



REPUBLIC OF SERBIA

Ministry of Interior

LAW ON TRAVEL DOCUMENTS

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LAW ON TRAVEL DOCUMENTS

I. GENERAL REGULATIONS

Subject of the law

Article 1

This law regulates travel documents of citizens of the Republic of Serbia for traveling abroad, defines kinds of travel documents, and terms of issuing.

The term and purpose of a travel document

Article 2

A travel document is a public document of a citizen of the Republic of Serbia for crossing the border, traveling and staying in a foreign country and for the return.

While being abroad, a travel document is a document proving identity of the bearer, as well as a proof of the citizenship of the Republic of Serbia.

Travel document rights

Article 3

A citizen of the Republic of Serbia has the right to be issued a travel document under the conditions regulated by this law.

A citizen of the Republic of Serbia can be issued only one travel document of a kind.

A travel document can be used only by a person named as a bearer.

The right of a citizen to enter the country without having a travel document

Article 4

The customs officer in control of crossing the country border has to permit a person to enter the country without having a travel document if it is proved that the person is a citizen of the Republic of Serbia.

A substitute of a travel document

Article 5

If regulated by an international contract that a travel document is not needed for traveling to certain countries, the Government shall define a document which shall be used as a substitute for a travel document.

The implementation of regulations

Article 6

The law regulating a general procedure is implemented on the procedure for issuing the documents, unless regulated in a different way by this or a special law.

II. THE TYPES OF TRAVEL DOCUMENTS AND VISAS

What is being considered as a travel document

Article 7

Travel documents in accordance with this law are: passport, diplomatic passport, official passport, travel certificate, as well as travel documents issued on the basis of an international contract.

In accordance with this law, a travel document is a shipping booklet of a member of a crew of an inland shipping vessel, as well as a sailor's booklet of a member of a crew of a sea-going ship, if supplied with a valid visa.

Passport

Article 8

A passport is a travel document issued to a citizen of the Republic of Serbia for traveling, and staying abroad, as well as for return to the country.

A passport is issued for an unlimited number of travels.

Diplomatic and official passport

Article 9

Diplomatic passport and official passport are travel documents issued for an efficient carrying out of foreign affairs abroad, as defined by international law.

Travel documents mentioned in the para. 1 of this Article are valid for unlimited number of travels.

A diplomatic passport and an official passport can be issued to the member of the family of a bearer of a previously issued such a passport, if living in the same household and traveling or living abroad together with a bearer.

In accordance with this law, a member of an immediate family is a spouse and a child, or a person regarded as a child by law.

The issue of a diplomatic passport and an official passport is defined by the Government regulation.

Diplomatic passport

Article 10

A diplomatic passport is issued to the citizens of the Republic of Serbia who, in accordance with the international law, have a status of a diplomatic agent, a consular official, a member of international organizations, diplomatic couriers, and the highest-ranked government official, in accordance with the regulations of Art. 9, para. 5 of this law.

Official passport

Article 11

An official passport is issued to the officers of diplomatic or consular representations of the Republic of Serbia who are not covered by Art. 10 of this law, as well as other state officials, high-ranked state officials with special authorities in other government agencies, if traveling on official state business, which requires a diplomatic passport in accordance with Art. 9, paragraph 5, of this Law.

Travel certificate

Article 12

Travel certificate is a travel document issued to a citizen of the Republic of Serbia who is abroad without a travel document for returning to the Republic of Serbia.

Shipping booklet and sailor's booklet

Article 13

Shipping booklet and sailor's booklet supplied with a visa is a valid travel document of a member of a crew aboard, for traveling abroad either for getting aboard a vessel or for returning to the Republic of Serbia after leaving the vessel.

Visa

Article 14

Visa is a permit for traveling abroad endorsed in a travel document in cases defined by this law.

A visa is issued for one or more travels to countries denoted in the visa.

The regulations of this law dealing with issuing a travel document, its validity, the process of issuing, refusal of issuing or withdrawal of a travel document, is applied to the visa as well, unless regulated in a different way by this law or other international contract.

III. COMPETENCY FOR ISSUING OF TRAVEL DOCUMENTS

The bodies competent for issuing the passport

Article 15

A passport is issued, in accordance with regulations, by a police authority or a police station of the Ministry of Interior, according to the residence or a place of residence of an applicant (in the following text: the body competent for issuing a passport).

