

Improving Access to the Labor Market for Refugees and Asylum Seekers:



Key Amendments to the Law on employment of Foreigners

New provisions of the [Law on the employment of Foreigners](#) relating to refugees and asylum seekers came into force on February 1, 2024. These provisions abolish personal work permits for refugees and asylum seekers and shorten the period after which they are allowed access to the labor market in Serbia. The amendments to this Law facilitate the employment process for refugees and asylum seekers and enable them to exercise their right to work more easily.

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[The Law on Asylum and Temporary Protection](#) guarantees access to the labor market for asylum seekers and persons granted asylum. This right is further regulated by the Law on the employment of Foreigners, which defines the conditions and procedures for employing foreigners. In June 2023, the Ministry of Interior adopted amendments to this Law that significantly improve the position of asylum seekers and refugees in the labor market.

The most significant innovation in the Law is the abolition of personal work permits.¹ From February 1, the right to work in Serbia for asylum seekers and persons granted asylum or temporary protection is realized without the issuance of a permit. These individuals have the right to work for the duration of their personal documents. Access to the labor market for asylum seekers and refugees can be achieved with minimal documentation - this includes an ID card, certificate on their legal status, and a

certificate of possessing a foreigner's registration number (EBS).

The amendments to the Law also shorten the waiting period for refugees and asylum seekers for the possibility of their employment. From February 1, refugees and asylum seekers in Serbia can exercise their right to work 6 months from the date of submitting an asylum application, instead of the previous 9 months. After the expiration of 6 months, employers are able to immediately legally employ these individuals, without additional complicated procedures.

Finally, the amendments simplify the employment process for foreigners with approved temporary residence. A unified procedure for obtaining the right to temporary residence and work has been prescribed, and the issuance of a unique permit that can be valid for up to three years with the possibility of its extension. This provision is particularly important for individuals with humanitarian residence, among whom are victims of human trafficking and gender-based violence.

The amendments to the Law facilitate access to the labor market for refugees and asylum seekers in Serbia, which has long been a matter of dispute. The previous Law required asylum seekers to apply for a personal work permit 9 months after submitting an asylum application.

¹ Access to the labor market, in accordance with the previous version of the Law on the employment of Foreigners, was granted by obtaining a work permit issued by the National Employment Service (NES). Along with victims of human trafficking, asylum seekers and refugees fell into a special category of foreigners for whom the NES issued personal work permits. A personal work permit was issued upon request by asylum seekers and refugees, and the process of submission and issuance, as well as the duration of this document, varied depending on the legal status of the person for whom it was issued.

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For persons granted asylum, on the other hand, there was a guarantee of the possibility of applying for personal work permits immediately upon receiving a positive decision. However, this rule did not have a significant impact on refugees. Very often, both refugees and asylum seekers waited for the possibility of employment for more than 9 months - the duration of the asylum procedure, the fact that asylum seekers do not submit an application immediately upon arrival in Serbia, the duration of the issuing and extending procedure for personal work permits, prevented the employment of asylum seekers and refugees that would provide them with a livelihood. Considering these problems, the proposal to shorten the time frame in the public discussion on the amendments to the Law on Employment of Foreigners was highlighted by representatives of the [Refugee Council of the Center for Research and Social Development IDEAS](#).

Besides the time frame, the complicated procedure for issuing personal work permits and high administrative fees were also barriers to the employment of refugees and asylum seekers. The application for a personal work permit was in Serbian, in Cyrillic. The republic's administrative fee was particularly problematic -

the issuance of an employment permit required a payment of 16,530 RSD, as well as a fee for the application amounting to 380 RSD.² The high administrative fee had to be paid each time when applying for the issuance or extension of a personal work permit, particularly affecting asylum seekers who had to pay the fee every 6 months for the duration of their work permit.

The previous regulation of the employment field for refugees and asylum seekers often deterred foreigners from seeking asylum in the Republic of Serbia or led them to access the "black labor market," where they were further exposed to other human rights risks. Legal employment is one of the factors on which the successful integration of individuals into the society they are in depends. In addition to providing people with means for economic stability, it allows individuals to participate equally in community activities. The mentioned amendments improve the position of refugees and asylum seekers in the labor market and facilitate their employment in Serbia. They imply a more open access to the labor market in the Republic of Serbia, aligned with the practice of EU member states.

² There was a possibility of exemption from fees, but it applied only to individuals residing in Asylum Centers, Reception Centers, social welfare institutions, and those who were recipients of social assistance.