



Brža integracija migranata na tržište rada kroz
mapiranje veština i obuku

Acceleration Of Labour Market Integration Of
Immigrants Through Mapping Of Skills And Trainings

Priručni materijal za ulazak na tržište rada
Assistive material on the entering into the
local labour market



Srpski

Priručni material o pristupu tržištu rada u Republici Srbiji

PREDGOVOR

Ova brošura je nastala u okviru projekta ALMIT (Acceleration of labour market integration of immigrants through mapping of skills and trainings - Brža integracija migranata na tržište rada kroz mapiranje veština i obuku) finansiranom od strane Evropske unije u okviru Programa za zapošljavanje i socijalne inovacije. Projekat se sprovodi u Turskoj, Bugarskoj, Srbiji i Austriji. U Srbiji projekat realizuju Beogradska otvorena škola¹, Čovekoljublje, Dobrotvorna fondacija Srpske Pravoslavne Crkve² i opština Šid³. Brošura je namenjena licima kojima je odobren azil u Srbiji, osobama u procesu dobijanja azila, kao i poslodavcima.

1. Ko može pristupiti tržištu rada u Srbiji

U Republici Srbiji pravo na rad je ustavno pravo i podrazumeva slobodan izbor rada, poštovanje dostojanstva ličnosti na radu, bezbedne i zdrave uslove rada, potrebnu zaštitu na radu, ograničeno radno vreme, zagarantovani dnevni i nedeljni odmor, plaćeni godišnji odmor i pravnu zaštitu za slučaj prestanka radnog odnosa, a tih prava se niko ne može odreći.⁴

Zakon o azilu i privremenoj zaštiti⁵ tražiocima azila i osobama koje uživaju izbeglički status ili supsidijarnu zaštitu garantuje pravo na rad koje se uređuje posebnim zakonom - Zakonom o zapošljavanju stranaca.⁶

¹ www.bos.rs

² www.covekoljublje.org

³ www.sid.rs

⁴ <http://www.ustavni.sud.rs/page/view/139-100028/ustav-republike-srbije>

⁵ <https://www.paragraf.rs/propisi/zakon-o-azilu-i-privremenoj-zastiti.html>

⁶ https://www.paragraf.rs/propisi/zakon_o_zaposljavanju_stranaca.html#

VRSTE RADNIH DOZVOLA ZA STRANCE

Postoje dve vrste dozvola za rad. Izdaju se kao:

- lična radna dozvola,
- radna dozvola.

Lična radna dozvola je vrsta dozvole za rad koja strancima omogućava da se slobodno zaposle, kao i da ostvare pravo na samozapošljavanje. Takođe im omogućava da ostvare pravo za slučaj nezaposlenosti.

Ova dozvola izdaje se na zahtev stranca u sledećim slučajevima:

- ako stranac ima odobrenje za stalno nastanjenje,
- ako strano lice ima status izbeglice,
- ako pripada posebnoj kategoriji stranca.

U skladu sa Zakonom, kojim se uređuje i boravak stranaca u našoj zemlji, lična radna dozvola može se izdati i radi spajanja porodice. Ona se izdaje na zahtev člana uže porodice tog stranca.

Druga vrsta dozvole za rad je **radna dozvola**, koja se izdaje kao:

- radna dozvola za zapošljavanje,
- radna dozvola za posebne slučajeve zapošljavanja,
- radna dozvola za samozapošljavanje.

Lična radna dozvola i radna dozvola za zapošljavanje ne mogu biti izdate istovremeno. Za jedan vremenski period samo jedna dozvola za rad može biti izdata.

Zakon o zapošljavanju stranaca predviđa da lica kojima je odobreno pravo na azil imaju pravo na dobijanje lične radne dozvole koja nije vezana za određenog poslodavca što čini osnovni preduslov ostvarivanja prava na rad. Lična radna dozvola se izdaje na zahtev stranca ako:

- 1) ima odobrenje za stalno nastanjenje;
- 2) ima status izbeglice;
- 3) pripada posebnoj kategoriji stranca odnosno: lice koje traži azil, lice kome je odobrena privremena zaštita, žrtva trgovine ljudima, lice kome je odorena supsidijarna zaštita.

Strancu koji ima odobrenje za stalno nastanjenje lična radna dozvola izdaje se na period dok traje lična karta za strance.

Izbeglici lična radna dozvola izdaje se na period dok traje lična karta za lice kome je odobren azil.

