

# **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 visa, unless otherwise determined by an international agreement or by the provisions of this Law.

A foreigner, who does not possess valid travel papers, but comes in a tourist or business visit, may be issued, as an exception, a tourist pass on the basis of an identity card or other document for determination of identity, 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 countries in the Republic of Macedonia, which has a diplomatic status shall be issued diplomatic visa.

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.

Collective tourist visa shall be issued to a group of tourists, who come to the Republic of Macedonia with collective travel papers.

The tourist visa and collective tourist visa shall be issued as one-entry or multiple entries visas, and shall be valid for six months, providing a right to residence not more than three months.

### **3. Transit Visas**

#### **Article 15**

Transit visa shall be issued to a foreigner who travels through the territory of the Republic of Macedonia.

Collective transit visa shall be issued to a group of foreigners, who travel through the territory of the Republic of Macedonia with collective travel papers.

### **4. Exit visas**

#### **Article 16**

Exit visa shall be issued to a foreigner, who leaves the territory of the Republic of Macedonia, where s/he has been staying legally.

The exit visa shall be issued for a period needed for leaving the territory of the Republic of Macedonia.

### **5. Reasons for not allowing a foreigner to enter in the Republic of Macedonia**

#### **Article 17**

A foreigner shall not be allowed to enter in the Republic of Macedonia, i.e. shall not issued be issued entry visa if:

- s/he has been pronounced a security measure - eviction from the Republic of Macedonia, protective measure - deportation from the territory of the Republic of Macedonia, or whose stay in the Republic of Macedonia has been cancelled during the period of validity of that measure;
- s/he has been registered in the records of an authorized body as an international representative, or for whom there are founded suspicions to be coming to the Republic of Macedonia with an intention of performing a terrorist or other criminal acts;
- his/her stay in the Republic of Macedonia might be a financial burden for the state;
- s/he does not possess entry visa for the country of destination for which such visa is needed;
- s/he has not given correct data for him/herself or the purpose of the trip and residence on the territory of the Republic of Macedonia in the application form for visa issuance or has used forged documents;
- s/he does not possess documents on the basis of which his/her identity may be determined, and
- s/he comes from an area where there are contagious diseases, but does not have a proof for being vaccinated.

### **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;
- who entered the Republic of Macedonia contrary to the provisions of this Law, and
- because of the reasons pertaining to Article 17 items 1, 2, 5, 6 and 7 of this Law.

### **Article 27**

The approval for permanent or temporary residence of a foreigner shall cease to be valid:

1. When the validity of the approval for temporary residence has expired, and the foreigner has not submitted an application for extension of the same;
2. When the foreigner, who has an approval for permanent residence, moves or stays abroad constantly for more than one year, but has not informed the Ministry of Internal Affairs about that;
3. When s/he has been pronounced a security measure – eviction, protective measure – deportation or his/her stay in the Republic of Macedonia has been cancelled, and
4. When s/he obtains citizenship of the Republic of Macedonia.

### **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;
- if s/he performs several repeated or harder offences to the peace and order or the security of the state border of the Republic of Macedonia which are regulated by the Constitution and laws;
- if s/he infringes the provisions of this Law;
- who has given false data about him/herself or about the purpose of residence in the application for visa issuance for entry on the territory of the Republic of Macedonia or has used forged documents;
- if s/he has been convicted for crime with sentence imprisonment by our or foreign court for at least three months;
- if s/he stays without a means of subsistence, and the same is not provided in any other way during his/her stay on the territory of the Republic of Macedonia; and
- when the protection of health of citizens is concerned.

### **Article 31**

The Minister of Internal Affairs shall make a decision for cancellation of the stay of a foreigner.

Duration of the stay of a foreigner in the Republic of Macedonia, his/her personal, economic and other relations with the Republic of Macedonia, as well as the consequences that will arise from the pronounced measure for the person and his/her family shall be taken into consideration when deciding upon the cancellation of the stay.

