



QUESTIONNAIRE

Content:

- I. National Migration Management Organisation
- II. Readmission Agreements
- III. International Agreements (Conventions) regulating Labour Migration
- IV. Changes in Legislation
- V. Contact Details

Name of Country

REPUBLIC OF ALBANIA
REPUBLIKA E SHQIPERISE

I. National Migration Management Organisation

1. What government agencies have a role in migration management (including refugee affairs)?

MoFA

Diaspora Institute
Consular Directorate

MINISTRIA E PUNEVE TE JASHTME
Instituti i Diaspores
Drejtoria Konsullore

MoI

Directorate for Refugees
Directorate for Borders and Aliens

Ministria e Brendeshme
Drejtoria per Refugjatet
Drejtoria e Kufirit dhe te Huajt

MoLSA

Directorate for Migration

Ministria e Punes dhe Ceshtjeve Sociale
Drejtoria per Emigracionin

- a) If proposals are pending for creation of new entities or reorganization of migration functions, please provide a brief description of the proposed changes?

No

Jo

2. Please provide information/analysis of any legislation governing the area of migration in your country?

Law on Asylum

Law on Aliens

Law on Migration for Work purposes

Ligji per Azilin

Ligji per te Huajt

Ligji i Emigracionit per Ceshtje Pune

3. Which agency is responsible for asylum issues?

Mol/Directorate for Refugees

Ministria e Brendeshme/Drejtoria per Refugjatet

4. What institution is responsible for visa related matters?

MoFA/Consular Directorate

Mol/Directorate for Borders and Aliens

Ministria e Puneve te Jashtme/Drejtoria Konsullore

Ministria e Brendeshme/ Drejtoria e Kufirit dhe te Huajt

5. Which state institution/agency is responsible for border management?

Mol/Directorate for Borders and Aliens

Ministria e Brendeshme/ Drejtoria e Kufirit dhe te Huajt

II. Readmission Agreements

6. Which national institution/s is responsible for preparation of readmission agreements and their implementation?

Mol, for preparation and implementation

MoFA, for negotiation and partly preparation

Ministria e Brendeshme, Per pergatitjen dhe implementimin

Ministria e PJ, per negocimin dhe pjeserisht per pergatitjen

7. Please indicate the names and dates of entry into force of readmission agreements concluded with individual states; Indicate if readmission agreement was concluded with the EU.

Italy – entry into force <i>Itali - hyrja ne fuqi</i>	1998
Switzerland- <i>Zvicer</i>	2000
Hungary - <i>Hungari</i>	2001
Bulgaria - <i>Bullgari</i>	2002
Rumania - <i>Rumani</i>	2002
Germany - <i>Gjermani</i>	August 1, 2003
Belgium - <i>Belgjike</i>	November 1, 2004
Croatia - <i>Kroaci</i>	August 15, 2005
Great Britain and Northern Ireland - <i>Britania e Madhe e Irlanda e Veriut</i>	August 15, 2005
Macedonia - <i>Maqedoni</i>	June 15, 2005

The readmission Agreement with EU is concluded on April 14, 2005 - entry into force May 1, 2006
Marreveshja e Ripranimit me BE eshte perfunduar me 14 Prill 2005 dhe ka fyre ne fuqi ne 1 Maj 2006

8. With which countries negotiations on readmission agreements are in progress and what is the foreseen date of signing?

Albania is in the process of negotiation readmission Agreements with Turkey, Norway, Moldova and Bosnia-Herzegovina.

There is not yet foreseen the date of signature for any of them.

Shqiperia eshte ne process negocimi per Marreveshjet e Ripranimit me Turqine, Norvegjine, Moldavine dhe Bosnje-Hercegovinen. Nuk eshte parashikuar akoma data e nenshkrimet me ndonje prej tyre

III. International Agreements (Conventions) Regulating Labour Migration

9. With which countries did you sign and ratify agreements (conventions) regulating the rights of labour migrants (social insurance, health insurance, unemployment...)?

Italy – Agreement on seasonal employment and Implementation Protocol – concluded on November 18, 1997

Greece – Agreement on seasonal employment – 1996

Me Italine- Marreveshja per Punesimin Sezonal dhe Protokolli i Implementimit-perfunduar me 18 Nentor 1997
Me Greqine- Marreveshja per Punesimin Sezonal- 1996

10. With which countries have you started negotiations regarding agreements regulating the rights of labour migrants?

N/A

11. Which rights of labour migrants are covered by international agreements (conventions)?

N/A

12. When concluding international agreements (conventions), do you follow the principle of reciprocity of areas of regulation with other countries?

Yes

Po

13. Which institutions are responsible for implementation of international agreements (conventions) and which are directly involved in realisation of the rights of labour migrants?

MoLSA

Ministria e Punes dhe Ceshjtjeve Sociale

IV. Changes in Legislation

14. Please indicate all legislation changes (laws, by-laws) and specific modifications in government policy or practices in the field of migration, asylum, visas and border management which have been adopted since 1 January 2006 and those which are in the process of adoption at the Government or before the Parliament (Law on Foreigners, Law on Asylum, Law on Border Control, Law on Nationality...)?

N/A¹

¹ A Working Group has been established in order to prepare the new Law on Foreigners (Jan. 2006).

V. Contact Details

15. Please fill in the table below with updated contact details (telephone, fax, e-mail and address):

	Department for Foreigners	Asylum	Visa	Border control	Work permits	Implementation of readmission agreements	Anti-trafficking	Organised crime
Institution/ Agency	1) Mol/Direktorat e Border and Aliens 2) MoLSA/Direktorat e for Migration	1) Direktorat e for Refugees	MoFA/Consular Direktorat e Gazmend Barbullushi Email: gbarbullushi@gmail.com Tel: +355 4 340 358 Fax: +355 4 362 084	Mol/Direktorat e Border and Aliens Email: boshnjakus@mrp.gov.al Mob: +355 69 20 80 336	MolSA/Direktorat e for Migration	1) Mol/Direktorat e Border and Aliens 2) MoFA/Juridikal e Direktorat e	Mol/National Coordinator	Mol/Criminal Police
Head of Department	1) Pëllumb Nako Email: nakop@mrp.gov.al Mob: +355 69 20 66 112 2) Majlinda Hafizi	Mrs. Drita Ferra Email: avdyldrita@yahoo.com Mob: +355 69 20 94 035	Mr. Sefedin Xhemalce Email: sxhemalce@mfa.gov.al Mob: +355 68 32 53 029 Fax: +355 4 362 084	Pëllumb Nako	Majlinda Hafizi Email: Majlinda.hafizi@yahoo.com Mob: +355 68 20 50 044	Pëllumb Nako Ledia Hysi Email: lhysi@mfa.gov.al Mob: +355 68 20 84 851 Fax: +355 4 362 084	Iva Zajmi, Vice Minister	Agron Kuliqi Email: kuliqia@mrp.gov.al
Deputy Head of Department	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A



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Name of Country

CROATIA

I. National Migration Management Organization

2. What government agencies have a role in migration management (including refugee affairs)?

The Government authorities dealing with migration in the Republic of Croatia are the Ministry of Foreign Affairs and European Integration, the Ministry of Interior and the General Inspectorate in the segment concerning the alien work supervision.

Issues concerning illegal migration is foremost the responsibility of the Illegal Migration Department within the Border Police Directorate of the General Police Directorate in the Ministry of Interior. Within the Border Police Directorate, illegal migration issues are indirectly dealt with by the State Border Protection Department, whose prime responsibility is the state border protection; Neighbouring Countries Department, which deals with the control of the state border crossing and the international border cooperation; Maritime and Airport Police Department, responsible for the supervision and protection of air space and maritime boundary and the Mobile Unit for the implementation of the state border protection, founded last year. Illegal migration issues, from the penal point of

view, within the Criminal Police Directorate, is dealt with by the Organized Crime Department, which is, among other things, responsible for the prosecution of crimes related to illegal transfer of persons across the state border, trafficking in persons and other directly and indirectly migration-related crimes.

Within the Ministry of Interior, the Inspection and Administrative Affairs Directorate is responsible for the issues concerning illegal migration, that is, more precisely, its Aliens and Asylum Department. The scope of work of the latter refers to aliens' status issues in Croatia (issues concerning the residence of aliens in the country), asylum issues and those referring to granting the issuance of visas to aliens.

3. Please provide information/analysis of any legislation governing the area of migration in your country?

The new Aliens Act (Official Journal of the Republic of Croatia Nos. 109/03 and 182/04) replaced the former 1991 Act on Movement and Residence of Aliens. It entered into force on 02 July 2003 and is applied as of 01 January 2004. The following rulebooks have been adopted for its implementation: Rulebook on the status of aliens in the Republic of Croatia (OJ 202/03, 145/04), Rulebook on travel documents for aliens, visas, border passes and treatment of aliens (OJ 202/03, 10/05, 19/05), Rulebook on the issuance of laissez-passer, visas and special identity cards to aliens (OJ 203/05). The adoption of this Act and of the Asylum Act, applied from 01 July 2004, started up the adjustment process of basic migration regulations to the EU standards, marking the most important step in Croatia's migration policy.

The area of the refugee law in Croatia has been regulated through the Asylum Act and the following supplementary sub-acts of the Minister of Interior: Rulebook on the accommodation of asylum seekers, asylees and aliens under temporary protection, Rulebook on registration forms and manners of record keeping for asylum seekers, asylees and aliens under temporary protection and Rulebook on the amount of financial aid for the asylum seekers, asylees and persons under temporary protection.

The new State Border Protection Act and the Criminal Code have an important role to play in the prevention of illegal migration. The provisions of the latter address the following criminal offenses: illegal transfer of persons across the state border, international prostitution and trafficking in persons, which carry a penalty of fine or imprisonment, and, where involving an alien, also of an expulsion order from one to ten years or permanently.

The most important areas governed by the Aliens Act are the basic documents for the entry and residence of aliens, types, conditions and methods of their issuance (travel visa, transit visa, direct airside transit visa, group visa, diplomatic visa, official visa, permission for temporary residence and permission for permanent residence), manners and conditions for the entry to and exit from the country for aliens, illegal stay and forced removal of aliens, work of aliens and misdemeanor criminal provisions.

Also, the Aliens Act within the national legislation for the first time addresses many items representing the EU standards in the area of visa and migration, such as provisions concerning family reunification, humanitarian status, obligations of haulers transporting aliens to the border crossing point, prohibition of forced removal, time limits of administrative detention for illegal migrants, treatment of minors, obligations of public authorities and private persons who have learned about aliens illegally staying in the country, or who have instituted a misdemeanor or criminal procedure against aliens.

Failing to abide by the Aliens Act carries a penalty of fine or expulsion of the alien from the country for up to two years. The police may rescind legal residence to aliens who do not meet the conditions for further stay or fail to comply with the regulations. In such a case, the alien must leave the country within the time limit set by the police. The police forcibly remove aliens who do not leave the country within the prescribed time limit or against whom an expulsion order has been made. A specific feature of the new Act is that it governs the comprehensive area of work of aliens, including the issuance of work permits and exemption there from, quota system, penalties for aliens and employers, vesting almost all issues concerning the work of aliens in the Ministry of Interior. An illegal alien worker may in a judicial procedure be fined or expelled, while the employer of such a worker may be fined and as a legal person prohibited from conducting business activities up to two years.

Croatia's legislation also provides for the right to appeal against single decisions of government authorities relating to aliens rights in Croatia. Appeals against the first-instance decisions of the Ministry of Interior are referred for decision to the Ministry of Interior Commission for addressing administrative procedures appeals, the Commission being the second-instance body. Appeals against decisions on asylum applications in Croatia are dealt with by the Commission of the Government of the Republic of Croatia for addressing appeals of asylum seekers and asylees. Within thirty days from the receipt of such decision, the party may institute an administrative procedure before the Administrative Court, being the third-instance institution, against the decision of the Commission.

4. Which agency is responsible for asylum issues?

The Asylum Section of the Aliens and Asylum Department, within the Ministry of Interior, decides on asylum applications.

5. What institution is responsible for visa related matters?

At present, there is no central authority responsible for visa matters. Generally speaking, the competence is divided between the Ministry of Foreign Affairs and European Integration and the Ministry of Interior.

6. Which state institution/agency is responsible for border management?

The institution responsible for border management in Croatia is the Ministry of Interior, which carries out the Integrated Border Management Strategy in cooperation with other responsible agencies.

II. Readmission Agreements (updated 13 December 2006)

7. Which national institution/s is responsible for preparation of readmission agreements and their implementation?

Readmission agreements, i.e. treaties governing issues of admission and return of contracting-party nationals and third-country nationals form part of the internal legal system. The Ministry for Foreign Affairs and European Integration and the Ministry of Interior are responsible for preparation of readmission

agreements. The responsibility for their implementation rests with the Ministry of Interior, i.e. the Illegal Migration Department of the Border Police Directorate, within the General Police Directorate.

8. Please indicate the names and dates of entry into force of readmission agreements concluded with individual states; Indicate if readmission agreement was concluded with the EU.

The Republic of Croatia has concluded the following 24 Readmission Agreements:

- Agreement between the Government of the Republic of Croatia and the Federal Council of Switzerland on transit (escort) of third-country nationals (entered into force on 01 September 1997),
- Agreement between the Government of the Republic of Croatia and the Kingdom of Sweden on readmission of persons (entered into force on 06 April 2003),
- Agreement between the Government of the Republic of Croatia and the Government of the Federal Republic of Yugoslavia on readmission of persons who illegally enter or reside in the other country's territory (entered into force on 17 June 2004),
- Agreement between the Government of the Republic of Croatia and the Government of the Republic of Slovenia on readmission of persons at the common state border (entered into force on 01 July 2006),
- Agreement between the Government of the Republic of Croatia and the Government of the Slovak Republic on readmission of persons (entered into force on 11 February 1996),
- Agreement between the Government of the Republic of Croatia and the Government of Romania on readmission of their respective nationals and aliens (entered into force on 06 October 2002),
- Agreement between the Government of the Republic of Croatia and the Kingdom of Norway on readmission of persons whose entry or residence is illegal (entered into force on 30 July 2005),
- Agreement between the Government of the Republic of Croatia and the Government of the Republic of Poland on readmission of persons who are illegally resident (entered into force on 27 May 1995),
- Agreement between the Government of the Republic of Croatia and the Government of the Republic of Macedonia on readmission of persons who are illegally resident (entered into force on 01 February 2003),
- Agreement between the Government of the Republic of Croatia and the Government of the Republic of Hungary on readmission of persons illegally residing in their respective territories (entered into force on 10 May 2003),
- Agreement between the Government of the Republic of Croatia and the Government of the Republic of Lithuania on readmission of persons whose entry or residence is illegal (entered into force on 01 January 2000),
- Agreement between the Government of the Republic of Croatia and the Government of the Republic of Latvia on readmission of persons (entered into force on 21 September 1998),
- Agreement between the Government of the Republic of Croatia and the Government of the Italian Republic on readmission of persons who are illegally resident (entered into force on 01 June 1998),

- Agreement between the Government of the Republic of Croatia and the Government of the Republic of Iceland on readmission of persons who are illegally resident (confirmed and published in Official Gazette of the Republic of Croatia on 25 April 2002 but its date of entry into force has not been published),
- Agreement between the Government of the Republic of Croatia and the Government of the Hellenic Republic on readmission of persons who are illegally resident (entered into force on 15 March 1996),
- Agreement between the Government of the Republic of Croatia and the Government of the French Republic on readmission of persons who are illegally resident (confirmed and published in Official Gazette of the Republic of Croatia on 27 January 1995, temporary implementation, its date of entry into force has not been published),
- Agreement between the Government of the Republic of Croatia and the Government of the Republic of Estonia on readmission of persons (entered into force on 23 March 2001),
- Agreement between the Government of the Republic of Croatia and the Government of the Czech Republic on readmission of persons at state borders (entered into force on 01 May 2004),
- Agreement between the Government of the Republic of Croatia and the Government of the Republic of Bulgaria on readmission of persons who are illegally resident (entered into force on 03 August 2003),
- Agreement between the Government of the Republic of Croatia and the Council of Ministers of Bosnia and Herzegovina on cooperation in readmission of persons who are illegally resident (confirmed and published in the Official Gazette of the Republic of Croatia on 27 July 2000, temporary implementation, its date of entry into force has not been published),
- Agreement between the Government of the Republic of Croatia and the Government of the Republic of Austria on readmission of persons at the border (entered into force on 01 November 1998),
- Agreement between the Government of the Republic of Croatia and the Government of the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands on readmission of persons who are illegally resident (entered into force on 1 February 2005),
- Agreement between the Government of the Republic of Croatia and the Government of the Republic of Albania on readmission of persons who are illegally resident (entered into force on 15 June 2005).
- Agreement between the Government of the Republic of Croatia and the Government of the Federal Republic of Germany on the acceptance of returnees (entered into force on 22 October 1997).