Lična radna dozvola može se izdati licu koje traži azil ukoliko je prošlo devet meseci od podnošenja zahteva za azil, a odluka o tom zahtevu nije doneta bez krivice lica koje je podnelo zahtev. Dozvola se izdaje za period od šest meseci uz mogućnost produženja, dok traje status lica koje traži azil.

Licu kome je odobrena privremena zaštita lična radna dozvola izdaje se za vreme trajanja statusa osobe sa privremenom zaštitom.

Žrtvi trgovine ljudima lična radna dozvola se izdaje za vreme trajanja dozvole boravka.

Licu kome je odobrena supsidijarna zaštita lična radna dozvola izdaje se za vreme trajanja statusa osobe sa supsidijarnom zaštitom.

2. Prava i obaveze u skladu sa zakonskim statusom

Za dobijanje lične radne dozvole nije potrebno da lice prethodno nađe posao, zasnjuje radni odnos, niti da poslodavac podnese dodatnu dokumentaciju za zapošljavanje stranog državljanina.

Zahtev za izdavanje dozvole za rad podnosi se mesno nadležnoj ispostavi Nacionalne službe za zapošljavanje.

Osoba kojoj je odobreno pravo na utočište ili dodeljena supsidijarna zaštita odmah po pravosnažnosti odluke može da podnese zahtev za izdavanje radne dozvole. Zahtev takođe mogu podneti i osobe čiji je postupak za odobravanje azila još uvek u toku ako je od podnošenja zahteva za azil proteklo devet meseci, a da bez njegove ili njene krivice nije donesena pravosnažna odluka o zahtevu za azil.

Migranti i izbeglice koje nisu ostvarile odgovarajuće zaposlenje nakon pribavljanja radne dozvole imaju pravo da budu na evidenciji Nacionalne službe za zapošljavanje na teritoriji opštine na kojoj borave. Prava migranata i izbeglica registrovanih na evidenciji Nacionalne službe za zapošljavanje su uglavnom nefinansijske mere, odnosno: obaveštavanje o mogućnostima i merama za zapošljavanje, besplatno korišćenje različitih usluga, razvijanje sposobnosti za aktivno traženje posla i utvrđivanje individualnog plana zapošljavanja. Osobe registrovane na evidenciji nezaposlenih takođe imaju pravo na ostvarenje novčane naknade za vreme nezaposlenosti ukoliko ispunjavaju određene uslove.

Prema važećem zakonu o radu Republike Srbije, dužnosti i obaveze zaposlenika su da:

- Savesno i odgovorno obavlja poslove na kojima radi.
- Poštuje organizaciju rada i poslovanja kod poslodavca, kao i uslove i pravila poslodavca u vezi sa ispunjavanjem ugovornih i drugih obaveza iz radnog odnosa.
- Obavesti poslodavca o bitnim okolnostima koje utiču ili bi mogle da utiču na obavljanje poslova utvrđenih ugovorom o radu.
- Obavesti poslodavca o svakoj vrsti potencijalne opasnosti za život i zdravlje i nastanak materijalne štete.

3. Dokumenta neophodna za pristup tržištu rada u Srbiji

Za izdavanje lične radne dozvole neophodno je da osoba kojoj je azil priznat, odnosno osoba koja je podnosilac zahteva za azil uplati republičku administrativnu taksu. Ova taksa je u julu 2019. Godine

iznosila 13.890,00 dinara, a za samo podnošenje zahteva potrebno je uplatiti 320,00 dinara. Zakon o opštem upravnom postupku⁷ predviđa mogućnost oslobađanja od plaćanja troškova kada osoba ne može da snosi troškove bez štete po svoje nužno izdržavanje ili nužno izdržavanje svoje porodice uz ispunjavanje određenih uslova mada u je praksi prikupljanje dokumenata za oslobađanje od takse duga i komplikovana procedura.

Spisak dokumenata i formulara neophodnih za izdavanje radne dozvole nalaze se na sledećem linku:

http://www.nsz.gov.rs/live/dokumenti/dozvole_za_rad.cid17195

4. Institucije koje izdaju neophodna dokumenta

Dokument kojim se uređuje način ostvarivanja prava na rad osoba sa priznatim pravom na utočište ili dodeljenom supsidijarnom zaštitom je Uredba o načinu uključivanja u društveni, kulturni i privredni život lica kojima je odobreno pravo na azil.⁸

Ovom uredbom je predviđeno zajedničko delovanje Komesarijata za izbeglice i migracije i Nacionalne službe za zapošljavanje u pružanju pomoći migrantima i izbeglicama. Pomoć se sastoji u pribavljanju neophodnih dokumenata za prijavljivanje na evidenciju Nacionalne službe za zapošljavanje i obezbeđivanju neophodnih preduslova za njihovo uključivanje u programe dodatnog obrazovanja i obuka u skladu sa potrebama i trendovima tržišta rada.

