



Број на Службен весник: /

Датум на објава на Службен весник: /

Број на одлука на Уставен суд (У.бр.): /

## **LAW ON REGISTRATION OF PERMANENT AND TEMPORARY RESIDENCE OF CITIZENS**

(“Official Gazette of the Republic of Macedonia” no. 36/92, 12/93, 43/00, 66/07, 51/11, 152/15 and 55/16 and “Official Gazette of the Republic of North Macedonia” no. 302/20 and 67/22)

### **Article 1**

This Law shall regulate the manner of registration and canceling of permanent or temporary residence of citizens, as well as change of residential address.

### **Article 2**

A residence shall be the location inhabited by the citizen with the intention of making it their permanent residence and where they have an apartment for residing.

The citizen shall be deemed to have an apartment for residing, as per this Law, if they or a member of their family have a habitable apartment based on ownership or a lease contract in accordance with the law.

A temporary residence shall mean the location where the citizen resides temporarily, outside the municipality their residence is in.

### **Article 3**

In case the residence is changed, the citizen shall be obliged to cancel the previous residence and register the new one within eight days as of the day of its vacating.

The citizen shall be obliged to, within eight days, register the change of residential address.

The parent or guardian shall make the registration and canceling of residence, as well as the change of residential address for minors.

As an exception, a person over the age of 15, employed or married, shall personally register i.e. cancel the residence and change of residential address.

### **Article 3-a**

The residence shall be registered or canceled and the change of residential address shall be made based on a submitted request by the citizen along with the necessary documentation. The request, along with the necessary documentation may also be submitted electronically through qualified referred delivery using electronic identification means through the National Electronic Services Portal, in accordance with the regulations in the field of electronic management and electronic services.

The Ministry of Interior shall adopt a decision within 15 days as of the day the request from paragraph (1) of this Article has been submitted. The decision may also be issued in the form of an electronic document submitted to the citizen's profile at the National Electronic Services Portal or through a qualified electronic referred delivery at the electronic address stated by the applicant, in accordance with the regulations in the field of electronic management and electronic services and in the field of electronic documents, electronic identification and confidential services.

An appeal can be lodged to the State Commission for Decision- Making in Administrative Procedure and Secondary Labour Relation Procedure against the decision from paragraph (2) of this Article, and using electronic identification means or electronically through an administrative services medium, in accordance with the regulations in the field of electronic management and electronic services, within eight days as of the day the decision was submitted.

#### **Article 3-b- deleted.**

#### **Article 4**

The citizen intending to reside more than 30 days outside their residence, shall be obliged to register the temporary residence within three days as of their arrival at the residence and cancel it immediately prior to their departure .

The provisions from Article 3 paragraph 3 of this Law shall apply accordingly and upon registration, i.e. canceling of the residence.

#### **Article 5**

When the citizen uses accommodation services in catering, tourist enterprises, college dormitories or boarding schools, i.e. other legal entities performing such activity or persons providing accommodation services, the registration and canceling of the temporary residence shall be done by the service provider regardless of the period the citizen intends to stay.

The registration of the temporary residence shall be done latest within 48 hours after the arrival and the canceling shall be done prior to the vacating of the facility the citizen was accommodated in.

When the citizen uses accommodation services in catering or tourist facilities, dormitories, boarding schools, i.e. other legal entities performing such activities, the registration may be carried out through the legal entity's profile at the National Electronic Services Portal or through qualified referred delivery, in accordance with the regulations in the field of electronic management and electronic services and in the field of electronic documents, electronic identification and confidential services.

When the citizen uses accommodation services from individuals providing accommodation services, the registration may be carried out with an application in the form of an electronic document submitted through qualified referred delivery at the electronic address of the Ministry of Internal Affairs, in accordance with the regulations in the field of electronic management and electronic services and in the field of electronic documents, electronic identification and confidential services.

#### **Article 6**

The obligation for registration, i.e. canceling or the temporary residence shall not affect: military officers residing in the military barracks or other military institutions, employees in the Ministry of Interior situated in special purpose facilities of the Ministry, convicts sent to imprisonment penalty in penitentiary and correctional or educational and correctional facilities, persons under medical care in a healthcare organization, as well as persons residing in a facility or an apartment for resting and recuperation within personal property.

#### **Article 7**

The citizen shall be obliged to renew the registration of the temporary residence each six months of uninterrupted stay at a certain location.

If the citizen uses services within Article 5 paragraph (1) of this Law, the obligation to register the stay each six months shall be met by the service provider.

## **Article 8**

The citizen intending to temporarily stay abroad within the period of between three months and one year or to temporarily work abroad for over a year, shall be obliged to, immediately prior to their departure, register their going abroad with the competent authority in the place of their residence or at the border- crossing point or immediately after their departure in the diplomatic and consular office of the Republic of North Macedonia in that country, i.e. to register their return in the residence in the Republic of North Macedonia.

In the case of paragraph 1 of this Article, the citizen shall be obliged to register the minors travelling with them.

The competent authority shall record the citizens who failed to register their departure abroad for a period exceeding three months.

## **Article 9**

The registration and canceling of the permanent and temporary residence, as well as change of residential address shall be performed in the Ministry of Interior and by using electronic identification means through the National Electronic Services Portal or electronically through an administrative services medium, in accordance with the regulations in the field of electronic management and electronic services.

The citizen shall be issued a confirmation upon registration i.e. canceling of the permanent i.e. temporary residence as well as to the user's profile on the National Electronic Services Portal or through qualified electronic referred delivery at the electronic address stated by the applicant, in accordance with the regulations in the field of electronic management and electronic services and the field of the electronic documents, electronic identification, and confidential services.

### **Article 10**

The citizen shall be obliged to submit their personal ID card, as well as other documents in order to determine their identity upon registration and canceling of the permanent i.e. temporary residence and change of residential address.