Croatia did not conclude Readmission Agreement with the EU.

9. With which countries negotiations on readmission agreements are in progress and what is the foreseen date of signing?

In the course of 2006, the Croatian Government is to sign readmission agreements with Ukraine and Moldova, as well as to harmonize the Agreements with Bosnia and Herzegovina and Serbia and Montenegro with the EU readmission agreement form.

III. International Agreements (Conventions) regulating Labour Migration

10. With which countries did you sign and ratify agreements (conventions) regulating the rights of labour migrants (social insurance, health insurance, unemployment...)?

The Agreements on Social Security have been signed and ratified with Bosnia and Herzegovina, Macedonia and Serbia and Montenegro.

11. With which countries have you started negotiations regarding agreements regulating the rights of labour migrants?

Albania is the only state within the MARRI initiative that does not have an agreement on social security with Croatia and there was no initiative undertaken to start the negotiations.

11. Which rights of labour migrants are covered by international agreements (conventions)?

Within the agreement on social security the coverage includes the area of health insurance and health protection, pension and disability insurance, insurance for accidents at work and professional disorders, as well as insurance at time of unemployment (with the Republic of Macedonia also child's allowance is included).

12. When concluding international agreements (conventions), do you follow the principle of reciprocity of areas of regulation with other countries?

The principle of reciprocity is one of the fundamental principles contained in the agreements on social security. In case of absence of agreements on social security, it is possible to apply the principle of reciprocity (e.g. in cases of payment of pension, with the exception of Albania, the only MARRI state with whom Croatia does not implement the agreement on social security).

13. Which institutions are responsible for implementation of international agreements (conventions) and which are directly involved in realisation of the rights of labour migrants?

The agreements on social security are implemented by the Croatian Institute for Pension Insurance, Croatian Institute for Health Insurance and Croatian Institute for Employment, as bodies directly involved in the realisation of right of labour migrants. The bodies authorised to implement these agreements are the Ministry of Economy, Labour and Entrepreneurship, as well as the Ministry of Health and Social Welfare.

IV. Changes in Legislation

14. Please indicate all legislation changes (laws, by-laws) and specific modifications in government policy or practices in the field of migration, asylum, visas and border management which have been adopted since 1 January 2006 and those which are in the process of adoption at the Government or before the Parliament (Law on Foreigners, Law on Asylum, Law on Border Control, Law on Nationality...)?

In accordance with the initiated negotiations for Croatia's full membership in the EU, together with the needs for further harmonization of migration-related legislation with the EU standards, an inter-agency working group for passing and amending the Aliens Act was founded in April 2005. In September 2005 a working group for drafting and amending the Asylum Act was also set up. Since 01 January 2006 no amendments have been made to any acts or sub-acts within the scope of work of the Aliens and Asylum Department.

The Croatian Government made a proposal for the migration policy strategy in Croatia, which was submitted to the Croatian Parliament for procedure in December 2005. One of the goals of the Migration Policy Strategy is the harmonisation of Croatia's migration-related normative framework with the EU *acquis communautaire* and further advancement of asylum policies, especially concerning humanitarian protection, efficient cooperation with other countries in potential refugee crises (on the principle of burden/responsibility sharing) and active part in tackling refugee issues and elimination of causes for possible refugee flows by way of political and economic means. To achieve the goals set forth by the migration policy strategy, central government administration bodies will, within the scope of their competence, carry out measures and activities to enable a harmonized implementation of the migration policy. In this respect, it is necessary to amend legal regulations:

- Aliens Act – permission of residence for a qualifying period for the purpose of family reunification will be harmonized with the EU Council Directive on the Right to Family Reunification; business permit as residence and work will be more precisely regulated, while a quality rating system will be added to the existing quota of work permits;
- Asylum Act – the part referring to granting of subsidiary protection, expedited proceedings, border procedure and integration of asylees should be amended;
- Croatian Nationality Act – the precise Croatian language proficiency should be determined for acquiring the citizenship; the acquisition of the Croatian citizenship will be made subject to the previously granted permanent residence, while the duration of residency in Croatia required for citizenship application will be harmonized with the Aliens Act provisions;

Also, it is necessary to advance the efficiency of the protection of state borders and border crossing points; advance crime policies that will deter individuals and organized groups from committing punishable acts concerning migration, smuggling and trafficking in persons; raise public awareness to prevent xenophobia, prejudice and negative attitude toward aliens; sign readmission agreements on persons illegally staying in the territory, with the countries of origin and transit with which such agreements have not been signed as yet.

V. Contact Details

MINISTRY OF FOREIGN AFFAIRS AND EUROPEAN INTEGRATION (Medulićeva 34, Zagreb)

Directorate for Consular Affairs

Department for Visas and Foreigners

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MINISTRY OF INTERIOR (Ilica 335, Zagreb)

Administration for Inspection and Administrative Affairs

Department for Foreigners and Asylum

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Unit for Visas

- Mila Popovac, head of Section

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Illegal Migration Department

- Mr. Zlatko Sokolar, Head of the Department

Tel: 3788 559, Fax: 3788 128; E-mail: zsokolar@mup.hr

- Mr. Josip Paradžik, Head of the Section for Measure Implementation

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State Border Protection Department

- Mr. Vjekoslav Majić, Head of the Department

Tel: 3788 956, Fax: 3788 820, E-mail: vmajic@mup.hr

- Mr. Josip Miličević, Head of the Section for Enhanced Surveillance

Tel: 3788 817, Fax: 3788 820, E-mail: jmilicevic@mup.hr

Section for Aliens Status Issues

- Ms Ljiljana Maglić-Radoš, Head of the Section

Tel: 3788 793, Fax: 2788 507, E-mail: ljmaglic@mup.hr

Asylum Section

- Ms Verica Kuhar Hrlić, Head of the Section

Tel: 3788 976, Fax: 4887 318, E-mail: vkuhar@mup.hr

Asylum Seekers Reception Centre

- Mr. Miroslav Horvat, Head of the Centre

Tel: 3788 356, Fax: 3788 507, E-mail: mhorvat@mup.hr



UPITNIK

Sadržaj:

- I. Struktura državnih institucija koje se bave upravljanjem migracijama
- II. Readmisijski ugovori
- III. Međunarodni sporazumi (konvencije) koji reguliraju radnu migraciju
- IV. Izmjene u zakonodavstvu
- V. Kontakt detalji

Država

REPUBLIKA HRVATSKA

I. Struktura državnih institucija koje se bave upravljanjem migracijama

1. Koje državne institucije sudjeluju u upravljanju migracijama (uključujući i pitanja izbjeglica)?

Državna tijela koja se bave poslovima migracija u Republici Hrvatskoj su Ministarstvo vanjskih poslova i europskih integracija, Ministarstvo unutarnjih poslova te Državni inspektorat u dijelu koji se odnosi na nadzor rada stranaca.

U Ministarstvu unutarnjih poslova, Ravnateljstvu policije, Upravi za granicu, za problematiku nezakonitih migracija primarno je i najuže nadležan Odjel za nezakonite migracije. U Upravi za granicu, poslovima nezakonitih migracija posredno se bave i Odjel za zaštitu državne granice, kojemu je zaštita državne granice primarna nadležnost, zatim Odjel za susjedne zemlje, koji se bave kontrolom prelaska državne granice i međunarodnom graničnom suradnjom, Odjel pomorske i aerodromske policije, nadležan za poslove nadzora i zaštite zračnog prostora i pomorske granice, te prije godinu dana ustrojena Mobilna jedinica za provedbu

nadzora državne granice. Pitanjima nezakonitih migracija, s kaznenopravnog aspekta, u sklopu Uprave kriminalističke policije, bavi se Odjel organiziranog kriminaliteta, koji je, između ostalog, nadležan za procesuiranje kaznenih djela protuzakonitog prebacivanja osoba preko državne granice, trgovanja ljudima i drugih kaznenih djela koja su posredno ili neposredno vezana za nezakonite migracije.

Za pitanja vezana za zakonite migracije u okviru Ministarstva unutarnjih poslova nadležna je Uprava za inspeksijske i upravne poslove, a najuže je nadležan Odjel za strance i azil. Poslovi u djelokrugu rada Odjela za strance i azil odnose se na rješavanja statusnih pitanja stranaca u Republici Hrvatskoj (pitanja boravka stranaca u Republici Hrvatskoj), pitanja vezana za rješavanje azila u Republici Hrvatskoj, kao i pitanja koja se odnose na davanje suglasnosti prilikom izdavanja viza strancima.

2. Relevantno zakonodavstvo u području migracija.

Novi Zakon o strancima (NN 109/03, 182/04), koji je zamijenio bivši Zakon o kretanju i boravku stranaca iz 1991. godine, stupio je na snagu 2. srpnja 2003. godine a primjenjuje se od 1. siječnja 2004. godine. Za njegovu provedbu donijeti su sljedeći pravilnici: Pravilnik o statusu stranaca u Republici Hrvatskoj (NN 202/03, 145/04) i Pravilnik o putnim ispravama za strance, vizama, graničnim propusnicama te o načinu postupanja prema strancima (NN 202/03, 10/05, 19/05), Pravilnik o izdavanju putnih listova, viza i posebnih osobnih iskaznica strancima (NN 82/05). Donošenjem ovog, te Zakona o azilu, koji se primjenjuje od 1. srpnja 2004. godine, otvoren je ciklus prilagodbe osnovnih migracijskih propisa EU standardima, što predstavlja najvažniji korak u migracijskoj politici Republike Hrvatske.

Područje izbjegličkog prava u Republici Hrvatskoj uređeno je Zakonom o azilu, te sljedećim pratećim podzakonskim aktima ministra unutarnjih poslova: Pravilnikom o smještaju tražitelja azila, azilanata i stranaca pod privremenom zaštitom, Pravilnikom o obrascima i načinu vođenja evidencija za tražitelje azila, azilante i strance pod privremenom zaštitom i Pravilnikom o visini novčane pomoći tražiteljima azila, azilantima i osobama pod privremenom zaštitom.

U svezi sprječavanja nezakonitih migracija, važnu ulogu ima i novi Zakon o nadzoru državne granice, te Kazneni zakon, u čijim odredbama su propisana sljedeća kaznena djela: protuzakonito prebacivanje osoba preko državne granice, međunarodna prostitucija i trgovina ljudima, za koja sud može izreći novčanu i kaznu zatvora, a strancu i sigurnosnu mjeru protjerivanja iz zemlje u trajanju od 1 do 10 godina ili zauvijek.

Najvažnija područja uređena Zakonom o strancima su osnovni dokumenti za ulazak i boravak stranaca, vrste, uvjeti i metodologija njihovog izdavanja (putna viza, tranzitna viza, zrakoplovna-tranzitna viza, grupna viza, diplomatska viza, službena viza, zatim odobrenje za privremeni boravak i odobrenje za stalni boravak), način i uvjeti ulaska i izlaska stranaca iz zemlje, nezakoniti boravak i prisilno udaljenje stranaca, rad stranaca te prekršajne kaznene odredbe.

Također, Zakonom o strancima su u domaćem zakonodavstvu po prvi puta promovirani mnogi instituti koji predstavljaju EU standarde na području viza i migracija, poput odredaba o spajanju obitelji, humanitarnom statusu, obvezama prijevoznika koji dovoze strance na granični prijelaz, zabrani prisilnog udaljenja, vremenskom ograničenju administrativnog pritvora za nezakonite migrante, postupku s maloljetnicima, te obvezama javnih tijela i privatnih osoba koje saznaju za strance koji nezakonito borave, odnosno koje protiv stranaca pokreću prekršajni ili kazneni sudski postupak.

Za nepoštivanje odredbi Zakona o strancima, u sudskom je postupku predviđena mogućnost izricanja novčane kazne i zaštitne mjere protjerivanja stranca iz zemlje u trajanju do dvije godine, a strancu koji zakonito boravi, policija može zbog neispunjavanja uvjeta za daljnji boravak ili zbog nepridržavanja propisa, otkazati boravak. Takvi stranci moraju napustiti državu u roku koji im je određen odlukom policije. Strance koji ne napuste državu u određenom roku ili im je od strane suda izrečena mjera protjerivanja, policija prisilno udaljava iz države. Specifično je za novi Zakon da, osim što uređuje cjelokupno područje rada stranaca, uključujući izdavanje radnih dozvola i oslobođenja, kvotni sustav, te kazne za stranca i poslodavca, gotovo sva pitanja u svezi sa radom stranaca stavlja u nadležnost Ministarstvu unutarnjih poslova. Zbog nezakonitog rada, strancu se može u sudskom postupku izreći novčana kazna i zaštitna mjera protjerivanja, a poslodavcu koji je stranca nezakonito zaposlio, novčana kazna i zaštitna mjera zabrane obavljanja djelatnosti pravnoj osobi u trajanju do 2 godine.

Zakonodavstvo Republike Hrvatske sadrži i odredbe o pravu na žalbu protiv pojedinačnih odluka državnih tijela kojima se odlučuje o pravima stranaca u Republici Hrvatskoj. O žalbama na odluke Ministarstva unutarnjih poslova u prvom stupnju odlučuje Komisija Ministarstva unutarnjih poslova za rješavanje o žalbama u upravnom postupku, kao drugostupanjsko tijelo. O žalbama na odluke o zahtjevu za priznavanje azila u Republici Hrvatskoj odlučuje Povjerenstvo Vlade Republike Hrvatske za rješavanje o žalbama tražitelja azila i azilanata. Protiv odluke Komisije, odnosno Povjerenstva, stranci u roku od 30 dana od zaprimanja odluke, mogu pokrenuti upravni spor pred Upravnim sudom, kao institucijom trećeg stupnja.

