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Law on Foreigners

(Zakon o strancima, Službeni glasnik RS n. 97/2008)

Extension of temporary residence - The new Law on Foreigners, which is applicable from 1 April 2009, introduces an important novelty pertaining to temporary residence status. Namely, a foreigner who wants to extend his/her temporary residence status must submit a request to the authorized body of the Ministry of Interior (i.e. a local police station) no later than 30 days prior to expiry of his/her temporary residence or the temporary residence will not be extended. It remains unclear whether this requirement applies to residence permits which will expire during the month of April. We believe that it should not be applied in those cases, because that would amount to retroactive application of the law.

Procedure for obtaining temporary residence - According to the old Law on Movement and Residence of Foreigners, which will cease to apply as of 1 April 2009, a request for issuance of a temporary residence permit must be submitted by the foreigner personally within 3 days from entering the country, if the foreigner enters Serbia for the purpose of employment or other professional activity (e.g. membership in the Board of Directors). The new Law on Foreigners no longer contains this or any other deadline. It only stipulates that a temporary residence permit may be granted to a foreigner who intends to stay in Serbia for more than 90 days due to employment or conduct of commercial or professional activity. However, it should be noted that the decrees that are supposed to regulate the issue of temporary residence in more detail have not yet been enacted. A welcome change is introduced by the provision which permits submission of applications for residence permits via e-mail.

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