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FOREIGN INVESTMENT PROMOTION AGENCY

Bosnia and Herzegovina STEPS FOR OBTAINING WORK PERMITS

BOSNIA AND HERZEGOVINA INVESTMENT OPPORTUNITIES

Bosnia and Herzegovina
STEPS FOR OBTAINING
WORK PERMITS

FOREIGN INVESTMENT PROMOTION AGENCY



BOSNIA AND HERZEGOVINA

YOUR NEW ADVENTURE



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LEGAL FRAMEWORK

In Bosnia and Herzegovina following laws govern the conditions and procedures of employment of foreigners, unless an international agreement provides otherwise;

- Law on Movement and Stay of Foreigners and Asylum B&H ("Official Gazette of B&H", No. 36/08, 87/12)
- Law on employment of foreigners of Federation Bosnia and Herzegovina ("Official Gazette of FB&H" No. 111/12)
- Law on Employment of Foreign Citizens and Stateless Persons of Republic of Srpska ("Official Gazette of Republic of Srpska", No. 24/09 and 117/11)
- Law on employment of foreigners of Brcko District ("Official Gazette of BD", No. 15/09 and 20/10)

COMPETENT AUTHORITIES

When a foreign national intends to stay in B&H for employment, he/she must obtain a work permit issued by the authority responsible for the employment of foreigners in accordance with applicable regulations. Depending on the place of residence, or in other words, the location of the employer, a work permit is issued by the authorities responsible for the employment of foreigners in Federation of Bosnia and Herzegovina, Republic of Srpska or Brcko District.



In Federation of Bosnia and Herzegovina, work permits are issued by Cantonal Employment Services upon approval of the Federal Employment Service.

In Republika Srpska, work permits for foreign nationals are issued by the RS Employment Service regional offices responsible for the region of employer's head office.

In Brcko District work permits for foreign nationals are issued by Department for Professional and Administrative Affairs in the Government of the Brcko District.



Work permit definition

Work permit is a legal authorization, individual act, which allows the foreigner to take paid employment with domestic natural or legal persons, whereby the foreigner has the same work-related rights, obligations and responsibilities as employed citizens of B&H, unless otherwise is specified under an international agreement. Work permit shall be issued for a specific post and/or for a specific type of job.

Work permit quota

Work permit for employment of a foreigner shall be issued within the specified work permit quota. Work permit quota is the number of work permits that may be issued to foreigners in certain occupations in B&H, during one year. The annual quota is determined by the Council of Ministers of B&H in accordance with the migration policy and the situation in the labor market. Work permits specified in the annual quota by activities and professions shall be issued first for the purpose of extending the already issued work permits, and then for new employment. When issuing work permits, priority shall be given to the foreigners who have already temporary residence permit in B&H on the basis of family reunification.

Work permits outside the quota

Work permits outside the quota are granted in the following situations:

- A foreigner who has an education that corresponds to higher education, completed post-graduate or doctoral studies in B&H
- Foreigners whose work in B&H is based on an international agreement
- Foreigners who perform key tasks in a business entity, who are not exempt from the requirement of obtaining work permits on the basis of international agreements
- Teachers who perform or assist in teaching in educational institutions because of their specific knowledge
- Professional athletes and sports workers who are, on the basis of duly signed contracts, operating in the country
- A foreigner who is in a marriage or de facto relationship with a foreigner who has a permanent residence permit in B&H or the child of a foreigner with a permanent residence permit in B&H

Exemptions from the obligation to possess work permit

The following categories of foreigners do not need to have a work permit in order to work in BiH

- Key persons in the legal entity that has a higher position in the board or manages with departments, monitor and supervise the work of other employees, who are entitled to employ and dismiss workers or they are experts who have excellent knowledge and is essential to the operation of the legal entity, research equipment, techniques or management if they were employed in that legal entity at least one year or has acted as a partner shortly before movement in Bosnia and Herzegovina, if the appointment does not have characteristics of employment and does not exceed a total of three months a year.

