

# **THE REPUBLIC OF MACEDONIA**

## **THE LAW ON FOREIGNERS<sup>1</sup>**

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**THE REPUBLIC OF MACEDONIA**

**CHAPTER I  
GENERAL PROVISIONS**

**Subject of the Law  
Article 1**

This law governs the requirements for entry into, exit from and stay of foreigners in the Republic of Macedonia as well as their rights and obligations.

**Definition of the concept of foreigner  
Article 2**

A foreigner, in the context of this law, shall mean a person who is not a citizen of the Republic of Macedonia.

A foreigner shall also mean a stateless person, that is, a person who is regarded by no country as its own citizen as in accordance with its national law.

**Scope of application  
Article 3**

The provisions of this law shall apply for all foreigners, except for those who:

- seek protection from the Republic of Macedonia in accordance with the Law on Asylum and Temporary Protection unless this law provides otherwise,
- enjoy privileges and immunities according to the international law, provided the application of this law is contrary to the international obligations undertaken as well as the principle of reciprocity.

**Legal status of foreigners  
Article 4**

During their legal stay in the Republic of Macedonia foreigners shall have the same rights and obligations as those of the citizens of the Republic of Macedonia, unless law provides otherwise.

During their stay in the Republic of Macedonia foreigners are obliged to comply with the Constitution of the Republic of Macedonia, the laws, other regulations and general documents of the state authorities as well as with the obligations arising from ratified international agreements.

**Relation of the Law with international rules  
Article 5**

This law shall be applied in accordance with the international agreements ratified by the Republic of Macedonia as under the Constitution which bring foreigners in a more favourable position.

**Application of the Law on General Administrative Procedure  
Article 6**

## **THE REPUBLIC OF MACEDONIA**

In procedures undertaken as in accordance with this law, the provisions of the Law on the General Administrative Procedure shall be appropriately applied, unless this law provides otherwise.

### **Control of movements and stay of foreigners**

#### **Article 7**

The control of movements and stay of foreigners in the Republic of Macedonia shall be exercised by the Ministry of Internal Affairs, unless other authority is delegated such jurisdiction by law.

### **Migration policy**

#### **Article 8**

The Assembly of the Republic of Macedonia shall, upon proposal of the Government of the Republic of Macedonia, bring a resolution on migration policy specifying situations, problems as well as measures to be undertaken in the field of migration.

## **CHAPTER II ENTRY AND EXIT**

### **Border crossing**

#### **Article 9**

A foreigner shall be assumed to have legally entered into the Republic of Macedonia when s/he crosses the state border and, upon border control at border crossing points, is allowed entry into the Republic of Macedonia.

A foreigner may enter into the Republic of Macedonia and leave its territory only at designated border crossing points at hours and in a manner being in accordance with the purpose of such a border crossing point.

As an exception of paragraph 2 of this Article, a foreigner may also enter the Republic of Macedonia under conditions and in a manner as specified by law.

A foreigner's stay in the airport transit area in the Republic of Macedonia shall not be considered as entry into the country.

A foreigner's stay on board of a ship anchored at a lake port shall also not be considered as entry into the Republic of Macedonia.

### **Border control**

#### **Article 10**

A foreigner shall be subjected to border control by the Ministry of Internal Affairs at entry and exit from the Republic of Macedonia as under conditions and in a manner as specified by law.

A foreigner may, as under conditions as specified by law, be subjected to border control during his/her stay in the transit area of the border crossing point of the Republic of Macedonia.

### **I. Entry requirements**

## **THE REPUBLIC OF MACEDONIA**

### **1. General entry requirements**

#### **Article 11**

A foreigner may enter the Republic of Macedonia, if s/he:

- possesses a valid and recognized travel document,
- possesses a valid visa, if required,
- possesses means for subsistence for the period of his/her stay, his/her return to the country from which s/he arrives or his/her journey to a third country in which his/her admission shall be assured or s/he is able to obtain such means in a legal way,
- presents, if necessary, documents justifying the purpose and circumstances of his/her intended stay in the Republic of Macedonia as well as travel insurance documents,
- is not expelled from the Republic of Macedonia and there is no entry ban in effect, and
- does not present a threat to the public order, national security, public health or international relations of the Republic of Macedonia.

As an exception, an entry may be allowed to a foreigner who does not fulfil the conditions as under paragraph 1 of this Article, if it is based on humanitarian grounds, national interests or international obligations accepted by the Republic of Macedonia.

A foreigner may enter the Republic of Macedonia without possessing a valid visa, if s/he:

- is a citizen of a country with which the Republic of Macedonia has concluded an agreement for visa abolishment or is a citizen of a country for which visa requirement for entry and passage through the territory of the Republic of Macedonia (hereinafter referred as: visa-free policy) has been abolished by a decision of the Government of the Republic of Macedonia;
- possesses the citizenship of the Republic of Macedonia and is a holder of a foreign travel document, and
- stays legally in a country with which the Republic of Macedonia has established a visa-free policy and is a pupil participating in a school excursion and accompanied by a teacher who has a list of pupils prepared by the relevant school with particulars of each of them as well as the details on the purpose and circumstances of the intended stay in the Republic of Macedonia.

#### **Subsistence means**

#### **Article 12**

A foreigner shall prove possession of subsistence means in the context of Article 11 paragraph 1 indent 3 and Article 38 paragraph 1 indent 3 of this law in one of the following ways:

- possesses financial means in cash in national or foreign convertible currency,
- possesses valid means of non-cash payment (credit cards, travel cheques and similar),
- guarantee letter or invitation from a legal entity,
- possesses real property and other means as in accordance with the law (real estate or real estate under a lease in the Republic of Macedonia by which s/he may ensure means for subsistence during his/her stay in the Republic of Macedonia,

## **THE REPUBLIC OF MACEDONIA**

means from direct foreign investments, production or technical co-operation and corporation and other).

The Government of the Republic of Macedonia shall determine the amount of subsistence means as of paragraph 1 of this Article.

### **Guarantee letter and invitation from legal entity**

#### **Article 13**

A guarantee letter may be made by a citizen of the Republic of Macedonia or a foreigner who is a holder of a residence permit in the Republic of Macedonia.

An invitation may be made by a national or foreign legal entity registered in the Republic of Macedonia inviting the foreigner concerned for a business visit.

The guarantee letter and the invitation from a legal entity may be accepted as an evidence for possession of subsistence means, provided they contain a statement of their provider on undertaking the obligation to ensure accommodation and bear all costs related to the foreigner's stay on as well as leaving the territory of the Republic of Macedonia.

The guarantee letter and the invitation from a legal entity must be certified by a competent notary publics.

### **Documents justifying purpose and circumstances of intended stay**

#### **Article 14**

A foreigner shall prove purpose and circumstances of his/her intended stay in the Republic of Macedonia in the context of Article 11 paragraph 1 indent 4 and Article 38 paragraph 1 indent 2 of this law with the following documents:

a). as for official visits:

- invitations from state authorities, trade companies or other legal entities for participation at meetings or other trade, industry or job related events,
- other documents by which existence of trade, business or other type of co-operation may be verified,
- invitations from organisers of congresses, seminars or other manifestations.

b) as for travelling purposes for courses or professional training events for not longer than three months:

- receipt of admission at educational institution for courses of vocational or theoretical training.

c) as for tourist or private visits:

- invitation from the person whom the foreigner visits,
- documents on paid touristic services,
- receipt of booked travel arrangement, and
- paid return ticket or paid travel ticket to the country to which the foreigner intends to travel.

d) as for users of local border traffic:

- passes or other document as provided by bilateral international agreements on local-border traffic of persons, and

## **THE REPUBLIC OF MACEDONIA**

e) as for visits for other reasons:

- invitations from courts or other state authorities for presence in their relevant procedures,
- invitations for participation at political, scientific, cultural, sport or religious events,
- receipts of medical check-ups or short-term medical interventions, and
- receipts or certificates, entry tickets and other.

### **Travel insurance**

#### **Article 15**

Travel insurance in the context of Article 11 paragraph 1 indent 4 and Article 38 paragraph 1 indent 2 of this law is an individual or group travel insurance covering possible costs which might arise from the repatriation due to medical reasons, urgent medical interventions or urgent medical treatment of the foreigner during his/her stay in the Republic of Macedonia.

## **2. Special entry requirements**

### **Entry of minors**

#### **Article 16**

A foreigner who is at the age of up to 18 and enters into the Republic of Macedonia unaccompanied by his/her parents or guardian, may enter its territory, provided that apart from the conditions as under Article 11 of this law, s/he also possesses a parental or guardian permission to enter and stay in the Republic of Macedonia.

The permission as of paragraph 1 of this Article must be certified by a competent authority of the country from which s/he arrives or by a diplomatic or consular mission of the Republic of Macedonia abroad.

### **Entry with residence permit**

#### **Article 17**

A foreigner who is a holder of a valid residence permit in the Republic of Macedonia may, within the period for which the residence permit is issued, enter the Republic of Macedonia only by a valid travel document and residence permit.

The entry requirements stipulated in Article 11 of this law does not apply for the foreigner as of paragraph 1 of this Article.

### **Entry with diplomatic or service identity card**

#### **Article 18**

A foreigner who is a holder of a valid diplomatic or service identity card may, within the period for which such a diplomatic or official identity card is issued, enter the Republic of Macedonia only by a valid travel document and diplomatic or service identity card.

The entry requirements stipulated in Article 11 of this law does not apply for the foreigner as of paragraph 1 of this Article.

### **Entry with group passport**

#### **Article 19**

## **THE REPUBLIC OF MACEDONIA**

Foreigners who are included in a group passport may, provided they fulfil the conditions as specified by this law, enter into the Republic of Macedonia and leave its territory only together as a group.

Individuals who are included in the travel document as of paragraph 1 of this Article must also possess their own identification document supplied with a photograph based on which their identity can be established.

The leader of the group must possess his/her own passport of the country whose citizen s/he is and a visa, if required.

As an exception of paragraph 1 of this Article, based on humanitarian grounds, an individual of such a group may be allowed to leave the country separately from the group with which s/he entered the Republic of Macedonia.

### **Entry with family passport Article 20**

A foreigner who is included in an another person's travel document may, provided s/he fulfils the conditions as specified by this law, enter and leave the territory of the Republic of Macedonia only when accompanied by such a person.

### **3. Unauthorised entry Article 21**

A foreigner's entry into the Republic of Macedonia shall be deemed unauthorised, if s/he:

- crosses or attempts to cross the state border out of the place designated or hours and manner specified as for border crossing,
- avoids or attempts to avoid border control,
- at entry presents falsified, another person's, invalid travel or other identification documents,
- enters or attempts to enter without a valid and recognised travel or other identification document, and
- presents false data to the Ministry of Internal Affairs.

### **4. Carriers' liabilities Article 22**

A natural or legal entity dealing professionally with passenger transport may bring a foreigner on the territory of the Republic of Macedonia by land, air or lake only if such a foreigner possesses a valid and recognised travel document supplied with a visa or residence permit, if required.

The carrier who brings, contrary to paragraph 1 of this Article, a foreigner who is not allowed entry into the Republic of Macedonia, is obliged to take him/her out of its territory immediately or within the period to be determined by the Ministry of Internal Affairs, at its own expense as well as shall bear all costs arising from his/her temporary detention and deportation in accordance with Article 111 of this law.

### **II. Entry denial Article 23**

A foreigner may be denied entry into the Republic of Macedonia, if s/he:

## **THE REPUBLIC OF MACEDONIA**

- does not fulfil the conditions for entry into the Republic of Macedonia as provided by this law,
- there is a serious suspicion that his/her stay in the country is to be connected with terrorist or other violent activities, crimes related to production and release of narcotic drugs, psychotropic substances and precursors or other crimes for which a sentence of minimum one-year imprisonment is prescribed,
- has an intention to pass through the territory of the Republic of Macedonia, however, s/he does not meet the entry requirements of a third country,
- has not reimbursed the expenses arising from his/her prior temporary detention and deportation,
- there is a grounded suspicion that s/he is to be employed or work on the territory of the Republic of Macedonia contrary to employment and work regulations,
- there is a grounded suspicion that s/he is has no intention to stay in the Republic of Macedonia for the purpose indicated, or
- supplies incorrect data for him/herself or the purpose and circumstances of his/her travel or stay or uses false, another person's or invalid travel or other identification documents.

Such an entry denial shall be entered in the foreigner's travel document.

### **Competence for decision-making on entry denial**

#### **Article 24**

Decision on denial of entry of a foreigner into the Republic of Macedonia shall be brought by the Ministry of Internal Affairs.

In case of denial of entry for reasons as under Article 23 paragraph 1 indent 2 of this law, the competent authority is not obliged to explain the reasons taken into consideration for such a decision.

Against the decision as of paragraph 1 of this Article, a foreigner has a right to lodge a complaint with the competent Commission of the Government of the Republic of Macedonia within 8 (eight) days as from the date of receipt of such a decision.

The complaint as of paragraph 3 of this Article shall not have a suspension effect on such a decision.

The decision of the competent Commission of the Government of the Republic of Macedonia shall be brought within 15 (fifteen) days as from the date of lodging such a complaint.

Against the decision as of the competent Commission of the Government of the Republic of Macedonia an administrative dispute may be initiated in front of a competent court in accordance with the Law on Administrative Disputes.

The foreigner concerned may be accommodated in special premises of the Ministry of Internal Affairs designed for such a purpose until a decision on entry denial is reached and executed.

### **Special protection against entry denial**

#### **Article 25**

A foreigner may not be denied entry on grounds as under Article 23, if s/he:

- expresses an intention to apply for asylum in the Republic of Macedonia,
- has submitted an application for asylum in the Republic of Macedonia,
- has been granted an asylum by the Republic of Macedonia,

## **THE REPUBLIC OF MACEDONIA**

- possesses a valid and recognised travel document with a residence permit of the Republic of Macedonia, or,
- possesses a valid and recognised travel document with a diplomatic or service identity card.

