories of foreigners, the criteria, the method and detailed conditions for granting temporary residence to foreigners, such as: foreign investors in the Republic of Serbia, foreigners talents, foreigners who are involved in innovative activities,

- Poslodavcima je omogućeno da **čuvaju dokumenta** koja dokazuju pravo stranca na rad u Republici Srbiji **na jednom mestu po svom izboru**, za razliku od prethodnog rešenja gde je bilo obavezno da se ta dokumenta čuvaju u prostorijama poslodavca.

U nastavku teksta ukratko ćemo se osvrnuti na najznačajniju zakonodavnu novinu koja je počela s primenom 1. februara 2024. godine a to je jedinstvena dozvola.

Jedinstvena dozvola i procedura izdavanja jedinstvene dozvole: Šta to znači za poslodavce i strane radnike?

Jedinstvena dozvola predstavlja novi integrativni dokument koji zamenjuje odobrenje za privremeni boravak i dozvolu za rad stranca u Republici Srbiji. Primena jedinstvene dozvole obuhvata privremeni boravak i radne dozvole za zapošljavanje, samozapošljavanje i posebne slučajeve zapošljavanja (za upućena lica, za kretanje u okviru privrednog društva, za nezavisnog profesionalca, za osposobljavanje i usavršavanje). Ova dozvola omogućava strancima boravak i rad u zemlji tokom perioda do tri godine, s mogućnošću obnove.

Proces podnošenja zahteva za jedinstvenu dozvolu je pojednostavljen i prilagođen savremenim tehnologijama, omogućavajući strancima, poslodavcima ili ovlašćenim licima da podnesu zahtev elektronskim putem. Stranci lično mogu da podnesu zahtev iz inostranstva, registracijom na jedinstvenom veb portalu za strance, te neće

foreigners who are digital nomads, foreigners with high qualifications, etc.;

- Employers are allowed to **keep documents** that prove the right of a foreigner to work in the Republic of Serbia **in one place of their choice**, unlike the previous solution where it was mandatory to keep those documents in the employer's premises.

Below we will briefly refer to the most significant legislative novelty that began to be implemented on 1 February 2024 that is an integrated permit.

Integrated permit and procedure of issuing the integrated permit: What does this mean for employers and foreign workers?

The integrated permit represents a new integrative document replacing the approval for temporary residence and work permit for foreigners in the Republic of Serbia. The implementation of the integrated permit encompasses temporary residence and work permits for employment, self-employment, and special cases of employment (for seconded persons, for movement within a company, for independent professional, for training and improvement). This permit allows foreigners to reside and work in the country for a period of up to three years, with the possibility of renewal.

The process of submitting an application for the integrated permit has been simplified and adapted to modern technologies, allowing foreigners, employers, or authorized individuals to submit the application electronically. Foreigners are able to personally submit their application remotely, by registration at the web portal for foreigners, so

morati lično da dolaze u Republiku Srbiju sve dok se njihov zahtev ne reši. Nadležni organ ima rok od 15 dana od dana podnošenja zahteva da donese odluku o ispunjenosti uslova za rad stranca. Takođe, zahtev može podneti i lice koje stranac ovlasti.

Poslodavac ili lice koje poslodavac ovlasti zahtev za izdavanje jedinstvene dozvole može podneti pojedinačno, odnosno grupno, za veći broj lica, po istom osnovu.

Nakon odobrenja zahteva, Ministarstvo unutrašnjih poslova Republike Srbije izdaje jedinstvenu dozvolu u formi biometrijskog dokumenta koji, pored ličnih podataka stranca sadržati i biometrijske podatke (fotografija, otisci prstiju i potpis).

Što se tiče procene za zapošljavanje stranca, ista se vrši na osnovu stanja na tržištu rada i ocenom ispunjenosti sledećih uslova:

1. da poslodavac u roku od 90 dana pre podnošenja zahteva za jedinstvenu dozvolu za zapošljavanje nije otpustao zaposlene usled tehnoloških, ekonomskih ili organizacionih promena na radnim mestima za koje se traži jedinstvena dozvola za zapošljavanje;
2. da je poslodavac pokrenuo sprovođenje testa tržišta rada;
3. postojanje predloga ugovora o radu ili drugog ugovora kojim se ostvaruju prava po osnovu rada.

Test tržišta rada

they won't have to come personally to the Republic of Serbia until their application is processed. The competent authority has a deadline of 15 days from the date of application submission to make a decision on the fulfilment of the conditions for employing a foreigner. Also, the foreigner may authorize third party to submit request on their behalf.