- Founders of a company or enterprise with a seat in BIH, performing certain tasks in that company or enterprise, if such tasks do not have characteristics of employment and does not exceed a total of three months a year
- University professors invited as lecturers by universities in BIH, scientists attending scientific and specialist courses, scientists representing international organizations and scientists participating in implementation of scientific research projects important for BIH;
- Experts, teachers and lecturers from foreign cultural and educational institutions, performing their expert work in BIH within cultural and educational cooperation programs;
- Civil and military officials of other countries' governments working in BIH on the basis of agreements on cooperation with BIH authorities
- Members of international scientific missions, conducting research in BIH approved by the Council of Ministers
- Representatives of religious communities registered in BIH while performing duties only with regard to religious service
- International correspondents accredited in BIH or reporters for international media
- Artists and technical staff, authors and performers in opera, ballet, drama or other theatrical performances, or concert, visual arts or other cultural performances or authors and performers in the field of music, music and stage, dance and ballet arts, film artists as well as accompanying reporting, organization and technical staff taking part in the cultural workshops, gatherings and colonies, if they do not stay in BIH more than 30 consecutive days or more than three months a year with interruptions
- Foreigners performing, on the basis of agreements with the Council of Ministers, Ministry of Defence BIH, Ministry of Justice BIH, duties relevant for defence, legal system or state security or attending specializing courses in the mentioned fields
- Foreigners visiting BIH in order to participate in sports and chess events
- Experts in the field of protection of cultural heritage, library science and archivist science
- Foreigners sent by international employer, providing education and training for persons employed at natural and legal persons with a seat in BIH.
- Foreigners engaged for the purposes of acquiring expert education and training, in case that the mentioned training does not exceed 3 months a year
- Foreigners performing delivery works, as well as installation and servicing of machinery and equipment, if their work in BIH does not exceed 30 consecutive days or more than three months a year with interruptions
- Foreigners taking part at organized professional conferences and seminars
- Foreigners participating on fairs or exhibits where their employer is presented
- Foreigners employed in circuses or amusement parks if their stay in BIH does not exceed 3 months
- Foreigners who are engaged in projects significant for B&H as experts or key persons who are important for the realization of the project;
- Foreigners staying for volunteer work in humanitarian organizations, citizens' associations or foundations;
- Doctors who are engaged by call of medical institutions in B&H to perform specialist examinations and other medical services if such work does not last longer than three months a year.



STEPS FOR OBTAINING WORK PERMITS FOR FOREIGN PERSONS IN B&H

Application for issuing work permit

The work permit can be issued to a foreigner at the request of the person who intends to employ (the employer).



The employer shall submit, on behalf of foreign workers, the application for a work permit to the competent employment service having territorial jurisdiction for the location of the employer's seat.

Documentation supporting the application for issuance or extension of the work permit

With the application for issuing work permit the employer is obliged to submit certified copies of the following documents:

In Republic of Srpska:

- Decision on registration, issued by the body responsible for employer's prevailing activity
- Data about foreigner with whom they intend to conclude work contract or other adequate contract, in particular: given name and surname, given names and surnames of parents, date of birth, sex, place of residence and address in the country of origin, reference number, date and place of issue of valid travel document
- Information about workplace or type of tasks, and work conditions
- Justification of reasons for employment of a foreigner – description of job at which foreigner will be employed and type of qualification and professional knowledge and qualification required for that job
- Medical certificate (only for the first issuance of work permit) and
- Certified passport copy

In Federation B&H:

Along with the application for a work permit an employer is required to submit:

- excerpt from the relevant register of the competent court or a certificate of registration for the activity issued by the competent authority in accordance with the Law on craft and related activities;

- information about the foreigner that he intends to employ in terms of Article 2 of this law in particular: full name, names and surnames of the parents; date of birth; sex; place of residence and address in the country of origin; number, date and place of issuance of the current travel documents
- information on the job position, kind and conditions of work;
- evidence on employer's solvency issued by a bank where the employer has their account
- written document that represents a proof that all tax obligations and contributions have been paid for all already existing employees, including the foreigner in case of permit extension application;
- explanation of justified reasons of hiring an foreigner, the type of education and professional skills and qualifications required for this job and
- nostrified diploma of education of the foreigner that must be translated into one of the languages in official use in Federation