### **III. Exit**

#### **Freedom of movement**

##### **Article 26**

A foreigner may freely leave the territory of the Republic of Macedonia as in accordance with this law.

A foreigner shall not be allowed to leave the country, if criminal, offence or court proceedings are initiated against him/her and when the competent court requests so.

#### **Obligation to leave the country**

##### **Article 27**

A foreigner is obliged to leave the Republic of Macedonia:

- when his/her visa expires,
- if his/her visa is annulled,
- when his/her temporary residence permit expires,
- if s/he is deprived of his/her right to residence,
- if s/he is expelled from the Republic of Macedonia, or
- when the time limit of maximum 3 (three) months in any half-year period expires as from the date of first entry, provided there is no visa requirement for entry into the Republic of Macedonia.

##### **Article 28**

A foreigner who possesses several travel documents is obliged to leave the country with the travel document s/he has used for entry or its substitute which is accepted by the Republic of Macedonia.

## **CHAPTER III**

### **VISA**

#### **Definition of visa**

##### **Article 29**

A visa is, in the context of this law, an authorisation issued by a competent authority of the Republic of Macedonia to a foreigner by which, provided conditions as stipulated in Article 11 paragraph 1 indent 1, 3, 4, 5 and 6 of this law are fulfilled, s/he may:

- enter and stay on its territory for the period indicated in the visa, or
- pass through its territory or the international airport transit area in the Republic of Macedonia, provided s/he meets the relevant requirements.

## **THE REPUBLIC OF MACEDONIA**

A foreigner may stay in the Republic of Macedonia only for the purpose indicated in the visa.

A foreigner must obtain a visa prior to his/her entry into the country.

A foreigner may not enter an employment relationship, work or become self-employed on the territory of the Republic of Macedonia on the basis of the visa issued.

### **I. Types of visa**

#### **Definition of types of visa**

##### **Article 30**

Types of visa are the following:

- airport transit visa (visa A)
- transit visa (visa B)
- short-stay visa (C), and
- long-stay visa (D)

The transit visa (visa B) and the short-stay visa (visa C) in accordance with Article 35 of this law may be issued as a group visa and may also be issued at border crossing points as under the conditions as stipulated in Article 36 of this law.

#### **Airport transit visa (visa A)**

##### **Article 31**

A foreigner who does not leave the airport international transit area or are on board during their stay at an airport of the Republic of Macedonia, shall not be subjected to visa requirements.

In exceptional cases the Government of the Republic of Macedonia may decide on necessity of meeting airport transit visa requirements for nationals of certain countries or travellers coming from certain travel routes, if national interests of defence, security or international relations of the Republic of Macedonia require so.

The visa as under paragraph 2 of this Article entitles a foreigner to stay at the airport international transit area until s/he continues his/her onward journey by his/her first following international flight.

A foreigner's stay at the international airport transit area in the Republic of Macedonia based on visa as under paragraph 2 of this Article, shall not be regarded as entry into its territory where the foreigner concerned may not leave such an area.

#### **Transit visa (visa B)**

##### **Article 32**

Transit visa shall be issued to a foreigner for a single or double and, in exceptional cases, multiple transits through the territory of the Republic of Macedonia from a certain foreign country to a certain third country where s/he may stay on its territory for maximum 5 (five) days during each individual transit.

A transit visa can be issued to a foreigner only if the foreigner concerned proves his/her admission to the country s/he enters from the Republic of Macedonia.

The period of validity of transit visa may not be longer than one year.

## **THE REPUBLIC OF MACEDONIA**

### **Short-stay visa (visa C)**

#### **Article 33**

Short-stay visa shall be issued to a foreigner for a single or multiple entry into the Republic of Macedonia where a single continuous stay as well as the total duration of his/her subsequent stays in the Republic of Macedonia may not exceed a period of 3 (three) months in any half-year period as from the date of first entry.

A short-stay visa shall be issued for a period of validity of up to one year.

As an exception to paragraph 2 of this Article, a short-stay visa may be issued for a period of validity of more than one year, if it is relevant to the interests of the Republic of Macedonia which shall be decided by the Ministry of Foreign Affairs.

The visa as of paragraph 1 of this Article shall be issued for touristic, business, personal and other purposes.

The purpose of the visa shall be clearly indicated in the visa itself.

### **Long-stay visa (visa D)**

#### **Article 34**

Long-stay visa may be issued to a foreigner who intends to stay in the Republic of Macedonia based on the grounds as under Article 49 of this law.

The visa as of paragraph 1 of this Article shall be issued for a single entry into the country entitling a stay of up to 30 (thirty) days and valid for a period of up to 6 (six) months.

The visa as of paragraph 1 of this Article shall be issued when the foreigner concerned submits a decision on grant of temporary residence in the Republic of Macedonia issued by the Ministry of Internal Affairs together with his/her visa application

A foreigner to whom a long-stay visa is issued is obliged to report him/herself to the Ministry of Internal Affairs within 5 (five) days as from the date of entry into the Republic of Macedonia where the Ministry shall issue such a foreigner a temporary residence permit within 25 (twenty-five) days as from the date of reporting.

### **Group**

#### **visa**

#### **Article 35**

Transit visa and short-stay visa entitling a stay of up to 30 (thirty) days may be issued as a group visa.

Group visa shall be issued to a group of foreigners between minimum 5 (five) and maximum 50 (fifty) persons who come together to the Republic of Macedonia as a group with a joint travel document as well as stay and leave its territory together as a group.

### **Visa issued at border**

#### **Article 36**

Transit visa and short-stay visa entitling a stay of up to 15 (fifteen) days may be issued, as an exception, at border crossing point, if it is relevant to the national interests of the Republic of Macedonia or based on humanitarian grounds or if it provided by ratified international agreements.

Upon prior consent of the Ministry of Foreign Affairs the visa as of paragraph 1 of this Article shall be issued by the Ministry of Internal Affairs.

The visa as of paragraph 1 of this Article can be issued only for a single entry into the Republic of Macedonia, if:

## **THE REPUBLIC OF MACEDONIA**

- the foreigner concerned meets the requirements for entry into the Republic of Macedonia as under Article 11 paragraph 1 indent 1, 3, 4, 5 and 6 of this law,
- s/he presents documents proving unforeseeable and urgent reasons for entry into the Republic of Macedonia, and
- his/her return to the country in which s/he resides or from which s/he enters the Republic of Macedonia is ensured.

### **II. Issue of visa**

#### **Visa application Article 37**

Visa shall be issued upon a foreigner's application submitted with a diplomatic or consular mission of the Republic of Macedonia abroad.

The foreigner concerned must indicate the purpose of his/her visit to the country in the application as of paragraph 1 of this Article, submit a valid and recognised travel document and, if required, documentation as under Article 38 paragraph 1 indent 2 and 3 of this law.

The visa application must include a photograph of the foreigner concerned presenting his/her genuine appearance.

#### **Visa requirements Article 38**

Visa may be issued to a foreigner, if s/he:

- has a valid and recognised foreign travel document to be valid for a period at least 3 (three) months longer than the visa validity,
- upon request of a competent authority, s/he submits documentation proving the purpose and circumstances of the intended visit in the Republic of Macedonia including the documents for travel insurance,
- upon request of a competent authority, s/he submits documents proving his/her possession of sufficient subsistence means during his/her stay in the Republic of Macedonia as well as return to the country from which s/he arrives or his/her journey to a third country or documentation proving that such means are ensured in any other legal way,
- does not present a threat to the public peace and order, national security, public health or the international relations of the Republic of Macedonia, and
- there are no grounds for entry denial as under Article 23 of this law.

As an exception of paragraph 1 of this Article, a foreigner may be issued a visa even if visa requirements are not met, if based on humanitarian grounds, national interests or obligations arising from ratified international agreements.

A foreigner who is under 18 and intends to stay in the Republic of Macedonia unaccompanied by his/her parent or guardian, apart from documentation as of paragraph 1 of this Article, s/he must also submit a certified permission of his/her parents or guardian for entry and stay in the Republic of Macedonia together with the visa application.

#### **Competent authorities for decision-making and issue of visas Article 39**

## THE REPUBLIC OF MACEDONIA

Issue of visas shall be decided upon by the Ministry of Foreign Affairs of the Republic of Macedonia and visas shall be issued by diplomatic or consular missions of the Republic of Macedonia abroad.

As an exception to paragraph 1 of this Article, the Ministry of Internal Affairs may issue visas as under Article 36 of this law at border crossing points.

In cases where there is a suspicion that the foreigner concerned presents a threat to the public order and national security of the Republic of Macedonia, the Ministry of Foreign Affairs is obliged to ensure a prior consent of the Ministry of Internal Affairs.

### **Interview with visa applicant** **Article 40**

Prior to issue of visa, the diplomatic or consular mission of the Republic of Macedonia abroad shall invite the visa applicant to appear in person for an interview to explain the reasons indicated in the visa application, especially if there is a suspicion as to the purpose of his/her visit or his/her intention to return to the country from which s/he arrives.

In cases as under paragraph 1 of this Article, the foreigner concerned is obliged to appear in person and if s/he fails to do so, his/her visa application shall be rejected.

As an exception, when the visa applicant is a known person or there is a long distance to the diplomatic or consular mission and there is no doubt as to the applicant's *bona fide* intentions as well as in case of larger groups possessing a guarantee for their *bona fide* intentions from a trustworthy subject (travel agency, touristic operators and other legal entities), the diplomatic or consular mission of the Republic of Macedonia abroad may decide not to invite the visa applicant to appear in person.

### **III. Form and contents of visa** **Article 41**

Visa is an authorisation issued in a form of a sticker to be attached in the travel document.

Visa contains:

- the foreigner's name and surname,
- the foreigner's date of birth,
- type of visa,
- period of visa validity,
- duration of stay in the Republic of Macedonia,
- number of entries,
- the foreigner's passport number,
- the foreigner's citizenship and sex,
- date and place of issue of visa,
- visa fee,
- comments made by issuing authority,
- stamp of issuing authority and signature of authorised official,
- machine readable area, and
- place for photograph.

The visa shall contain in-built security features.

Information and data indicated in the visa issued may not be erased or altered.

### **IV. Extension and reduction of visa validity**

## **THE REPUBLIC OF MACEDONIA**

### **Visa extension**

#### **Article 42**

Short-stay and long-stay visa may be extended on one occasion, where upon extension, the total duration of stay of the foreigner concerned in the country may not be longer than 3 (three) months.

In case of extension of a visa, the purpose of the visit may not be altered.

Visa may be extended due to force majeure, based on humanitarian grounds as well as for serious professional or personal reasons related to the foreigner concerned

Visa shall be extended by the Ministry of Internal Affairs.

### **Visa reduction**

#### **Article 43**

The Ministry of Internal Affairs may, upon a prior consent of the Ministry of Foreign Affairs, reduce validity of a visa issued at border, if it establishes that the foreigner concerned possesses insufficient subsistence means for his/her stay determined in the Republic of Macedonia.

## **V. Annulment and revocation of visa**

### **Visa annulment**

#### **Article 44**

A visa shall be annulled in cases where:

- it is additionally established that at the time of issuing the visa the foreigner concerned did not meet some of the visa requirements as established by this law,
- it is established that s/he no longer meets visa requirements,
- in the visa application the foreigner has supplied false data on his/her identity, purpose and circumstances for his/her travel and stay or other false data or s/he has used false, another person's or invalid travel or other identification documents, or
- s/he is deprived of his/her right to residence or is expelled from the Republic of Macedonia.

Visa shall be annulled by the Ministry of Internal Affairs and in case the foreigner concerned has not entered the Republic of Macedonia yet, such a visa shall be annulled by the issuing diplomatic or consular mission of the Republic of Macedonia abroad.

Visa annulment shall be clearly indicated in the foreigner's travel document.

The foreigner who stays in the Republic of Macedonia and whose visa is annulled is obliged to leave the territory of the Republic of Macedonia immediately.

### **Visa revocation**

#### **Article 45**

Visa shall be revoked if it is additionally established that the competent issuing authority has issued such a visa by error or lapse whilst there are reasons for denial of entry of the foreigner concerned into the Republic of Macedonia.

In case of visa revocation, the visa shall be deemed as never issued.

Visa shall be revoked at the border crossing points by the Ministry of Internal Affairs and in case the foreigner has not entered the Republic of Macedonia yet, it shall be revoked by the issuing diplomatic or consular mission of the Republic of Macedonia abroad.

## **THE REPUBLIC OF MACEDONIA**

Visa revocation shall be clearly indicated in the foreigner's travel document.

### **CHAPTER IV RESIDENCE**

#### **Definition of residence Article 46**

Residence of foreigners, in the context of this law, shall mean:

- 1) stay of up to 3 (three) months,
- 2) stay based on temporary residence permit, and
- 3) stay based on permanent residence permit.

#### **I. Stay of up to three months**

##### **Definition of stay of up to three months Article 47**

Stay of up to 3 (three) months shall, in the context of this law, mean a stay of a foreigner holding or not holding a visa, unless this law or a ratified international agreement provides otherwise.

A foreigner who is a citizen of a country with which the Republic of Macedonia has established a visa free policy, may enter and stay in the Republic of Macedonia for a period of up to 3 (three) months in any half-year period as from the date of first entry, provided that s/he meets the entry requirements as stipulated by this law.

The foreigner as of paragraph 2 of this Article may stay in the Republic of Macedonia for the same purposes as those provided for foreigners who are subjected to visa requirements.

#### **II. Stay based on temporary residence permit**

##### **Temporary residence permit Article 48**

A foreigner must possess a temporary residence permit if s/he intends to stay in the Republic of Macedonia for more than 3 (three) months or for purposes as stipulated in Article 49 of this law.

