

Respect, Protection and Exercise of Human Rights of Asylum-Seekers and Refugees in the Republic of Serbia

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Respect, Protection and Exercise of Human Rights of Asylum-Seekers and Refugees in the Republic of Serbia

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01 Foreword

The global trend of increase of forced displacement of populations in the first half of 2024 continues with the number of persons forced to leave their homes due to armed conflicts, political instability, persecution and human rights violations reaching 120 million. The internal conflict in Sudan, continued conflict in Ukraine and the instability in Syria and Afghanistan, as well as the renewed conflict in Gaza are but a few of the global factors contributing to this increase.

These global events inevitably affect the Republic of Serbia. As a country located on one of the main migration routes towards the European Union, Serbia faces complex challenges in managing mixed migrations and ensuring protection of the persons in need of international protection.

The report Respect, Protection and Exercise of Human Rights of Asylum-Seekers and Refugees in the Republic of Serbia provides an overview of the current situation in the asylum system of the Republic of Serbia in the period 1 January – 30 June 2024. The report is a result of activities implemented by the Centre for Research and Social Development IDEAS (IDEAS) within the framework of the project “Enhancing the Protection and Access to Rights of Asylum-Seekers and Refugees in Serbia”, in partnership with the United Nations High Commissioner for Refugees (UNHCR) in the Republic of Serbia.

During the reporting period, the asylum system in the Republic of Serbia faced significant challenges persisting since 2020. These challenges not only remained unresolved, but deepened in some aspects. The problems related to the access of refugees and asylum-seekers to territory and the asylum procedure became more pronounced, and the duration of asylum procedures continues to be unacceptably long. The quality of credibility assessment of the asylum claims is inconsistent and deviates from the earlier established positive practice, additionally threatening the rights of asylum-seekers. Various aspects of their vulnerability, be it procedural guarantees in the asylum process, special reception guarantees or support for integration are not sufficiently taken into account.

Despite these challenges, it is important to note certain positive developments at the legal level in the domain of access to the labour market and the possibility of obtaining permanent residence for the persons granted asylum. Furthermore, the persons granted asylum in 2024 finally began to exercise their right to travel documents which represents an important step towards their integration and exercise of fundamental rights.

IDEAS is grateful to all the associates who contributed to the development of this report. We hope that its findings will prompt positive changes in the asylum system and the protection of asylum-seekers and refugees in the Republic of Serbia.

02 Main Trends in Serbia

In the first half of 2024, Serbia recorded prominent changes in the area of asylum. These directly impacted the respect, protection and exercise of human rights of the persons in need of international protection.

A significant decrease of intensity of migrations on the Western Balkans route was recorded in the first six months. According to UNHCR data, a total of 8,830 new arrivals on the territory of the Republic of Serbia were recorded which represents a drop from 78% relative to 40,378 entries recorded in the same period last year. The data also point to important changes in the structure of refugees and migrants relative to their countries of origin. Namely, although the nationals of Syria continued to constitute the largest group, their share has significantly dropped as has the share of the nationals of Afghanistan moving along the route.

Notwithstanding this decrease of intensity of migrations, the challenges in access to territory persist. The unlawful practice of push-backs represents an important impediment to exercise of the right to asylum. In the period January – June 2024, the Ministry of Interior (MOI) “prevented 7,255 irregular crossings of the State border”, of which 5,842 at entry points. The so-called practice of “preventing irregular border crossings” may only be characterised as questionable, for it is not distinctly based on in the Law on Foreigners and the Law on Border Controls. Therefore, it is important to emphasize that the figure of 5,842 “prevented irregular crossings” does not refer to and, consequently, does neither match the number of refused entries (1,868), nor the total number of persons returned into neighbouring countries (65) through readmission.

In the first six months of 2024, 388 persons (4.4%) of the total number of new arrivals expressed intention to submit asylum claims relative to 1.7% during the same period last year. Women and girls constituted 17% of the persons who expressed intention to submit asylum claims. Children made up 20% of the registered persons in the first six months, 12 of them being unaccompanied children or 3% of persons who expressed intention. The persons who expressed intention to file for asylum originate from 35 different countries, the largest share of them (45%) originating from Syria followed by Afghanistan (9%).

A total of 104 asylum claims were filed during the reporting period. The asylum claims were filed by persons originating from 23 countries, with Syria remaining the leading country of origin of the asylum-seekers in Serbia with 25 claims submitted in the first six months of 2024. Asylum-seekers from Cuba (13) and Russia (9) follow.

In the first six months of 2024, the Asylum Office completed procedures relative to 76 persons in the first degree procedures, and decided on the merits relative to claims referring to 34 persons. Of that number, only one decision was passed – subsidiary protection was granted to an asylum-seeker from Syria and asylum claims referring to 33 persons were rejected. Asylum procedures were discontinued relative to 40 persons and two persons received decisions on dismissal of their subsequent asylum claims. Comparing the data from the first half of 2024 with those of the Asylum Office during the same period last year, one may conclude that significant changes occurred. The total number of persons in the asylum procedure remained relatively stable. However, a drastic plunge of the recognition rate was observed – from 21% in the first half of 2023 relative to 3% in the first half of 2024.

In the course of development of this report, IDEAS analysed 19 rulings of the Asylum Office including those obtained directly from the Asylum Office through submission of request for access to information of public importance, as well as the rulings received by the clients it represented in the asylum procedure. These 19 rulings refer to 30 persons whose asylum claims were ruled on the merits. Based on the analyzed decisions, it can be concluded that only in 18% of cases where the Asylum Office ruled on the merits, the decision was made within the maximum legal period of one year. This timelimit was exceeded in all the other cases. The length of the procedure in the first six months of 2024 ranged from 251 to 629 days. This amounts to an average 460 days that the Asylum Office needs to pass a first instance decision. Even more concerning is the data that the number of new cases is 37% higher than the number of the completed cases, indicating accumulation of cases and a threat of additional extension of the waiting periods. The analysis of cases themselves shows that the Asylum Office applied a very high standard for determination of well-founded fear of persecution which may explain a significant drop of recognitions of the persons in need of international protection. The application of such standards is particularly worrying with respect to survivors of gender-based violence.

During the above period, the Asylum Commission issued a total of 24 rulings, two of which were positive decisions on appeals. The data show no significant change of practice of the Asylum Commission relative to the previous two years and persistence of a relatively low level of probability of success in this phase of the procedure. The analysis of the rulings of the Asylum Commission indicate a possible blanket approach in a certain number of decisions and insufficient examination of individual facts and evidence. Yet again in 2024, the Asylum Commission did not use all the venues available to it such as oral hearings or deciding on granting asylum on the merits.

The Administrative Court passed a total of nine decisions in the reporting period. The analysis of decisions shows that in their decision making, the Administrative Court often focuses on existence of objective elements corroborating subjective fear of the plaintiffs, but not valuating sufficiently the subjective elements of fear. In the same way, in cases when persecution was conducted by non-state actors (private persons or groups), the frequent stand of the Administrative Court is that it suffices for the state of origin to have legal protection mechanisms, not sufficiently examining whether the state is able and willing to provide efficient protection in practice. Just like the Asylum Commission, the Administrative Court did not use all the venues available to it – from oral hearings to deciding in full jurisdiction procedures in the first half of 2024.

The reduced intensity of migrations resulted also in the reduction of the number of persons residing in reception centres and asylum centres. According to the information of the Commissariat for Refugees and Migration (CRM), 8,793 persons (92,9% men and 7,1% women) were

registered in reception and asylum centres in the first half of 2024. Children constituted 13% of the persons accommodated in the asylum and reception centres during the reporting period. Bearing in mind the lower number of persons residing in the reception and asylum centres, the reception centres Adaševci, Kikinda, Subotica, Sombor and Principovac had no residents during the first six months, and the reception centre Dimitrovgrad was closed in April. All the asylum centres, with the exception of Banja Koviljača, were operational in the reporting period.

The conditions of accommodation vary depending on location. While the asylum centres Bogovađa and Sjenica were positively evaluated from the aspect of cleanliness and food quality, problems related to hygiene and food were reported in the asylum centre Krnjača and the reception centre Preševo. In addition, the identical accommodation conditions for asylum-seekers and irregular migrants who stay for short periods of time may be inadequate having in mind different needs of these groups. The challenges also exist in ensuring adequate conditions for children and vulnerable groups such as LGBTIQ+ asylum-seekers and survivors of gender-based violence. Lack of information, absence of standardized procedures for identification of special reception needs, lack of possibility to ensure additional support during accommodation and limited access to specialised medical services indicate the need for systemic improvement of reception conditions.

In the first half of 2024, certain progress was registered with regard to integration of refugees in the Republic of Serbia. This despite the fact that the number of persons granted asylum remains low. As already mentioned, only one person was granted subsidiary protection and had a respective individual integration plan developed. The procedure of approval of financial assistance for housing was ongoing and the person was also included in the Serbian language and alphabet learning programme.

Issuance of refugee travel documents represents one of the key advancements in exercise of the rights of refugees. Since the onset of implementation of the Rulebook on the Appearance and Content of a Form of a Travel Document for Refugees and until 30 June 2024, a total of 39 refugee travel documents were issued. Of this number, 32 travel documents were issued to men including six boys, and seven travel documents were issued to women, three of whom are girls. An additional headway was made on entering into force of the changes of the Law on Foreigners in early February 2024 whereby the refugees with uninterrupted residence exceeding three years were enabled to access permanent residence. In the period 1 February – 30 June 2024, a total of 17 decisions granting permanent residence to refugees were passed. Most of the decisions were issued to the nationals of Iran (5) and Cuba (3), while the nationals of Burundi, Syria and Ukraine received two positive decisions each.

03 Global and Regional Context

3.1 Global Trends of Forced Displacement

The modern world is witnessing an ever increasing number of persons forced to leave their homes due to conflicts, persecution and violations of human rights. In late 2023, the number of forcibly displaced persons globally reached 117.3 million.^{1,2} It rose to a staggering 120 million by June 2024.³ According to the 2023 UNHCR data, the largest group were internally displaced persons – 68.3 million, followed by 31.6 million refugees under UNHCR mandate. In addition, there were 6.9 million asylum-seekers, 6 million Palestine refugees under the United Nations Relief and Works Agency for Palestine Refugees in the Middle East (UNRWA), and 5.8 million other persons in need of international protection.

The first half of 2024 was marked by a series of conflicts which resulted in mass displacement of populations. In April 2023, a conflict broke out in Sudan between the official military forces and paramilitary formations which escalated into one of the biggest global humanitarian crises resulting in mass expulsion of populations.⁴ The situation in the Gaza Strip deteriorated following the new attacks in October 2023 whereby more than 75% of the population in Gaza was internally displaced by mid – 2024.⁵ In the Democratic Republic of Congo, intensification of conflict between different armed groups and the government army led to escalation of violence.⁶ The situation in Myanmar resulted in an increase of forcibly displaced persons

1 The term “forcibly displaced persons” includes refugees, asylum-seekers, other persons in need of international protection as well as internally displaced persons. It also includes refugees and other displaced persons not under the mandate of UNHCR and excludes other categories such as returned and stateless persons who are not displaced.

2 United Nations High Commissioner for Refugees (UNHCR). (2024) Global Trends: Forced Displacement in 2023. <https://www.unhcr.org/global-trends-report-2023> (Global Trends in 2023).

3 United Nations High Commissioner for Refugees (UNHCR). (2024). UNHCR warns against apathy and inaction amid spike in forced displacement. <https://www.unhcr.org/news/press-releases/unhcr-warns-against-apaty-and-inaction-amid-spike-forced-displacement>.

4 The New Humanitarian. (2024). World Refugee Day: A reading list as forced displacement hits record levels.; <https://www.thenewhumanitarian.org/news/2024/06/20/world-refugee-day-reading-list-forced-displacement-hits-record-levels>.

5 United Nations High Commissioner for Refugees (UNHCR). (2024). Civilians in Gaza in extreme peril while the world watches on: Ten requirements to avoid an even worse catastrophe. <https://www.unhcr.org/news/speeches-and-statements/civilians-gaza-extreme-peril-while-world-watches-ten-requirements>.

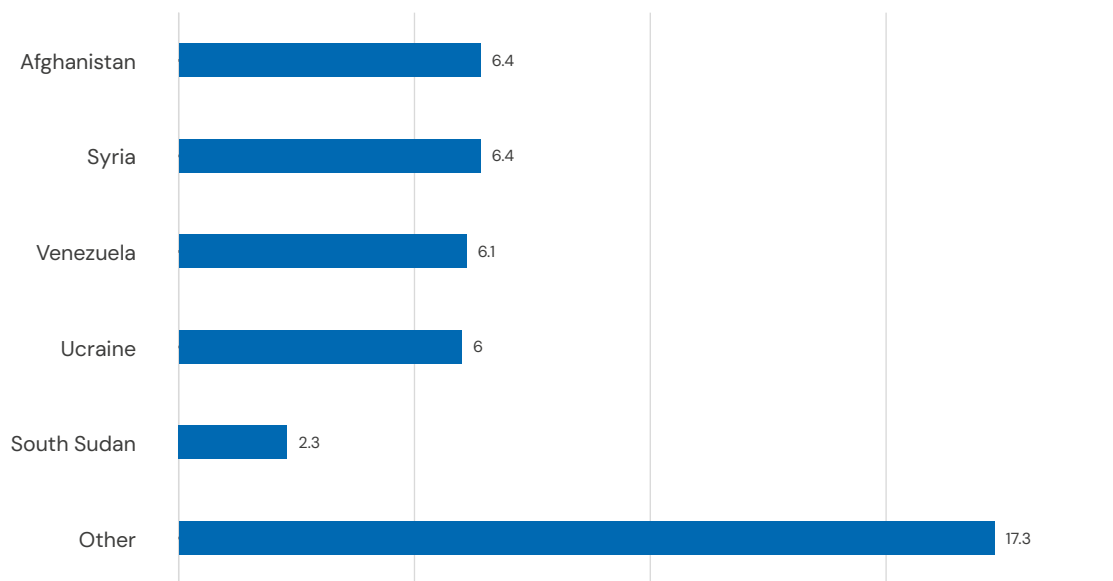
6 UNHCR, Global Trends 2023.

with almost a million minority Rohingya fleeing to the neighbouring Bangladesh where the situation is volatile also.⁷ In addition to these acute conflicts, climate changes are becoming an ever more significant factor of forced migrations with far reaching consequences. By end 2023 almost three quarters of forcibly displaced persons lived in the states exposed to grave climate change threats.