The cancellation of stay may not be shorter than six months and longer than five years.

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.

The decision pertaining to paragraph 1 of this Article shall also be issued by endorsing it in the passport. Upon request of the foreigner, a separate decision may be issued.

#### **Article 34**

A foreigner may be evicted from the territory of the Republic of Macedonia if a security measure of eviction from the Republic of Macedonia has been pronounced to him for a performed criminal act.

### **3. Coercive Deportation of a Foreigner**

#### **Article 35**

A foreigner, who will not leave the territory of the Republic of Macedonia during the set time period, as well as a foreigner who will stay in the Republic of Macedonia longer than the time period determined in Article 20 paragraph 1 of this Law or the term determined in the approval for temporary residence shall be escorted by an authorized official from the Ministry of Internal Affairs to the state border or to the diplomatic-consular representative office of the state whose citizen s/he is, or shall be escorted to the



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.

#### **Article 47**

The status of a refugee shall not be recognized to a foreigner or a stateless person if it is determined that s/he has performed a criminal act against humanity and international law or has acted contrary to the goals and principles of the Organization of the United Nations.

The request of a foreigner, i.e. a stateless person for recognition of the status of a refugee may also be rejected due to the reasons for protection of the security of the Republic of Macedonia.

If the reasons from paragraph 1 and 2 of this Article had existed before the recognition of the status of a refugee and the Ministry of Internal Affairs discovered them later or have appeared after the recognition of that status, the status of a refugee shall be abrogated.

#### **Article 48**

Children of the foreigner or the stateless person whom the status of a refugee has been recognized shall also enjoy the same rights as their parents.

After the 18 years of life, individuals pertaining to paragraph 1 of this Article shall be considered as foreigners with temporary residence in the Republic of Macedonia.

#### **Article 49**

The foreigner shall file an application for recognition of the status of a refugee to the Minister of Internal Affairs within 3 days after entering in the Republic of Macedonia.

The Ministry of Internal Affairs shall decide upon the recognition, i.e. abrogation of the status of a refugee.

The foreigner may file an appeal to the Committee of the Government of the Republic of Macedonia against the decision in which his/her application for recognition of the status of a refugee has been rejected or abrogated.

#### **Article 50**

The status of a refugee, which has been recognized to a foreigner, i.e. a stateless person shall cease to be valid:

1. If s/he requests protection of the state which citizen is or in which s/he was staying on a permanent basis as a stateless person.
2. If s/he can return to the state which citizen is or in which s/he was staying on a permanent basis as a stateless person, after the termination of the reasons due to which s/he has escaped from that state;
3. If s/he voluntarily returns to the state from which s/he has escaped.
4. If s/he obtains a citizenship of another state.
5. If s/he leaves the Republic of Macedonia and does not come back within one year.
6. If s/he obtains that status in another state.

#### **Article 51**

A foreigner, i.e. a stateless person who has been recognized the status of a refugee shall be provided with the necessary accommodation, means of subsistence and health

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 who have been recognized the status of a refugee shall be provided from the Budget of the Republic of Macedonia, as well as from international organizations on the basis of international agreements and other states.

#### **Article 52**

The amount of monetary assets needed for support and necessary accommodation provided to a foreigner, i.e. a stateless person who has been recognized the status of a refugee, the scope of health protection, measures, conditions, as well as the manner of administering these forms of protection shall be prescribed by the Government of the Republic of Macedonia.

#### **Article 53**

A shelter for foreigners shall be organized for the purpose of providing accommodation of foreigners, i.e. stateless persons for who have been recognized the status of refugees or the same is still in procedure.

The shelter pertaining to paragraph 1 of this Article shall be established and maintained by the Ministry of Internal Affairs. The Ministry of Internal Affairs shall also take care about providing means of subsistence and health protection for foreigners during their stay in the shelter.