3. Koja je institucija nadležna za pitanja azila?

U okviru Ministarstva unutarnjih poslova, Odjela za strance i azil, o zahtjevu za azil odlučuje Odsjek za azil.

4. Koja je institucija nadležna za pitanja iz područja viza?

U ovom trenutku, ne postoji središnje tijelo odgovorno za područje viza. Općenito, kompetentnost je podijeljena između Ministarstva vanjskih poslova i europskih integracija i Ministarstva unutarnjih poslova.

5. Koja je državna institucija / služba nadležna za upravljanje granicama?

Nadležna institucija odgovorna za upravljanje granicom Republike Hrvatske je Ministarstvo unutarnjih poslova koje u suradnji sa drugim nadležnim agencijama provodi Strategiju integriranog upravljanja granicom

II. Readmisijski ugovori (ažuriran 13. prosinca 2006)

6. Koje državne institucije sudjeluju u pripremi ugovora o readmisiji, a koje institucije su nadležne za njihovu primjenu.

Dio unutarnjeg pravnog poretka čine i readmisijski ugovori, međunarodni sporazumi kojima se uređuje pitanja prihvata i vraćanja državljana ugovornih stranaka i državljana trećih država. Postupak izrade ugovora o readmisiji je u nadležnosti Ministarstva vanjskih poslova i europskih integracija i Ministarstva unutarnjih poslova. Sama provedba ugovora o readmisiji u nadležnosti je Ministarstva unutarnjih poslova, Ravnateljstva policije, Uprave za granicu, odnosno Odjela za nezakonite migracije.

7. Države sa kojima su potpisani ugovori o readmisiji kao i datumi stupanja na snagu istih ugovora:

Republika Hrvatska potpisala je 24 Ugovora o readmisiji, i to:

- Ugovor između Vlade Republike Hrvatske i Saveznog vijeća Švicarske o preprati državljana trećih država (stupio na snagu 01.09.1997.godine),
- Ugovor između Vlade Republike Hrvatske i Vlade Kraljevine Švedske o predaji i prihvatu osoba (stupio na snagu 06.04.2003.godine),
- Ugovor između Vlade Republike Hrvatske i Savezne Vlade Republike Jugoslavije o predaji i prihvatu osoba kojih je ulazak ili boravak na državnom području druge države nezakonit (stupio na snagu 17.06.2004.godine),
- Ugovor između Vlade Republike Hrvatske i Vlade Republike Slovenije o prihvatu osoba na zajedničkoj državnoj granici (stupio na snagu 01. srpnja 2006. godine),
- Ugovor između Vlade Republike Hrvatske i Vlade Slovačke Republike o predaji i primanju građana vlastitih država (stupio na snagu 11.02.1996.godine),
- Ugovor između Vlade Republike Hrvatske i Vlade Rumunjske o readmisiji vlastitih državljana i stranaca (stupio na snagu 06.10.2002.godine),
- Ugovor između Vlade Republike Hrvatske i Vlade Kraljevine Norveške o predaji i prihvatu osoba kojih je ulazak ili boravak nezakonit (stupio na snagu 30. srpnja 2005. godine),
- Ugovor između Vlade Republike Hrvatske i Vlade Republike Poljske o predaji i primanju osoba kojih je boravak protuzakonit (stupio na snagu 27.05.1995),
- Ugovor između Vlade Republike Hrvatske i Vlade Republike Makedonije o predaji i prihvatu osoba kojih je boravak protuzakonit (stupio na snagu 01.02.2003.godine),
- Ugovor između Vlade Republike Hrvatske i Vlade Republike Mađarske o predaji i prihvatu osoba koje nezakonito borave na njihovim državnim područjima (stupio na snagu 10. svibnja 2003 godine),
- Ugovor između Vlade Republike Hrvatske i Vlade Republike Litve o predaji i prihvatu osoba kojih je ulazak ili boravak protuzakonit (stupio na snagu 01.01.2000.godine),
- Ugovor između Vlade Republike Hrvatske i Vlade Republike Latvije o predaji i prihvatu osoba (stupio na snagu 21.09.1998.godine),
- Ugovor između Vlade Republike Hrvatske i Vlade Talijanske Republike o prihvatu osoba kojih je boravak protuzakonit (stupio na snagu 01.06.1998.godine),
- Ugovor između Vlade Republike Hrvatske i Vlade Republike Island o predaji i prihvatu osoba kojih je boravak protuzakonit (potvrđen i objavljen u Narodnim novinama 25.04.2002.godine, nije objavljeno stupanje na snagu),
- Ugovor između Vlade Republike Hrvatske i Vlade Grčke Republike o predaji i prihvatu osoba kojih je boravak protuzakonit (stupio na snagu 15.03.1996.godine),
- Ugovor između Vlade Republike Hrvatske i Vlade Republike Francuske o predaji i prihvatu osoba kojih je boravak protuzakonit (potvrđen i objavljen u Narodnim novinama 27. 01.1995, privremena primjena, nije objavljeno stupanje na snagu) stupio na snagu 19.12.1995.godine),
- Ugovor između Vlade Republike Hrvatske i Vlade Republike Estonije o readmisiji osoba (stupio na snagu 23.03.2001.godine),
- Ugovor između Vlade Republike Hrvatske i Vlade Češke Republike o predaji i prihvatu osoba na državnim granicama (stupio na snagu 01.05.2004.godine),
- Ugovor između Vlade Republike Hrvatske i Vlade Republike Bugarske o predaji i prihvatu osoba kojih je boravak protuzakonit (stupio na snagu 03.08.2003.godine),

- Sporazum između Vlade Republike Hrvatske i Vijeća Ministara Bosne i Hercegovine o suradnji u predaji i prihvatu osoba kojih je boravak protuzakonit (potvrđen i objavljen u Narodnim novinama 27.07.2000. godine, privremena primjena, nije objavljeno stupanje na snagu),
- Ugovor između Vlade Republike Hrvatske i Vlade Republike Austrije o preuzimanju osoba na granici (stupio na snagu 01.11.1998.godine),
- Ugovor između Vlade Republike Hrvatske i Vlade Kraljevine Belgije, Velikoig Vojvodstva Luksemburg i Kraljevine Nizozemske o prihvatu osoba kojih je boravak protuzakonit (stupoo na snagu dana 01.02.2005.godine),
- Ugovor između Vlade Republike Hrvatske i Vlade Republike Albanije o predaji i prihvatu osoba kojih je boravak protutzakonit (stupio na snagu 15.06.2005.godine).
- Sporazum između Vlade Republike Hrvatske I Vlade Savezne Republike Njemačke o prihvatu povratnika (stupio na snagu 22.10.1997. godine).

Republika Hrvatska nije sklopila poseban Ugovor o readmisiji s EU.

8. S kojim državama su pregovori o ugovorima o readmisiji u toku i kad su planirani datumi potpisivanja?

Tijekom 2006.godine, Vlada Republike Hrvatske treba potpisati ugovore o readmisiji s Ukrajinom i Moldavijom, te uskladiti postojeće Ugovore s Bosnom i Hercegovinom i Srbijom i Crnom Gorom s EU obrascem ugovora o readmisiji.

III. Međunarodni sporazumi (konvencije) koji reguliraju radnu migraciju

9. S kojim državama ste potpisali i ratificirali sporazume (konvencije) koji reguliraju prava radnih migranata (socijalno osiguranje, zdravstveno osiguranje, nezaposlenost)...?

Ugovori o socijalnom osiguranju potpisani su i ratificirani s Bosnom i Hercegovinom, Makedonijom i Srbijom i Crnom Gorom.

10. S kojim državama ste započeli pregovore o ugovorima koji reguliraju prava radnih migranata?

Albanija je jedina država (u okviru MARRI inicijative) s kojom Republika Hrvatska nema Ugovor o socijalnom osiguranju, niti je pokrenuta inicijativa za započinjanje pregovora.

11. Koja prava radnih migranata su pokrivena međunarodnim sporazumima (konvencijama)?

Ugovorima o socijalnom osiguranju pokriveno je područje zdravstvenog osiguranja i zdravstvene zaštite, mirovinskog i invalidskog osiguranja, osiguranja za slučaj nesreće na poslu i profesionalne bolesti te osiguranja za vrijeme nezaposlenosti (s Republikom Makedonijom i doplatak za djecu).

12. Pri sklapanju međunarodnih sporazuma (konvencija), da li se povodite principom reciprociteta pri reguliranju s ostalim državama?

Načelo uzajamnosti je jedno od temeljnih načela sadržanih u ugovorima o socijalnom osiguranju. U slučaju nepostojanja ugovora o socijalnom osiguranju moguće je primijeniti načelo uzajamnosti, primjerice samo u isplati mirovinskih primanja (uz izuzetak Albanije, jedine države MARRI inicijative s kojom Republika Hrvatska ne primjenjuje ugovor o socijalnom osiguranju).

13. Koje institucije su nadležne za implementaciju međunarodnih sporazuma (konvencija) i koje su direktno nadležne u realizaciji prava radnih migranata?

Ugovore o socijalnom osiguranju provode Hrvatski zavod za mirovinsko osiguranje, Hrvatski zavod za zdravstveno osiguranje i Hrvatski zavod za zapošljavanje, kao tijela izravno uključena u ostvarivanje prava radne migracije. Tijela nadležna za provedbu ugovora su Ministarstvo gospodarstva, rada i poduzetništva te Ministarstvo zdravstva i socijalne skrbi.

IV. Izmjene u zakonodavstvu

14. Molim navedite sve zakonodavne izmjene i specifične modifikacije Vladine politike ili prakse u području migracija, azila, viza i upravljanje granicama koje su usvojene nakon 1. siječnja 2006. godine i one koje su u procesu usvajanja pred Vladom ili Parlamentom (Zakon o strancima, Zakon o azilu, Zakon o upravljanju granicama, Zakon o državljanstvu...)?

Sukladno započetim pregovorima o punopravnom članstvu Republike Hrvatske EU, a s tim i potrebama za daljnjim usklađivanjem zakona koji se odnose na pitanja vezana za migracije sa standardima EU, u travnju 2005.godine, osnovana je međuresorna radna grupa za donošenje i izmjene Zakona o strancima, a u rujnu 2005.godine, i radna skupina za izradu prijedloga Zakona i izmjenama i dopunama Zakona o azilu. U razdoblju nakon 01.01.2006. godine, a u okviru djelokruga rada Odjela za strance i azil, nije došlo do izmjena zakona niti podzakonskih propisa.

Vlada Republike Hrvatske utvrdila je Prijedlog strategije migracijske politike Republike Hrvatske i tijekom prosinca 2005. godine uputila ga je u saborsku proceduru. Ciljevi Strategije migracijske politike su, između ostaloga, usklađivanje normativnog okvira Republike Hrvatske, za područje migracija, s pravnim stečevinama Europske unije te daljnje unapređenje politike azila, posebno u dijelu instituta humanitarne zaštite, učinkovite suradnje s drugim državama u mogućim izbjegličkim krizama (po načelu podjele tereta/odgovornosti) i aktivne uloge pri rješavanju izbjegličke problematike i uklanjanja uzroka mogućih izbjegličkih tokova političkim i gospodarskim sredstvima. Radi postizanja ciljeva zadanih strategijom migracijske politike, mjerodavna središnja tijela državne uprave, sukladno svojim nadležnostima, izvršit će mjere i aktivnosti koje će omogućiti usklađenu provedbu migracijske politike. U okviru navedenog će se izmijeniti i dopuniti zakonska regulativa:

-Zakon o strancima – odobravanje dužine boravka u svrhu spajanja obitelji uskladit će se s Direktivom Vijeća Europske Unije o pravu na spajanje obitelji; preciznije će se urediti institut poslovne dozvole kao institut boravka i rada te će se postojeći sustav kvota radnih dozvola dopuniti sustavom kvalitativnog bodovanja;

-Zakon o azilu – potrebno je izmijeniti i dopuniti u dijelu koji se odnosi na odobravanje supsidijarne zaštite, ubrzanog postupka, postupka na granici i integraciji azilanata;

-Zakon o hrvatskom državljanstvu – potrebno je precizno urediti kvantum znanja hrvatskog jezika koji je potreban za stjecanje državljanstva; stjecanje hrvatskog državljanstva vezat će su uz prethodno odobreni stalni boravak, a potrebno trajanje boravka u Republici Hrvatskoj radi stjecanja državljanstva uskladit će se s odredbama Zakona o strancima;

-unaprijediti učinkovitost nadzora državnih granica i graničnih prijelaza; unaprijediti kaznena politika koja će odvraćati pojedince i organizirane grupe od kažnjivih radnji povezanih s migracijama, krijumčarenjem i trgovanjem ljudima, provoditi informiranje javnosti kako bi se spriječila ksenofobija, predrasude i negativan odnos prema strancima, potpisati ugovori o predaji i prihvatu osoba koje nezakonito borave na državnom području s državama podrijetla i tranzita s kojima do sada nisu potpisani takvi ugovori.

V. Kontakt detalji

Ministarstvo vanjskih poslova i europskih integracija (Medulićeva 34, Zagreb)

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QUESTIONNAIRE

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- I. National Migration Management Organization
- II. Readmission Agreements
- III. International Agreements (Conventions) regulating Labour Migration
- IV. Changes in Legislation
- V. Contact Details

Name of Country

REPUBLIC OF MACEDONIA
REPUBLI KA .MAKEDONI JA

Contact details for person(s) providing *Questionnaire* responses:

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I. National Migration Management Organization

12. What government agencies have a role in migration management (including refugee affairs)?

Koja vladi na agencija ima uloga vo migracioni ot menaxment (vkluvaj}i go pra{ awet o na begalcite)

There is no specialized government agency that has the role of migration management due to the fact that various Ministries cover different separate migration fields. Hereby, we should mention that on entry and exit of the Macedonian and foreign migrants, the leading role is given to the Ministry of Internal Affairs and to the Ministry of Foreign Affairs, while regarding the respect of social rights of the migrants important role is given to the Ministry of Labour and Social Policy. Also, we should mention the State Office for Statistics which is responsible for the statistic evidence of the migration flows.

Ne postoi specijalizirana Vladina agencija koja ima uloga na Migracionen menaxment od pri~ini {to najrazli~ni ministervapokrivaat posebni oblastiod poletona migraciete. Tukatreba da se napomene deka pri vlezot i izlezot na makedonskite i stranskiemi granti vode~ka uloga imaat Ministervot o zavnatre{ni raboti i Ministervot o za nadvore{ni raboti, dodeka okolu obezbeduvawe na socijalnite prava na migrantite zna~ajna uloga ima Ministervot o za trud i socijalna politika. Istotaka treba da se napomene i Dr`avniot zavod za statistika koj odgovoren za statisti~kata evidencija na migracionite tokovi.