Despite the widespread nature of the crises, more than 50% of the refugee population continues to originate from five countries only: Afghanistan, Syria, Venezuela, Ukraine and South Sudan⁸. The situation in these countries remains critical with limited possibilities for sustainable return of refugees and continued increase of the number of new refugees.

Number of refugees and asylum-seekers in millions relative to the country of origin | 2023

Number (million)



⁷ *Ibid.*

⁸ *Ibid.*

3.2 Western Balkans and Serbia in the Context of Forced Migrations

The global crisis of forced displacement also significantly affected Serbia which is located in the midst of Western Balkans migration route which refugees – primarily from the Middle East and Africa – move towards the EU countries. In addition to Serbia, this route also includes North Macedonia, Bosnia and Herzegovina, Montenegro and Albania.⁹

Western Balkans route



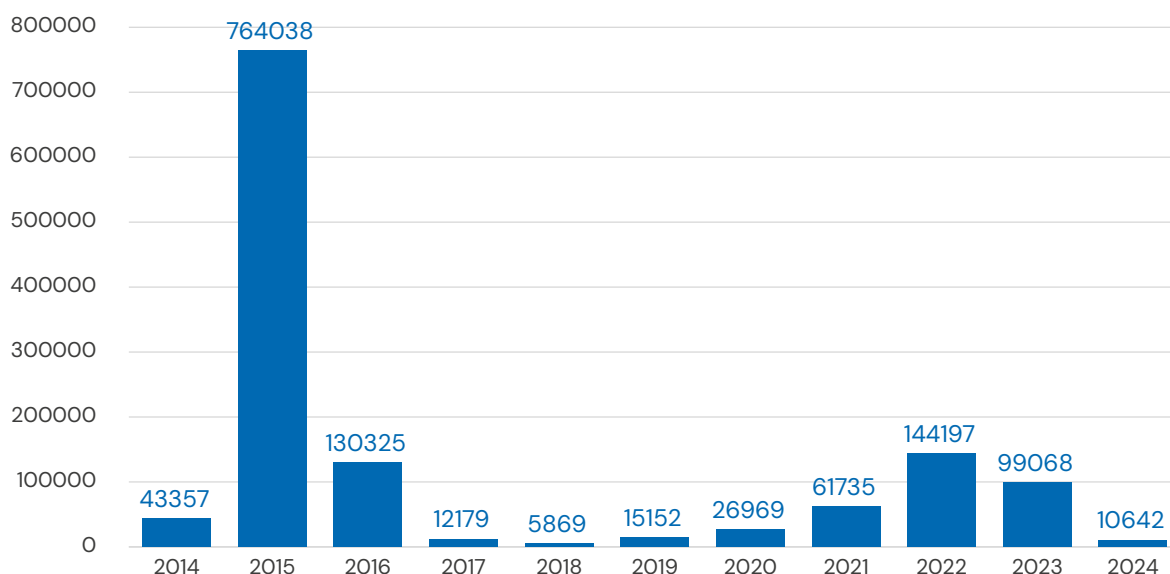
⁹ Council of the European Union. (n.d.). Western Balkans route: EU migration policy. <https://www.consilium.europa.eu/en/policies/eu-migration-policy/western-balkans-route/>.

The intensity of migrations on the Western Balkans route has changed significantly since the onset of the refugee crisis in 2015.¹⁰ After the record number of registered arrivals in EU in 2015, when at least 760,000 refugees and migrants entered the EU using the Western Balkans route, the number of arrivals plunged in the period 2016 – 2017, only to reach 5,869 arrivals in 2018. Nevertheless, there is a notable trend of increase of the intensity of migrations along this route since 2018. A new maximum was reached in 2022 with 144,197 arrivals representing as many as 43% of all the arrivals in EU. A new drop in intensity of migrations along this route was recorded in 2023 with 99,068 irregular border crossings.

In the first six months of 2024, a total of 10,541 irregular border crossings were registered on the Western Balkans route – a mere 11% of all the irregular EU border crossings.¹¹ Should this trend remain unchanged by end of 2024, we may expect the intensity of migrations on the Western Balkans route to decrease by five times relative to 2023. This decrease may reflect changes in migratory trends. However, it may also be the consequence of tighter border controls and policies and the unlawful border practices at the EU external borders towards Turkey – primarily the systemic violations of human rights of refugees and migrants by the Greek and Bulgarian border forces, as well as tolerance of such practices by Frontex.

Number of arrivals recorded on the Western Balkans route | 2014–2024

No. of irregular border crossings



* Only the first six months of 2024 are shown. Lest the intensity of migrations changes, one may expect some 20,000 irregular border crossings in 2024 – a number significantly lower than in 2023

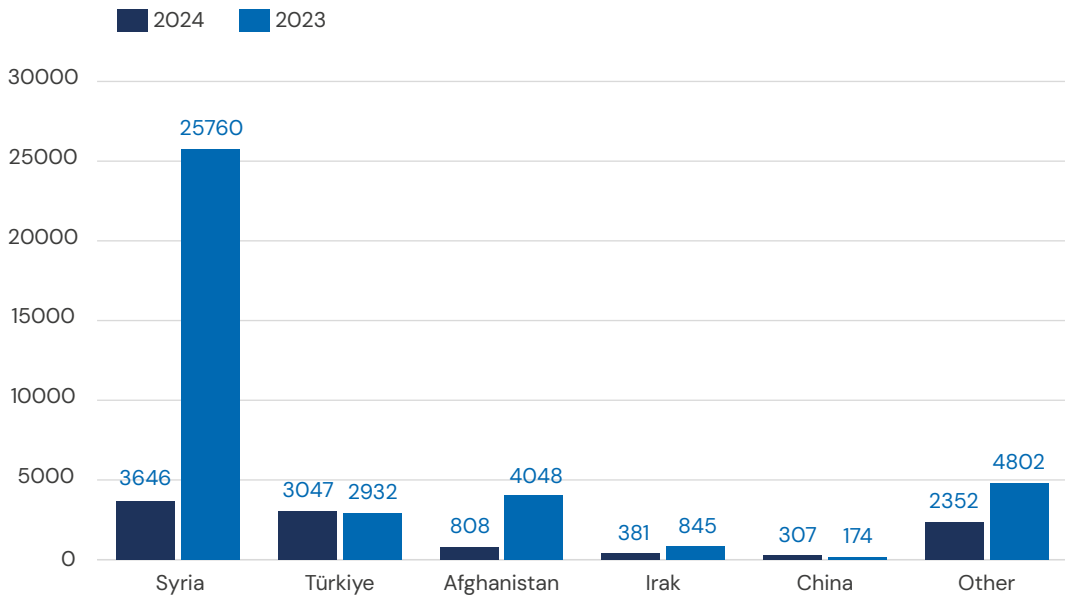
The majority of identified refugees and migrants moving along the Western Balkans route originate from Syria, Turkey, Afghanistan, Iraq and China.¹²

¹⁰ Frontex. (2024). Migratory routes. <https://www.frontex.europa.eu/what-we-do/monitoring-and-risk-analysis/migratory-routes/migratory-routes/>

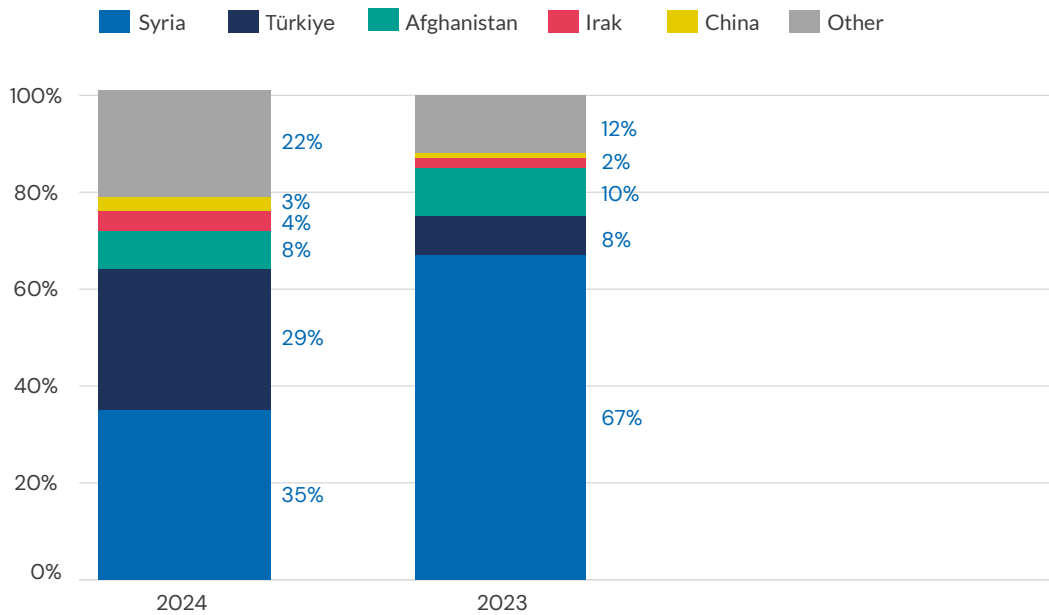
¹¹ Frontex. (2024). Monitoring and risk analysis. <https://www.frontex.europa.eu/what-we-do/monitoring-and-risk-analysis/migratory-map/>

¹² Ibid.

Number of refugees and migrants identified on Western Balkans route in the first six months | 2013 - 2024. godina
No. of identified irregular border crossings



Structure of refugees and migrants identified along the Western Balkans route in the first six months per country of origin | 2023 - 2024



The data reflect the changes in the structure of refugees and migrants per country of origin relative to the same period in 2023. Although the nationals of Syria continue to constitute the largest group, their share has dropped significantly, as did the number of Afghan nationals moving along the route. These trends indicate marked changes in the dynamics of migrations. These data correspond to UNHCR data on Serbia according to which a total of 8,830 new arrivals into the territory of the Republic of Serbia were recorded in the first six months¹³ – notably less than in the first half of 2023 when 40,378 arrivals were recorded.¹⁴

13 UNHCR data portal (2024). Key figures at Regional Level. <https://data.unhcr.org/en/documents/details/110104>.
14 *Ibid.*

3.3 Changes of Regional Policies

Since migrations along the Western Balkans route are primarily directed towards the EU countries, it is evident that they are conditioned by the EU policies and decisions. The geographic location of Serbia, the country at the EU external borders and an EU membership candidate, additionally stresses the need for continued alignment of the national legislation and policies with the EU *acquis*. In that context, the adoption of EU Pact on Migrations and Asylum in May 2024 is particularly relevant for Serbia. The Pact is the result of aspiration to reduce the number of arrivals on the EU territory, restricting the level of protection of human rights of refugees and migrants.¹⁵ The Pact was adopted after four years of intensive negotiations, resulting in a comprehensive reform of the Joint European Asylum System. The key components of the Pact include:

- Regulation on Asylum and Migration Management;¹⁶
- Asylum Procedure Regulation;¹⁷
- Regulation addressing situations of crisis and force majeure in the field of migration and asylum;¹⁸
- Regulation on establishment of Eurodac;¹⁹
- Regulation on screening third-country nationals at external borders;²⁰
- Regulation on standards of qualification;²¹
- Reception Conditions Directive;²²

15 European Council on Refugees and Exiles (ECRE). (2020). Joint statement: The Pact on Migration and Asylum: to provide a fresh start and avoid past mistakes, risky elements need to be addressed and positive aspects need to be expanded. <https://ecre.org/the-pact-on-migration-and-asylum-to-provide-a-fresh-start-and-avoid-past-mistakes-risky-elements-need-to-be-addressed-and-positive-aspects-need-to-be-expanded/>

16 European Union: Council of the European Union, European Union: European Parliament, Regulation (EU) 2024/1351 of the European Parliament and of the Council of 14 May 2024 on asylum and migration management, amending Regulations (EU) 2021/1147 and (EU) 2021/1060 and repealing Regulation (EU) No 604/2013, 32024R1351, 14/05/2024, <https://www.refworld.org/legal/reglegislation/council/2024/en/148011>

17 European Union: Council of the European Union, European Union: European Parliament, Regulation (EU) 2024/1348 of the European Parliament and of the Council of 14 May 2024 establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU "Asylum Procedure Regulation", 32024R1348, 14/05/2024, <https://www.refworld.org/legal/reglegislation/council/2024/en/148004>

18 European Union: Council of the European Union, European Union: European Parliament, Regulation (EU) 2024/1359 of the European Parliament and of the Council of 14 May 2024 addressing situations of crisis and force majeure in the field of migration and asylum and amending Regulation (EU) 2021/1147, 32024R1359, 14/05/2024, <https://www.refworld.org/legal/reglegislation/council/2024/en/148015>.