The Ministry of Labor and Social Policy in cooperation with the Ministry of Internal Affairs shall take care for the accommodation and provision of means of subsistence and preparation for independent living of foreigners who are not accommodated in the shelter for foreigners pertaining to paragraph 1 of this Article.

#### **Article 54**

The shelter for foreigners shall also be used for accommodation of foreigners for whom a procedure for determination of their identity is going on, as well as for foreigners who may not be suspended from the country immediately because of other reasons.

#### **Article 55**

Foreigners pertaining to Article 53 paragraph 1 of this Law, during their stay in the shelter may be issued a certificate for temporary residence on the basis of which, the foreigner may move outside the area of the shelter for foreigners.

### **IV. TRAVEL PAPERS AND OTHER DOCUMENTS FOR FOREIGNERS**

#### **1. Travel papers**

#### **Article 56**

Travel papers pursuant to this Law shall be foreign travel papers and travel papers for foreigners.

Foreign travel papers pursuant to this Law shall be travel papers recognized according to an international agreement, on the basis of which the identity of its holder may be determined, which validity have not expired and which have been issued according to the regulations for issuance of travel papers in the foreign country.

Travel papers for foreigners shall be: a passport for a foreigner, travel papers for refugees, travel papers for stateless persons and a travel list for a foreigner.

#### **Article 57**

A passport for a foreigner shall be issued to a foreigner who:

- is 18 years old;
- has an approval for permanent residence in the Republic of Macedonia or has business visa;
- shall deposit \$ 100.000 or other convertible foreign currency in the equivalent counter-value in an authorized bank in the Republic of Macedonia
- shall deposit a statement which obligates him/her not to perform any criminal acts: trade with weapons, drugs and international terrorism, as well as not to harm the reputation of the Republic of Macedonia.

#### **Article 58**

Travel papers for refugees, i.e. stateless persons, anticipated in international agreements shall be issued to a foreigner or a stateless person, who has been recognized the status of a refugee in the Republic of Macedonia.

A foreigner who has obtained an approval for temporary or permanent residence in the Republic of Macedonia, but does not possess valid foreign travel papers, may be issued a travel list for a foreigner for entering the country or traveling abroad.

A travel list may also be issued to another foreigner, who does not possess travel papers due to justified reasons.

#### **Article 59**

A passport for a foreigner, travel papers for refugees and stateless persons shall be issued by the Ministry of Internal Affairs.

A travel list for a foreigner shall be issued by the Ministry of Internal Affairs, while abroad, for this shall be in charge the diplomatic-consular representative office of the Republic of Macedonia.

The passport for a foreigner shall be issued and valid until the expiration of the permanent residence of the foreigner, i.e. the business visa.

Other travel documents pertaining to paragraphs 1 and 2 of this Article and the travel list shall be issued and valid for one year. The validity of these documents may be extended.

#### **Article 60**

Travel papers for refugees and stateless persons and a travel list for a foreigner shall be issued upon request of the foreigner who is 18 years old. For a person younger than 18 years the application for issuance of travel papers shall be submitted by his/her legal representative.

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 status of a diplomatic body in the Republic of Macedonia, shall be issued a special identity card.

The special identity card pertaining to paragraph 3 of this Article shall be issued by the Ministry competent for activities from the filed of foreign affairs.

#### **Article 64**

An identity card for a foreigner who possesses an approval for permanent residence and who is younger than 25 years shall be issued and be valid for 7 years, for a foreigner from 25 to 50 years of age it shall be valid for 15 years, while for a foreigner older than 50 years, it shall have permanent validity.

A foreigner who has been approved temporary residence, shall be issued an identity card for a foreigner and shall be valid for the period anticipated in the approval for temporary residence, but not longer than one year.

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.

The foreigner shall be obligated, the latest within 15 days from the day of appearance of any of the reasons pertaining to paragraph 1 of this Article, to file an application for replacement of the identity card for a foreigner.

