

# **LAW ON MOVEMENT AND RESIDENCE OF FOREIGNERS (Official Gazette of the Republic of Macedonia 36/92)**

## **I. GENERAL PROVISIONS**

### **Article 1**

This Law regulates the movement and residence of foreigners in the Republic of Macedonia.

### **Article 2**

A foreigner, pursuant to this Law, shall be a person who is not a citizen of the Republic of Macedonia. Foreigners, during their residence in the Republic of Macedonia, shall respect the Constitution of the Republic of Macedonia, the laws, other regulations and decisions of state bodies, as well as the obligations determined by international agreements.

### **Article 3**

Activities, related to the control of movement and residence of foreigners in the Republic of Macedonia, shall be carried out by the Ministry of Internal Affairs, unless other body has been authorized by law.

## **II. RIGHT TO ENTRY IN THE REPUBLIC OF MACEDONIA AND VISA ISSUANCE**

### **1. RIGHT TO ENTRY**

#### **Article 4**

A foreigner may enter the Republic of Macedonia on the border crossings specially built for that purpose and stay on the territory of the Republic of Macedonia provided that s/he has a valid passport or other document determined by international agreements, i.e. travel papers issued by the Ministry of Internal Affairs or a diplomatic-consular representative office of the Republic of Macedonia abroad.

Travel papers shall contain a viscard or other document, valid in the country of origin of the foreigner, by the Ministry of Internal Affairs when carrying out check up at the border crossing.

The Government of the Republic of Macedonia may decide citizens of certain countries to enter the Republic of Macedonia only with an identity card or some other document for proving the identity, which is valid in the country of origin of the foreigner.

#### **Article 5**

Keeping foreigners in a transit area at an airport of the Republic of Macedonia shall not be considered as entering the country, provided that the foreigner does not leave that area.

Keeping foreigners inside the ship, which is anchored in a lake port shall not be considered as entering the Republic of Macedonia, as well.

#### **Article 6**

A foreigner may be forbidden to enter the Republic of Macedonia in cases anticipated by this Law, an international agreement or on the basis of reciprocity.

### **2. VISAS**

#### **Article 7**

For entering and exiting the territory of the Republic of Macedonia or just transiting through it, a foreigner shall be issued an entry, exit, entry-exit or transit visa.

The visa shall be issued for a period of one year, i.e. until the travel papers of the foreigner are valid, when that period is shorter than one year, unless otherwise provided in this Law.

#### **Article 8**

Visas shall be issued by a diplomatic-consular representative office of the Republic of Macedonia abroad and the Ministry of Internal Affairs, unless otherwise determined by an international agreement.

The entry, exit and entry-exit visa shall be issued for one, several or unlimited number of trips, while the transit visa shall be for one trip with duration of 5 days, counting from the day of entering the country.

### **1. Entry Visas**

#### **Article 9**

A foreigner, who comes to the Republic of Macedonia for the purpose of permanent residence and who is a spouse or a close relative to a citizen of the Republic of Macedonia, and has permanent residence on the territory of the Republic of Macedonia or to a foreign citizen who has permanent residence in the Republic of Macedonia shall be issued residence visa.

Residence visa shall also be issued to the members of the closest family of the foreigner pertaining to paragraph 1 of this Article.

### **2. Entry-exit Visas**

#### **Article 10**

The personnel of the diplomatic-consular representative offices of foreign

The diplomatic visa shall also be issued to members of the closest family of the person pertaining to paragraph 1 of this Article.

The diplomatic visa may also be issued to another foreigner who comes in an official visit to the Republic of Macedonia on behalf of his/her Government or an international organization.

The diplomatic visa shall be issued by the Ministry in charge for issues from the field of foreign affairs.

The diplomatic visa shall be issued as one entry visa, which shall be valid and provide the right to stay while performing the diplomatic function.

#### **Article 11**

A foreigner who comes to the Republic of Macedonia for the purpose of employment in a representative office of a foreign country or an international organization, but does not fulfill the conditions for issuance a diplomatic visa shall be issued an official visa.