The applicants who submit the form via diplomatic or a consular office of the Republic of Serbia shall be issued the passport by the City of Belgrade Police administration of the Ministry of Interior.

The regulation given in para. 1 of the Article is carried out by the competent minister of the interior.

The bodies competent for issuing the diplomatic and official passport

Article 16

A diplomatic passport and an official passport are issued by the Ministry of foreign affairs in accordance with regulations.

The regulation given in para. 1 of the Article is carried out by the competent minister of foreign affairs.

The bodies competent for issuing the travel certificate

Article 17

A travel certificate is issued by a diplomatic or a consular office of the Republic of Serbia to the citizen of the Republic of Serbia being abroad without a travel document on the area represented by the office.

The diplomatic or the consular office of the Republic of Serbia mentioned in paragraph 1 of the Article is to check the citizenship status of a person applying for the travel certificate.

The bodies competent for issuing the visa in seamen's book and travel documents for staff in international transport

Article 18

The visa in shipping booklet and sailor's booklet and visa in a travel document of official staff in international transport issued according with an international contract, is issued by police authorities, that is, the police station of the Ministry of Interior on the area of residence of the company or residence of the applicant for the visa, or a body competent for the control of crossing the border, regulated by the competent Minister of Interior.

IV. VALIDITY OF THE TRAVEL DOCUMENTS

Validity of a passport

Article 19

A passport issued is valid for ten years, or for two years if issued to a person under 14 years of age.

Validity of a diplomatic and official passport

Article 20

A diplomatic and an official passport is valid for five years.

With the lack of conditions stated in Art. 9 – 11 of the law, a diplomatic and official passport shall become invalid before the validity time noted in the para. 1 of the Article.

Validity of a travel certificate

Article 21

Travel certificate shall be valid as long as it is needed for the return to the Republic of Serbia, but no longer than 60 days.

Validity of a visa

Article 22

Validity of a visa in a shipping booklet and sailor's booklet is two years.

Visa in a travel document of staff in international transport issued on the basis of an international contract is valid up to the date of validity of the document, but no longer than five years.

Visa cannot be issued with the validity longer than the validity of a travel document.

Cases of issuing a passport with a shorter validity time

Article 23

A passport can be issued with a shorter validity time than regulated in Article 19 of the law, if a competent court, that is, a public prosecutor grants the permission in cases determined by the law.

In cases mentioned in para. 1 of the law, a passport can be issued for one or more trips to one or more countries.

V. A FORM OF A TRAVEL DOCUMENT

A regulated form. The content of the form

Article 24

Travel documents are issued on regulated forms.

The forms of a passport, diplomatic passport, official passport, travel certificate and visa are regulated by the competent Minister of Interior.

The form of a travel document from the para. 2 of the Article contain the herein data of a bearer:

- 1) surname and name;
- 2) date, month and year of birth;
- 3) place and country of birth;
- 4) sex;
- 5) citizenship;
- 6) national personal identity number of citizen (JMBG);
- 7) the foreign country of residence, for bearers without the residence on the territory of the Republic of Serbia.

The form of a passport, diplomatic passport, official passport, and travel certificate has the place for a photo and the signature of a bearer.

A diplomatic passport and an official passport has the data of the function of a bearer,

The date of issuing and validity time is entered in the travel document form.

Automatic data reading. Protective elements.

Article 25

The form of a passport, diplomatic passport and official passport has the space needed for automatic data reading in which visible alphanumerical data are entered, as well as protective elements regulated by competent Minister of Interior.

The person issued a travel document has the right to be shown the data for automatic data reading which are entered in his travel document by the competent body.

Printing the forms. Entering the data

Article 26

The forms of travel documents and visas are printed in Serbian language, in Cyrillic, as well as in English and French, and are filled in Serbian, in Latin alphabet.

The second and the first name are written in original form in travel documents, the same as it is written in the birth certificate.

The body competent for issuing travel documents and visas should make it possible for entering the names of bearers belonging to national minorities in their original form, according to the language and spelling of the minority.

Forms of travel documents and visas are technically processed and printed by The National bank of Serbia, in the Institute for Manufacturing Banknotes and Coins.

VI. TRAVEL DOCUMENTS ISSUING PROCEDURE

Application. Submission of an application

Article 27

Travel documents are issued after submitting an application.

An application is submitted to the body competent for issuing a passport according to the place of residence, but it can also be submitted to a competent diplomatic or consular representative of the RS, and it will be proceeded without a delay to the Police municipal of the city of Belgrade, the Ministry of Interior, to be taken into procedure.

