Pursuant to Article 43, paragraph (2) of the Law on Foreign Nationals (“Official Gazette of RS”, No. 24/18),

the Minister of Interior hereby approves of the

RULEBOOK

on Detailed Conditions for Temporary Residence, Application Form Layout for Temporary Residence Approval, Layout and Manner of Affixing a Temporary Residence Sticker in a Foreign National’s Travel Document

"Official Gazette of RS", No. 72 of 28 September 2018

Article 1

The Rulebook sets forth detailed conditions with regards to granting temporary residence, application form layout for granting temporary residence, as well as the layout and manner of affixing a temporary residence sticker in a foreign national’s travel document.

Article 2

A foreign national shall provide evidence set out in Article 43 of the Law on Foreign Nationals once he/she files a request for approval, i.e., extension of temporary residence in the Republic of Serbia on any grounds.

A foreign national shall enclose a color photograph of 35 x 45 mm in size once he/she applies for a temporary residence permit.

Article 3

A foreign national’s residential address shall be registered once a request for temporary residence approval is delivered to the competent authority in whose area the residential address of a foreign national is located followed by a written consent of either the apartment’s owner or a person authorized by the owner to register the residential address at his/her address.

Article 4

Proof of a foreign national’s secured means of subsistence during his/her planned residence in the Republic of Serbia shall be considered as follows:

1) Certificate of salary (calculation of salary, etc.);

2) Employment contract, work contract or other contract proving the employment of a foreign national in the Republic of Serbia in accordance with labor regulations;

3) Proof of pension insurance payments;

4) Proof of scholarship;

5) Proof of entry into the Register of Agricultural Holdings;

6) Certificate or statement of funds on the bank account registered in the Republic of Serbia in the amount of minimum wage in the Republic of Serbia;

7) Certified guarantee from either an employer or a natural person, who is a member of foreign national’s household and who has filed the request for approval, i.e., extension of temporary residence certifying that he/she shall incur the costs for the purpose of financially supporting a foreign national during his/her stay

Article 5

The European Health Care Insurance Card, i.e., another document proving health care insurance in a foreign national’s country shall be regarded as proof of foreign national’s health care insurance if a foreign national’s country has entered an international agreement on social insurance with the Republic of Serbia.

A health care insurance policy of a foreign national; proof of funds that can cover the costs of emergency medical care, or treatment of chronic diseases; certified guarantee by either an employer or a natural person that he/she shall cover the above mentioned costs, as well as a valid health insurance card of the Republic of Serbia shall be regarded as proof of health care insurance if a foreign national’s country has entered not entered an international agreement on social insurance with the Republic of Serbia.

Article 6

If a foreign national files a request for temporary residence permit based on employment, the following listed below shall be obtained, i.e., enclosed as proof of request justification for a temporary residence permit in accordance with the law:

1) Excerpt from either legal entity’s or entrepreneur’s registration in the Republic of Serbia;

2) Employment contract, work contract or other contract proving the employment of a foreign national in the Republic of Serbia in accordance with labor regulations;

3) Report by employment agency on requirements met for employment purposes if the employment is established for the first time

If a request with regards to extension of temporary residence is filed based on employment, a foreign national shall obtain a decision by the employment agency which has approved of work or issued a work permit in accordance with regulations governing the employment of foreign nationals aside from proof referred to in paragraph 1 of this Article.

Article 7

If a foreign national, who is registered in the decision on registration of a legal entity or entrepreneur, files a request for temporary residence permit based on employment, an excerpt from registration of legal entity or entrepreneur in the Republic of Serbia shall be obtained i.e., enclosed as proof of request justification for a temporary residence permit.

In the event of filing a request with regards to extension of temporary residence, a decision by the employment agency, which has approved of work or issued a work permit, shall be obtained in accordance with regulations governing the employment of foreign nationals aside from proof referred to in paragraph 1 of this Article.