The official visa shall also be issued to the members of closest family of the foreigner pertaining to paragraph 1 of this Article.

The official visa may also be issued to a foreigner who comes to the Republic of Macedonia as a representative of a foreign country or an international organization, but does not fulfill the conditions for issuance of a diplomatic visa.

#### **Article 12**

Visa shall be issued to a foreigner who comes to the Republic of Macedonia for the purpose of employment, education, specialization, scientific research or performance of a certain professional activity.

Consent shall be needed from the Ministry of Internal Affairs for issuance of the visa pertaining to paragraph 1 of this Article.

The Ministry of Internal Affairs, before giving the consent, shall obtain an opinion from the body under which competence falls the activity for which the foreigner request the visa.

The visa pertaining to paragraph 1 of this Article shall be issued by the diplomatic and consular representative office of the Republic of Macedonia abroad.

#### **Article 13**

Business visa shall be issued to a foreigner who comes to the Republic of Macedonia for performing a business activity anticipated by the regulations of the Republic of Macedonia, which refers to foreign investments and foreign trade, as well as to a foreigner who may be employed in the Republic of Macedonia without an approval, in cases regulated by law.

The business visa shall be issued for multiple entries, and shall be valid for the period needed for performing the activity for which the visa has been issued, but not longer than the validity of the travel papers.

#### **Article 14**

A foreigner who comes to the Republic of Macedonia as a tourist shall be issued tourist visa.



### **Article 18**

The visa shall be annulled provided that the reasons for which it has been issued did not appear or stopped to exist.

If the reasons pertaining to Article 17 of this Law appear after the visa issuance, i.e. the tourist entry, the visa or the entry shall be annulled.

Exit visa shall not be issued to a foreigner against whom a criminal procedure has been initiated, if that is requested by the authorized court during the procedure.

### **Article 19**

The Ministry of Internal Affairs may, as an exception to cases pertaining to Article 17 of this Law, reject the visa issuance orally or pronounce prohibition for entering the Republic of Macedonia.

The Decision for prohibition pertaining to paragraph 1 of this Article shall be written in the passport and be permanent.

## **III. RESIDENCE OF FOREIGNERS**

### **1. Temporary and Permanent Residence**

#### **Article 20**

A foreigner who will enter in the Republic of Macedonia with a valid passport may stay up to 3 months, i.e. until the expiration of the visa, unless otherwise determined by an international agreement, while regarding foreigners pertaining to Article 4 paragraphs 3 and 4 of this Law – up to 30 days.

Foreigner who comes to the Republic of Macedonia for the purpose of investment activities, specialization, medical treatment, carrying out certain professional activities, marriage with a citizen of the Republic of Macedonia, employment, possession of immovable property on the territory of the Republic of Macedonia or because of other justified reasons for longer stay than the one from paragraph 1 of this Article may, before the expiration of the time for which s/he has been granted the residence based on the passport pertaining to paragraph 1 of this Article, submit an application for approval of temporary residence.

#### **Article 21**

An approval for residence shall be issued in a form of:

- an approval for temporary residence, and
- an approval for permanent residence.

#### **Article 22**

The approval issued for temporary residence shall be valid for one year, i.e. until the expiration of the foreign passport, if that term is shorter than one year.

Upon request of a foreigner, which is submitted before the expiration of the validity of the approval, the approval for temporary residence shall be extended, but the most to one year.

### **Article 23**

An approval for permanent stay shall be issued to a foreigner who permanently stays on legal basis on the territory of the Republic of Macedonia for at least 3 years and fulfills the conditions pertaining to Article 20 paragraph 2 of this Law, which justify his/her permanent residence.

An approval for permanent residence before the expiration of the term pertaining to paragraph 1 of this Article shall be issued to a foreigner whose residence is of interest of the Republic of Macedonia.

### **Article 24**

As an exception to provisions from Article 20 and 23 of this Law, an approval for permanent or temporary residence may also be issued to a child until 18 years of age or to a spouse of a foreigner who has obtained an approval for permanent, i.e. temporary residence in the Republic of Macedonia.