A passport and a travel certificate are issued on personal application, while a diplomatic passport and an official passport are issued on application of the competent state authorities.

Travel documents issued according to a treaty are issued on personal application, if not defined differently by the treaty.

Correct and true data should be given in the application for issuing a travel document.

In order to confirm the identity and other facts important for enacting the application for issuing a passport, a diplomatic passport, an official passport, and a travel certificate, as well as because of taking a photo, fingerprints and a signature, it is necessary for an applicant to be present while submitting an application.

Taking a photo and collecting necessary data mentioned in para. 6 of the Article is done in the way regulated by the competent Minister of Interior.

Contents of an application

Article 28

An application form for issuing a travel document contains personal data which are entered in the document.

An application form for issuing a passport to a person living abroad contains data about the place and country of residence, that is, the place of temporary residence abroad.

An application form for issuing a visa contains the same data as the application form for issuing a travel document and data about a country and the validity of a visa.

Submitting an application for minors, or persons incapable of doing business

Article 29

For minors, or persons incapable of doing business, an application for issuing travel documents shall be submitted by a parent with consent of the other, or another legal representative.

Exceptionally of the provisions from the preceding paragraph, a travel document shall be issued in the following cases:

- 1) If a parent is a person unaccounted for;
- 2) If a parent's permanent or temporary residence is unknown;
- 3) If a parent is deceased;
- 4) if a parent is given custody to a minor by a court's, or if a parent is allowed issuing a travel document by a court's decision, except for the case when the both parents' agreement is necessary for issuing a travel document by the same court.

Documents that accompany the application

Article 30

Apart from an application form for a travel document, the applicant shall submit his or her identity card or another public document proving the identity and citizenship – only when a travel document is issued for the first time under the regulation of this law, as well as other documents proving the data given in the application form.

A photo fulfilling conditions regulated in Art. 27, para. 7 of the law can be submitted.

An invalid travel document which cannot be used is submitted with the application form.

The travel document mentioned in para. 2 or the Article shall be nullified.

Certificate of application

Article 31

When submitting an application for issuing a travel document, a certificate of application is issued to the applicant, which serves as a proof that the application has been submitted.

The acceptance of a travel document

Article 32

A travel document shall be accepted by the applicant in person, that is, a legal representative or an authorized representative.

Issuing a new travel document even though the existing one has not expired

Article 33

A person having a travel document still not expired shall be issued a new travel document in following cases

- 1) If the pages of a travel document are completely filled in;

- 2) If a travel document has been damaged or worn out and cannot be used as such;
- 3) If personal data of a bearer entered in the travel document have been changed;
- 4) If the photo or the image in the travel document does not fit the appearance of the bearer;
- 5) If the bearer is denied a visa or residence by a foreign country because the expiring date is less than six months.

The applicant shall enclose the existing travel document which has not expired together with the application form, so that it could be nullified.

Final date for resolving the application

Article 34

The competent body shall be obliged to resolve an application for issuing travel document within 30 days from the date the application has been submitted.

The competent body shall be obliged to resolve an application for issuing travel document within 60 days from the date the application has been submitted, if the application has been submitted to a diplomatic or a consular representative of the Republic of Serbia.

The competent body shall be obliged to resolve an application for issuing travel document not later than 48 hours from the moment the application has been submitted exceptionally from the regulations given in para. 1 and 2 of the Article in the case of emergency (the need for urgent medical treatment abroad, information of a death or a fatal illness of a member of immediate family, urgent business trip) or any other justified reason, if provided with a proof for such.

Refusal of application for issuing travel documents

Article 35

An application for issuing a travel document shall be refused, that is, the travel document shall not be issued by a competent body in the following cases:

- 1) If the applicant has been charged with an offense or prosecuted by the competent court or the public attorney,
- 2) If the applicant has been sentenced by a legally valid verdict to a prison sentence longer than 3 months, that is, since the sentence has been served.
- 3) If the applicant is denied traveling in accordance with recognized international acts;
- 4) In cases when, in accordance with valid regulations, the applicant is forbidden movement in order not to spread a disease or epidemic;
- 5) If a regulated approval for traveling abroad is not granted for reasons for defending the country; or if there is another obstacle in accordance with the law on conscription service, in cases of declared state of law or martial law.

An application for issuing a travel certificate cannot be refused.