⁷ <https://www.paragraf.rs/propisi/zakon-o-opstem-upravnom-postupku.html>

⁸ https://www.paragraf.rs/izmene_i_dopune/180718-uredba-o-izmenama-i-dopunama-uredbe-o-nacinu-ukljucivanja-u-drustveni-kulturni-i-privredni-zivot-lica-kojima-je-priznato-pravo-na-utociste.html

5. Pravna, savetodavna i druga pomoć dostupna u Republici Srbiji

- **Visoki komesarijat UN za izbeglice⁹**
- **Komesarijat za izbeglice i migracije Republike Srbije¹⁰**

Komesarijat za izbeglice i migracije obezbeđuje materijalne uslove za prihvatanje tražilaca azila. Komesarijat obezbeđuje privremeni smeštaj licima kojima je odobreno pravo na azil u skladu sa propisima kojima je uređena oblast upravljanja migracijama. Komesarijat sprovodi programe dobrovoljnog povratka stranca čiji je zahtev za azil odlukom nadležnog organa odbijen ili odbačen ili ako je postupak azila obustavljen, stranca kojem je odobrena privremena zaštita i stranca kojem je prestalo pravo na azil, kao i programe integracije lica kojima je odobreno pravo na azil u skladu s propisima kojima je uređena oblast upravljanja migracijama.

- **Ministarstvo unutrašnjih poslova, Uprava granične policije, Kancelarija za azil**
- **Beogradski centar za ljudska prava¹¹**

Beogradski centar za ljudska prava, uz podršku Visokog komesarijata Ujedinjenih nacija za izbeglice, pruža besplatnu i profesionalnu pravnu pomoć izbeglicama i tražiocima azila u Republici Srbiji. Pored pravnog savetovanja i zastupanja u postupku azila i postupcima za odobravanje komplementarnih vidova zaštite, tim Centra pruža pomoć osobama u potrebi za međunarodnom zaštitom u ostvarivanju prava u oblasti integracije.

Publikacija o azilu: <http://www.unhcr.rs/media/srpski.pdf>

- **Grupa 484¹²**

Grupa 484 je organizacija sa sistemskim pristupom problematici migracija, u direktnom kontaktu sa migrantima i izbeglicama Republici

⁹ <http://www.unhcr.rs/>

¹⁰ <http://www.kirs.gov.rs/>

¹¹ <http://www.bgcentar.org.rs/> i <http://azil.rs/>

¹² <http://grupa484.org.rs/grupa-484/484/>

Srbiji i sa razvijenim obrazovnim programom koji migracijske teme stavlja u širi društveni kontekst

- **Centar za zaštitu i pomoć tražiocima azila (Asylum Protection Center)**

Centar za zaštitu i pomoć tražiocima azila (APC/CZA) je udruženje osnovano 2007. godine, a koje pruža pravnu i psihološku, socijalnu, integracijsku, humanitarnu i drugu podršku tražiocima azila, licima koja su dobila zaštitu Republike Srbije i svim drugim licima koja su u nevolji migrirala u Srbiju.

- **Praxis¹³** – pravna pomoć
- **PIN¹⁴** – Psihosocijalna podrška

6. Nacionalna služba za zapošljavanje – vrste usluga

Nacionalna služba za zapošljavanje je javni servis koji pruža usluge nezaposlenim licima i poslodavcima u Srbiji. Procedure za zapošljavanje stranaca, kao i spisak neophodnih dokumenata nalaze se na sledećem linku:

http://www.nsz.gov.rs/live/trazite-posao/dok-trazite-posao/nezaposleni/zapo_ljavanje_stranaca_u_republici_srbiji_dozvole_za_rad.cid17194

7. Nacionalne platforme za traženje posla

Spisak svih agencija za posredovanje pri zapošljavanju sa važećom dozvolom nalazi se na sledećem linku:

http://www.nsz.gov.rs/live/digitalAssets/11/11490_spisak_agencija_dec_embar_2018.pdf