### **Article 25**

The Ministry of Internal Affairs shall issue approvals for temporary and permanent residence.

Together with the application for temporary or permanent residence, the foreigner shall also submit evidence for the reasons for submission of such an application, as well as a proof for having a means of subsistence.

### **Article 26**

Permanent or temporary residence, i.e. extension of the temporary residence shall not be approved to a foreigner:

- if there are no reasons for staying in the Republic of Macedonia (Article 20 paragraph 2 or Article 23);
- who does not have a means of subsistence;
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### **Article 28**

The approval for temporary or permanent residence shall be issued by its endorsement on the passport of the foreigner.

When the application for approval for residence is rejected or cease to be valid, the Ministry of Internal Affairs shall make a decision.

### **Article 29**

The Government of the Republic of Macedonia may, with a special act, limit or prohibit the movement of foreigners in certain areas or prohibit permanent or temporary residence in certain places when that is necessary for protection of the security and defense of the country.

## **2. Cancellation of Stay**

### **Article 30**

The residence may be cancelled to a foreigner who stays on the territory of the Republic of Macedonia on the basis of a passport, issued visa, approval or in compliance with an international agreement (Article 20 paragraph 1 of this Law) or who has been issued an approval for temporary residence:

- when it is requested for the purpose of protection of the security and defense of the Republic of Macedonia;
- if s/he refuses to perform the decisions of state bodies;
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The Minister of Internal Affairs does not need to state the reasons for making such a decision, in the document with which the residence of the foreigner is cancelled, in cases pertaining to Article 30 sub-item 1 of this Law.

The appeal against the decision filed by the foreigner who stays on the territory of the Republic of Macedonia pursuant to Article 20 paragraph 1 of this Law or on the basis of an approval for temporary stay less than 3 years does not postpone the execution of the decision.

### **Article 32**

The time period during which the foreigner is obligated to leave the territory of the Republic of Macedonia, as well as the time period during which s/he is prohibited to enter again in the Republic of Macedonia shall be determined in the decision for cancellation of residence.

The time period during which the foreigner can leave the territory of the Republic of Macedonia shall be taken into consideration when determining the time period during which the foreigner shall be obligated to leave the territory of the Republic of Macedonia.

The decision for cancellation of residence shall be endorsed in the travel papers of the foreigner.

### **Article 33**

The Ministry of Internal Affairs shall determine with a decision the time period during which a foreigner shall be obligated to leave the Republic of Macedonia, whom a security measure - eviction or protection measure – deportation from the Republic of Macedonia has been pronounced.

The provision pertaining to Article 32 paragraph 2 of this Law shall also be applied when determining the time period from paragraph 1 of this Article.

The appeal against the decision pertaining to paragraph 1 of this Article shall not postpone the execution of the decision.



state border and given away to representatives of the foreign country whose citizen s/he is.

#### **Article 36**

In case of imprisonment of a juvenile foreigner who has come to the Republic of Macedonia without a valid travel papers or without knowledge, i.e. approval from his/her legal representatives, i.e. who is without the necessary protection, security and a means of subsistence, or who has not acted according to the regulations of the Republic of Macedonia, the authorized officials within the Ministry of Internal Affairs shall immediately inform the diplomatic-consular representative office of the state whose citizen s/he is, while in case of being a citizen of a neighboring country, s/he shall be returned to his/her country.

If a juvenile foreigner may not be immediately returned to the body of the state whose citizen s/he is because of justified reasons, s/he shall be accommodated in a special shelter for foreigners.

#### **Article 37**

Costs that may occur from the coerced deportation of a foreigner shall be paid by the foreigner.

If the foreigner does not have financial means, the costs shall be paid from the Budget of the Republic.

#### **Article 38**

A company, legal entity or a sole proprietor which will bring in a foreigner, who is not allowed to enter the country, through land, air or lake, shall be obligated to take that persons outside of the Republic of Macedonia at his/her own expense within the term determined by the Ministry of Internal Affairs.