19 European Union: Council of the European Union, European Union: European Parliament, Regulation (EU) 2024/1358 of the European Parliament and of the Council of 14 May 2024 on the establishment of 'Eurodac' for the comparison of biometric data in order to effectively apply Regulations (EU) 2024/1351 and (EU) 2024/1350 of the European Parliament and of the Council and Council Directive 2001/55/EC and to identify illegally staying third-country nationals and stateless persons and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, amending Regulations (EU) 2018/1240 and (EU) 2019/818 of the European Parliament and of the Council and repealing Regulation (EU) No 603/2013 of the European Parliament and of the Council, 32024R1358, 14/05/2024, <https://www.refworld.org/legal/reglegislation/council/2024/en/148014>.

20 European Union: Council of the European Union, European Union: European Parliament, Regulation (EU) 2024/1356 of the European Parliament and of the Council of 14 May 2024 introducing the screening of third-country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817, 32024R1356, 14/05/2024, <https://www.refworld.org/legal/reglegislation/council/2024/en/148013>.

21 European Union: Council of the European Union, European Union: European Parliament, Regulation (EU) 2024/1347 of the European Parliament and of the Council of 14 May 2024 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU of the European Parliament and of the Council "Qualification Regulation", 32024R1347, 14/05/2024, <https://www.refworld.org/legal/reglegislation/council/2024/en/148003>.

22 European Union: Council of the European Union, European Union: European Parliament, Directive (EU)

- Regulation on Resettlement Framework;²³
- Regulation on establishment of the European Union Agency on Asylum;²⁴
- Directive on single permits²⁵ and blue card.²⁶

The new EU Pact on Migration and Asylum, expected to come into effect in 2026, may have significant and mostly negative implications for Serbia. Increased controls at EU borders, more efficient return of migrants who do not fulfill conditions for enjoyment of the right to asylum and lowering of the protection standards,²⁷ may result in increased pressure on the Serbian asylum system thus burdening the existing reception and asylum claim processing capacities.

On the other hand, Serbia is a bordering and an EU membership candidate country, and thus alignment with the new Pact could become an important factor in its internal and foreign policy migration management-related decisions. Therefore, Serbia may be expected to strengthen its border controls significantly and to continue intensifying unlawful border practices.

Serbia could benefit increased financial and technical assistance for migration management from the EU with the coming into force of the new Pact, the primary aim of which would be to reduce and slow down movements of refugees and migrants towards the EU. In light of these potential challenges, it is of paramount importance for Serbia to take into consideration the potential consequences of the new Pact on its migration policy and capacities. In the process of EU accession, Serbia should take these risks into account and work on developing strategies allowing for efficient migration management while at the same time safeguarding the rights of refugees, asylum-seekers and migrants. Despite all the risks it faces or may expect to face, Serbia must remain committed to international norms in the area of international human rights law and refugee law.

2024/1346 of the European Parliament and of the Council of 14 May 2024 laying down standards for the reception of applicants for international protection (recast) "Reception Conditions Directive", 32024L1346, 14/05/2024, <https://www.refworld.org/legal/reglegislation/council/2024/en/148002>.

23 European Union: Council of the European Union, European Union: European Parliament, Regulation (EU) 2024/1350 of the European Parliament and of the Council of 14 May 2024 establishing a Union Resettlement and Humanitarian Admission Framework, and amending Regulation (EU) 2021/1147 "Union Resettlement Framework", 32024R1350, 14/05/2024, <https://www.refworld.org/legal/reglegislation/council/2024/en/148006>.

24 European Union: Council of the European Union, European Union: European Parliament, Regulation (EU) 2021/2303 of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010 of 15/12/2021 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32021R2303>.

25 European Union: Council of the European Union, European Union: European Parliament, Directive (EU) 2024/1233 of the European Parliament and of the Council of 24 April 2024 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State (recast) 24/04/2024 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024L1233>.

26 European Union: Council of the European Union, European Union: European Parliament, Directive (EU) 2021/1883 of the European Parliament and of the Council of 20 October 2021 on the conditions of entry and residence of third-country nationals for the purpose of highly qualified employment, and repealing Council Directive 2009/50/EC of 20/10/2021 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex-%3A32021L1883>.

27 European Union. European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a New Pact on Migration and Asylum COM/2020/609 final 23/09/2020 <https://eurlex.europa.eu/legalcontent/EN/TXT/?uri=COM%3A2020%3A609%3AFIN>.

3.4 Key Judgements of the European Court of Human Rights in the Area of Asylum

Serbia, being a state party of the European Convention of Human Rights (ECHR) is required to monitor and directly apply the standards contained in the judgements of the European Court of Human Rights (ECtHR). These judgements emphasize the key areas in which the state parties need to improve their practices so as to ensure respect, protection and implementation of human rights of refugees, asylum-seekers and migrants in line with the international human rights standards related to the reception conditions, prevention of arbitrary deprivation of liberty, violation of the principle of *non-refoulement* and collective expulsion as well as to conducting detailed risk assessments of the most vulnerable persons in different contexts, and especially in the context of immigration detention, treatment at borders and in the asylum procedure.

In the first half of 2024, the ECtHR found violation of Art. 3 of the ECHR in several judgements, especially as regards vulnerable groups such as unaccompanied and separated children. Disregarding their particular needs and best interest is often characterized by the ECtHR as inhuman or degrading treatment contrary to Art. 3 of the ECHR.

A.I. and Others v. Greece²⁸

In this case, the ECtHR reviewed the application of the applicant: a father with serious medical issues and two children aged 4 and 7. They complained about the poor conditions in the informal centre Idomeni and the asylum centre in Greece stating overpopulation, inadequate nutrition, poor hygiene and sanitary conditions as well as limited access to medical assistance. In this concrete case, the ECtHR established that vulnerability of the applicant coupled with the poor conditions in the informal camp je resulted in inhuman and degrading treatment and that it amounted to the violation of Art. 3 of the ECHR. The ECtHR stressed existence of an obligation to ensure adequate material conditions in cases of vulnerable categories of persons.

W.S. and Others v. Greece²⁹

In this case, the ECtHR examined the application of an unaccompanied child who was not provided adequate protection and assistance in Greece. Such a treatment amounted to the failure of the official authorities to appoint a legal guardian to the applicant and ensure age-appropriate accommodation. In the concrete case, the minor applicant was in “protective custody” in the police station without a legal guardian for a period exceeding one month. The described tretment resulted in deterioration of his mental and physical condition and represents a violation of Art. 3 of the ECHR.

28 *A.I. and others v. Greece*, Application no. 13958/16, (18.01.2024.), paras. 46–57. Available at: <https://shorturl.at/plOYI>.

29 *W.S. and others v. Grece*, Application no. 65275/19, (23.05.2024.), paras. 25–30. Available at: <https://shorturl.at/3obHE>.

T.K. and Others v. Greece³⁰

In this case, the applicant is an unaccompanied child registered as an adult due to a mistake made by the official authorities. In addition, he was not provided adequate accommodation; he was not appointed legal guardian and was not offered the required psychological support. In the concrete case, the ECtHR established that the official authorities did not pay sufficient attention to identification of vulnerabilities of the applicant and had thus not ensured procedural guarantees. For the above reasons, the ECtHR found violations of Art. 3 (inhuman conditions in the camp in Samos) and Art. 8 of the ECHR (delay to initiate age determination procedure), as well as Art. 13 (lack of effective legal remedy to review material conditions in the reception centre, age assessment decision and appointment of legal guardian).

O.R. v. Greece³¹

In this case, the ECtHR examined the application of an unaccompanied child who was not ensured accommodation and the procedural guarantees adequate to his vulnerable situation due to an omission of the official authorities. This included failure to appoint a legal guardian, insufficient examination of allegations about sexual harassment at the moment when the applicant was assigned accommodation and the inadequacy of accommodation to his age. In the concrete case, the ECtHR found that the delayed identification of an unaccompanied child as vulnerable in combination with disregard of other procedural guarantees amounted to treatment which, according to the ECtHR practice, is characterised as inhuman and degrading.

In the course of the reporting period, ECtHR examined the grounds for detention and other forms of deprivation of liberty in the asylum procedures. ECtHR notes that pronouncement of detention to asylum-seekers is often arbitrary and therefore not conducted in good faith and that it is in contravention of Art. 5 of the ECHR. The Court opines that detention of asylum-seekers should be used as the last resort and only when justified reasons exist for it. Detention of minors is particularly problematic and requires strict controls and treatment in line with the best interests of the child.

M.H. and S.B. v. Hungary³²

In this case, the ECtHR examined the grounds of pronouncing of immigration detention due to an erroneous assessment of age of two unaccompanied children, in line with Art. 5 (1) of the ECHR. Failing to conduct an age assessment, the official authorities relied on the statements of the applicants who maintained to be adults at first. Although, according to the ECtHR, immigration detention is in line with the law because the applicants had crossed the state border illegally, it is arbitrary at the same time as the official authorities failed to assess the age of applicants in good faith and after the change of statements to that effect. In these cases, the ECtHR maintains that the official authorities establish the age of applicants in cases of doubt.

30 *T.K. v. Greece*, Application no. 16112/20, (18.01.2024.), paras. 18–29. Available at: <https://shorturl.at/L9U24>.

31 *O.R. v. Greece*, Application no. 24650/19, (23.01.2024), paras. 61–70. Available at: <https://shorturl.at/Tx6XV>.

32 *M.H. and S.B. v. Hungary*, Application no. 10940/17,15977/17, (22.02.2024.), paras. 73–81. Available at: <https://shorturl.at/DpupB>.

M.B. v. the Netherlands³³

In this case, the Court analyzed the application of an asylum-seeker who was deprived of liberty in immigration detention having once being released from detention due to a founded suspicion that he had committed a crime. Having been convicted of a crime, the applicant had spent ten months in prison. Thereafter, he was again deprived of liberty due to threat to public order with the aim of taking the acts related to asylum claim. In the concrete case, the ECtHR found that this type of preventive detention had been arbitrary and that it was disproportionate and unnecessary having in mind that the actions related to asylum claim could have been taken during his stay in criminal detention.

Collective expulsion continues to be recognized as an important issue at the European borders and in the practice of the Court. During the reporting period, the ECtHR passed several judgements related to collective expulsion which is prohibited by Art. 4 of Protocol no. 4 to the ECHR. The principle of individual examination of each asylum claim is one of the key principles and prerequisites for exercise of human rights of the asylum-seekers.

K.P. v. Hungary³⁴

In this case, the applicant noted that he – an unaccompanied child – and two other migrants had been collectively expelled without individual assessment of concrete circumstances. He had not been served the formal decision nor had his case been examined individually. In the concrete case, the ECtHR pointed to the unlawfulness of such treatment and to the additional obligation of the official authorities to assess individual circumstances of applicants who are unaccompanied children and therefore established a violation of Art. 4, of Protocol no. 4 to the ECHR.

Šerov and Others v. Poland³⁵

In this case, the Court examined the application of a family claiming they had been collectively expelled without the assessment of individual circumstances. Even though the official authorities had passed the decision on refusing entry, the ECtHR maintained they had not been passed with due respect to the individual situation of each of the members and had been part of a wider policy of non-acceptance of requests for international protection. Furthermore, in the concrete case the authorities had completely disregarded the intention of the applicant to seek asylum in that country.

33 *M.B. v. the Netherlands*, Application no. 71008/16, (23.04.2024.), paras. 61–75. Available at: <https://shorturl.at/kVljb>.

34 *K.P. v Hungary*, Application no. 82479/17, (18.01.2024.), paras. 5–10. Available at: <https://shorturl.at/mnmo6>.

35 *Sherov and Others v. Poland*, Application nos. 54029/17 and 3 others, (04.04.2024), para. 13–16. Available at: <https://shorturl.at/mxvxh>.

04 Key Developments in the Area of Asylum in Serbia

4.1 Overview of the Legal and Institutional Framework

The legal framework governing the situation of asylum-seekers and refugees in the Republic of Serbia includes numerous laws and bylaws regulating respect, protection and enjoyment of human rights by refugees and asylum-seekers.

The key law – Law on Asylum and Temporary Protection³⁶ – entered into force on 3 June 2018. It governs the status, rights and obligations of asylum-seekers and persons granted the right to asylum and temporary protection, as well as the conditions and the procedure for the approval and cessation of the right to asylum and temporary protection.³⁷ The asylum procedure is governed by the relevant provisions of the Law on General Administrative Procedure³⁸ as *lex generalis*, and the Law on Administrative Disputes³⁹ with respect to court protection.

The entry, stay and movement of foreigners on the territory of Serbia is governed by the Law on Border Controls⁴⁰ and the Law on Foreigners,⁴¹ specifying conditions of entry, stay and return of foreigners.

The Law on Migration Management governs certain issues relevant to accommodation and integration of asylum-seekers and refugees,⁴² additionally elaborated in the Regulation on inclusion of persons who have granted the right to asylum into the social, cultural and economic life.⁴³ The Law on Employment of Foreigners⁴⁴ is relevant for regulation of issues related to exercise of the right to work. Education is governed generally by the education-related

36 Law on Asylum and Temporary Protection – LATP, “Official Gazette of the RS”, No. 24/2018

37 Art. 1, *Ibid.*

38 Law on General Administrative Procedure – LGAP, “Official Gazette of the RS”, No. 18/2016, 95/2018 – authentic interpretation i 2/2023 – Decision of Constitutional Court.