The employer or the person authorized by the employer can submit a request for the issuance of the integrated permit individually or collectively for a larger number of individuals, based on the same ground.

Upon approval of the request, the Ministry of Internal Affairs of the Republic of Serbia issues the integrated permit in the form of a biometric document which, in addition to the foreigner's personal data, contains biometric information (photography, fingerprints, and signature).

Regarding the assessment for the employment of a foreigner, the same is conducted based on the labor market conditions and an evaluation of the fulfilment of the following conditions:

1. the employer did not fire any employees due to technological, economic, or organizational changes in the positions for which the integrated employment permit is sought within 90 days prior to submitting the request for the integrated employment permit;
2. the employer has initiated the implementation of a labour market test.
3. the existence of a proposed employment contract or other contract that establishes rights based on employment.

The labour market test

Poslodavac ili pravno ili fizičko lice, ovlašćeno od strane poslodavca, preko portala eUprava, popunjavanjem zahteva u onlajn formi, pokreće sprovođenje testa tržišta rada. Organizacija nadležna za poslove zapošljavanja - Nacionalna služba za zapošljavanje („NSZ“) na zahtev poslodavca sprovodi test tržišta rada odnosno međuregionalno posredovanje u zapošljavanju, tako što utvrđuje da li se na evidenciji NSZ nalaze lica koja odgovaraju uslovima iz zahteva poslodavca za konkretno radno mesto, odnosno lica koja ostvaruju pravo na rad i koja odgovaraju uslovima iz zahteva poslodavca za konkretno radno mesto. Izveštaj o sprovedenom testu tržišta rada, izdaje se u roku od četiri, umesto dosadašnjih 10 dana. Pored testa tržišta rada, za dokazivanje opravdanosti zahteva za izdavanje jedinstvene dozvole po osnovu zapošljavanja prilažu se odnosno pribavljaju se i: (1) predlog ugovora o radu ili drugog ugovora kojim stranac bez zasnivanja radnog odnosa ostvaruje prava po osnovu rada; (2) izvod iz pravilnika o organizaciji i sistematizaciji poslova ili, ukoliko poslodavac ima manje od deset zaposlenih, izjava poslodavca koja sadrži naziv i opis poslova, nivo i vrstu kvalifikacije, odnosno obrazovanja i druge posebne uslove za rad na poslovima za radno mesto; (3) diploma, uverenje, odnosno druga javna isprava o stečenom odgovarajućem nivou i vrsti kvalifikacije, koja mora biti prevedena na srpski jezik; (4) uverenje da poslodavac u roku od 90 dana pre podnošenja zahteva za jedinstvenu dozvolu za zapošljavanje nije otpuštao zaposlene usled tehnoloških, ekonomskih ili organizacionih promena na radnim mestima za koje se traži jedinstvena dozvola za zapošljavanje (pribavlja ga NSZ službenim putem).

The employer or a legal or natural person authorized by the employer initiates the implementation of the labour market test through the eGovernment (eUprava) portal by filling out the request in the online form. The organization responsible for employment matters - the National Employment Service ("NES") conducts the labour market test i.e. interregional employment mediation at the request of the employer. This involves determining whether there are individuals registered with the NES who meet the employer's requirements for a specific job position or who have the right to work and meet the employer's requirements for a specific job position. The report on the conducted labor market test is issued within four days, instead of the previous 10 days. In addition to the labor market test, to substantiate the request for the issuance of the integrated permit based on employment, the following documents are submitted or obtained: (1) proposed employment contract or another contract through which the foreigner obtains rights based on work without establishing an employment relationship; (2) extract from the work organization and job classification regulations or, if the employer has fewer than ten employees, a statement from the employer containing the job title and description, level and type of qualification, education, and other specific job requirements for the job position; (3) diploma, certificate, or other public document proving the appropriate level and type of qualification obtained, which has to be translated into Serbian language; (4) certificate stating that the employer had not fired employees within 90 days prior to submitting the request for the integrated permit due to technological, economic, or organizational changes in the job

Jedinstvena dozvola će važiti i u slučaju promene poslodavca, promene vrste ugovora o angažovanju ili u slučaju zaključenja ugovora o dopunskom radu, odnosno u slučaju dodatnog zaposlenja u periodu važenja jedinstvene dozvole. Dodatno, ukoliko dođe do prekida radnog odnosa tokom važenja jedinstvene dozvole, stranci će imati mogućnost da zadrže svoju dozvolu, ukoliko zaključe novi ugovor o radu u roku od 30 dana, s tim da će novi poslodavac morati da podnesu NSZ- u zahtev za davanje saglasnosti da taj stranac ispunjava uslove za rad kod tog poslodavca. Uz zahtev za izdavanje saglasnosti prilažu se i odgovarajući dokazi o ispunjenosti uslova. NSZ odlučuje o podnetom zahtevu za davanje saglasnosti na osnovu izveštaja o sprovedenom testu tržišta rada i ocene priloženih dokaza (u zavisnosti od osnova rada za koji se traži saglasnost) propisanih Pravilnikom o izdavanju jedinstvene dozvole za privremeni boravak i rad stranaca. Zahtev za davanje saglasnosti se podnosi filijali NSZ prema sedištu poslodavca.