#### **Article 39**

A foreigner shall not be coercively deported in the Republic of Macedonia in which his/her life may be endangered due to race, religious or national difference, political attitudes or if there is a danger of being maltreated or abused.

### **4. Right to an asylum**

#### **Article 40**

The right to an asylum in the Republic of Macedonia may be recognized to a foreigner who has been persecuted due to his/her democratic political beliefs and actions.

#### **Article 41**

The Ministry of Internal Affairs shall decide on issues regarding the recognition, i.e. abrogation of the right to an asylum.

A foreigner, who has been recognized the right to an asylum shall also obtain a right to a permanent residence in the Republic of Macedonia.

#### **Article 42**

Accommodation, means of subsistence and health protection shall be provided to a foreigner who has been recognized the right to an asylum, but at least two years from the date of giving him/her the decision for recognition of the right to an asylum in the Republic of Macedonia, except to a foreigner who is not able to work and support him/herself.

Finances for accommodation, means of subsistence and health protection for foreigners whom have been recognized the right to an asylum shall be provided from the Budget of the Republic of Macedonia.

The term accommodation in the sense of paragraph 1 of this Article means providing appropriate flat or providing financial assistance needed for finding premises for housing.

The Ministry of Labor and Social Policy shall take care for accommodation, means of subsistence and health protection of foreigners, whom have been recognized the right to an asylum.

#### **Article 43**

The amount of monetary assets needed for accommodation and means of subsistence to foreigners who have been recognized the right to an asylum, the scope of health protection, measures and conditions for use, as well as the manner of administering that type of protection shall be determined by the Government of the Republic of Macedonia upon proposal by the Ministry of Internal Affairs and the Ministry of Labor and Social Policy.

#### **Article 44**

The right to an asylum may be abrogated to a foreigner who acts against the Constitution of the Republic of Macedonia or against the international interests of the Republic of Macedonia.

In the decision for abrogation of the right to an asylum also the term during which the foreigner is obligated to leave the territory of the Republic of Macedonia shall also be stated. That term may not be shorter than 30 days or longer than six months.

#### **Article 45**

The foreigner may file an appeal to the Committee of the Government of the Republic of Macedonia against the decision in which the request for recognition of the right to an asylum has been rejected, as well as against the decision in which the right to an asylum has been abrogated.

### **5. Refugees**

#### **Article 46**

A stateless person or a foreigner who has left the country whose citizen s/he is or where s/he was staying on a permanent basis, in order to avoid the persecution because of his/her democratic, political attitudes and actions, cultural or scientific activities or because of national, racial or religious reasons, may be recognized the status of a refugee in the Republic of Macedonia.



protection until going to another state or until obtaining conditions for independent living, but the most to two years from the date of receipt of the decision for recognition of the status of a refugee. Limitations regarding the term shall not refer to the foreigner, i.e. stateless person who is incapable to work and is not capable to support him/herself.

Assets necessary for residence and support of foreigners, i.e. stateless persons

Foreign travel papers pursuant to this Law shall be travel papers recognized

A juvenile person may also be registered in the travel papers of the legal representative.

#### **Article 61**

A passport for a foreigner, travel papers for refugees, stateless persons and a travel list for a foreigner shall not be issued to a foreigner:

- against whom a criminal or misdemeanor procedures has been initiated upon a request of an authorized court;
- who has been pronounced sentence imprisonment, until the end of the imprisonment;
- upon request of a court or an authorized body for social welfare, if s/he has not settled the property and legal obligations on the basis of marriage or the relation parent - children, towards the users who have permanent residence in the Republic of Macedonia.

#### **Article 62**

If the reasons pertaining to Article 61 of this Law existed before the day of issuance of the travel papers pertaining to Article 56 paragraph 3 of this Law, and the Ministry of Internal Affairs found out about this later or these reasons have appeared after the issuance of the travel papers, then the travel papers shall be ceased.

An appeal against the decision for seizure of the travel papers may not postpone the execution of the seizure.

### **2. Identification Card for a Foreigner**

#### **Article 63**

A foreigner who has been approved permanent residence in the Republic of Macedonia and who is 18 years old, shall be obligated to submit an application for issuance of an identity card for a foreigner.