13. Please provide information/analysis of any legislation governing the area of migration in your country?

Ve molime da ni dostavite informacija /analiza za bilo kakva vladi na legistat ive vo oblasta na migracijata vo va{ata zemja?

According to the new Law on Aliens adopted on 14.03.2006 (Official Gazette of the Republic of Macedonia No. 35/2006) entered into force on 01.04.2006 but it will start to be implemented on 01.04.2007 prescribes an obligation that the Parliament of the Republic of Macedonia, upon a proposal of the Government of the Republic of Macedonia, enacts a resolution on the migration policy that shall indicate the situation, the faced problems and the measures to be undertaken in the field of migration.

Worth to mention are the national reports within the CARDS 2002 (the Asylum Module, the Migration Module and the Visa Module) which were submitted to the Government of the Republic of Macedonia and the same with all the recommendations and obligations upon them were adopted by the Government of the Republic of Macedonia.

*Согласно новиот закон за странци што е донесен на 14.03.2006 година (објавен во службен весник на РМ бр.35/2006 година) кој влегува во сила на 01.04.2006 година а ќе се применува од 01.04.2007 година **proizleguva obvrskata deka Sobraniet o***

na R.Makedonija, na predlog na Vlatat a na R.Makedonija, donesuva rezolucija za migracionat a politika so koja }e se uka`e na sostojbite, problemite i merkite {to}e se prevzemati vo oblasta na migracijata. Vredni za spomenuvawe tuka se i nacionalnite izve{tai od regionalniot KARDS 2002 (Modulot za azil, Modulot za migracija i Vizniot modul) koj nacionalni izve{tai bea dostaveni do Vlatat a na R.Makedonija i istite so sit e preporaki i obvrski bea usvoeni od Vlatat a na R.Makedonija

14. Which agency is responsible for asylum issues?

Koja agencija e odgovorna za pra{aweto na azilot ?

There is no specialized agency that covers only the asylum issue. The asylum issue is mainly dealt in two ministries - the Ministry of Internal Affairs, where Asylum Section is established and is competent for determining the status of the asylum seekers into the Republic of Macedonia, and the Ministry of Labour and Social Policy, which, according to the Law on Asylum and Temporary Protection is responsible for lodging, food and realization of the social rights of the asylum seekers.

Nepostoi specijalizirana agencija koja go pokriva samo pra{aweto na azilot. Pra{aweto na azilot voglavno go tretiraat dve Ministirstva i toa Ministirstvo za vnatre{ni raboti - Oddelenie za azil koe e odgovorno za detirminirawena statistikata na baratelite na azil vo R.Makedonija i Ministirstvo za trud i socijalna politika koe soglasno Zakonot za azil i privremena za{tita e odgovorno za smestuvawe, ishrana i ostvaruvawe na socijalni prava na baratelite na azil.

15. What institution is responsible for visa related matters?

Koja institucija e odgovorna za pra{aweto na vizniot režim

The Ministry of Foreign Affairs is a competent institution regarding the visa policy issues, while the Ministry of Internal Affairs is competent for implementation of the visa regime, that is to say, the control of the state border crossing.

Министерството за надворешни работи претставува надлежна институција во врска со прашањата поврзани со визната политика, додека Министерството за внатрешни работи е задолжено за спроведувањето на визниот режим, односно контролата на преминот на државната граница

16. Which state institution/agency is responsible for border management?

Koja dr`avna institucija/agencija e odgovorna za grani~noto upravuvawe?

The Ministry of Internal Affairs is responsible for the border management through the Sector for Border Affairs.

Министерството за внатрешни работи е одговорно за граничното управување, преку Секторот за гранични работи.

II. Readmission Agreements (updated 12 December 2006)

17. Which national institution/s is responsible for preparation of readmission agreements and their implementation?

Која национална институција/ии се надлежни за подготовките на договорите за реадмисија и нивната имплементација?

The inter-agency working group, consisted of representatives from the Ministry of Internal Affairs (Section on Aliens, Sector for Legal and Personnel Affairs, Sector for European Integration and International Cooperation) and the Ministry of Foreign Affairs, is competent for the work on the procedures for conclusion of readmission agreements.

Меѓуресорска работна група составена од МВР (одделение за странци, сектор за правни и кадровски работи, сектор за европска интеграција и меѓународна соработка) и МНР е надлежна за работа на постапките за склучување на договорите за реадмисија.

За имплементацијата се надлежни МВР, МНР и МТСП

18. Please indicate the names and dates of entry into force of readmission agreements concluded with individual states; Indicate if readmission agreement was concluded with the EU.

Ве молиме назначете ги имињата на земјите и датите кога стапиле во сила склучените договори за реадмисија и назначете кои од нив се однесуваат на земјите членки на ЕУ.

According to Article 76 of the Stabilization and Association Agreement between the Republic of Macedonia and the EU, a possibility has been stipulated for concluding Readmission Agreements between the EU member states and the Republic of Macedonia, on the request of respective sides. In 2003 the Government of the Republic of Macedonia adopted a conclusion for intensifying procedures for concluding readmission agreements.

For that purpose the Macedonian Ministry of the Interior created a draft text - bilateral Readmission Agreement and Protocol for its implementation and made a proposal for its delivering to the EU member states and candidate states. The Draft-text is in line with the EU recommendations such as: European Council recommendation No.311996 S 0919 (08) from July 24, 1995 for leading principles in creating readmission agreements and their implementation protocols.

On April 09, 2004 the Ministry of Foreign Affairs of Republic of Macedonia, via diplomatic means, delivered the Macedonian draft – text to all EU member states with which readmission agreements were not concluded, with exception of Cyprus and

Malta with which the Republic of Macedonia does not have diplomatic relations. In the same time, the Draft – text was delivered to Turkey as a candidate state and Moldova. Macedonia has already concluded Readmission Agreements with other candidate states.

As a result of the implementation decision of the Macedonian Government for intensifying activities in this area, inter-ministerial working group was formed with a task to work on concluding readmission agreement procedures. Due to that, significant improvement has been achieved in this area in the past year, as it is shown in the summary of the current situation in this area.

READMISSION AGREEMENTS

With the EU member states:

1. Republic of Italy

Agreement between the Macedonian Government and the Government of the Republic of Italy on readmission of persons whose entry and/or residence is in discrepancy with the applicable regulations

- Signed in Skopje, on 26 February 1997
- Ratified, 09 July 1997
- "Official Gazette of the Republic of Macedonia – International Agreements" No. 34/97
- In force from 23 October 1997

2. Republic of Slovenia

Agreement between the Macedonian Government and the Government of the Republic of Slovenia on readmission of persons whose entry and/or residence is in discrepancy with the applicable regulations

- Signed in Ljubljana, on 27 January 1998
- Ratified, 28 April 1998
- "Official Gazette of the Republic of Macedonia – International Agreements" No. 21/98
- In force from 01 February 1999

3. Republic of France

Contract between the Macedonian Government and the Government of the French Republic for undertaking of persons with non-regulated stay

- Signed in Skopje, on 08 October 1998
- Ratified, 25 February 1999
- "Official Gazette of the Republic of Macedonia – International Agreements" No. 13/99
- In force from 17 June 1999

4. Republic of Slovakia

Agreement between the Government of the Republic of Macedonia and the Government of the Republic of Slovakia on readmission of persons whose entry or stay on the territory of other country is illegal

- Signed in Skopje, on 05 May 2000
- Ratified, 23 January 2002
- "Official Gazette of the Republic of Macedonia – International Agreements" No. 13/02
- In force from 01 November 2002

5. Federal Republic of Germany

Agreement between the Government of the Republic of Macedonia and the Government of the Federal Republic of Germany on readmission and transit (Readmission Agreement)

- Signed in Berlin, on 24 June 2002
- Ratified, 23 January 2004
- "Official Gazette of the Republic of Macedonia – International Agreements" No. 9/2004
- In force from 01 May 2004

6. Republic of Hungary

Agreement between the Government of the Republic of Macedonia and the Government of the Republic of Hungary on readmission of persons who reside illegally on their territories

- Signed in Budapest, on 26 September 2001
- Ratified, 16 June 2004
- "Official Gazette of the Republic of Macedonia – International Agreements" No. 42/2004
- In force from 13 August 2004

7. Republic of Poland

Agreement between the Government of the Republic of Macedonia and the Government of the Republic of Poland on readmission of persons who reside illegally on their territories

- Signed in Warsaw, on 06 April 2006.
- In process of ratification

8. Kingdom of Spain

Agreement between the Government of the Republic of Macedonia and the Government of the Kingdom of Spain on readmission of persons who reside illegally on their territories

- Signed in Skopje, on 06 February 2006.
- Ratified, 23 May 2006
- "Official Gazette of the Republic of Macedonia – International Agreements" No. 68/2006
- In force from 20 November 2006

9. Republic of Austria

Agreement between the Government of the Republic of Macedonia and the Government of the Republic of Austria on readmission of persons who reside illegally on their territories

- Signed in Vienna, on 05 May 2006
- Ratified from both sides, but still not published in Official Gazette of the Republic of Macedonia

10. Governments of BENELUX

Agreement between the Government of the Republic of Macedonia and the Governments of the BENELUX on readmission of persons who reside illegally on their territories

- Signed in the Hague, on 30 May 2006
- In process of ratification

11. Kingdom of Denmark

Agreement between the Government of the Republic of Macedonia and the Government of Kingdom of Denmark on readmission of persons who reside illegally on their territories

- Signed in Copenhagen, on 23 June 2006
- In process of ratification

12. Kingdom of Sweden

Agreement between the Government of the Republic of Macedonia and the Government of Kingdom of Sweden on readmission of persons who reside illegally on their territories

- Signed in Skopje, on 23 October 2006
- In process of ratification

With other states:

13. Swiss Confederation

Agreement between the Macedonian Government and the Swiss Federal Council for readmission of persons with illegal stay

- Signed in Skopje, on 16 April 1998
- Ratified, 09 June 1998
- "Official Gazette of the Republic of Macedonia – International Agreements" No. 27/98
- In force from 22 July 1998

14. Republic of Bulgaria

Agreement between the Macedonian Government and the Government of Bulgaria for readmission of persons with illegal stay

- Signed in Sofia, on 04 June 2001
- Ratified, 30 January 2002
- "Official Gazette of the Republic of Macedonia – International Agreements" No. 12/2002
- In force from 19 June 2002

Note: the Agreement is ratified on our behalf, while on behalf of the Bulgarian Government, the agreement is still not ratified.

15. Republic of Croatia

Agreement between the Government of the Republic of Macedonia and the Government of the Republic of Croatia on readmission of persons with illegal stay

- Signed in Zagreb, on 17 September 2001
- Ratified
- "Official Gazette of the Republic of Macedonia – International Agreements" No. 47/2002
- In force from 01 February 2003

16. Republic of Romania

Agreement between the Government of the Republic of Macedonia and the Government of the Republic of Romania on readmission of its own citizens and foreigners

- Signed in Bucharest, on 12 November 2003
- Ratified, 16 June 2004
- "Official Gazette of the Republic of Macedonia – International Agreements" No. 42/2004
- In force from 16 June 2004

17. Republic of Albania

Agreement between the Government of the Republic of Macedonia and the Government of the Republic of Albania on readmission of persons

- Signed in Skopje, on 17 June 2004

- Ratified, 19 May 2005
- "Official Gazette of the Republic of Macedonia – International Agreements" No. 40/2005
- In force from 15 July 2005

18. Kingdom of Norway

Agreement between the Government of the Republic of Macedonia and the Government of Kingdom of Norway on readmission of persons who reside illegally on their territories

- Signed in Skopje, 25 September 2006
- In process of ratification

Implementation of readmission agreements

Republic of Macedonia is consistent in implementation of bilateral readmission agreements. Nevertheless in the implementation of procedures for returning persons, states (with exception of Germany and Switzerland) have not been honoring existing readmission agreements or have been honoring existing readmission agreements very rarely. Macedonia has received requests only from Germany for returning of persons in accordance with the procedures stipulated in the Readmission Agreement. Other states have been returning persons with illegal stay by direct request to Macedonian diplomatic and consular missions abroad with demand for checking citizenship and issuing travel documents for returning in the Republic of Macedonia.

According to our information, provisions from readmission agreements have not been honoring due to the fact of specific categories of returning persons. Requests from all states except Germany have been submitted for citizens of the Republic of Macedonia and their underage children, while according to the Readmission Agreement with Germany there has been bilateral obligation for admission of members of family of citizens of both parties to an agreement (marital partners with citizenship of third country or apatrids) and unilateral obligation for the Republic of Macedonia for admission of persons who are not citizens of the Republic of Macedonia but they were only born on the territory of the Republic of Macedonia. Aforementioned is a consequence of the existing unusual provisions in the Readmission Agreement with Germany. According

to that, number of submitted requests for readmission from Germany is significantly and incomparably bigger in contrast to other states.

Requests for readmission from Switzerland have been formally honoring provisions from the Readmission Agreement and in all cases were related on requests for checking citizenship of persons.

Implementation of other readmission agreements related to other categories of persons or readmission procedures have not been represented in a form of official requests. Generally most of the cases for readmission, identity and citizenship of persons were not controversial, which in great extent simplify the procedure for readmission in the Republic of Macedonia.

According to our aforementioned information points to the fact that most of the persons who had been departing from the territory of the Republic of Macedonia to the EU member states and which had not been fulfilling or had not been fulfilling conditions for entrance or stay in the EU member states anymore is not a factor for endangerment of migratory flows and policies of the EU.

That has been confirmed by the total number of 2050 readmitted persons from all states to the Republic of Macedonia during 2005.

Согласно член 76 од Спогодбата за стабилизација и асоцијација меѓу Р Македонија и ЕУ, предвидена е можност за склучување на договори за реадмисија помеѓу државите-членки на ЕУ и Р Македонија, на барање на една од страните. Врз основа на наведеното, Владата на Р македонија во 2003. донела Заклучок за интезивирање на постапката за склучување на договори за реадмисија.

За таа цел, МВР на Р Македонија, изготви нацрт-текст на билатерален Договор за реадмисија и Протокол за негово спроведување и предложи истиот да се достави до државите-членки на ЕУ и аспиранти за прием во ЕУ, со кои дотогаш не биле склучени такви договори. Наведениот нацрт-текст е усогласен со препораките на ЕУ од оваа област, поточно со: Препораката на Европскиот Совет број 31996 S 0919 (07) од 30.11.1994. во врска со обрасците на билатерални договори за реадмисија и Препорака на Европскиот Совет број 311996 S 0919 (08) од 24.07.1995. за водечките принципи при составување на договорите за реадмисија и протоколите за нивно спроведување.

Министерство за надворешни работи на Р Македонија на 09.04.2004. по дипломатски пат го достави македонскиот нацрт-текст до сите држави членки на ЕУ со кои дотогаш не бил склучен таков договор, со исклучок на Кипар и Малта, со кои немаме дипломатски односи. Истовремено текстот е доставен и до Р Турција како земја-аспирант за влез во ЕУ (со други земји кандидати имаме веќе склучени договори), како и до Молдова.

