

ASSEMBLY OF THE REPUBLIC OF MACEDONIA

Based on Article 75 paragraphs 1 and 2 of the Constitution of the Republic of Macedonia, the President of the Republic of Macedonia and the President of the Assembly of the Republic of Macedonia issue a

DECREE FOR PROMULGATION OF THE LAW ON FOREIGNERS (*)

The Law on Foreigners is hereby promulgated (*),

as enacted by the Assembly of the Republic of Macedonia at the session held on May 21st, 2018.

No. 08-3418/1

President of the Republic of Macedonia

May 21st, 2018

Gjorgje Ivanov, PhD

Skopje

President of the
Assembly of the Republic of
Macedonia
Talat Xhaferi, MA

* Regulation (EC) No. 399/2016 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code), OJ L 77, 23.3.2016, p. 1; Council Directive 2001/51/EC of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985; Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code), OJ L 243, 15.9.2009 p.1; Council Regulation (EC) No 333/2002 of 18 February 2002 on a uniform format for forms for affixing the visa issued by Member States to persons holding travel documents not recognised by the Member State drawing up the form, Official Journal L 053, 23/02/2002 P. 0004 – 0006; Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents as amended by Directive 2011/51/EU of the European Parliament and of the Council of 11 May 2011 amending Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection Text with EEA relevance; Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification; Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment; Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State; Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers; Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer; Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing; Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.

LAW ON FOREIGNERS

Chapter I

GENERAL PROVISIONS

Subject Matter of the Law

Article 1

This Law shall regulate the conditions of entry, exit, stay, departure and return of foreigners, as well as their rights and obligations in the Republic of Macedonia.

Definitions of terms

Article 2

Certain terms used in this Law shall mean as follows:

1) **“Foreigner”** shall mean any person who is not a national of the Republic of Macedonia and any stateless person, or a person, not considered as a national by any state under the operation of its law.

2) **“Sponsor”** shall mean any foreigner residing legally in the Republic of Macedonia and applying for family reunification.

3) **“Legal stay”** shall mean stay of any foreigner based on approval issued by a competent authority of the Republic of Macedonia, allowing the foreigner to legally reside on its territory.

4) **“Unaccompanied minor”** shall mean a foreigner under the age of eighteen, who entered the Republic of Macedonia unaccompanied by a parent (parental authority) or legal guardian, or who was left unaccompanied after he or she entered the Republic of Macedonia.

5) **“Vulnerable persons”** shall mean minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parental authorities with minor children and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence.

6) **“International protection”** shall mean refugee status or subsidiary protection status in accordance with the law.

7) **“Threat to public health”** shall mean any disease with epidemic potential as defined by the International Health Regulations of the World Health Organisation and other infectious diseases or contagious parasitic diseases if they are subject to protection provisions applying to the nationals of the Republic of Macedonia.

8) **“Residence permit”** shall mean any authorisation issued by a competent authority of the Republic of Macedonia allowing a foreigner to legally reside on its territory.

9) **“Short-term stay”** shall mean the stay of a foreigner holding or not holding a visa, for a duration no longer than 90 days in any 180-day period, preceding each day of the stay, unless stated otherwise in this Law or in a ratified international agreement.

10) **“Temporary residence”** shall mean any stay authorised to a foreigner intending to stay in the Republic of Macedonia according to this Law.

11) **“Permanent residence”** shall mean any stay authorised to a foreigner who, prior to lodging an application for a permanent residence permit, has resided on the territory of the

Republic of Macedonia for an uninterrupted period of minimum five years on the basis of a temporary residence permit, unless stated otherwise in this Law.

12) **“A valid travel document”** shall mean a travel document the validity period of which has not expired and which is not false, tampered with or forged.

13) **“Visa”** shall mean entry and short-term stay or transit permit issued to a foreigner by a competent authority of the Republic of Macedonia.

14) **“Visa regime of the Republic of Macedonia”** shall mean a list of countries the nationals of which require a visa to cross the border of the Republic of Macedonia and a list of countries the nationals of which are exempt from this obligation.

15) **“Aircraft crew member”** shall mean any holder of a pilot’s license or a crew member certificate as referred to in Annex 9 to the Civil Aviation Convention of December 7th, 1944.

16) **“Seaman, a seafarer in transit or a sailor”** shall mean any holder of seafarer’s identity document recognized as seaman’s identity document in accordance with provisions of international agreements.

17) **“National Visa Information System”** (hereinafter referred to as N-VIS) shall mean an electronic data base for entering, exchanging, processing and storing data in visa issuing procedures.

18) **“Work by a foreigner”** shall mean employment, seasonal employment and work by a foreigner who is a seconded worker.

19) **“Return decision”** shall mean a decision taken by the Ministry of Interior, declaring the stay of a foreigner to be illegal and imposing an obligation to the foreigner to leave the Republic of Macedonia.

20) **“Expulsion”** shall mean a return decision in terms of item 19 of this Article, accompanied by an entry ban.

21) **“Entry ban”** shall mean a measure imposed to a foreigner by the Ministry of Interior, specifying a period of prohibited entry into the Republic of Macedonia.

22) **“Voluntary return”** shall mean a period as defined in the return decision, during which an foreigner is obliged, individually or with assistance, to leave the territory of the Republic of Macedonia.

23) **“Removal”** shall mean enforcement of the obligation of a foreigner to return, namely to leave the territory of the Republic of Macedonia.

24) **“Escape risk”** shall mean existence of reasons, in individual cases, based on objective criteria, pointing to the fact that the foreigner, subject to a return procedure, may escape;

25) **“Pupil”** shall mean any foreigner enrolled in a domestic educational establishment for the purposes of following training at an approved curriculum programme for primary or secondary education which corresponds to Level 1, 2 or 3 of the International Standard Classification of Education, in the context of an exchange programme or educational project managed by an educational establishment pursuant to the law.

26) **“Student”** shall mean any foreigner enrolled in a domestic higher educational establishment, registered in the Register of Higher Educational Establishments, for the purposes of regular studies, with the aim of acquiring a higher education qualification, including diplomas, certificates or doctoral degree in a higher educational establishment, which may include a preparatory course preceding that education, pursuant to the law; and

27) “**Researcher**” shall mean any foreigner who has acquired an academic doctoral degree or an appropriate higher educational establishment, providing the third country national, selected by a research organisation, access to doctoral programmes, and that foreigner has already been granted authorised access to the territory of an EU Member State for the purposes of conducting research, usually requiring qualification.

Scope of Application

Article 3

The provisions referred to in this Law shall cover all foreigners, with the exception of foreigners who:

- apply for international protection in the Republic of Macedonia in accordance with the Law on International and Temporary Protection, unless stated otherwise in this Law, or
- pursuant to the international law, enjoy privileges and immunities, unless the application of this Law is contrary to the undertaken international obligations and the principle of reciprocity.

Legal Status of Foreigners

Article 4

(1) During their legal stay in the Republic of Macedonia, foreigners shall have the same rights and obligations as those of the nationals of the Republic of Macedonia, unless stated otherwise by law.

(2) During their stay in the Republic of Macedonia, foreigners shall be obliged to comply with the Constitution of the Republic of Macedonia, the laws, other regulations and acts of the state administration bodies, as well as with the obligations arising from the ratified international agreements.

Connection between the Law and the International Rules

Article 5

This Law shall be applied pursuant to the international agreements ratified by the Republic of Macedonia in accordance with the Constitution, which put foreigners in a more favourable position.

Application of the Law on General Administrative Procedure

Article 6

In procedures conducted in accordance with this Law, the provisions of the Law on the General Administrative Procedure shall be appropriately applied, unless otherwise stated in this Law.

Control of Movement and Stay of Foreigners

Article 7

Matters related to the control of movement and stay of foreigners in the Republic of Macedonia shall be performed by the Ministry of Interior, except in cases where other authority has been delegated such a competence by law.

Migration Policy

Article 8

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

CHAPTER II

ENTRY AND DEPARTURE OF FOREIGNERS FROM THE REPUBLIC OF MACEDONIA

I. Entry of Foreigners

1. Legal Entry

Article 9

(1) A foreigner shall be considered to have entered legally in the Republic of Macedonia if he or she has crossed the state border and following the performed border checks he or she was allowed entry, pursuant to the provisions of this Law and the Law on Border Control.

(2) By way of derogation from paragraph (1) of this Article, a foreigner may enter the Republic of Macedonia under conditions and in a manner specified by this Law.

2. Illegal Entry

Article 10

(1) A foreigner shall be considered to have illegally entered the Republic of Macedonia, if he or she has:

- crossed the state border at a spot, time or manner other than those established for crossing the state border,
- circumvented border control,
- used forged, another person's or invalid travel or other documents prescribed for crossing the state border, as well as other documents, in the course of entry, or
- entered the Republic of Macedonia prior to the expiration of the entry ban.

(3) The provision of paragraph (1) of this Article shall not cover foreigners suspected to be victims of human trafficking, provided that they have illegally entered as a result of the crime "Human Trafficking".

(4) The provision of paragraph (1) of this Article shall not cover foreigners who have applied for international protection in accordance to the Law on International and Temporary Protection.

3. Entry Requirements

Article 11

(1) A foreigner intending to stay in the Republic of Macedonia in a duration of no longer than 90 days in any 180-day period, preceding each day of stay, may enter the Republic of Macedonia, if he or she:

(a) possesses a valid travel document or other document authorising him or her to cross the state border. The travel document should meet the following requirements:

- it should be valid for at least three months after the intended date of departure of the foreigner from the territory of the Republic of Macedonia, whereby the foreigner may be exempt from meeting this obligation in justified cases stipulated by law and

- it should have been issued in the last 10 years.

(b) possesses a valid visa, if required pursuant to the document determining the countries the nationals of which must possess visas when crossing the border of the Republic of Macedonia, unless they possess a valid residence permit.

(c) justifies the purpose and conditions of the intended stay and has sufficient means of subsistence, both for the duration of the intended stay and for the return to his or her country of origin or residence, or for the transit to another country where he or she is certain to be admitted, or that he or she is in a position to acquire such means lawfully,

(d) is not a person for whom an alert has been issued in the system of control of passengers and vehicles for the purposes of refusing entry,

(e) is not considered to be a threat to public policy, internal security, public health or the international relations of the Republic of Macedonia.

(2) A date of entry, within the meaning of this Article, shall be considered to be the first day of stay on the territory of the Republic of Macedonia, and a date of exit shall be considered to be the last day of stay on the territory of the Republic of Macedonia.

(3) The period of stay authorised in the residence permit or the visa type D shall not be taken into consideration when calculating the duration of short-term stay on the territory of the Republic of Macedonia.

(4) By way of derogation from paragraph (1) of this Article, entry will be authorised to a foreigner:

(a) to whom visa is issued at the border crossing point in accordance with Article 41 of this Law, provided he or she has met the requirements of paragraph (1), items (a), (c), (d) and (e) of this Article;

(b) who does not meet one or more entry requirements referred to in paragraph (1) of this Article, on humanitarian grounds, national interest or obligations arising from international agreements.

(c) if he or she possesses a valid diplomatic, service/official, consular or special ID card, issued in accordance with Article 179 of this Law, in the period for which it has been issued and meets the entry requirements referred to in paragraph (1), items (a), (d) and (e) of this Article.

(d) who is a national of a third country, with authorised permanent residence in a Member State of the European Union or in a country signatory of the Schengen Agreement, or who possesses a valid third country visa for which, pursuant to a Government decision, the visa regime for short stays has been abolished, if he or she meets the entry requirements referred to in paragraph (1), items (a), (c), (d) and (e) of this Article; and

(5) The Government of the Republic of Macedonia, upon proposal by the Ministry of Interior, may decide to allow entrance and short stay in the Republic of Macedonia to a foreigner with a valid ID card for short stay in a member state of the European Union or in a country signatory of the Schengen Agreement, provided he or she meets the entry requirements referred to in paragraph (1), items (c), (d) and (e) of this Article, pursuant to the provisions of this Law.

Required Means of Subsistence

Article 12

(1) The required means of subsistence, within the meaning of Article 11, paragraph (1), item (c) of this Law shall be estimated in accordance with the duration and purpose of stay, having in mind the decision taken by the Government of the Republic of Macedonia, referred to in paragraph (2) of this Law.

(2) The Government of the Republic of Macedonia shall define the amount of the required means of subsistence for a foreigner for the period of stay in the Republic of Macedonia, for return into the country of origin or for travel to a third country.

(3) The assessment of sufficient means of subsistence may be based on the financial means in cash, traveller's cheques or credit cards in the foreigner's possession, or through proof for possession of real estate in accordance with law (possession of real estate or real estate under lease in the Republic of Macedonia, based on which he or she may ensure means of subsistence during his or her stay in the Republic of Macedonia, means from direct foreign investments, production or technical cooperation and corporation and the like).

(4) A letter of guarantee and invitation issued by a national or foreign natural person and legal entity or a state administration body, when a foreigner stays with them, may present proof of sufficient means of subsistence.

Letter of Guarantee and Invitation from a Legal Entity and State Administration Body

Article 13

(1) A letter of guarantee shall be issued by a national of the Republic of Macedonia or a foreigner with an authorised residence in the Republic of Macedonia.

(2) An invitation from a legal entity shall be issued by a national or foreign legal entity registered in the Republic of Macedonia, inviting the foreigner for a business visit, or by a state administration body.

(3) The letter of guarantee, the invitation from a legal entity, as well as the invitation from a state administration body shall be accepted as proof for possession of means of subsistence, or provided accommodation, if they contain the statement of the guarantee letter provider, or the legal entity that they take on the obligation to ensure accommodation and bear all expenses related to the foreigner's stay in the Republic of Macedonia, as well as his or her departure from the territory of the Republic of Macedonia.

(4) The letter of guarantee and the invitation from a legal entity must be certified by a Notary Public, whereas the invitation by a body of state administration does not require certification by a Notary Public.

Documents Certifying the Purpose and Circumstances of Intended Stay

Article 14

The foreigner shall prove the purpose and circumstances of the intended stay in the Republic of Macedonia, within the meaning of Article 11, paragraph (1), item c) of this Law, by the following documents:

a) for business trips:

- invitations from firms or an authority to attend a meeting or other event connected with trade, business or other type of cooperation;
- other documents based on which the existence of trade, business or other type of cooperation may be shown and
- entry tickets for fairs and congresses.

b) for journeys undertaken for the purposes of attending courses, study or professional training:

- a certificate of enrolment at an educational establishment for the purposes of attending vocational or theoretical courses within the framework of basic or further training and
- student cards or certificates of the courses to be attended.

c) for journeys undertaken for the purposes of tourism or for private visits:

1) documents relating to accommodation:

- an invitation or letter of guarantee by the host;
- a document from the establishment providing accommodation or any other appropriate document indicating the accommodation envisaged,

2) document relating to the itinerary:

- confirmation of the booking of an organised trip or any other appropriate document indicating the envisaged travel plans,

3) proof of return:

- return or other ticket,

(d) for journeys undertaken for political, scientific, cultural, sports or religious events or other reasons:

- invitation, entry tickets, enrolments or programmes stating (wherever possible) the name of the host organisation and the length of stay or any other appropriate documents indicating the purpose of the journey.

Group Passport Entry

Article 15

Any foreigner listed in another person's passport, provided that he or she meets the requirements stipulated by this Law, shall enter the Republic of Macedonia and leave its territory only if accompanied by the person in whose passport they have been listed.

4. Liabilities of Transporters

Article 16

(1) A natural or legal entity dealing professionally with passenger transport may bring a foreigner on the territory of the Republic of Macedonia by land, air or lake only if such a foreigner holds a valid travel document or another document authorising state border crossing, a valid visa or residence permit, if required.

(2) The transporter who, contrary to paragraph (1) of this Article, shall bring a foreigner to whom entry in the Republic of Macedonia has been denied, is obliged to, immediately or within the period to be defined by the Ministry of Interior, at its expense to take the foreigner out of the Republic of Macedonia to the country where they were transported from or to the country which issued the travel document to them or to the country into which they are certain to be admitted or to find a manner for their further transport, as well as to bear the expenses of their temporary stay and deportation in accordance with this Law.

(3) In the event of inability of a transporter to act in accordance with paragraph (2) of this Article, the foreigner shall be obliged, at his or her expense, to find another manner of transport or, if another manner of transport is not possible, to assume the expenses incurred from the stay and the departure of the foreigner.

(4) In the event of refusal of entry into the Republic of Macedonia to a transiting foreigner, the police officer of the Ministry of Interior shall act in accordance with paragraphs (2) and (3) of this Article.

(5) In cases referred to in paragraphs (2) and (3) of this Article, the police officer shall be obliged to take all necessary measures for prevention of the illegal entrance into the Republic of Macedonia by a foreigner who has been refused entry.

II. Refusal of Entry

Article 17

(1) A foreigner who does not fulfil the entry requirements in accordance with this Law shall be refused entry into the Republic of Macedonia.

(2) Refusal of entry shall not be in prejudice of the application of special provisions on the right to international protection.

(3) The Ministry of Interior shall take a decision for refusal of entry to a foreigner within 30 days.

(4) A foreigner shall have the right to appeal against the refusal of entry in accordance with Article 18 of this Law.

(5) The refusal of entry shall be noted in the foreigner's travel document, as well as in the system for control of passengers and vehicles.

(6) The police officers competent for border control shall ensure that any foreigner who has been refused entry will not enter the territory of the Republic of Macedonia.

Appeal

Article 18

(1) A foreigner shall have the right to lodge an appeal against the decision on refusal of entry, in writing in Macedonian language and its Cyrillic alphabet, as referred to in Article

17, paragraph (3) of this Law, within eight days as of the day of receipt of the decision, to the State Second Instance Commission for Decision-Making in Administrative Procedures and Labour Relations Procedures, by paying administrative tax as prescribed by law.

(2) The appeal referred to in paragraph (1) of this Article, shall not postpone the enforcement of the decision.

(3) The decision of the State Second Instance Commission for Decision-Making in Administrative Procedures and Labour Relations Procedures shall be taken within 15 days following the date of lodging the appeal.

(4) An administrative dispute may be initiated against the decision of the State Second Instance Commission for Decision-Making in Administrative Procedures and Labour Relations Procedures before a competent court, in accordance with the Law on Administrative Disputes.

(5) Where the appeal procedure results in annulment of the initially taken decision, a stamp stating “annulled” shall be stamped on the travel document of the foreigner or on the visa sticker over the stamp indicating refusal of entry, actions will be taken in accordance with the final decision.

Special Protection against Refusal of Entry

Article 19

(1) Pursuant to this Law, entry shall not be refused to a foreigner who:

- has declared intent to apply for international protection in the Republic of Macedonia;
- has applied for international protection at border crossing points in the Republic of Macedonia; or
- has been granted the right to international protection by the Republic of Macedonia.

III. Leaving the Country

Freedom of Movement

Article 20

(1) A foreigner may freely leave the Republic of Macedonia in accordance with this Law.

(2) A foreigner shall not be allowed to leave the Republic of Macedonia if:

- he or she does not possess a valid travel document or other document authorising him or her to cross the state border nor a valid visa, if required, thus preventing him or her from entering another country or if they use false, tampered with or forged travel document or another document authorising him or her to cross the state border or a valid visa, if required,
- there is a criminal, misdemeanour or judicial procedure initiated against him or her, or
- this is required by the competent court.

Obligation of the Foreigner to Leave the Country

Article 21

A foreigner shall be obliged to leave the Republic of Macedonia as follows:

- before the expiry of the visa,
- when the issued visa has been made void,
- before the expiry of the temporary residence permit,
- when he or she was deprived of or has been cancelled the right to stay,
- when a return decision has been taken regarding the foreigner,
- when he or she has been expelled from the Republic of Macedonia, or
- at the latest, on the expiry of the 90 days in any 180-day period, preceding each day of the stay, if no visa is required for entering the Republic of Macedonia.

Article 22

(1) The foreigner in possession of several travel documents shall be obliged to leave the country with the same travel document used at entrance or with its replacement accepted by the Republic of Macedonia.

(2) Any foreigner listed in another person's travel document shall enter and leave the Republic of Macedonia in each case accompanied by the person under whose travel document he or she has been listed.

Chapter III

VISAS

Issuing of Visas

Article 23

(1) A visa shall be issued to a foreigner who:

- enters and temporarily stays in the Republic of Macedonia for a period defined in the visa;
- enters and stays in the Republic of Macedonia for the purpose of regulating his or her temporary residence; and
- transits through the territory or through the international transit area of airports in the Republic of Macedonia.

(2) A foreigner shall be obliged to obtain a visa prior to his or her entrance in the Republic of Macedonia, unless otherwise laid down by this Law.

(3) A foreigner shall stay in the Republic of Macedonia only for the purpose defined for issuing the visa.

(4) The possession of a visa shall grant the foreigner the right to enter the Republic of Macedonia, except in cases specified in Article 17 of this Law.

1. Types of Visas

Article 24

The visas shall be of the following types:

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

Airport Transit Visa (Visa A)

Article 25

(1) Foreigners who do not leave the international transit area of the airports in the Republic of Macedonia or the aircraft need not possess a visa.

(2) By way of derogation from paragraph (1) of this Article, the Government of the Republic of Macedonia may decide that nationals of certain countries are required to possess an airport transit visa.

(3) The following categories of persons shall be exempt from the requirement to possess an airport transit visa, referred to in paragraph (2) of this Article:

- family members of nationals of the Republic of Macedonia;
- holders of diplomatic passports;
- aircraft crew members.

(4) Based on the visa referred to in paragraph (2) of this Article, a foreigner may stay in the international transit area of the airport, until continuing the journey with the first next international flight.

(5) A foreigner's stay at the international transit area of the airports of the Republic of Macedonia, based on the visa referred to in paragraph (2) of this Article, shall not be considered an entry into the Republic of Macedonia and the foreigner must not leave the area.

Short-stay and Transit Visa (Visa C)

Article 26

(1) The short-stay and transit visa (Visa C) shall be issued to a foreigner for a single, double or multiple entries, for all purposes of travelling to the Republic of Macedonia, except in cases requiring an airport transit visa (visa A) or a long-stay visa (visa D).

(2) The stay based on an issued visa C must not exceed 90 days in a 180-day period, preceding each day of stay.

(3) If a visa C has been issued for the purposes of transit, the foreigner shall have the right to a single stay, up to a maximum of 5 days at the territory of the Republic of Macedonia, taking into consideration paragraph (2) of this Article.

Long-stay Visa (Visa D)

Article 27

(1) A long-stay visa (visa D) shall be issued for a single entry and with a right to a 30-day stay, to a foreigner intending to stay in the Republic of Macedonia for the purposes laid down in Article 71 of this Law.

(2) The foreigner shall not exercise his or her rights and obligations arising from the purpose of his or her stay in the Republic of Macedonia, based solely on the issued long-stay visa (Visa D).

(3) The visa referred to in paragraph (1) of this Article shall be issued upon a decision on granting a temporary residence permit by the Ministry of Interior.

(4) The foreigner who has been issued a visa referred to in paragraph (1) of this Article shall be required, within five days as of the day of entry into the Republic of Macedonia, to appear in person in the Ministry of Interior, which, within 25 days as of the appearing of the person, shall issue the foreigner a permit for temporary residence in the Republic of Macedonia.

2. Issuing of Visas

Visa Application

Article 28

(1) A foreigner shall apply for a visa in the competent (resident or non-resident) diplomatic mission and consular post of the Republic of Macedonia abroad, within a period, not exceeding six months, nor preceding 15 days prior to the start of the intended journey.

(2) By way of derogation from paragraph (1) of this Article, the visa application may also be lodged in a foreign diplomatic mission/consular post of a country with which the Republic of Macedonia has signed a bilateral arrangement on consular representation in third countries (representation arrangement), via external service providers or commercial intermediaries, in a manner laid down in Article 199, paragraph (1), indent (1) of this Law.

(3) The diplomatic and consular post of the Republic of Macedonia may require the applicant to obtain an appointment for lodging the visa application.

(4) The application shall be lodged in person, except in cases laid down in paragraphs (5) and (6) of this Law.

(5) By way of derogation from paragraph (4) of this Article, the visa application may be lodged by an authorised natural person or legal entity if:

- the foreigner is a disabled person and
- the foreigner is a well-known person and there are no doubts regarding his or her genuine intention.

(6) The visa application, referred to in paragraph (4) of this Article, for a minor child shall be lodged in person by a parental authority or a legal guardian.

(7) Separate visa applications shall be lodged for the persons listed in the travel document.

(8) The visa application for a long-stay visa (Visa D) by the applicant shall be accompanied by an application for a temporary residence permit and the necessary supporting documents laid down in Articles 72 and 73, paragraph (7) of this Law, as well as other documents laid down in this Law.

Interview with the Visa Applicant

Article 29

(1) Prior to issuing a visa, the diplomatic mission/consular post of the Republic of Macedonia shall invite the applicant for an interview, to elaborate the purposes of stay listed in the visa application, especially if the purpose of the visit, or the intention of the foreigner to return to the country of origin is suspicious.