As an exception to paragraph 1 of this Article, identity card for a foreigner may also be issued to a foreigner who possesses an approval for temporary residence, if s/he has got married or become an employee and who is 15 years old.

A foreigner who is member of diplomatic-consular representative office of a foreign country or a member of another foreign mission, which has a s2.5(rr)552(o)-6.7(f)6.3( a )T0 -1aye.

The validity of the identity card for a foreigner pertaining to paragraph 2 of this Article may be extended.

**Article 65**

The foreigner shall be obligated to carry the identity card with him/herself.

**Article 66**

The foreigner shall be obligated to file an application for replacement of the identity card if the same has been damaged or too old, when due to other reasons it may not serve its purpose, if the foreigner has changed his/her personal name or when it has expired.

**Article 70**

The foreigner shall be obligated, during the stay in the Republic of Macedonia, to use his/her own personal name, given to him/her according to the regulations of his/her country, unless otherwise determined by an international agreement.

**VI. REGISTRATION AND CHECK-OUT OF THE PLACE OF TEMPORARY AND PERMANENT RESIDENCE**

**Article 71**

The foreigner shall be obligated to register the place of temporary or permanent residence in the Republic of Macedonia in the Ministry of Internal Affairs.

The foreigner shall be obligated to register the place of temporary or permanent residence, or changing of the address of the flat within 8 days from the day of moving in the place of temporary or permanent residence, i.e. from the day of change of the address



The foreigner shall be obligated, upon request of an authorized official from the Ministry of Internal Affairs to present the document, which proves his/her identity.

The foreigner may not lend the travel papers pertaining to paragraph 1 of this Article to another person or use somebody else's travel papers as his/hers.

No one may keep the travel papers of a foreigner for the purpose of obtaining any profit or right.

#### **Article 75**

An authorized official person from the Ministry of Internal Affairs may keep a foreigner's travel or other papers that s/he used to cross the state border, if there is a justified suspicion that the foreigner committed a crime or a misdemeanor for which s/he is prosecuted ex officio.

For keeping the travel papers pertaining to paragraph 1 of this Article, the authorized official person from the Ministry of Internal Affairs shall issue a certificate to

of the permanent residence, and afterwards they shall be stored in an archive.

Data from records regarding the pronounced measures (security and protection measures and cancelled residence) shall be kept for 5 years after the expiration of the term for which the measure was being pronounced.

#### **Article 78**

Companies or other legal entities, bodies or citizens may use the data from records from Article 77 of this Law if they have interest in that from legal point of view.

#### **Article 79**

The Minister of Internal Affairs shall bring sub-statutory regulations for:

- the manner of recognition of the right to an asylum;
- the manner of recognition of the refugee status;
- the manner of issuance of an approval for temporary or permanent residence, travel papers and visas and registration and check-out of residence of foreigners in a shelter for foreigners, as well as the form



has been cancelled with a decision from an authorized body (Article 17 related to Article 30).

#### **Article 85**

A foreigner shall be fined for misdemeanor in the amount from 8.000 to 20.000 denars:

1. If s/he stays in the country longer than the period for which his/her travel papers, issued visa, tourist pass are valid, or longer than the period allowed by an international agreement or approved by a decision for temporary residence or if s/he does not submit an application for residence (Article 20);
2. If s/he does not possess an identity card for a foreigner (Article 63 paragraph 1);
3. If s/he does not carry with him/herself a valid identity card (Article 65);
4. If s/he does not submit an application for changing the identity card with another (Article 66);
5. If s/he does not return the issued identity card (Article 67);
6. If s/he does not register or check out him/herself the residence pursuant to Article 71 of this Law;
7. If s/he does not register him/herself pursuant to Article 72 paragraph 3 of this Law;
8. If, upon request by an authorized person of the Ministry of Internal Affairs, s/he does not show the document proving his/her identity (Article 74 paragraph 2);
9. If his/her own travel papers gives to another person or uses somebody else's travel papers as his/hers (Article 74 paragraph 3) and
10. If s/he does not report the disappeared, lost, stolen or otherwise alienated travel papers, i.e. identity documents (Article 76 paragraph 1).