¹³ <https://www.praxis.org.rs/index.php/sr/>

¹⁴ <https://psychosocialinnovation.net/>

8. Informacije za poslodavce – pravila i zakonske regulative o zapošljavanju lica iz migrantske populacije

Zapošljavanje stranca ostvaruje se pod uslovom da poseduje vizu za duži boravak po osnovu zapošljavanja, odobrenje za privremeni boravak ili stalno nastanjenje i dozvolu za rad. Dokazi o ispunjavanju uslova za zapošljavanje stranca obavezno se čuvaju u poslovnom prostoru u kome stranac radi.¹⁵

Poslodavac na čiji zahtev je izdata radna dozvola:

- 1) ne može da uputi stranca na rad kod drugog poslodavca;
- 2) u obavezi je da prijavi stranca na obavezno socijalno osiguranje, u skladu sa zakonom;
- 3) snosi troškove izdavanja radne dozvole i iste ne može da prenese na stranca.

Poslodavac koji je zaposlio stranca bez odgovarajućeg odobrenja za boravak i radne dozvole dužan je da mu isplati sva novčana potraživanja, u skladu sa propisima o radu, uz uplatu pripadajućih poreza i doprinosa za obavezno socijalno osiguranje

Radna dozvola za zapošljavanje izdaje se na zahtev poslodavca, u skladu sa stanjem na tržištu rada, pod uslovima da poslodavac:

- 1) pre podnošenja zahteva za radnu dozvolu za zapošljavanje nije otpustao zaposlene usled tehnoloških, ekonomskih ili organizacionih promena na radnim mestima za koje se traži radna dozvola za zapošljavanje, u skladu sa propisima o radu;
- 2) deset dana pre podnošenja zahteva za radnu dozvolu za zapošljavanje nije pronašao državljanke Republike, lica koja imaju slobodan pristup tržištu rada ili stranca sa ličnom radnom dozvolom, odgovarajućih kvalifikacija sa evidencije organizacije nadležne za poslove zapošljavanja;

¹⁵ https://www.paragraf.rs/propisi/zakon_o_zaposljavanju_stranaca.html

2a) izuzetno od odredbe stava 1. tačka 2) ovog člana, kada je to u interesu Republike Srbije ili to nalažu međunarodno prihvaćene obaveze, ministar nadležan za poslove zapošljavanja može odrediti i rok kraći od deset dana;

3) priloži predlog ugovora o radu ili drugog ugovora kojim se ostvaruju prava po osnovu rada, u skladu sa zakonom.

Radna dozvola za zapošljavanje izdaje se za zapošljavanje stranca koji ima vizu za duži boravak po osnovu zapošljavanja, odobrenje za privremeni boravak i ispunjava sve uslove iz zahteva poslodavca koji se odnose na odgovarajuća znanja i sposobnosti, kvalifikacije, prethodno iskustvo i dr.

Izuzetno, kada je to u interesu Republike Srbije ili to nalažu međunarodno prihvaćene obaveze, privremena radna dozvola za zapošljavanje može se izdati strancu koji ispunjava sve uslove iz zahteva poslodavca koji se odnose na odgovarajuća znanja i sposobnosti, kvalifikacije, prethodno iskustvo i dr., uz prethodno pribavljenu saglasnost ministra nadležnog za unutrašnje poslove, pod uslovom da je stranac podneo zahtev za privremeni boravak.

Radna dozvola za zapošljavanje iz stava 3. ovog člana izdaje se za period koji ne može biti duži od 45 dana.

Radna dozvola za zapošljavanje izdaje se za planirani period zaposlenja, a najduže dok traje privremeni boravak.

9. Prestanak važenja dozvole za rad

Dozvola za rad prestaje da važi:

- 1) istekom roka na koji je izdata;
- 2) odricanjem;
- 3) prestankom statusa izbeglice, lica koje traži azil, lica kome je odobrena privremena zaštita, odnosno lica kome je odobrena supsidijarna zaštita;
- 4) prestankom ugovora o radu ili drugog ugovora bez zasnivanja radnog odnosa kojim stranac ostvaruje prava po osnovu rada u skladu sa zakonom, odnosno prestankom rada stranca koji poseduje odobrenje za privremeni boravak u Republici;

- 5) ako stranac izgubi svojstvo preduzetnika ili pravno lice prestane sa radom pre isteka roka važenja radne dozvole za samozapošljavanje;
- 6) ako to zahtevaju razlozi zaštite javnog poretka ili bezbednosti Republike i njenih građana, u skladu sa zakonom;
- 7) ako je strancu prestalo pravo na stalno nastanjenje ili privremeni boravak u Republici;
- 8) ako stranac postane domaći državljanin;
- 9) u slučaju smrti;
- 10) ako je stranac boravio van Republike duže od šest meseci neprekidno.