Article 8

If the application for temporary residence permit based on employment is filed by a foreign national who is sent to work to the Republic of Serbia based on a business-technical cooperation agreement entered with a foreign legal entity, the following listed below shall be obtained, i.e., enclosed as justified proof of a temporary residence permit in accordance with the law:

1) Excerpt from legal entity’s registration in the Republic of Serbia;

2) Agreement on business-technical cooperation entered with a foreign legal entity;

3) Decision by a foreign legal entity on sending or assigning employees to a legal entity registered in the Republic of Serbia, if this is not regulated by the agreement on business-technical cooperation;

4) Certificate of foreign national’s employment by a legal entity registered in the Republic of Serbia

In the event of filing a request with regards to extension of temporary residence, a foreign national shall obtain a decision by the employment agency, which has approved of work or issued a work permit, in accordance with regulations governing the employment of foreign nationals aside from the evidence referred to in paragraph 1 of this Article.

Article 9

If the request for temporary residence permit based on employment is filed by a foreign national who is being transfered within a company registered abroad for the purpose of temporary referral, i.e., for the purpose of work transfer to a legal entity registered in the Republic of Serbia, the following listed below shall be obtained, i.e., enclosed as justified proof of a temporary residence permit in accordance with the law:

1) Excerpt from a legal entity’s registration in the Republic of Serbia;

2) Decision of a foreign legal entity on sending or assigning employees to a legal entity registered in the Republic of Serbia;

3) Certificate of foreign national’s employment by a legal entity registered in the Republic of Serbia;

In the event of filing a request with regards to extension of temporary residence, a decision by the employment agency, which has approved of work or issued a work permit, shall be obtained in accordance with regulations governing the employment of foreign nationals aside from proof referred to in paragraph 1 of this Article.

Article 10

If the request for temporary residence permit based of employment is filed by a foreign national professionally engaged in a sports club registered in the Republic of Serbia, the following listed below shall be obtained, or enclosed as proof of request justification for a temporary residence permit in accordance with law:

1) Excerpt from a sports club registration in the Republic of Serbia;

2) Contract certified by the competent sports federation on hiring a foreign athlete;

In the event of filing a request with regards to extension of temporary residence, a decision by the employment agency, which has approved of work or issued a work permit, shall be obtained aside from proof referred to in paragraph 1 of this Article in accordance with regulations governing the employment of foreign nationals.

Article 11

If the request for approval, i.e., extension of temporary residence based on employment is filed by a foreign national who is considered a volunteer in accordance with the regulations on volunteering, the following listed below shall be obtained, i.e., enclosed, in accordance with the law as justified proof for the request for temporary residence permit:

1) Excerpt from legal entity’s registration in the Republic of Serbia;

2) Agreement on volunteering;

3) Certificate by the state authority that a volunteering organizer is registered in the prescribed records of the volunteering organizer.

If volunteering is either performed at a company or public enterprise, the consent of the ministry responsible for work on the volunteering program shall be enclosed aside from evidence referred to in paragraph 1 of this Article.

Article 12

If the request for approval, i.e., extension of temporary residence based on employment is filed by a foreign national in the capacity of an accredited foreign journalist, an accreditation by the ministry responsible for culture and information in the Republic of Serbia shall be obtained, i.e., enclosed as justified proof for the request for approval of temporary residence in accordance with the law.

Article 13

If the request for approval, i.e., extension of temporary residence based on employment is filed by a foreign national who is engaged as an expert in the implementation of projects in cooperation with state bodies of the Republic of Serbia, he/she shall enclose a letter from the competent state body, local self-government unit or other organization/s or association/s on the need to hire a foreign national, his/her job title and engagement duration.

Article 14

If a foreign national files a request for approval, i.e., extension of temporary residence based on schooling or study, he/she shall enclose a certificate of enrollment in a verified primary or secondary school, i.e., accredited higher education institution as proof of justified request for approval of temporary residence.

If a foreign national files a request for approval, i.e., extension of temporary residence based on learning the Serbian language, he/she shall enclose a certificate of enrollment in an organization registered for education or language learning as proof of the justified request for approval of temporary residence.