Obligation to give information about reasons for rejecting an application

Article 36

Courts are obliged to notify the Ministry of Interior through police municipalities or police stations on the resident area of an applicant about the reasons given in Art. 35, para. 1, and items 1) and 2) of the law.

Withdrawal of travel documents

Article 37

The body competent for issuing travel documents shall withdraw a travel document in the following cases:

- 1) If a travel document has been issued on the bases of incorrect data;
- 2) If another person has been allowed to use a travel document as a personal one by the owner;
- 3) If the owner ceased to be a citizen of the Republic of Serbia;
- 4) if it has been found out retrospectively that there have been obstacles named in Art. 35 para. 1 items 1) to 4) of the law, which have occurred before the travel document has been issued, but the competent body has found out about them later, or if the reasons have occurred after the issuing of a travel document.

The decision about withdrawal of a travel document for reasons given in paragraph 1 of the Article is made by the body competent for issuing travel documents.

Due to reasons given in paragraph 1 of the Article, a visa is nullified.

Withdrawn travel documents procedure

Article 38

Temporary withdrawn travel documents due to reasons from Article 37 of the law shall be delivered to the Ministry of Interior by the body competent for crossing the country border.

Travel documents withdrawn due to reason from Art. 37 para. 1 item 3) of the law shall be delivered to the Ministry of Interior by the diplomatic or consular representative of the Republic of Serbia, and it can be returned to the owner upon request after the nullification.

Obligation to give information about termination of rejecting an application and withdrawal of a travel document

Article 39.

The competent court or another government body is obliged to notify the body competent for issuing a travel document at once about all the facts leading to the termination of reasons which has led to the refusal of application for issuing a travel document.

If the competent court does not renew the court request within six months since the date of requesting, the date of withdrawal of a travel document that is, it will be assumed that the reasons for rejection of the application for issuing a travel document, or reasons for withdrawal of the document are terminated.

The body competent for issuing travel documents shall inform the person who has applied for issuing a travel document or a person whose travel document has been withdrawn that the reasons given in para. 2 of the Article have terminated.

Obligations of the body while reaching a solution

Article 40

The competent body shall state the reasons taken into account while reaching a solution about the rejection of issuing a travel document, or the withdrawal of a travel document that is.

Issuing a passport with a limited expiring date

Article 41

On the plea of the person whose application for issuing a travel document has been denied, as well as to the one who the travel document has been withdrawn, with the exceptions given in Art. 37, para. 1, item 3) of the law, the decision-making body shall permit the issuing of a passport with a limited expiring date, in especially justified cases (a death of a member of the family, medical treatment abroad, unavoidable business trips).

In cases from para. 1 of the Article, the body competent for issuing a passport is obliged to refer to the competent court, or public prosecutor, upon whose demand the passport has not been issued.

VII. SPECIAL OBLIGATIONS CONCERNING AN ISSUED TRAVEL DOCUMENT

The loss and find of a travel document

Article 42

A person who loses a travel document or finds another person's lost travel document shall report the loss or find of a travel document to the nearest police headquarters, or a police station of the Ministry of Interior without delay.

If a travel document has been lost abroad, the person who has lost it shall report the loss to the nearest diplomatic or consular representative of the Republic of Serbia.

Invalid travel document

Article 43

A lost travel document shall be proclaimed invalid by a decision made by the competent body.

A plea against the decision mentioned in para. 1 of the Article is not allowed.

The information about a travel document which has been proclaimed invalid shall be published in Official Gazette of the Republic of Serbia, the owner of which shall be charged.

The body competent for issuing a travel document shall issue a new one after the decision of invalidity of the previous has been made.

Costs for issuing a travel document

Article 44

Issuing a travel document shall be charged a fee, comprising the cost of a form of a travel document, and technical processing costs, as well as the costs of delivery, if the delivery is made through a diplomatic or a consular representative of the Republic of Serbia.

The amount charged from para. 1 of the Article is determined by the Government.

VIII. RECORDS AND THE USE OF DATA

Records of travel documents. Competence for keeping records

Article 45

Records shall be kept in a regulated way about issued travel documents and visas, about applications for issuing travel documents, visas that have been denied, withdrawn travel documents, nullified visas, and expired travel documents, as well as of data mentioned in Art. 35, para. 1, item 1) to 4) of the law.

The records mentioned in paragraph 1 of the Article are kept by the body competent for issuing travel documents.