Како резултат на спроведување на одлуката на Владата на Р Македонија за интензивирање на активностите во оваа област, формирана е меѓуресорска работна група која работи на постапките за склучување на договорите. Поради тоа, во последната година, значителен е напредокот во оваа област, што покажува и долунаведениот преглед на состојбата во наведената област.

Договори за превземање на лица

(РЕАДМИСИЈА)

Со државите-членки на ЕУ:

1. Republika Italija

Dogovor meѓu Makedonskata Vlada i Vlada na Republika Italija za vraќawe na lica ~ie vleguvawe i/ili prest oje vo sprot ivnost so va`e~kit e propisi

- *Склучен во Скопје на 26.02.1997 година.*
- *Ратификуван на 09.07.1997 година*
- *Објавен во "Slu`ben vesnik na RM-MD" broj 34/97*
- *Vo sila od 23.10.1997 godi na*

2. Republika Slovenija

Dogovor meѓu Vlada na Republika Makedonija i Vlada na Republika Slovenija za vraќawe na lica ~ie vleguvawe i/ili prest oje vo sprot ivnost so va`e~kit e propisi.

- *Склучен во Љубљана на 27.01.1998 година*
- *Ратификуван на 28.04.1998 година*
- *Објавен во "Slu`ben vesnik na RM-MD" broj 21/98*
- *Vo sila od 01.02.1999 godi na.*

3. Republika Francija

Spogodba meѓu Makedonskata Vlada i Vlada na Francuskata Republika za prezemawe na lica so nereguliran prest oje

- Склучена во Скопје на **08.10.1998** година.
- Ратификувана на 25.02.1999 година
- Објавена во "**Slu`ben vesnik na RM-MD**" broj 13/99
- **Vo sila od 17.06.1999 godi na.**

4. Republika Slova~ka

Dogovor me|u Vlatat a na Republika Makedonija i Vlatat a na Republika Slova~ka za vra}awe na dr`avjani ~ie vleguvawe ili prest ojna t eri t orijat a na drugat a dr`ava e nel egal en

- Склучен во Скопје на 05.05.2000 година,
- Ратификуван на 23.01.2002 година
- Објавен во "**Slu`ben vesnik na RM-MD**" broj 13/99
- **Vo sila od 01.11.2002 godi na**

5. Sojuzna Republika Germanija

Dogovor me|u Vlatata na Република Македонија i Vlatat a na Sojuzna Republika Germanija za преземawe i t ranzi t en prevoz (Dogovor za readmi si ja).

- Склучен во Берлин на **24.06.2002** година
- Ратификуван на 23.01.2004 година,
- Објавен во "**Slu`ben vesnik na RM-MD**" broj 9/2004
- **Vo sila od 01.05.2004 godi na.**

6. Република Унгарија

Договор помеѓу Владата на Република Македонија и Владата на Република Унгарија за преземање на лица кои илегално престојуваат на нивните територии.

- Склучен во Будимпешта на **26.09.2001** година
- Ратификуван на 16.06.2004 година
- Објавен во Службен весник на РМ - МД бр. **42/2004**
- **Во сила од 13.08.2004 година.**

7. Република Полска

Договор помеѓу Владата на Република Македонија и Владата на Република Полска за преземање на лица кои илегално престојуваат на нивните територии.

- Склучен во Варшава, 06.04. **2006** година
- Во постапка за ратификација

8. Кралството Шпанија

Договор помеѓу Владата на Република Македонија и Владата на Кралството Шпанија за преземање на лица кои илегално престојуваат на нивните територии.

- Склучен во Скопје на 06.02. **2006** година
- Ратификуван на 23.05.2006 година
- Објавен во Службен Весник на Република Македонија бр.68/2006
- Во сила од 20.11.2006 година

9. Република Австрија

Договор помеѓу Владата на Република Македонија и Владата на Република Австрија за преземање на лица кои илегално престојуваат на нивните територии.

- Склучен во Виена на 05.05. **2006** година
- Ратификуван од двете страни но не е објавен во Службен Весник на Република Македонија

10. БЕНЕЛУКС

Договор меѓу Владата на Република Македонија и Владите на БЕНЕЛУКС за превземање на лица со незаконски престој

- Склучен во Хаг на 30.05.2006 година
- Во постапка на ратификација

11. Кралство Данска

Договор помеѓу Македонската Влада и Владата на Кралството Данска за превземање на сопствени државјани и странци кои незаконски престојуваат на териториите на договорените страни

- Случен во Копенхаген на 23.06.2006 година
- Во постапка на ратификација

12. Кралство Шведска

Договор помеѓу Владата на Република Македонија и Владата на Кралството Шведска за превземање на лица (Договор за реадмисија)

- Случен во Скопје на 23.10.2006 година
- Во постапка на ратификација

Со останатите држави:

13. [вајцарија

Dogovor me|u Makedonskat a Vlada i [vaјcarski ot Federal en Sovet za prezemawe na l i ca so nezakonski prest oj

- Случен во Скопје на **16.04.1998** година
- Ратификуван на 09.06.1998 година
- Објавен во "**Slu`ben vesnik na RM-MD**" broj 27/98
- **Vo si la od 22.07.1998 godi na.**

14. Republ i ka Bugari ja

Dogovor me|u Vladat a na Republika Makedonija i Vladat a na Republika Bugari ja za prezemawe na l i ca so nezakonski prest oj

- Случен во Софија на **04.06.2001** година
- Ратификуван на 30.01.2002 година
- Објавен во "**Slu`ben vesnik na RM-MD**" broj 12/2002
- Во сила од 19.06.2002 година

Napomena: Od na{ a st rana Dogovorot e rat i f i kuvan, dodeka od bugarska st rana, t oa seu{ t e ne e slu~aj.

15. Republika Hrvatska

Dogovor me/у Vlada na Republika Makedonija i Republika Hrvatska za predavawe i prezemawe na lica so nezakonski prestoj.

- **Sklu~en во Загреб на 17.09.2001 godi na**
- Ратификуван во Република Македонија
- Објавен во Службен весник на РМ - МД број 47/2002
- **Во сила од 01.02.2003 godi na.**

16. Republika Romanija

Dogovor me/у Vlada na Republika Makedonija i Vlada na Republika Romanija za prezemawe na sopstveni dr`avjani i st ranci

- Склучен во Букурешт на 12.11.2003
- Ратификуван на 16.06.2004 godi na
- Објавен во Службен весник на РМ - МД број 42/2004
- **Во сила од 16.06.2004 godi na**

17. Republika Albanija

Dogovor me/у Vlada na Republika Makedonija i Vlada na Republika Albanija za prezemawe na lica.

- **Sklu~en во Скопје на 17.06.2004 godi na**
- Ратификуван на 19.05.2005 година
- Објавен во Службен весник на РМ - МД број 40/2005 година
- Во сила од 15.07.2005 година

18. Kралство Норвешка

Договор помеѓу Владата на Република Македонија и Владата на Кралството Норвешка за превземање на лица со незаконски престој на нивните територии

- Склучен во Скопје на 25.09.2006 година
- Во постапка на ратификација

Спроведување на договорите за реадмисија:

Р Македонија доследно ги спроведува постојните билатерални договори за реадмисија. Сепак, при спроведување на постапките за враќање на лица, државите (освен Германија и Швајцарија) не се повикуваат или исклучително ретко се повикуваат на постојните договори. Имено, освен со СР Германија од каде добиваме барања за враќање на лица согласно процедурите предвидени со Договорот за реадмисија, од страна на другите држави, враќањето на лица кои се со незаконски престој во тие држави, се врши со директно обраќање до македонските ДКП-а во странство, со барање за проверка на нивниот државјански статус во РМ и издавање на ПЛ за враќање во Р Македонија.

Според нашите согледувања, фактичкото неповикување на одредбите од постојните договори, се должи на специфичноста на категории на лица кои се враќаат, при што со сите држави освен со СР Германија, во сите барања без исклучок се работи за државјани на Р Македонија и нивните малолетни деца, додека според Договорот за реадмисија со СРГ постои взаемна обврска за преземање и на членовите на семејство на државјани на договорните страни (брачен другар со државјанство на трета држава или без државјанство) и еднострана обврска за Р Македонија за преземање на лица кои не се државјани на Р Македонија а се само родени на територија на РМ. Наведеното е последица на постоење на нестандартни клаузули во Договорот за реадмисија со СРГ. Согласно со тоа, бројот на доставените барања за враќање од СРГ е значително и неспоредливо поголем во однос на другите држави.

Барањата за враќање што се доставуваат од Швајцарија, формално се повикуваат на одредбите од Договорот за реадмисија и во сите случаи се однесуваат на барања за утврдување на државјанскиот статус на лицата.

Спроведување на останатите договори во однос на другите категории лица или постапки за враќање, воопшто не е застапено во форма на званични барања. Генерално, за најголемиот број на предмети за враќање на лица, идентитетот и државјанството не се спорни, што во голема мерка ја поедноставува постапката за нивно враќање во Р Македонија.

*Според нашите согледувања, претходно наведеното укажува на фактот дека најголемиот дел на лица кои од Р Македонија оствариле влез во земјите на ЕУ и кои не ги исполнуваат или повеќе не ги исполнуваат условите за влез или престој во тие држави, не претставуваат фактор на загрозување на миграционите текови и политики на ЕУ. Тоа го потврдува и податокот за вкупниот број на **2050** вратени лица од други држави во РМ, во текот на **2005** година.*

8. With which countries negotiations on readmission agreements are in progress and what is the foreseen date of signing?

Со кои држави постапките за склучување на договори за реадмисија се во тек и за кога се предвидува нивно потпишување?

With the EU member states

- **In phase of negotiations**
(Finland and Latvia)

We were informed from Czech Republic side, that they are not agreed with concluding of bilateral readmission agreement because they will wait for conclusion of Horizontal Readmission Agreement between Government of Republic of Macedonia and European Union.

We were informed from Great Britain, Lithuania, Estonia and Ireland that there was no need for concluding this type of agreements.

Greece and Portugal did not respond to our initiative.

With Cyprus and Malta, the Republic of Macedonia does not have diplomatic relations

With other states:

- **Draft – text is in line with Bosnia and Herzegovina** (signing is expected in upcoming period)
- **In phase of negotiations**
(Ukraine, Turkey, Moldova, Serbia and Montenegro)

Ministry of the Interior of the Republic of Macedonia as a carrier of procedures for concluding readmission agreements is planning to intensify finalization of current procedures and start negotiations with other states.

Ongoing are the negotiations for signing Readmission Agreements with the rest of the EU countries that have a practice of concluding such agreements, with a possibility of signing one joint Agreement, as well as the negotiations for concluding Readmission Agreements with non – EU member countries, Turkey, Ukraine, Moldova, Serbia and Montenegro. In the same

time, the Ministry for Foreign Affairs will carry out diplomatic activities to point out the necessity for concluding readmission agreements with states which so far have not shown interest for concluding readmission agreements.

Со државите-членки на ЕУ:

Се водат преговори со следните држави:

Финска и Латвија.

Од страна на **Чешка**, писмено сме известени дека не се согласни за склучување на билатералниот договор, туку ќе го сочекаат склучувањето на хоризонталниот договор на Република Македонија со Европската Унија.

Од страна на **Велика Британија, Литванија, Естонија и Ирска**, известени сме дека за сега немаат потреба од склучување на овој тип на договор.

Грција и Португалија до сега не одговориле на нашата иницијатива за отпочнување на процедура за склучување на договор за реадмисија.

Со **Кипар и Малта** немаме дипломатски односи, поради што нема иницијатива за склучување на договор за реадмисија.

Со останатите држави:

Усогласен е текстот со **БиХ** (по определување на терминот се очекува потпишување на истиот во наредниот период).

Се водат преговори со следните држави:

Украина, Турција, Молдавија, Србија и Црна Гора.

МВР како носител на постапките за склучување на договори за реадмисија, во наредниот период од неколку месеци планира максимално интензивирање на финализирање на постапките што се во тек и отпочнување на постапки на преговори со другите држави.

Во тек се преговори за потпишување на Договори за реадмисија со останатите земји од Европската Унија кои имаат пракса на потпишување на вакви договори, со **можност на потпишување на еден заеднички Договор**, како и преговори за потпишување на Договори за реадмисија и со земји кои не се членки на Европската Унија, **Украина, Турција, Молдавија, Србија и Црна Гора**. Истовремено од страна на МНР ќе се преземат дипломатски активности за укажување на потребата од склучување на вакви договори со држави кои досега не пројавиле интерес за истото и со кои досега немало постапка за склучување на овој тип на договор.

III. International Agreements (Conventions) Regulating Labour Migration

19. With which countries did you sign and ratify agreements (conventions) regulating the rights of labour migrants (social insurance, health insurance, unemployment...)?

So koj zemji imate potpisano i ratifikovano (konvencii) za regulirawe na pravata na t rudovata migracija (socijalno osiguruvawe, zdravstveno osiguruvawe, vrabotuvawe)?

<i>OVERVIEW OF SOCIAL SECURITY AGREEMENTS CONCLUDED BY THE REPUBLIC OF MACEDONIA AFTER ITS INDEPENDENCE</i>						
<i>According to the Constitutional Law for the Enactment of the Constitution of the Republic of Macedonia, Macedonia has taken over and is</i>						
State		Date of conclusion	Date of Ratification	Published by	No. And date of International Agreement	Entry into force
Austria	Social Security Convention	2/28/1997 Skopje	6/11/1997	Official Gazette of RM	No. 28 dated 20.06.1997	4/1/1998
Croatia	Social Security Convention	5/9/1997 Skopje	7/9/1997	Official Gazette of RM	No. 34 dated 18.07.1997	4/1/2000
Turkey	Social Security Convention	7/6/1998 Skopje	2/5/1999	Official Gazette of RM	No. 07 dated 10.02.1999	7/1/2000
Slovenia	Social Security Convention	7/13/1998 Ljubljana	2/25/1999	Official Gazette of RM	No. 13 dated 04.03.1999	4/1/2001
Switzerland	Social Security Convention	12/9/1999 Bern	5/23/2000	Official Gazette of RM	No. 44 dated 02.06.2000	1/1/2001
Kingdom of Denmark	Social Security Convention	3/20/2000 Copenhagen	5/9/2000	Official Gazette of RM	No. 37 dated 16.05.2000	into force
FR	Yugoslavia Social Security Convention	12/29/2000 Belgrade	1/23/2002	Official Gazette of RM	No. 13 dated 13.02.2002	4/1/2002
Bulgaria	Social Security Convention	2/6/2003 Sofia	4/17/2003	Official Gazette of RM	No. 13 dated 05.05.2003	8/1/2003

FR Germany Social Security Convention	7/8/2003 Skopje	10/20/2003	Official Gazette of RM	No.707 03.11.2003	dated	1/1/2005
Bosnia and Hercegovina Social Security Convention	2/17/2005 Sarajevo	9/13/2005	Official Gazette of RM	No.82 28.09.2005	dated	2/15/2006
R.Cesh Social Security Convention	10/7/2005 Skopje	2/10/2005	Official Gazette of RM	No.20 17.02.2006	dated	
Kingdom of Netherlands Social Security Convention	10/17/2005 Den Haag	2/10/2005	Official Gazette of RM	No.20 17.02.2006	dated	
R.Romania Social Security Convention	2/27/2006 Bucharest		Official Gazette of RM			

20. With which countries have you started negotiations regarding agreements regulating the rights of labour migrants?

So koj zemji i mat e zapo~nat o pregovori vo pogled na regul i rawe na pravat a na t rudovi t e mi grant i ?