### **X. TRANSITIONAL AND FINAL PROVISIONS**

#### **Article 86**

Until the delivery of the final decision in an administrative procedure for citizenship of the Republic of Macedonia, provisions of this Law shall not refer to citizens of the SFRY and citizens of other republics of the former SFRY, who within one year from the entry into force of the Law on Citizenship of the Republic of Macedonia submit an application for citizenship of the Republic of Macedonia.

For citizens of SFRY and citizens of other republics of former SFRY, who did not submit an application for citizenship of the Republic of Macedonia within the term pertaining to paragraph 1 of this Article or a negative decision was delivered, provision of this Law shall be applied within two months after the expiration of the term during which they were able to submit the application for citizenship in the Republic of Macedonia, i.e. from the delivery of the final decision.

#### **Article 87**

Travel papers for refugees and stateless persons, travel lists for foreigners and identity cards for foreigners issued on the basis of the Law on Movement and Residence of Foreigners (Official Gazette of the SFRY no. 56/80, 53/85, 30/89, 26/90 and 53/91) shall be valid the latest for two years after this Law has entered into force.

Travel papers for refugees and stateless persons, travel list for foreigners and identity card for foreigners shall be issued on the existing forms, until the adoption of sub-statutory regulations for new types of forms.

Approvals for permanent residence, issued on the basis of the Law on Movement and Residence of Foreigners (Official Gazette of the SFRY no. 56/80, 53/85, 30/89, 26/90 and 53/91) shall be valid for the foreigners, who have obtained residence in the Republic of Macedonia with the entry into force of this Law.

#### **Article 88**

Sub-statutory regulations based on this Law shall be adopted within 6 months from the date when this Law enters into force.

Until the adoption of the regulations pertaining to paragraph 1 of this Article, the current regulations shall be applied.

#### **Article 89**

As of the day when this Law enters into force, the Law on Movement and Residence of Foreigners (Official Gazette of the SFRY no. 56/80, 53/85, 30/89, 26/90 and 53/91) shall not be applied on the territory of the Republic of Macedonia.

#### **Article 90**

This Law shall enter into force on the eighth day from the date of its publication in the Official Gazette of the Republic of Macedonia.

### **CORRECTION TO THE LAW ON MOVEMENT AND RESIDENCE OF FOREIGNERS (Official Gazette of the Republic of Macedonia 26/93)**

1. In Article 17 paragraph 1 item 2, instead of the word “representative” the word “offender” shall be placed.
2. In Article 31 paragraph 1, instead of the word “the Minister” the word “Ministry” shall be placed.
3. In Article 83 paragraph 1 item 1, instead of the number “34” the number “4” shall be placed.
4. In Article 85 paragraph 1 item 2, after the word “If” the word “not” shall be placed.

### **LAW ON AMENDING OF THE LAW ON MOVEMENT AND RESIDENCE OF FOREIGNERS (Official Gazette of the Republic of Macedonia 26/93)**

#### **Article 1**

In the Law on Movement and Residence of Foreigners (Official Gazette of the Republic of Macedonia no. 36/92) the words: “100.000 to 250.000 denars” from Article 81 paragraph 1 shall be replaced by the words: “twenty to eighty salaries”.

**Article 2**

In Article 82 paragraph 1, the words: “50.000 to 150.000 denars” shall be replaced by the words: “five to fifteen salaries”.

**Article 3**

In Article 83, the words: “10.000 to 25.000 denars” shall be replaced by the words: “one to two and a half salaries”.

**Article 4**

In Article 84, the words: “10.000 to 25.000 denars” shall be replaced by the words: “one to two and a half salaries”.

**Article 5**

In Article 85, the words: “8.000 to 20.000 denars” shall be replaced by the words: “one to two and a half salaries”.

**Article 6**

This Law shall enter into force on the eighth day from the date of its publication in the Official Gazette of the Republic of Macedonia.