##### **Reasons for issue of temporary residence permit Article 49**

Temporary residence permit may be issued to a foreigner who intends to stay in the Republic of Macedonia for the following purposes:

- employment, work or self-employment,
- attending school or studies,
- participation in international student/pupil exchange schemes,
- specialization, vocational education or practical training,
- scientific researches,
- medical treatment,
- family reunification, or
- humanitarian grounds.

## **THE REPUBLIC OF MACEDONIA**

Temporary residence permit may also be issued to:

- a foreigner who is a close family member of a citizen of the Republic of Macedonia;
- a foreigner who is from the Republic of Macedonia by origin, or
- a foreigner's child born in the Republic of Macedonia.

Temporary residence permit shall be issued for a specific purpose and specific period of time.

The foreigner who is granted temporary residence for a specific purpose may stay in the Republic of Macedonia only for the purpose for which his/her residence is granted.

### **Conditions for issue of temporary residence permit Article 50**

A foreigner may be issued temporary residence permit in the Republic of Macedonia, if s/he:

- possesses subsistence means or his/her subsistence is ensured in any other legal way,
- has accommodation ensured or has means for accommodation,
- has a health insurance,
- fulfils the conditions provided for different types of temporary residence permit, and
- there are no grounds for entry denial as under Article 23 of this law.

A foreigner who is under 18 and intends to stay in the Republic of Macedonia unaccompanied by his/her parents or guardian, apart from fulfilling the conditions as of paragraph 1 indent 1 to 4 of this Article, must also submit a certified permission of his/her parents or guardian for entry and stay in the Republic of Macedonia.

## **II. 1. Procedure of issue of temporary residence permit**

### **Temporary residence application Article 51**

Temporary residence permit shall be issued upon an application of a foreigner who intends to stay in the Republic of Macedonia.

As an exception, in cases as stipulated by this law, temporary residence permit shall also be issued upon application of other natural person.

Temporary residence application shall be submitted by the foreigner with the diplomatic or consular mission of the Republic of Macedonia abroad.

In exceptional cases, based on humanitarian grounds as well as in other cases as stipulated by this law, temporary residence application may also be submitted to the Ministry of Internal Affairs.

The applicant is obliged to appear in person to an interview, if the competent authority requests so.

The application as of paragraph 1 of this Article must indicate the purpose and circumstances of the intended stay in the Republic of Macedonia which may not be altered during the procedure.

A foreigner is obliged to submit a valid and recognised travel document or a certified copy of such a document to be valid for at least 3 (three) months more than the period of his/her

## **THE REPUBLIC OF MACEDONIA**

stay in the Republic of Macedonia together with his/her temporary residence application as well as evidence that conditions as under paragraph 1 indent 1 to 4 of Article 50 of this law are fulfilled.

### **Procedure of diplomatic or consular mission upon application**

#### **Article 52**

The diplomatic or consular mission of the Republic of Macedonia abroad receiving a temporary residence application of a foreigner shall forward such an application to the Ministry of Internal Affairs.

The diplomatic or consular mission of the Republic of Macedonia abroad shall not receive the application as of paragraph 1 of this Article if the required documentation as stated in Article 51 paragraph 7 of this law is not supplied together with such an application.

### **Competence for decision-making**

#### **Article 53**

The Ministry of Internal Affairs shall bring a decision on temporary residence application.

The decision as of paragraph 1 of this Article shall be delivered to the foreigner concerned through the diplomatic or consular mission of the Republic of Macedonia abroad receiving such an application.

Against the decision as of paragraph 1 of this Article, a foreigner has a right to lodge a complaint to the competent Commission of the Government of the Republic of Macedonia within 8 (eight) days as from the date of receipt of such a decision.

The decision of the competent Commission of the Government of the Republic of Macedonia shall be brought within 30 (thirty) days as from the date of lodging such a complaint.

Against the decision of the competent Commission of the Government of the Republic of Macedonia an administrative dispute may be initiated in front of a competent court in accordance with the Law on Administrative Disputes.

### **Decision on grant of temporary residence**

#### **Article 54**

If the foreigner fulfils the conditions for issue of temporary residence permit as stipulated by this law, the Ministry of Internal Affairs shall bring a decision on grant of temporary residence.

A foreigner who is issued a decision on grant of temporary residence, shall be issued a temporary residence permit by the Ministry of Internal Affairs upon his/her entry into the Republic of Macedonia.

The Ministry of Internal Affairs shall issue a temporary residence permit to the foreigner concerned in person.

#### **Article 55**

A foreigner must obtain a decision on grant of temporary residence in the Republic of Macedonia prior to his/her first entry into its territory on grounds for such a decision, except in cases as stipulated by this law.

#### **Article 56**

## **THE REPUBLIC OF MACEDONIA**

Temporary residence permit entitles a foreigner to multiple entries into and exits from the Republic of Macedonia without a visa until his/her residence permit expires.

### **Extension of temporary residence permit**

#### **Article 57**

Temporary residence permit shall be issued for the period necessary to fulfil the purpose of the stay, however, not exceeding one year.

Upon an application of a foreigner, which is to be submitted within maximum 30 (thirty) days prior to expiry of his/her temporary residence permit, it may be extended provided that the conditions stipulated in Article 50 of this law are fulfilled where each individual extension may not be longer than one year.

A foreigner, who submits an application for extension of temporary residence permit within the time limit as of paragraph 2 of this Article, may stay in the Republic of Macedonia until the final decision on such an application is reached where the Ministry of Internal Affairs shall issue such a person a special receipt entitling such a stay in the Republic of Macedonia until the relevant decision.

Temporary residence permit shall not be extended if it is established that the foreigner concerned has not stayed in the Republic of Macedonia for unjustified reasons for a period longer than one quarter of the period of the validity of his/her temporary residence permit.

Against the decision of the Ministry of Internal Affairs on refusal of extension of temporary residence permit, a foreigner has a right to lodge a complaint with the competent Commission of the Government of the Republic of Macedonia within 8 (eight) days as from the date of receipt of such a decision.

The decision of the competent Commission of the Government of the Republic of Macedonia shall be brought within 30 (thirty) days as from the date of lodging such a complaint.

Against the decision of the competent Commission of the Government of the Republic of Macedonia an administrative dispute may be initiated in front of a competent court in accordance with the Law on Administrative Disputes.

## **II. 2 Temporary residence for different purposes**

### **a) Temporary residence for employment, work and self-employment**

#### **Article 58**

Temporary residence permit for purposes of employment, work or self-employment may be issued if the foreigner concerned submits a work permit or other required permit as stipulated by law together with his/her application for temporary residence, unless ratified international agreements provide otherwise.

The permit as of paragraph 1 of this Article shall be issued for a period corresponding to the period of validity of the work permit but maximum for one year with a possibility to be extended, provided conditions as under Article 57 of this law are fulfilled.

### **b) Temporary residence for purposes of attending school or studies**

#### **Conditions for issue of permit**

#### **Article 59**

Temporary residence permit for purposes of attending school or studies may be issued to a foreigner if together with his/her temporary residence application, s/he submits the following:

## **THE REPUBLIC OF MACEDONIA**

- a receipt certifying that s/he is a high school or regular university student at an educational institution of the Republic of Macedonia,
- a curriculum of the envisaged education in the Republic of Macedonia issued by the relevant educational institution in the Republic of Macedonia stating the duration of school or studies as well as the conditions for enrolment for each successive school or university year, and
- a proof of language skills or of enrolment in a course of the language used in the curriculum of the relevant educational institution in the Republic of Macedonia.

### **Validity of permit Article 60**

Temporary permit for purposes of attending school or studies shall be issued for a period of up to one year and it may be extended if the foreigner concerned fulfils the conditions as under Article 57 of this law as well as submits a receipt of the relevant educational institution confirming that s/he has achieved a significant progress in such an educational process.

Notwithstanding fulfilment of the conditions as under paragraph 1 of this Article, the permit shall not be extended if it is established that the foreigner concerned exceeds the number of working hours prescribed by law.

Temporary residence permit for purposes of attending school or studies may be extended for up to 1 (one) year upon expiry of the term prescribed for such an educational process.

In exceptional cases where well-founded reasons exist, a temporary residence permit may be extended even upon expiry of the term as of paragraph 3 of this Article, but maximum for one year.

Upon completion of school or studies based on which the temporary residence is granted, the foreigner concerned is obliged to leave the Republic of Macedonia.

A foreigner who stays in the Republic of Macedonia for purposes of attending school or studies may not be employed or work in the Republic of Macedonia.

As an exception to paragraph 6 of this Article a foreigner who stays for purposes of attending school or studies may be allowed to do short-term or subsidiary jobs as in accordance with the law.

### **c) Temporary residence for purposes of participation in international student/pupil exchange schemes**

#### **Conditions for issue of permit Article 61**

Temporary residence permit may be issued for purposes of participation in international student/pupil exchange schemes, if the foreigner concerned also submits the following:

- a proof that s/he is at the age from 16 to 26,
- a receipt issued by a state authority or an institution responsible for implementation of ratified international agreements on international student/pupil exchange which confirms the acceptance of the foreigner in such an international exchange as well as the duration of his/her participation in such a scheme, and
- a receipt issued by a state authority or an institution responsible for implementation of ratified international agreements on international student/pupil exchange which confirms the financial responsibility of such an institution to bear the costs related to the foreigner's subsistence, accommodation, school or studies, health insurance during his/her stay in the Republic of Macedonia as well as costs for his/her return.

## **THE REPUBLIC OF MACEDONIA**

### **Validity of permit Article 62**

Temporary residence permit for purposes of participation in international student/pupil exchange schemes shall be issued for a period of up to one year.

In exceptional cases where there are well-founded reasons, the permit as of paragraph 1 of this Article may be extended but maximum for one year.

The foreigner who stays in the Republic of Macedonia for purposes of participation in international student/pupil exchange schemes may not be employed or work in the Republic of Macedonia.

### **d) Temporary residence for purposes of specialization, vocational education or practical training**

#### **Conditions for issue of permit Article 63**

Temporary residence permit for purposes of specialization, vocational education or practical training may be issued if the foreigner concerned also submits a receipt issued by a relevant legal entity in or a competent authority of the Republic of Macedonia certifying as well as a program indicating the period of such a specialization, vocational education or practical training together with his/her temporary residence application.

### **Validity of permit Article 64**

Temporary residence permit for purposes of specialisation, vocational education or practical training shall be issued for a period of up to one year and it may be extended provided the conditions as under Article 57 of this law are fulfilled.

Upon expiry of the term of the curriculum for such a specialization, vocational education or practical training, the foreigner concerned is obliged to leave the territory of the Republic of Macedonia.

In exceptional cases where there are well-founded reasons, the permit as of paragraph 1 of this Article may be extended even upon expiry of the term of such a curriculum but maximum for one year.

### **e) Temporary residence for purposes of scientific research**

#### **Conditions for issue of permit Article 65**

Temporary residence permit for purposes of scientific research may be issued if the foreigner concerned together with his/her application also submits the following:

- a contract on scientific research concluded with a scientific institution which is entered in the registry of scientific institutions of the Ministry of Education and Science, the Macedonian Academy of Sciences and Arts or accredited and registered educational institution of the highest level in the Republic of Macedonia,
- an evidence on funding of a research project,

## **THE REPUBLIC OF MACEDONIA**

- a certified copy of the degree of his/her education (bachelor or master degree and other), and
- a receipt of the institution as of paragraph 1 indent 1 of this Article with which a contract confirming its financial obligation of bearing the costs related to the stay, health insurance as well as return of the foreigner conducting scientific research in the Republic of Macedonia is concluded.

### **Prior consent of the Ministry of Education and Science Article 66**

The scientific institutions in the Republic of Macedonia which are entered in the registry of scientific institutions of the Ministry of Education and Science, the Macedonian Academy of Sciences and Arts as well as an accredited and registered educational institution of the highest level may conclude a contract with a foreigner to conduct a scientific research activity provided that a prior consent of the Ministry of Education and Science to such a research project is obtained.

The institutions as of paragraph 1 of this Article are obliged to submit a receipt confirming their financial obligation for bearing costs related to the stay, health insurance and return of the foreigner concerned together with the request for consent.

The institutions as of paragraph 1 of this Article are obliged to make a report to the Ministry of Education and Science on the results of such a scientific research project within two (2) months upon expiry of the relevant contract..

### **Conditions for contract on scientific research Article 67**

A scientific institution which is entered in the registry of scientific institutions of the Ministry of Education and Science, the Macedonian Academy of Sciences and Arts as well as an accredited and registered educational institution of the highest level may conclude a contract with a foreigner to conduct a scientific research activity provided that the following conditions are fulfilled:

- a) the scientific research project is accepted by the competent bodies of the relevant institution upon establishment of:
  - the aim, duration and budgets for such a project,
  - the qualifications of the foreigner concerned related to the purpose of such a research confirmed by a certified copy of his/her diploma.
- b) the foreigner concerned possesses sufficient subsistence means during his/her stay in the Republic of Macedonia as well as for his/her return, and
- c) the foreigner concerned has a health insurance in the Republic of Macedonia.

### **Validity of residence permit Article 68**

Temporary residence permit for purposes of scientific research shall be issued for a period of up to one year and it shall be extended provided that conditions as under Article 57 of this law are still fulfilled.

Upon expiry of the term of a scientific research project as determined in the contract the foreigner concerned is obliged to leave the territory of the Republic of Macedonia.

## **THE REPUBLIC OF MACEDONIA**

### **f) Temporary residence for purposes of medical treatment**

#### **Conditions for issue of permit Article 69**

Temporary residence permit for purposes of medical treatment may be issued if the foreigner concerned together with his/her temporary residence application also submits the following:

- a receipt issued by a health institution of the Republic of Macedonia which provides the medical treatment stating the period of such a treatment as well as possible post-medical treatment,
- a receipt issued by the health institution of the Republic of Macedonia as of paragraph 1 indent 1 of this Article confirming that its reception of the foreigner concerned for medical treatment shall be of no harm to the patients who are citizens of the Republic of Macedonia, and
- an evidence proving that the funds for such a treatment are to be borne either by the foreigner him/herself or his/her country of origin.