With the following countries:

- Agreement between the Macedonian Government and the Government of the Federal Republic of Germany on employment of persons from the Macedonian enterprises with their main office on the territory of Macedonia (number of detached employees 480: sub-contingent on construction 290, on isolation affairs 30 and the rest on installation)
- Draft texts on such agreements are prepared between the Macedonian Government and the Governments of the Republic of Greece, Republic of Italy and Republic of Slovenia, but the same are still not signed
- Agreement on regulation of the employment of the Macedonian employees for the season work with the Republic of Greece and the Republic of Slovenia (the quote of the season employees each year is unstable and is dependant on the country's needs).

§ Spogodba me/u Makedonskat a Vlada i Vlatat a na Sojuzna Republika Germanija za vrabot uvawe na rabot nici t e od makedonski t e pret prijat ija so sedi { t e na t erit orija na Makedonija (broj na det a{ i rani rabot nici 480: pot kont ient za grade`ni { t vo 290, za izolaciski rabot i 30 i ost at okot za mont a`a)

§ Nacrt t ekst ovi za vakvi spogodbi se izrabot eni pome/u Makedonskat a Vlada i Vladit e na Republika Grcija, Republika I t alija i Republika Slovenija no ist it e seu{ t e ne se pot pi { ani

§ Spogdba za regul i rawe na vrabot uvawet o na makedonski rabot nici za sezonska rabot a so Republika Grcija i Republika Slovenija (kvot at a na sezonski t e rabot nici sekoja godi na e promenli va i zavis i od pot rebit e na dr`avit e

21. Which rights of labour migrants are covered by international agreements (conventions)?

Koj prava na t rudovi t e migrant i se pokrieni so me/unarodni t e dogovori (konvencii)?

These agreements mainly cover the rights from the field of social insurance.

So ovi e dogovori voglavno se pokri vaat pravat a od oblast a na socijalnot o osiguruvawe

22. When concluding international agreements (conventions), do you follow the principle of reciprocity of areas of regulation with other countries?

Po pot pief uvawe na me/unarodni t e dogovori (konvencii) dali go sledi t e principot na reciproci t et vo ova oblast so drugi t e zenji ?

In principle, reciprocity is applied in this field, but in particular cases, exceptions are allowed.

Vo princip se primenuva reciproci t et ot vo ova oblast no vo odredeni slu~eви mo`ni se i isklucoci

23. Which institutions are responsible for implementation of international agreements (conventions) and which are directly involved in realisation of the rights of labour migrants?

Koj inst it uci i se odgovorni za implement acija na me/unarodni t e dogovori (konvencii) i koj se direkt no involv irani vo odnos na ost varuvawe na pravat a na t rudovi t e migrant i ?

There is no specialised agency competent for implementation of the international agreements, however, it is possible through:

- Employment agency
- Pension and Invalid Insurance Fond
- Health Insurance Fond

Nepost oi specijal izi rana agencija koja e odgovorna za implement acija na me`unarodni t e dogovori no t oa se ovozm o` uva preku:

§ Agencija za vrabot uvawe

§ Fondot za penzi sko i inval idsko osiguruvawe

§ Fondot za zdravst veno osiguruvawe

IV. Changes in Legislation

24. Please indicate all legislation changes (laws, by-laws) and specific modifications in government policy or practices in the field of migration, asylum, visas and border management which have been adopted since 1 January 2006 and those which are in the process of adoption at the Government or before the Parliament (Law on Foreigners, Law on Asylum, Law on Border Control, Law on Nationality...)?

Ve molime da ni ukazete na site izmeni vo legislativata (zakonski, podzakonski akti) i specifinite izmeni vo vladinata politika ili praksa na polet o na migracijata, azilot, vizata i grani~noto upravuvawe koj bile usvoeni od 1 januari 2006 godina i koj od ovie oblasti se vo proces na usvojuvawe od strana na Vladata odnosno Parlamentot (Zakon za stranci, Zakon za azil, Zakon za pograni~na kontrola, Zakon za nacionalnost i.)

Laws which are enacted:

- The Law on Asylum and Temporary Protection (July, 2003)
- The Law on Aliens (March, 2006)
- The Law on Citizenship

Laws which are in procedure:

- The Law on Employment Work of Foreigners
- The Law on State Border Control

Zakoni koj se doneseni:

§ Zakonot za azil i privremena zaštita (juli 2003 godina)

§ Zakonot za stranci (mart 2006 godina)

§ Законот за државјанство

Zakoni koj se vo procedura:

§ Zakon za vrabotuvawe i rabotewe na stranci

§ Закон за контрола на државната граница

V. Contact Details (updated 11 December 2006)

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EMPLOYMENT AGENCY OF THE REPUBLIC OF MACEDONIA

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QUESTIONNAIRE

Content:

- I. National Migration Management Organisation
- II. Readmission Agreements
- III. International Agreements (Conventions) regulating Labour Migration
- IV. Changes in Legislation
- V. Contact Details

Name of Country: **MONTENEGRO**

Contact details for person(s) providing *Questionnaire* responses:

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Tel: +381-81-246-068, Fax +381-81-224-897
Email: psc@cg.yu

I. National Migration Management Organization

1. What government agencies have a role in migration management (including refugee affairs)?

The Ministry of Interior, Ministry of Labor and Social Welfare, The Directorate of Police, The Employment Agency, Ministry of School and Science, Ministry of Health, Commissariat for Refugees and Displaced Persons.

The Commissariat for Displaced Persons is governmental institution dealing with refugee and IDPs affairs in Montenegro. The Commissariat for Displaced Persons of the Government of the Republic of Montenegro has been established by the Decree of the Government in 1992. Presently, the Commissariat is undergoing a legal reform which will determine future direction of work as well as activities and responsibilities of our office. After the adoption of the Law on Asylum, the activities will be related to providing accommodation to asylum seekers including assistance in access to education, health and social services, legal aid etc. Also, a significant task of the Commissariat will be assistance to returnees- Montenegrin citizens, according to the readmission agreements.

The Government of the Republic of Montenegro adopted the National Strategy for Resolving the Issues of Refugees and IDPs in Montenegro. The objective of Strategy is to find, within the next three years, depending on the economic potentials of Montenegro and considering the existing international standards and principles, an optimal solution for refugees and IDPs in Montenegro. The Coordinator of the Strategy is Ministry of Labor and Social Welfare. Over 60 projects from the various field, nominated by the relevant institutions in Montenegro (including the Commissariat), have been presented in the Strategy. Commissariat has been recognized as the key element in implementation and coordination of activities planned in the National Strategy.

2. Please provide information/analysis of any legislation governing the area of migration in your country?

The Law on Movement and Residence of Foreigners, The Law on Foreigners and The Law of Asylum are ready for procedure in the Parliament of Montenegro, The Law on the Employment of Foreigners and The Law on the Citizenship of Montenegro.

3. Which agency is responsible for asylum issues?

Ministry of Interior for applications, decisions of approvals, procedures, giving the documents, taking care about evidences...

Commissariat for refuges and displaced persons for help and accommodation of refuges.

Ministry of Labor and Social Welfare.

Ministry of School and Science.

Ministry of Health.

4. What institution is responsible for visa related matters?

Ministry of Exterior.

Ministry of Interior.

Directorate of Police.

5. Which state institution/agency is responsible for border management?

Ministry of Interior.

Directorate of Police –the Department of State Border and Borders Affairs.

Custom of Montenegro.

Ministry of Agriculture.

II. Readmission Agreements

6. Which national institution/s is responsible for preparation of readmission agreements and their implementation?

The Ministry of Human Rights and Right of Minorities of the State Union SCG and ministries of internal affairs of state members which are also in charge of the implementation of readmission agreements.

7. Please indicate the names and dates of entry into force of readmission agreements concluded with individual states; Indicate if readmission agreement was concluded with the EU.

With: Germany 01.11.2002; Switzerland 01.09.1997; Sweden 15.03.2003; Holland, Belgium and Luxemburg 12.12.2002; Italy 28.06.2003; Slovenia 21.12.2001; Austrian, Denmark 08.03.2003; Croatia, Hungary 31.01.2003; Bulgaria 09.08.2001; Slovak Republic 15.06.2001; Bosnia and Herzegovina and France.

8. With which country negotiations on readmission agreements are in progress and what is the foreseen date of signing.

The negotiations about the readmission agreements with Czech Republic, Norway and Canada are over. The process of negotiations with Romania, Macedonia, Great Britain, Greece, Latvia and Lithuania are under way.

III. International Agreements (Conventions) Regulating Labour Migration

BOTH:

9. With which countries did you sign and ratify agreements (conventions) regulating the rights of labour migrants (social insurance, health insurance, unemployment...)?
10. With which countries have you started negotiations regarding agreements regulating the rights of labour migrants?

Through bilateral agreements, on the basis of reciprocity, the following rights are regulated: health insurance, pension insurance, unemployment rights, children allowance and administrative and legal assistance of the citizens of the parties to the agreements. The following social security agreements have been concluded:

1. Austria with SFRY 19.11.1965., in force since 1.01.1967. The Agreement on Social Security of FR of Yugoslavia and Austria is still waiting to be ratified. According to the Montenegrin Ministry of labour and social welfare, this agreement should be ratified in the Montenegrin Parliament.
2. Belgium 1.11.1959. in force since 1.10.1956;
3. Bulgaria 18.12.1957, in force since 1.12.1957
4. Czechoslovakia 29.05.1957, in force since 1.12.1957. valid now for both Slovakia and the Czech Republic;
5. France 5.01.1950, in force since 1.04.1951;
6. Italy 14.11.1957, in force since 1.01.1961;
7. Luxemburg 1.09.2005 (a new agreement is being ratified);
8. The Netherlands 1.06.1956 , in force since 1.04.1957;
9. Norway 8.05.1975, in force since 1.08.1976;
10. Germany 12.10.1958, in force since 1.09.1969;
11. Poland 16.01.1958, in force since 1.01.1959;
12. Sweden 5.07.1968, in force since 1.01.1979;
13. Switzerland 8.06.1962, in force since 1.03.1964; a new agreement is in the process of ratification;
14. UK 24.05.1958, in force since 1.09.1958;
15. Denmark 1.02.1979 in force since 1.08.1983;
16. Egypt 27.06.1987, in force since 1.02.1989;
17. Libya 6.04.1979, in force since 1.06.1990;
18. Rumania 1976;
19. Panama 1975;
20. Macedonia in force since 1.04.2002;
21. Croatia in force since 1.05.2003;
22. Bosnia and Herzegovina in force since 1.01.2004;
23. Turkey agreements needs to be ratified;
24. Hungary 5.10.1957, in force since 1.07.1958. During 2005 texts of agreements on social security and specific questions of social security as well as administrative agreement have been concluded – they need to be ratified.

NB The Montenegrin Ministry of Labour and Social Welfare suggests these agreements be taken over by Montenegro since this Ministry has taken part in the elaboration of the texts of the agreements.

According to the Montenegrin Ministry of Labour and Social Welfare the priority should be given to the elaboration and conclusion of agreements on social security with Serbia and Slovenia. Other above mentioned agreements, should be ratified by the Montenegrin Parliament.

11. Which rights of labour migrants are covered by international agreements (conventions)?

Serbia and Montenegro has ratified the following conventions of the ILO on the rights of labour migrants:

Convention No 48 on Migrants in Case of Illness, Old Age or Death

Convention No 97 on Migration with the Aim of Employment (revised)

Convention no 143 on Labour Migrants.

Through the ratification of the abovementioned conventions, the Republic of Montenegro has taken over the responsibility of their implementation and its reporting in Montenegro to the ILO.

12. When concluding international agreements (conventions), do you follow the principle of reciprocity of areas of regulation with other countries?

Through bilateral agreements, on the basis of reciprocity, the following rights are regulated: health insurance, pension insurance, unemployment rights, children allowance and administrative and legal assistance of the citizens of the parties to the agreements.

13. Which institutions are responsible for implementation of international agreements (conventions) and which are directly involved in realisation of the rights of labour migrants?

Through the ratification of the above-mentioned conventions, the Republic of Montenegro has taken over the responsibility of their implementation and its reporting in Montenegro to the ILO.

IV. Changes in Legislation

14. Please indicate all legislation changes (laws, by-laws) and specific modifications in government policy or practices in the field of migration, asylum, visas and border management which have been adopted since 1 January 2006 and those which are in the process of adoption at the Government or before the Parliament (Law on Foreigners, Law on Asylum, Law on Border Control, Law on Nationality...)?

The Law on Foreigners, Law on Asylum and Law on Nationality are still in the process of adoption of the Government before the Parliament. The Law on Border Control was passed in 2005.

V. Contact Details

15. Please fill in the table below with updated contact details (telephone, fax, e-mail and address):

	Department for Foreigners	Asylum	Visa	Border control	Work permits	Implementation of readmission agreements	Anti-trafficking	Organised crime
Institution/ Agency	Mol Montenegro, Bulevar Svetog Petra Cetinjskog 22, Podgorica, Commisariat for Refugees and Displaced Persons	Mol Montenegro, Directorate for Administrative Affairs	MFA & Mol Montenegro	Mol Montenegro, Directorate for State Border & Border Police, Customs of Montenegro	Institute for Employment of Montenegro	Mol Montenegro, Directorate for Administrative Affairs	Mol Montenegro, Special Team for Fight Against Human Trafficking	Mol Montenegro
Head of Department	Mr. Vesko Vukadinovic, Head of Directorate for State Border & Border Police, tel. 081/202-851, fax 248-236, Email upravadg@cg.yu	Mr. Sveto Djurovic, Head of the Directorate for Administrative Affairs tel. 225-341, fax 246-453, Email: mupupravno@cg.yu					Mr. Veselin Saranovic, Head, tel. 248-812, fax 203-297. Email: antitrafficking@cg.yu	
Deputy Head of Department	Mr. Lazar Jankovic, Head of the Department for Foreigners, tel. 202-895, fax 241-755, Email: sektorzapp@cg.yu	Natalija Simonovic, Head of the Department tel. 225-341, fax 246-453, Email: mupupravno@cg.yu					Mr. Rajko Malovic, tel. 248-812, fax 203-297. Email: antitrafficking@cg.yu	

UPITNIK

Sadržaj:

- I. Struktura državnih institucija koje se bave upravljanjem migracijama
- II. Readmisijski ugovori
- III. Međunarodni sporazumi (konvencije) koji regulišu radnu migraciju
- IV. Izmene u legislativi
- V. Kontakt detalji

Država: **CRNA GORA**

Kontakt:

Brano Perović, Nacionalni koordinator za MARRI
Svetog Petra Cetinjskog Blvd, 22
81000 Podgorica
Tel: +381-81-246-068, Faks +381-81-224-897
Email: psc@cg.yu

I. Struktura državnih institucija koje se bave upravljanjem migracijama

1. Koje državne institucije sudjeluju u upravljanju migracijama (uključujući i pitanja izbjeglica)?

Ministarstvo unutrašnjih poslova RCG, Ministarstvo rada i socijalnog staranja RCG, Uprava policije RCG, Agencija za zapošljavanje RCG, Ministarstvo prosvjete i nauke RCG, Ministarstvo zdravlja RCG, Komesarijat za raseljena lica RCG.