39 Law on Administrative Disputes – LAS “ Official Gazette of the RS”, No. 111/2009.

40 Law on Border Control – LBC , “ Official Gazette of the RS”, No. 24/2018.

41 Law on Foreigners –LF, “ Official Gazette of the RS”, No 24/2018, 31/2019 and 62/2023.

42 Law on Migration Management – LMM, “ Official Gazette of the RS”, No. 107/2012.

43 Regulation on inclusion of persons who have granted the right to asylum into the social, cultural and economic life – Regulation on integration, “ Official Gazette of the RS”, No. 101/2016.

44 Law on Employment of Foreigners –LEF, “ Official Gazette of the RS”, No. 128/2014, 113/2017, 50/2018, 31/2019 and 62/2023.

laws such as the Law on the Fundamentals of the Education System⁴⁵, the Law on Primary Education⁴⁶, the Law on Secondary Education⁴⁷ and the Law on Higher Education⁴⁸. Also, health care is implemented on the basis of the Law on Health Care⁴⁹, and social protection is governed by the Law on Social Protection⁵⁰.

Further to the above mentioned laws, relevant bylaws regulate house rules in asylum and reception centres, social and medical issues and other aspects related to the process of asylum and the inclusion and integration of asylum-seekers and refugees.

These include:

- Regulation on Criteria for Setting Priorities for the Accommodation of Recognized Refugees or Persons Granted Subsidiary Protection and Conditions for Using Housing for Temporary Accommodation,⁵¹
- Rulebook on the Layout of Forms for Refusing Entry into the Republic of Serbia, the Layout of Forms for Approving Entry into the Republic of Serbia, and the Method of Entry of Data on Refusal of Entry into Travel Documents of Foreigners,⁵²
- Rulebook on the Manner and Procedure of Registration and the Layout and Content of the Certificate of Registration of Foreigner's Expression of Intention to Apply for Asylum,⁵³
- Rulebook on the Contents and Layout of the Asylum Form and the Contents and Layout of the Forms of Documents Issued to the Asylum Seeker and the Persons Granted Asylum or Temporary Protection,⁵⁴
- Rulebook on House Rules in Asylum Centres and Other Facilities Designated for Accommodation of Asylum Seekers,⁵⁵
- Rulebook on Medical Examinations of Asylum Seekers upon Admission to Asylum Centre or Other Facility for Accommodation of Asylum Seekers,⁵⁶

45 Law on the Fundamentals of the Education System, "Official Gazette of the RS", No. 88/2017, 27/2018 – other law, 10/2019, 27/2018 – other law, 6/2020, 129/2021 and 92/2023.

46 Law on Primary Education, "Official Gazette of the RS", Nos. 55/2013, 101/2017, 10/2019, 27/2018 – other law, 129/2021 and 92/2023

47 Law on Secondary Education, "Official Gazette of the RS", Nos. 55/2013, 101/2017, 27/2018 – other law, 6/2020, 52/2021, 129/2021, 129/2021 – dr. zakon and 92/2023.

48 Law on Higher Education, "Official Gazette of the RS", Nos. 88/2017, 73/2018, 27/2018 – other law, 67/2019, 6/2020 – other laws, 11/2021 – authentic interpretation, 67/2021, 67/2021 – other law and 76/2023.

49 Law on Health Care, "Official Gazette of the RS", Nos. 25/2019 and 92/2023 – authentic interpretation.

50 Law on Social Protection, "Official Gazette of the RS", Nos. 24/2011 and 117/2022 – Decision of Constitutional Court.

51 Regulation on Criteria for Setting Priorities for the Accommodation of Recognized Refugees or Persons Granted Subsidiary Protection and Conditions for Using Housing for Temporary Accommodation – Regulation on Accommodation, "Official Gazette of the RS", Nos. 63/2015, 56/2018.

52 Rulebook on the Layout of Forms for Refusing Entry into the Republic of Serbia, the Layout of Forms for Approving Entry into the Republic of Serbia, and the Method of Entry of Data on Refusal of Entry into Travel Documents of Foreigners, "Official Gazette of the RS", No. 50/2018

53 Rulebook on the Manner and Procedure of Registration and the Layout and Content of the Certificate of Registration of Foreigner's Expression of Intention to Apply for Asylum, "Official Gazette of the RS", No. 42/2018.

54 Rulebook on the Contents and Layout of the Asylum Form and the Contents and Layout of the Forms of Documents Issued to the Asylum Seeker and the Persons Granted Asylum or Temporary Protection, "Official Gazette of the RS", No. 42/2018

55 Rulebook on House Rules in Asylum Centres and Other Facilities Designated for Accommodation of Asylum Seekers – Rulebook on house rules, "Official Gazette of the RS", No. 96/2018,

56 Rulebook on Medical Examinations of Asylum Seekers upon Admission to Asylum Centre or Other Facility for Accommodation of Asylum Seekers – Rulebook on medical examinations, "Official Gazette of the RS", No. 57/2018,

- Rulebook on Social Assistance to Asylum Seekers and Persons Granted Asylum⁵⁷
- Rulebook on the Layout and Contents of Refugee Travel Document Forms.⁵⁸

The institutional framework in the area of asylum includes several key institutions with clearly defined mandates. The Asylum Office, being an organisational unit of the Ministry of Interior (MOI), represents the first instance authority in the asylum procedure mandated to conduct asylum procedures and pass first instance rulings in asylum procedures as well as to issue personal documents and pass other decisions related to numerous status-related issues of refugees and asylum seekers which are a precondition to access to economic and social rights.⁵⁹ The Asylum Commission, as the second instance authority, comprises the chairperson and eight members appointed by the Government. The Asylum Commission decides on appeals against the decisions of the Asylum Office.⁶⁰ The Law also provides for the possibility of initiating administrative disputes before the Administrative Court challenging the rulings of the Asylum Commission, thus ensuring judicial protection in asylum procedures.⁶¹ Other authorities participate also in different phases of the procedure. One of them is the Border Police which decides on refusal or approval of entry into the country and the Department for Foreigners which takes part in issuance of registration certificates. In addition, the Security Information Agency (BIA) may take part in security checks and the Constitutional Court may review constitutional complaints related to the alleged violations of human rights of refugees and asylum-seekers.⁶²

The Commissariat for Refugees and Migration (CRM), as a special organisation in the state administration system, is mandated with reception of asylum-seekers and support in integration of refugees⁶³. CRM provides material reception conditions to asylum-seekers and is authorised to provide temporary accommodation to refugees, language classes for them, education, employment and social protection within one year of entry into force of the decisions recognizing the right to asylum.

In addition to CRM, various line ministries take part in integration of refugees, the most important being the ministries in charge of education, social, family protection and health care.

4.2 Changes of the Legal Framework

One of the main novelties in the first half of 2024 is the implementation of the Rulebook on the Layout and Contents of Refugee Travel Document Forms. This bylaw defines the layout and content of travel documents for persons recognized the right to refuge in Serbia. The problem of refugees being deprived of the right to freedom of movement was finally resolved when this Rulebook entered into force. The first travel documents were issued in March 2024.⁶⁴ In early February 2024, new provisions of the Law on Foreigners, adopted in July 2023 entered into force. The changes allowed refugees residing on the Serbian territory for more than three

57 Rulebook on Social Assistance to Asylum Seekers and Persons Granted Asylum – Rulebook on social assistance, “Official Gazette of the RS”, No. 12/2020.

58 Rulebook on the Layout and Contents of Refugee Travel Document Forms, “Official Gazette of the RS”, No. 104/2023.

59 Art. 20, LATP.

60 Art. 21, *Ibid.*

61 Art. 22, *Ibid.*

62 Asylum Information Database (AIDA). (2023), Country report: Serbia, https://asylumineurope.org/wp-content/uploads/2024/08/AIDA-SR_2023-Update.pdf

63 Art. 23, LATP.

64 Centre for Research and Social Development IDEAS, Novelties introduced by the new Rulebook on the Layout and Content of Refugee Travel Document Forms. Available at: https://ideje.rs/wp-content/uploads/2024/03/putne_isprave_SRB-1.pdf.

years in continuity to acquire the right to permanent residence.⁶⁵ In order to be granted permanent residence, the refugees need not fulfill general conditions as other foreigners.⁶⁶ With these changes and amendments of the Law on Foreigners, the formal conditions for naturalization of refugees have been met – that the persons recognized the right to asylum may file requests for Serbian citizenship.

In addition to the new provisions of the Law on Foreigners, new provisions of Law on Employment of Foreigners (LEF) came into effect on 1 February 2024. These provide for a shorter stay for asylum-seekers to access the labour market. The changes of LEF provide for this right to be exercised six months after the submission of asylum claim, instead of the earlier nine months.⁶⁷ Also, instead of personal employment permits, the asylum-seekers and refugees now access the labour market with identity cards, the certificates on holding Foreigner Registration Number (FRN) and the certificates on legal status i.e., certificates on submission of an asylum claim issued by the Asylum Office.

The Law on Asylum and Temporary Protection as a form of international protection also recognizes temporary protection granted by the Government decision in cases of mass influx of displaced persons who cannot return to their country of origin or habitual residence due to, *inter alia*, armed conflicts or localized violence in that area.⁶⁸ The Government of Serbia invoked the legal mechanism of granting temporary protection in 2022 during the crisis in Ukraine for the first time. This was based on the Decision on the Provision of Temporary Protection in the Republic of Serbia to Persons Displaced from Ukraine.⁶⁹ In March 2024, as a response to displacement caused by the conflict in Ukraine, the Government of the Republic of Serbia extended the validity of the Decision for the second time.⁷⁰ In view of the situation in Ukraine, temporary protection to these persons should continue in the coming period as well.

With a view to strengthening the migration management capacities of local governments, the Government passed two important Decisions. The first is the 2024 Decision on Defining the Program of Incentives for Implementation of Measures and Activities Necessary to Achieve the Defined Objectives in the Area of Migration Management in Local Governments.⁷¹ This programme provides a series of measures to support local communities where migrants reside, with the aim of promoting social cohesion and inclusion. On the other hand, the 2024 Decision on Defining the Program of Incentives for Implementation of Measures and Activities Necessary to Enhance Tolerance towards Migrants and the Capacities of the Local Governments in the Republic of Serbia on the Territories of Which the Migrants Reside sets down a framework for the activities aimed at countering xenophobia, discrimination and prejudices against migrants as well as for enhancing the capacities of local actors for migration management.⁷²

65 Art. 68(a), LF.

66 *Ibid.*

67 Art. 3, LEF.

68 Art. 74, LATP.

69 Decision on the Provision of Temporary Protection in the Republic of Serbia to Persons Displaced from Ukraine "Official Gazette of the RS", No. 36/2022.

70 Decision on the Provision of Temporary Protection to Persons Displaced from Ukraine, "Official Gazette of the RS", Nos. 21/2023, 21/2024

71 Decision on Defining the Program of Incentives for Implementation of Measures and Activities Necessary to Achieve the Defined Objectives in the Area of Migration Management in Local Governments, "Official Gazette of the RS", No. 26/2024.

72 Decision on Defining the Program of Incentives for Implementation of Measures and Activities Necessary to Enhance Tolerance towards Migrants and the Capacities of the Local Governments in the Republic of Serbia on the Territories of Which the Migrants Reside, "Official Gazette of the RS", No. 26/2024.

4.3 Other Developments Relevant to Asylum

In 2024, the Status Agreement between the European Union and the Republic of Serbia on actions carried out by the European Border and Coast Guard Agency in the Republic of Serbia (Frontex) was extended and expanded. Continuing cooperation in combatting smuggling in human beings, readmission, return, advancement of the asylum system, border management and alignment of the Serbian visa policy with EU were agreed.⁷³ The new agreement strengthens joint activities at the borders, and unlike the previous agreement, allows for participation of Frontex also at the borders of non-EU member states with the presence of 111 Frontex team members in Serbia.^{74,75}

The cooperation with neighbouring countries, including between the Hungarian and the Serbian police, continued with respect to border control measures.⁷⁶ On 29 January, MOI announced strengthening of border controls of migrations also in the border zone towards Bosnia and Herzegovina.⁷⁷ This strengthening includes establishment of headquarters that will work on combatting irregular migrations in the area of Mali Zvornik, Ljubovija, Loznica and Banja Koviljača.^{78,79} The headquarters bore results only several days upon its establishment, when 107 irregular migrants were discovered thus proving the increase of intensity of border control measures.⁸⁰

73 Vijesti, Anti-smuggling measures strengthen, 07.02.2024, Available at: <https://www.vijesti.me/svijet/balkan/693124/srbija-i-eu-jacaju-mjere-protiv-krijumcarenja-migranata>.

74 EU in Serbia, EU signs agreement with Serbia to strengthen migration and border management cooperation, 25.06.2024., Available at: <https://europa.rs/eu-signs-agreement-with-serbia-to-strengthen-migration-and-border-management-cooperation/?lang=en>.

75 The draft of the new agreement that is to undergo the required ratification in the EU institutions, provides for development of an action plan, existence of incident reporting mechanism, appointment of coordinator and identification of location of the Frontex office in Serbia.

76 Vijesti, 28 policemen from Hungary sent to Serbia, <https://rtcg.me/vijesti/region/559988/iz-madarske-u-srbiju-upuceno-28-policajaca.html>.