(2) In cases referred to in paragraph (1) of this Article, the foreigner shall be obliged to appear in person, and if he or she acts contrary to the defined manner, his or her visa application shall be rejected.

(3) By way of derogation from paragraph (2) of this Article, where the visa applicant is known, and there is no doubt that his or her intention is genuine, as well as where the application had been lodged in a foreign diplomatic mission and consular post of a country with which the Republic of Macedonia has signed a bilateral agreement on consular representation in third countries or in foreign service providers or trade intermediaries, the diplomatic mission or consular post may decide not to invite the applicant for an interview.

Requirements for Issuing of Visa

Article 30

(1) A visa shall be issued to a foreigner who:

- lodges a completed and signed visa application form;
- presents a valid travel document containing at least two consecutive blank pages, which has been issued during the previous 10 years, and its validity shall extend at least three months prior to the expiry date of the visa, except in cases of justified urgency;
- encloses a photograph in accordance with the prescribed standards;
- presents a proof of a paid consular visa fee, except in cases laid down by a separate law;
- presents proof of the purpose and circumstances of the intended journey to the Republic of Macedonia;
- presents a proof of provided accommodation, and of sufficient means of subsistence, both for the duration of the intended stay in the Republic of Macedonia and for the return to his or her country of origin or for a transit to a third country;
- holds medical insurance, or additional medical insurance, or individual or group travel insurance laid down by a separate law, an international agreement or a bylaw;
- does not present a threat to the public order, public policy, national security, public health or the international relations of the Republic of Macedonia;

or,

- there are no reasons to refuse his or her entrance referred to in Article 17 of this Law; and
- the requirement referred to in Article 27, paragraph (3) of this Law has been fulfilled.

(2) The following categories of persons shall be exempt from the obligation to present medical insurance, additional medical insurance or individual or group travel insurance:

- holders of diplomatic, service/official, and other special travel documents;

- seafarers, and other professional categories of workers, who are already covered by travel medical insurance as a result of their professional activities.

(3) By way of derogation from paragraph (1) of this Article, a foreigner may be considered admissible on humanitarian grounds, or for reasons of public interest or based on obligations arising from a ratified international agreement, even if some of the requirements for issuing a visa have not been fulfilled.

Supporting Documents

Article 31

(1) When applying for an airport transit visa (visa A) or a short-stay and transit visa (visa C), the applicant shall prove the purposes and justified grounds of the stay, by presenting the following documents:

1) For business trips:

- an invitation from a firm or an authority to attend meetings, conferences or events connected with trade, industry or work;
- other documents which show the existence of trade relations or relations for work purposes;
- entry tickets for fairs and congresses, if appropriate;
- documents proving the business activities of the company;
- documents proving the applicant's employment status in the company;

2) For journeys undertaken for the purposes of study or other types of training:

- a certificate of enrolment at an educational establishment for the purposes of attending vocational or theoretical courses within the framework of basic and further training;
- student cards or certificates of the courses to be attended;

3) For journeys undertaken for the purposes of tourism or for private reasons:

a) Documents relating to accommodation:

- an invitation or a Letter of Guarantee from the host if staying with one;
- a document from the establishment providing accommodation or any other appropriate document indicating the accommodation envisaged;

b) Documents relating to the planned itinerary:

- Confirmation of the booking of an organised trip or any other appropriate document indicating the envisaged travel plans,
- In the case of transit: visa or other entry permit for the third country of destination; tickets for onward journey;

4) For journeys undertaken for political, scientific, and cultural, sports or religious events or other reasons:

- Invitation, entry tickets, enrolments or programmes stating (wherever possible) the name of the host organisation and the duration of stay or any other appropriate document indicating the purpose of the journey;

5) For journeys of members of official delegations who, following an official invitation addressed to the government of the third country concerned, participate in meetings,

consultations, negotiations or exchange programmes, as well as in events held in the territory of the Republic of Macedonia by intergovernmental organisations:

- a letter issued by an authority of the third country concerned confirming that the applicant is a member of the official delegation travelling to the Republic of Macedonia to participate in the abovementioned events, accompanied by a copy of the official invitation;;

6) For journeys undertaken for medical reasons:

- an official document of the medical institution confirming necessity for medical care in that institution and proof of sufficient financial means to pay for the medical treatment;

- Reservation of or return or round ticket;

7) Documentation allowing for the assessment of the applicant's intention to leave the territory of the Republic of Macedonia:

- Proof of financial means in the country of residence;

- Proof of employment: bank statements;

- Proof of real estate property;

- proof of integration into the country of residence, family ties; professional status.

8) Documentation in relation to the applicant's family situation:

- Consent of parental authority or legal guardian (when a minor does not travel with them);

- Proof of family ties with the host/inviting person.

Medical Insurance, Additional Medical Insurance and Individual or Group Travel Insurance

Article 32

(1) The medical insurance within the meaning of Article 30, paragraph (1), indent (7) of this Law shall mean medical insurance laid down in a separate law or a ratified international agreement.

(2) Additional medical insurance or individual or group travel insurance within the meaning of Article 30, paragraph (1), indent (7) of this Law, shall mean insurance to cover any expenses which might arise in connection with repatriation for medical reasons, urgent medical attention and/or emergency hospital treatment or death of the foreigner during his or her stay in the Republic of Macedonia.

Requirements for Issuing a Multiple-Entry Visa

Article 33

(1) A short-stay visa and an airport transit visa shall be issued as a multiple-entry visa, in accordance with Article 30 of this Law, if the following requirements have been fulfilled:

- the applicant proves the need or justifies the intention for travelling frequently and/or regularly, in particular, due to the foreigner's occupational or family status, laid down by a separate regulation and

- the applicant proves his or her integrity and reliability, in particular, the lawful use of previous visas, his or her economic situation in the country of origin and his or her genuine intention to leave the territory of the Republic of Macedonia prior to the expiry of the visa applied for.

Competent Authorities and Decision on the Visa Application

Article 34

(1) The Ministry of Foreign Affairs shall decide on a lodged visa application, and the visa shall be issued by the diplomatic mission/consular post of the Republic of Macedonia.

(2) In cases when the applicant is under the suspicion of presenting a threat to the public order, public policy and the national security of the Republic of Macedonia, the Ministry of Foreign Affairs shall be obliged to acquire prior consent from the Ministry of Interior.

(3) The Ministry of Interior shall decide on a visa application lodged at a border crossing point.

Period for Decision on the Application

Article 35

(1) Airport transit visa applications (visa A) or short-stay and transit visa (visa C) applications shall be decided upon within 15 calendar days as of the date of lodging a comprehensive visa application.

(2) By way of derogation from paragraph (1) of this Article, the period may be extended up to a maximum of 30 calendar days, notably when further scrutiny of the application is needed.

(3) Exceptionally, when additional documentation is needed in specific cases or a prior consent is required, the period referred to in paragraph (1) may be extended up to a maximum of 60 calendar days.

(4) When deciding on a temporary-residence visa application (Visa D), the Ministry of Foreign Affairs shall deliver a decision within three working days as of the date of submitting the decision granting temporary residence by the Ministry of Interior.

Visa Validity Period

Article 36

(1) An airport transit visa (Visa A) and a short-stay and transit visa (visa C), shall have a period of validity of one year.

(2) By way of derogation from paragraph (1) of this Article, the short-stay and transit visa (visa C) shall have a validity period of at least one year and up to a maximum of two years, if it is in the interest of the Republic of Macedonia, thereby the decision shall be delivered by the Ministry of Foreign Affairs.

(3) Without prejudice to Article 30, paragraph (1), indent 2 of this Law, the validity period of a single-entry short-stay and transit visa, as well as that of an airport transit visa shall include an additional 15-day 'period of grace'.

(4) A long-stay visa (visa D) shall have a period of validity up to a maximum of 90 days.

Refusal of Visa

Article 37

A visa application shall be refused if the applicant:

- does not present a valid travel document containing at least two consecutive blank pages, which has been issued during the previous 10 years, and its validity shall extend at least three months prior to the expiry date of the visa,
- does not enclose a photograph in accordance with the prescribed standards;
- does not provide justification for the purpose and requirements of the intended stay;
- does not present proof of paid consular visa fee;
- does not provide proof of accommodation, or sufficient means of subsistence, both for the duration of the intended stay in the Republic of Macedonia and for the return to his or her country of origin or residence, or for the transit to a third country;
- has already stayed for ninety days during the current 180-day period on the territory of the Republic of Macedonia;
- does not provide proof of holding medical insurance or additional medical insurance or individual or group travel insurance laid down by a separate law, an international agreement or a bylaw;
- presents a threat to the public order and public policy, national security and or public health or to the international relations of the Republic of Macedonia,
- there are reasons for refusing entry laid down in Article 17 of this Law;
- a decision on granting a temporary residence permit has not been taken in accordance with Article 75, paragraph (3) of this Law; and
- there are reasonable doubts as to the authenticity of the statement and the supporting documents for issuing of the visa.

Competency in Taking a Decision on Visa Refusal

Article 38

(1) To reject a visa application or an application for visa annulment or revocation, the Ministry of Foreign Affairs shall take a decision, in the prescribed form, which will be handed to the foreigner by the diplomatic mission or consular post of the Republic of Macedonia.

(2) The Ministry of Interior shall take a decision on refusal a visa application lodged at a border crossing point of the Republic of Macedonia, in the prescribed form, and shall hand it to the foreigner.

(3) Information on taken decisions referred to in paragraphs (1) and (2) of this Article and their handing over shall be entered in the N-VIS in a manner laid down by a regulatory bylaw.

(4) In case of visa application refusal, out of reasons referred to in Article 37, indent 8 of this Law, the competent authority shall not be obliged to provide an explanation of the reasons for taking such a decision.

Appeal against the Decision Refusing a Visa Application

Article 39

(1) The foreigner shall have the right to appeal against a decision refusing the visa application, within eight days as of the date of receipt of the decision, before the State Second Instance Commission for Decision-Making in Administrative Procedures and Labour Relations Procedures, laid down by a regulatory bylaw.

(2) The appeal against the decision referred to in Article (1) shall be lodged in a written form and in the Macedonian language, to State Second Instance Commission for Decision-Making in Administrative Procedures and Labour Relations Procedures, within eight days as of the day of receipt of the decision, by paying an administrative fee stipulated by a separate law.

(3) The appeal shall not postpone the enforcement of the decision.

Article 40

(1) The decision of the State Second Instance Commission for Decision-Making in Administrative Procedures and Labour Relations Procedures, shall be taken within 15 days as of the date of lodging the appeal.

(2) An administrative dispute may be initiated against the decision of the State Second Instance Commission for Decision-Making in Administrative Procedures and Labour Relations Procedures, before a competent court, in accordance with the Law on Administrative Disputes.

(3) Where the appeal procedure results in annulment of the initially taken decision, an imprint “annulled” shall be affixed to the foreigner’s travel document (or to the separate sheet for affixing a visa), over the stamp indicating visa shortening, annulment or revocation.

Visa Issued at a Border Crossing Point

Article 41

(1) By way of derogation from Article 34 of this Law, a single-entry short-stay and transit visa (Visa C), granting a stay up to a maximum of 15 days, may be issued at a border crossing point for reasons of national interest of the Republic of Macedonia, on humanitarian grounds, or because of a ratified international agreement,

(2) In cases when the visa cannot be affixed to the travel document, it shall be affixed to a separate sheet for affixing a visa.

(3) The visa referred to in paragraph (1) of this Article shall be issued, if:

- the foreigner fulfils all general requirements for entry in the Republic of Macedonia, as referred to in Article 11, paragraph (1), items (a), (c), (d) and (e) of this Law;
- The foreigner presents proof of unpredictable and urgent reasons for entry into the Republic of Macedonia out of which he or she was not able to lodge a visa application at earlier convenience; and
- a return of the foreigner is provided to the country of residence or to the country wherefrom he or she arrives to the Republic of Macedonia.

(4) A seafarer who is required to hold a visa when crossing the border crossing points of the Republic of Macedonia may be issued a visa for the purpose of transit at the border crossing point, if he or she meets the requirements referred to in paragraph (2) of this Article,

or if he or she is crossing the border in question in order to embark on, or disembark from a ship on which he or she will work or has worked as a member of the ship's crew.

(5) Where the requirements for issuing a visa on a border crossing point, referred to in paragraphs (1) and (3) of this Article, are not fulfilled, as well as, if there are reasonable doubts as to the authenticity of the supporting documents submitted by the applicant or the veracity of their contents, the reliability of the statements made by the applicant or his or her intention to leave the territory of the Republic of Macedonia before the expiry of the visa applied for, a decision shall be taken in accordance with Article 38, paragraph (2) of this Law.

(6) The foreigner shall have the right to appeal against the decision referred to in paragraph (5) of this Article, in accordance with Article 39 of this Law.

Format and Content of a Visa

Article 42

(1) A visa shall be issued in the format of a 'sticker' which shall be affixed to a travel document.

(2) A visa shall contain the following information:

- First name and family name of the foreigner;
- Type of visa;
- Expiry date of the visa;
- duration of stay in the Republic of Macedonia;
- Number of entries;
- Number of foreigner's passport;
- Place and date of issuing the visa;
- Remarks made by the competent authority issuing the visa;
- A stamp of the competent authority issuing the visa and a signature of the competent official;
- Machine-readable zone; and
- Space reserved for a photograph.

(3) The visa shall include integrated security features.

(4) All entries in the visa sticker shall be electronically inputted and printed, and no manual or mechanical changes or deletions shall be made to a printed visa.

(5) Visa stickers may be filled in manually only in case of technical force majeure, whereby no changes or deletions shall be made to a manually filled in visa sticker.

(6) Consent from the competent authority for issuing the visa shall be needed when a visa sticker is filled in manually in accordance with paragraph (5) of this Article.

(7) Individual visas issued to persons who are included in the travel document of the applicant, and for whom separate visa applications have been lodged, shall be affixed to that travel document.

(8) By way of derogation from paragraph (1) of this Article, in case when the travel document is not recognised by the Republic of Macedonia, in accordance with Article 174 of this Law, the visa sticker shall be affixed to a separate sheet for affixing a visa.

(9) The separate sheet for affixing a visa shall be issued/provided by the diplomatic mission/consular post of the Republic of Macedonia, or the Ministry of Interior, if the visa is issued at a border crossing point.

Invalidation and Destruction of a Completed Visa Sticker

Article 43

(1) If a typographic or technical error is detected on a visa sticker, the sticker shall be invalidated, in accordance with a prescribed procedure.

(2) The destruction of an invalidated visa sticker, as well as of a printed sticker for a cancelled or revoked visa, which has not yet been affixed to the foreigner's travel document, or to the separate sheet for affixing a visa referred to in Article 42, paragraph (8) of this Law, shall be carried out by a Commission composed of three members from the Ministry of Foreign Affairs.

Visa Renewal

Article 44

(1) The validity period of an issued short-stay and transit visa shall be renewed only once because of force majeure or humanitarian grounds preventing the foreigner from leaving the territory of the Republic of Macedonia, prior to the expiry of the validity period of or the duration of stay authorised by the visa.

(2) Also, if the visa holder provides proof of serious personal reasons justifying the renewal of the validity period, the validity period of the visa referred to in paragraph (1) of this Article may be renewed once, whereby the total duration of the stay in the country may not exceed 90 days in a 180-day period preceding each day of stay in the Republic of Macedonia.

(3) A visa fee shall be charged for a visa renewal referred to in paragraphs (1) and (2) of this Article, in accordance with the Law on Administrative Fees.

(4) Renewal of visas shall take the form of a visa sticker and shall be issued by the Ministry of Interior.

(5) Information on a renewed visa shall be entered into the N-VIS in accordance with a regulation adopted by the Minister of Foreign Affairs.

(6) If the applicant withdraws the visa renewal application, the Ministry of Interior shall take a Decision on cancellation of the procedure.

Shortening of the Validity Period of an Issued Visa

Article 45

The Ministry of Interior shall shorten the validity period of an issued visa at a border crossing point, where it is found that the foreigner is not in a possession of sufficient means of subsistence, both for the duration of the intended stay in the Republic of Macedonia or if the foreigner exceeds the maximum duration of authorised stay on the territory of the Republic of Macedonia, or he or she exceeds the authorised 90-day period of stay during a 180-day period of the day of his or her first entry.

Annulment and Revocation of a Visa

Article 46

(1) A visa shall be annulled:

- where it becomes evident that some of the requirements for issuing a visa, laid down by this Law, were not fulfilled at the time of issuing;

- where the applicant provided false information in the visa application form, regarding his or her identity, the purposes and circumstances of the journey, the transit or the stay or other false data, or he or she used forged, another person's or invalid travel documents or other documents, or if his or her right to stay was revoked, or he or she was returned or expelled from the Republic of Macedonia.

(2) A visa shall be revoked:

- where it becomes evident that the requirements for issuing a visa are no longer met and
- where the visa holder requires it.

(3) A visa shall be annulled and revoked by the Ministry of Interior, and where the foreigner has not entered the Republic of Macedonia, the visa shall be annulled and revoked by a diplomatic mission/consular post of the Republic of Macedonia which issued it, upon a previous Decision taken by the Ministry of Foreign Affairs.

(4) The annulment and revocation of a visa shall be clearly stated in the travel document of the foreigner, or in the separate sheet for affixing a visa.

(5) A foreigner who is located in the Republic of Macedonia and whose visa has been annulled or revoked shall be obliged to immediately leave the territory of the Republic of Macedonia.

(6) The competent authority referred to in paragraph (3) of this Article shall take a Decision, in the prescribed form, on the annulment and revocation of a visa, and shall hand it to the foreigner.

(7) The failure of the visa holder to present one or more of the supporting documents, referred to in Article 31, paragraph (3) of this Law, at the border-crossing point shall not automatically lead to a decision on annulment or revocation of the visa.

Appeal against a Decision on Annulment or Revocation of a Visa

Article 47

(1) A visa holder whose visa has been annulled or revoked shall have the right to appeal against the decision on annulment or revocation of a visa, unless the visa has been revoked at the request of the visa holder.

(2) The appeal against the decision under Article (1) shall be lodged in a written form and in Macedonian language, before the State Second Instance Commission for Decision-Making in Administrative Procedures and Labour Relations Procedures, within eight days as of the day of receipt of the Decision, by paying an administrative fee laid down in a separate law.

(3) The appeal shall not postpone the enforcement of the Decision.

(4) The decision of the State Second Instance Commission for Decision-Making in Administrative Procedures and Labour Relations Procedures, shall be taken within 15 days as of the date of lodging the appeal.

(5) An administrative dispute may be initiated against the decision of the State Second Instance Commission for Decision-Making in Administrative Procedures and Labour Relations Procedures, before a competent court, in accordance with the Law on Administrative Disputes.

(6) Information on an annulled or revoked visa shall be entered in the N-VIS in a manner laid down by a regulation adopted by the Minister of Interior.

3. National Visa Information System (N-VIS) Establishment

Article 48

The Ministry of Foreign Affairs shall establish a National Information System (N-VIS).

Article 49

(1) The following data of visa applicants may be processed in N-VIS: first name and family name (former family names); mother's and father's name; date and place of birth; sex; country of birth; nationality(s); former nationalities; ID card number (optional); marital status; type of passport; passport number; institution that issued the passport; date of issuing; validity period of the passport; whether a return in the country of residence is allowed, where it is not the country of origin of the applicant; occupation; employer, employer's address and telephone number; name and address of the school and a telephone number (for students); final destination; type of visa; number of required entries; duration of stay; previously issued visas (within the last three years) and the validity period thereof, whether an entry was allowed in the country of final destination (in case of transit); previous stays in the Republic of Macedonia; purpose of the journey; date of arrival, date of departure; border crossing point of the first entry or of the transit direction; type of transportation vehicle; name and address of the national inviting natural person or legal entity, as well as a contact person; name of the hotel or temporary address of stay in the Republic of Macedonia, who shall cover the expenses of the trip and the stay; means of subsistence during the stay, proof of paid visa fee; proof of round flight ticket; family name of the spouse, birth family name of the spouse, first name of the spouse, date and place of birth of the spouse; children; home address of the applicant, telephone number and e-mail address; place and date of application; signature of the applicant; purposes for applying for a visa; purposes for applying for a temporary residence permit and duration thereof; the person on the basis of whose status in the Republic of Macedonia the foreigner is applying for a temporary residence permit; medical insurance, additional medical insurance or individual or group travel insurance; type of education; proof of clean criminal record; proof that a criminal procedure is not initiated against him or her; a photograph with dimensions 3.5 cm x 4.5 cm, in colour, with a white background; proof of residence in an EU Member State or a Member State of the Organisation for Economic Cooperation and Development (hereinafter referred to as: OECD); property sheet; purchase contract/proof of property value.

(2) N-VIS shall also include and process data on: decision on temporary residence accompanied by a delivery note; decision on rejecting temporary residence accompanied by a delivery note, opinion by the Ministry of Interior regarding the possibility of issuing visas for certain countries; opinion by the Employment Agency of the Republic of Macedonia regarding employment of seconded and seasonal workers, issued, extended, shortened, rejected, annulled and revoked visas; revocation of visa applications, serial number of visa stickers.

(3) The data referred to in paragraph (1) of this Article shall be processed in the procedure for granting visa, as laid down in this Law.

Competent Authorities for Processing and Using Data from the Database

Article 50

(1) The processing of N-VIS data shall be performed by the following competent authorities:

- 1) Ministry of Foreign Affairs;
- 2) Ministry of Interior; and
- 3) Employment Agency of the Republic of Macedonia.

Processing of Personal Data

Article 51

(1) Personal data entered into the N-VIS may be processed in accordance with the purposes laid down by law and in accordance with the regulations for personal data protection.

(2) Personal data entered during the procedures for data processing shall be deleted immediately where it is found that the reasons or the requirements for including the data in such processes are no longer true or valid.

(3) Personal data contained in the N-VIS, from their entrance to their deletion, may be provided for usage under conditions and in a manner laid down by the personal data protection regulations.

Maintenance of N-VIS

Article 52

The Ministry of Foreign Affairs shall be in charge of the maintenance of the N-VIS in a manner laid down by a special regulation, regulating the functioning of N-VIS, as well as in accordance with the personal data protection regulations.

Data Processing in N-VIS

Article 53

(1) Visa applications and data collected from the visa applicants, shall be entered and processed in N-VIS.

(2) Employees of the competent authorities, referred to in Article 50 of this Law, may be granted access to N-VIS, if they work at posts stipulating the necessity of processing of data entered in N-VIS.

(3) The employees referred to in paragraph (2) of this Article shall be revoked such access:

- where they no longer work at posts where there is a need for processing data entered in N-VIS,
- where they perform unauthorised processing of data entered in N-VIS or
- where they do not take the technical or organisational security measures of N-VIS.

(3) The manner of collecting, entering and processing of data collected from the visa applicants, the granting of access to the competent authorities, the levels of access, the criteria according to which the level of access is defined, the duration of the access, the procedure for defining the end and revocation of access to data in N-VIS shall be regulated with a regulatory bylaw adopted by the Minister of Foreign Affairs.

Responsibility for Data Quality

Article 54

(1) The competent authorities, referred to in Article 50 of this Law, shall be responsible for the data quality, from their area of competence, entered into N-VIS and for genuineness and authenticity thereof.

(2) The employees of the competent authorities shall be obliged to enter the data from their area of competence in N-VIS referred to in Article 49 of this Law.

Manner of Processing and Period for Keeping Data in N-VIS

Article 55

(1) The data in N-VIS shall be processed electronically or in another manner, only for the purposes laid down by law.

(2) The data in N-VIS shall be kept in an electronic form for the period necessary for the purposes for collecting data to be achieved, up to a maximum of five years as of the date of their entry, after which they shall be destroyed in a manner laid down by a regulatory bylaw adopted by the Minister of Foreign Affairs.

Obligations of Secrecy

Article 56

(1) The employees of the competent authorities who have been granted access to N-VIS shall be obliged to secrecy of data they encountered in the course of their work, both during their employment in the competent state authorities, and after the termination of that employment, and which constitute personal data according to the law.

Security of Data Entered into N-VIS

Article 57

(1) The competent authorities shall be obliged, in accordance with the law, to take all the necessary technical and organisational measures to provide protection, or security to the data they are processing in N-VIS.

4. Applying for and Issuing of Visas through External Visa Service Providers or Commercial Intermediaries

External Service Providers

Article 58

(1) An external service provider is a foreign legal entity registered to perform intermediary services for obtaining visas for entry into foreign countries, which acts as an intermediary in collecting visa applications, such as receipt of visa applications and the necessary supporting documents depending on the type of visa, forwarding thereof to the competent diplomatic mission/consular post of the Republic of Macedonia, and delivering a passport with an affixed visa to a foreign citizen who had lodged a visa application to external service providers.

(2) The examination of applications, the interviews, the printing and affixing of visa stickers shall be performed solely by a diplomatic mission/consular post of the Republic of Macedonia.

(3) External service providers shall not have access to the national Visa Information System of the Ministry of Foreign Affairs.