2. Relevantno zakonodavstvo u oblasti migracija.

Zakon o kretanju i boravku stranaca, zakon o strancima i zakon o azilu, koji su spremni za skupštinsku proceduru, Zakon o zapošljavanju stranaca i Zakon o državljanstvu Crne Gore.

3. Koja je institucija nadležna za pitanja azila?

Ministarstvo unutarnjih poslova za aplikacija, odluke, procedure, osiguravanje dokumenata, dokazni process...

Komesarijat za raseljena lica RCG za pomoć i smještaj izbjeglica.

Ministarstvo rada i socijalnog staranja RCG

Ministarstvo prosvjete i nauke RCG

Ministarstvo zdravlja RCG

4. Koja je institucija nadležna za pitanja iz oblasti viza?

Ministarstvo inostranih poslova

Ministarstvo unutrašnji poslova RCG

Uprava policije RCG

5. Koja je državna institucija / služba nadležna za upravljanje granicama?

Ministarstvo unutrašnjih poslova RCG

Uprava policije RCG – sektor za državnu granicu i pogranične poslove

Uprava carina Crne Gore

Ministarstvo poljoprivrede

II. Readmisijski ugovori

6. Koje državne institucije sudjeluju u pripremi ugovora o readmisiji, a koje institucije su nadležne za njihovu primjenu.

Ministarstvo za ljudska i manjinska prava Srbije i Crne Gore i MUP država članica koji su, takođe, zaduženi za implementaciju readmisijskih ugovora.

7. Države sa kojima su potpisani ugovori o readmisiji kao i datumi stupanja na snagu istih ugovora

S: Njemačkom 01.11.2002; Švajcarskom 01.09.1997; Švedskom 15.03.2003; Holandijom, Belgijom i Luksemburgom 12.12.2002; Italijom 28.06.2003; Slovenijom 21.12.2001; Austrijom, Danskom 08.03.2003; Hrvatskom, Mađarskom 31.01.2003; Bugarskom 09.08.2001; Slovačkom 15.06.2001; Bosnom i Hercegovinom i Francuskom.

8. S kojim državama su pregovori o ugovorima o readmisiji u toku i kad su planirani datumi potpisivanja?

Pregovori o readmisijskim ugovorima su završeni s Češkom, Norveškom i Kanadom. Proces pregovora s Rumunijom, Makedonijom, Velikom Britanijom, Grčkom, Latvijom i Litvanijom je u toku.

III. Međunarodni sporazumi (konvencije) koji regulišu radnu migraciju

9. S kojim državama ste potpisali i ratifikovali sporazume (konvencije) koji regulišu prava radnih migranata (socijalno osiguranje, zdravstveno osiguranje, nezaposlenost)...? 10. S kojim državama ste započeli pregovore o ugovorima koji regulišu prava radnih migranata?

Bilateralnim međunarodnim ugovorom na bazi reciprociteta, obezbjeđuju se prava iz socijalnog osiguranja, koja obuhvataju prava iz zdravstvenog osiguranja, prava iz penzijskog osiguranja, prava za slučaj nezaposlenosti, prava na dječiji dodatak i administrativno pravnu pomoć, državljana zemalja ugovornica po osnovu rada i boravka u jednoj od zemalja ugovornica. Jugoslavija je u oblasti socijalnog osiguranja zaključila sporazume sa sljedećim državama:

1. Republikom Austrijom 19.11.1965. godine, sa primjenom od 1.01.1967. godine. Sporazum o socijalnom osiguranju između SR Jugoslavije i Republike Austrije još nije u primjeni, jer se čeka na ratifikaciju. Po mišljenju ovog Ministarstva ovaj sporazum bi trebalo da ratifikuje država Crna Gora;
2. Kraljevinom Belgijom 1.11.1959. godine koji se primjenjuje od 1.10.1956. godine;
3. Republikom Bugarskom od 18.12.1957. godine, koji se primjenjuje od 1.12.1957. godine.
4. Sa bivšom Čehoslovačkom 29.05.1957. godine, koji se primjenjuje od 1.12.1957. godine i nakon podjele iste za Republiku Češku i Republiku Slovačku;

5. Republikom Francuskom 5.01.1950. godine, koji se primjenjuje od 1.04.1951. godine;
6. Republikom Italijom 14.11.1957. godine, koji se primjenjuje od 1.01.1961. godine;
7. Velikom Vojvodstvom Luksemburga od 1.09.2005. godine. (novi sporazum koji je u postupku ratifikacije);
8. Kraljevinom Holandijom 1.06.1956. godine, koji se primjenjuje od 1.04.1957. godine;
9. Kraljevinom Norveškom 8.05.1975. godine, koji se primjenjuje od 1.08.1976. godine;
10. Saveznom Republikom Njemačkom 12.10.1958. godine, koji se primjenjuje od 1.09.1969. godine;
11. Republikom Poljskom 16.01.1958. godine, koji se primjenjuje od 1.01.1959. godine;
12. Kraljevinom Švedskom 5.07.1968. godine, koji se primjenjuje od 1.01.1979. godine;
13. Konfederacijom Švajcarske 8.06.1962. godine, koji se primjenjuje od 1.03.1964. godine; Uradjen novi sporazum koji je u postupku ratifikacije;
14. Ujedinjenim Kraljevstvom Velike Britanije i Sjeverne Irske 24.05.1958. godine, koji se primjenjuje od 1.09.1958. godine;
15. Kraljevinom Danske 1.02.1979. godine, koji se primjenjuje od 1.08.1983. godine;
16. Arapskom Republikom Egipat 27.06.1987. godine, koji se primjenjuje od 1.02.1989. godine;
17. Socijalističkom Narodnom Libijskom Republikom Arapske Džamahirije 6.04.1979. godine, koji se primjenjuje od 1.06.1990. godine;
18. Republikom Rumunijom sporazum između Vlade Rumunije i Vlade SFRJ o saradnji u oblasti zdravstvenog osiguranja iz 1976.godine;
19. Panamom sporazum o saradnji socijalnog osiguranja iz 1975 godine;
20. Republikom Makedonijom koji je u primjeni od 1.04.2002. godine;
21. Republikom Hrvatskom koji je u primjeni od 1.05.2003. godine;
22. Bosnom i Hercegovinom koji je u primjeni od 1.01.2004. godine;
23. Potpisan Sporazum sa Republikom Turskom - treba da se ratifikuje;
24. Republikom Madjarskom 5.10.1957. godine, koji se primjenjuje od 1.07.1958. godine. U toku 2005. godine usaglašeni su i parafirani tekstovi Sporazuma o socijalnom osiguranju i pojedinim pitanjima socijalne sigurnosti i Administrativni Sporazum za njegovo sprovođenje između SCG i Madjarske i čeka se njihova ratifikacija. Predlažemo da Crna Gora preuzme ove sporazume i pristupi njihovom potpisivanju, budući da je Ministarstvo rada i socijalnog staranja Crne Gore učestvovalo u izradi teksta sporazuma.

Po mišljenju ovog Ministarstva treba dati prioritet izradi i zaključivanju Sporazuma o socijalnom osiguranju sa Srbijom i Slovenijom.

Ostale navedene sporazume, po mišljenju ovog Ministarstva, treba da ratifikuje Skupština Crne Gore.

11. Koja prava radnih migranata su pokrivena međunarodnim sporazumima (konvencijama)?

Srbija i Crna Gora je ratifikovala sledeće konvencije Međunarodne organizacije rada u oblasti zaštite prava migranata:

Konvencija br.48 o očuvanju migranata za slučaj bolesti, starosti i smrti; -Konvencija br.97 o migraciji u cilju zapošljavanja (revidirana); -Konvencija br.143 o radnicima migrantima.

12. Pri sklapanju međunarodnih sporazuma (konvencija), da li se povodite principom reciprociteta pri regulisanju s ostalim državama?

Bilateralnim međunarodnim ugovorom na bazi reciprociteta, obezbjedjuju se prava iz socijalnog osiguranja, koja obuhvataju prava iz zdravstvenog osiguranja, prava iz penzijskog osiguranja, prava za slučaj nezaposlenosti, prava na dječiji dodatak i administrativno pravnu pomoć, državljana zemalja ugovornica po osnovu rada i boravka u jednoj od zemalja ugovornica.

13. Koje institucije su nadležne za implementaciju međunarodnih sporazuma (konvencija) i koje su direktno nadležne u realizaciji prava radnih migranata?

Ratifikovanjem gore navedenih konvencija Crna Gora je preuzela obaveze njihove primjene i izvještavanja MOR o tome kako se implementiraju njihove odredbe u pravu i praksi Crne Gore.

IV. Izmjene u legislativi

14. Molim navedite sve legislativne izmene i specifične modifikacije Vladine politike ili prakse u području migracija, azila, viza i upravljanja granicama koje su usvojene nakon 1 januara 2006 i one koje su u procesu usvajanja pred Vladom ili Parlamentom (Zakon o strancima, Zakon o azilu, Zakon o upravljanju granicama, Zakon o državljanstvu...)?

Zakon o strancima, zakon o azilu i zakon o državljanstvu su još uvijek u skupštinskoj proceduri. Zakon o kontroli granica je usvojen 2005.

V. Kontakt detalji

15. Molimo navedite najnovije kontakt detalje (telefon, faks, email adresa):

	Department for Foreigners	Migration/ Asylum	Visa	Border control	Work permits	Implementation of readmission agreements	Anti-trafficking	Organised crime
Institution/ Agency	MUP Crne Gore, Bulevar Svetog Petra Cetinjskog br.22, Podgorica, Komesarijat za izbjeglice i raseljena lica	MUP CG Uprava za upravne poslove	MIP CG, MUP CG	MUP CG, Uprava za DG i PP, Carina Crne Gore	Zavod za zaposljavanje Crne Gore	MUP CG Uprava za upravne poslove	MUP CG, Specijalni tim za borbu protiv trgovine ljudima	MUP CG
Head of Department	G.Vesko Vukadinovic, nacelnik Uprava za DG I PP, 081/202-851, fax 248-236, Email upravdg@cg.yu	G. Sveto Djurovic, nacelnik Uprave za upravne poslove tel. 225-341, fax 246-453, Email: mupupravno@cg.yu					G. Veselin Saranovic, sef tima, 248-812, Fax 203-297. Email: antitrafficking@cg.yu	
Deputy Head of Department	G.Lazar Jankovic, nacelnik odjeljenja za strance 202-895, fax 241-755, Email: sektorzapp@cg.yu	Natalija Simonovic, nacelnik odjeljenja, kontaktni detalji isti kao kod Djurovic					G. Rajko Malovic, identicni kontakt detalji	



QUESTIONNAIRE

Content:

- VI. National Migration Management Organisation
- VII. Readmission Agreements
- VIII. International Agreements (Conventions) regulating Labour Migration
- IX. Changes in Legislation
- X. Contact Details

Name of Country **SERBIA**

Contact details for person(s) providing *Questionnaire* responses:

Ambassador Pero Janković, Coordinator for MARRI in the Ministry of Foreign Affairs of Serbia and Montenegro

I. National Migration Management Organization

25. What government agencies have a role in migration management (including refugee affairs)?

- a) Please attach to this *Questionnaire* the organisational chart or other summary document, if available.
- b) If proposals are pending for creation of new entities or reorganization of migration functions, please provide a brief description of the proposed changes?

Ministry of Interior of the Republic of Serbia
Commissariat for Refugees of Serbia
Ministry of Foreign Affairs of Serbia and Montenegro

26. Please provide information/analysis of any legislation governing the area of migration in your country?

The entrance of aliens into the territory of Serbia and Montenegro for the purpose of work, studying, specialisation etc is regulated by:

- Law on Movement and Residence of Aliens
- Law on Conditions for Employment of Aliens
- Labour Law of Serbia
- Law on Employment and Unemployment Allowance of Serbia
- International agreements on scientific, technical, educational and cultural cooperation

The regime of movement and employment of aliens and persons without citizenship is regulated by:

- Law on Movement and Residence of Aliens
- Law on Conditions for Employment of Aliens
- Labour Law of Serbia
- Law on Work in State Administration
- Law on Labour Documentation
- Employment and Work Security Law of Serbia
- Law on Pension and Disabled Persons Insurance
- Law on Health Insurance

27. Which agency is responsible for asylum issues?

Ministry of Interior of the Republic of Serbia

28. What institution is responsible for visa related matters?

Ministry of Foreign Affairs of Serbia and Montenegro
Ministry of Interior of the Republic of Serbia

29. Which state institution/agency is responsible for border management?

Ministry of Interior of the Republic of Serbia, Border Police Directorate

II Readmission Agreements

30. Which national institution/s is responsible for preparation of readmission agreements and their implementation?

Ministry of Human and Minority Rights of Serbia and Montenegro is responsible for preparation of readmission agreements. Ministry of Interior of the Republic of Serbia, Section for Implementation of Readmission Agreements is responsible for their implementation.

31. Please indicate the names and dates of entry into force of readmission agreements concluded with individual states; Indicate if readmission agreement was concluded with the EU.

Germany, 1 April 2004
Sweden, 15 March 2003
Denmark, 8 March 2003
Italy, 1 April 2005

Belgium, 29 May 2004
 Netherlands, 29 May 2004
 Luxemburg, 29 May 2004
 Austria, 29 April 2004
 Slovakia, 27 July 2002
 Hungary, 29 March 2003
 Slovenia, 21 December 2001
 Bulgaria, 9 August 2001 (Protocol part has not been signed yet)
 Croatia, 17 June 2004
 Bosnia and Herzegovina (ratification instruments have not been exchanged yet)
 Switzerland, 29 April 2004

32. With which countries negotiations on readmission agreements are in progress and what is the foreseen date of signing?

THE AGREEMENTS WITH THE FOLLOWING COUNTRIES HAVE BEEN FINALISED: Czech Republic, Norway and France (the agreement is to be signed 24 April 2006)

THE AGREEMENT WITH CANADA HAS BEEN SIGNED; IT IS TO BE RATIFIED IN THE SERBIA AND MONTENEGRO PARLIAMENT.

THE AGREEMENTS WITH THE FOLLOWING COUNTRIES ARE IN THE FINAL PHASE: Great Britain, Latvia, Greece, Romania

DRAFTS EXCHANGED, THE INITIALIALISATION OF NEGOTIATIONS IS EXPECTED: Portugal, Spain, Poland, Macedonia

NEGOTIATIONS PLANED WITH: Finland, Estonia, Cyprus, Malta, Ireland, Russia, Ukraina, Turkey, Albania, Moldova, Georgia, Israel, China, Armenia

III. International Agreements (Conventions) Regulating Labour Migration

33. With which countries did you sign and ratify agreements (conventions) regulating the rights of labour migrants (social insurance, health insurance, unemployment...)?