77 Situation report on mobility of migrants from February 2024 notes that the majority (82%) migrants in Serbia stated their next destination was Bosnia and Herzegovina; 9% expressed plans to travel to Hungary and 7% intended to go to Croatia directly from Serbia.

78 Radio Free Europe, "Serbia strengthens control of migrants at the BiH border", 30.01.2024., Available at: <https://www.slobodnaevropa.org/a/srbija-migracije-migranti-kontrola-granice-zandarmerija-mali-zvornik-bosna-hercegovina/32798414.html>.

79 Such headquarters had earlier been established in Subotica in the north, in Dimitrovgrad in the east and in Preševo in the south of the country.

80 Politika, "107 irregular migrants discovered on the territory of Mali Zvornik, Ljubovija and Loznica, 31.01.2024., Available at: <https://www.politika.rs/scc/clanak/596928/Otkriveno-107-iregularnih-migranata-na-teritoriji-Maloga-Zvornika-Ljubovije-i-Loznice>.

05 Access to Territory and the Asylum Procedure

5.1 Access to Territory

Access to territory and respect of the principle of *non-refoulement* is one of the fundamental aspects of refugee protection, enshrined in the 1951 Convention on the Status of Refugees.⁸¹ The states are obliged to allow unimpeded access to territory to the persons in need of international protection and not to penalise them for illegal entry.⁸²

The Law on Asylum and Temporary Protection recognizes this principle and stipulates that a foreigner “shall not be punished for unlawful entry or stay in the Republic of Serbia provided that he/she expresses the intention to submit an asylum application without any delay and offers a reasonable explanation for his/her unlawful entry or stay”.⁸³ In case that a foreigner does not express intention to submit an asylum application and does not fulfill conditions for entering Serbia, police officers may refuse entry in a decision on refusal of entry, except when humanitarian reasons for it exist, it is in the interest of the Republic of Serbia or such entry is required by the international obligations that the Republic of Serbia committed to.⁸⁴

5.1.1 Refusal of entry into the Republic of Serbia as an obstacle to exercise of the right to access the territory and the asylum procedure

From 1 January to 30 June 2024, a total of 1,868 decisions on refusal of entry were passed. Of these, 1,211 decisions on refusal of entry were made at land borders: 90 at the border with Bulgaria, 80 at the border with North Macedonia, 222 at the border with Montenegro, 388 at the border with Bosnia and Herzegovina, 165 at the border with Croatia, 137 at the border with Hungary and 129 at the border with Romania.⁸⁵ Border police stations at airports passed 657 decisions on refusal of entry, the majority (618) at the airport “Nikola Tesla”. Compared to

81 Official Gazette of FNRJ – International Contracts and Other Agreements, no. 7/60.

82 Art. 31, Convention on the Status of Refugees.

83 Art. 8, LATP.

84 Art. 15, LF.

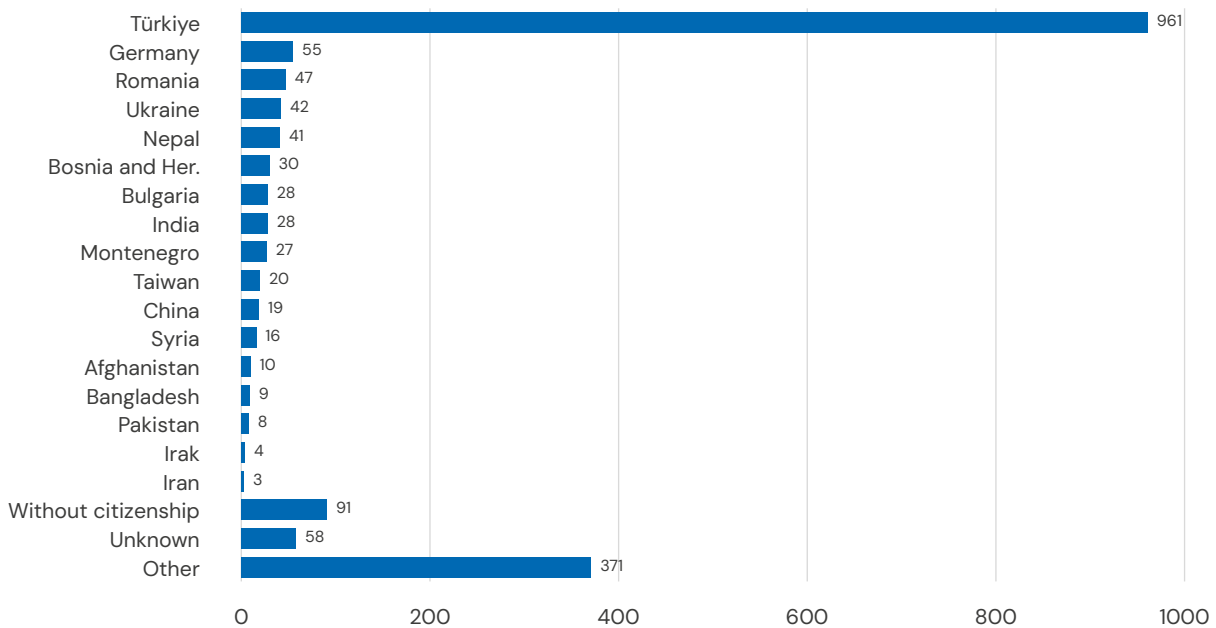
85 MOI – Border Police Directorate, Response to the Request for access to information of public importance no. 07–34/24, 30/08/2024, reply to question no. II 2.

last year when 3,994 decisions on refusal of entry were made,^{86,87} one may conclude that the number of decisions is at similar level. However, taking into account that the current trends indicate more than a fivefold decrease in the volume of migrations relative to 2023, proportionally to the number of persons transiting the Republic of Serbia, it is evident that the number of decisions on refusal of entry is actually much higher than in the previous period.

The analysis of the structure of persons refused entry into the Serbia shows a significantly lower number of persons potentially in need of international protection.

Number of refused entries in the first six months per country of origin | 2024. godina

No. of refused entries



5.1.2. Informal and forcible returns of refugees and migrants at land borders of the Republic of Serbia – violation of the prohibition of collective expulsion and the procedural guarantees from refoulement

From January to June this year, MOI “prevented 7,255 irregular crossings of the State border”: 5,842 at entry and 1,413 at exit from the country.⁸⁸ Without any doubt, the highest number of prevented attempts was recorded at the border with North Macedonia (4,802).⁸⁹ The above information proves significant decrease of the numbers of refugees and migrants.

The so called practice “prevention of irregular border crossing” can only be described as dubious, as it is based neither in the Law on Foreigners nor in the Law on Border Control. Therefore, it is important to note that the figure 5,842 “prevented irregular crossings” does not refer, and consequently, does neither correspond to the number of refused entries (1,868) nor to the total number of persons returned to the neighbouring countries through readmis-

⁸⁶ AIDA – Serbia, 2023 Update. Available at: https://asylumineurope.org/wp-content/uploads/2024/08/AIDA-SR_2023-Update.pdf, pages 42–45.

⁸⁷ Data not available for the first six months.

⁸⁸ MUP – Border Police Directorate, Response to the Request for access to information of public importance nos. 07-34/24, 30/08/2024, reply to question II 1.

⁸⁹ *Ibid.*

sion (65). In other words, it is clear that in the majority of cases, the number of prevented irregular crossings refers to the practice of collective and informal expulsion divested of all procedural guarantees against return of refugees to the countries where their life or freedom would be threatened (*refoulement*). Furthermore, this practice includes also return of persons via several states without adequate assessment of risks in each of them, thus effectively bypassing protection that should be accorded to them (*chain refoulement*)⁹⁰.

5.1.3 Pushbacks

In the context of access to territory, it is important to examine also the practice of informal, illegal and forcible returns that often go unreported or undocumented but that are, as stated above, systemically present on the entire Western Balkans route and *per se* promote abuse and turning of refugees and migrants to smugglers. In the first half of 2024, three cases of pushbacks were recorded. The non-governmental organisation “Legis” from North Macedonia reported about an incident which occurred in February. According to their report, refugees and migrants were pushed back and abused in very low temperatures at the border between Serbia and North Macedonia. Legis stated this as the second case of degrading pushbacks of migrants over a short period. Although MOI rejected this claims,⁹¹ no efficient investigation of the mentioned event took place. IDEAS also collected statements of Syrian refugees who were victims of this practice and who showed grave and visible injuries as consequences of physical and mental abuse they suffered by the members of Serbian border authorities before being illegally expelled. In their February 2024 report, the Border Violence Monitoring Network presented a testimony of one Afghani national about a pushback of 45 persons from the Serbian border into Bulgaria.⁹² In addition, a case was reported in May of three young men who were allegedly beaten by the Serbian police and then forced to run towards the border with Bugaria.⁹³ Specially worrying is the fact that, according to the March 2024 reports of KlikAktiv and the Border Violence Monitoring Network, even unaccompanied children are not exempted from the practice of unlawful pushbacks.^{94,95}

5.1.4 Smuggling of persons

Smuggling is a complex challenge in the context of migrations through Serbia. Driven by financial gain, the smugglers often neglect safety of refugees and migrants and this may have tragic consequences. Following police interventions in the north of the country, smuggling is the most present at the state border with Bosnia and Herzegovina.⁹⁶ In addition, it is important to note that smuggling is primarily the result of the crisis of rule of law at borders of countries along the Western Balkans route. Applying the practice of “prevention of irregular

90 The explanation of MOI that irregular crossings are prevented by the border police spots a group of refugees and migrants in the distance who they subsequently turn back and return (into North macedonia and Bulgaria, for instance) may be acceptable only in case that the decision of foreigners is not conditioned by avoiding the so called *pushback*, which is the case and which is confirmed by the reports and testimonies available in secondary sources as well as in IDEAS direct work with the persons exposed to such unlawful practices.

91 NIN, “MOI on the video of pushback of migrants across the border: No confirmation that this happened in Serbia”, 22.02.2024. Available at: <https://www.nin.rs/drustvo/vesti/45722/mup-o-snimku-proterivan-ja-golih-migranata-preko-granice>.

92 Border Violence Monitoring Network, February 2024 Monthly Report. Available at: <https://borderviolence.eu/app/uploads/BVMN-Monthly-Report-February-2024-1.pdf>.

93 Border Violence Monitoring Network, May Monthly Report, p. 10. Available at: <https://borderviolence.eu/app/uploads/BVMN-Monthly-Report-May-2024.pdf.pdf>.

94 Border Violence Monitoring Network, April Monthly Report, p.9. Available at: <https://borderviolence.eu/app/uploads/BVMN-Monthly-Report-April-2024.pdf>.

95 KlikAktiv, Report, January – March 2024., pp. 18 and 19. Available at: <https://static1.squarespace.com/static/5e3766f903c72c513a16796c/t/669511f845c5f159e1721045504245/The+First+Quarterly+Report+in+2024.pdf>.

96 Global Initiative against transnational organised crime, “Serbian Police Crackdown Disrupts Smuggling of Migrants, but For How Much Longer?”; Available at: <https://riskbulletins.globalinitiative.net/see-obs-018/ur/05-serbian-police-crackdown-disrupts-smuggling-migrants.html>.

crossings”, these countries force refugees and migrants to use the services of organised criminal groups instead of to contact the competent border authorities which should apply the Law on Asylum and Temporary Protection or the Law on Foreigners.

The data suggest the significant role of smugglers in enabling refugees and migrants to cross state borders irregularly. According to IOM data, based on interviews with some 25% of refugees and migrants who entered Serbia in 2024, almost one half (47%) stated they resorted to smugglers to cross borders.⁹⁷ During the first six months, the police identified several smaller smuggling rings. Especially prominent were cases in the south of the country, in the region of Vranje and Bujanovac, where numerous attempts of smuggling and irregular state border crossings were recorded.⁹⁸ Similar situations occurred in the surroundings of Vlasotince and Pirot,⁹⁹ Zaječar,¹⁰⁰ Belgrade,¹⁰¹ Subotica,¹⁰² Srpska Crnja¹⁰³ and Vatina.¹⁰⁴ Analysing the media reports, it is mostly the smaller groups or individuals that are processed for smuggling. This may mean either that the individuals or smaller groups engage in this illegal activity for personal gain, or that organised crime in the area of human trafficking remains under the police radar. The prices charged by the smugglers for crossing from Serbia into Bosnia and Herzegovina increased from EUR 200 to EUR 500 due to the closure of the route towards Hungary. In Serbia, the smugglers charge refugees and migrants seeking to reach Austria EUR 2,000 and to Germany EUR 2,500 to 3,000 on the average.¹⁰⁵ The modality of smuggling changed since the police focused on taxi associations which are now mostly out of operation. Thus the smugglers returned to the practice of use of vans and trucks.¹⁰⁶

5.1.5 Visa Regime and Access to Territory

Access to territory through regular procedures represents an important aspect in the context of movements including of people seeking international protection. The visa regime in Serbia remained unchanged in the first six months of 2024 relative to the previous period. The Serbian visa policy is not yet fully aligned with the list of third countries the nationals of which require visas for short stays in the EU. The nationals of Armenia, Azarbaijan, Bahrain, Belarus, China, Indonesia, Jamaica, Kirgistan, Kuwait, Kazakhstan, Mongolia, Oman, Qatar, Russia, Surinam and Turkey still enjoy visa-free travel

97 IOM Serbia, Monthly Report for 2024. Available at: <https://serbia.iom.int/data-and-resources>.

98 Južne vesti, “Citizen of Bujanovac arrested for smuggling of migrants”, (09.01.2024.), “Citizen of Vranje arrested for smuggling of migrants”, (04.03.2024.), “Arrests for smuggling of migrants in Vranje and Bujanovac”, (26.04.2024.), Available at: <https://www.juznevesti.com/Hronika/Uhapsen-Bujanovcanin-zbog-krijumcarenja-migranata.sr.html>; <https://www.juznevesti.com/Hronika/Uhapsen-Vranjanac-zbog-krijumcarenja-migranata.sr.html>; <https://www.juznevesti.com/Hronika/Hapsenja-u-Vranju-i-Bujanovcu-zbog-krijumcarenja-migranata.sr.html>.