Article 59

(1) Cooperation with an external service provider shall be based on a Cooperation Agreement concluded between the external service provider and the Ministry of Foreign Affairs or with a diplomatic mission/consular post of the Republic of Macedonia, upon a prior consent by the Ministry of Foreign Affairs.

(2) The Cooperation Agreement referred to in paragraph (1) of this Article specifically regulates the following:

- general information on the visa regime of the Republic of Macedonia and visa application forms and temporary residence permit application forms made available to the applicants by the external service providers;

- technical, organisational and security measures that should be taken by the service provider for the protection of personal data from accidental or illegal destruction, accidental loss, tampering, unauthorised use or access to personal data;

- expertise and manner of conduct of the employees of the service provider;

- amount of the fee for the service rendered by the provider;

- verification of successful implementation of activities performed by the service provider;

- manner of handling general requests made by the diplomatic mission or consular post, and

- manner of performing surveillance by the diplomatic mission or consular post of the Republic of Macedonia.

Article 60

(1) The selection of the external service provider shall be performed by the Ministry of Foreign Affairs, on the basis of a public call or on the basis of an external service provider's expressed interest for cooperation.

(2) The public call referred to in paragraph (1) of this Article shall be published on the website of the Ministry of Foreign Affairs, or the diplomatic mission or consular post of the Republic of Macedonia, within at least 15 working days of submission of the documentation.

(3) The external service provider shall be entitled to collect a fee from the applicant for the performed service.

(4) The amount of the fee under paragraph (3) of this Article shall not be higher than half of the amount of the visa fee laid down by a separate law.

(5) The manner of selecting the external service provider shall be laid down in a separate regulation adopted by the Minister of Foreign Affairs.

Article 61

The diplomatic mission or consular post shall provide vocational training to the external service providers and shall monitor the implementation of the Agreement under Article 59 of this Law, at random, in the premises of the external service provider.

Commercial Intermediaries

Article 62

The cooperation with commercial intermediaries shall be based on granted accreditation by the Ministry of Foreign Affairs for collecting tourist visa applications (hereinafter referred as: accreditation).

Granting Accreditation

Article 63

(1) The accreditation referred to in Article 62 of this Law shall be granted by the Ministry of Foreign Affairs, within 30 days as of the date of lodging an accreditation application, and based on a performed verification of:

- the current status of the commercial intermediary (license, Commercial Register, contracts with banks);
- existing contracts with commercial partners established in the Republic of Macedonia offering accommodation and other package tour services; and
- existing contracts with transportation companies, which must include an outward journey to the Republic of Macedonia, as well as a fixed return journey for the foreigners to the country wherefrom they arrived.

(2) To obtain the accreditation, the commercial intermediary shall lodge the application referred to in paragraph (1) of this Article to the diplomatic mission or consular post of the Republic of Macedonia within the period from January 15th to March 15th of the current year for which accreditation is requested.

(3) The commercial intermediary shall make sure that the application referred to in paragraph (1) of this Article is accompanied by:

- a work permit in the area of tourism or a certified copy thereof, in Macedonian and in English, in accordance with a separate law;
- a contract with the commercial intermediary referred to in paragraph (1), indent 2 of this Article and a decision for registration in the Central Register;
- a contract with the transportation company referred to in paragraph (1), indent 3 of this Article;
- a contract with an insurance company on individual or group travel insurance for tourists;
- estimation of the number of tourists with travel arrangements to the Republic of Macedonia; and
- power of attorney for the representative of the commercial intermediary authorised to submit the lodged visa applications and the necessary documentation to the diplomatic

mission or consular post, as well as for obtaining the issued visas or the decisions on refusal of visa applications.

(4) The accreditation referred to in paragraph (1) of this Article, shall be issued both in Macedonian and in English and shall contain data on: the commercial intermediary being granted the accreditation, the diplomatic mission or consular post of the Republic of Macedonia to which the commercial intermediary has submitted the lodged visa applications, the representative of the commercial intermediary authorised to lodge visa applications, the duration of accreditation, signature and stamp of the Ministry of Foreign Affairs.

Rights and Obligations

Article 64

(1) The diplomatic mission or consular post of the Republic of Macedonia shall publish data on the commercial intermediary where foreign citizens may lodge visa applications.

(2) The competent diplomatic mission or consular post of the Republic of Macedonia shall exercise control over the work of the commercial intermediary.

(3) The commercial intermediary who has been granted accreditation shall be obliged to notify the diplomatic mission it cooperates with, on:

- termination of the contract with the commercial partner referred to in Article 63, paragraph (1), indent 2 of this Law;
- concluding a cooperation contract with a new commercial partner; and
- replacing the representative of the commercial intermediary referred to in Article 63, paragraph (3), indent 6 of this Law.

Revocation of Accreditation

Article 65

(1) The Ministry of Foreign Affairs shall revoke the accreditation referred to in Article 62 of this Law, if:

- the commercial intermediary has not notified the diplomatic mission/consular post about the changes made in the current status and contracts referred to in Article 63, paragraph (1), indents 1, 2 and 3 of this Law, in such a case, the agreements referred to in Article under Article 63, paragraph (1), indents 2 and 3 of this Law shall be declared null and void;
 - the commercial intermediary fails to duly submit the lodged visa applications and necessary documentation to the diplomatic mission/consular post;
 - the commercial intermediary submits forged, falsified or tampered documentation;
- and
- acts contrary to the purpose of granted accreditation.

Chapter IV

STAY OF FOREIGNERS

Defining the Stay of Foreigners

Article 66

(1) In terms of this Law, stay of foreigners shall mean:

- 1) Short stay;
- 2) Temporary residence and
- 3) Permanent residence

1. Short Stay
Definition of Short Stay
Article 67

(1) Short stay in terms of this Law shall be defined as a stay of a foreigner holding or not holding a visa, unless otherwise laid down in this Law or by a ratified international agreement.

(2) A foreigner fulfilling the requirements for entry referred to in Article 11 of this Law, shall temporarily stay in the Republic of Macedonia up to a maximum of 90 days in any 180-day period preceding each day of stay in the Republic of Macedonia.

(3) Upon defining the duration of the short stay referred to in paragraph (2) of this Article, the duration of the previously granted temporary or permanent residence on the territory of the Republic of Macedonia shall not be taken into account.

(4) The foreigner referred to in paragraph (1) of this Article having a short stay without holding a visa may stay in the Republic of Macedonia for the same purposes valid for foreigners who must hold a visa.

(5) A foreigner shall not have a short-term stay in terms of paragraph (1) of this Article:

- where he or she has an illegal entry in the Republic of Macedonia,
- where he or she does not hold a valid visa, if appropriate he or she needed it in accordance with the visa regime of the Republic of Macedonia,
- where he or she has already used his or her visa or the validity period of the issued visa has expired,
- where he or she has stayed longer than 90 days in a 180-day period preceding each day of stay in the Republic of Macedonia and,
- where he or she has been escorted from a state border to the premises of a competent court for the purposes of conducting a misdemeanour or a criminal procedure, whereby he or she has not been granted entry into the Republic of Macedonia.

End of Short-term Stay
Article 68

The short-term stay of the foreigner shall end:

- where the foreigner has a valid entry-ban prohibiting entry into the Republic of Macedonia;

Or,

- where the validity period of the set in the visa has expired;

- where the short-term stay has been cancelled, and

Where the validity period referred to in Article 67 paragraph 2 of this Law has expired.

Cancellation of a Short-term Stay
Article 69

The short stay of a foreigner shall be cancelled where he or she:

- has stayed without the means of subsistence, accommodation or transit to a third country into which he or she will certainly be accepted, and the subsistence and accommodation for the duration of the stay in the Republic of Macedonia has not been provided in another legal manner;
- has not settled the due financial obligations in the Republic of Macedonia;
- poses a danger to public order, national security or international relations of the Republic of Macedonia.

Competency in Taking Decisions on Cancellation of Short-term Stay

Article 70

(1) The Ministry of Interior shall decide on cancellation of a short stay by taking a decision.

(2) The decision referred to in paragraph (1) of this Article shall define a deadline for voluntary return within which the foreigner shall be obliged to leave the territory of the Republic of Macedonia, in accordance with Article 152 of this Law, as well as a period within which they are banned to re-entry into the Republic of Macedonia, laid down in Article 153 of this Law.

(3) The foreigner shall have the right to initiate an administrative dispute against the decision under paragraph (1) of this Article before a competent court, in accordance with the Law on Administrative Disputes.

(4) The administrative dispute before a competent court referred to in paragraph (3) of this Article shall not postpone the enforcement of the decision on cancellation of the short stay.

2. Temporary Residence

2.1 Purposes of Temporary Residence

Article 71

(1) A temporary residence shall be granted to a foreigner intending to stay in the Republic of Macedonia on the following grounds:

- pursuing employment;
- attending school or pursuing studies;
- participating in international student exchange programmes;
- pursuing specialised, vocational or practical training;
- undergoing traineeship;
- pursuing scientific research;
- undergoing medical treatment;
- pursuing accommodation and caretaking in geriatric care facilities;
- family reunification or
- on humanitarian grounds.

(2) Temporary residence shall also be granted to:

- a foreigner who is a member of a nuclear family of a national of the Republic of Macedonia,
- a foreigner whose country of origin is the Republic of Macedonia,
- a foreigner's child born in the Republic of Macedonia or
- a foreigner who is a resident of an EU Member State or an OECD Member State, and who has acquired the right to own property such as an apartment, a residential building or a house on the territory of the Republic of Macedonia under conditions laid down by law, in the amount of at least 40,000 Euro.

(3) A foreigner who has been granted temporary residence for a specific purpose may reside in the Republic of Macedonia solely based on the purposes for granting him or her residence and only for a definite period of time.

Requirements for Granting Temporary Residence

Article 72

(1) Temporary residence shall be granted to a foreigner intending to stay in the Republic of Macedonia if he or she:

- is in possession of sufficient means of subsistence, or his or her subsistence has been provided in another legal manner,

- has provided accommodation, or is in possession of sufficient means to provide accommodation,

- holds medical insurance,

- fulfils the requirements proscribed for different kinds of temporary residence, laid down in Article 71 of this Law,

Or,

- there are no reasons for refusing entry laid down in Article 17 of this Law,

- has not been convicted in the country of origin and in the country of residence for non-parole imprisonment in duration exceeding six (six) months for a criminal offence which is prosecuted ex officio and

- no criminal proceedings are initiated against the foreigner in the country of origin or in the country of residence and wherefrom he or she submitted the application for approval of a temporary stay, for a crime stipulating a prison sentence in duration exceeding 6 (six) months is provided, which is prosecuted ex officio.

(2) A foreigner, below the age of 18, who intends to reside in the Republic of Macedonia unaccompanied by a parental authority or a guardian besides the requirements referred to in paragraph (1), indents 1, 2, 3 and 4 of this Article, must submit a certified consent for his or her residence in the Republic of Macedonia, given by the parental authority or the guardian.

(3) The authorisation referred to in paragraph (2) of this Article must be certified by a competent authority of the country of origin of the foreigner or from the diplomatic mission or consular post of the Republic of Macedonia.

2.2. Procedure for Granting Temporary Residence

Application for Temporary Residence

Article 73

(1) Temporary residence shall be granted to a foreigner intending to reside in the Republic of Macedonia, upon a lodged application.

(2) By way of derogation from paragraph (1) of this Article, in cases laid down by this Law, temporary residence shall be granted where another natural person, authorised representative or a legal entity lodges the application.

(3) A foreigner may lodge an application for temporary residence in the Republic of Macedonia, as an accompanying document to the visa application for regulating the long stay (visa D), to a diplomatic mission/consular post of the Republic of Macedonia or to a diplomatic mission/consular post of a country with which the Republic of Macedonia has signed an arrangement on consular representation in third countries, to external service providers or to commercial intermediaries, as well as to the Ministry of Interior, in cases laid down in this Law.

(4) Out of humanitarian reasons, the application for granting temporary residence shall be lodged to the Ministry of Interior.

(5) The applicant for temporary residence shall be obliged to appear in person for an interview.

(6) The purpose and circumstances of the intended stay in the Republic of Macedonia must be indicated in the application referred to in paragraph (1) of this Article, and they shall not be altered during the procedure.

(7) The foreigner shall ensure that the application for temporary residence is accompanied by a valid travel document or a certified copy thereof, the validity period of which shall extend at least 90 days prior to the end of the intended stay in the Republic of Macedonia, as well as by proof of fulfilment of the requirements referred to in Article 72, paragraph (1) indents 1, 2, 3 and 4 of this Law.

Acting upon a Lodged Application by a Diplomatic Mission or Consular Post of the Republic of Macedonia

Article 74

(1) The diplomatic mission/consular post of the Republic of Macedonia, which has received a long-stay visa application by a foreigner (visa D), shall ensure that the visa application is accompanied by an application for temporary residence in the Republic of Macedonia, and shall enter the application in the N-VIS information system to be decided upon that application by the Ministry of Interior.

(2) The diplomatic mission or consular post shall not accept the application referred to in paragraph (1) of this Article, if the necessary documentation laid down in Article 73, paragraph (7), as well as other documents referred to in this Law, have not been presented.

Competency in Taking Decisions Granting Temporary Residence

Article 75

(1) The Ministry of Interior shall decide on applications by foreigners for granting temporary residence in the Republic of Macedonia by taking a decision.

(2) The Ministry of Interior shall issue the decision granting temporary residence within 30 working days of the date of the receipt of the application – if the application has been lodged to the Ministry of Interior, or 60 working days – if the application has been lodged to a diplomatic mission/consular post of the Republic of Macedonia or to a diplomatic mission/consular post of a country with which the Republic of Macedonia has signed an arrangement on consular representation in third countries, as well as through external service providers or through commercial intermediaries to external service providers.

(3) A foreigner lodging an application for obtaining temporary residence to the Ministry of Interior in accordance with this Law, may stay in the Republic of Macedonia until the Ministry of Interior has taken a final decision on the application, whereby the Ministry shall issue a separate certificate for this purpose.

(4) By way of derogation from paragraph (2) of this Article, the periods may be extended for up to a maximum of 30 working days, notably when further scrutiny of the application is needed.

(5) Upon scrutiny of the application for granting temporary residence, the best interest of minor children shall be taken into account.

(6) In the event the application for temporary residence in the Republic of Macedonia is rejected with the decision referred to in paragraph 1 of this Article, the reasons for rejecting the application shall be stated in the decision.

(7) The decision referred to in paragraph (1) of this Article shall be entered (scanned) in the N-VIS system and the diplomatic mission/consular post shall hand a printed copy of the scanned decision where the foreigner has lodged the application.

(8) The foreigner shall sign and date the printed copy of the scanned decision as a confirmation of the receipt of the decision.

(9) In the events referred to in Article 77 paragraph (3) of this Law, the decision may be taken by the authorised representative of the foreigner or of the legal entity.

(10) The foreigner shall have the right to appeal against the decision referred to in paragraph (1) of this Article, within eight days of the date of receipt of the decision, before the State Second Instance Commission for Decision-Making in Administrative Procedures and Labour Relations Procedures.

(11) The decision of the State Second Instance Commission for Decision-Making in Administrative Procedures and Labour Relations Procedures shall be taken within 30 days as of the date of lodging the appeal.

(12) An administrative dispute may be initiated against the decision of the State Second Instance Commission for Decision-Making in Administrative Procedures and Labour Relations Procedures before a competent court, in accordance with the Law on Administrative Disputes.

Temporary Residence Permit

Article 76

(1) The Ministry of Interior shall issue a temporary residence permit to a foreigner who has been issued a decision granting temporary residence.

(2) The Ministry of Interior shall issue the temporary residence permit personally to the foreigner concerned.

(3) The Ministry of Interior shall extend the temporary residence permit, if the foreigner has been issued a decision on extending temporary residence in accordance with Article 79 of this Law.

(4) The temporary residence permit issued for the purpose of employment shall be an only residence and work permit for the foreigner to hold.

Article 77

(1) The foreigner shall be obliged to hold a decision granting temporary residence in the Republic of Macedonia, prior to his or her first entry into the Republic of Macedonia based on that decision, if the application has been lodged to the diplomatic mission/consular post of the Republic of Macedonia.

(2) Upon first entry into the Republic of Macedonia, the foreigner referred to in paragraph (1) of this Article, shall ensure that the decision granting temporary residence must be accompanied by a long-stay visa (visa D).

(3) By way of derogation from paragraph (1) of this Article, where the temporary residence procedure is initiated by a foreigner, an authorised representative or a legal entity in the Republic of Macedonia, in accordance with this Law, the foreigner shall be issued a long-stay visa (visa D), if he or she submits the decision granting him or her temporary residence, to the diplomatic mission /consular post of the Republic of Macedonia.

Article 78

By presenting the temporary residence permit, the foreigner shall have the right to exit and enter the Republic of Macedonia without holding a visa, until the expiry of the period authorised in the temporary residence permit.

Renewal of Temporary Residence

Article 79

(1) The temporary residence shall be renewed for a period necessary to achieve the purpose of stay, and shall not exceed a year.

(2) Upon application by a foreigner, which shall be submitted within a maximum of 30 days, prior to the expiry of the period authorised for temporary residence, or at least 15 days following the expiry of the temporary residence, the temporary residence shall be renewed if the requirements referred to in Article 72 of this Law have been fulfilled, whereby each renewal may not exceed a year.

(3) A foreigner who within the period laid down in paragraph (2) of this Article, lodged an application for renewal of his or her temporary residence, may stay in the Republic of Macedonia until the Ministry of Interior has taken a final decision on his or her application, whereby the Ministry shall issue him or her a separate certificate.

(4) Temporary residence shall not be renewed where it is found that the foreigner, on unjustified grounds, did not reside in the Republic of Macedonia longer than one fourth of the period granted for temporary residence.

(5) The Ministry of Interior shall take a decision upon a lodged application in accordance with paragraph (2) of this Article, within 30 working days of the date of receipt of the application.

(6) The foreigner shall have the right to appeal against the decision on the renewal of the temporary residence taken by the Ministry of Interior, within eight days of the date of receipt of the decision, before the State Second Instance Commission for Decision-Making in Administrative Procedures and Labour Relations Procedures.

(7) The decision of the State Second Instance Commission for Decision-Making in Administrative Procedures and Labour Relations Procedures shall be taken within 30 days of the date of lodging the appeal.

(8) An administrative dispute may be initiated against the decision of the State Second Instance Commission for Decision-Making in Administrative Procedures and Labour Relations Procedures before a competent court, in accordance with the Law on Administrative Disputes.

(9) The duration of the renewed temporary residence referred to in paragraph (2) of this Article, may not be shortened in case of illness of a foreigner fulfilling the requirements referred to in Article 72 of this Law.

2.3. Temporary Residence for Different Purposes

a) Temporary Residence for Employment Purposes

Article 80

(1) Temporary residence for employment purposes, in accordance with the purpose, shall be granted for:

- 1) employment of a foreigner;
- 2) seasonal employment of a foreigner;
- 3) secondment of employees.

(2) By way of derogation from paragraph (1) of this Article, a foreigner may also reside and work in the Republic of Macedonia based on a certificate of employment, issued in accordance with a separate law, if the duration of work performed by the foreigner does not exceed 90 days.

Article 81

(1) Temporary residence for purposes of employment and seasonal employment shall be granted to a foreigner fulfilling the requirements in accordance with a law, whereby the Employment Agency of the Republic of Macedonia (hereinafter: the Agency) has issued a positive opinion.

(2) Upon an opinion application, the Agency shall issue an opinion for the period provided by the foreigner in the application form, not exceeding one year.

(3) If the foreigner has not provided a period of employment in the application form, the initial opinion shall be issued for a period of six months.

Article 82

(1) A foreigner may work in the Republic of Macedonia based on a decision for granting temporary residence for employment purposes.

(2) A foreigner who has been granted temporary residence for employment in the Republic of Macedonia may perform only the work for which temporary residence has been granted.

(3) By way of derogation from paragraph (1), a foreigner granted a short-term stay in the country may perform temporary work for a period of maximum 90 days, based on a work certificate, unless otherwise laid down by law.

Article 83

(1) Temporary residence for employment purposes shall be granted upon a lodged application by the foreigner, the legal entity signing an employment contract with the foreigner, or a legal representative thereof, which may be lodged to the Ministry of Interior of the Republic of Macedonia.

(2) Temporary residence for employment purposes shall be granted if the Agency issues a positive opinion stating that the foreigner fulfils the requirements in accordance with a law, unless otherwise laid down by a ratified international agreement.

(3) Ministry of Interior shall provide the opinion referred to in paragraph (2) of this Article ex officio in accordance with a law.

(4) The Agency shall be obliged to submit the opinion under paragraph (2) of this Article to the Ministry of Interior within 15 working days as of the day of receipt of the documentation.

(5) If the documentation submitted through the Ministry of Interior to the Agency is incomplete, the Agency shall issue an opinion that the requirements for issuing an opinion have not been fulfilled, including a list of missing documents in accordance with this Law.

(6) If the Agency does not act within the period referred to in paragraph (4) of this Article, the opinion shall be considered as negative.

Article 84

(1) The Agency shall keep a record of opinions issued based on data received during the procedure for issuing an opinion.

(2) Upon an issued opinion by the Agency, the responsible persons of a legal entity, professionally hiring the foreigner, must register the start of the employment within a maximum of 90 days of the date of issuing the opinion by the Agency.

(3) The Agency shall, ex officio, quarterly report to the Ministry of Interior about the persons being issued a positive opinion, where the start of their employment has not been registered within a period laid down by a law.

(4) If for some reason, the employment or contractual relationship of a foreigner fails to be established or was terminated prior to the expiry of the validity period of the temporary residence permit for employment purposes, the applicant shall be obliged to notify the authority which issued the permit.

(5) The obligation under paragraph (4) of this Article shall also be valid for self-employed persons, if they cease to perform work prior to the expiry of the permit.

Article 85

(1) To receive a positive opinion by the Agency, during the procedure for renewal of temporary residence for employment reasons, the application shall be lodged within the validity period of the previously issued opinion, but not 30 days prior to the expiry thereof.

(2) In the procedure for renewal of temporary residence for employment purposes, along verification of proof in accordance with Articles 87, 89 and 91 of this Law, the Agency shall verify whether during the previously granted temporary residence for employment purposes:

- the employment of the foreigner was reported to the Agency and

- social insurance obligation has been settled in the Republic of Macedonia or additional proof of social and health insurance has been submitted for seconded employees.

2.3.1 Temporary Residence for Employment Purposes

Article 86

(1) Temporary residence for employment purposes shall be granted to a foreigner based on a positive opinion issued by the Agency stating that the foreigner has fulfilled the following requirements:

- the employer fulfils the requirements laid down by a law;
- the quota for this type of employment has not been reached and
- the employment of the foreigner does not have a negative effect on the labour market, especially not on the national unemployment situation, on the employment structure or on the regional needs for creating new vacancies in the industries.

(2) In accordance with the provisions referred to in paragraph (1) of this Article, a positive opinion shall be issued under the condition that the nationals seeking employment have not applied for that specific job.

(3) The employment of managers, founders, athletes, cultural workers, scientists, editors, diplomatic staff with no privileged status and foreigners working for the same employer and holding the same post for more than a year, shall not be considered in relation to the labour market, due to the nature of work in question, and a positive opinion for the abovementioned persons shall be issued, regardless of the current labour market situation in the Republic of Macedonia in terms of work force deficiency.

(4) The opinions in regard to temporary residence for employment purposes shall be issued as part of the employment quota for foreigners established in the Republic of Macedonia.

Requirements for Granting Temporary Residence for Employment Purposes

Article 87

During the procedure for providing an opinion by the Agency referred to in Article 80, paragraph (1), indent 1 of this Law, the following proof shall be presented:

- proof of registration of the legal entity hiring the foreigner or entry thereof in the Central Register of the Republic of Macedonia;
- proof of identity of the foreigner;
- elaboration on the necessity for hiring the foreigner;
- an employment contract signed between the employer and the foreigner in accordance with the employment regulations and
- proof of appropriate education or a specific vocational training of the foreigner issued by a competent authority or institution.

Temporary Residence for Seasonal Employment Purposes

Article 88

(1) A positive opinion for granting temporary residence for the purpose of seasonal employment referred to in Article 80, paragraph (1), indent 2 of this Law, shall be issued by the Agency in regard to the quota established for seasonal employment.

(2) Seasonal employment of foreigners shall be allowed within the framework of work activities of seasonal nature, only where the demand of the labour market temporarily exceeds the supply, which will serve as a basis for establishing the annual quota for such purposes.

(3) A positive opinion upon an application for temporary residence for seasonal employment of a foreigner shall be issued with a validity period of six months, and a positive opinion with a validity period of up to nine months for seasonal employment in construction, only once in a calendar year, unless otherwise laid down in this Law.

(4) For the purposes of seasonal employment, the employer shall be obliged to sign a fixed-term employment contract with the foreigner.