#### **Validity of permit Article 70**

Temporary residence permit for purposes of medical treatment shall be issued for a period of up to one year and it may be extended if conditions as under Article 57 of this law are fulfilled.

Upon completion of the medical as well as possible post-medical treatment, the foreigner is obliged to leave the territory of the Republic of Macedonia.

### **g) Temporary residence for purposes of family reunification**

#### **Right of family reunification Article 71**

A foreigner, who is a holder of a permanent or temporary residence permit for purposes of employment, work or self-employment or a foreigner who is from the Republic of Macedonia by origin and such a permit is issued for one year, shall be granted the right of family reunification with the members of his/her close family who are foreigners, under the conditions and in accordance with this law.

#### **Close family members Article 72**

Close family member, in the context of this law, shall mean a foreigner who is:

- a spouse of the foreigner concerned, and
- minor children of the foreigner or his/her spouse including his/her or his/her spouse's adopted children or minor children being under the custody of the foreigner or his/her spouse as decided by a verdict or decision by the country where adoption or custody was made as well as certified by a competent authority of the Republic of Macedonia.

Minor children must be at the age of up to 18 and not married.

## **THE REPUBLIC OF MACEDONIA**

As an exception to paragraph 1 of this Article, close family members shall also be considered to be:

- first-degree relatives in the direct ascending line of the foreigner or his/her spouse in case of dependants not enjoying appropriate family support in the domicile country,
- the foreigner's or his/her spouse's children who are of legal age but who are not married and are unable to take care of their needs due to health reasons, and
- parents of a minor child if it is to the best interests of the child.

### **Rights of close family members**

#### **Article 73**

A close family member of a foreigner who is a holder of temporary residence permit in the Republic of Macedonia, shall have a right to education, vocational education, employment and self-employment under the conditions as stipulated by law.

### **Conditions for issue of permit**

#### **Article 74**

Temporary residence application for close family members may also be submitted by the foreigner who is a holder of residence permit in the Republic of Macedonia and it may be submitted with the Ministry of Internal Affairs.

The foreigner is obliged to submit together with the application as of paragraph 1 of this Article evidence on the following:

- his/her legal stay in the Republic of Macedonia,
- his/her family relationships,
- stable and regular subsistence means sufficient for him/herself as well as for his/her close family members who intend to stay in the Republic of Macedonia,
- ensured accommodation for his/her close family members,
- personal health insurance as well as health insurance for his/her close family members, and
- certified copies of their travel documents.

In case of application for temporary residence for the foreigner's or his/her spouse's minor children as under paragraph 1 indent 2 Article 72 of this law and the parental right is shared, together with the application as of paragraph 1 of this Article the foreigner concerned must also submit the consent of the other parent to be certified by a competent authority in the country in which the other parent resides.

Temporary residence permit based on family reunification shall not be issued if there are grounds for suspicion that the marriage with a foreigner holding a residence permit in the Republic of Macedonia or that the adoption of or custody over minor children is contracted solely for purposes of entry or stay in the Republic of Macedonia.

In case of polygamous marriage where the foreigner holding a residence permit in the Republic of Macedonia has a spouse with whom s/he cohabits on the territory of the Republic of Macedonia, family reunification with other spouse shall not be allowed.

### **Validity of permit**

#### **Article 75**

## THE REPUBLIC OF MACEDONIA

A close family member of a foreigner holding a temporary residence permit in the Republic of Macedonia shall be issued a temporary residence permit with validity of up to one year and it may be extended for the corresponding period as of the permit of the foreigner.

A close family member of a foreigner holding a permanent residence permit shall be issued a temporary residence permit with validity of up to one year and it may, under the conditions stipulated by this law, be extended until requirements for permanent residence are met.

Apart from the grounds as under paragraph 2 Article 57 of this law, the permit as of paragraph 1 of this Article shall not be extended in case it is established that:

- the foreigner and his/her close family members do not cohabit in a real matrimony or family union, and
- there are grounds for suspicion that the marriage with the foreigner holding a residence permit in the Republic of Macedonia or the adoption of or custody over minor children is contracted for convenience.

The Ministry of Internal Affairs may also extend the temporary residence permit of the persons as under paragraph 1 and 2 of this Article in case the foreigner concerned passes away or the matrimony ceases after lasting for minimum three (3) years on the territory of the Republic of Macedonia as well as when especially difficult circumstances require so.

The temporary residence permit as of paragraph 4 of this Article presents an autonomous residence permit.

### **Marriage of convenience**

#### **Article 76**

Marriage of convenience shall, in the context of this law, mean a marriage contracted between a citizen of the Republic of Macedonia or a foreigner who is a legal resident of the Republic of Macedonia and a foreigner, solely for purposes of avoiding entry and stay requirements as stipulated by this law as well as obtaining a residence permit in the Republic of Macedonia.

Grounds for suspicion for marriage of convenience exist especially if:

- the spouses are not cohabitants,
- there is a lack of a proper contribution in the context of marriage responsibilities,
- contradictory information on personal data of the spouse (name and surname, address, nationality, job and other) as well as on circumstances relating to their first meeting or other important personal information are supplied,
- the spouses had not meet each other before they entered marriage,
- the spouses do not speak a language which both of them understand,
- there is a payment of certain amount of money as for marriage conclusion, with an exception of the money brought as dowry in case the foreigner comes from a country where giving dowry is a custom,
- the past of one of the spouses or both spouses includes evidence on previous marriages of convenience or residence irregularities, and
- there are other circumstances indicating that such a marriage is a marriage of convenience.

The grounds for suspicion as under paragraph 2 of this Article may be established from the statements of the persons concerned or of third parties, written documentation or checks made by the Ministry of Internal Affairs.

## **THE REPUBLIC OF MACEDONIA**

### **g) Temporary residence of foreigners as close family members of a citizen of the Republic of Macedonia**

#### **Article 77**

A foreigner who is a close family member of a citizen of the Republic of Macedonia, under the conditions as stipulated as well as in accordance with this law, is entitled to temporary residence in the Republic of Macedonia.

A citizen of the Republic of Macedonia who has a registered residence place may submit a temporary residence application for his/her close family members.

A citizen of the Republic of Macedonia may also submit the application as of paragraph 2 of this Article with the Ministry of the Internal Affairs.

Temporary residence permit of the persons as of paragraph 1 of this Article shall be issued for a period of up to one year and it may be extended under the conditions as stipulated by this law.

The temporary residence of the persons as of paragraph 1 of this Article may independently be extended in case the citizen of the Republic of Macedonia passes away or the marriage ceases after lasting for at least 3 (three) years on the territory of the Republic of Macedonia as well as when especially difficult circumstances require so.

The permit as of paragraph 1 of this Article shall neither be issued nor extended if it is established that there is a grounded suspicion that the marriage with a citizen of the Republic of Macedonia is a marriage of convenience.

The minor who was born on the territory of the Republic of Macedonia and one of his/her parents is a citizen of the Republic of Macedonia and the other parent is a foreigner holding a temporary residence permit in the Republic of Macedonia at the time of his/her birth, but who does not have a citizenship of the Republic of Macedonia, is not required to possess residence permit in the first six months of his/her life.

Upon application of a citizen of the Republic of Macedonia supplied with a consent of the other parent, the Ministry of Internal Affairs shall issue a permanent residence permit to the minor as of paragraph 7 of this Article after six months from his/her birth.

### **h) Temporary residence of foreigner who is from the Republic of Macedonia by origin**

#### **Conditions for issue of the permit**

#### **Article 78**

A foreigner who is from the Republic of Macedonia by origin may be issued a temporary residence permit if s/he fulfils the conditions for issue of temporary residence permit as stipulated in the Article 50 of this law.

The permit as of paragraph 1 of this Article shall be issued for a period of up to one year and it may be extended if the foreigner concerned fulfils the conditions as of Article 57 of this law.

### **Residence of foreigner's children born in the Republic of Macedonia**

#### **Article 79**

A foreigner's child who was born in the Republic of Macedonia and is not a citizen of the Republic of Macedonia, is not required to hold a residence permit during the first 6 (six) months of his/her life.

Upon an application submitted by one of the parents or a guardian holding a temporary residence permit in the Republic of Macedonia and upon consent of the other parent, the

## **THE REPUBLIC OF MACEDONIA**

Ministry of Internal Affairs shall issue the child as of paragraph 1 of this Article a temporary residence permit for a period of up to one year after six months from his/her birth.

The permit as of paragraph 2 of this Article may be extended upon an application submitted by one of the parents or a guardian and it may be extended for the corresponding period of validity of the temporary residence permit of one of the parents or the guardian.

In case one of the parents or the guardian of the child as of paragraph 1 of this Article holds a permanent residence permit in the Republic of Macedonia, after six months from his/her birth, upon application of the parent or the guardian and consent of the other parent, the child shall be issued a permanent residence permit in the Republic of Macedonia.

### **i) Temporary residence on humanitarian grounds**

#### **Article 80**

Temporary residence permit on humanitarian grounds may be issued as an exception, to a foreigner who does not fulfil the conditions for issue of temporary residence permit as stipulated by this law in the following cases:

- if there are grounds for suspicion that s/he is a victim of the criminal act “trafficking in human beings” as laid down in the Criminal Code,
- if s/he is under 18 and is unaccompanied by a parent or guardian,
- if s/he is a stateless person, or
- other well-founded reasons of humanitarian nature.

The permit as of paragraph 1 indent 2, 3 and 4 of this Article shall be issued for a period of up to one year and it may be extended provided that the humanitarian grounds still exist.

### **I.1. Temporary residence of victims of trafficking in human beings**

#### **Period of decision-making**

#### **Article 81**

A foreigner for whom there are grounds for suspicion to be a victim of the criminal act “trafficking in human beings” as stipulated in the Criminal Code, shall be enabled to make a decision within a period of 2 (two) months with a view to providing him/her protection and assistance in the process of recovery as well as avoiding influence of the perpetrators of such a crime. Within this period, the victim is to decide on either to co-operate with the competent authorities in detection of crimes and perpetrators or to return to the country whose citizen or legal resident s/he is.

As to the best interests of victims of trafficking in human beings who are minors under 18, the period as of paragraph 1 of this Article may be extended.

During the period as of paragraph 1 and 2 of this Article, the foreigner concerned may not be expelled from the Republic of Macedonia.

The period as of paragraph 1 of this Article may be interrupted if:

- the foreigner voluntarily, actively or on his initiative renews his/her contacts with suspects involved in such a crime, or
- reasons of public order and national security of the Republic of Macedonia require so.

The Ministry of Internal Affairs shall bring a decision on interruption of decision making period against which the foreigner has a right to lodge a complaint to the competent Commission of the Government of the Republic of Macedonia within 8 (eight) days as from the date of the receipt of such a decision

## **THE REPUBLIC OF MACEDONIA**

The decision of the competent Commission of the Government shall be brought within 30 (thirty) days as from the date of lodging a complaint.

Against the decision of the competent Commission of the Government an administrative dispute may be initiated in front of a competent court in accordance with the Law on administrative disputes.

### **Conditions for issue of temporary residence permit and validity**

#### **Article 82**

Upon expiry of the period of decision-making as of Article 81 of this law or earlier if the competent authorities estimate that the foreigner shows a clear intention to co-operate, the foreigner who is a victim of trafficking in human beings may be issued a temporary residence permit if:

- his/her stay in the Republic of Macedonia is necessary for conducting court proceedings,
- s/he shows a clear intention to co-operate with competent state authorities in detection of such crimes and the perpetrators, and
- s/he has broken his/her relations with the suspects involved in such a crime.

The permit as of paragraph 1 of this Article shall be issued for a period of up to 6 (six) months and it shall be extended provided that the conditions as laid down in paragraph 1 of this Article are met.

### **Deprivation of right to temporary residence**

#### **Article 83**

A foreigner who is a victim of trafficking in human beings shall be deprived of his/her right to temporary residence if s/he no longer meets the conditions for temporary residence as laid down in Article 82 of this law, and especially if:

- the foreigner as of paragraph 1 of this Article actively, voluntarily or on his initiative renews his/her contacts with the suspects involved in such a crime or it is established that the foreigner's co-operation with the state authorities is false or fraudulent,
- reasons of protection of public order and nationality security of the Republic of Macedonia require so,
- the foreigner as of paragraph 1 of this Article stops co-operating with the state authorities in detection of such crimes and perpetrators, or
- the competent state authorities decide to stop the relevant proceedings.

### **II.3. Cessation of temporary residence a)**

#### **Deprivation of the right to temporary residence**

#### **Reasons for deprivation of the right to temporary residence**

#### **Article 84**

A foreigner who stays up to 3 (three) months or holds a temporary residence permit, except for temporary residence permit for victims of trafficking in human beings, may be deprived of the right to temporary residence, if:

- s/he is sentenced to a minimum of three-month imprisonment,

## THE REPUBLIC OF MACEDONIA

- s/he no longer has subsistence means and accommodation or such means and accommodation are not ensured in any other legal way during his/her stay in the Republic of Macedonia,
- it is established that s/he was aware of supplying false information or not revealing the purpose and circumstances relevant to issue of temporary residence permit or when false, another person's or invalid documents have been used,
- it is additionally established that s/he does not or no longer fulfils the conditions for issue of temporary residence permit,
- his/her stay is contrary to the indicated purpose and circumstances of stay,
- s/he refuses to comply with the decisions of the state authorities,
- s/he commits a violation to the provisions of this law,
- it is established that s/he has stayed out of the territory of the Republic of Macedonia for unjustified reasons for more than one quarter of the period of validity of his/her temporary residence permit,
- s/he is issued a temporary residence permit for purposes of family reunification but it is established that s/he does not cohabit with the principle person in a real matrimony or family union, or
- there are grounds for suspicion that the marriage with a foreigner holding a residence permit or a citizen of the Republic of Macedonia is a marriage of convenience or there is a suspicion that such a marriage is not contracted upon will of either of the two parties.