In case referred to in paragraph 1 and 2 of this Article, a foreign national shall enclose an excerpt from either a legal entity’s or entrepreneur’s registration in the Republic of Serbia stating that he/she is engaged in education as his/her predominant activity, i.e., a certificate that the educational institution is verified or accredited in the Republic of Serbia.

Article 15

If a foreign national files a request for approval, i.e., extension of temporary residence based on participation in international exchange programs of pupils or students, he/she shall obtain, i.e., enclose the following below as proof of the justified request for a temporary residence permit in accordance with the law:

1) Excerpt from a legal entity’s registration in the Republic of Serbia;

2) A certificate of enrollment in a verified primary or secondary school, i.e., an accredited higher education institution within the program of international exchange of pupils and students and proof that the program of international exchange of pupils and students has been approved by the ministry responsible for education and science

Article 16

If a foreign national files a request for a temporary residence permit based on specialization, professional training or work placement, the following listed below shall be obtained, i.e., enclosed as proof of the justified request for a temporary residence permit in accordance with the law:

1) Excerpt from a legal entity’s registration in the Republic of Serbia;

2) Certificate of a legal entity that organizes specialization, training or work placement in the Republic of Serbia, in which both the starting and completion date of specialization, professional training and work placement is stated.

In the event of filing a request for the extension of temporary residence based on specialization, professional training or work placement, a decision decision by the employment agency, which has approved of work or issued a work permit, shall be obtained in accordance with regulations governing the employment of foreign nationals aside from proof referred to in paragraph 1 of this Article.

Article 17

If a foreign national files a request for a temporary residence permit based on scientific research or other scientific and educational activities, the following listed below shall be obtained, i.e., enclosed as proof of justified request for a temporary residence permit in accordance with the law:

1) Excerpt from registration of an accredited scientific research organization in the Republic of Serbia where a foreign national performs scientific research or other scientific educational activity;

2) Contract entered with a scientific research organization on the performance of scientific research and implementation of research activities:

3) Certificate of the institution, i.e., legal entity where a foreign national performs scientific research or other scientific educational activity complete with starting and completion date of scientific research or other scientific educational activity.

In the event of filing a request for the extension of temporary residence based on scientific research or other scientific educational activity, a decision by the employment agency, which has approved of work or issued a work permit, shall be obtained in accordance with regulations governing the employment of foreign nationals aside from proof referred to in paragraph 1 of this Article.

Article 18

If a foreign national files a request for approval, i.e., extension of temporary residence based on family reunification, and if the spouse is a citizen of the Republic of Serbia, the following listed below shall be obtained, i.e., enclosed as proof of justified request for approval of temporary residence in accordance with law, not older than six months.

Once the application for temporary residence permit based on family reunification is filed by a foreign national married to a foreign national who has been granted temporary residence or permanent residence in the Republic of Serbia, a document on existence of marital union with a foreign national shall be enclosed as proof of the justified request for approval of temporary residence in accordance with the national legislation of the country where the marital union is established.

Article 19

If a foreign national files a request for approval, i.e., extension of temporary residence based on family reunification, and if spouses are in a common-law marriage, he/she shall submit proof of marital status for both partners and other evidence of common-law marriage as proof of justified request for approval of temporary residence.

Other evidence referred to in paragraph 1 of this Article by which a foreign national can prove the existence of a common-law marriage are statements made by such partners and certified statements by two witnesses on a common-law marriage, evidence of a common residential address, or an excerpt from the register of a common-law marriage if the register is kept in the country where common-law marriage is entered and so on.

If a joint child is born during a common-law marriage, an excerpt from the birth register for the child shall be obtained, i.e., enclosed in accordance with the law as proof of the existence of a common-law marriage.

Article 20

If a foreign national files a request for approval, i.e., extension of temporary residence based on family reunification for a minor whose parent is a citizen of the Republic of Serbia or a foreign national with an approved temporary residence or permanent residence in the Republic of Serbia, a birth certificate for a child shall be enclosed in accordance with the law as proof of justified request for temporary residence.

If the request for approval of temporary residence referred to in paragraph 1 of this Article is filed, the presence of both parents shall be required. If it is not possible to ensure the presence of both parents the certified consent of the other parent shall be enclosed in addition to evidence referred to in paragraph 1 of this Article.