Stranac je dužan da obavesti organizaciju nadležnu za poslove zapošljavanja o činjenicama iz stava 1. tač. 2) i 5) ovog člana u roku od 15 dana od dana odricanja, odnosno dana kada je izgubio svojstvo preduzetnika ili je pravno lice prestalo sa radom.

Poslodavac je dužan da obavesti organizaciju nadležnu za poslove zapošljavanja o činjenicama iz stava 1. tačka 4) ovog člana u roku od 15 dana od dana prestanka rada stranca.

Rešenje o prestanku dozvole za rad organizacija nadležna za poslove zapošljavanja donosi za okolnosti iz stava 1. osim u slučajevima iz tač. 1), 8) i 9) ovog člana, po prijavi okolnosti ili po službenoj dužnosti.

Strance koji zakonito borave u Republici Srbiji čine radno angažovana lica u predstavništvima inostranih preduzeća, bankama, na gradilištima, u trgovini i drugim oblastima.¹⁶

Radnik migrant predstavlja skupni naziv za radnika koji traži posao ili obavlja rad u mestu koje je više ili manje udaljeno od mesta njegovog stanovanja. Takav radnik može odlazi na rad u drugo mesto povremeno (sezonski radnik), privremeno (na duži ili kraći period), a može osta da radi i za period koji nije moguće unapred odredi (na neodređeno). Radnik

¹⁶http://www.kirs.gov.rs/media/uploads/Migracije/Publikacije/Zastita_prava_migranata_u_Republici_Srbiji.pdf

migrant može obavljati posao unutar granica sopstvene države, a može odlazi na rad u druge zemlje (radnici migranti u užem smislu).¹⁷

Srpski zakon omogućava pristup aktivnim merama politike zapošljavanja svakom strancu koji je registrovan kod Nacionalne službe za zapošljavanje (NSZ). Kako bi se lice registrovalo kod NSZ mora da poseduje važeću radnu i boravišnu dozvolu, privremenu ili stalnu. Ovi stranci uživaju ista prava kao i Srbi koji su registrovani kod Nacionalne službe za zapošljavanje: imaju pristup poslovima i centrima za obuku za aktivno traženje posla, pristup programima dopunskog obrazovanja i obuke, kao i pravo na subvencije pri zapošljavanju. Pravo na socijalno osiguranje, kao što su penziona i invalidsko osiguranje, socijalnu zaštitu i finansijsku podršku porodicama i deci, obezbeđeno je u skladu sa bilateralnim sporazumima sa drugim zemljama o socijalnom osiguranju.¹⁸

10. Primeri dobre prakse:

- [Link1](#)
- [Link2](#)

¹⁷http://www.kirs.gov.rs/media/uploads/Migracije/Publikacije/Zastita_prava_migranata_u_Republici_Srbiji.pdf

¹⁸http://www.kirs.gov.rs/media/uploads/Migracije/Publikacije/Alatke_za_rad_za_integraciju_i_migranata_u_Srbiji.pdf

English

Assistive material on the entering into the local labour marker

This brochure is created as part of the ALMIT project (Acceleration of Labor Market Integration of Immigrants through Mapping Skills and Trainings), funded by the European Union Programme for Employment and Social Innovation. The project is being implemented in Turkey, Bulgaria, Serbia and Austria. In Serbia project is being implemented by the Belgrade Open School¹⁹, Philanthropy, the Charitable Foundation of the Serbian Orthodox Church²⁰ and the Municipality of Sid²¹. This brochure is assistive material for asylum seekers in Serbia, persons in the process of obtaining asylum, as well as employers.

1. Who is eligible to the local labour market

The right to work is a constitutional right in the Republic of Serbia and includes free choice of occupation, respect for the dignity of the person at work, safe and healthy working conditions, requisite work protection, limited working hours, guaranteed daily and weekly leave, paid annual leave and legal protection in case termination and no one is entitled to waive these rights.²² The Law on Asylum and Temporary Protection²³ guarantees asylum seekers and persons enjoying refugee status or subsidiary protection the right to work, which is regulated by a special law - the Law on Employment of Foreigners.