The methods of record-keeping mentioned in paragraph 1 of the Article and forms for record-keeping are defined by minister competent for internal affairs.

While record-keeping mentioned in para. 1 of the Article on the means for automatic data processing, protection measures shall be applied in order to prevent unauthorized access and to keep the data in the form in which they have been made or received.

Content of records

Article 46

Travel documents and visa records have the data about the applicant mentioned in Art. 24 para. 3 or the law, as well as other data about the kind of a travel document, serial number, date of expiry, travel document or visa issuing data, reasons of denial the application for travel document and visa issuing, and records of withdrawal or rejection of visa, as well as of invalid travel documents.

Correct data. Protection of data

Article 47

Keeping of records regulated by the law has to be up-to-date, correct, and well protected from an unauthorized access and use.

Using the data

Article 48

The data from the records on travel documents can be accessed solely to government bodies, under these conditions:

- 1) if the body requesting the data is authorized for requesting and receiving data by law or other regulations;
- 2) If the requested data are necessary to the body in order to perform duties for which it is competent;
- 3) If these data are impossible to collect, or if the collection would lead to exceptionally high cost.

Delivering data to foreign bodies

Article 49

The data from records on travel documents can be delivered to bodies of foreign countries, under the condition of reciprocity and if the following terms are fulfilled:

- 1) If the delivery is done via foreign country body for diplomatic and consular needs;

2) if the recipient is obliged that the data shall be used for a purpose, dealing with handling the personal matters, or if being necessary for preventing and suppressing crime, or if the data delivery shall without doubt be of use to the person they are referring to;

3) If the protection of personal data of foreigners is provided in the country of residence of the body to which the data are being delivered.

IX. PENALTY REGULATIONS

Violations

Article 50

A person shall be fined from 3,000 to 30,000 dinars or sentenced 30 days of imprisonment for the following:

- 1) For possession of more than one travel document of a kind (Art. 3. paragraph 2 of the law;
- 2) For giving one's own travel document to another person to be used, or using somebody else's travel document as one's own (Art. 3, para. 3 of the law);
- 3) For giving false data in order to ensure the issuing of a travel document and the use of such (Art. 27, para. 5 of the law).

For the violation named in para. 1 of the Article, a safeguard measure of withdrawal of the issued travel document can be undertaken.

Article 51

A person who does not report the body competent for issuing a travel document the loss or find of one, shall be fined 4,000 to 40,000 dinars (Art. 42 of the law).

Article 52

A person responsible for issuing travel documents in the competent body shall be punished by paying the fine from 40,000 to 50,000 dinars if failing to take the application into consideration in the proper time, as noted in Art. 34 of the law; or for failing to reconsider reasons for disapproval, as well as withdrawal of the travel document for reasons given in Art. 39 of the law. A responsible person in a government body or an authority shall be fined the same for failing to notify the body competent for issuing travel document about the facts that can lead to termination of reasons for denying an application for issuing a travel document as given in Art. 39 of the law.

X. TRANSITIONAL AND FINAL PROVISIONS

Validity of travel documents issued according to previous regulations

Article 53

Passport, diplomatic passport and official passport issued prior to the entry into force of this law shall be valid until the date of expiry stated in the travel document, but no longer than 31st December 2008.

Proceedings with unresolved applications

Article 54

Proceedings resolving applications for issuing travel documents initiated prior to the beginning of the application of this Law shall be completed according to the provisions of this Law.

Regulation of by-laws

Article 55

Regulations harmonized with this law shall be defined within three months from the date this Law enters into force.

Until the regulations referred to in the para. 1 of this Article have been passed, the regulations previously passed shall be valid unless they are in contradiction with this law.

Termination of the validity of the law

Article 56

With the implementation date of this law, the Law on travel document of Yugoslav citizens shall cease to be effective ("Official Gazette of SRJ", no. 33/96, 49/96, 12/98, 16/99, 35/99, 44/99, 15/00, 7/01, 71/01, 23/02, 53/02, 68/02 и 5/83 and " Official Gazette of RS", no. 101/05 – 2nd law), with the exception of Article 56 which shall be applied until the law on the Army of Serbia.

Entering into force and application of the law

Article 57

This Law shall enter into force on the eighth day after being published in the Official Gazette of the Republic of Serbia and shall be applied six months thereafter, with the exception of Art. 55, which shall be applied with the day of entering into force of the Law.