### **Article 11**

The Ministry of Interior shall control the registration and canceling of permanent i.e. temporary residence of citizens, i.e. registration of change of residential address.

When the Ministry of Interior determines that the registration of the permanent i.e. temporary residence, as well as change of residential address contains false data, it shall adopt a decision for registration annulment and deleting the citizen from the residence records. The decision may also be issued in the form of an electronic document submitted to the citizen's profile at the National Electronic Services Portal or through a qualified electronic referred delivery at the electronic address stated by the applicant, in accordance with the regulations in the field of electronic management and electronic services and in the field of electronic documents, electronic identification and confidential services.

### **Article 12**

The Ministry of Interior shall keep records on the residence and change of residential address of citizens according to the prescribed standards and law.

The residence records can be kept in the records on issued personal ID cards.

The Ministry of Interior shall provide protection of the data from paragraph (1) of this Article against unauthorized access and use.

### **Article 13**

The enterprises and other legal entities and persons from Article 5 paragraph (1) of this Law shall be obliged to keep accurate and reliable log on the temporary residence of the persons they provide accommodation services to (guestbook).

Prior to its initial use, the guestbook shall be certified in the Ministry of Interior and shall be kept for at least three years as of the day of the last recorded stay.

The authorized officials of the Ministry of Interior shall be entitled to inspect the guestbook.

### **Article 14**

State bodies, enterprises or other legal entities and citizens can use the records as per law, when they have legal interests from doing so.

### **Article 15**

A fine in the amount between 50 and 1.000 euro in denar equivalent for micro commercial entities; between 50 and 2.000 euro in denar equivalent for small commercial entities; between 250 and 6.000 euro in denar equivalent for medium commercial entities and between 250 and 10.000 euro in denar equivalent for large commercial entities, shall be imposed to the legal entity for a violation if:

1. it fails to register i.e. cancel the residence of the citizen within Article 5 and 7 paragraph 2 of this Law and

2. it fails to keep a guestbook or keeps it incorrectly or improperly or fails to enable the official from the Ministry of Interior to inspect it (Article 13).

A fine in the amount of 15 to 500 euro in denar equivalent shall be imposed to the responsible official within the legal entity for the violation from paragraph (1).

A fine in the amount between 15 and 250 euro in denar equivalent shall be imposed for the violation from paragraph (1) of this Article to the accommodation service provider.

#### **Article 15-a**

The competent court shall administer the misdemeanor procedure and impose the misdemeanor sanctions for the violations envisaged with Article 15 of this Law.

#### **Article 16**

A fine in the amount between 15 and 250 euros in denar equivalent shall be imposed to the natural person who fails to register or cancel the permanent i.e. temporary residence or change of residential address or fails to do so in the prescribed period (Articles 3, 4 paragraph 1, 7 paragraph 1 and 8 paragraph 1).

#### **Article 16-a**

For the violations envisaged in Article 16 of this Law, a commission within the Ministry of Interior shall administer the misdemeanor procedure.



Notwithstanding paragraph (1) of this Article, when the violator is a foreign citizen, the competent court shall administer the misdemeanor procedure and shall impose the misdemeanor sanctions.

The commission from paragraph (1) of this Article shall be composed of two members and a commission president.

The members of the commission shall have finished higher education and work experience of at least four years in the subject matter, and the commission president shall be a Bachelor of Legal Sciences with a passed bar exam and shall have a work experience of at least six years in the subject matter.

The exercising of the right to legal remedy against the decision of the commission referred to in paragraph (1) of this Article, as well as the procedure upon the legal remedy shall be conducted in accordance with the Law on Misdemeanors.

#### **Article 16-b**

The calculation of the fine amount for a legal entity shall be performed according to the Law on Misdemeanors.

#### **Article 17**

The Minister of Interior shall adopt by-laws on the permanent i.e. temporary residence registration and canceling forms, forms for residence recording and forms for registration of change of residential address, as well as the form of the guestbook, within three months after this Law enters into force.

The current prescriptions shall apply until the ones referred to in paragraph (1) of this Article have entered into force.

#### **Article 18**

The citizens of the Republic of Macedonia who registered their residence until the day this Law enters into force, shall not be obliged to register the residence according to the provisions of this Law.

#### **Article 19**

The Law on Registration of Permanent and Temporary Residence of Citizens ("Official Gazette of the Socialist Republic of Macedonia" no. 15/72, 24/85, 15/88 and 19/90) shall cease to be valid on the day this Law enters into force.

#### **Article 20**

This Law shall enter into force on the eight day after its publication in the "Official Gazette of the Republic of Macedonia".

### **VALID AND TRANSITIONAL PROVISIONS FROM THE REFERENCES TO THE LAW**

I. "Official Gazette of the Republic of Macedonia" no. 55/16

#### **Article 3**

The procedures initiated prior to the day of application of this Law, shall finish according to the law they were initiated by.

II. "Official Gazette of the Republic of North Macedonia" no. 67/22

#### **Article 5**

The bylaws adopted based on the Law on Law on Registration of Permanent and Temporary Residence of Citizens ("Official Gazette of the Republic of North Macedonia" no. 36/1992, 12/1993, 43/2000, 66/2007, 51/11, 152/15 and 55/16 and "Official Gazette of the Republic of North Macedonia" no. 302/20), shall be harmonized with the provisions of this Law within three months as of the day this Law enters into force.

#### **Article 6**

This Law shall cease to be valid as of the day of accession of the Republic of North Macedonia into the European Union.

#### **Article 7**

This Law shall enter into force on the eighth day as of the day of its publishing in the "Official Gazette of the Republic of North Macedonia" and shall start to apply as of 1 January 2023.