¹⁹ www.bos.rs

²⁰ www.covekoljublje.org

²¹ www.sid.rs

²² <http://www.ustavni.sud.rs/page/view/en-GB/235-100028/constitution>

²³ <http://www.unhcr.rs/media/docs/2018/LawOnAsylumAndTemporaryProtectionRS.pdf>

TYPES OF WORK PERMITS IN SERBIA FOR FOREIGN CITIZENS

There are two types of work permits. They are given as:

- The personal work permit,
- The work permit.

The personal work permit is a type of work permit which allows foreign citizens to freely employ and achieve right on self-employment. It also allows them to achieve right in case of unemployment. This permission is given on the foreign citizen's demand in the next cases:

- If a foreign citizen has approval for permanent settling,
- If a foreign citizen is considered a refugee,
- If he belongs to a special category of foreign citizens.

In accordance with the Law, which arranges the stay of foreign citizens in our country, personal work permit can be given in case of marriage. It is given on demand of a member of foreigner's family

The second type of a permit for work is a **work permit** which is given as:

- The work permit for employment,
- The work permit for special cases of employment,
- The work permit for self-employment.

The personal work permit and the work permit for employment can not be given at the same time. During one period, only one work permit can be given.

Under the law on Employment of Foreigners, persons granted asylum are entitled to personal work permits that are not tied to a specific employer which is a main prerequisite for exercising the right to work. Personal work permit can be issued on foreigner's request if he/she is:

1) Foreigner granted permanent residence permit;

2) Foreigners granted with refugee status;

3) Foreigners within so-called special categories of foreigner, namely: asylum seeker, person with temporary protection, human trafficking victim, and foreigners granted subsidiary protection.

Foreigner granted permanent residence shall be issued with a work permit for the duration of the foreigner's identity card.

Foreigners granted with refugee status shall be issued with the personal work permit for the duration of the asylum ID card.

A personal work permit may be issued to an asylum seeker after nine months since the application for asylum has been made, and the decision on that application has not been made without the fault of the applicant. The permit is issued for six months with the possibility of extension, while the status of the asylum seeker lasts.

Foreigner granted temporary protection shall be issued with work permit issued for the duration of the status of a foreigner with temporary protection.

Victims of human trafficking shall be issued with a work permit for the duration of their residence permit.

Foreigner granted subsidiary protection shall be issued with a personal work permit for the duration of the status of foreigner with subsidiary protection.

2. Right and duties in accordance to targeted groups legal status

In order to apply for a personal work permit, refugees and migrants do not need to first find a job and enter into an employment agreement, nor do the employers bear the burden of submitting the additional documentation required for employing foreign nationals.

Foreigners granted with some of the above listed status may apply for their personal work permit to the local headquarters of the National Employment Service.

Foreigners granted asylum or subsidiary protection may apply for their personal work permit as soon as decisions become final. Persons whose final decision on their asylum application has not been rendered for over nine months without any fault of that person are also entitled to apply for personal work permit.

Migrants and refugees, who have not found adequate jobs after their acquired their personal work permits, are entitled to register with the National Employment Service (NES) office in the municipality they are living in. Rights of refugees and migrants at the evidence of the NES are mainly non-financial assistance, namely: to be informed of employment opportunities and measures, use various services free of charge, build their active job-seeking capacities and be assisted in developing their individual employment plans.

Persons registered with the NES are also entitled to unemployment benefits, provided they fulfill specific requirements.

According to the current labor law of the Republic of Serbia, the duties and obligations of employees are:

- To perform the duties conscientiously and responsibly.
- To respect the organization of work, as well as the conditions and rules of the employer concerning the fulfillment of contractual and other obligations.
- To inform the employer of significant circumstances that affect or could affect the performance of the tasks specified in the employment contract.
- To inform the employer of any type of potential danger to life and health and material damage.

3. Required documents for accessing to the local labour market

Asylum seekers and persons granted asylum applying for personal work permits are obligated to pay all the republican administrative fees. In July 2019 this fee was 13.890,00 RSD and a permit application fee stands at

320,00 RSD. The General Administrative Procedure Law provides for waiver of fees if their payment would undermine the individuals' or their families' ability to meet their subsistence needs. Anyhow, collecting required documentation in practice is long and complicated procedure.