99 Danas, “24 migrants found in a van, driver from Leskovac arrested”, (26.02.2024.). Available at: <https://www.danas.rs/vesti/drustvo/u-kombiju-zatecena-24-migranta-uhapsen-vozac-iz-leskovca/>; Blic, “Smugglers from Pirot detained”, (12.06.2024.), Available at: <https://www.blic.rs/vesti/hronika/zadrzani-krijumcari-ljudi-iz-pirota/3fbvs2s>.

100 Danas, “Citizen of Belgrade arrested for transporting nine irregular migrants”, (20.04.2024.), Available at: <https://www.danas.rs/vesti/drustvo/mup-uhapsen-beogradjanin-prevozio-devet-iregularnih-migranata/>.

101 B92, “Arrest in the Belgrade area– 11 traffickers deprived of liberty”, (28.05.2024.), Available at: <https://www.b92.net/info/hronika/26161/hapsenje-u-podrucju-beograda-11-trgovaca-ljudima-liseno-slobode/vest>.

102 Danas, “Subotica citizen arrested for suspicion of smuggling migrants and illegally crossing the border”, (22.03.2024.), Available at: <https://www.danas.rs/vesti/drustvo/suboticanin-uhapsen-zbog-sumnji-da-je-krijumcario-migrante-i-ilegalno-prelazio-granicu/>.

103 Danas, “Customs prevent smuggling of migrants in trailer footrests”, (14.05.2024.), Available at: <https://www.danas.rs/vesti/drustvo/carinici-sprecili-sverc-migranata-u-gazistima-autoprikolice-foto/>.

104 Customs Directorate, “Twenty three migrants in secret compartment”, (10.05.2024.), Available at: <https://www.carina.rs/pres/vesti/246583/dvadeset-troje-migranata-u-tajnom-bunkeru-.html>; Danas, “Otkrivena veća grupa migranata na granici sa Rumunijom”, (10.05.2024.). Available at: <https://www.danas.rs/vesti/drustvo/otkrivena-veca-grupa-migranata-na-granici-sa-rumunijom/>.

105 Global Initiative against transnational organised crime, “Serbian Police Crackdown Disrupts Smuggling of Migrants, but For How Much Longer”? Available at <https://riskbulletins.globalinitiative.net/see-obs-018/sr/Q5-serbian-police-crackdown-disrupts-smuggling-migrants.html>.

106 *Ibid.*

to Serbia though they are on the EU list of countries with mandatory visas.¹⁰⁷

5.1.6 Implementation of Readmission Agreements

In the area of readmission, the situation in the first half of 2024 remained unchanged relative to 2023. Twelve readmission agreements remain in force, including with Bosnia and Herzegovina, Montenegro and North Macedonia.¹⁰⁸ In addition, Serbia continues to implement the Readmission Agreement concluded with the EU back in 2008.¹⁰⁹ Negotiations are under way to conclude agreements with Argentina, Belarus, Georgia, Turkey and Ukraine. Absence of bilateral readmission agreements poses a serious obstacle, impeding the ability of Serbia to manage returns efficiently. In line with the EU Action Plan for Western Balkans, Serbia should continue investing efforts to increase returns of migrants who do not have a legal basis of stay into their countries of origin.¹¹⁰

According to MOI data, 359 cases of readmission from the neighbouring countries into Serbia were recorded in the first half of 2024. In total 734 readmission cases were recorded in 2023, which suggests there had been no significant changes in this area. The highest number of readmissions took place from Croatia (295),¹¹¹ reflecting the trend from 2023 when the highest number of readmissions also happened from this country (607).¹¹² Fourteen readmission cases were recorded from Romania,¹¹³ 40 from Montenegro,¹¹⁴ four from Bulgaria,¹¹⁵ one from North Macedonia,¹¹⁶ and five from Bosnia and Herzegovina.¹¹⁷ No cases were recorded from Hungary and Albania during the same period.¹¹⁸

On the other hand, Serbia carried out a total of 65 readmissions to the neighbouring countries in the first half of the year – the majority to Bulgaria (53).¹¹⁹ This trend resembles that from the previous year when the majority of the 136 readmissions from Serbia took place to Bulgaria. At the same time, four readmissions to North Macedonia, Montenegro and Bosnia and Herzegovina were recorded in the first half of 2024.¹²⁰ No readmission cases were recorded to Albania, Romania and Hungary.¹²¹

¹⁰⁷ Ministry of Foreign Affairs, Visas and Information on States. Available at: <https://www.mfa.gov.rs/gradjani/putovanje-u-inostranstvo/vize-i-informacije-o-drzavama>.

¹⁰⁸ *Ibid*, p. 65.

¹⁰⁹ In 2022, 5,710 Serbian nationals received an order to leave the country, and 3,190 were returned efficiently.

¹¹⁰ European Commission, Serbia 2023 Report, 08.11.2023., p. 67. Available at: https://neighbourhood-enlargement.ec.europa.eu/document/download/9198cd1a-c8c9-4973-90ac-b6ba6bd72b53_en?file-name=SWD_2023_695_Serbia.pdf.

¹¹¹ MOI – Border Police Directorate, Response to the Request for access to information of public importance nos. 07-34/24, 30/08/2024, reply to question no. 15.

¹¹² AIDA – Serbia, 2023 Update, p. 39. Available at: https://asylumineurope.org/wp-content/uploads/2024/08/AIDA-SR_2023-Update.pdf.

¹¹³ MOI – Border Police Directorate, Response to the Request for access to information of public importance nos 07-34/24, 30/08/2024, reply to question no. 3.

¹¹⁴ *Ibid*, reply to question no. 11

¹¹⁵ *Ibid*, reply to question no. 5

¹¹⁶ *Ibid*, reply to question no. 7

¹¹⁷ *Ibid*, reply to question no. 13

¹¹⁸ *Ibid*, reply to questions nos. 9 and 1

¹¹⁹ *Ibid*, reply to question no. 6

¹²⁰ *Ibid*, reply to questions nos. 8, 12 and 14

¹²¹ *Ibid*, reply to questions nos. 2,4 and 10

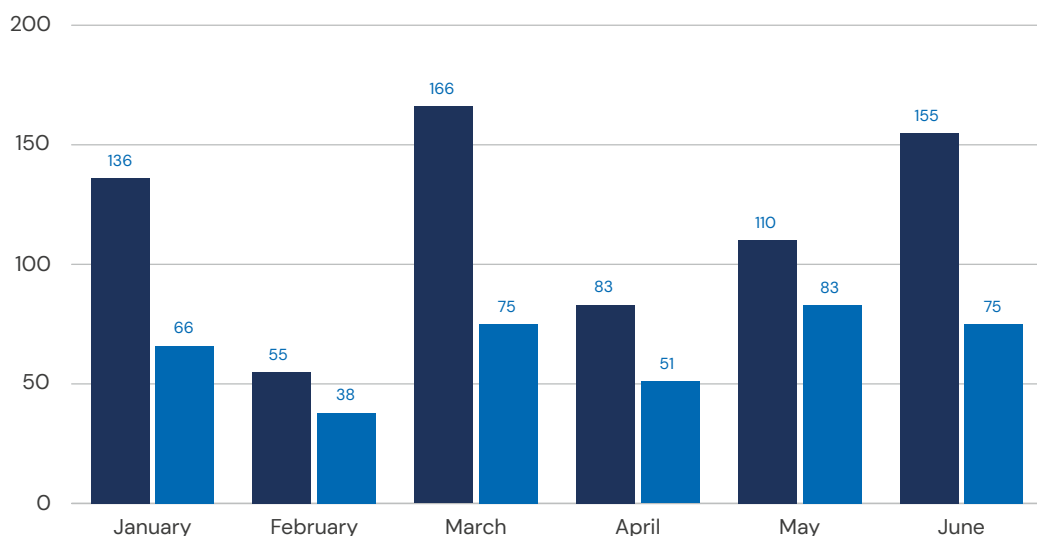
5.2 Registration

The Law on Asylum and Temporary Protection provides for registration or expression of intention to apply for asylum claim in the Republic of Serbia, as a first step and a precondition to initiating the asylum process.¹²² Foreigners may express intention to apply for asylum orally or in writing before the authorised police officers at borders or inside the territory of the country. Registration includes taking a photograph and fingerprinting of foreigners as well as issuance of certificates on registration of foreigners who expressed intention to apply for asylum (hereinafter: registration certificate). Registration *per se* does not constitute initiation of the asylum procedure but is a precondition thereto. Therefore, a registered person does not acquire the status of an asylum-seeker, nor is he/she accorded any other legal status. Following registration, foreigners are referred to asylum centres or other facilities designated for accommodation of asylum-seekers where they must report within 72 hours. The Commissariat for Refugees and Migrations confirms the fact of reception.

In the first half of 2024, 388 persons expressed intention to apply for asylum in Serbia i.e., 59 persons per 1,000,000 inhabitants. Serbia has 6.6 million inhabitants¹²³. This is a significant decrease (45%) relative to the same period of 2023, when 705 persons expressed intention to apply for asylum in Serbia. The decrease of the number of registered persons is not proportionate to the decrease of the total number of refugees and migrants who entered Serbia during the same period and which totals 78%. The difference indicates that, despite the significant decrease of the total number of refugees and migrants entering Serbia, the relative share of those expressing intention to apply for asylum has actually increased. As compared to only 1.7% of the new arrivals who expressed intention to apply for asylum in the first half of 2023, approximately 4.4% of the new arrivals expressed the intention in the same period this year. This trend may be attributed to a change in the structure of refugee and migrant population, migration controls policy as well as to the improvement of access to the asylum procedure.

Number of persons who expressed intention apply for asylum by month | 2023 – 2024.

No. of people



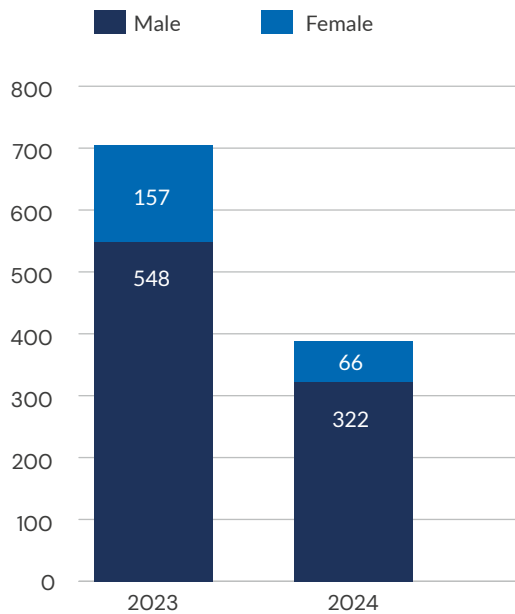
¹²² Art. 35, Law on Asylum and Temporary Protection

¹²³ Republic of Serbia, Republic Statistical Office. (2022). 2022 Census of Population, Households and Dwellings – Age and Gender, <https://publikacije.stat.gov.rs/G2023/Pdf/G20234003.pdf>

The analysis of the expressed intentions to apply for asylum per gender shows a slight drop of the share of women relative to 2023. Namely, 17% of women and girls expressed intention to apply for asylum in the first six months of 2024 as compared to 22% women and girls of the total registered persons in the same period of 2023. At the same time, children constitute 20%: 12 are unaccompanied children, or 3% of all the persons who expressed intention to apply for asylum. Although the figure is low, this is an important increase of the share of unaccompanied children relative to 2023 when only three children expressed intention to seek asylum – 0.4% of the total number of registered foreigners. The total share of children remained at almost the same level relative to the previous period.

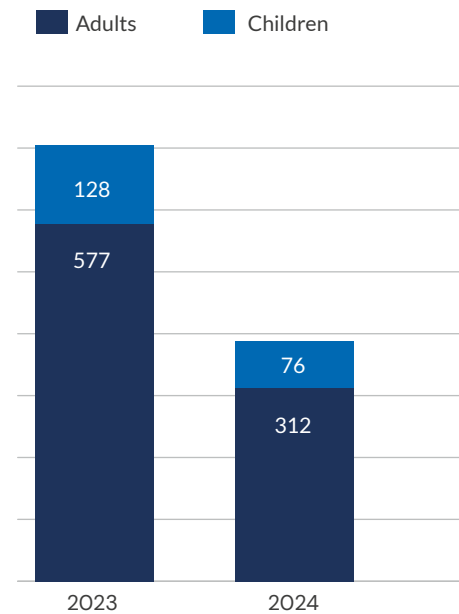
Number of persons who expressed intention to apply for asylum in the period January – June per gender 2023 – 2024.