Requirements for Granting Temporary Residence for Seasonal Employment Purposes

Article 89

(1) In the procedure where the Agency issues an opinion on temporary residence for purposes of seasonal employment, the following proof shall be presented:

- proof of registration of the legal entity hiring the foreigner or entry thereof in the Central Register of the Republic of Macedonia;
- proof of the identity of the seasonal worker;
- an employment contract signed between the employer and the foreigner in accordance with the employment regulations;
- elaboration on the necessity for hiring the foreigner;
- proof of appropriate education in the appropriate field or competence of the foreigner if the foreigner has a profession regulated by law;
- proof of knowledge of the Macedonian language and its Cyrillic alphabet, if required for the purposes of employment and
- proof of provided accommodation of adequate standard of living during their stay.

(2) The Agency shall not issue a positive opinion if:

- the employer has been punished for unlawful employment or for failure to register the foreigner as an employee,
- if a bankruptcy procedure has been initiated against him or her or
- if the employer has been punished for failure to meet the obligations stipulated by law regarding payment of contributions, taxes and other obligations determined by law.

Seconded Employees' Temporary Residence

Article 90

(1) The Agency shall issue a positive opinion for granting temporary residence for the purposes of seconding an employee referred to in Article 80, paragraph (1), indent 3 of this Law, in regard to the quota established for seconded employees.

(2) A foreign legal entity may temporarily second its employees to the Republic of Macedonia, for the purposes of providing services based on a concluded contract with a client from the Republic of Macedonia.

(3) The foreign legal entity may temporarily second its employees from the location of their permanent employment abroad, in a branch office or another organisational business unit allowing the presence thereof on the market in the Republic of Macedonia, for performing specific tasks or for providing the contracting services on the territory of the Republic of Macedonia.

(4) A foreign legal entity may second its employees, if the employees have been previously employed by the legal entity at least for a year.

(5) By way of derogation from paragraph (4) of this Article, in the case of interns, they must have been previously employed by that legal entity for at least six months.

(6) The foreigner employees may be seconded to the Republic of Macedonia for a period not exceeding two years, unless otherwise laid down in this or other law, or an international agreement ratified in accordance with the Constitution of the Republic of Macedonia.

(7) The foreigner employees referred to in paragraph (1) of this Article, may reapply for a temporary residence for employment purposes in accordance with Article 80, paragraph (1), indent 1 of this Law after a temporary termination of employment imposed by the validity of the previously approved temporary residence for employment purposes.

(8) By way of derogation from the provisions of this Article, in the case of seconded employees in accordance with ratified bilateral social security agreements, the provisions of the bilateral agreement shall apply.

Requirements for Temporary Residence of Seconded Employees

Article 91

In the procedure where the Agency issues an opinion on temporary residence for seconding an employee, the following proof shall be presented:

- proof of registration of the foreign legal entity, the branch office or another organisational business unit or entry thereof in the Central Register of the Republic of Macedonia;
- proof of the identity of the seconded employee;
- proof that the seconded employee has been employed for at least one year, and registered as such for mandatory social insurance by the foreign employer;
- an document for seconding the employee for temporary employment in the organisational unit;
- an employment contract between the foreigner and the trading company or a branch office;
- proof of appropriate social insurance of the foreigner from the country of origin or proof of appropriate health insurance, in accordance with the regulations of the Republic of Macedonia.

b) Temporary Residence for the Purposes of Attending School or Pursuing Studies

Requirements for temporary residence for the purposes of Attending School or Pursuing Studies

Article 92

(1) Temporary residence for the purposes of attending school or pursuing studies shall be granted to a foreigner who ensures that the application is accompanied by:

- a certificate that he or she has been enrolled as full-time students at approved curriculum in a primary or secondary education establishment verified by the Ministry of Education and Science, in which the duration of the planned education is determined or,
- a certificate that he or she has been enrolled as full-time students at approved curriculum a higher education establishment registered in the Register of Higher Education Institutions in the competency of the Ministry of Education and Science, in which the duration of the planned education is determined;
- approval from a parental authority or guardian for residence in the Republic of Macedonia, if the foreigner is a minor and
- proof of knowledge of the language or of enrolment in a language teaching course for the working language of the curriculum defined by the educational establishment in the Republic of Macedonia.

(2) By way of derogation from paragraph (1), indent 4 of this Article, where the students or university students attend a course, the working language of which is the official language of their country of origin, or have completed previous education, the working language of which was the same as the one of the curriculum or study programme for which they apply in the educational establishment, they shall submit a copy of the certificate or a diploma for the completed education, which will be considered as sufficient proof that they know the working language of the course.

(3) At the request of the Ministry of Interior, the Ministry of Education and Science shall submit a list of higher educational establishments registered in the Register of Higher Education Establishments and a list of accredited study programmes to the Ministry of

Interior and shall notify thereof for each alteration that has occurred during the course of events.

(4) Where the foreigner referred to in paragraph (1) of this Article has a legal stay in the Republic of Macedonia for the purpose of pursuing studies, the application for temporary residence may also be submitted to the Ministry of Interior.

(5) The Minister for Education and Science, in cooperation with the Minister for Interior, shall prescribe the type, form and contents of the form for the certificate referred to in paragraph (1) indents 1 and 2 of this Article.

Duration of Residence

Article 93

(1) Temporary residence for the purposes of attending school or pursuing studies shall be granted for a period of one year and this period may be extended if the foreigner fulfils the requirements laid down in Article 79 of this Law as well as if he or she presents a certificate of having achieved significant education progress, issued by the educational establishment.

(2) Regardless of fulfilling the requirements referred to in paragraph (1) of this Article, temporary residence for the purpose of pursuing studies shall not be renewed, where it is found that the foreigner has exceeded the permitted number of working hours in accordance with a law.

(3) Temporary residence for the purposes of attending school or pursuing studies may be renewed for up to a maximum of one year from the expiry of the period determined for such type of school or studies.

(4) If there are particular justified reasons, the temporary residence may be renewed even after the expiry of the period referred to in paragraph (3) of this Article, but the renewal shall not exceed one year.

(5) After finishing school or completing the studies based on which the temporary residence was granted, the foreigner shall be obliged to leave the territory of the Republic of Macedonia.

(6) A foreigner residing in the Republic of Macedonia for the purposes of attending school or pursuing studies shall not be employed and shall not work in the Republic of Macedonia.

(7) By way of derogation from paragraph (6) of this Article, a foreigner residing in the Republic of Macedonia for the purposes of attending school or pursuing studies may be allowed to perform short-term or supporting work activities in accordance with a law.

c) Temporary Residence for the Purpose of Participating in International School and University Students Exchange Programmes

Requirements for Granting Temporary Residence

Article 94

(1) A foreigner who comes in the Republic of Macedonia for the purpose of participating in international school and university students exchange programmes shall be granted temporary residence if the foreigner presents:

- a certificate issued by a state institution, a higher educational establishment registered in the Register of Higher Education Establishments of the Ministry of Education and Science or a competent institution for implementation of the ratified international agreements for international school and university students exchange programmes, verifying that the foreigner has been enrolled in an international exchange programme, and verifying the duration of his or her participation in the international school and university students exchange programme and

- a certificate issued by a state institution, a higher educational establishment registered in the Register of Higher Education Establishments of the Ministry of Education

and Science or a competent institution for implementation of the ratified international agreements for international school and university students exchange programmes, taking financial responsibility for the foreigner during his or her stay in the Republic of Macedonia in regard to the expenses for the foreigner's subsistence, accommodation, school, study, health insurance and return expenses.

Duration of Temporary Residence

Article 95

(1) Temporary residence for the purpose of participating in international school and university students exchange programmes shall be granted for a period of up to a maximum of one year.

(2) By way of derogation from paragraph (1) of this Article, the temporary residence referred to in paragraph (1) of this Article may be renewed, on justifiable grounds, for no longer than one year.

(3) A foreigner residing in the Republic of Macedonia for the purpose of participating in international school and university students exchange programmes shall not be employed and shall not work in the Republic of Macedonia.

d) Temporary Residence for Purposes of Specialisation, Vocational or Practical Training

Requirements for Granting Temporary Residence

Article 96

(1) Temporary residence for the purposes of specialisation, vocational or practical training shall be granted if the foreigner presents a certificate with the application issued by an appropriate legal entity or a competent authority from the Republic of Macedonia certifying that specialisation, vocational or practical training has been approved accompanied by a programme verified in accordance with a law, determining the duration of the pursued specialisation, vocational or practical training.

(2) The temporary residence referred to in paragraph (1) of this Article shall be granted to a foreigner who has acquired a higher education degree, undergoing internship vocational training, or to a foreigner studying in another country for the purpose of attending practical studies required for acquiring higher education degree, who meets the general requirements for temporary residence referred to in this Law.

(3) As proof of the justification of the application, in addition to the certificate and the programme, the foreigner shall present a proof of acquired level of education and qualification in the previous two years prior to submitting the application, i.e. proof of having met the obligation for practical training for the purpose of acquiring higher education.

(4) The vocational training or practical training shall be carried out in accordance with a verified programme, which shall contain:

- description of the programme for vocational or practical training of the intern, i.e. the practical training of students, the purpose and the stage of improvement, i.e. education,
- duration of the internship, i.e. practical training,
- number of hours for vocational training of the intern, i.e. the practical training,
- manner of conducting supervision of the implementation of vocational training or practical training and
- rights and obligations between the intern and the employer.

(5) If the foreigner referred to in paragraph (1) of this Article does not meet the requirements referred to in Article 72 paragraph 1 indents 1 and 2 of this Law, the legal entity i.e. the competent authority referred to in paragraph 1 of this Article shall be required to

provide proof for having covered the expenses during the foreigner's stay and of having provided accommodation.

Duration of Temporary Residence

Article 97

(1) Temporary residence for the purposes of specialisation, vocational or practical training shall be granted for a period of up to a maximum of one year and may be renewed if the requirements laid down in Article 79 of this Law are fulfilled.

(2) Upon expiry of the period defined in the programme for the pursued specialisation, vocational or practical training, the foreigner shall be obliged to leave the territory of the Republic of Macedonia.

(3) By way of derogation from paragraph (1) of this Article, the temporary residence referred to in paragraph (1) of this Article may be renewed on justified grounds, even after the expiry of the period defined in the programme for such type of specialisation, vocational or practical training, for no longer than one year.

e) Temporary Residence for the Purpose of Traineeship

Article 98

(1) Temporary residence for the purpose of traineeship shall be granted if the foreigner ensures that the application is accompanied by consent for traineeship issued by the Ministry of Labour and Social Policy.

(2) Temporary residence referred to in paragraph (1) of this Article shall be granted for the period defined in the issued consent, but shall not exceed one year and it may be renewed if the requirements referred to in Article 79 of this Law have been fulfilled.

f) Temporary Residence for the Purpose of Performing Scientific-Research Activity

Requirements for Temporary Residence

Article 99

(1) Temporary residence for the purpose of performing scientific-research activity shall be granted if the application of the foreign researcher is accompanied by:

- a contract concluded with entities for performing scientific-research activity registered in the Register of the Ministry of Education and Science,
- proof of research project financing,
- a certified copy of the degree of education attained (a diploma for the completion of first, second or third cycle of studies) and
- a certificate by the entities referred to in paragraph (1) indent 1 of this Article, with which the contract is concluded, for accepting the financial obligations for the expenses of residence, health insurance and return expenses of the foreigner performing scientific-research activity in the Republic of Macedonia.

Prior Consent by the Ministry of Education and Science

Article 100

(1) The entity for performing scientific-research activity, registered in the Register of entities performing scientific-research activity of the Ministry of Education and Science, may conclude a contract with the foreigner for performing scientific-research activity.

(2) The agreement referred to in paragraph (1) of this Article shall contain:

- name and purpose of the scientific-research activity,
- the obligation of the foreign researcher to complete the scientific-research activity,

- obligation of the entity for performing scientific-research activity to provide conditions for performing scientific-research activity and

- start and end date of the scientific-research activity.

(3) The Ministry of Education and Science, on the basis of an application submitted by the entity referred to in paragraph (1) of this Article, shall confirm that it is recorded in the Register of entities performing scientific-research activity of the Ministry of Education and Science.

(4) Attached to the application referred to in paragraph (2) of this Article, the entity referred to in paragraph (1) of this Article shall be obliged to submit a certificate of financial responsibility for the expenses for residence, health insurance and the return expenses of the foreign researcher.

(5) The entity referred to in paragraph (1) of this Article shall within 24 hours inform the Ministry of Education and Science in the case of inability to perform the scientific-research activity or in case of interruption in performing scientific-research activity.

(6) The entity referred to in paragraph (1) of this Article shall be obliged to notify the Ministry of Education and Science, within a period of two months after the expiry of the contract for performing scientific-research activity, on the results and termination of the scientific-research project.

Requirements for Concluding a Contract for Performing Scientific-Research Activity

Article 101

(1) The entity for performing scientific-research activity, registered in the Register of entities performing scientific-research activity of the Ministry of Education and Science, may conclude a contract with a foreigner on performing scientific-research activity if the following requirements are fulfilled:

a) the scientific-research project has been approved by the competent authorities of the entity upon defining:

- the purpose and duration of the scientific-research activity and the financing of the implementation thereof and

- the qualifications of the foreign researcher regarding the aims of the scientific-research activity, proven on the basis of a certified copy of his or her diploma;

b) the foreign researcher who will perform the scientific-research activity in the Republic of Macedonia will possess sufficient means for subsistence during his or her stay in the Republic of Macedonia and for his or her return and

c) the foreign researcher in the Republic of Macedonia will hold health insurance.

(2) The foreign researcher may teach not longer than eight hours weekly, according to the normative act and standards for establishing higher education establishments and for performing higher education activities.

Duration of Temporary Residence for the Purpose of Scientific-Research

Article 102

(1) Temporary residence for the purpose of scientific research shall be granted for a period of up to one year and it shall be renewed if the requirements referred to in Article 79 of this Law are still fulfilled.

(2) Upon expiry of the validity period for the implementation of the scientific-research project, laid down by the contract, the foreign researcher shall be obliged to leave the territory of the Republic of Macedonia.

g) Temporary Residence for the Purpose of Undergoing Medical Treatment

Requirements for Granting Temporary Residence for the Purposes of Undergoing Medical Treatment

Article 103

Temporary residence for the purpose of undergoing medical treatment shall be granted to the foreigner if the application is accompanied by:

- a certificate issued by a medical institution in the Republic of Macedonia, where the foreigner will undergo a medical treatment, determining the duration of the necessary medical treatment and the possible post-medical treatment,
- certificate issued by the medical institution in the Republic of Macedonia referred to in paragraph (1) indent 1 of this Article, determining that the acceptance of the foreigner undergoing medical treatment in that medical institution, will not adversely affect the patients who are nationals of the Republic of Macedonia and
- a proof of sufficient financial means for undergoing a medical treatment, at the expense of the foreigner or at the expense of the country of origin of the foreigner.

Duration of Temporary Residence for the Purpose of Undergoing Medical Treatment

Article 104

(1) Temporary residence for the purpose of undergoing medical treatment shall be granted for a period of up to a maximum of one year and it may be renewed if the requirements laid down in Article 79 of this Law have been fulfilled.

(2) Upon expiry of the duration of necessary medical treatment and possible post-medical treatment the foreigner shall be obliged to leave the territory of the Republic of Macedonia.

h) Temporary Residence for the Purpose of Accommodation or Caretaking in a Geriatric Care Facility

Requirements for Granting Temporary Residence for the Purpose of Accommodation or Caretaking in a Geriatric Care Facility

Article 105

(1) Temporary residence for the purpose of accommodation or caretaking in a geriatric care facility shall be granted if, the application of the foreigner is accompanied by:

- proof of being older than 60;
- contract on accommodation or caretaking, concluded between the foreigner and the geriatric care facility in the Republic of Macedonia and
- proof that the facility referred to in paragraph (1) indent 2 of this Article has undertaken financial obligations for the expenses in case of the foreigner's death.

(2) By way of derogation from paragraph (1) indent 1 of this Article, where the foreigner is below the age of 60, the application shall be accompanied by appropriate medical documentation issued by their country of origin elaborating on the need of the foreigner's accommodation or caretaking by the geriatric care facility.

Duration of Temporary Residence for the Purpose of Accommodation or Caretaking in a Geriatric Care Facility

Article 106

(1) Temporary residence for the purpose of accommodation or caretaking in a geriatric care facility shall be granted for a period of up to a maximum of one year and it may be renewed if the requirements laid down in Article 79 of this Law have been fulfilled.

(2) Upon expiry of the contract referred to in Article 105 paragraph (1) indent 2 of this Law or in case of its early termination, the foreigner shall be obliged to leave the territory of the Republic of Macedonia.

i) Temporary Residence for the Purposes of Family Reunification

Right to Family Reunification

Article 107

(1) A foreigner who has been granted permanent or temporary residence in the Republic of Macedonia, for a period of one year, for the purposes of employment, scientific-research activity, traineeship, or a foreigner whose country of origin is the Republic of Macedonia, under certain conditions and in accordance with this Law, shall be recognised the right to family reunification with the members of his or her nuclear family who are foreigners, regardless whether the family relationship predates or postdates the entry of the foreigner who is the holder of the right to family reunification (hereinafter: the sponsor).

(2) By way of derogation from paragraph (1) of this Article, the members of the nuclear family of a foreigner holding a temporary residence permit due to seasonal employment within the meanings of Article 88 of this Law, shall not be recognised the right to family reunification.

Member of a Nuclear Family of a Sponsor

Article 108

(1) A member of a nuclear family of a sponsor, in terms of this Law, shall mean a foreigner who is:

- the spouse of the sponsor;
- the minor children of the sponsor and his or her spouse, including adopted children proven by a document from the country of origin where the adoption took place;
- the minor children including adopted children of the sponsor where the sponsor has custody and the children are dependent on him or her;
- the minor children including adopted children of the spouse where the spouse has custody and the children are dependent on him or her .

(2) The minor children must be below the age of 18 and must not be married.

(3) By way of derogation from paragraph (1) of this Article, members of a nuclear family shall also mean foreigners who are:

- parental authorities of the sponsor or his or her spouse, where they are dependent on them and do not enjoy proper family support in the country where he or she lives;
- the adult unmarried children of the sponsor or his or her spouse, where they are objectively unable to provide for their own needs on account of their state of health and
- parental authorities of a minor child, if this is in the best interest of the child.

Rights of the Members of the Sponsor's Nuclear Family

Article 109

The members of the sponsor's nuclear family who have been granted temporary residence in the Republic of Macedonia shall be entitled to access to education, vocational training, employment and self-employment activity, under conditions laid down by a law.

Requirements for Granting Temporary Residence

Article 110

(1) An application for temporary residence for the nuclear family members of the sponsor may be lodged by the sponsor, who has been granted residence in the Republic of Macedonia, and the application shall be lodged to the Ministry of Interior.

(2) The application referred to in paragraph (1) of this Article may be lodged to the Ministry of Interior by a nuclear family member legally residing on the territory of the Republic of Macedonia.

(3) The application of the sponsor shall be accompanied by documentary proof of:

- granted temporary residence on the territory of the Republic of Macedonia;
- family relationship;
- stable and regular means of subsistence which are sufficient for both the sponsor and his or her nuclear family members who intend to reside in the Republic of Macedonia;
- provided accommodation for the members of the nuclear family;
- personal medical insurance, as well as medical insurance for the members of the nuclear family and
- certified copies of their travel documents.

(4) Where an application is lodged for granting temporary residence to minor children of the sponsor or sponsor's spouse, referred to in Article 108 paragraph (1) indent 2 of this Law, and where the parental rights are shared, the sponsor's application must be accompanied by a consent from the other party sharing parental authority, certified by a competent authority of the country of residence of the other parental authority.

(5) Where the custody referred to in Article 108 paragraph (1) indents 3 and 4 of this Law is shared, to exercise the right to family reunification, the application referred to in paragraph (1) of this Article shall be accompanied by a consent from the other party sharing custody, certified by the competent authority of the country of his or her residence.

(6) Temporary residence for purposes of family reunification shall not be granted if there are grounds to suspect that the marriage or the adoption or the custody over minor children was contracted with a sponsor who has been granted temporary residence in the Republic of Macedonia, for the sole purpose of enabling the person concerned to enter or reside in the Republic of Macedonia.

(7) In the event of a polygamous marriage, where the sponsor, who has been granted temporary residence in the Republic of Macedonia, already has a spouse living with him or her on the territory of the Republic of Macedonia, the family reunification of a further spouse shall not be authorised.

Duration of Temporary Residence

Article 111

(1) The members of the sponsor's nuclear family who have been granted temporary residence in the Republic of Macedonia shall be granted temporary residence for a period of one year, with a possibility to renew it for the same period of duration such as the period of temporary residence granted to the sponsor.

(2) The members of the sponsor's nuclear family who have been granted temporary residence in the Republic of Macedonia shall be granted temporary residence for a period of one year, with a possibility of repeatedly renewing it under conditions laid down by a law, until fulfilling the requirements for granting permanent residence.

(3) Besides the reasons referred to in Article 79 paragraph (4) of this Law, the residence referred to in paragraph (1) of this Article shall not be renewed in the following circumstances:

- where the sponsor and his or her family members do not live in a real marital or family relationship;
- where it is found that the sponsor is already married or is in a stable long-term relationship with another person.
- during the procedure for taking a decision for a lodged application for renewal of temporary residence, false or misleading information were provided, or falsified, another person's or invalid documents were used, or fraud was otherwise committed,
- there are grounds to suspect that the marriage, adoption or custody over minor children was contracted with a sponsor who has been granted residence in the Republic of Macedonia; and if
- the residence of the sponsor comes to an end, and the family member does not yet enjoy an autonomous right of residence.

(4) The circumstances referred to in paragraph (3) of this Article may be established from statements given by affected or third parties, based on a written documentation or verifications performed by the Ministry of Interior.

(5) When taking a decision on granting renewal of temporary residence referred to in paragraph (1) of this Article, the duration of the residence of the foreigner in the Republic of Macedonia, his or her personal and family relationships as well as the existence of family, cultural and social ties with his or her country of origin shall be taken into account.

Autonomous Residence Permit

Article 112

(1) Not later than after four years of residence, and provided that the family member has not been granted a residence permit for reasons other than family reunification referred to in Article 71 of this Law, the spouse or a child who has reached majority shall be entitled, upon application, if required, to an autonomous residence permit if they fulfil the requirements referred to in Article 72 of this Law.

(2) By way of derogation of paragraph (1) of this Article, in the event of widowhood, divorce, separation, as well as particularly difficult circumstances for the persons referred to in paragraph (1) of this Article, an autonomous residence permit may be issued if temporary residence by virtue of family reunification was with duration of at least three consecutive years.

Marriage of convenience

Article 113

(1) A marriage of convenience, in terms of this Law, shall mean marriage contracted between a national of the Republic of Macedonia or a foreigner who has been granted residence in the Republic of Macedonia and a foreigner, with the sole purpose of circumventing the rules of entry and residence laid down by this Law and obtaining residence in the Republic of Macedonia.

(2) Factors which may provide grounds for believing that a marriage is one of convenience are in particular:

- the fact that matrimonial cohabitation is not maintained,
- the lack of an appropriate contribution to the responsibilities arising from the marriage,
- the spouses are inconsistent about their respective personal details (name, address, nationality, job etc.), about the circumstances of their first meeting, or about other important personal information concerning them,
- the spouses have not even met before the marriage,

- the spouses do not speak a language understood by both,
- a sum of money has been handed over in order for the marriage to be contracted, with the exception of money given in the form of a dowry in the case of nationals of countries where the provision of a dowry is common practice,
- — the past history of one or both of the spouses contains evidence of previous marriages of convenience or residence anomalies and
- there are other circumstances indicating that the marriage is one of convenience.

(3) The grounds for suspicion referred to in paragraph (2) of this Article shall be established from statements given by those concerned or third parties, based on a written documentation or verifications performed by the Ministry of Interior.

(4) The provisions under paragraphs (1), (2) and (3) of this Article shall apply during the procedure for granting permanent residence.

j) Granting Temporary Residence to a foreigner who is a Member of the Nuclear Family of a National of the Republic of Macedonia
Article 114

A foreigner, who is a member of the nuclear family of a national of the Republic of Macedonia, in accordance with the requirements laid down in this Law, shall have the right to temporary residence in the Republic of Macedonia.

Member of the Nuclear Family of a National of the Republic of Macedonia
Article 115

(1) A member of the nuclear family of a national of the Republic of Macedonia (hereinafter: the national), in terms of this Law, shall mean a person who is:

- the spouse of the national;
- the minor children of the national and of his or her spouse, including adopted children, proven by a document (proof) from the country of origin where the adoption took place;
- the minor children including adopted children of the national, where the national has custody and the children are dependent on him or her and
- the minor children including adopted children of the spouse, where the spouse has custody and the children are dependent on him or her.

(2) The minor children must be below the age of 18 and must not be married.