#### **Article 67**

The foreigner shall be obligated to return the issued identity card for a foreigner to the Ministry of Internal Affairs:

1. When s/he will obtain citizenship of the Republic of Macedonia;
2. When s/he moves from the Republic of Macedonia and
3. When security measure – eviction from the country or protection measure – deportation from the territory of the Republic of Macedonia has been pronounced, when his/her further residence has been cancelled, or when the approval for permanent or temporary residence has expired.

### **V. SUPPLYING AND CARRYING WEAPONS, MOVEMENT OF FOREIGNERS IN A UNIFORM AND PERSONAL NAME**

#### **Article 68**

During the stay in the Republic of Macedonia, the foreigner may supply, carry and hold weapons and ammunition under conditions determined by law.

#### **Article 69**

During the stay in the Republic of Macedonia a foreigner may wear a uniform:

- if s/he resides as a member of diplomatic or consular representative office of a foreign country as a military representative;
- if s/he, as a member of a foreign military mission or delegation or as a member of a delegation of foreign police or customs bodies stays in the Republic of Macedonia;
- if while performing service in a mutual control when crossing the state border on the side of the border crossing which belongs to the Republic of Macedonia
- if s/he is educated in military schools of the Republic of Macedonia
- if s/he, as a member of military delegation or mission or as a member of a delegation of foreign police or customs bodies, with official or diplomatic passport passes through the territory of the Republic of Macedonia.

#### **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 of the flat, and to check out the place of temporary or permanent residence within 24 hours before leaving it.

#### **Article 72**

Companies and other legal entities and individuals, who provide accommodation services to foreigners for money, shall be obligated to register the residence of the foreigner in the Ministry of Internal Affairs or in the nearest police station, i.e. department, within 12 hours from the moment of providing him/her the service.

Other individuals, in whose places foreigners stay, shall be obligated to register the foreigner within 3 days from the day of the arrival, if the foreigner stays more than 3 days.

A foreigner who does not use services pertaining to paragraph 1 and 2 of this Article shall be obligated to register him/herself in the Ministry of Internal Affairs within 3 days after crossing the state border.

#### **Article 73**

Companies and other legal entities and individuals, who provide accommodation services to foreigners for money, shall be obligated to keep records for foreigners (book for foreigners).

The records for foreigner shall be kept for 2 years from the date of its establishment.

Companies and other legal entities and individuals shall be obligated to provide an insight into the records for foreigners to authorized officials from the Ministry of Internal Affairs.

### **VII. PROOF OF IDENTITY OF A FOREIGNER**

#### **Article 74**

The foreigner shall prove his/her own identity with his/her: foreign travel papers, travel papers for foreigners, travel list, tourist pass, identity card or other public document which contain a photograph from which the identity may be determined.



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 the foreigner, while the travel papers together with the request for initiation of a misdemeanor procedure, i.e. criminal procedure shall submit to the authorized court.

#### **Article 76**

The foreigner shall be obligated to report to the Ministry of Internal Affairs, or to a police station or a department of the police the disappeared or lost, stolen or otherwise alienated travel papers, i.e. documents which s/he uses to prove his/her own identity, the latest within 24 hours from the moments when s/he noticed it.

The Ministry of Internal Affairs shall issue a certificate to the foreigner for reporting the event pertaining to paragraph 1 of this Article.

A foreigner, who will lose the travel papers abroad, issued by the Ministry of Internal Affairs, shall be obligated to report it to the nearest diplomatic and consular representative office of the Republic of Macedonia abroad.

### **VIII. RECORDS**

#### **Article 77**

The Ministry of Internal Affairs shall keep records for:

- foreigners with permanent residence
- foreigners with temporary residence
- issued visas
- issued travel papers for foreigners
- issued identity cards for foreigners
- records for pronounced security and protection measures, as well as cancellation of residence to foreigners
- foreigners who have been recognized the right to an asylum
- foreigners who have been recognized the status of refugees
- other records for foreigners as needed.