If a request for approval, i.e., extension of temporary residence based on family reunification is filed by a foreign national who, in accordance with the Law on Foreign Nationals, can exceptionally be considered a close family member, a birth certificate and proof that the applicant depends on the person with whom he/she is requesting temporary residence and that he/she does not have adequate family care in the country of origin, i.e., that he/she cannot meet his/her needs due to his /her health condition shall be enclosed as proof of justified request for temporary residence.

Article 21

If a foreign national files a request for approval, i.e., extension of temporary residence based on family reunification with a foreign national who has been granted asylum in the Republic of Serbia, a certified copy of the decision on approved asylum in the Republic of Serbia shall either be obtained or enclosed in accordance with the law for close family members based on which a foreign national files a request for temporary residence, as well as other evidence of kinship at his/her disposal as proof of justified request for temporary residence.

Article 22

Justified reasons for approving the request for independent temporary residence filed by a foreign national, who had been granted temporary residence based on family reunification in the last four years, shall be proven by documentation set forth in Articles 18–21 of the Rulebook.

If a close family member has either passed away or the marriage has been dissolved, based on which the request for approval of independent temporary residence is filed, an excerpt from the death register for the deceased family member shall be obtained, i.e., a decision on dissolution of marriage in addition to evidence referred to in paragraph 1 of this Article.

If a foreign national files a request for approval of independent temporary residence as a victim of domestic violence, proof of justified reasons shall be obtained in accordance with the law, i.e., that criminal proceedings have been initiated against a close family member for committing "domestic violence", that is, that a close family member has been convicted of such crime.

When deciding on the request referred to in paragraph 3 of this Article, a document of the competent Center for Social Work may be enclosed as evidence confirming that during temporary residence based on family reunification measures were taken to protect foreign nationals from domestic violence, i.e., a document by the safe house proving that over the course of temporary residence based on family reunification the applicant was placed in their premises to provide protection from a close family member who was repeatedly reported to the police, prosecutor's office or other state body/ies due to reasonable suspicion that he/she committed the crime of violence.

Article 23

If a foreign national files a request for approval, i.e., extension of temporary residence based on performing religious service, the following shall be obtained, i.e., enclosed in accordance with the law as proof of justified request for temporary residence:

1) Excerpt from either church or religious community registration in the Republic of Serbia;

2) An employment contract or a letter from a registered church or religious community in the Republic of Serbia stating that a foreign national has either been hired as a priest or a religious official.

Article 24

If a foreign national files a request for approval, i.e., extension of temporary residence based on medical treatment, a decision shall be obtained, i.e., enclosed on registration of a health institution in the Republic of Serbia and a letter from a health institution in which both the place of medical treatment and need for continuous medical treatment within a certain period of time are stated as proof of justified request for approval of temporary residence.

If a request for approval, i.e., extension of temporary residence based on care is filed, a decision on registration of a social protection institution in the Republic of Serbia and a work license issued by the competent body responsible for social protection affairs shall be obtained or enclosed as a proof of justified request for approval of temporary residence.

Article 25

If a foreign national files a request for approval, i.e., extension of temporary residence based on property rights over real estate, an excerpt from the list of real estate folio in the land register shall be obtained or enclosed in accordance with the law as proof of justified request for approval of temporary residence.

Notwithstanding paragraph 1 of this Article, another document proving ownership (certified sales contract, gift contract, probate decision, court judgment, etc.) may be considered as proof of justified request for approval of temporary residence based on property rights over real estate.

Article 26

If a foreign national applies for a temporary residence permit for humanitarian reasons due to family, cultural or social ties with the Republic of Serbia, but owing to specific circumstances related to his/her previous residence in the Republic of Serbia he/she was not able to legally apply for a temporary residence permit, and if he/she has been residing for at least two years in the Republic of Serbia, a foreign national shall enclose one or more pieces of evidence based on which it shall be determined that he/she finished school, is employed, has close relatives in the Republic of Serbia in either direct or secondary line up to the second degree of kinship with whom he/she maintains close contact, has entered into marriage, understands and speaks Serbian as proof of justified request for approval of humanitarian residence, and that due to the above said circumstances there are reasonable grounds that he/she shall be fully integrated into social life upon regulating his/her residence in the Republic of Serbia.