(3) By way of derogation from paragraph (1) of this Article, members of nuclear family shall also mean foreigners who are:

- parental authorities of the national or his or her spouse, where he or she are dependent on him or her and do not enjoy proper family support in the country where he or she lives;
- the adult unmarried children of the national or his or her spouse, where he or she are objectively unable to provide for his or her own needs on account of his or her state of health and
- parental authorities of a minor child, if this is in the best interest of the child.

Requirements for Granting Temporary Residence
Article 116

(1) The national of the Republic of Macedonia who has a registered domicile in the Republic of Macedonia may apply for temporary residence for the members of his or her nuclear family.

(2) The national of the Republic of Macedonia may lodge the application referred to in paragraph (1) of this Article to the Ministry of Interior as well.

(3) Temporary residence of the person referred to in paragraph (1) of this Article shall be granted for a period of up to one year and it may be renewed under the conditions laid down by this Law.

(4) In the event of widowhood, divorce, or separation, for the persons referred to in paragraph (1) of this Article, an autonomous residence permit may be issued if temporary residence by virtue of family reunification was with a duration of at least three consecutive years, as well as if this is imposed by particularly difficult circumstances.

(5) The temporary residence referred to in paragraph (1) of this Article shall not be granted, nor renewed if there are grounds to suspect that the marriage with the national of the Republic of Macedonia was contracted.

(6) A child born on the territory of the Republic of Macedonia, one of the parental authorities of whom on the date of his or her birth was a national of the Republic of Macedonia, and the other parental authority was a foreigner being granted temporary residence in the Republic of Macedonia, and who is not a holder of a citizenship of the Republic of Macedonia, during his or her first six months of life does not require a residence permit.

(7) By way of derogation from paragraph (6) of this Article, after six months as of the date of birth of the child referred to in paragraph (6) of this Article, the Ministry of Interior shall grant the child permanent residence in the Republic of Macedonia based on a lodged application by the national of the Republic of Macedonia, accompanied by consent from the other parental authority.

k) Temporary Residence of a foreigner whose Country of Origin is the Republic of
Macedonia

Requirement for Granting Residence

Article 117

(1) A foreigner whose country of origin is the Republic of Macedonia shall be granted temporary residence if the foreigner fulfils the requirements for temporary residence laid down in Article 72 of this Law.

(2) Where the foreigner referred to in paragraph (1) of this Article legally resides in the Republic of Macedonia, the application for temporary residence may be lodged to the Ministry of Interior as well.

(3) Temporary residence referred to in paragraph (1) of this Article shall be granted for a period of one year and it can be renewed if the foreigner fulfils the requirements referred to in Article 79 of this Law.

l) Temporary Residence of a foreigner's Child Born in
the Republic of Macedonia

Article 118

(1) A foreigner's child born in the Republic of Macedonia who is not a national of the Republic of Macedonia, shall not require a residence permit during the first six months of their life.

(2) By way of derogation from paragraph (1) of this Article, based on the lodged application by one of the parental authorities or legal guardians, who has been granted temporary residence in the Republic of Macedonia, and in agreement with the other parental

authority, the Ministry of Interior shall grant temporary residence of up to one year to the child referred to in paragraph (1) of this Article, six months after the date of birth of the child.

(3) Temporary residence referred to in paragraph (2) of this Article may be renewed based on a lodged application by one of the parental authorities or legal guardians of the child, whereby it may be renewed for the same period as the validity period of the temporary residence of one of the parental authorities, or legal guardians of the child.

(4) Where one of the parental authorities, or legal guardians of the child referred to in paragraph (1) of this Article has been granted temporary residence in the Republic of Macedonia, the child, six months after the date of his or her birth, and based on a lodged application by a parental authority or a legal guardian, in agreement with the other parental authority, shall be granted temporary residence in the Republic of Macedonia.

m) Temporary Residence of a foreigner who has Acquired the Right to Own Property such as an Apartment, a Residential Building or a House on the Territory of the Republic of Macedonia
Article 119

(1) A foreigner who is a resident of an EU Member State or OECD Member State, shall be granted temporary residence if the foreigner's application is accompanied by proof of acquiring the right to own property such as an apartment, a residential building or a house on the territory of the Republic of Macedonia under conditions laid down by Law.

(2) The temporary residence referred to in paragraph (1) of this Article shall be granted for a period of one year and it may be renewed in accordance with Article 79 of this Law.

n) Temporary Residence on Humanitarian Grounds
Article 120

(1) Temporary residence on humanitarian grounds shall be granted exceptionally, to a foreigner not fulfilling the requirements for temporary residence laid down by this Law under the following circumstances:

- if there are grounds to suspect that he or she is a victim to the offence 'Trafficking in Human Beings' laid down in the Criminal Code;
- to an unaccompanied minor child;
- to a stateless persons or
- other justifiable humanitarian grounds.

(2) The temporary residence referred to in paragraph (1) indents 2, 3 and 4 of this Article shall be granted for a period of one year and it may be renewed if it is found that the humanitarian grounds still exist.

(3) In the event that the foreigner may be granted temporary residence on humanitarian grounds, the provisions for return in accordance with this Law shall be applicable until the humanitarian grounds still exist.

(4) With the approval of the residence referred to in paragraph (1) of this Article, the provisions of Article 145 paragraph (1) and (2) of this Law shall cease to apply for the foreigner.

Temporary Residence for Victims of Trafficking in Human Beings

Recovery and reflection period
Article 121

(1) A foreigner for whom there are grounds to suspect that he she is a victim to the offence 'Trafficking in human beings' laid down by the Criminal Code (hereinafter: victim of

trafficking in human beings) shall be granted a recovery and reflection period in duration of two months allowing them to recover and escape the influence of the perpetrators of the offence 'Trafficking in Human Beings'.

(2) During the recovery and reflection period, the foreigner who is a victim of trafficking in human beings shall take a decision as to whether to cooperate with the competent authorities for determining the offences and prosecuting the perpetrators thereof or whether to return to the country of origin or the country of residence.

(3) The period of recovery and reflection shall not be dependent on willingness for cooperation of the victim of trafficking in human beings with the competent state authorities referred to in paragraph (1) of this Article.

(4) For the duration of the recovery and reflection period, the foreigner referred to in paragraph (1) of this Article shall be accommodated in a separate room in the Reception Centre for Foreigners of the Ministry of Interior, and after being granted temporary residence in accordance with this Law, the foreigner shall be admitted in the Centre for victims of trafficking in human beings of the Ministry of Labour and Social Policy.

(5) The temporary residence referred to in paragraph (4) of this Article shall be granted by the Ministry of Interior within the shortest possible period, not exceeding five days.

(6) In the event that the victims of trafficking in human beings are minor children below the age of 18, the period referred to in paragraph (1) of this Article may be renewed in accordance with the best interests of the minor child.

(7) For the duration of the period referred to in paragraphs (1) and (5) of this Article, it shall not be possible to enforce any expulsion order from the Republic of Macedonia against the foreigner.

(8) The period referred to in paragraph (1) of this Article may end if:

- it is found that the foreigner presents a threat to the public order or national security of the Republic of Macedonia; or

- it is found that the status – victim of the offence 'Trafficking In Human Beings' was acquired in an illegal manner.

(9) The Ministry of Interior shall take a decision to end the period of recovery and reflection, and the foreigner has the right to appeal against it within eight days of the date of receipt of the decision, before the State Second Instance Commission for Decision-Making in Administrative Procedures and Labour Relations Procedures.

(10) The decision of the State Second Instance Commission for Decision-Making in Administrative Procedures and Labour Relations Procedures shall be taken within 30 days of the date of lodging the appeal.

(11) An administrative dispute may be initiated against the decision of State Second Instance Commission for Decision-Making in Administrative Procedures and Labour Relations Procedures before a competent court, in accordance with the Law on Administrative Disputes.

Rights of the Victims of Trafficking in Human Beings during the Recovery and Reflection Period

Article 122

(1) During the recovery and reflection period, the victim of trafficking in human beings concerned shall have access to an appropriate and secure accommodation, medical treatment, as well as psycho-social assistance; translation and interpretation of advice and information on their legal rights as well as legal assistance during criminal or other proceedings in which the victim of trafficking in human beings exercises his or her rights laid down by law.

(2) The victims of trafficking in human beings shall be informed about the right to education, to appropriate judicial and administrative procedures, as well as about exercising the right to asylum, the possibilities of and the procedure for their return in the country of origin or in their country of residence prior to their entry on the territory of the Republic of Macedonia, as well as about the requirements for obtaining temporary residence permit in the Republic of Macedonia.

Expenses during the Period for Taking a Decision

Article 123

The expenses incurred during the recovery and reflection period for the accommodation of the victim of trafficking in human beings in the Reception Centre of the Ministry of Interior, shall be covered by the Budget of the Republic of Macedonia.

Requirements and Duration of Temporary Residence

Article 124

(1) During the recovery and reflection period, the foreigner being granted the status of a victim of trafficking in human beings shall be issued a temporary residence permit, if:

- his or her residence is necessary for his or her personal situation or
- his or her residence is necessary for his or her cooperation with the competent authorities for determining the offences and prosecuting the perpetrators thereof.

(2) The temporary residence referred in paragraph (1) of this Article shall be granted for a period of six months and it shall be renewed, if the requirements referred to in paragraph (1) of this Article have been fulfilled.

Revocation of the Right to Temporary Residence

Article 125

The temporary residence of a victim of trafficking in human beings shall be revoked if:

- the foreigner abuses or loses the status of a victim of trafficking in human beings or
- the foreigner presents a threat to the public order and national security of the Republic of Macedonia.

3. End of Temporary Residence

a) Revocation of Temporary Residence

Reasons for Revocation of Temporary Residence

Article 126

(1) The temporary residence of all foreigners who have been granted temporary residence, except those being granted temporary residence as victims of trafficking in human beings, shall be revoked if:

- he or she has been sentenced to imprisonment of at least three months based on an effective verdict;
- he or she has exhausted the means of subsistence, and the means for accommodation, and the subsistence and accommodation for the duration of the stay in the Republic of Macedonia is not provided in any other legal manner;

- it has been found that a foreigner intentionally provided false information, or that he or she intentionally concealed the purpose and the circumstances significant for issuing the temporary residence permit, or false, another person's or invalid documents were used;

- it has been additionally found that the foreigner no longer fulfils the requirements for granting temporary residence;

- he or she resides contrary to the stated purpose and circumstances for residence;

- he or she refuses to act in accordance with the decisions of state authorities;

- he or she violates some of the provisions of this Law;

- he or she poses a danger to the public order and national security of the Republic Macedonia,

- it is found that the foreigner, on unjustified grounds, did not reside in the Republic of Macedonia, longer than one fourth of the period granted for temporary residence;

- a foreigner has been granted temporary residence for the purpose of family reunification, and it was found that he or she does not live in a real marital or family relationship with the foreigner who has been entitled to family reunification;

- a foreigner has been granted temporary residence for the purpose of employment, and failed to sign an employment contract with the legal entity or the employment contract was no longer valid prior to the expiry of the period of validity of the issued temporary residence permit, or where the foreigner started performing work different of the one stated in the issued temporary residence permit for the purpose of employment, for which the Employment Agency shall submit a notification to the Ministry of Interior;

- it is found that the sponsor is already married or is in a stable long-term relationship with another person or

- there are grounds to suspect that the marriage was contracted with a foreigner who has been granted residence or with a national of the Republic of Macedonia, which was of convenience or there are grounds to suspect that the marriage was contracted regardless of the will of one of the parties.

(2) Upon taking a decision on revocation of temporary residence, the duration of the residence of the foreigner in the Republic of Macedonia, his or her personal, economic and other ties with the Republic of Macedonia shall be taken into account, as well the consequences that will arise from the imposed measure for them and his or her family.

(3) Prior to taking the decision, the foreigner shall be requested to give a statement for the circumstances important for taking the decision.

(4) By way of derogation from paragraph (1) of this Article, the temporary residence shall not be revoked if the seriousness of the offence and the ties of the foreigner with the Republic of Macedonia indicate that the revocation of the temporary residence will lead to disproportionately severe consequences for the foreigner or for a member of his or her nuclear family who legally resides in the Republic of Macedonia.

Competency in Taking Decisions on Revocation of Temporary Residence

Article 127

(1) The Ministry of Interior shall be competent for taking a decision on revocation of temporary residence.

(2) The decision referred to in paragraph (1) of this Article shall define a period for voluntary return during which the foreigner shall be obliged to leave the territory of the Republic of Macedonia in accordance with Article 152 of this Law.

(3) The foreigner shall have the right to appeal against the decision referred to in paragraph (1) of this Article, within eight days of the date of receipt of the decision, before

the State Second Instance Commission for Decision-Making in Administrative Procedures and Labour Relations Procedures.

(4) The appeal against the decision, lodged by a foreigner residing on the territory of the Republic of Macedonia for up to three months, or based on a temporary residence permit - less than three years, shall not postpone the enforcement of the decision.

(5) The provision referred to in paragraph (4) of this Article shall not apply where the foreigner has a child legally residing on the territory of the Republic of Macedonia who lives in a mutual family household with the foreigner.

(6) The decision of the State Second Instance Commission for Decision-Making in Administrative Procedures and Labour Relations Procedures shall be taken within 15 days from the date of lodging the appeal.

(7) An administrative dispute may be initiated against the decision of the State Second Instance Commission for Decision-Making in Administrative Procedures and Labour Relations Procedures before a competent court, in accordance with the Law on Administrative Disputes.

b) End of Temporary Residence Article 128

The temporary residence of a foreigner shall end:

- if he or she was expelled from the Republic of Macedonia,
- if he or she was imposed a ban on entry into the Republic of Macedonia,
- if the right to temporary residence was revoked,
- with the expiry of the validity period of the temporary residence in the Republic of Macedonia, and if the foreigner, within the defined period, does not apply for renewal of the temporary residence permit,
- if the foreigner withdraws the application for temporary residence as of the date of the given statement on withdrawing the temporary residence application or
- when acquiring a citizenship of the Republic of Macedonia.

4. Permanent Residence **4.1 Granting Permanent Residence** Article 129

(1) Permanent residence shall be granted to a foreigner who prior to applying for permanent residence was residing on the territory of the Republic of Macedonia for five consecutive years based on a temporary residence permit.

(2) Permanent residence shall also be granted to a person under international protection who, prior to applying for permanent residence, was residing on the territory of the Republic of Macedonia for five consecutive years based on such status.

(3) Permanent residence shall not be granted to a foreigner residing in the Republic of Macedonia based on a temporary residence permit for the purposes of:

- employment of seasonal workers, daily migrants, displaced workers or seconded employees of service providers for the purposes of cross-border provision of services;
- attending school or pursuing studies;
- participation in international student exchange programme;
- specialisation, vocational or practical training;
- traineeship,
- scientific research,
- family reunification with a sponsor temporarily residing in the Republic of Macedonia for the purpose of scientific research;

- family reunification with a sponsor temporarily residing in the Republic of Macedonia for the purposes of traineeship;

- accommodation or caretaking in geriatric care facilities;

- undergoing medical treatment or

- on humanitarian grounds.

(4) Permanent residence shall not be granted to a foreigner who:

- has an approval to stay in the Republic of Macedonia on the basis of temporary protection or has lodged an application for a residence permit on that basis and awaits the decision on their status;

- has applied for international protection and a final decision has not been taken in the procedure for recognising the right to international protection;

- has a granted temporary residence for the purpose of acquiring the right to own property such as an apartment, residential building or house on the territory of the Republic of Macedonia in accordance with the provisions of this Law and

- has a legal status regulated by the Vienna Convention on Diplomatic Relations from 1961, Vienna Convention on Consular Relations from 1963 or Vienna Convention on the Representation of States in their Relations with International Organisations of a Universal Character.

(5) Permanent residence for the purpose of family reunification shall be granted only to the members of the nuclear family of a sponsor who has been granted permanent residence, if they live in a real marital or family relationship, as well as to the members of a nuclear family depending on the sponsor fulfilling the requirement referred to in paragraph (1) of this Article.

(6) A foreigner whose residence is in the interest of the Republic of Macedonia shall be granted permanent residence prior to the expiry of the period referred to in paragraph (1) of this Article.

(7) The Ministry of Interior shall issue the permanent residence permit and shall personally hand it to the foreigner concerned.

Requirements for Granting Permanent Residence

Article 130

Permanent residence shall be granted to foreigners and to persons under international protection, who:

- until the moment of applying have resided in the Republic of Macedonia for five consecutive years in accordance with Article 129 paragraphs (1) and (2) of this Law;

- possess stable and regular means of subsistence, without depending on social welfare;

- have provided accommodation or possess means for accommodation;

- hold medical insurance;

- within a period of five years prior to applying for permanent residence, have not committed an offence punishable by an imprisonment of at least a year, during their residence in the Republic of Macedonia;

- do not present a threat to the public order, public health, national security or international relations of the Republic of Macedonia and

- speak and understand the Macedonian language at a level allowing them to easily communicate with the community.

Calculation

Article 131

(1) The requirement of having five consecutive years of residence in the Republic of Macedonia referred to in Article 129, paragraph (1) of this Law shall be considered as fulfilled where the foreigner, within the period of five years prior applying for permanent residence, did not reside outside the Republic of Macedonia for six consecutive months or for a period not exceeding ten months in total.

(2) In the event of special or extraordinary reasons of temporary nature, the envisaged period referred to in paragraph (1) of this Article may be extended.

(3) For a foreigner who has granted stay in the Republic of Macedonia in accordance with Article 71 paragraph (1) indents 2, 3 and 4 of this Law, when calculating the period referred to in Article 129 paragraph (1) of this Law, in case he or she meets the requirements of Articles 129 and 130 of this Law, only half of the period of temporary residence shall be counted.

(4) The period referred in Article 129 paragraph (1) of this Law for the persons under international protection, shall be calculated as:

- a half of that period, if the period from the date of applying for international protection to the date of taking a final decision in a procedure for granting the right to international protection, does not exceed 18 months and

- a whole, if the period from the date of applying for international protection to the date of taking a final decision in a procedure for granting the right to international protection, exceeds 18 months.

Special Requirements for Granting Permanent Residence

Article 132

(1) The persons who, upon entering into force of this Law, shall be regarded as foreigners in the Republic of Macedonia, and who were citizens of the Socialist Federal Republic of Yugoslavia and had a legal stay on the territory of the Socialist Republic of Macedonia until September 8th, 1991, had continued their stay in the Republic of Macedonia after September 8th, 1991, as well as their children born on the territory of the Republic of Macedonia, shall acquire the right to permanent residence in the Republic of Macedonia, if they apply for permanent residence within three years of entering into force of this Law.

(2) The provisions under Article 130 of this Law shall not apply for the persons referred to in paragraph (1) of this Article.

(3) In special cases (social welfare dependence, minor children, persons not registered in the Birth Registry), the application referred to in paragraph (1) of this Article in the procedure for granting permanent residence shall be accompanied by an opinion of the competent institution stating that the person or the members of his or her nuclear family have exercised some rights granted by a competent authority in the Republic of Macedonia.

(4) The persons referred to in paragraph (1) of this Article must provide proof that they are not citizens of another country which can reasonably be assumed to be a country of their origin, or the origin of their parental authorities.

(5) The provisions under Article 130 of this Law shall apply for the persons referred to in paragraph (4) of this Article.

Rights of the Foreigner who has been granted Permanent Residence

Article 133

(1) Unless otherwise laid down by another law, the foreigner who has been granted permanent residence in the Republic of Macedonia shall have the same rights as the nationals of the Republic of Macedonia, as follows:

- right to residence in the Republic of Macedonia of indefinite time;
- right to access to employment or self-employment;

- right to access to education and professional training, including studies;
 - right to recognition of professional diplomas, certificates and other qualification;
 - right to social protection and social welfare;
 - right to tax benefits;
 - right to access to goods and services and to procurement of goods and services made available to the public;
 - freedom of association and membership in a certain organisation of employees or employers or organisations, the members of which have joined on the basis of certain occupations and
 - freedom of access to the entire territory of the Republic of Macedonia, except in areas where the movement is banned or restricted for the purpose of protecting the security or defence of the Republic of Macedonia.
- (2) The foreigner who has been granted permanent residence may enter and exit the Republic of Macedonia without holding a visa.
- (3), The foreigner shall be informed about the rights referred to in paragraphs (1) and (2) of this Article by the Ministry of the Interior upon submitting the decision referred to in Article 135 of the this Law.

Procedure for Granting Permanent Residence
Application for Permanent Residence
 Article 134

- (1) Permanent residence shall be granted upon an application lodged by a foreigner.
- (2) Along with the application of paragraph (1) of this Article, a foreigner shall be obliged to enclose a valid travel document or a certified copy of it, as well as proof that the requirements of Article 130 paragraph (1) indents 1, 2, 3, 4 and 6 of this Law have been fulfilled.
- (3) By way of derogation from paragraph (2) of this Article, a foreigner who is a person under international protection, as well as the person referred to in Article 130 paragraph (1) of this Law, shall not be obliged to enclose a valid travel document or a certified copy thereof.
- (4) Upon examination of the application for permanent residence, due regard will be paid to the best interests of minor children.

Competency in Taking Decisions on Granting Permanent Residence
 Article 135

- (1) The Ministry of Interior shall decide on the application for permanent residence by a foreigner, within four months at the latest from the day of lodging the application along with the documents referred to in Article 134 paragraph (2) of this Law.
- (2) In exceptional cases related to the complexity of scrutiny of application, the period referred to in paragraph (1) of this Article may be extended for no longer than three months.
- (3) In the event of rejection of permanent residence to a foreigner for reasons laid down in Article 130 paragraph (1) indent 6 of this Law, the competent authority shall not be obliged to elaborate the reasons that were taken in consideration when taking such a decision.
- (4) A foreigner shall have the right to appeal against the decision referred to in paragraph (1) of this Article, within eight days from the receipt of the decision, before the State Second Instance Commission for Decision-Making in Administrative Procedures and Labour Relations Procedures
- (5) The decision of the State Second Instance Commission for Decision-Making in Administrative Procedures and Labour Relations Procedures shall be taken within 30 days from the day of lodging of the appeal.

(6) Administrative dispute may be initiated before a competent court, in accordance with Law, against the decision of the State Second Instance Commission for Decision-Making in Administrative Procedures and Labour Relations Procedures.

4.2 Ending of Permanent Residence a) Revocation of Permanent Residence

Reasons for Revocation of Permanent Residence

Article 136

(1) A foreigner who has been granted permanent residence in the Republic of Macedonia shall have his or her permanent residence revoked if:

- he or she was sentenced to imprisonment of at least one year with a final verdict for a criminal offense prosecuted ex officio and which poses a danger to the public order in the Republic of Macedonia,,

- it has been found that a foreigner intentionally provided false information, or that intentionally concealed the purpose and the circumstances significant for issuing the temporary residence permit.

- it has been found that the foreigner has been continuously residing outside the Republic of Macedon for more than 12 months, without the approval by the Ministry of Interior or

- the international protection of the foreigner in the Republic of Macedonia has ended.

(2) In addition to the foreigner referred to in Article 129 paragraph (2) of this Law, the Ministry of Interior may grant approval for a foreigner to stay outside of the Republic of Macedonia for longer than 12 consecutive months without revoking the right to permanent residence, taking due regard of the duration of stay of a foreigner in the Republic of Macedonia, as well as the purpose and circumstances of the stay outside the Republic of Macedonia.

(3) When deciding on revoking the right to permanent residence, due regard shall be taken to the duration of stay of a foreigner in the Republic of Macedonia, the age of a foreigner, his or her personal, economic and other relations with the Republic of Macedonia, as well as the consequences of such a decision for himself or herself or for his or her nuclear family.

(4) Before taking a decision, the foreigner shall be required to give a statement on the circumstances important for taking a decision.

(5) Permanent residence shall not be revoked if the seriousness of the committed act and the relations of a foreigner with the Republic of Macedonia point out that revoking permanent residence will have disproportionately negative consequences for the foreigner or for the members of his or her nuclear family legally staying on the territory of the Republic of Macedonia.

Competency in Taking Decisions on Revocation of Permanent Residence

Article 137

(1) The Ministry of Interior shall take a decision on revocation of permanent residence.

(2) The decision referred to in paragraph (1) of this Article shall specify the period of voluntary return wherein a foreigner shall be obliged to leave the territory of the Republic of Macedonia in accordance with Article 152 of this Law.

(3) A foreigner shall have the right to appeal against the decision referred to in paragraph (1) of this Article, within eight days from the receipt of the decision, before the

State Second Instance Commission for Decision-Making in Administrative Procedures and Labour Relations Procedures.

(4) The appeal referred to in paragraph (3) of this Article shall postpone the enforcement of decision, unless the foreigner presents a threat to public order, public policy and national security.

(5) The decision of the State Second Instance Commission for Decision-Making in Administrative Procedures and Labour Relations Procedures shall be taken within 30 days since the day of lodging the appeal.