The list of documents and forms required for a work permit can be found at the following link:

http://www.nsz.gov.rs/live/dokumenti/dozvole_za_rad.cid17195

4. Institution to provide documents needed

Decree on the modality of inclusion in the social, cultural and economic life of persons granted the right to asylum is the document regulating the modalities of right to work of persons with granted asylum or subsidiary protection. This regulation foresees for joint action by the Commissariat for Refugees and Migration and the National Employment Service in assisting migrants and refugees. Assistance consists in obtaining the necessary documents to register with the National Employment Service and providing the necessary prerequisites for their inclusion in further education and training programs in accordance with the needs and trends of the labor market.

5. Eligible assistance in country (legal, advisory etc)

- **United Nations High Commissioner for Refugees (UNHCR)**²⁴
- **Commissariat for Refugees and Migrations**²⁵

The Commissariat for Refugees and Migration provides material conditions for the reception of asylum seekers. The Commissariat provides temporary accommodation to persons who have been granted asylum in accordance with the regulations governing the area of migration management. The Commissariat shall implement programs for the voluntary return of an foreigners whose asylum application has been

²⁴ <http://www.unhcr.rs/>

²⁵ <http://www.kirs.gov.rs/>

refused or rejected by a decision of the authority, or if the asylum procedure has been terminated, the foreigner who has been granted temporary protection and the foreigner who has ceased his right to asylum, as well as the integration programs of persons granted asylum in accordance with the regulations governing the area of migration management.

- **Ministry of Interior, Border Police, Asylum Office**
- **Belgrade Center for Human Rights²⁶**

As a partner of the United Nations High Commissioner for Refugees, the Belgrade Center for Human Rights, since 2012, provided asylum seekers in Serbia with free legal aid: they are explained their rights and obligations and represented before the proper authorities in Serbia and the European Court of Human Rights.

Leaflet on asylum:

<http://www.unhcr.rs/media/docs/2019/03/LifletEngleski.pdf>

- **Group 484²⁷**

Group 484 is an organization with a systematic approach to migration issues, in direct contact with migrants and refugees in the Republic of Serbia and with a developed educational program that places migration topics in a broader social context.

- **Asylum Protection Center²⁸**

Asylum Protection Center APC / CZA is an independent, non-profit, but professional and skilled organization that provides legal, psychosocial and other support and protection to asylum seekers, refugees, displaced persons and any other persons who are in trouble of migrating

- **Praxis²⁹** – Legal assistance

²⁶ <http://www.bgcentar.org.rs/bgcentar/eng-lat/> and <http://azil.rs/en/>

²⁷ <http://grupa484.org.rs/grupa-484/484/>

²⁸ <http://www.apc-cza.org/en/>

- **PIN³⁰** – Psycho-social support

6. National Employment Service – type of service

The National Employment Service is a public service providing services to unemployed persons and employers in Serbia. The procedures for hiring foreigners, as well as the list of necessary documents, can be found at the following link:

http://www.nsz.gov.rs/live/trazite-posao/dok-trazite-posao/nezaposleni/zapo_ljavanje_stranaca_u_republici_srbiji_dozvole_za_rad.cid17194

7. National platforms for job seeking

The list of all employment mediation agencies with a valid license is at the following link:

http://www.nsz.gov.rs/live/digitalAssets/11/11490_spisak_agencija_dec_embar_2018.pdf

8. Information for employers - Rules and regulations regarding the employment of people from a migrant population

Employment of a foreigner is possible on condition that he/she has a long-stay visa based on employment, a temporary residence permit or permanent residence permit and a work permit unless otherwise provided by this Law.

Evidence of eligibility for employment of a foreigner under this Law shall be stored in the workspace of the foreigner's work.³¹

²⁹ <https://www.praxis.org.rs/index.php/sr/>

³⁰ <https://psychosocialinnovation.net/>

³¹ https://www.paragraf.rs/propisi/zakon_o_zaposljavanju_stranaca.html

Employer at whose request a work permit was issued:

- 1) can not send a foreigner to work for another employer;
- 2) is obliged to report the foreigner to compulsory social security, following the law;
- 3) pays the costs of issuing a work permit and can not transfer those costs to a foreigner.

An employer who hired a foreigner without a proper residence permit and work permit is obliged to pay him all monetary claims, per the labor regulations, as well as taxes and contributions for compulsory social security.