Kategorije lica koje mogu da rade na teritoriji Republike Srbije i bez pribavljanja jedinstvene dozvole

Određene kategorije stranaca će moći da rade na teritoriji Republike Srbije i bez pribavljanja jedinstvene dozvole, ali uz odobren privremeni boravak po jednom od predviđenih osnova:

positions for which the integrated permit is sought (NES is obtaining it through official channels).

The integrated permit will remain valid in the event of a change of employer, a change in the type of employment contract, or in the case of concluding a supplementary work contract, or in the case of additional employment during the validity period of the integrated permit. Additionally, if there is a termination of the employment relationship during the validity of the integrated permit, foreigners will have the opportunity to retain their permit if they conclude a new employment contract within 30 days, with the fact that the new employer will have to submit a request to NES for approval that the foreigner fulfills the conditions for performing the job for that employer. The request for approval shall be accompanied by appropriate evidence of the fulfilment of the conditions. NES decides on the submitted request for approval based on the report on the conducted labor market test and the assessment of the attached evidence (depending on the basis of the work for which approval is requested) prescribed by the Rulebook on Issuing an Integrated Permit for Temporary Residence and Work of a Foreigner. The request for approval is submitted to NES branch according to the employer's headquarters.

Categories of individuals who are able to work in the territory of the Republic of Serbia without obtaining the integrated permit

Certain categories of foreigners will be able to work in the territory of the Republic of Serbia without obtaining the integrated permit, but with approved temporary residence on one of the specified basis:

- spajanja porodice sa članom uže porodice državljanina Republike Srbije, odnosno strancem kome je odobreno stalno nastanjenje,
- vlasništva nad nepokretnošću,
- studiranja i međunarodne razmene studenata,
- humanitarnog boravka,
- naučno istraživačkog rada,
- odobrenog stalnog nastanjenja,
- odobrenog azila ili privremene zaštite, odnosno drugom pravnom osnovu koji je propisan zakonom, kao izuzetak od pravila pribavljanja jedinstvene dozvole.

Pravo na rad bez izdate jedinstvene dozvole imaju i članovi porodice stranca sa odobrenom jedinstvenom dozvolom, zatim, stranac koji obavlja posao akreditovanog stranog novinara i koji je predstavnik inostranog medija ili koji je volonter, koji obavlja verske poslove ili onaj koji je angažovan kao član autorske ili glumačke ekipe na teritoriji Republike Srbije.

Umesto zaključka

U svetlu navedenih promena, novi sistem izdavanja jedinstvene dozvole za boravak i rad stranaca u Republici Srbiji pruža značajne prednosti i olakšice kako za strane radnike, tako i za poslodavce. Integracija procedura i pojednostavljenje procesa podnošenja zahteva putem elektronskih kanala predstavljaju korake napred ka efikasnijem sistemu.

Tekst pisale: **Jelena Pejović** i **Mirjana Mladenović Paripović**, advokati u saradnji sa advokatskom kancelarijom Rokas

- family reunification with a member of the immediate family of a citizen of the Republic of Serbia, or a foreigner granted permanent residence,
- ownership of real estate,
- studying and international student exchanges,
- humanitarian stay,
- scientific research work,
- approved permanent residence,
- approved asylum or temporary protection, or another legal basis prescribed by law, as an exception to the rule of obtaining the integrated permit.

The right to work without the integrated permit is also granted to: family members of a foreigner with approved integrated permit, a foreigner working as an accredited foreign journalist and representing a foreign media outlet or working as volunteer, individuals performing religious duties, members of author's or cast team engaged in Serbia.

Closing thoughts

In light of the mentioned changes, the new system for issuing integrated permit for residence and work of foreigners in the Republic of Serbia provides significant benefits and simplifications for both foreign workers and employers. The integration of procedures and streamlining of the application process through electronic channels represent steps forward towards a more efficient system.

Written by: **Jelena Pejović** and **Mirjana Mladenović Paripović**, attorneys at law in cooperation with Rokas International Law Firm

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