(6) In accordance with the Law on Administrative Disputes, an administrative dispute may be initiated before a competent court, against the decision of State Second Instance Commission for Decision-Making in Administrative Procedures and Labour Relations Procedures.

b) End of Permanent Residence Article 138

(1) Permanent residence of a foreigner shall end if:

- he or she has been expelled from the Republic of Macedonia;
- he or she has been imposed a ban on entry into the Republic of Macedonia;
- his or her right to permanent residence has been revoked;
- he or she has resigned the right to permanent residence from the day of lodged statement for revocation of permanent residence permit and
- he or she has obtained citizenship of the Republic of Macedonia.

(2) The expiry of the validity of permanent residence permit shall not mean an end of the right to permanent stay of a foreigner.

5. Form and Content of Residence Permit

Article 139

(1) The temporary residence permit and the permanent residence permit (hereinafter: residence permit) shall be issued as a separate document.

(2) The residence permit shall contain the following:

- type of residence permit;
- number of permit;
- photograph of the permit holder;
- name and surname of the person to whom the permit was issued;
- date of expiry;
- place and date of issuing;
- nationality;
- place and date of birth;
- sex;
- personal identification number for a foreigner for the person to whom it was issued;
- signature of the permit holder;
- temporary residence and address or permanent residence and address;
- coat of arms of the Republic of Macedonia;

- machine readable zone;
 - security printing techniques;
 - ultraviolet and infrared protection;
 - protection with optically variable inks;
 - special effective protection motives against forgery and fraud;
 - protection against copying and
 - issuing techniques protection.
- (2) The residence permit shall contain integrated security features.

Validity of the Residence Permits

Article 140

(1) The special document on which the permanent residence permit is issued for a foreigner at the age of five to 27, shall be issued with a validity period of five years, and for a foreigner above the age of 27 shall be issued with a validity period of ten years.

(2) The permanent residence permit shall be renewed upon the expiry of its validity period.

(3) The special document on which the temporary residence permit is issued shall be issued with the same validity period as that of the decision allowing temporary residence for a maximum of one year.

Obligation for Carrying of Residence Permit

Article 141

A foreigner shall be obliged to carry along the residence permit with them.

Obligation for Replacement of Residence Permit

Article 142

(1) A foreigner shall be obliged to lodge a request for replacement of the residence permit:

- if it has been damaged or deteriorated, or it cannot serve its purpose for other reasons;
- if a foreigner has changed their name or
- when there has been an expiry of its validity period, referred to in Article 140 paragraph (1) of this Law.

(2) A foreigner shall be obliged to lodge a request for replacement of the residence permit, within 15 days at the latest from the day of occurrence of any of the reasons referred to in paragraph (1) of this Article.

Obligation to Return the Residence Permit

Article 143

(1) A foreigner shall be obliged to return the issued residence permit to the Ministry of Interior, in cases referred to in Articles 128 and 138 of this Law.

6. Limitation or Movement Ban of Foreigners in the Republic of Macedonia

Article 144

The Government of the Republic of Macedonia may issue a special decree for limiting or banning the movement of foreigners in designated areas or banning the permanent or temporary residence at certain places when it is required for protection of security or defence of the Republic of Macedonia.

Chapter V

RETURN OF A FOREIGNER

1. Conditions for Return

Article 145

(1) The Ministry of Interior shall decide on the return of a foreigner whose legal stay in the country has been cancelled or revoked, who illegally stays or has been expelled from the territory of the Republic of Macedonia in accordance with the provisions of this Law.

(2) The return decision is an integral part of the decisions cancelling or revoking legal stay of the foreigner, as well as return decision and expulsion decision.

(3) Regarding the return decision, as well as the part of the decisions referred to in paragraph (2) of this Article referring to return of the foreigner and legal remedies, translation shall be provided, at the request of the foreigner, in a language that they understand or may reasonably be presumed to understand.

(4) Exceptionally, in cases when the foreigner has illegally crossed the state border outside the place, time and manner defined for crossing the state border or has been caught immediately after illegally crossing the state border, no actions in accordance with paragraph (3) of this Article shall be taken.

Principle of Non-Refoulement, Best Interests of Minors, Family Life and Health Condition

Article 146

(1) The return of the foreigner shall be performed in accordance with the principle of non-refoulement, best interests of the minors and the needs of other vulnerable persons and human trafficking victims, the family life and the health condition of the foreigner.

(2) The foreigner shall be returned in his or her country of origin, and transit country in accordance with the readmission agreements or other procedures, as well as in other

country in which he or she voluntarily decides to return and where he or she shall be admitted.

(3) Minor foreigners may not return in the country of origin or in a third country which agrees to admit him or her as long as this country does not provide appropriate admission conditions.

(4) The minor must not be returned in a third country where his or her return would be contrary to the Convention on the Rights of the Child, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, or the Convention for the Protection of Human Rights and Fundamental Freedoms.

Illegal Stay

Reasons for Illegal Stay

Article 147

The foreigner shall be considered to stay illegally in the Republic of Macedonia if he or she does not fulfil or no longer fulfils the entry and stay requirements, or if he or she:

- has entered the Republic of Macedonia illegally
- stays longer than 90 days during the 180 days preceding every day of stay in the Republic of Macedonia, and no visa is required for his or her entry;
- does not hold valid visa, if required, in accordance with the visa regime of the Republic of Macedonia;
- has used the visa or the validity of the issued visa has expired;
- with the expiration of the period for which the temporary residence in the Republic of Macedonia has been granted, and if he or she does not lodge a request for renewal of the temporary residence permit within the specified deadline;
- did not exit the Republic of Macedonia within the deadline set for them,
- entered the Republic of Macedonia prior to the expiration of the entry ban,
- has been finally rejected in the procedure for and application for international protection from the Republic of Macedonia in accordance with the Law on International and Temporary Protection and has not exited the territory of the Republic of Macedonia within the defined period.
- the foreigner who expressed their intention to lodge a request for recognition of the right to asylum, if within 72 hours he or she did not lodge a request for recognition of the right to asylum in accordance with the provisions of the Law on International and Temporary Protection.

(2) The provision referred to in paragraph (1) indent 1 of this Article shall not apply to a foreigner for whom there are grounds for suspecting that he or she is victim to a criminal offense of “Human trafficking”, if the unauthorised entry was committed as a consequence of the criminal offense “Human trafficking “.

(3) The provision referred to in paragraph (1) indent 1 of this Article shall not apply to a foreigner who has requested recognition of the right to international protection in accordance with the Law on International and temporary protection.

Competency in Taking a Decision on Return of a foreigner

Article 148

(1) The Ministry of Interior shall take a decision on return of the foreigner referred to in the cases of Article 147 of this Law.

(2) The return decision shall define a period of voluntary return during which the foreigner shall be obliged to leave the territory of the Republic of Macedonia in accordance with the Article 152 of this Law.

(3) With the decision referred to in paragraph (1) of this Article the foreigner shall be informed on his or her expulsion from the Republic of Macedonia if he or she does not leave the territory of the Republic of Macedonia within the period of voluntarily return.

(4) Against the decision referred to in paragraph (1) of this Article, the foreigner may initiate an administrative dispute before a competent court.

(5) The initiation of an administrative dispute before the competent court referred to in paragraph (4) of this Article shall not postpone the execution of the return decision.

(6) The procedure before the competent court shall be urgent.

2. Expulsion of a Foreigner

Reasons for Expulsion

Article 149

(1) A foreigner shall be expelled if he or she:

- has been sentenced to prison in duration of at least one year by the means of enforceable judgement;

- presents serious threat to public order, public policy, national security or international relations of the Republic of Macedonia;

- if there are serious grounds to belief that he or she committed serious crimes, especially crimes related to production and putting into circulation of narcotic drugs, psychotropic substances and precursors or there are strong proof for his or her intention to perform such crimes on the territory of the Republic of Macedonia;

- has been finally rejected in the procedure for the lodged application for exercising the right of international protection by the Republic of Macedonia, as well as the person whose asylum right is terminated, annulled or revoked in accordance with the Law on International and Temporary Protection and did not leave the territory of the Republic of Macedonia within a certain period of time in accordance with the Law and

- resides opposite the stated aim and the circumstances of the stay,

- presents a threat to the public health, or

- has committed several repeated or more serious violations of the provisions of this Law.

(2) The provision referred to in paragraph (1) indent 6 of this Article shall not be applied if the illness of the foreigner posing a risk to the public health occurred three months after the entry of the foreigner in the Republic of Macedonia.

(3) The duration of stay of the foreigner in the Republic of Macedonia, his or her age, personal, economic or other relations in the Republic of Macedonia and the consequences resulting from the measure imposed to him or her or a member of his or

her nuclear family legally staying in the Republic of Macedonia shall be taken into account when deciding on expulsion of the foreigner from the Republic of Macedonia.

(4) Provisions of this Article shall not be applied to a foreigner seeking international protection from the Republic of Macedonia in accordance with the Law on International and Temporary Protection.

Expulsion of Foreigners Enjoying Special Protection

Article 150

(1) A foreigner who has been granted permanent residence in the Republic of Macedonia and a foreigner who is a spouse of a national of the Republic of Macedonia and who resides in the Republic of Macedonia on the basis of temporary residence permit may be expelled from the Republic of Macedonia only if he or she:

- has been sentenced to prison in duration of at least three years by the means of enforceable judgement, and

- presents serious threat to the public order, national security or international relations of the Republic of Macedonia.

(2) The foreigner referred to in paragraph (1) indent 1 of this Article shall not be expelled if the seriousness of the committed criminal offence and the relation of the foreigner with the Republic of Macedonia indicate that the expulsion of the foreigner will have serious consequences to the foreigner or a member to his or her nuclear family legally staying in the Republic of Macedonia.

Competency in Taking Decisions

Article 151

(1) The Ministry of Interior shall take a decision on expulsion of the foreigner from the Republic of Macedonia.

(2) The decision referred to in paragraph (1) of this Article shall define a period of voluntary return within which the foreigner shall be obliged to leave the territory of the Republic of Macedonia according to the Article 152 of this Law, as well as the period within which he or she shall be banned to re-enter the Republic of Macedonia, set out in the Article 153 of this Law.

(3) In the event the foreigner is expelled due to reasons referred to in Article 149 paragraph (1) indents 2 and 3 of this Law, the competent authority shall not be obliged to elaborate upon the reasons taken into account upon taking such a decision.

(4) The foreigner shall be notified, by means of a decision from paragraph (1) of this Article, that if he or she does not voluntary leave the territory of the Republic of Macedonia within the defined period, he or she shall be removed from the Republic of Macedonia.

(5) A foreigner may initiate administrative dispute before a competent court in accordance with the Law on Administrative Disputes against the decision referred to in paragraph (1) of this Article.

(6) The initiation of an administrative dispute before a competent court of paragraph 5 of this Article shall not postpone the enforcement of the decision.

(7) The expulsion, the period within which the foreigner shall be obliged to leave the territory of the Republic of Macedonia, as well as the period within which the foreigner is banned to re-enter the Republic of Macedonia shall be affixed to the travel document of the foreigner, if he or she is in possession of one.

Period of Voluntary Return

Article 152

(1) The period of voluntary return shall be between seven and thirty days and shall not exclude the possibility of early departure of the foreigner.

(2) The time necessary for the foreigner to obtain the necessary documents or means of subsistence to leave the Republic of Macedonia shall be taken into account when defining the period within which the foreigner shall be obliged to leave the territory of the Republic of Macedonia.

(3) By way of derogation from paragraph (1) of this Article, if there are justified reasons (duration of their stay, minors attending classes and other justified reasons), at the request of the foreigner, the Ministry of Interior may extend the period referred to in paragraph (1) of this Article, no longer than 90 days.

(4) In the period of voluntary return, as well as in the event referred to in paragraph (3) of this Article, the foreigner shall be provided with maintenance of the family community with his or her family members present on the territory of the Republic of Macedonia, emergency health care and essential treatment of the illness in case of illness, meeting the special needs of the vulnerable persons, as well as an access to primary education to minors depending on the duration of his or her stay.

(5) In the event of a risk of absconding or if the foreigner presents a threat to the public order, national security or international relations of the Republic of Macedonia, as well as in the event of a short-term stay cancelation by a decision, it shall be determined that the foreigner may leave the Republic of Macedonia, within a period shorter than the one referred to in paragraph 1 of this Article..

(6) The Ministry of the Interior may change the decision referred to in paragraph (5) of this Article and to additionally determine a voluntary departure period, taking into account the specific circumstances such as (duration of stay, children attending school, the existence of another family, social connections and the like).

(7) In case of vulnerable category of a foreigner for whom a period for voluntary return has been defined in accordance with paragraphs (1) and (3) of this Article, he or she may be accommodated to a certain place by the Ministry of Labour and Social Policy.

(8) In order to avoid the risk of absconding, a foreigner granted a voluntary return period may be obliged to regularly report to the Ministry of Interior, to place an appropriate financial guarantee, to attach documents or to stay in a certain place.

(9) The Ministry of Labour and Social Policy shall propose measures for support of the process of voluntary return by means of an Annual Programme.

(10) A foreigner who has been granted a voluntary return period may lodge a voluntary return process support request.

(11) The period within which the foreigner shall be obliged to leave the territory of the Republic of Macedonia shall be registered in the travel document of the foreigner, if he or she is in possession of one.

Entry Ban

Article 153

(1) A foreigner who failed to leave the Republic of Macedonia within the period for voluntary return or who has been defined a voluntary period according to the Article 152 paragraph 5, whose short-term stay has been cancelled with a decision from the Ministry of Interior or who has been expelled from the Republic of Macedonia, a period of time can be defined in which they cannot enter the Republic of Macedonia.

(2) The period within which the foreigner is banned to re-enter the Republic of Macedonia shall not be longer than five years.

(3) When an expulsion decision has been taken, the entry ban shall not be shorter than six months.

(4) When a decision on cancellation of the short-term stay has been taken the entry ban shall not be shorter than 30 days or longer than three months.

(5) By way of derogation, the period referred to in paragraph (2) of this Article may be longer if the foreigner poses a serious threat to the public order, public policy or national security in cases defined by special law.

(6) When deciding upon the entry ban into the Republic of Macedonia, the length of the foreigner's stay in the Republic of Macedonia, his age, his personal, economic and other relations with the Republic of Macedonia and the consequences arising from the pronounced measure for him or her or the member of his or her nuclear family who legally reside in the Republic of Macedonia, shall be taken into account.

(7) If there are humanitarian grounds or causes of interest to the Republic of Macedonia, the Ministry of Interior of the foreigner may suspend or shorten the entry ban period if he or she prove that he or she fully acted in accordance with the decision referred to in Article 151 paragraph (2) of this Law in order to facilitate the voluntary return.

(8) In the event when the foreigner has lodged an asylum application, the entry ban will be interrupted, and where he or she has been granted refugee status or a status of a person under subsidiary protection, the entry ban will be withdrawn.

(9) The foreigner shall lodge the application referred to in paragraph (7) of this Article to the Ministry of Interior via diplomatic missions/consular posts of the Republic of Macedonia abroad.

(10) The entry ban shall be affixed to the travel document of the foreigner if he or she holds any.

Removal

Article 154

(1) A foreigner who failed to leave the Republic of Macedonia within the period for voluntary return or when voluntary return has not been imposed in the cases laid down by this Law, he or she shall be removed from the territory of the Republic of Macedonia.

(2) A foreigner to whom a sentence or misdemeanour sanction – expulsion of a foreigner from the country has been imposed shall be immediately removed from the country.

Carrying Out of Removal

Article 155

(1) In cases when a period for voluntary return has been defined, the removal referred to in Article 154 paragraph (1) of this Law shall be carried out after the expiry of the period, unless, meanwhile, the circumstances referred to in Article 151 paragraph (5) of this Law occurred.

(2) Police officers from the Ministry of Interior shall escort the foreigner who should be removed from the country in accordance with this Law, send him or her across the border, hand him or her over to the representatives of the foreign country the national of which the foreigner is or to the representatives of the foreign country wherefrom he or she has arrived.

(3) Where there are justified grounds for this, the foreigner may, with their consent, be transferred to a third country which is not a country of origin (country whose national he or she is) or a country of transit. .

(4) When carrying out the removal, the physical state and the mental capacity of the foreigner need to be taken into account..

(5) If during the removal the foreigner resists and the officials are forced to use coercive measures, such measures shall be applied in proportionate and reasonable manner, in accordance with the law, respecting the fundamental rights, dignity and physical integrity of the foreigner.

(6) Unaccompanied minor shall be removed in a country where he or she will be returned to a family member, appointed guardian or in a child reception facility.

(7) In the procedure for removal of the foreigner, the Ministry of Interior may cooperate with other state bodies, competent authorities of other states or international organisations.

Postponement of Removal

Article 156

(1) The removal of the foreigner shall be postponed for an appropriate period of time taking into account the specific circumstances of the individual case, when:

- the principle of non-refoulement has been violated;
- the physical state or health condition of the foreigner has deteriorated, or
- there is a lack of transport capacity during the return of the foreigner.

(2) In cases referred to in paragraph (1) indents 1, 2 and 3 of this Article, the Ministry of Interior shall issue the foreigner a certificate for postponing the removal.

(3) Obligations referred to in Article 152 paragraph (8) of this Law may be imposed to the foreigner whose removal has been postponed.

(4) In the period of postponement of the removal, the foreigner shall be provided with maintenance of the family community with his or her family members present on the territory of the Republic of Macedonia, emergency health care and essential treatment of illness in case of illness, meeting of the special needs of the vulnerable persons, as

well as an access to primary education to minors depending on the duration of their stay.

Ban on Removal of a foreigner

Article 157

A foreigner must not be removed in a country where:

- his or her life or freedom would be in jeopardy because of his or her race, religion, nationality, affiliation to a social group or political opinion, or
- he or she would be subjected to torture, inhuman or degrading treatment or punishment.

Temporary Detention of a foreigner

Article 158

(1) In order to ensure the removal procedure, the foreigner may be detained by the Ministry of Interior not longer than 24 hours.

(2) The foreigner referred to in paragraph (1) of this Article shall immediately be notified of the reasons for the detention and of the possibility, upon his or her request, to inform the diplomatic mission/consular post of the state whose nationals he or she is, to contact the legal representative and members of his or her family.

(3) In the event of detention of unaccompanied minor, the Social Work Centre and the diplomatic missions/consular post of the country whose national the minor is, shall be immediately notified.

(4) The detention of the foreigner shall terminate immediately after the reasons for his or her detention ceased to exist, at the latest by the expiration of the period laid down in paragraph (1) of this Article.

Foreigner's Accommodation in the Reception Centre for Foreigners of the Ministry of Interior

Article 159

(1) Reception Centre for Foreigners of the Ministry of Interior (hereinafter referred to as the Reception Centre) shall be established for accommodation of foreigners who cannot be removed from the territory of the Republic of Macedonia by any reason within the period laid down in Article 158 paragraph (1) of this Law.

(2) A foreigner may be temporarily detained in the Reception Centre if illegally residing on the territory of the Republic of Macedonia, is subject to a return decision due to the risk of absconding, or if the foreigner avoids or obstructs the return procedure, he or she.

(3) A foreigner, subject to a taken return decision, who does not hold a valid travel document, may temporarily be detained in the Reception Centre, due to which he or she may not voluntarily leave the Republic of Macedonia.

(4) An asylum seeker for whom a decision on limitation of freedom of movement has been taken in accordance with the law may temporarily be detained in the Reception Centre.

(5) Unaccompanied minor who, due to objective reasons, cannot be immediately returned to the authority of the country whose national he or she is, shall be accommodated in a separate unit for minors within the Reception Centre, of which the

Social Work Centre shall be notified for the purposes of appointment of a guardian in accordance with the Law on Family.

(6) In the events referred to in paragraph (5) of this Article the principle of best interest of the child shall be respected.

(7) Unaccompanied minors and families with minors shall be detained in the Reception Centre only as a measure of last resort and for the shortest possible period of time.

(8) During their accommodation in the Reception Centre foreigners shall have the possibility to engage in leisure activities appropriate to their age, legal, social, medical and psychological support, and shall have a right to an education in the educational institutions in the Republic of Macedonia.

Competency in Taking a Decision

Article 160

(1) The Ministry of Interior shall take a decision on temporary detention of foreigners referred to in Article 159 of this Law in the Reception Centre.

(2) The foreigner may initiate administrative dispute against the decision referred to in paragraph (1) of this Article before a competent court in accordance with the Law on Administrative Disputes.

(3) The initiation of the administrative dispute from paragraph (2) of this Article shall not postpone the enforcement of the decision.

(4) The procedure before the competent court is urgent.

Duration of Temporary Detention in the Reception Centre

Article 161

(1) The foreigner shall be temporary detained in the Reception Centre until the reasons preventing his or her removal from the territory of the Republic of Macedonia cease to exist, but no longer than six months.

(2) Exceptionally, the detention referred to in paragraph (1) of this Article may be extended for a maximum of 12 months if the foreigner:

- refuses to provide personal or other information and documents necessary for his or her removal or has given false data;
- otherwise prevents or prolongs his or her removal, or
- if it is reasonably expected he or she to submit travel or other documents necessary for the removal and requested by the competent authorities of other countries.

(3) The foreigner referred to in Article 159 paragraph (3) of this Law shall be detained in the Reception Centre until he or she obtain valid travel document from the country whose national he or she are or until the issuing of the passport from Article 170 paragraph (2) of this Law.

(4) The foreigner must not leave the Reception Centre unless there are particularly justified reasons and has received consent from the competent authority.

(5) After the expiration of the periods referred to in paragraphs (1) and (2) of this Article the foreigner shall leave the Reception Centre.

Article 162

If a foreigner who cannot be removed, as well as the foreigner referred to in Article 159 paragraph (3) of this Law, has provided accommodation and means of subsistence in the Republic of Macedonia, and by the circumstances of the case, it can be assessed that he or she does not need accommodation in the Reception Centre, the Ministry of Interior may take a decision to limit the movement only in the place of residence and to determine an obligation for its regular appearance at certain time periods in the Ministry of Interior.

Termination of Temporary Detention in the Reception Centre

Article 163

(1) The temporary detention in the Reception Centre shall be terminated:

- by removal of the foreigner;
- by expiration of the period for which the temporary detention has been imposed;
- if the stay of the foreigner becomes legal;
- if the decision on detention has been annulled;
- by release from the Reception Centre.

(2) The foreigner shall be released from the Reception Centre if:

- the circumstances point out that the removal cannot be carried out;
- the foreigner is temporary detained in the Reception Centre when their identity cannot be established in accordance with Article 183 paragraph (3) of this Law, and after the establishment of the identity new solution for temporary detention in the Reception Centre has not been taken.

(3) A foreigner may be released from the Reception Centre in the event that:

- the removal of the foreigner is delayed due to violation of the principle of non-return and
- the conditions referred to in Article 162 of this Law have been met.

(4) The Ministry of Interior shall take a decision on the termination of temporary stay of the foreigner in the Reception Centre.

(5) The foreigner may initiate an administrative dispute against the decision referred to in paragraph (1) of this Article, before a competent court in accordance with the Law on Administrative Disputes.

(6) The initiation of an administrative dispute before the competent court referred to in paragraph (5) of this Article does not postpone the execution of the decision.

(7) The procedure before the competent court is urgent.

Expenses for Removal

Article 164

(1) The expenses incurred as a result of the temporary detention of the foreigner in the Reception Centre, as well as other expenses which will be incurred as a result of his or her removal shall be borne by the foreigner.

(2) In the event foreigner has no means, the expenses shall be borne by the carrier that brought the foreigner without a valid or recognised travel document or with a travel document without visa or residence permit, if required, on the territory of the Republic of Macedonia.

(3) In case the expenses are not borne by the carrier in accordance with paragraph (2) of this Article, the expenses shall be borne by the person who took on an obligation to cover the expenses of the foreigner during his or her stay in the Republic of Macedonia.

(4) In cases where no means can be provided in a manner defined in paragraphs (1), (2), and (3) of this Article, the expenses shall be covered by the Budget of the Republic of Macedonia.

Chapter VI

TRAVEL AND OTHER DOCUMENTS OF FOREIGNERS

1. Travel Documents

Definition of a Travel Document

Article 165

Travel documents, in terms of this Law, shall be:

- foreign travel document, and
- travel document for a foreigner.

Foreign Travel Document

Article 166

In terms of this Law, a foreign travel document shall be:

- a passport or other travel document issued in accordance with the international standards by countries and international organisations recognised and accepted by the Republic of Macedonia;
- a passport or other travel documents which although issued by countries or international organisation not recognised by the Government of the Republic of Macedonia, do guarantee return of a foreigner and which have been specified as travel documents enabling entry and stay in the Republic of Macedonia by a regulation of the Government of the Republic of Macedonia;
- a travel document for recognised refugee issued in accordance with the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees, and
- a travel document for stateless person issued in accordance with the 1954 Convention Relating to the Status of Stateless Persons.

Requirement for Acceptance of a Foreign Travel Document

Article 167

(1) The foreign travel document shall be accepted as valid where it:

- contains data establishing the identity of the holder, and in case of the travel documents referred to in Article 166 indents 1 and 2 of this Law data on the nationality and nationality of the holder,
- is issued in accordance with the international standards,
- its validity period is at least three months longer than the stay in the Republic of Macedonia granted to the foreigner,
- enables return of the foreigner to his or her country of origin or entry in a third country, and
- is complete, not tampered with, false or counterfeited.