No. of persons



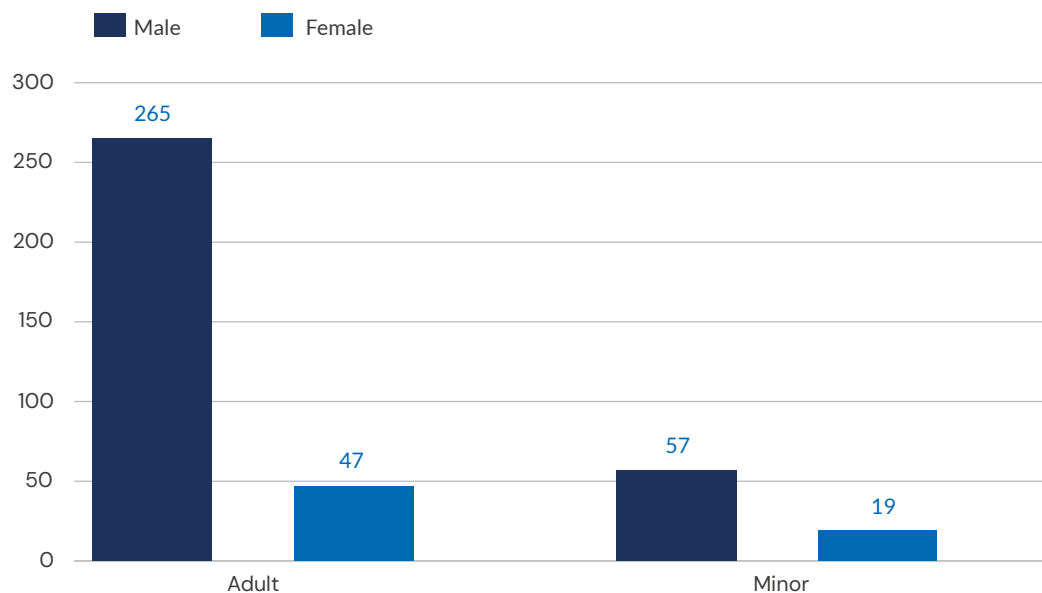
Number of persons who expressed intention to apply for asylum in the period January – June per age 2023 – 2024.

No. of persons



Number of persons who expressed intention to apply for asylum in the period January – June per gender and age | 2024.

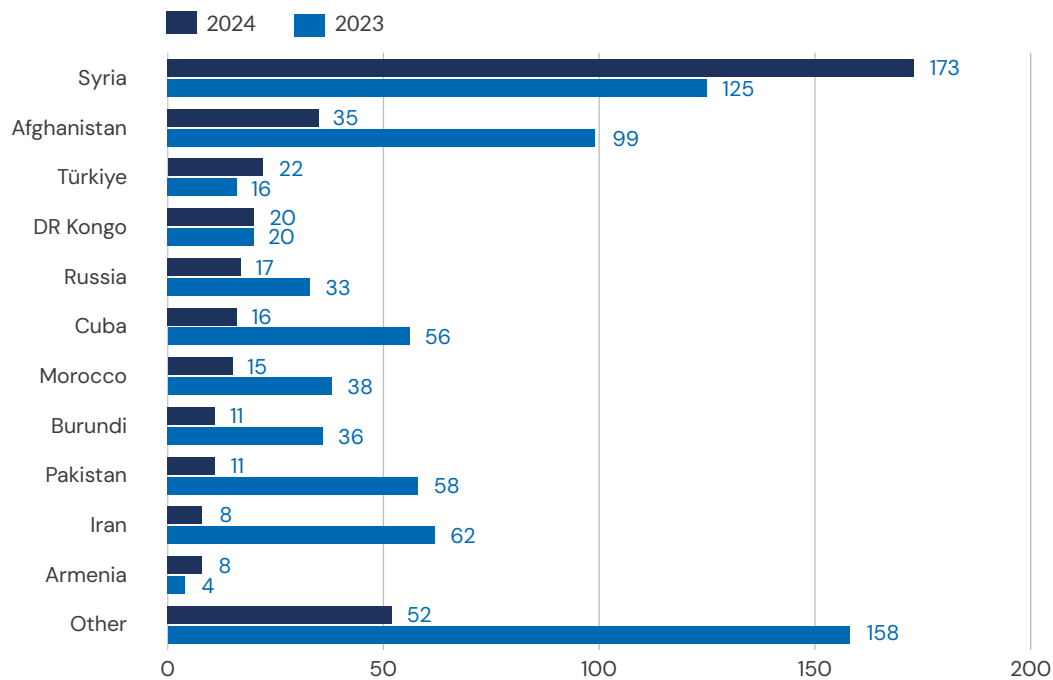
No. of persons



The analysis of the countries of origin of the persons registered in the first half of 2024 shows significant changes in structure and trends of movement of persons using the Western Balkans route. Namely, in the first half of 2024, the persons who expressed intentions to apply for asylum arrived from 35 countries, the majority (45%) from Syria. This is a significant increase relative to the 18% in the same period last year. Notwithstanding the general drop in the number of registered foreigners, the number of the registered nationals of Syria increased from 125 to 173. The change shows the number of registered nationals of Syria to be nine times higher than in 2023. At the same time, the nationals of Afghanistan, though second in the number of expressed intentions, record a drop in the share of all the registered persons – from 14% to 9%, i.e., 99 to 35 persons. However, relative to the total number of arrivals from Afghanistan, the frequency of expressing intentions to apply for asylum has doubled in comparison to the first half of 2023. A notable decrease in the number of expressed intentions is observed among the nationals of Pakistan, Iran and Iraq. On the other hand, a slight increase of the number of registered persons who originate from Turkey was recorded.

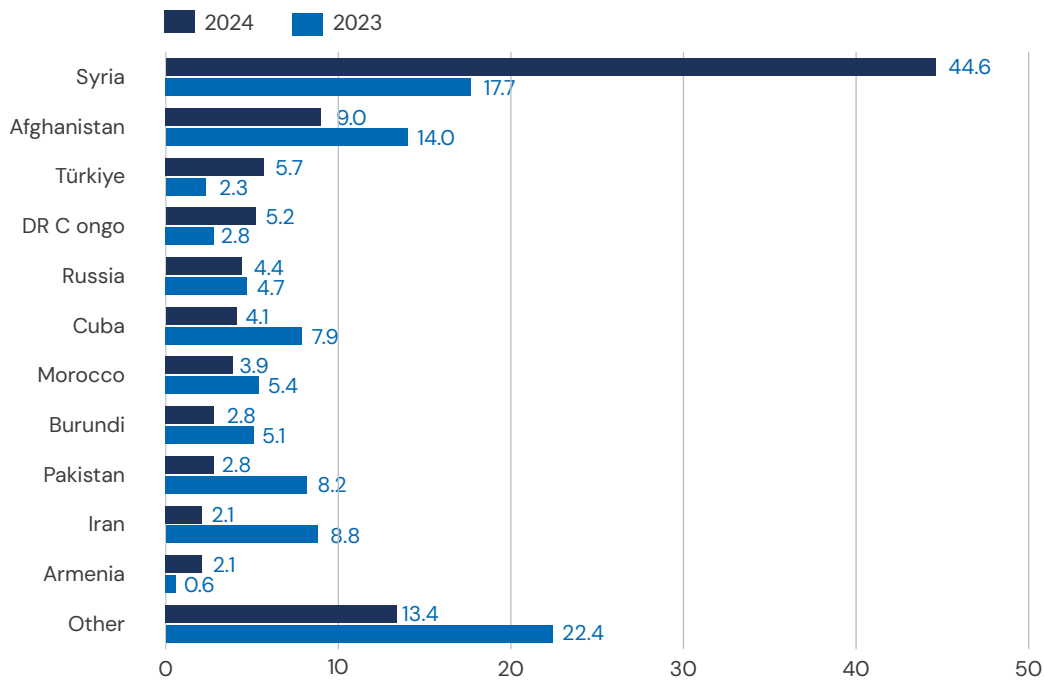
Number of persons who expressed intention to apply for asylum in the period January – June per country of origin | 2023 – 2024.

No. of persons



Percentage of persons who expressed intention to apply for asylum in the period January – June per country of origin | 2023 – 2024.

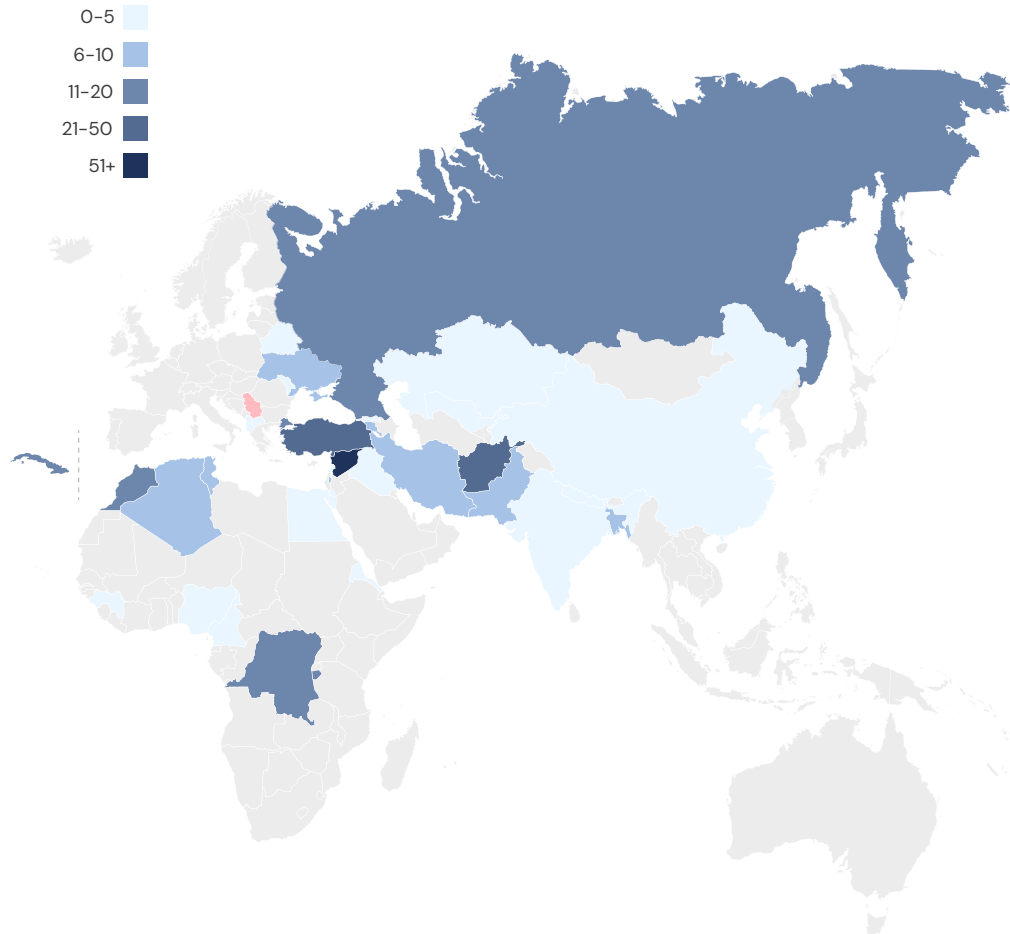
Percentage of persons (%)



Number of persons who expressed intentions to apply for asylum in the period January – June per country of origin 2024 | 2024.

No. of persons

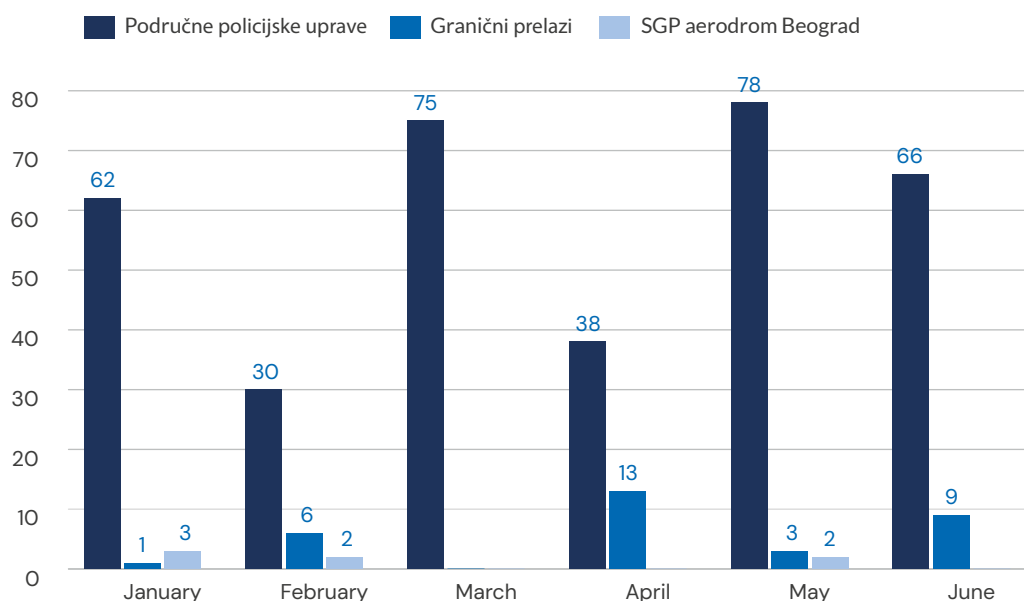
Syria	173
Afghanistan	35
Türkiye	22
DR Kongo	20
Russia	17
Cuba	16
Morocco	15
Burundi	11
Pakistan	11
Iran	8
Armenia	8
Palestina	6
Tunisia	6
Algeria	5
Bangladesh	5
Ukraina	5
Irak	3
Uzbekistan	3
India	2
China	2
Nigeria	2
Albania	1
Belorussia	1
Egypt	1
Eritrea	1
Georgia	1
Guinea	1
Kazakhstan	1
Cameroon	1
Kyrgyzstan	1
Liban	1
N. Macedonia	1
Moldova	1
Nepal	1
Other	0



Significant changes in the locations of issuance of registration certificates occurred in the first half of 2024. The information suggest a clear move – from issuance of certificates at border crossings and airports to police stations inland. Thus, of 388 registration certificates issued in the first half of 2024, as many as 90% were issued in police stations i.e., on the territory of the Republic of Serbia. This is an increase relative to the 40% in same period last year. At the same time, the share of registration certificates issued at border crossings dropped from 25% in the first half of 2023 to 8% in the same period of 2024. An even higher drop was recorded at the airport “Nikola Tesla”, where the percentage of the certificates issued decreased from 35% to mere 2%.