A work permit is issued at the request of the employer, in accordance with the state of the labor market, under the following rules:

- 1) The employer did not dismiss employees before applying for a work permit due to technological, economic or organizational changes in workplaces for which a work permit is required, following the labor regulations;
- 2) The employer did not find, within ten days before applying for a work permit for employment, citizens of the host country, people having free access to the labor market or a foreigner with a personal work permit, with the appropriate qualifications from the records of the organization responsible for employment issues;
- 2a) exceptionally from the provision of paragraph 1 item 2) of this Article, when it is in the interest of the Republic of Serbia or when internationally obligations require so, the minister responsible for employment issues may also set a deadline of fewer than ten days;
- 3) The employer makes a proposal for an employment contract or other contract exercising labor rights, in accordance with the law.

A work permit for employment is issued for the employment of a foreigner who has a long-stay visa based on employment, a temporary residence permit and fulfills all the employer's requirements relating to relevant knowledge and skills, qualifications, previous experience, etc.

Exceptionally, when it is in the interest of the Republic of Serbia or required by international obligations, a temporary work permit for employment may be issued to a foreigner who fulfills all the employer's

requirements relating to appropriate knowledge and skills, qualifications, previous experience, etc., with the previously obtained consent of the Ministry of Internal Affairs, provided that the foreigner has applied for temporary residence.

The work permit referred to in paragraph 3 of this Article shall be issued for a period not exceeding 45 days.

A work permit for employment is issued for the planned period of employment and a maximum duration of temporary residence.

9. Cancellation of work permit

The work permit is no longer valid in the following situations:

- 1) on the expiry of the issued period;
- 2) abdication
- 3) termination of refugee status, asylum seekers status, granted temporary protection, or granted subsidiary protection;
- 4) termination of an employment contract or other contract without the establishment of an employment relationship whereby a foreigner exercises his / her rights based on work under the law, ie termination of work of a foreigner with a temporary residence permit
- 5) if the foreigner loses the status of entrepreneur or the legal person ceases to work before the expiration of the validity of the work permit for self-employment;
- 6) if the reasons for the protection of public order or the security of the state and its citizens require it
- 7) if the foreigner has terminated the right to permanent residence or temporary residence;
- 8) if the foreigner becomes a citizen of a host country;
- 9) in the case of death;
- 10) if the foreigner has resided outside the state for more than six months.

The foreigner is obliged to inform the organization responsible for employment issues about the facts from paragraph 1 item. 2) and 5) of this Article within 15 days from the day of the abdication, that is, the day when he lost the status of an entrepreneur or the legal person ceases to work

The employer is obliged to inform the organization responsible for employment issues about the facts referred to in paragraph 1, item 4) of this Article within 15 days from the day of termination of the work of the foreigner.

The decision on termination of the work permit shall be issued by the organization responsible for employment issues in the circumstances referred to in paragraph 1, except in the cases referred to in subparagraph 1. 1), 8) and 9) of this Article, or upon reporting of circumstances or by the line of duty.

Foreigners legally residing in the Republic of Serbia are employed persons in representative offices of foreign companies, banks, construction, trade, and other fields.³²

A migrant worker is a collective name for a person seeking work or working in a place more or less distant from his place of residence. The worker may go to another place from time to time (seasonal worker), temporarily (for a longer or shorter period), and may remain for a period that cannot be determined in advance (indefinite duration). A migrant worker may work within the borders of his own country and may go to work in other countries (migrant workers in the narrow meaning).³³

Serbian law provides access to active employment policy measures to any foreigner registered at the National Employment Service. To register at the National Employment Service, a person must have a valid work and temporary or permanent residence permit. The foreigners have the same rights as Serbian citizens registered at the National Employment

³²http://www.kirs.gov.rs/media/uploads/Migracije/Publikacije/Zastita_prava_migranata_u_Republici_Srbiji.pdf

³³http://www.kirs.gov.rs/media/uploads/Migracije/Publikacije/Zastita_prava_migranata_u_Republici_Srbiji.pdf

Service: they have access to jobs and training centers for active job searching, access to additional education and training programs, and the right to employment subsidies. The right to social security, such as retirement and disability insurance, social welfare, and financial support to families and children, is secured under bilateral agreements with other countries on social security.³⁴

10. Examples of good practice:

- [Link1](#)
- [Link2](#)

³⁴http://www.kirs.gov.rs/media/uploads/Migracije/Publikacije/Alatke_za_rad_za_integraciju_i_migranata_u_Srbiji.pdf



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