Travel Document for a foreigner

Article 168

(1) Travel document for a foreigner shall be a document issued by a competent authority of the Republic of Macedonia to a foreigner legally staying in the Republic of Macedonia.

(2) Travel document for a foreigner shall be:

- a passport for a foreigner;
- emergency travel document for foreigners;
- a travel document for a stateless person in accordance with 1954 Convention Relating to the Status of Stateless Persons, and
- a travel document for a recognised refugee in accordance with the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees established by law.

Application for a Travel Document for a foreigner

Article 169

(1) A travel document for a foreigner shall be issued upon an application of a foreigner who has turned 18 years of age and has a full legal capacity.

(2) The application for a travel document for a minor i.e. a person without full legal capacity shall be lodged by one of the parental authority with consent of the other parental authority.

(3) When the parental right is exercised by one of the parental authorities, the application for a travel document for a person under the age of 18 shall be lodged by the parental authority entrusted with the parental responsibility.

(4) The Ministry of Interior shall take a decision on the application of the foreigner against which the foreigner shall have a right to appeal before the State Second Instance Commission for Decision-Making in Administrative Procedures and Labour Relations Procedures within eight days as of the day of receipt of decision.

(5) The State Second Instance Commission for Decision-Making in Administrative Procedures and Labour Relations Procedures shall take a decision within 30 days from the date of lodging the appeal.

(6) An administrative dispute may be initiated against the decision of the State Second Instance Commission for Decision-Making in Administrative Procedures and Labour Relations Procedures before a competent court in accordance with the Law on Administrative Disputes.

(7) The provisions referred to in paragraphs (1), (2), (3), (4), (5), and (6) of this Article shall not apply to the issuing of a travel document for a refugee.

Passport for a foreigner

Article 170

(1) A passport for a foreigner may be issued to a foreigner who legally stays in the Republic of Macedonia, but does not hold and is unable to obtain valid foreign travel document from the country whose national he or she is for the purposes of entry into and exit from the Republic of Macedonia.

(2) A passport for a foreigner may be issued to a foreigner who should leave the territory of the Republic of Macedonia, but does not hold and is unable to obtain valid foreign travel document whose national he or she is in order to exit the Republic of Macedonia.

(3) The provision referred to in paragraph (1) of this Article shall not apply to a foreigner with a refugee status in accordance with the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees.

Article 171

(1) The Ministry of Interior shall issue the passport for a foreigner.

(2) A passport for a foreigner shall be issued to a foreigner who has a temporary residence permit in the Republic of Macedonia and who fulfils the requirements referred to in Article 178 of this Law with a validity period until the expiry of the temporary residence permit, but no longer than one year.

(3) A passport for a foreigner with a validity period of up to two years shall be issued to a foreigner who has a permanent residence permit and who fulfils the requirements from Article 178 of this Law.

Article 172

(1) The passport for a foreigner shall enable entry into and exit from the Republic of Macedonia to a foreigner within the period for which it has been issued.

(2) The passport for foreigner shall be valid for all countries except for the country whose national the foreigner is.

(3) By way of derogation from paragraph (2) of this Article, the passport for a foreigner may also be issued with validity only for certain countries.

(4) Where there are precisely justified reasons, the passport may also be valid for the country whose national the foreigner is.

Emergency Travel Document for Foreigners

Article 173

(1) Emergency travel document for foreigners shall be issued by the diplomatic missions/consular posts of the Republic of Macedonia abroad on the basis of prior consent by the Ministry of Interior to a foreigner who legally stays in the Republic of Macedonia and who was left abroad without a valid travel document issued by competent authority of the Republic of Macedonia.

(2) The document referred to in paragraph (1) of this Article shall be valid only for return of the foreigner in the Republic of Macedonia and shall be issued with a validity period of up to 30 days.

Travel Document for a Stateless Person

Article 174

(1) Travel document for a stateless person shall be issued by the Ministry of Interior in accordance with the 1954 Convention Relating to the Status of Stateless Person.

(2) The travel document referred to in paragraph (1) of this Article shall be issued with a validity period of up to one year.

(3) The travel document referred to in paragraph (1) of this Article may be extended in accordance with the 1954 Convention Relating to the Status of Stateless Person.

Travel Document for a Refugee

Article 175

(1) Travel document for a refugee shall be issued by the Ministry of Interior in accordance with the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees established by law.

(2) The travel document referred to in paragraph (1) of this Article shall be issued with a validity period of up to two years.

(3) The travel document from paragraph (1) of this Article may be extended in accordance with the 1951 Convention Relating to the Status of Refugees.

Refusal to Issue a Passport to a foreigner

Article 176

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

- against whom criminal or misdemeanour procedure is conducted upon request of a competent court;
- who has been sentenced to unconditional imprisonment until he or she serves the sentence;
- who has not settled property and legal or financial obligations towards the Republic of Macedonia, upon request of a competent authority;
- for whom there is a suspicion regarding his or her identity;
- is unable to prove that he or she does not hold or is unable to obtain valid travel document from the country whose national he or she is, or
- if this is required by the national security interests or the international relations of the Republic of Macedonia.

Revocation of a Travel Document for Foreigner

Article 177

(1) The travel document for a foreigner shall be revoked when:

- it has been additionally established that the grounds referred to in Article 135 of this Law existed prior to the day of issue of the travel document;
- the grounds referred to in Article 184 of this Law additionally occurred;
- his or her right to stay has terminated;
- the foreigner has been expelled from the Republic of Macedonia or has been deprived from his or her right to residence;
- the travel document has been damaged or became otherwise unusable;
- the contents of the travel documents have been changed or supplemented without the knowledge of the competent authority,
- there is no photograph or the identity of the foreigner cannot be established on the basis of a photograph, or
- unauthorised person holds the document.

(2) The Ministry of Interior shall take a decision on revocation of the travel document against which the foreigner has a right to appeal before the State Second Instance Commission for Decision-Making in Administrative Procedures and Labour Relations Procedures within eight days as of the day of the receipt.

(3) The complaint shall not postpone the enforcement of the decision.

(4) The State Second Instance Commission for Decision-Making in Administrative Procedures and Labour Relations Procedures shall take a decision within 30 days from the date of lodging the appeal.

(5) An administrative dispute may be initiated against the decision of the State Second Instance Commission for Decision-Making in Administrative Procedures and Labour Relations Procedures before a competent court in accordance with the Law on Administrative Disputes.

Obligation to Return the Travel Document for a foreigner

Article 178

(1) The foreigner shall be obliged to return the travel document for a foreigner when he or she obtains valid travel document from the country whose citizen he or she is or when he or she acquires nationality of the Republic of Macedonia.

(2) In case the foreigner does not act in accordance with paragraph (1) of this Article, such a document shall be revoked by the Ministry of Interior.

2. Diplomatic, Official, Consular or Special ID Card

Article 179

(1) A foreigner who is a member of diplomatic mission/consular post of a foreign country or a member of other foreign mission having a diplomatic status in the Republic of Macedonia, as well as members of his or her nuclear family (spouse and children) shall be issued diplomatic, official or consular ID card.

(2) A foreigner who is a member of a mission of a foreign country or office of other foreign mission having special status in the Republic of Macedonia regulated by special agreement between the Republic of Macedonia and the foreign country or the foreign mission, as well as the members of his or her family (spouse and children) shall be issued special ID card.

(3) Special ID card referred to in paragraph (2) of this Article shall also be issued to:

- a foreign expert or a trainee engaged in implementation of projects of public interest for the Republic of Macedonia by the state administration authorities or by democratic mission/consular post of a foreign country or office of other foreign mission having diplomatic or special status in the Republic of Macedonia;

- parental authority of a foreigner who is a member of diplomatic mission/consular post of a foreign country or office of other foreign mission having diplomatic or special status, and

- a foreigner who is member of support staff engaged by diplomatic mission/consular post of a foreign country or office of other foreign mission having diplomatic status in the Republic of Macedonia.

(4) The diplomatic, official, consular or special ID card referred to in paragraph (1) of this Article shall be issued by the Ministry of Interior.

(5) The foreigner referred to in paragraphs (1), (2), and (3) of this Article shall be obliged to carry the diplomatic, official, consular or special ID card with him or her and return it after the expiration of his or her status.

3. Report on Disappeared, Lost, Stolen or Otherwise Dispossessed Travel or Other Document of a foreigner

Article 180

(1) The foreigner shall be obliged to report any disappearance or loss, theft or other dispossession of a travel document or document proving the identity of the foreigner to the Ministry of Interior within 24 hours at the latest from the moment he or she has noticed this.

(2) The Ministry of Interior shall issue a document confirming the report in terms of paragraph (1) of this Article.

(3) A foreigner who has lost the travel document issued by the Ministry of Interior abroad shall be obliged to report this to the diplomatic mission/consular post of the Republic of Macedonia abroad.

(4) In cases referred to in paragraph (1) and (3) of this Article, the foreigner shall be obliged to state and elaborate all circumstances related to the disappearance, loss, theft or other dispossession of the travel document or the document proving the identity of the foreigner.

Chapter VII

PROVING THE IDENTITY OF A FOREIGNER

Documents Proving the Identity

Article 181

(1) A foreigner shall prove his or her identity by the means of: a travel document issued by the country whose national he or she is, travel document for foreigners, residence permit, diplomatic, official, consular or special ID card or other public document containing a photograph on the basis of which his or her identity can be established.

(2) A foreigner shall be prohibited to give the document referred to in paragraph (1) of this Article to be used by another person or to use another person's travel document as his or her own.

(3) It shall be prohibited the document referred to in paragraph (1) of this Article to be given or taken as a security for outstanding obligations towards the state authorities, legal entities or natural persons, as well as for the realisation of other benefit or exercise of a right.

(4) It shall be prohibited to alter, erase or correct data and comments in the document referred to in paragraph (1) of this Article, as well as to alter the photograph or signature in the document.

(5) It shall be prohibited to use document referred to in paragraph (1) of this Article which have been entered into the records for lost and missing documents.

Obligation to Present an Identification Document

Article 182

(1) At the request of an authorised official of the Ministry of Interior a foreigner shall be obliged to present the document proving his or her identity, as well as to provide other information regarding his or her identity and stay in the Republic of Macedonia.

(2) In case of a doubt that the established identity of a foreigner is not authentic, the foreigner shall be obliged to contribute in the clarification of his or her identity, whereby he or she shall be enabled to prove his or her identity in any other manner.

(3) In the case referred to in paragraph (2) of this Article, the foreigner shall be informed that providing false data is punishable.

Detention of a foreigner Whose Identity Cannot be Established

Article 183

(1) If the foreigner refuses or is unable to prove his or her identity, the authorised officials of the Ministry of Interior may detain the foreigner in order to establish his or her identity but no longer than 12 hours.

(2) If the identity of the foreigner cannot be established within the period referred to in paragraph (1) of this Article, the authorised officials of the Ministry of Interior shall lodge a request for initiating misdemeanour procedure to the competent court.

(3) On the basis of the court decision imposing the measure "detention of a foreigner in the Reception Centre" to the foreigner, the authorised officials of the Ministry of Interior shall detain the foreigner in the Reception Centre.

(4) The foreigner referred to in paragraph (1) of this Article may be detained in the Reception Centre on the basis of the decision by the court until information about his or her identity is obtained.

Confiscation of a Travel Document for a foreigner

Article 184

(1) If there are grounds to suspect that the identity of the foreigner is not authentic, the authorised official of the Ministry of Interior may confiscate the travel document or the other document proving the identity of the foreigner.

(2) An authorised official of the Ministry of Interior may also confiscate the travel document or other document proving the identity of the foreigner when there are grounds to suspect that the foreigner committed a criminal offence or a misdemeanour for which he or she is prosecuted ex officio.

(3) The authorised official shall issue a document confirming the confiscation of the document referred to in paragraphs (1) and (2) of this Article to the foreigner, and shall lodge a request for initiating misdemeanour procedure or criminal charges along with the document to the competent court.

Checks and Search of a foreigner

Article 185

If at the request of the authorised official of the Ministry of Interior the foreigner does not present the document proving his or her identity or holds back or conceals information regarding his or her identity the authorised officials of the Ministry of Interior may, in accordance with the law, conduct checks and search of the foreigner, search of his or her home and other premises, as well as search of his or her means of transportation.

Photographing and Fingerprinting

Article 186

(1) The authorised officials of the Ministry of Interior may take photographs and fingerprints from the foreigner where he or she:

- is unable to provide proof for his or her identity, gives false data about his or her identity or when the identification documents are forged, another person's documents or invalid;
- has been issued a residence permit;
- has been issued a travel document for a foreigner;
- his or her residence permit application has been rejected;
- has committed a criminal offence on the territory of the Republic of Macedonia which is punishable by imprisonment;
- has been expelled from the territory of the Republic of Macedonia;
- his or her right of temporary residence has been revoked, or
- illegally stays in the Republic of Macedonia.

(2) Authorised officials of the Ministry of Interior may compare the fingerprints of the foreigner referred to in paragraph (1) of this Article with the existing fingerprints in the dactyloscopy databases.

Chapter VIII

REGISTRATION OF PERMANENT AND TEMPORARY RESIDENCE

Obligation of the Foreigner to Register the Permanent or Temporary Residence Article 187

- (1) The foreigner shall be obliged to register the permanent or temporary residence in the Republic of Macedonia to the Ministry of Interior.
- (2) In terms of this Law temporary residence shall be a place where the foreigner temporarily resides during his or her stay of up to three months or within the validity period of the temporary residence permit.
- (3) In terms of this Law permanent residence shall be a place where the foreigner, holding a permanent residence permit, moved in with the intention to reside there permanently.

Registration of a foreigner with Temporary or Permanent Residence Article 188

- (1) A foreigner who has been granted temporary residence in the Republic of Macedonia shall be obliged to register his or her temporary residence or change of address within three days from the day of crossing the state border or the day of change of the address.
- (2) A foreigner who has been granted permanent residence in the Republic of Macedonia shall be obliged to register the permanent residence and change of address within eight days from the day of his or her arrival at the permanent residence or the day of change of the address.
- (3) The foreigner referred to in paragraph (2) of this Article who intends to stay longer than 30 days outside his or her permanent residence shall be obliged to register his or her temporary residence within three days from the day of his or her arrival at the temporary residence.
- (4) The foreigner referred to in paragraphs (1) and (2) of this Article shall be obliged to deregister his or her permanent residence or temporary residence within 24 hours before his or her departure.

Obligation of Health Institutions

Article 189

Health institutions who have admitted a foreigner for a medical treatment and who have established that the illness of the foreigner presents a threat to the public health shall be obliged to report the medical treatment of the foreigner to the Ministry of Interior within 24 hours from the admission of the foreigner.

Registration of a foreigner with a Short-Term Stay

Article 190

(1) Legal entities and natural persons providing services of accommodation to foreigners by charging a fee shall be obliged to register the stay of the foreigner at the Ministry of Interior within 12 hours from the time the service was provided.

(2) Other persons hosting foreigners shall be obliged to register his or her stay within 48 hours from the hour of the arrival of the foreigner.

(3) A foreigner who does not use the services referred to in paragraphs (1) and (2) of this Article shall be obliged to register his or her temporary residence at the Ministry of Interior by himself or herself within 48 hours from the crossing of the state border or to register change of address of the temporary residence within 48 hours.

(4) The provisions referred to in paragraphs (1), (2) and (3) of this Article shall apply to a foreigner with a short-term stay in the Republic of Macedonia.

Records on Foreigners

Article 191

(1) Legal entities and natural persons providing services of accommodation to foreigners by charging a fee shall be obliged to keep records on foreigners.

(2) The records referred to in paragraph (1) of this Article shall be certified by the Ministry of Interior.

(3) The records on foreigners shall be kept for a period of three years from the day of the last recorded stay.

(4) Legal entities and natural persons shall be obliged to enable the authorised officers of the Ministry of Interior to inspect the records on foreigners.

Chapter IX

PROCEDURE, LEGAL ASSISTANCE AND COURT PROTECTION

Article 192

(1) When the foreigner does not understand the language in the procedure and a procedure for expulsion from the Republic of Macedonia, for cancelation and revocation of the right to residence has been initiated against him or her or he or she needs to leave the Republic of Macedonia, the Ministry of Interior shall provide the foreigner with an explanation in the language he or she understands.

(2) The expenses referred to in paragraph (1) of this Article shall be covered by the Ministry of Interior.

Legal Assistance and Court Protection

Article 193

When a procedure for expulsion from the Republic of Macedonia, revocation of the right to residence or deprivation of liberty has been initiated against the foreigner or the foreigner needs to leave the Republic of Macedonia in accordance with the return decision, he or she shall be informed on his or her right of legal assistance and court protection and the right to contact a representative of his or her country in the Republic of Macedonia.

Chapter X

RECORDS AND AUTHORISATIONS FOR ADOPTION OF BYLAWS

Article 194

(1) In order to provide data on the situation and movement of foreigners, as well as documents issued to him or her, the Ministry of Interior shall keep records as follows:

1. The record of the approved temporary residence, kept in the form of registers shall contain the following headings:

- ordinal number,
- date,
- given name and surname of the foreigner,
- date of birth,
- place and country of birth,
- nationality,
- Identified identification number of the foreigner,
- type of education,
- marital status,
- number, type, date, place of issue and validity of the travel document,
- date and place of entry into the Republic of Macedonia,
- residence, or address in the Republic of Macedonia,
- change of the address of the residence,
- reason for the granted temporary residence,
- number, date and expiration period of the issued temporary residence permit; and
- note.

2. Records on rejected requests for temporary residence kept in the form of registers and shall contain the following headings:

- ordinal number,
- date,
- given name and surname of the foreigner,
- date of birth, place and country of birth,
- nationality,
- number, type, date, place of issue and expiration period of the travel document,
- date of submitting application,
- legal basis, i.e. reason for refusal of the application;
- note.

3. Records of approved permanent residence kept in the form of registers shall contain the following headings:

- ordinal number,

- date,
- given name and surname of the foreigner,
- date of birth,
- place and country of birth,
- nationality,
- national identification number of a foreigner,
- type of education,
- marital status,
- number, type, date, place of issue and expiration period of the travel document,
- date and place of entry into the Republic of Macedonia,
- residence in the Republic of Macedonia,
- change of the address of the residence,
- number and date of the decision on approved permanent residence,
- number, date and expiration period of the issued permanent residence permit and
- note.

4. Records of rejected permanent residence requests, kept in the form of registers shall contain the following headings:

- ordinal number,
- date,
- given name and surname of the foreigner,
- date of birth, place and country of birth,
- nationality,
- national identification number of a foreigner,
- number, type, date, place of issue and expiration period of the travel document,
- date of submitting application,
- legal basis, i.e. reason for refusal of the application;
- note.

5. Register of foreigners for short-term residence, kept in the form of registers, shall contain the following headings:

- ordinal number,
- date of registration,
- date of deregistration
- given name and surname of the foreigner,
- date, place and country of birth,
- nationality,
- type, number and expiration period of travel document,
- type, number, expiration period and place of issue of the visa,

- residence, or address of an apartment in the Republic of Macedonia,
- date and place of entry into the Republic of Macedonia and
- note.

and shall be in the form of index cards containing the following headings:

a) The first part of the index card - Registration and De-registration of a Residence address in the Republic of Macedonia, shall contain the following headings:

- given name and surname,
- day, month and year of birth,
- place and country of birth,
- type and number of travel document,
- nationality,
- type, number, expiration period and place of issue of the visa,
- place and date of crossing the border,
- duration of legally allowed residence,
- previously registered residence in the Republic of Macedonia,
- a temporary residence in the Republic of Macedonia,
- date of registration,
- date of de-registration,
- note and
- signature of the applicant.

b) The second part of the index card - Registration and De-registration of a Residence, address in Republic of Macedonia, shall read "CERTIFICATE":

- given name and surname,
- day, month and year of birth,
- type and number of travel document,
- address in the Republic of Macedonia,
- a place for seal and
- signature of an official.

6. Records of foreigners with registered place of temporary residence/permanent residence, kept in a form of registers, shall contain the following headings:

- ordinal number,
- date of application,
- given name and surname of the foreigner,
- date, place and country of birth,
- nationality,
- type and number of travel document,
- permanent residence, temporary residence, or address of an apartment in the Republic of Macedonia,

- date and place of entry into the Republic of Macedonia,
- date of deregistration and
- note.

7. Records on lodged applications and issued visas at the border crossing point,, kept in form of registers, shall contain the following headings:

- ordinal number,
- date,
- given name and surname of the foreigner,
- date, place and country of birth,
- nationality,
- type, number and expiration period of travel document,
- type of issued visa,
- reason for issuing,
- the expiration period of the visa and
- note.

8. Records of annulled, revoked visas, extended visas, visas to with reduced expiration period, as well as the destroyed visa stickers, kept in the form of registers shall contain the following headings:

- ordinal number,
- date,
- given name and surname of the foreigner,
- date, place and country of birth,
- nationality,
- type, number and expiration period of travel document,
- type and number of the cancelled, revoked or renewed visa,
- diplomatic missions/consular posts where the visa has been issued,
- reasons for cancellation i.e. revocation or renewal of the visa,
- type and number of the new visa and
- note.

9. Records on issued passports for foreigners and travel documents for stateless persons, kept in the form of registers, shall contain the following headings:

- ordinal number,
- date,
- given name and surname of the foreigner,
- date, place and country of birth,
- nationality,
- national identification number of a foreigner,
- permanent residence / temporary residence in the Republic of Macedonia,

- reason for issuing the passport,
- type and number of issued passport,
- expiration period of the travel document and
- note.

10. Records on rejected requests for issuance of passports for foreigners and travel documents for stateless persons kept in the form of registers shall contain the following headings:

- ordinal number,
- date,
- given name and surname of the foreigner,
- nationality,
- permanent residence / temporary residence, or address of the apartment,
- the legal basis for request rejection,
- date of lodging an appeal,
- outcome of the appeal,
- date of lodging a lawsuit,
- the outcome of the lawsuit and
- note.

11. Records of reported missing, lost, stolen or otherwise dispossessed travel and other documents, kept in the form of registers shall contain the following headings:

- ordinal number,
- date,
- given name and surname,
- date, place and country of birth,
- nationality,
- reason for staying in the Republic of Macedonia,
- type and number of the missing passport,
- manner of determining identity and
- note.

12. Records for foreigners housed in the Reception Centre, kept in the form of registers shall contain the following headings:

- ordinal number,
- date,
- given name and surname of the foreigner,
- date, place and country of birth,
- nationality,
- type and number of identification document,
- reason of accommodation and

- note.

13. Records on measures imposed on foreigners and foreigners expelled from the Republic of Macedonia,, kept in the form of registers, shall contain the following headings:

- ordinal number,
- date,
- given name and surname,
- date, place and country of birth,
- nationality,
- type and number of travel document,
- reasons for residing in the Republic of Macedonia,
- legal basis,
- a period within which the foreigner is obliged to leave the Republic of Macedonia,
- period during which entry in the Republic of Macedonia is banned and
- note.

14. Records of foreigners who have been denied short-term stay in the Republic Macedonia, kept in the form of registers, shall contain the following headings:

- ordinal number,
- date,
- given name and surname of the foreigner,
- date of birth,
- place and country of birth,
- nationality,
- type and number of travel document,
- the expiration period of the travel document,
- the reason for the cancellation of the short-term stay,
- period for voluntary departure of the Republic of Macedonia,
- re-entry ban into the Republic of Macedonia and
- note.

15. Records of foreigners deprived of the temporary/permanent residence in the Republic of Macedonia, kept in the form of registers, shall contain the following headings:

- ordinal number,
- date,
- given name and surname,
- date, place and country of birth,
- nationality,
- number of travel document,

- the expiration period of the travel document,
- national identification number of a foreigner,
- reason for staying in the Republic of Macedonia,
- legal basis for revocation of the residence,
- a period of leaving,
- ban and
- note.

16. Records of foreigners issued a return decision, kept in the form of registers, shall contain the following headings:

- ordinal number,
- date,
- given name and surname,
- date, place and country of birth,
- nationality,
- type and number of travel document,
- reasons for staying in the Republic of Macedonia,
- legal basis for return,
- a period within which the foreigner is obliged to leave the Republic of Macedonia,
- period during which entry in the Republic of Macedonia is banned and
- note.

17. Records of foreigners denied entry into the country, kept in the form of registers, shall contain the following headings:

- ordinal number,
- date,
- given name and surname,
- date, place and country of birth,
- type, number, date, place of issue and expiration period of travel document,
- reason for refusing entry and
- note.

18. Records of foreigners whose fingerprints have been taken, kept in the form of registers shall contain the following headings:

- ordinal number,
- given name and surname of the foreigner,
- date, place and country of birth,
- sex,
- type, number, date, place of issue and expiration period of the travel document,
- the reason for taking fingerprints and

- note.