In the decision-making process concerning deprivation of the right to temporary residence, the length of stay of the foreigner concerned in the Republic of Macedonia, his/her personal, economic or other relations with the Republic of Macedonia as well as consequences that may arise from such a decision affecting him/her or his/her family shall be taken into account.

Prior to bringing a decision, a foreigner shall be required to make a statement on the circumstances which are relevant for such a decision.

As an exception, a foreigner shall not be deprived of the right to temporary residence if the degree of seriousness of the act committed as well as the foreigner's relations with the Republic of Macedonia indicate that such a deprivation shall have disproportionately difficult consequences for the foreigner or his/her close family members residing legally in the Republic of Macedonia.

### **Competence for decision-making Article 85**

Decision on deprivation of the right to temporary residence shall be brought by the Ministry of Internal Affairs.

The decision as of paragraph 1 of this Article shall indicate the time limit within which the foreigner is obliged to leave the territory of the Republic of Macedonia.

Against the decision as of paragraph 1 of this Article a foreigner has a right to lodge a complaint with the competent Commission of the Government of the Republic of Macedonia within 8 (eight) days as from the date of receipt of such a decision.

Such a complaint submitted by the foreigner who stayed on the territory of the Republic of Macedonia for a period of up to 3 (three) months or based on temporary residence permit for less than 3 (three) years shall not have a suspension effect on the decision.

The provision as of paragraph 4 of this Article does not apply for a foreigner whose child has a legal residence on the territory of the Republic of Macedonia cohabiting together in a household.

## **THE REPUBLIC OF MACEDONIA**

The decision of the competent Commission of the Government shall be brought within 15 (fifteen) days as from the date of lodging a complaint.

Against the decision of the competent Commission of the Government an administrative dispute may be initiated in front of a competent court in accordance with the Law on Administrative Disputes.

Deprivation of the right to temporary residence shall be entered in the foreigner's travel document.

### **b) Cessation of temporary residence permit**

#### **Article 86**

Temporary residence permit shall cease to be valid if:

- the foreigner is expelled from the Republic of Macedonia,
- the foreigner is deprived of the right to temporary residence,
- upon expiry of the granted period of his/her temporary residence in the Republic of Macedonia s/he does not apply for extension of his/her temporary residence permit,
- the foreigner relinquishes his/her temporary residence permit as from the date of his/her statement on such a relinquish, or
- when the foreigner acquires the citizenship of the Republic of Macedonia.

### **III. Stay based on permanent residence permit**

#### **Permanent residence permit**

#### **Article 87**

Permanent residence permit shall be issued to a foreigner who, prior to application for permanent residence, has stayed on the territory of the Republic of Macedonia for an uninterrupted period of minimum 5 (five) years on the basis of a temporary residence permit.

The condition of an uninterrupted five-year period of stay in the Republic of Macedonia as laid down in paragraph 1 of this Article shall be deemed as fulfilled if within the period of 5 (five) years prior to application for permanent residence the foreigner concerned does not stay out of the territory of the Republic of Macedonia for a period of subsequent 6 (six) months or for a total period not exceeding 10 (ten) months.

Permanent residence permit shall not be issued to a foreigner who has stayed in the Republic of Macedonia:

- based on temporary residence permit for purposes of attending school or studies,
- based on temporary residence permit for purposes of participation in international student/pupils exchange programme,
- based on temporary residence permit for purposes of specialization, vocational education or practical training,
- based on temporary residence permit for purposes of scientific research,
- based on temporary residence permit for purposes of medical treatment,
- based on residence permit on humanitarian grounds,
- based on temporary protection,
- as a recognised refugee or an asylum-applicant for whose application there is no final decision in a procedure as defined by law, and
- based on a legal status as regulated by the 1961 Vienna Convention on Diplomatic Relations, 1963 Vienna Convention on Consular Relations or Vienna

## **THE REPUBLIC OF MACEDONIA**

### **Convention on Representations of States in Their Relations with International Organisations of Universal Nature.**

Permanent residence permit for purposes of employment, work or self-employment may be issued to a foreigner who possesses high or deficit qualifications or education necessary for operation of the relevant institution in or authority of the Republic of Macedonia.

Permanent residence permit based on family reunification may be issued only to close family members of a foreigner who has previously obtained a permanent residence permit provided that they live together in a real matrimony or family union.

A foreigner whose residence is relevant to the interests of the Republic of Macedonia may be issued a permanent residence permit prior to expiry of the time limit as laid down in paragraph 1 of this Article.

The Ministry of Internal Affairs shall issue the permanent residence permit to the foreigner concerned in person.

#### **Rights of foreigner holding permanent residence permit Article 88**

A foreigner holding a permanent residence permit in the Republic of Macedonia shall enjoy the same rights as those of the citizens of the Republic of Macedonia, unless other law provides otherwise, such as:

- stay in the Republic of Macedonia for an indefinite period of time,
- access to employment or self-employment,
- education and professional training, including university education,
- recognition of professional diplomas, certificates and other qualifications,
- social protection and social support,
- tax benefits,
- access to goods and services as well as supply of goods and services accessible to the public,
- freedom of association and membership in organisations of workers or employers or organisations of members of certain professions, and
- free movement on the whole territory of the Republic of Macedonia except for the areas where movement is prohibited or limited for reasons of security or defence of the Republic of Macedonia.

A foreigner who is a holder of a permanent residence permit may exit and enter the Republic of Macedonia without a visa.

#### **Conditions for issue of permanent residence permit Article 89**

Permanent residence permit shall be issued to a foreigner who:

- until the moment of application, stays legally in the Republic of Macedonia for an uninterrupted period of 5 (five) years on the basis of the permit for temporary residence in accordance with Article 87 of this law,
- has stable and regular subsistence means,
- has accommodation or means for accommodation ensured,
- has a health insurance,

## **THE REPUBLIC OF MACEDONIA**

- during his/her stay in the Republic of Macedonia within the period of 5 (five) years prior to application for permanent residence s/he has not committed a crime which is punishable by minimum 1 (one) year of imprisonment, and
- does not present a threat to the public order, national security or international relations of the Republic of Macedonia.

### **Procedure on issue of permanent residence permit Article 90**

Permanent residence permit shall be issued upon an application of a foreigner.

The foreigner concerned is also obliged to submit a valid and recognised travel document or its certified copy as well as evidence proving that conditions as laid down in paragraph 1, indent 1 to 5 Article 89 of this law are fulfilled, together with the application as of paragraph 1 of this Article.

The Ministry of Internal Affairs shall bring a decision upon an application for permanent residence.

In case of rejection of a foreigner's application for reasons as under paragraph 1 indent 6 Article 89 of this law, the competent authority is not obliged to explain the reasons taken into consideration for such a decision.

Against the decision as of paragraph 3 of this Article the foreigner has a right to lodge a complaint with the competent Commission of the Government of the Republic of Macedonia within 8 (eight) days as from the date of receipt of such a decision.

The decision of the competent Commission of the Government shall be brought within 30 (thirty) days as from the date of lodging a complaint.

Against the decision of the competent Commission of the Government an administrative dispute may be initiated in front of a competent court in accordance with the Law on Administrative Disputes.

### **III. 1. Cessation of permanent residence**

#### **b) Deprivation of the right to permanent residence Article 91**

A foreigner who stays in the Republic of Macedonia on the basis of a permanent residence permit may be deprived of the right to permanent residence, if:

- s/he is sentenced to imprisonment of minimum 1 (one) year,
- it is established that s/he was aware of supplying false information or not revealing the purpose and circumstances relevant to issue of permanent residence permit, or
- it is established that s/he has stayed out of the territory of the Republic of Macedonia for an uninterrupted period of more than 12 (twelve) months without consent of the Ministry of Internal Affairs.

The Ministry of Internal Affairs may express its consent for a stay out of the territory of the Republic of Macedonia for a period longer than 12 (twelve) subsequent months without being deprived of the right to permanent residence thereby, where the length of the foreigner's stay in the Republic of Macedonia as well as the purpose and circumstances of his/her stay out of the country shall be taken into consideration.

In the decision-making process concerning deprivation of the right to permanent residence, the length of the foreigner's stay in the Republic of Macedonia, his/her age, personal,

## **THE REPUBLIC OF MACEDONIA**

economic and other relations with the Republic of Macedonia as well as consequences resulting from such a decision affecting him/her or his/her close family shall be taken into consideration.

Prior to bringing a decision, a foreigner shall be required to make a statement on the circumstances of relevance for such a decision.

A foreigner shall not be deprived of the right to permanent residence if the degree of seriousness of the act committed and his/her relations with the Republic of Macedonia indicate that such a deprivation shall have disproportionately difficult consequences for him/her or his/her close family members legally staying on the territory of the Republic of Macedonia.

### **Competence for decision-making Article 92**

The Ministry of Internal Affairs shall bring a decision on deprivation of the right to permanent residence.

The decision as of paragraph 1 of this Article shall indicate the time limit within which the foreigner is obliged to leave the territory of the Republic of Macedonia.

Against the decision as of paragraph 1 of this Article a foreigner has a right to lodge a complaint with the competent Commission of the Republic of Macedonia within 8 (eight) days as from the date of receipt of such a decision.

The decision of the competent Commission of the Government shall be brought within 30 (thirty) days as from the date of lodging a complaint.

Against the decision of the competent Commission of the Government an administrative dispute may be initiated in front of a competent court in accordance with the Law on Administrative Disputes.

The deprivation of the right to permanent residence shall be entered into the foreigner's travel document.

### **c) Cessation of permanent residence permit Article 93**

Permanent residence permit of a foreigner shall cease to be valid if:

- s/he is expelled from the Republic of Macedonia,
- s/he is deprived of the right to permanent residence,
- s/he relinquishes his/her permanent residence permit as from the date of his/her statement on such a relinquish, and
- s/he acquires the citizenship of the Republic of Macedonia.

### **IV. Form and contents of residence permit Article 94**

Temporary residence permit shall be issued as a sticker to be attached in the travel document of a foreigner or as a separate document.

Permanent residence permit shall be issued as a separate document.

Residence permit shall contain:

- number of the permit,
- name and surname of the holder,
- period of validity,
- date and place of issue,
- type of residence permit,
- photograph of the holder,
- comments of the issuing authority,

## **THE REPUBLIC OF MACEDONIA**

- signature and stamp of the issuing authority,
- signature of the holder,
- emblem of the Republic of Macedonia,
- machine-readable zone,
- hologram, and
- optic variable ink.

In case of separate document, apart from data as of paragraph 3 of this Article, the permit shall also contain the following particulars of its holder:

- date and place of birth,
- citizenship,
- sex,
- single registry number, and
- biometrical identification data.

The residence permit shall contain in-built security features.

### **Article 95**

Permanent residence permit issued as a separate document to a foreigner under 25 (twenty-five) shall be valid for 7 (seven) years, as for those from 25 (twenty-five) to 50 (fifty) for 15 (fifteen) years and for those over 50 (fifty) it shall be valid on a permanent basis.

Temporary residence permit issued as a separate document shall be valid for a corresponding period as of the decision on grant of temporary residence but no longer than one year.

### **Obligation of carrying residence permit**

#### **Article 96**

A foreigner is obliged to carry his/her residence permit with him/her.

### **Obligation of applying for substitute of residence permit**

#### **Article 97**

A foreigner is obliged to submit an application for substitute of residence permit in case:

- it is damaged or well-worn or it is no more usable for its purpose as a result of any other reasons,
- if the foreigner has changed his/her name, or
- when the period of its validity as of paragraph 1 Article 95 of this law expires.

A foreigner is obliged to submit an application for substitute of residence permit within maximum 15 (fifteen) days as from the date of occurrence of any of the reasons as under paragraph 1 of this Article.

### **Obligation to return residence permit**

#### **Article 98**

Upon expiry of his/her residence permit, in cases as under Article 86 and Article 93 of this law, the foreigner is obliged to return such a permit to the Ministry of Internal Affairs.

## **THE REPUBLIC OF MACEDONIA**

### **V. Limitations or prohibition of movements of foreigners**

#### **Article 99**

The Government of the Republic of Macedonia may limit or prohibit any movements of foreigners within certain areas or may prohibit permanent or temporary residence in certain areas by a separate general document where reasons for security or defence of the Republic of Macedonia require so.

### **VI. Illegal stay**

#### **Article 100**

A foreigner stays illegally in the Republic of Macedonia if:

- s/he enters the country with no authorisation;
- s/he does not possess a valid and recognised travel document supplied with a visa or residence permit,
- his/her visa is annulled, revoked or its validity is reduced,
- upon expiry of visa validity,
- s/he is deprived of the right to residence,
- s/he stays longer than 3 (three) months in any half-year period as from the date of first entry into the Republic of Macedonia and is not subjected to visa requirement, or
- his/her asylum application is rejected and does not leave the territory of the Republic of Macedonia within the specified period.

The provision as of paragraph 1 indent 1 of this Article does not apply for a foreigner for whom there is a grounded suspicion to be a victim of a criminal act “trafficking in human beings” in case the unauthorised entry is a consequence of such a criminal act.

The provision as of paragraph 1 indent 1 of this Article does not apply for an applicant for asylum in the Republic of Macedonia in accordance with the Law on Asylum and Temporary Protection.

## **CHAPTER V EXPULSION AND DEPORTATION**

### **I. Expulsion**

#### **Reasons for expulsion**

#### **Article 101**

A foreigner may be expelled from the Republic of Macedonia if:

- s/he is sentenced to imprisonment of minimum one year,
- s/he presents a serious threat to the public order, national security or international relations of the Republic of Macedonia,
- there are serious reasons to believe that s/he committed serious crimes, especially crimes related to production and releasing narcotic drugs, psychotropic substances and precursors or there is a solid evidence of his/her intention to commit such crimes on the territory of the Republic of Macedonia,
- reasons for public health require so,

## **THE REPUBLIC OF MACEDONIA**

- s/he stays illegally in the Republic of Macedonia,
- s/he commits several repeated or serious violations of the provisions of this law.