The data from records for temporary residence of foreigners shall be kept for two years after the check-out of the residence, i.e. after the expiration of the visa, and only afterwards they are annulled.

Data from records for temporary residence shall be kept for 5 years after the end

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 forms of the applications for their issuance;
- the forms of registration and check-out of residence, as well as the forms for evidence of foreigners administered by companies or other legal entities which provide accommodation to foreigners;
- the manner of keeping records pertaining to this Law;
- house rules and the manner of managing the shelter for foreigners.

#### **Article 80**

The Minister of Foreign Affairs in cooperation with the Minister of Internal Affairs shall bring sub-statutory regulations for:

- the manner of issuance of travel papers and visas for foreigners from diplomatic and consular representative offices of the Republic of Macedonia abroad;
- the manner of keeping records for issued travel papers and visas to foreigners in diplomatic and consular representative offices of the Republic of Macedonia abroad;
- the manner of issuance visas to members of diplomatic and consular representative offices of foreign countries or members of other foreign missions in the Republic of Macedonia having diplomatic status; and
- the form and manner of issuance of the special identity card for the members of diplomatic and consular representative offices of foreign countries or members of other foreign missions which have a diplomatic status in the Republic of Macedonia.

### **IX. PENALTY PROVISIONS**

#### **Article 81**

A company or other legal entity shall be fined for misdemeanor in the amount from 100.000 to 250.000 denars:

1. If it does not take away the foreigner whom has not been allowed entering the country or does not take him/her away within the relevant period (Article 38);
2. If it does not register the foreigner within the prescribed period;

3. If it does not keep or slovenly keeps records for foreigners or if it does not keep the records for 2 years from the closing date (Article 73 paragraph 1 and 2);
  4. If it does not provide an insight in the records for foreigners (Article 73 paragraph 3) and
  5. If it keeps foreign travel papers for obtaining profit or right (Article 74 paragraph 4)
- The liable person in the company or other legal entity shall also be fined for the misdemeanor pertaining to paragraph 1 of this Article in the amount from 10.000 to 25.000 denars.

#### **Article 82**

A person shall be fined for misdemeanor in the amount from 50.000 to 150.000 denars when doing business as provider of accommodation services for foreigners if:

1. s/he does not register the foreigner within the prescribed period (Article 72 paragraph 1);
2. s/he does not keep or slovenly keeps records for foreigners or does not keep it for 2 years from the closing date (Article 73 paragraph 3);
3. s/he does not allow an insight in the records for foreigners (Article 73 paragraph 3)
4. s/he keeps travel documents of foreigners for the purpose of obtaining profit or right (Article 74 paragraph 4).

The private employer, when doing business as provider of transportation services shall also be fined with the fine pertaining to paragraph 1 of this Article, if s/he does not take away the foreigner who has not been allowed to enter the country or does not take him/her away during the prescribed term (Article 38).

#### **Article 83**

A physical person shall be fined for misdemeanor in the amount from 10.000 to 25.000 denars if:

1. s/he leads or helps a foreigner to cross the state border through places that are out of the marked border crossings or to a foreigner who does not possesses valid travel papers (Article 34 paragraph 1) and
2. s/he does not register during the prescribed term the foreigner who stays for more than 3 days (Article 72 paragraph 2).

#### **Article 84**

A foreigner shall be fined for misdemeanor in the amount from 10.000 to 25.000 denars if:

1. s/he crosses or tries to cross the state border through places out of the marked border crossings or without valid travel papers (Article 4 paragraph 1).
2. s/he does not leave the Republic of Macedonia within the determined time period (Article 32 paragraph 1) and
3. s/he enters the country during the time for which s/he has been pronounced security measure - eviction from the country, protection measure - deportation of a foreigner from the territory of the Republic of Macedonia or if his/her residence

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.