19. Records kept by legal entities and natural persons providing services of accommodation to foreigners by charging a fee kept in the form of registers shall contain the following headings:

- ordinal number,
- given name and surname,
- date of birth,
- place and country of birth,
- nationality,
- type and number of travel document and
- type and number of residence permit.

(2) The Ministry of Foreign Affairs shall keep records of:

- lodged applications for issuing visas, issued, annulled and revoked visas and destroyed visa stickers containing the data specified in Article 49 of this Law,
- issued emergency travel documents for foreigners containing the following data: surname, given name, sex, nationality, date of birth, place of birth, place of residence and address, national identification number, date of issue, issuing authority, validity, code and number of the foreigner emergency travel document.
- issued diplomatic service, consular or special identity cards, which contain data on the identity card holder i.e. given name and surname, sex, day, month and year of birth, place of birth, type and number of travel document, function, address of the apartment and the name of the foreign diplomatic mission/consular post, i.e. international organisation and
- concluded agreements with external visa service providers and issued accreditations of trade intermediaries for visas containing the following data: number and date of the concluded contract with an external visa service provider, validity period of the contract, given name, surname and position of the signatories of the agreement, name and seat of the foreign legal entity an external visa service provider, i.e. a trade intermediary, number and date of the license issued, the name of the diplomatic mission/consular post of the Republic Macedonia in which the trade intermediary will lodge the visa applications, given name and surname, date of birth, passport number and nationality of the representative of the trade intermediary authorised to apply for visas, duration of accreditation, name, surname and function of the signatory of the accreditation.

(3) The Ministry of Interior and the Ministry of Foreign Affairs shall have an access to the records kept by him or her in a manner regulated by a bylaw.

(4) The data from the records of granted temporary residence and rejected applications for temporary residence shall be kept for a period of five years following the expiry of the validity period of the granted temporary residence or from the moment of the submission of the application.

(5) The data from the records of granted permanent residence and rejected applications for permanent residence shall be kept for a period of ten years from the termination of the permanent residence or from the moment of the submission of application.

(6) The data from the records of the registered temporary residence/permanent residence shall be kept for five years from deregistration, i.e. after the expiration of the application for temporary residence or permanent residence.

(7) The data from the short-term stay records shall be kept for five years from deregistration, i.e. after the expiry of the period for short-term stay.

(8) The data from the records of issued, annulled, and revoked visas, as well as visas with extended or shortened validity, as well as on destroyed visas stickers shall be kept for a period of five years from the day of the annulment, revocation, extension or shortening of their validity.

(9) The data from the records on lodged applications and issued visas at the border crossing point shall be kept for five years from the date of their issuance.

(10) The data from the records on issued or rejected applications for issuance of travel and other documents shall be kept for ten years from their issuance.(11) The data from records on reported missing lost, stolen or otherwise dispossessed travel and other documents shall be kept for two years from their registration for missing, lost, stolen or otherwise dispossessed.

(12) The data on imposed measures (security and protective measures, cancelation of short-term stay, revocation of temporary residence or permanent residence, return decision, expulsion decision, refusal of entry decision) shall be kept for a period of five days from the day of expiry of the period for which the measure has been imposed.

(13) The data from the records of foreigners accommodated in the Reception Centre shall be kept for a period of two years from the day of the termination of their stay in the Reception Centre.

Article 195

State authorities may use the data from the records referred to in Article 194 of this Law provided that they have legal interest thereto which shall be decided by the Ministry of Interior or the Ministry of Foreign Affairs.

Article 196

(1) The Minister of Interior shall adopt bylaws on:

- the manner of granting and denying entry, granting and extension of temporary residence and approval of permanent residence, cancellation and revocation of a residence, return and expulsion of a foreigner, registration and deregistration of the place of permanent residence and the place of temporary residence of a foreigner, as well as the manner of keeping records and use of the data from the records referred to in Article 194 paragraph (1) of this Law;

- the format and contents of the form of: the decision denying entry to a foreigner in the Republic of Macedonia, decision on cancelation of short-term stay, application for issue/extension of temporary stay, decision on granting temporary stay, temporary stay permit, decision on extending temporary stay, confirmation of the stay in the Republic of Macedonia until the decision on extension of temporary residence is taken, decision on rejection of the application for granting/extension of temporary residence, decision on revocation of temporary residence, application for permanent residence, permanent residence permit, decision on rejecting permanent residence, decision on revocation of permanent residence, application for replacement of a residence permit, return decision,

decision on expulsion of a foreigner from the Republic of Macedonia, decision on temporary detention of a foreigner in the Reception Centre of Foreigners of the Ministry of Interior, decision on limitation of movement of the foreigner only within the place of residence, stamp on the decision for expulsion, stamp for cancelation of a short-term stay, stamp for revocation of temporary/permanent residence, form of the consent given to the foreigner by the Ministry of Interior to stay outside the Republic of Macedonia for a period longer than 12 months during permanent residence and a form of the certificate for the stay in the Republic of Macedonia until the decision granting temporary residence is taken;

- format and contents of the registration or deregistration form of the permanent residence or the temporary residence of the foreigner, as well as the form of the records of foreigners kept by the legal entities and individuals providing accommodation services to the foreigners, and

- house rules of the Reception Centre.

Article 197

(1) The Minister of Interior, in agreement with the Minister of Foreign Affairs shall adopt bylaws on:

- the manner of issuing travel and other documents for a foreigner;
- the manner of reporting missing, lost, stolen or otherwise dispossessed travel and other documents of a foreigner,
- the format and the contents of the form of the travel and other document, as well as the format and the contents of the application for their issue,
- the manner of keeping records and use of data from the records of travel and other documents issued to a foreigner.

Article 198

The Minister of Labour and Social Policy, in agreement with the Minister of Interior, shall adopt a bylaw on the manner of issuing the opinion referred to in Article 81 paragraph (2) of this Law.

Article 199

(1) The Minister of Foreign Affairs, , shall adopt bylaws on:

- the manner of issuing visas for foreigners, annulment and revocation of visas, extension and shortening of their validity, as well as the visa sticker destruction, and
- the format and the content of the form of the visa sticker, visa application form, visa application form in case of travel document not recognised by the Republic of Macedonia, as well as the form of rejection, annulment and revocation of the visa.

(2) The Minister of Foreign Affairs shall adopt bylaws on:

- the manner of keeping records and use of data from the records referred to in Article 194 paragraph (2) of this Law;
- the format and contents of the form of the accreditation for cooperation with commercial intermediaries ;
- the manner of selection of external service provider;

- the manner of processing and distribution of the visa forms, and
- the manner of performance and functioning of the N-VIS.

(3) In accordance with Article 166 paragraph (1) indent 1 of this Law, the Ministry of Foreign Affairs shall publish a List of passports and other travel documents issued in accordance with the international standards by countries and international organisations recognised and accepted by the Republic of Macedonia or by special administrative regions and entities and territorial authorities not recognised as countries.

(4) In accordance with Article 166 paragraph (1) indent 2 of this Law the Minister of Foreign Affairs shall issue a List of passports or other travel documents issued by countries and international organisations or special administrative regions and entities and territorial authorities not recognised as countries whose travel documents are not recognised and accepted by the Republic of Macedonia.

(5) In accordance with Article 25 paragraph (2) of this Law, on the proposal of the Ministry of Interior and in consultation with the Ministry of Interior, the Government shall adopt a list of countries whose nationals are required to have airport transit visa when transiting international transit zone at the airports in the Republic of Macedonia (Visa A).

(6) The Government, on the proposal of the Ministry of Foreign Affairs, shall adopt a Regulation on Determination of the Countries whose nationals must be in possession of Visa when Crossing the Border of the Republic of Macedonia and the Countries whose nationals are exempt from this Obligation (Visa Regime of the Republic of Macedonia).

Chapter XI

INTEGRATED DATABASE FOR FOREIGNERS COVERING ASYLUM, MIGRATION AND VISAS

1. Establishing and Functioning

Establishing

Article 200

(1) An Integrated Database for Foreigners covering asylum, migration and visas has been established within the Ministry of Interior (hereinafter: the Database).

(2) The Database shall be an integrated information system enabling processing and use of data among competent authorities, for recording the situation in relation with entry, movement and stay of foreigners in the Republic of Macedonia on various grounds as laid down by law.

Contents of the Database

Article 201

(1) The Database shall contain data on:

- the foreigner,
- nuclear family members of a foreigner,
- the person hosting the foreigner,

- specific data on the procedures for data processing contained in the Database and
- data on documents arising from the procedures for processing of data contained in the Database.

(2) Only the following personal data on a foreigner may be processed in the Database: unique personal number of a foreigner; name, surname, maiden name, father's name and mother's name; sex; nationality; date of birth; place of birth abroad; postal code of place of birth abroad; place of birth in the Republic of Macedonia; state of birth; profession; education; e-mail; contact telephone; marital status; date of marriage; place of conclusion of marriage; employment; permanent residence/temporary residence prior to their arrival in the Republic of Macedonia; postal code of permanent residence/temporary residence prior to the arrival in the Republic of Macedonia; accommodation, state, street and number; permanent residence/temporary residence in the Republic of Macedonia; ID documents; type of the travel document, issuing state of the travel document, number of travel document, date of issuing of the travel document and validity period and military service – year, military service – type and military service - place.

(3) The following personal data of nuclear family members may be processed in the Database: unique personal number of the foreigner - holder; family relations with the foreigner - holder; married to the foreigner - holder; unique personal number of the foreigner; unique personal number; name, surname, maiden name, middle name, father's name and mother's name; sex; nationality; date of birth; place of birth abroad; place of birth in the Republic of Macedonia; state of birth; profession; education; marital status; permanent residence/temporary residence prior to the arrival in the Republic of Macedonia; postal code of permanent residence/temporary residence prior to the arrival in the Republic of Macedonia; residence, state, street and number; permanent residence/temporary residence in the Republic of Macedonia and type of travel document, issuing state of the travel document, number of the travel document, issuing date of the travel document and validity of the travel document.

(4) The following personal data of the person hosting the foreigner may be processed in the Database: unique number of the foreigner-holder; family relation with the foreigner-holder; married to the foreigner-holder; unique personal number; name, surname, maiden name, middle name, father's name and mother's name; sex; nationality; date of birth; place of birth abroad; place of birth in the Republic of Macedonia; state of birth; profession; education; marital status and street, number and permanent residence/temporary residence in the Republic of Macedonia.

(5) The data referred to in paragraph (1) of this Article shall be processed in procedures for temporary residence in accordance with the criteria for issuing temporary residence permit to a foreigner, or revocation of the right to temporary residence of a foreigner in the Republic of Macedonia in accordance with law; the procedures for permanent residence in accordance with the criteria for issuing a permanent residence permit to a foreigner, or revocation of the right to permanent residence of a foreigner in the Republic of Macedonia in accordance with law; nationality procedures; entry or departure of the territory of the Republic of Macedonia; procedures for readmission and irregular migration; procedures for issuing or extending a visa; procedures for issuing, or extending of work permits in accordance with the provisions for employment and work of foreigners; procedures for granting and ending right to international protection in accordance with law, as well as for traineeship in accordance with the traineeship regulations.

Competent Authorities for Processing and Use of Database

Article 202

(1) Processing of data from the database shall be performed by the following authorities:

- 1) Ministry of Interior;
- 2) Ministry of Foreign Affairs;
- 3) Ministry of Labour and Social Policy
- 4) Employment Agency of the Republic of Macedonia.

(2) The data from the Database may be used by the State Statistics Office in order for him or her to be processed in accordance with the Law.

Processing of Personal Data

Article 203

(1) Personal data entered into the Database may be processed in accordance with the purposes laid down in this Law and in accordance with the regulations on personal data protection.

(2) Personal data included in the processing operations shall be deleted immediately if it is established that they are not accurate or the reasons or the requirements for their inclusion in these operations have terminated.

(3) Personal data contained in the Database, from their entry until their deletion, may be used in the manner and under conditions laid down by law and regulations on personal data protection.

Maintenance of the Database

Article 204

(1) The Ministry of Interior shall maintain the Database in accordance with the law and regulations on personal data protection.

(2) For the purpose of successful functioning of the Database, the competent authorities referred to in Article 202 paragraph (1) items 2, 3, and 4 of this Law shall be obliged to appoint an authorised person for administration of the data from the databases kept in accordance with the law.

(3) The manner of maintenance of the Database, as well as the mutual relations of the competent authorities referred to in Article 202 of this Law in the process of maintenance of the Database shall be defined by the Government of the Republic of Macedonia.

2. Processing of Data in the Database

Access to the Database

Article 205

(1) Access to the Database may be granted to persons employed in the competent authorities if they work on posts where there is a need for data processing in the Database in accordance with their acts on systematisation of the work posts.

(2) Persons shall be revoked access where:

- they no longer work on work posts where there is a need for data processing in the Database,
- process the data in the Database without authorisation, or
- they do not apply technical and organisational measures for safety of the Database.

(3) The manner of granting access, access levels, criteria according to which the access levels are established, duration of the access, procedure for defining the termination and revocation of the access to the data in the Database shall be regulated by the Government of the Republic of Macedonia.

Responsibility for the Data Quality

Article 206

(1) Competent authorities shall be responsible for the quality of the data in the Database and their authenticity and accuracy.

(2) Persons employed in the competent authorities shall be obliged to immediately enter the data in the Database laid down in Article 210 of this Law.

(3) Only the competent authority which has entered the data may amend, alter or delete the data that are incomplete, false or have not been updated.

(4) In the event of entering different data on the same person in the Database, the competent authorities shall mutually consult in order to establish the authenticity and accuracy of the data.

Manner of Processing and Time Period for Keeping Data in the Database

Article 207

(1) The data in the Database shall be processed automatically or in any other manner solely for the purposes laid down by law.

(2) The data in the Database shall be kept for a period necessary for fulfilling the purposes for which the data have been collected, and in the time period laid down by law at the latest.

(3) In case it is established that the purpose for which the data were entered has been fulfilled or that the reasons for which the data were entered in the Database have ceased to exist such data shall be immediately deleted or destroyed from the Database by the competent authority laid down in Article 202 of this Law.

Obligation of Secrecy

Article 208

Persons employed at the competent authorities who have been granted access to the Database shall be obliged to keep confidential the data they encountered during their work and which are personal data in accordance with the law during their employment at the competent state authorities, as well as after the termination of their employment.

Rights of the Personal Data Entity

Article

(1) Every personal data entity shall have a right to access, correct or delete its personal data contained in the Database.

(2) The entity referred to in paragraph (1) of this Article shall exercise its right to access, correct or delete its personal data contained in the Database in the manner and under conditions laid down by law.

(3) By way of derogation from paragraphs (1) and (2) of this Article the personal data entity shall not be provided a right to access to the data if it is necessary for the prevention and detection of criminal offences or if it is necessary for the protection of the personal data entity or the rights and freedoms of other persons.

3. Data Security in the Database

Article 210

(1) Competent authorities shall be obliged to undertake all necessary technical and organisational measures in accordance with the law in order to provide protection or data security processed in the Database.

(2) Ensuring confidentiality, protection and security of data contained in the Database shall be regulated by the Government of the Republic of Macedonia.

Chapter XII

PENALTY AND MISDEMEANOUR PROVISIONS

Criminal Offences

Assisting a foreigner in Unauthorised Entry and Transit

Article 211

(1) A person assisting a foreigner to enter the Republic of Macedonia without authorisation or to transit through the territory of the Republic of Macedonia contrary to the provisions laid down in this Law shall be punished with an imprisonment sentence of up to one year or with a fine..

(2) A person committing the criminal offence referred to in paragraph (1) of this Article with the intention to obtain proceeds of crime for himself or herself or another person shall be sentenced to a minimum of three years in prison.

(3) If upon committing the criminal offence referred to in paragraph (2) of this Article life of the foreigner has been threatened or the offence has been committed by a group, a gang or other association made for committing such act, the perpetrator shall be sentenced to a minimum of eight years in prison.

(4) The attempt to commit the criminal offence referred to in paragraphs (1) and (2) of this Article shall be punishable.

(5) If the criminal offence referred to in paragraphs (1), (2), (3), and (4) of this Article has been committed by a legal entity, such legal entity shall be punished with a fine, and for the criminal offence referred to in paragraphs (2) and (3) of this Law, in addition to the fine, the legal entity shall be imposed with a temporary prohibition on performing certain activity or permanent prohibition on performing certain activity.

(6) The means of transportation used for committing the offence shall be confiscated.

Assisting a foreigner in Illegal Stay

Article 212

(1) A person who, with the intention to obtain proceeds of crime for himself or herself assists a foreigner to stay in the Republic of Macedonia contrary to the provisions of this Law shall be sentenced to prison for at least three years for the criminal offence assisting a foreigner in illegal stay.

(2) The attempt to commit the criminal offence referred to in paragraph (1) of this Article shall be punishable.

(3) If the criminal offence referred to in paragraph (1) of this Article has been committed by a legal entity, such legal entity shall be punished with a fine and shall be imposed a temporary prohibition on performing certain activity or permanent prohibition on performing certain activity.

(4) The means of transportation used for committing the offence shall be confiscated.

Misdemeanours

Article 213

(1) A fine in the amount of 3,000 Euros in MKD equivalent shall be imposed to a legal entity for an offence if it:

1) transports to the Republic of Macedonia, or refuses to perform outward transport to a foreigner without valid travel document or residence permit, if required, or refuses to cover the expenses of the return, temporary detention and forced removal of the foreigner (Article 16);

2) keeps the document of a foreigner as a guarantee due to outstanding obligations or to obtain other benefit or exercise a right (Article 181 paragraph (3));

3) does not register the admission of the foreigner for medical treatment when it has been established that the illness poses a risk to the public health within the defined time period (Article 189);

4) does not register the stay of the foreigner within the defined time period (Article 190 paragraph (1));

5) does not keep records at all or does not keep records in an orderly manner or does not keep records for a period of three years from the last recorded stay (Article 191 paragraphs (1) and (2)), and

6) does not enable the authorised officials of the Ministry of Interior to inspect the records on foreigners (Article 191 paragraph (4)).

(2) A misdemeanour sanction - temporary prohibition on performing certain activity shall be imposed to the legal entity referred to in paragraph (1) item 1 of this Article in accordance with the Law on Misdemeanours.

(3) Fine in the amount of 30% of the fine imposed to the legal entity shall be imposed to the person in charge in the legal entity for the actions referred to in paragraph (1) of this Article.

Article 214

The amount of the fine for a legal entity shall be defined in accordance with the Law on Misdemeanours.

Article 215

(1) Fine in the amount of 800 to 1,000 EUR in MKD equivalent shall be imposed for a misdemeanour to a legal entity performing independent activity of providing accommodation services if it:

- 1) keeps the document of a foreigner as a guarantee due to outstanding obligations or for the purposes of obtaining other benefit or exercise a right (Article 181 paragraph (3));
- 2) does not register the stay of the foreigner within the defined time period (Article 190 paragraph (1));
- 3) does not keep records or does not keep records in orderly manner or does not keep records for a period of three years from the last recorded stay (Article 191 paragraphs (1) and (2)), and
- 4) does not enable the authorised officials of the Ministry of Interior to inspect the records on foreigners (Article 191 paragraph (4)).

(2) The fine referred to in paragraph (1) of this Article shall also be imposed to a private employer who professionally deals with transport of passengers if they bring in or refuse to take out of the Republic of Macedonia a foreigner without valid travel document or residence permit, if required, or refuse to cover the expenses of the return, temporary detention and forced removal of the foreigner (Article 16)

(3) A misdemeanour sanction prohibition on performing profession, activity or duty shall be imposed to the private employer referred to in paragraph (2) of this Article.

Article 216

(1) Fine in the amount of 600 to 1000 EUR in MKD equivalent shall be imposed to a natural person who:

- 1) keeps the document of a foreigner as a guarantee due to outstanding obligations or for the purposes of obtaining other benefit or exercise a right (Article 181 paragraph (3));
- 2) alters, deletes or corrects the data and the comments in the document, as well as replaces the photograph or signature in the document (Article 181 paragraph (4));
- 3) uses a document entered into the records for lost and missing documents (Article 181 paragraph (5)), and
- 4) does not register the stay of the foreigner within the given time period (Article 190 paragraph (2)).

Article 217

(1) Fine in the amount of 700 to 1000 EUR in MKD equivalent shall be imposed to the foreigner for a misdemeanour if he or she :

- 1) illegally enters the Republic of Macedonia (Article 10 paragraphs (1))

- 2) stays in the Republic of Macedonia contrary to the given purpose and reasons of the stay (Article 23 paragraph (3), Article 67 paragraph (4) and 71 paragraph (3));
 - 3) deletes or alters data in the issued visa (Article 42 paragraph 4);
 - 4) does not leave the Republic of Macedonia within the defined period (Articles 70 paragraph (2), 127 paragraph (2), Article 137 paragraph (2)), Article 148 paragraph (2) and 151 paragraph (2)).
 - 5) moves and stays in a certain area where movement or stay of foreigners is limited or prohibited (Article 144);
 - 6) illegally stays in the Republic of Macedonia (Article 147).
 - 7) leaves the Reception Centre for Foreigners without consent of the competent authority (Article 161 paragraph (4));
 - 8) gives his or her identification document to be used by another or uses another person's identification document as his or her own (Article 181 paragraph (2));
 - 9) gives his or her identification document as a security due to outstanding obligations towards state authorities, natural persons and legal entities or for the purposes of obtaining other benefit or exercising a right (Article 181 paragraph (3));
 - 10) alters, deletes or corrects data and comments in the document, as well as replaces photograph or signature in the document (Article 181 paragraph (4));
 - 11) uses a document entered into the records for lost and missing documents (Article 181 paragraph (5));
 - 12) refuses to present the document proving his or her identity at the request of an authorised official of the Ministry of Interior, and refuses to provide information regarding his or her identity and stay (Article 182 paragraph (1));
 - 13) cannot prove his or her identity at the request of an authorised official of the Ministry of Interior (Article 182 paragraph (2));
- (2) A misdemeanour sanction - expulsion of a foreigner from the country may be imposed for the misdemeanours referred to in paragraph (1) of this Article.

Article 218

- (1) Fine in the amount of 500 to 1000 EUR in MKD equivalent shall be imposed for a misdemeanour to a foreigner who:
- 1) shall not register himself or herself in the Ministry of Interior within five days from the day of his or her entry in the Republic of Macedonia for the purposes of issuing permanent residence permit (Article 27 paragraph (4))
 - 2) does not carry valid residence permit (Article 141);
 - 3) does not lodge an application for replacement of the residence permit in accordance with Article 142 of this Law;
 - 4) does not return the issued residence permit (Article 143);
 - 5) does not return the travel document of a foreigner when he or she obtains valid travel document from the country whose national he or she is or when he or she acquires nationality of the Republic of Macedonia (Article 178 paragraph (1));
 - 6) does not report missing, lost, stolen or otherwise dispossessed travel document or document proving his or her identity (Article 180 paragraph (1));

7) does not register or deregister the place of permanent residence, place of temporary residence of change of address within the defined period in accordance with Article 188 of this Law;

8) does not register or deregister the temporary residence and change of address of a foreigner in accordance with Article 190 paragraph (3) of this Law.

Article 219

The misdemeanour procedure for the misdemeanours laid down in this Law shall be conducted by the competent court.

Chapter XIII

TRANSITIONAL AND FINAL PROVISIONS

Article 220

The bylaws provided for in this Law shall be adopted within 12 months following the day of entry into force of this Law.

Article 221

The National Visa Information System (N-VIS) which has been established and the Reception Centre for Foreigners of the Ministry of Interior, established in accordance with the Law on Foreigners ("Official Gazette of the Republic of Macedonia" No. 35/2006, 66/2007, 117/2008, 92/2009, 156/10, 158/11, 84/12, 13/13, 147/13, 148/15 and 217/15) will continue to work in accordance with this Law.

Article 222

Procedures initiated prior the day of entry into force of this Law shall be completed in accordance with the provisions of this Law on Foreigners ("Official Gazette of the Republic of Macedonia" No. 35/2006, 66/2007, 117/2008, 92/2009, 156/10, 158/11, 84/12, 13/13, 147/13, 148/15 and 217/15).

Article 223

The documents issued in accordance with the regulations that were valid until the day of entry into force of this Law shall continue to be valid until the expiration of the validity period specified in the Law.

Article 224

On the day this Law comes into effect, the Law on Foreigners ("Official Gazette of the Republic of Macedonia" No. 35/2006, 66/2007, 117/2008, 92/2009, 156/10, 158/11, 84/12, 84/12 , 13/13, 147/13, 148/15 and 217/15), ceases to be valid.

Article 225

The provisions of Articles 11, 17, 18, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43 , 44, 45, 46, 47, 58, 59, 60, 61, 62, 63, 64 and 65 of this Law shall cease to be valid on the date of accession of the Republic of Macedonia to the European Union.

Article 226

This Law shall enter into force on the eight day following that of its publication in the Official Gazette of the Republic of Macedonia and shall start to apply after one year following the day of its entry into force.