The provision of paragraph 1 indent 4 of this Article shall not apply if the foreigner's illness which is a risk to the public health occurs 3 (three) months after his/her entry into the Republic of Macedonia.

In the decision-making process concerning expulsion of a foreigner from the Republic of Macedonia the length of foreigner's stay in the Republic of Macedonia, his/her personal, economic or other relations with the Republic of Macedonia as well as the consequences arising from such a decision affecting him/her or his/her close family members legally staying on the territory of the Republic of Macedonia shall be taken into account.

The provision as of paragraph 1, 2 and 3 of this Article does not apply for a foreigner seeking protection from the Republic of Macedonia in accordance with the Law on Asylum and Temporary Protection.

### **Expulsion of foreigners enjoying special protection Article 102**

A foreigner who has permanent residence in the Republic of Macedonia as well as a foreigner who is a spouse of a citizen of the Republic of Macedonia whose stay is based on temporary residence may be expelled from the Republic of Macedonia only if s/he:

- is sentenced to imprisonment of minimum 3 (three) years, and
- presents a serious threat to the public order, national security or international relations of the Republic of Macedonia.

A foreigner as of paragraph 1 indent 1 of this Article shall not be expelled if the degree of seriousness of the crime committed as well as his/her relations with the Republic of Macedonia indicate that such an expulsion shall have disproportionately difficult consequences for him/her or his/her close family members legally staying on the territory of the Republic of Macedonia.

### **Competence for decision-making Article 103**

The Ministry of Internal Affairs shall bring a decision on expulsion of a foreigner from the Republic of Macedonia.

The decision as of paragraph 1 of this Article shall contain the time limit within which the foreigner concerned is obliged to leave the territory of the Republic of Macedonia as well as the period of entry ban which may not be less than 6 (six) months nor longer than 5 (five) years.

In determining the time limit for leaving the territory of the Republic of Macedonia, the period necessary for the foreigner to obtain the required documents or financial means for leaving the Republic of Macedonia shall be taken into account.

In case of expulsion for reasons of national security, the competent authority is not obliged to explain the reasons taken into account for such a decision.

The decision as of paragraph 1 of this Article shall specify that if the foreigner does not leave the country within the specified period on a voluntary basis, s/he shall be deported from the Republic of Macedonia.

Against the decision as of paragraph 1 of this Article a foreigner has a right to lodge a complaint with the competent Commission of the Government of the Republic of Macedonia within 8 (eight) days as from the date of receipt of such a decision.

## **THE REPUBLIC OF MACEDONIA**

The complaint against the decision as of a foreigner staying illegally in the Republic of Macedonia or staying for a period of up to 3 (three) months or based on a temporary residence permit for less than 2 (two) years shall not have a suspension effect on such a decision.

The provision as of paragraph 7 of this Article shall not apply for a foreigner who has children staying legally on the territory of the Republic of Macedonia and cohabiting together with the principal person in a household.

The decision of the competent Commission of the Government shall be brought within 15 (fifteen) days as from the date of lodging a complaint.

Against the decision of the competent Commission of the Government an administrative dispute may be initiated in front of a competent court in accordance with the Law on Administrative Disputes.

The measure of expulsion, the time limit for leaving the territory of the Republic of Macedonia as well as the period of entry ban shall be entered into the foreigner's travel document.

### **Entry ban Article 104**

A foreigner, who is expelled from the Republic of Macedonia upon a decision of the Ministry of Internal Affairs, may not enter the country within the period of his/her entry ban in the Republic of Macedonia.

As an exception of paragraph 1 of this Article, if there are well-founded reasons, upon an application, the foreigner may be allowed an entry into the Republic of Macedonia even prior to expiry of his/her entry ban but only for short-term visits.

The application as of paragraph 2 of this Article shall be submitted with the Ministry of Internal Affairs through diplomatic or consular mission of the Republic of Macedonia abroad.

## **II. Voluntary return and deportation Article 105**

A foreigner, who is obliged to leave the territory of the Republic of Macedonia upon a decision of the Ministry of Internal Affairs, is obliged to leave on a voluntary basis immediately or within the specified period.

The voluntary return, in the context of this law, is assisted or independent return of the foreigner to his/her country of origin, a transit or a third country which is based on his/her free and informed decision regardless of the fact that the alternative of such a decision is his/her deportation.

A foreigner who shall not act upon as in accordance with paragraph 1 of this Article or if certain circumstances indicate that s/he has no intention to leave the territory of the Republic of Macedonia on a voluntary basis, s/he shall be deported from the Republic of Macedonia.

A foreigner may be deported from the territory of the Republic of Macedonia only if the decision on his/her obligation to leave the country is executive.

A foreigner who is pronounced a penalty or an offence sanction of expulsion shall be immediately deported from the country.

### **Procedure of deportation Article 106**

A foreigner who must, in accordance with this law, be deported from the country shall be taken by the authorised officials of the Ministry of Internal Affairs to the state border, sent over

## **THE REPUBLIC OF MACEDONIA**

the border, handed over to the representatives of the country whose citizen s/he is or to representatives of the country from which s/he arrives.

If well-founded reasons require so, the foreigner may be transferred to a third country and not to his/her country whose citizen s/he is.

Prior to the procedure of deportation the foreigner is subjected to a medical examination of his/her state of health.

### **Prohibition of deportation Article 107**

A foreigner may not be deported to a country where:

- his/her life or freedom would be threatened due to his/her race, religion or nationality, membership of a social group or political opinion, or
- s/he would be subjected to torture, inhuman or degrading treatment or punishment.

### **Temporary detention in the Reception Centre for foreigners within the Ministry of Internal Affairs Article 108**

For purposes of ensuring of deportation, a foreigner may be detained by the Ministry of Internal Affairs for maximum 24 (twenty-four) hours.

In case deportation is impossible for any reasons within the time limit as laid down in paragraph 1 of this Article, the Reception Centre for foreigners of the Ministry of Internal Affairs is established (hereinafter referred to as: the Reception Centre).

The Ministry of Internal Affairs shall bring a decision on temporary detention of the foreigner as of paragraph 2 of this Article in the Reception Centre.

In the Reception Centre a foreigner may also be temporarily detained if there is a decision on his/her expulsion but s/he does not possess a valid or recognised travel document where the Ministry of Internal Affairs shall bring a decision on his/her temporary detention.

Against the decision as of paragraph 3 and 4 of this Article a foreigner has a right to lodge a complaint with the competent Commission of the Government of the Republic of Macedonia within 8 (eight) days as from the date of receipt of such a decision.

The complaint shall not have a suspension effect on such a decision.

The decision of the competent Commission of the Government shall be brought within 15 (fifteen) days as from the date of lodging the complaint.

Against the decision of the competent Commission of the Government an administrative dispute may be initiated in front of a competent court in accordance with the Law on Administrative Disputes.

### **Article 109**

A foreigner shall be temporarily detained in the Reception Centre until reasons preventing his/her deportation from the Republic of Macedonia cease to exist, but not longer than 12 (twelve) months.

In case of a foreigner for whom there is a decision on his/her expulsion but s/he does not possess a valid or recognised travel document, s/he shall be detained in the Reception Centre until s/he obtains such a document from the country whose citizen s/he is or is issued a passport as of Article 119 paragraph 2 of this law.

A foreigner may not leave the Reception Centre, unless there are well-founded reasons as well as upon a consent of a competent authority.

## **THE REPUBLIC OF MACEDONIA**

### **Article 110**

A foreigner who may not be deported as well as a foreigner as of Article 108 paragraph 4 of this law, provided s/he has ensured subsistence means and accommodation in the Republic of Macedonia and based on the relevant circumstances it can be estimated that foreigner's accommodation in the Reception Centre is unnecessary, the Ministry of Internal Affairs may bring a decision on limitation of movements only within his/her residence place with an obligation to report him/herself timely and regularly to the nearest police station.

Against the decision as of paragraph 1 of this Article a foreigner has a right to lodge a complaint with the competent Commission of the Government of the Republic of Macedonia within 8 (eight) days as from the date of receipt of such a decision.

The decision of the competent Commission of the Government of the Republic of Macedonia shall be brought within 30 (thirty) days as from the date of lodging the complaint.

Against the decision of the competent Commission of the Government an administrative dispute may be initiated in front of a competent court in accordance with the Law on Administrative Disputes.

### **Costs for deportation**

#### **Article 111**

Costs arising from a foreigner's temporary detention in the Reception Centre as well as other costs arising from his/her deportation shall be borne by the foreigner him/herself.

In case the foreigner has no means, the costs shall be borne by the carrier which brought him/her on the territory of the Republic of Macedonia without a valid and recognised travel document or with a travel document supplied with no visa or residence permit, if required.

In case the costs are not to be borne by the carrier as in accordance with paragraph 2 of this Article such costs shall be borne by the individual who has obliged him/herself to bear the costs during the foreigner's stay in the Republic of Macedonia.

In cases where no means can be ensured in any way as under paragraph 1, 2 and 3 of this Article, such costs shall be covered by the Budget of the Government of the Republic of Macedonia.

## **III. Special rules for unaccompanied minors**

### **Measures related to minors**

#### **Article 112**

In case a minor person, who is a foreigner under 18, enters the territory of the Republic of Macedonia contrary to the provisions of this law and is unaccompanied by his/her parents or a guardian, or, upon his/her arrival in the Republic of Macedonia s/he is left unaccompanied and does not apply for asylum, the authorised officials of the Ministry of Internal Affairs shall immediately inform the diplomatic or consular mission of the country whose citizen s/he with a view to establishing his/her close family members.

In case it is impossible to deliver such a minor immediately to the authorities of the country whose citizen s/he is due to objective reasons, s/he shall be accommodated in the special unit for minors within the Reception Centre and the Centre for Social Affairs shall be informed to that effect.

The minor as of paragraph 1 of this Article shall be provided with a guardian in accordance with the Law on Family.

## **THE REPUBLIC OF MACEDONIA**

During his/her accommodation in the Reception Centre, the minor shall be provided with legal aid, social support and medical and psychological care and shall have a right to education in the educational institutions of the Republic of Macedonia.

### **Special protection Article 113**

A minor person who is a foreigner may not be returned to his/her country of origin or to a third country which agrees to accept him/her, until appropriate conditions for his/her admission are not provided in that country.

The minor person may not be returned to a third country where his/her return would be contrary to the Convention on the Rights of the Children, the Convention of Protection against Torture, Inhuman or Degrading Treatment or Punishment or the Convention on Protection of the Human Rights and Fundamental Freedoms.

## **CHAPTER VI TRAVEL AND OTHER DOCUMENTS FOR FOREIGNERS**

### **I. Travel documents**

#### **Definition of travel document Article 114**

Travel documents, in the context of this law, are:

- foreign travel document, and
- travel document for foreigners.

#### **Foreign travel document Article 115**

Foreign travel document, in the context of this law, shall mean:

- passport or other travel document issued in accordance with the international standards by countries or international organizations which are recognised and accepted by the Republic of Macedonia,
- passport or other travel document which though issued by countries or international organisations not recognised by the Government of the Republic of Macedonia, guarantee the foreigner's return and which are specified as travel documents entitling entry and stay in the Republic of Macedonia by a general document of the Government of the Republic of Macedonia,
- travel document for refugees issued in accordance with the 1951 Convention on the Status of Refugees and the 1967 Protocol on the Status of Refugees, and
- travel document for stateless persons issued in accordance with the 1954 Convention on the Stateless Persons.

#### **Conditions for acceptance of foreign travel document Article 116**

## **THE REPUBLIC OF MACEDONIA**

Foreign travel document shall be accepted as valid if:

- it contains particulars of holder's identity and in case of the travel documents as of paragraph 1, indent 1 and 2 Article 115 the holder's citizenship or nationality as well,
- it is issued in accordance with the international standards,
- its period of validity is at least 3 (three) months longer than the period of stay granted to the foreigner in the Republic of Macedonia,
- it enables the holder's return to the country of origin or entry into a third country, and
- it is complete, not altered, false or counterfeit.

### **Travel document for foreigners Article 117**

Travel document for foreigners shall mean a document issued by a competent authority of the Republic of Macedonia to a foreigner who legally stays in the Republic of Macedonia.

Travel document for foreigners is:

- passport for foreigners,
- emergency passport for foreigners,
- travel document for stateless persons in accordance with the 1954 Convention on Legal Status of Stateless Persons,
- travel document for refugees, in accordance with the 1951 Convention on the Status of Refugees and the 1967 Protocol on the Status of Refugees as established by the law.

### **Application for travel document for foreigners Article 118**

Travel document for foreigners is issued upon an application of a foreigner who has attained the age of 18 and has a full legal capacity.

The application for travel document for a minor or a person who does not have a full legal capacity shall be submitted by one of the parents upon consent of the other parent.

When the parental right is exercised by one of the parents, the application for travel document for a person under 18 shall be submitted by the parent who is entrusted with the parental responsibility.

Such an application shall be decided upon by the Ministry of Internal Affairs where against such a decision the foreigner has a right to lodge a complaint with the competent Commission of the Government of the Republic of Macedonia within 8 (eight) days as from the date of receipt of such a decision.

The decision of the competent commission of the Government shall be brought within 30 (thirty) days as from the date of lodging the complaint.

Against the decision of the competent Commission of the Government an administrative dispute may be initiated in front of a competent court in accordance with the Law on Administrative Disputes.

The provisions as of paragraph 1, 2, 3, 4, 5 and 6 of this Article shall not apply for issue of travel document for refugees.