INTERNATIONAL AGREEMENTS ON SOCIAL SECURITY

	COUNTRY	Old Conventions *	Renewed Agreements***
	Austria	1965**	New agreements, as of 1 May 2002
	Belgium	1954	
	Bulgaria	1958	New agreements in preparations
	Great Britain	1958	
	Denmark	1979	
	Italy	1957	
	Luxemburg	1954**	Ratified

	Hungary	1958	Final negotiations for the new convention
	Germany	1968	
	Norway	1976	
	Poland	1959	
	France	1951	
	Netherlands	1979	
	Czech Republic	1958**	New agreements, as of 1 January 2002
	Switzerland	1963	
	Sweden	1979	

New Agreements

Ex-YU Republics

	Macedonia		1 April 2002
	Croatia		1 May 2003
	Bosnia and Herzegovina		1 January 2004
	Slovenia		Need for the signing of the agreement has been initialised several times by Serbia and Montenegro

Mutual interest for the conclusion of new agreement

	Romania		
	Turkey		12 October 2005
	Belarus		
	Russian Federation		
	Ukraine		
	Greece		
	Cyprus		
	Canada		

* Conventions signed by SFRY, and still in force

** Ceased to be valid when the new agreement was signed

*** Agreements signed after the dissolution of SFRY

34. With which countries have you started negotiations regarding agreements regulating the rights of labour migrants?

35. Which rights of labour migrants are covered by international agreements (conventions)?

The area of social security is regulated through international agreements on social security, which regulate pension, disabled persons, health insurance and insurance in the case of unemployment. If such an agreement is nonexistent with another state, insurance in case of unemployment is regulated by the Law on Employment and Unemployment Allowance of Serbia.

36. When concluding international agreements (conventions), do you follow the principle of reciprocity of areas of regulation with other countries?
37. Which institutions are responsible for implementation of international agreements (conventions) and which are directly involved in realisation of the rights of labour migrants?

On the basis of the Law on Employment of Aliens and the Law on Employment and Unemployment Allowance of Serbia, Serbian National Agency of Employment is responsible for issuing permission for employment to aliens.

IV. Changes in Legislation

38. Please indicate all legislation changes (laws, by-laws) and specific modifications in government policy or practices in the field of migration, asylum, visas and border management which have been adopted since 1 January 2006 and those which are in the process of adoption at the Government or before the Parliament (Law on Foreigners, Law on Asylum, Law on Border Control, Law on Nationality...)?

New *Bill on conditions of employment and work of aliens*, which has been prepared in line with all international conventions and standards of the EU, as well as national interests, is in the procedure in the National Assembly of the Republic of Serbia.

V. Contact Details

39. Please fill in the table below with updated contact details (telephone, fax, e-mail and address):

	Department for Foreigners	Asylum	Visa	Border control	Work permits	Implementation of readmission agreements	Anti-trafficking	Organised crime
Institution / Agency	Ministry of Interior Border Police Directorate Section for status issues and control of foreigners	Ministry of Interior Border Police Directorate Section for Foreigners Detention Centre for Foreigners	Ministry of Interior Border Police Directorate Section for status issues and control of foreigners	Ministry of Interior Border Police Directorate	Ministry of Interior Border Police Directorate Section for status issues and control of foreigners	Ministry of Interior Directorate for administrative affairs Section for Implementation of Readmission Agreements	Ministry of Interior Department for trans-border criminal Section for anti-trafficking issues and illegal migration	Ministry of Interior Criminal Police Directorate Service for combating organized crime
Head of Department	Nenad Banović Chief of Section 311-88-79 f.311-88-90 ozs@mup.sr.gov.yu	Predrag Zlatić 311-88-79 f.311-88-90 ozs@mup.sr.gov.yu		Dušan Zlokas Director 311-88-91 311-88-92 f.311-88-90 ozs@mup.sr.gov.yu	Nenad Banović Chief of Section 311-88-79 f.311-88-90 ozs@mup.sr.gov.yu	Zorica Đokić Milosavljević 311-89-84 f.311-88-90 readmission@mup.sr.gov.yu	Mitar Đurašković Chief of Section 311-88-79 f.311-88-90 ozs@mup.sr.gov.yu	Mladen Spasić Director 35-40-660 f. 36-11-825

UPITNIK

Sadržaj:

- I. Struktura državnih institucija koje se bave upravljanjem migracijama
- II. Readmisijski ugovori
- III. Međunarodni sporazumi (konvencije) koji regulišu radnu migraciju
- IV. Izmene u legislativi
- V. Kontakt detalji

Država **SRBIJA**

Kontakt:

Ambasador Pero Janković, koordinator za MARRI u Ministarstvu spoljnih poslova SCG

I. Struktura državnih institucija koje se bave upravljanjem migracijama

1. Koje državne institucije sudjeluju u upravljanju migracijama (uključujući i pitanja izbjeglica)?

MUP REPUBLIKE SRBIJE
KOMESARIJAT ZA IZBEGLICE REPUBLIKE SRBIJE
MINISTARSTVO SPOLJNIH POSLOVA SCG

2. Relevantno zakonodavstvo u oblasti migracija.

ULAZAK STRANIH DRŽAVLJANA NA TERITORIJU SCG RADI ZAPOŠLJAVANJA STUDIRANJA, STRUČNOG USAVRŠAVANJA I SL, REGULIŠU, U PRVOM REDU:

- Zakon o kretanju i boravku stranaca
- Zakon o uslovima za zasnivanje radnog odnosa sa stranim državljanima
- Zakon o radu Republike Srbije
- Zakon o zapošljavanju i osiguranju u slučaju nezaposlenosti Republike Srbije

- međudržavni sporazumi o naučno-tehničkoj i prosvetno-kulturnoj saradnji.

REŽIM KRETANJA I ZAPOSŁJAVANJA STRANACA I LICA BEZ DRŽAVLJANSTVA JE UREĐUJE VEĆI BROJ PROPISA, A NAROČITO:

- Zakon o kretanju i boravku stranaca
- Zakon o uslovima za zasnivanje radnog odnosa sa stranim državljanima
- Zakon o radu Republike Srbije
- Zakon o radnim odnosima u državnim organima
- Zakon o evidenciji u oblasti rada
- Zakon o zapošljavanju i osiguranju u slučaju nezaposlenosti Republike Srbije
- Zakon o penzijskom i invalidskom osiguranju
- Zakon o zdravstvenom osiguranju

3. Koja je institucija nadležna za pitanja azila?

MUP REPUBLIKE SRBIJE

4. Koja je institucija nadležna za pitanja iz oblasti viza?

MINISTARSTVO SPOLJNIH POSLOVA SCG
MUP REPUBLIKE SRBIJE

5. Koja je državna institucija / služba nadležna za upravljanje granicama?

MUP REPUBLIKE SRBIJE, DIREKTORAT ZA GRANIČNU POLICIJU

II. Readmisijski ugovori

6. Koje državne institucije sudeluju u pripremi ugovora o readmisiji, a koje institucije su nadležne za njihovu primenu.

MINISTARSTVO LJUDSKIH I MANJINSKIH PRAVA SCG JE ODGOVORNO ZA PRIPREMU UGOVORA O READMISIJI. MUP REPUBLIKE SRBIJE, ODJELJENJE ZA IMPLEMENTACIJU READMISIJSKIH UGOVORA JE ODGOVORNO ZA NJIHOVU IMPLEMENTACIJU.

7. Države sa kojima su potpisani ugovori o readmisiji kao i datumi stupanja na snagu istih ugovora

NJEMAČKA, 1. APRILA 2004.
ŠVEDSKA, 15 MARTA 2003
DANSKA, 8 MARTA 2003
ITALIJA, 1 APRILA 2005
BELGIJA, 29 MAJA 2004
HOLANDIJA, 29 MAJA 2004

LUKSEMBURG, 29 MAJA 2004
 AUSTRIJA, 29 APRILA 2004
 SLOVAČKA, 27 JULA 2002
 MAĐARSKA, 29 MARTA 2003
 SLOVENIJA, 21 DECEMBRA 2001
 BUGARSKA, 9 AVGUSTA 2001 (ali tekst protokola nije do danas potpisan)
 HRVATSKA, 17 JUNA 2004
 BOSNA I HERCEGOVINA (nijesu razmenjeni ratifikacioni instrumenti)
 ŠVAJCARSKA, 29 APRILA 2004

8. S kojim državama su pregovori o ugovorima o readmisiji u toku i kad su planirani datumi potpisivanja?

PARAFIRANI SPORAZUMI SA SLEDEĆIM ZEMLJAMA: ČEŠKA, NORVEŠKA, FRANCUSKA (sporazum s Francuskom će biti potpisan 24. aprila 2006.)

SPORAZUM S KANADOM POTPISAN, OČEKUJE SE RATIFIKACIJA U NAŠEM PARLAMENTU.

U ZAVRŠNOJ FAZI USAGLAŠAVANJA SU SPORAZUMI SA SLIJEDEĆIM ZEMLJAMA: VELIKA BRITANIJA, LATVIJA, GRČKA, RUMUNIJA.

RAZMIJENJENI NACRTI, ČEKA SE POČETAK PREGOVORA SA SLIJEDEĆIM ZEMLJAMA: PORTUGAL, ŠPANIJA, POLJSKA, MAKEDONIJA.

PLANIRANO INICIRANJE PREGOVORA SA SLIJEDEĆIM ZEMLJAMA: FINSKA, ESTONIJA, KIPAR, MALTA, IRSKA, RUSIJA, UKRAJINA, TURSKA, ALBANIJA, MOLDAVIJA, GRUZIJA, IZRAEL, KINA, JERMEIJA

III. Međunarodni sporazumi (konvencije) koji regulišu radnu migraciju

9. S kojim državama ste potpisali i ratifikovali sporazume (konvencije) koji regulišu prava radnih migranata (socijalno osiguranje, zdravstveno osiguranje, nezaposlenost)...?

Medjunarodni sporazumi o socijalnom osiguranju

R.br.	Zemlja	Stare konvencije *	Inovirani sporazumi***
	Austrija	1965**	Novi sporazum od 1.5.2002.
	Belgija	1954	
	Bugarska	1958	Novi sporazum u pripremi
	Velika Britanija	1958	
	Danska	1979	
	Italija	1957	
	Luksemburg	1954**	Ratifikovan

	Madjarska	1958	Završni razgovori u toku za novu konvenciju
	Nemacka	1968	
	Norveška	1976	
	Poljska	1959	
	Francuska	1951	
	Holandija	1979	
	Češka	1958**	Novi sporazum od 1.12.2002.
	Švajcarska	1963	
	Švedska	1979	

Novi sporazumi

Bivše republike

	Makedonija		1.4.2002.
	Hrvatska		1.5.2003.
	Bosna i Hercegovina		1.1.2004
	Slovenija		SCG bezuspesno vise puta inicirala potrebu za potpisivanjem sporazuma

Obostrana zainteresovanost za zaključivanje novih sporazuma

	Rumunija		
	Turska		12.10.2005.
	Belorusija		
	Ruska Federacija		
	Ukrajina		
	Grčka		
	Kipar		
	Kanada		

* Konvencije koje je su potpisane od strane SFRJ, a koje su i dalje u primeni

** Prestala da vazi potpisivanjem novog sporazuma

***Sporazumi potpisani posle raspada bivse SFRJ

10. S kojim državama ste započeli pregovore o ugovorima koji regulišu prava radnih migranata?

11. Koja prava radnih migranata su pokrivena međunarodnim sporazumima (konvencijama)?

Oblast socijalnog osiguranja se reguliše na osnovu međudržavnih sporazuma o socijalnom osiguranju koji regulišu penziono, invalidsko, zdravstveno osiguranje i osiguranje za slučaj nezaposlenosti, a ukoliko nemamo takav sporazum sa određenom državom, osiguranje za slučaj nezaposlenosti se reguliše na osnovu Zakona o zapošljavanju i osiguranju u slučaju nezaposlenosti Republike Srbije.

12. Pri sklapanju međunarodnih sporazuma (konvencija), da li se povodite principom reciprociteta pri reguliranju s ostalim državama?

13. Koje institucije su nadležne za implementaciju međunarodnih sporazuma (konvencija) i koje su direktno involvisane u realizaciji prava radnih migranata?

Na osnovu Zakona o uslovima za zasnivanje radnog odnosa sa stranim državljanima, kao i Zakona o zapošljavanju i osiguranju u slučaju nezaposlenosti Republike Srbije, odobrenje za zasnivanje radnog odnosa sa stranim državljanima daje Nacionalna služba za zapošljavanje, odnosno nadležna Filijala za zapošljavanje.

IV. Izmene u legislativi

14. Molim navedite sve legislativne izmene i specifične modifikacije Vladine politike ili prakse u području migracija, azila, viza i upravljanje granicama kojse su usvojene nakon 1 januara 2006 i one koje su u procesu usvajanja pred Vladom ili Parlamentom (Zakon o strancima, Zakon o azilu, Zakon o upravljanju granicama, Zakon o državljanstvu...)?

U proceduri Skupštine Republike Srbije je donošenje novog Zakona o uslovima za zapošljavanje i rad stranih državljana koji je pripremljen u skladu sa svim relevantnim međunarodnim konvencijama i standardima EU, kao i nacionalnim interesima.

V. Kontakt detalji

15. Molimo navedite najnovije kontakt detalje (telefon, faks, email adresa):

	Department for Foreigners	Asylum	Visa	Border control	Work permits	Implementation of readmission agreements	Anti-trafficking	Organised crime
Institution / Agency	Ministry of Interior Border Police Directorate Section for status issues and control of foreigners	Ministry of Interior Border Police Directorate Section for Foreigners Detention Centre for Foreigners	Ministry of Interior Border Police Directorate Section for status issues and control of foreigners	Ministry of Interior Border Police Directorate	Ministry of Interior Border Police Directorate Section for status issues and control of foreigners	Ministry of Interior Directorate for administrative affairs Section for Implementation of Readmission Agreements	Ministry of Interior Department for trans-border criminal Section for anti-trafficking issues and illegal migration	Ministry of Interior Criminal Police Directorate Service for combating organized crime
Head of Department	Nenad Banović Chief of Section 311-88-79 f.311-88-90 ozs@mup.sr.gov.yu	Predrag Zlatić 311-88-79 f.311-88-90 ozs@mup.sr.gov.yu		Dušan Zlokas Director 311-88-91 311-88-92 f.311-88-90 ozs@mup.sr.gov.yu	Nenad Banović Chief of Section 311-88-79 f.311-88-90 ozs@mup.sr.gov.yu	Zorica Đokić Milosavljević 311-89-84 f.311-88-90 readmision@mup.sr.gov.yu	Mitar Đurašković Chief of Section 311-88-79 f.311-88-90 ozs@mup.sr.gov.yu	Mladen Spasić Director 35-40-660 f. 36-11-825