ISSUING WORK PERMITS TO FOREIGN INVESTORS OR FOUNDERS OF COMPANIES AND/OR PERSONS AUTHORIZED TO REPRESENT THE EMPLOYER

Founders of a company with a seat in B&H, performing certain tasks in that company or enterprise, if such tasks do not have characteristics of employment and do not exceed a total of three months a year do not have to obtain a work permit in B&H.

If a company founder shall be a manager of that company and receive a salary for his work, then he/she must have a work permit in accordance with the provisions of the Law on Movement and Stay of Foreigners and Asylum of B&H, the Law on Employment of Foreigners in Federation of B&H, the Law on Employment of Foreign Citizens and Stateless Persons of Republic of Srpska and the Law on Employment of Foreigners of Brcko District. In this, as well as in the case of persons authorized to represent the company, there will be no checking whether there are unemployed registered as unemployed who meet the requirements stated in the application for issuing work permit (out of work permit quota).



DECISION ON ISSUING WORK PERMIT

In Federation of B&H deadlines for different procedures are following:

In case that the application for issuing work permit is submitted by foreign investors or founders of companies and/or persons authorized to represent the employer (directors, executive directors, procurator, etc.) or persons registered to carry out independent activity - craft, the procedure of issuing work permit shall be finished within no longer than 15 days from the date of submitting the application. Work permits that are calculated towards a quota in which special examination procedure is not carried out may be issued within 25 days. These are situations when the records of unemployed of the competent service do not contain persons that are required by the employer for hiring of a foreign national.



In other cases in which special examination procedure is implemented, the procedure for issuing the work permit shall be finished in the time frame from 30 through 47 days, depending on whether the examination of records is performed on the level of the Cantonal Service only or on the level of both the Service and the Institute.

In the Republic of Srpska deadline for issuance of work permit is 2 weeks from submission of the request until adoption of the decision on issuance.

CONCLUSION OF EMPLOYMENT CONTRACT OR OTHER APPROPRIATE AGREEMENT

The employer can not conclude the Employment Contract or other appropriate agreement with the foreigner prior to obtaining a temporary residence permit.

The employer must submit a copy of the employment contract or other appropriate contract immediately to Service for Foreigners of B&H, not later than three days after signing the contract.

WORK PERMIT VALIDITY PERIOD

A work permit cannot be issued for a period longer than 1 (one) year.

WORK PERMIT TERMINATION

The Work Permit shall cease force

- On expiry of the time for which it has been issued, and in any case with expiry of one year since the date of issuance
- By disapproval, dissolution or cancellation of temporary residence in B&H
- By dissolution of the validity of the work contract
- By withdrawal in case of committing a criminal offense or serious offense against public order and peace that is subject to penalty imprisonment, as well as in other cases foreseen in the law
- For other reasons foreseen in regulations defining the employment of foreigner

FEE FOR CONDUCTING THE PROCEDURE

The fee for administrative costs of the Employment Services are between 25.00 € and 50.00 €. In addition to the aforementioned fees, administrative fee in the amount of 500.00 € is charged only in Canton Sarajevo pursuant to tariff number 37. Paragraph 2 of Article 19 of the Law on Administrative Fees ("Official Gazette of Canton Sarajevo ", No. 30/01 – Revised Text, 22/02, 10/05 and 26/08), from which the institutions in the areas of pre-school education, education, science, culture, protection of cultural and economic heritage, health care, veterinary medicine, social care, and humanitarian and charity organizations are exempt when carrying out their activities.

Additional costs on an annual basis (translation, verification, Medical certificate):

In Republic of Srpska: cca 300*€

In Federation B&H: cca 400*€ (and 1000 € for Canton Sarajevo)

* Including diploma nostrification/acknowledgement

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