### **Passport for foreigners Article 119**

## **THE REPUBLIC OF MACEDONIA**

A foreigner who stays legally in the Republic of Macedonia but does not possess and is unable to obtain a valid foreign travel document from the country whose citizen s/he is, may be issued a passport for foreigners enabling his/her entry into and exit from the Republic of Macedonia.

A foreigner who is obliged to leave the territory of the Republic of Macedonia but does not possess and is unable to obtain a valid foreign travel document from the country whose citizen s/he is, may be issued a passport for foreigners for purpose of exit from the Republic of Macedonia.

The provision as of paragraph 1 of this Article does not apply to a foreigner having a status of recognized refugee in accordance with the 1951 Geneva Convention on Status of refugees and the 1967 Protocol on the Status of Refugees.

### **Article 120**

Passport for foreigners shall be issued by the Ministry of Internal Affairs.

A foreigner who has a temporary residence permit in the Republic of Macedonia and who fulfils the conditions as laid down in Article 119 of this law, shall be issued a passport for foreigners valid for the corresponding period of validity as of his/her temporary residence permit, but maximum for one year.

A foreigner who has a permanent residence permit and who fulfils the conditions as laid down in Article 119 of this law, shall be issued a passport for foreigners valid for up to 2 (two) years.

### **Article 121**

Passport for foreigners entitles the holder to entry into and exit from the Republic of Macedonia within the period of its validity.

The passport for foreigners shall be valid for all countries except for the country whose citizen the foreigner concerned is. In case there are well-founded reasons such a passport may also be valid for the country whose citizen s/he is.

As an exception to paragraph 2 of this Article, the passport for foreigners may also be valid only for certain countries.

### **Emergency passport for foreigners**

#### **Article 122**

Emergency passport for foreigners is issued by the diplomatic or consular mission of the Republic of Macedonia abroad upon prior consent from the Ministry of Internal Affairs to a foreigner who is a legal resident of the Republic of Macedonia but is left with no valid travel document for foreigners issued by the competent authorities of the Republic of Macedonia while abroad.

The document as of paragraph 1 of this Article shall be valid only for purposes of return of the foreigner to the Republic of Macedonia and it shall be issued for a period of validity of up to 30 (thirty) days.

### **Travel document for stateless person**

#### **Article 123**

Travel document for stateless person shall be issued by the Ministry of Internal Affairs in accordance with the 1954 Convention on the Status of Stateless Persons.

## **THE REPUBLIC OF MACEDONIA**

The travel document as of paragraph 1 of this Article shall be issued with a validity of up to one year.

The travel document as of paragraph 1 of this Article may be extended in accordance with the 1954 Convention on the Status of Stateless Persons.

### **Travel document for refugees Article 124**

Travel document for refugees shall be issued by the Ministry of Internal Affairs in accordance with the 1951 Convention on the Status of Refugees and the 1967 Protocol on the Status of Refugees as established by law.

The travel document as of paragraph 1 of this Article shall be issued with a validity of up to one year.

The travel document as of paragraph 1 of this Article may be extended in accordance with the 1951 Convention on the Status of Refugees.

### **Refusal of issue of passport for foreigners Article 125**

Passport for foreigners shall not be issued to a foreigner if:

- criminal or offence proceedings are taken against him/her upon a request of a competent court;
- s/he is sentenced to imprisonment without parole until such a sentence is served,
- s/he does not meet his/her legal property or financial obligations towards the Republic of Macedonia upon request of a competent authority,
- there is a suspicion on his/her identity,
- s/he is unable to prove that s/he does not possess or is unable to obtain a valid and recognised travel document of the country whose citizen s/he is, or
- interests of national security or international relations of the Republic of Macedonia require so.

### **Seizure of travel document for foreigners Article 126**

Travel document for foreigners shall be seized if:

- it is additionally established that grounds as under Article 125 of this law existed prior to the date of issue of such a document,
- grounds as laid down in Article 125 of this law additionally occur,
- a foreigner's residence permit ceases to be valid,
- a foreigner is expelled from the Republic of Macedonia or is deprived of his/her right to residence,
- it is damaged or became unusable in any other way,
- the contents of such a travel document is altered or supplemented to no knowledge of the competent authority,
- there is no photograph or based on the existing photograph the foreigner's identity can not be established, or
- the document is possessed by an unauthorised person.

The Ministry of Internal Affairs shall bring a decision on seizure of such a travel document against which the foreigner concerned has a right to lodge a complaint to the

## **THE REPUBLIC OF MACEDONIA**

competent Commission of the Government of the Republic of Macedonia within 8 (eight) days from the date of receipt of such a decision.

Such a complaint shall not have a suspension effect on the decision.

### **Obligation to return travel document for foreigners**

#### **Article 127**

A foreigner is obliged to return his/her travel document for foreigners when s/he obtains a valid travel document of the country whose citizen s/he is or when s/he acquires the citizenship of the Republic of Macedonia.

In case the foreigner does not comply with paragraph 1 of this Article, such a document shall be seized by the Ministry of Internal Affairs.

### **2. Diplomatic or service identity card**

#### **Article 128**

A foreigner who is a member of a diplomatic or consular mission of a foreign country or a member of other foreign mission having diplomatic status in the Republic of Macedonia shall be issued a diplomatic or service identity card.

The identity card as of paragraph 1 of this Article shall be issued by the Ministry of Foreign Affairs .

A foreigner as of paragraph 1 of this Article is obliged to carry the identity card with him /her as well as to return it upon expiry of the diplomatic status.

### **3. Report of disappearance, loss, theft or other misappropriation of travel or other identification documents**

#### **Article 129**

Any disappearance, loss, theft or other misappropriation of a travel document or identification document proving his/her identity, the foreigner concerned is obliged to report to the Ministry of Internal Affairs within maximum 24 (twenty-four) hours as from the moment s/he notices such a fact.

The Ministry of Internal Affairs shall issue the foreigner a receipt of a report as of paragraph 1 of this Article.

A foreigner who has lost his/her travel document issued by the Ministry of Internal Affairs while abroad, is obliged to report such a fact to the diplomatic or consular mission of the Republic of Macedonia abroad.

In cases as under paragraph 1 and 3 of this Article the foreigner concerned is obliged to indicate and explain all circumstances related to such a disappearance, loss or theft of the travel document or the identification document proving his/her identity.

## **CHAPTER VII PROVING IDENTITY**

### **Documents proving identity**

#### **Article 130**

## **THE REPUBLIC OF MACEDONIA**

A foreigner proves his/her identity by means of a travel document of the country whose citizen s/he is, travel document for foreigners, residence permit, diplomatic or service identity card or by other official identification document containing a photograph based on which his/her identity can be established.

It is prohibited for a foreigner to make it available to another person to use his/her document as of paragraph 1 of this Article or to use another person's document as his/her own.

It is prohibited to give or take the document as of paragraph 1 of this Article as security for unreimbursed obligations towards the state authorities, legal entities or natural persons as well as for his/her other benefits or exercise of certain rights.

It is prohibited to alter, delete or correct the particulars and comments of the document as of paragraph 1 of this Article as well as to replace the photograph or signature in such a document.

It is prohibited to use the document as of paragraph 1 of this Article if entered in the records for lost and disappeared identification documents.

### **Obligation to present identification documentation**

#### **Article 131**

A foreigner is obliged, upon a request of authorised officials of the Ministry of Internal Affairs, to present the document proving his/her identity as well as provide other information regarding his/her identity and stay in the Republic of Macedonia.

If there is a suspicion that the foreigner's identity established is not authentic, the foreigner concerned is obliged to contribute in clarifying his/her identity and shall be enabled to prove it in any other way.

In case of paragraph 2 of this Article, the foreigner concerned shall be informed that supply of false information and data is punishable.

### **Detention of foreigner whose identity can not be established**

#### **Article 132**

In case a foreigner refuses or is unable to prove his/her identity, the authorised officials of the Ministry of Internal Affairs may detain him/her for purposes of establishing identity for a period not longer than 12 (twelve) hours.

If it is impossible to establish the foreigner's identity within the time limit as of paragraph 1 of this Article, the authorised officials of the Ministry of Internal Affairs shall make a request for initiating an offence procedure to the competent court.

Based on the court decision on detention in the Reception Centre, the authorised officials of the Ministry of Internal Affairs shall detain the foreigner concerned in the Reception Centre.

The foreigner as of paragraph 1 of this Article may, upon a decision of a court, be detained in the Reception Centre until information on his/her identity are supplied.

### **Retention of travel document for foreigners**

#### **Article 133**

In case there are grounds for suspicion that a foreigner's identity is not authentic, the authorised official of the Ministry of Internal Affairs may retain his/her travel document or other identification document proving the foreigner's identity.

Authorised officials of the Ministry of Internal Affairs may also retain the travel document or other identification document proving the foreigner's identity if there are grounds

## **THE REPUBLIC OF MACEDONIA**

for suspicion that the foreigner has committed a crime which is prosecutable upon official duty or an offence.

The authorised official shall issue the foreigner concerned a receipt for retention of the document as of paragraph 1 and 2 of this Article and submit such a document together with the request for initiating an offence procedure or bringing criminal charges against him/her to the competent court.

### **Checks and search Article 134**

If a foreigner, upon request of an authorised official of the Ministry of Internal Affairs, does not present the identification document proving his/her identity or s/he does not reveal or hides information about his/her identity, the authorised official of the Ministry may, in accordance with the law, make checks and search of the foreigner concerned, search of his/her home and other premises as well as checks of his/her means of transportation.

### **Photograph and fingerprints Article 135**

The authorised officials of the Ministry of Internal Affairs may take a foreigner's photograph and fingerprints when:

- s/he is unable to supply a proof of his/her identity, supplies false data on his/her identity or the identity documents are falsified, another person's or invalid,
- s/he is issued a residence permit,
- s/he is issued a travel document for foreigners,
- his/ her residence application is rejected,
- s/he has committed a crime on the territory of the Republic of Macedonia which is punishable by imprisonment,
- s/he is expelled from the Republic of Macedonia,
- s/he is deprived of the right to temporary or permanent residence, or
- s/he stays illegally in the Republic of Macedonia.

The authorised officials of the Ministry of Internal Affairs may match the fingerprints of the foreigner as of paragraph 1 of this Article with those available in the official fingerprint records.

## **CHAPTER VIII REPORT OF SOJOURN AND RESIDENCE**

### **Obligation to report the place of sojourn or place of residence Article 136**

A foreigner is obliged to report his/her place of sojourn or place of residence in the Republic of Macedonia to the Ministry of Internal Affairs.

Place of sojourn, in the context of this law, shall mean a place where the foreigner concerned temporarily stays during his/her stay of up to 3 (three) months or within the period of validity of his/her temporary residence permit.

## **THE REPUBLIC OF MACEDONIA**

A place of residence, in the context of this law, shall mean a place which the foreigner, who is a permanent resident, moves with an intention to reside there permanently.

### **Report of foreigner with temporary or permanent residence Article 137**

A foreigner who is granted temporary residence in the Republic of Macedonia is obliged to report his/her place of sojourn or any change of his/her address within 3 (three) days as from the date of his/her crossing the state border, i.e. from the date of his/her address change.

A foreigner who is a permanent resident in the Republic of Macedonia is obliged to report his/her place of residence or any change of his/her address within 8 (eight) days as from the date of his/her arrival in such a place or the date of his/her address change.

The foreigner as of paragraph 2 of this Article who intends to stay out of his/her place of residence for a period of longer than 30 (thirty) days is obliged to report his/her place of sojourn within 3 (three) days as from the date of his/her arrival in such a place.

The foreigner as of paragraph 1 and 2 of this Article is obliged to report his/her leaving the place of sojourn or residence within 24 (twenty-four) hours before s/he leaves such a place.

### **Obligation of health institutions Article 138**

The health institutions receiving a foreigner for medical treatment but whose illness is established to be a risk to the public health are obliged to report such a treatment to the Ministry of Internal Affairs within 24 (twenty-four) hours as from the reception of the foreigner concerned.

### **Report of stay of up to 3 (three) months Article 139**

Legal entities or natural persons who provide accommodation services to foreigners for payment are obliged to report the stay of such foreigners to the Ministry of Internal Affairs within 12 (twelve) hours from the hour of providing such a service.

Other persons who provide accommodation for foreigners with themselves are obliged to report such a stay within 24 (twenty-four) hours as from the hour of his/her arrival.

A foreigner who does not consume services as under paragraph 1 and 2 of this Article is obliged to report his/her place of sojourn to the Ministry of Internal Affairs by him/herself within 24 (twenty-four) hours as from the hour of his/her crossing the state border or within 24 (twenty-four) hours as from any change of his/her address in the place of sojourn.

The provisions as of paragraph 1, 2 and 3 of this Article shall apply for foreigners staying in the Republic of Macedonia for a period of up to 3 (three) months.

### **Records Article 140**

Legal entities and natural persons providing accommodation services to foreigners for payment are obliged to keep records on foreigners.

Such records shall be kept for a period of 3 (three) years as from the date of the last residence entry.

The legal entities and natural persons are obliged to enable the authorised officials of the Ministry of Internal Affairs to make an inspection of such records.

**THE REPUBLIC OF MACEDONIA**

**CHAPTER IX PROCEDURES  
AND LEGAL AID**

**Article 141**

In case a foreigner does not understand the language used in a procedure and there is a procedure of expulsion or deprivation of the right to residence taken against him/her, the Ministry of Internal Affairs shall ensure that the foreigner is provided with explanation into the language that s/he understands.

Costs arising as under paragraph 1 of this Article shall be ensured by the Ministry of Internal Affairs.

**Legal aid**

**Article 142**

In case of expulsion or deprivation of the right to residence or deprivation of liberty, the foreigner concerned shall be informed on his/her right to legal aid as well as right to contact the representative of his/her country in the Republic of Macedonia.