The specific circumstances referred to in paragraph 1 of this Article may relate to failure to possess a travel document, which a foreign national was unable to obtain for justified financial reasons (for example, a war in a foreign national’s country of origin or for other reasons beyond his/her control), dire material situation experienced by a foreign national, but which did not depend on him/her, i.e., particularly difficult health condition, age or justified family or personal situation leaving a foreign national without regulated residence in the Republic of Serbia.

The justified request for approval of humanitarian residence for a foreign national who cooperates with the police or judicial bodies, and if his/her presence is necessary in the procedure before the bodies, is proven by the certificate of his/her participation in such procedures obtained ex officio.

A request for humanitarian residence for an abandoned foreign national who is a victim of organized crime or has been left without parental care or is unaccompanied for other reasons shall be filed by a social worker in the presence of a minor.

Article 27

Aside from applying the general principles that guide the decision on the request for extension of temporary residence, the competent authority shall also consider evidence of humanitarian reasons for untimely filing of requests for extension of temporary residence, which shall be enclosed complete with the request for extension of temporary residence during the course of decision-making on a request for extension of temporary residence filed in accordance with Article 41, paragraph (7) of the Law on Foreign nationals .

A foreign national proves the existence of humanitarian reasons referred to in paragraph 1 of this Article by submitting documentation on illness and other natural disasters, unforeseen events that a foreign national and members of his/her immediate family have experienced (serious illness, death, etc.), or other document proving the reasons due to which a foreign national failed to file a request for extension of temporary residence in the Republic of Serbia in a timely manner.

Article 28

The request for approval, i.e., extension of temporary residence (Form 1) is printed out on a A4 paper, 210 x 297 mm, and as such is enclosed in the Rulebook and forms a constituent part of thereof.

Article 29

A temporary residence sticker (Form 2), which includes the name of the Republic of Serbia, temporary residence indication, temporary residence expiry date, name and surname, grounds of residence, record number, approval number and the place of issue, shall be placed in a travel document of a foreign national whose temporary residence is granted, and which is of rectangular shape, round edges, measuring 105 x 75 mm, made on protected paper with UV fibers, dominated by blue color shades, and is enclosed in the Rulebook and thus forms a constituent part of thereof.

The protective elements on the stricker are a security diffractive optically variable element of unique origin with elements of the statehood of the Republic of Serbia, a serial number that fluoresces under UV light, the SRB text invisible to the naked eye, which fluoresces under UV light, and SRB microtext.

Article 30

The sticker referred to in Article 26 of the Rulebook shall be affixed to the first blank page in a foreign national’s travel document.

Article 31

The Rulebook on fulfillment of conditions for granting temporary residence to a foreign national in terms of health insurance, Rulebook on fulfillment of conditions for granting temporary residence for the purpose of family reunification, Rulebook on fulfillment of conditions for granting temporary residence to a foreign national for the purpose of education, study or specialization, scientific-research work, hands-on training, participation in international exchange programs for students, or other scientific and educational activities and the Rulebook on the layout, content and manner of placing a temporary residence permit in a foreign travel document ("Official Gazette of RS", No. 59/09 ) shall cease to apply once the Rulebook enters into force.

Article 32

The Rulebook shall enter into force on date of its publication in the "Official Gazette of the Republic of Serbia", and shall be applied as of 3 October 2018.

No. 01-8817/18-3

In Belgrade, 25 September 2018

Minister,

Nebojsa Stefanovic, PhD

Appendices

[Form 1 – Request for approval/extension of temporary residence](https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/prilozi/1.html&doctype=reg&regactid=426735)

[Form 2 – Temporary residence sticker](https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/prilozi/2.html&doctype=reg&regactid=426735)

**Prevod:** Ana Panic