**CHAPTER X RECORDS AND  
AUTHORISATION FOR SUBLAW**

**Article 143**

For purposes of supply of information and data on the state and movements of foreigners as well as documents issued to them, the Ministry of Internal Affairs shall keep records on:

- temporary residence permits issued,
- temporary residence applications rejected,
- permanent residence permits issued,
- permanent residence applications rejected,
- foreigners who reported place of sojourn,
- foreigners who reported place of residence,
- visas issued at border
- annulled, revoked and extended visas as well as visas reduced,
- passports for foreigners and travel documents for stateless persons issued,
- applications for passports for foreigners and travel documents for stateless persons rejected,
- disappeared, lost, stolen or misappropriated travel and other identification documents reported,
- foreigners accommodated in the Reception Centre,
- security and preventive measures taken,
- foreigners expelled from the Republic of Macedonia,
- foreigners deprived of the right to temporary or permanent residence in the Republic of Macedonia,
- foreigners denied entry, and
- fingerprints taken.

## THE REPUBLIC OF MACEDONIA

The Ministry of Foreign Affairs shall keep records on:

- visa applications,
- issued, annulled and revoked visas,
- emergency passports for foreigners issued, and
- diplomatic or service identity cards issued.

The Ministry of Internal Affairs shall have an access to the records kept by the Ministry of Foreign Affairs and *vice versa*.

The records on temporary residence permits issued and temporary residence applications rejected shall be kept for 2 (two) years upon expiry of a temporary residence permit or upon the relevant application.

The records on permanent residence permits issued and permanent residence applications rejected shall be kept for 10 (ten) years upon expiry of permanent residence permit or upon the relevant application.

The records on the places of sojourn reported shall be kept for 2 (two) years upon reporting leaving or upon expiry of the report of such a place.

The records on the places of residence reported shall be kept for 10 (ten) years upon reporting leaving or upon expiry of the report of such a place.

The records on issued, annulled, revoked and extended visas as well as visas reduced shall be kept for 2 (two) years upon expiry of a relevant visa or upon any visa annulment, revocation, extension or reduction.

The records on issued travel or other identification documents shall be kept for 10 (ten) years upon the issue.

The records on measures taken (security and preventive, deprivation of the right to temporary or permanent residence, expulsion, entry denial) shall be kept for 5 (five) years upon expiry of the term of such a measure.

The records on foreigners accommodated in the Reception Centre shall be kept for 2 (two) years upon cessation of their stay in the Reception Centre.

### Article 144

State authorities may use the data from the records as of Article 143 of this law, provided that they have a legal interest thereto which shall be decided upon by the Ministry of Internal Affairs or the Ministry of Foreign Affairs.

### Article 145

The Minister of Internal Affairs shall bring sublaws on:

- the method of admission or entry denial, issue and extension of temporary and permanent residence permit, return and expulsion, reporting sojourn and residence places as well as reporting leaving sojourn and residence places and method of keeping and using records as of Article 143 paragraph 1 of this law,
- the form and contents of the format of the decision on entry denial, the official seal for entry denial, the temporary residence permit, the permanent residence permit, the decision on grant of temporary residence, the decision on extension of temporary residence permit, the receipt for stay in the Republic of Macedonia until the decision on extension of temporary residence is reached, the decision on expulsion, the official seal for the decision on expulsion, the decision on deprivation of the right to temporary residence, the decision on deprivation of the

## **THE REPUBLIC OF MACEDONIA**

- right to or permanent residence, the official seal for deprivation of the right to temporary or permanent residence as well as formats of the relevant applications,
- the form and contents of the format for report of sojourn or residence places as well as report of leaving sojourn or residence places as well as the format of records on foreigners kept by legal entities and individuals providing accommodation services, and
- the House Order of the Reception Centre for foreigners.

### **Article 146**

The Minister of Internal Affairs in agreement with the Minister of Foreign Affairs shall bring sublaws on:

- the method of issue of travel and other identification documents for foreigners,
- the method of reporting disappeared, lost, stolen or other misappropriated travel and other identification documents for foreigners,
- the form and contents of the format of the travel and other identification documents for foreigners as well as the format of the relevant applications, and
- the method of keeping and using records on issued travel and other identification documents for foreigners.

### **Article 147**

The Minister of Foreign Affairs in agreement with the Minister of Internal Affairs shall bring sub laws on:

- the method of issue of visas, visa annulment, visa revocation, visa extension as well as visa reduction,
- the form and contents of the format of visa as well as of visa application,
- the method of keeping and using records as of Article 143 paragraph 2 of this law, and
- the procedure and distribution of formats of visa.

Based on the relevant records, the Minister of Foreign Affairs in accordance with Article 115 paragraph 1 of this law shall publish the list of passports or other travel documents issued in accordance with the international standards by countries and international organisations which are recognised and accepted by the Republic of Macedonia.

## **CHAPTER XI PENAL PROVISIONS**

### **Criminal acts**

#### **Assistance in unauthorised entry and transit**

### **Article 148**

## **THE REPUBLIC OF MACEDONIA**

A person who assists a foreigner to enter the Republic of Macedonia with no authorisation or to cross its territory contrary to the provisions of this law shall be punished for a criminal act of assistance in entry without authorisation or transit by an imprisonment of up to one year or a fine.

A person who commits the act as of paragraph 1 of this Article with an intention to obtain unlawful gains for him/herself or another person shall be punished by an imprisonment of minimum 3 (three) years.

In case the life of the foreigner is endangered in the criminal act as of paragraph 2 of this Article or the act is committed in a group, gang or other association set up for the purpose of committing such an act, the perpetrator shall be punished by an imprisonment of minimum 8 (eight) years.

Attempt of the criminal act as of paragraph 1 and 2 of this Article is punishable.

In case the criminal act as of paragraph 1, 2, 3 and 4 of this Article is committed by a legal entity, such a legal entity shall be fined and as for the criminal act as of paragraph 2 and 3 of this Article, apart from being fined, the legal entity shall be prohibited to exercise certain business activity on a temporary or permanent basis.

The means of transport used in such an act shall be seized.

### **Assistance in illegal stay Article 149**

A person who, with an intention to obtain unlawful gains for him/herself or another person, assists a foreigner to stay in the Republic of Macedonia contrary to the provisions of this law shall be punished for a criminal act of assistance in illegal stay by an imprisonment of minimum 3 (three) years.

Attempt of the criminal act as of paragraph 1 of this Article is punishable.

In case the criminal act as of paragraph 1 of this Article is committed by a legal entity, such a legal entity shall be fined as well as prohibited to exercise certain business activity on a temporary or permanent basis.

The means of transport used in such an act shall be seized.

### **Offences Article 150**

A legal entity shall be punished by a fine from 200.000,00 to 300.000,00 denars for an offence in case:

- 1) s/he brings or refuses to take a foreigner out of the territory of the Republic of Macedonia when s/he does not have a valid travel document supplied with a visa or with a residence permit, if required, or refuses to bear the costs for his/her return, temporary detention and deportation (Article 22),
- 2) keeps a foreigner's identification document as security for unreimbursed obligations or for own benefits or exercise of certain rights (Article 130, paragraph 3),
- 3) does not report reception of a foreigner for medical treatment within the time limit prescribed when it is established that his/her illness presents a risk to the public health (Article 138),
- 4) does not report a foreigner's stay within the time limit prescribed (Article 139, paragraph 1),
- 5) does not keep or does not keep the records on foreigners orderly or if it does not retain such records for 3 (three) years as from the date of the last residence entry (Article 140, paragraph 1 and 2), and

## **THE REPUBLIC OF MACEDONIA**

- 6) does not enable the authorised officials of the Ministry of Internal Affairs to make an inspection of the records on foreigners (Article 140, paragraph 3).

The legal entity as of paragraph 1 item 1 of this Article may be pronounced a security measure of prohibition of exercise of profession, business activity or duty.

The responsible official of the legal entity shall be fined for an offence from 30.000,00 to 50.000,00 as for the acts as of paragraph 1 of this Article.

### **Article 151**

A self-employed person providing accommodation services shall be punished for an offence by a fine from 20.000,00 to 50.000,00 denars in case s/he:

- 1) keeps a foreigner's identification document as security for unreimbursed obligations or for own benefits or exercise of certain rights (Article 130, paragraph 3),
- 2) does not report a foreigner's stay within the time limit prescribed (Article 139 paragraph 1),
- 3) does not keep or does not keep records on foreigners orderly or if it does not retain such records for 3 (three) years as from the date of the last residence entry. (Article 140, paragraph 1 and 2), and
- 4) does not enable the authorised officials of the Ministry of Internal Affairs to make an inspection of the records on foreigners (Article 140, paragraph 3).

The penalty as of paragraph 1 of this Article shall also be pronounced to an employer in private sector who professionally deals with passenger transport, if s/he brings or refuses to take a foreigner out of the territory of the Republic of Macedonia when s/he does not have a valid or recognised travel document supplied with a visa or with a residence permit, if required, or refuses to bear the costs for his/her return, temporary detention and deportation (Article 22).

The employer in private sector as of paragraph 2 of this Article may be pronounced a security measure of prohibition of exercise of profession, business activity or duty.

### **Article 152**

A natural person shall be punished for an offence by a fine from 10.000,00 to 20.000,00 denars in case s/he:

- 1) keeps a foreigner's identification document as security for unreimbursed obligations or for own benefits or exercise of certain rights (Article 130, paragraph 3),
- 2) alters, deletes or corrects the particulars and comments as well as replaces the photograph or signature in the identification document (Article 130, paragraph 4),.
- 3) uses an identification document entered in the records for lost and disappeared identification documents (Article 130, paragraph 5), and
- 4) does not report a foreigner's stay within the time limit prescribed (Article 139, paragraph 2).

### **Article 153**

A foreigner shall be punished for an offence by a fine from 30.000,00 to 50.000,00 denars in case s/he:

## THE REPUBLIC OF MACEDONIA

- 1) enters the Republic of Macedonia with no authorisation (Article 21),
- 2) stays in the Republic of Macedonia contrary to the purpose of his/her visa or residence permit (Article 29, paragraph 2 and Article 49, paragraph 3),
- 3) deletes or alters data indicated in his/her visa issued (Article 41, paragraph 4),
- 4) does not leave the country within the time limit specified (Article 85 paragraph 2, Article 92 paragraph 2 and Article 103 paragraph 2),
- 5) moves and stays in a certain area where movements or stay of foreigners is limited or prohibited (Article 99),
- 6) illegally stays in the Republic of Macedonia (Article 100),
- 7) leaves the Reception Centre for foreigners with no consent of the competent authority (Article 109, paragraph 3),
- 8) makes his/her own identification document available to another person or uses another person's identification document as his/her own (Article 130 paragraph 2),
- 9) gives his/her identification document as security for unreimbursed obligations towards the state authorities, legal entities or natural persons or for his/her other benefits or exercise of certain rights (Article 130 paragraph 3),
- 10) alters, deletes or corrects the particulars and comments as well as replaces the photograph or signature in the identification document (Article 130, paragraph 4),
- 11) uses an identification document entered in the records for lost and disappeared identification documents (Article 130 paragraph 5),
- 12) upon request of authorised officials of the Ministry of Internal Affairs is not able to prove his/her identity (Article 131 paragraph 2), and
- 13) upon request of authorised officials of the Ministry of Internal Affairs s/he refuses to present the identification document proving his/her identity and refuses to supply information and data on his/her identity and stay (Article 131, paragraph 1).

For offences as of paragraph 1 of this Article a foreigner may also be pronounced a security measure of expulsion.

### Article 154

A foreigner shall be punished for an offence by a fine from 10.000,00 to 30.000,00 denars in case s/he:

- 1) does not carry a valid residence permit with him/her (Article 96),
- 2) does not apply for substitute of residence permit in accordance with Article 97 of this law,
- 3) does not return his/her residence permit (Article 98),
- 4) does not return his/her travel document when s/he obtains a valid travel document from the country whose citizen s/he is or acquires citizenship of the Republic of Macedonia (Article 127, paragraph 1),
- 5) does not report his/her disappeared, lost, stolen or misappropriated travel document in any other way or the identification document proving his/her identity (Article 129 paragraph 1),
- 6) does not report his/her place of sojourn, place of residence or any change of his/her address within the time limit prescribed in accordance with Article 137 of this law, and
- 7) does not report his/her place of sojourn or leaving such a place or any change of his/her address in accordance with Article 139, paragraph 3 of this law.

**CHAPTER XII**  
**TRANSITIONAL AND FINAL PROVISIONS**

**Article 155**

Sublaws as provided by this law shall be brought within 6 (six) months as from the date of entry into force of this law.

**Article 156**

The decision on grant of temporary residence, laissez passer, emergency passports for foreigners, identity card for foreigners as well as visas issued under the Law on Movements and Stay of Foreigners (*“Official Gazette of the Republic of Macedonia Nr. 36/92, 66/92, 26/93 and 45/2002”*) shall be valid until the date of expiry but maximum for a period of one year as from the date of implementation of this law.

The foreigner who is issued a decision on grant of permanent residence in accordance with the provisions of the Law on Movements and Stay of Foreigners is obliged to submit an application for permanent residence permit within 6 (six) months as from the date of implementation of this law.

As from the date of issue of permanent residence permit the foreigner’s identity card with permanent validity as of Article 64 of the Law on Movements and Stay of Foreigners shall cease to be valid.

**Article 157**

The procedures initiated prior to implementation of this law shall be completed in accordance with the provisions of this law, unless certain rights of foreigners are regulated in the Law on Movements and Stay of Foreigners in a more favourable manner (*“Official Gazette of the Republic of Macedonia Nr. 36/92, 66/92, 26/93, 45/2002”*).

**Article 158**

As from the date of implementation of this law, the Law on Movements and Stay of Foreigners (*“Official Gazette of the Republic of Macedonia Nr. 36/92, 66/92, 26/93, 45/2002”*) shall cease to apply.

**Article 159**

This law shall enter into force on the eighth day as from the date of its publication in the *“Official Gazette of the Republic of Macedonia”* and it shall be implemented after one year as from the date of its entry into force.