Number of persons who expressed intention to apply for asylum in the period January – June per country of origin place of issuance of registration certificate | 2024.

No. of persons



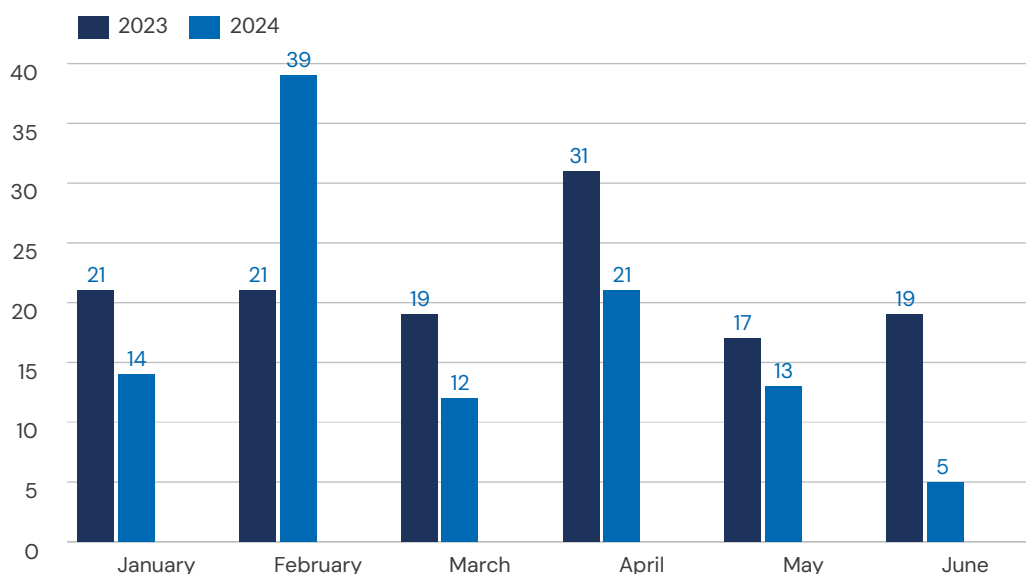
06 Asylum Procedure

6.1 Submission of Asylum Claims

Foreigners initiate the asylum procedure by submitting applications for asylum to authorised officials of the Asylum Office on prescribed forms no later than 15 days from the date of registration.¹²⁴ In case the authorised officials of the Asylum Office do not enable a foreigner holding a registration certificate, to submit his/her asylum application within the specified timelimit of 15 days, the asylum-seeker may himself fill the asylum application form no later than eight days from the date of expiration of the original deadline. Having submitted an asylum application, the foreigner acquires the status of an asylum-seeker which allows him/her to access certain rights and obligations in line with the Law on Asylum and Temporary Protection. Based on the information given to UNHCR by the Asylum Office, a total of 104 asylum applications were submitted in the first six months of 2024. Comparing that number with the number of inhabitants of the Republic of Serbia, one may conclude that an average of 16 asylum applications per 1,000,000 inhabitants were filed. This is many times lower than the average in the EU, where some 2,400 claims per 1,000,000 inhabitants were submitted in 2023.

Number of asylum claims submitted in the period January – jun | 2023 – 2024.

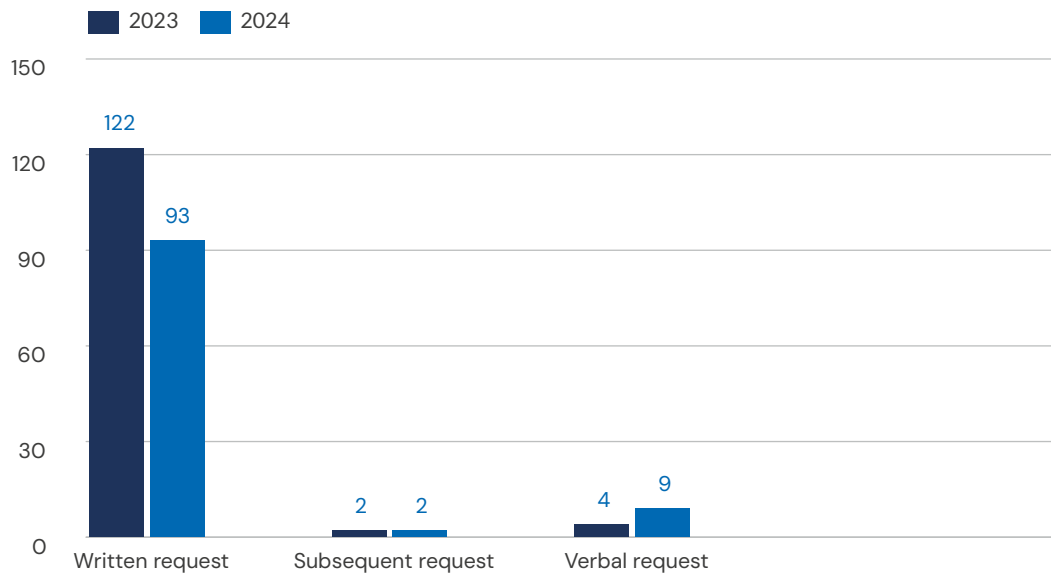
No. of claims



124 Art. 36, LATP

Most of the asylum applications were submitted in writing, with the slight increase of orally submitted asylum claims noted in 2024.

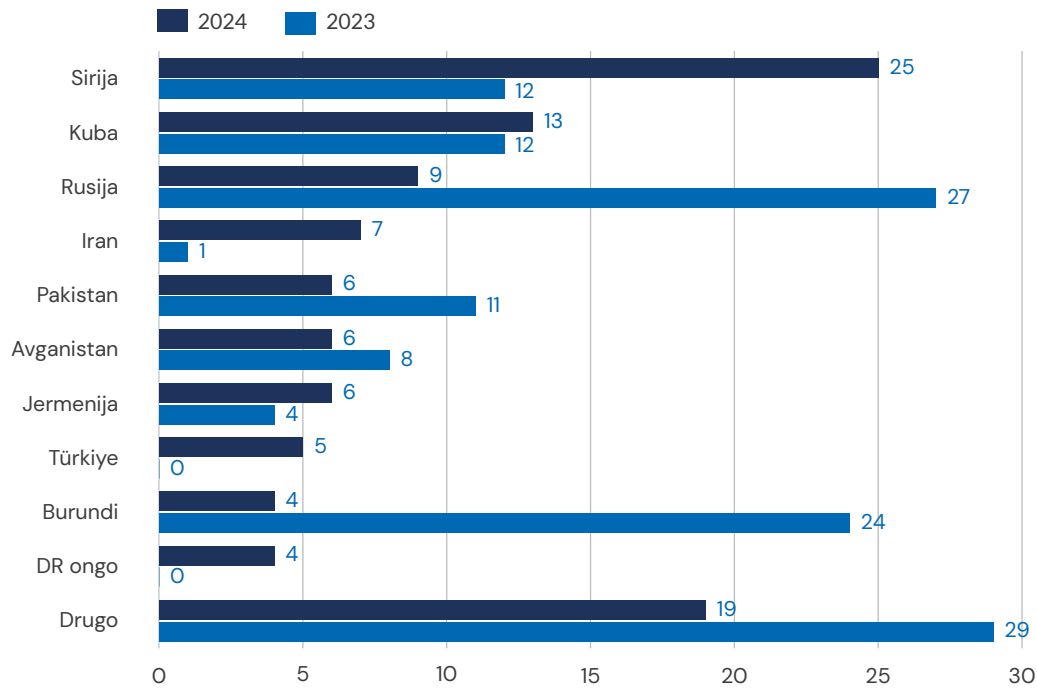
Number of asylum claims submitted in the period January – June per type of claim | 2023 – 2024.



Asylum applications were submitted by persons originating from 23 countries, with Syria remaining the lead country of origin of asylum-seekers in Serbia, with 25 asylum claims submitted in the first six months of 2024. The trend is identical as in the EU, where Syrian nationals also comprised the largest group of asylum-seekers.

With 13 asylum applications, the nationals of Cuba hold the second place per number of asylum claims submitted in 2024. The figure is similar to the one of last year. A significant decrease of the number of asylum claims submitted by nationals of Russia was recorded – from 27 in 2023 to 9 in 2024. At the same time, the number of asylum applications filed by the nationals of Iran increased from one to seven, while the number of asylum claims submitted by the nationals of Pakistan dropped from 11 to six. The nationals of Afghanistan who hold a second place per number of asylum claims filed in the EU, record a slight drop from eight to six in Serbia in the first half of the year. The decrease of the number of asylum claims is notable among the nationals of Burundi – from 24 in 2023 to only four in 2024, representing the biggest decrease in the structure of asylum-seekers in Serbia.

**Number of asylum claims submitted in the period
January – June per country of origin | 2023 – 2024.**
No. of Claims



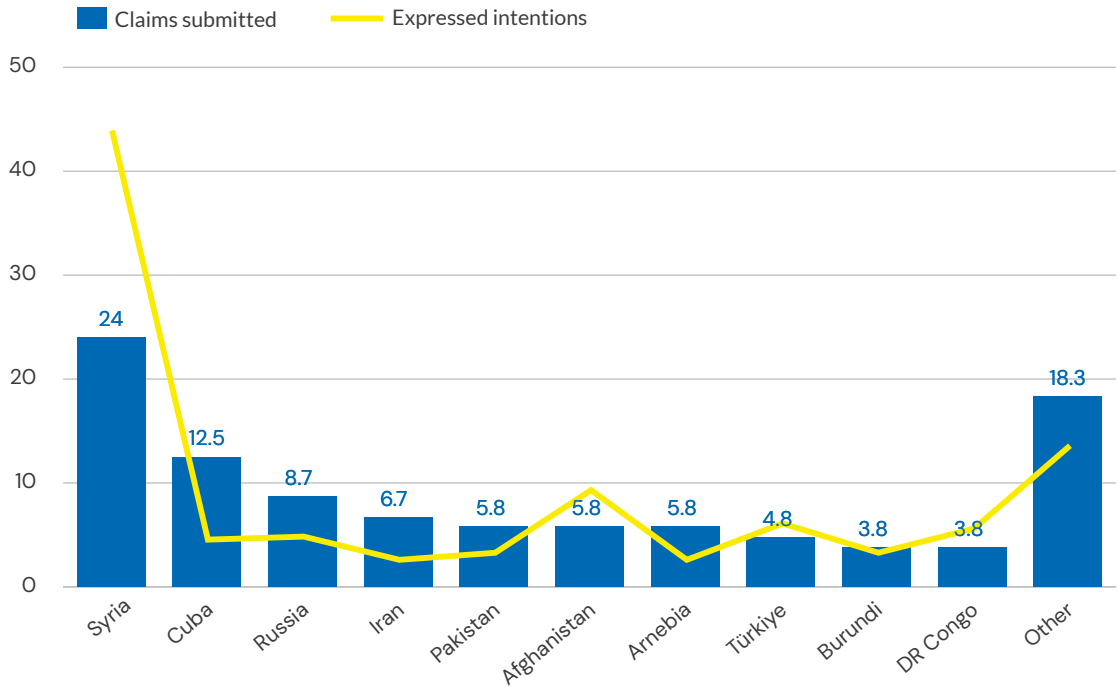
**Number of asylum claims submitted in the period
January – June per country of origin | 2024.**

Syria	25	Armenia	6	Algeria	2	Etiopia	1
Cuba	13	Türkiye	5	China	2	Kazakhstan	1
Russia	9	Burundi	4	Nigeria	2	Palestina	1
Iran	7	DR Congo	4	Irak	1	Ukraina	1
Pakistan	6	Kyrgyzstan	3	Brazil	1	Sweden	1
Afghanistan	6	Tunisia	2	Croatia	1		

The analysis of statistics on the expressed intentions to apply for asylum on the one hand, and the asylum claims submitted on the other, differs from those of the last year. In the first half of 2024, a slight increase of the share of persons who filed asylum claims after expressing intention to do so was noted. Thus, 27% of the persons who expressed intention to apply for asylum filed asylum claims this year, relative to 18% in 2023.

Furthermore, a difference in the origin of applicants was noted. While Syrian nationals represent the highest share of the persons who expressed intentions to apply for asylum (45%), their share in the total of persons who actually submitted asylum applications is considerably lower (24%). Contrary to that, the percentage of asylum claims submitted by the nationals of Cuba, Russia and Iran exceeds the percentage of the intentions expressed.

**Percentage of asylum claims submitted in the period
January – June relative to the percentage of expressed intentions | 2024**
No.1 asylum claims



The information available to IDEAS, and those obtained in direct contact with clients, show an average 95 days from the moment of the expressed intention to submission of asylum application, with 37% of persons submitting asylum applications within one month from the date of expressing the intention to apply for asylum. This data points to a significant exceedance of the statutory timelimit, the maximum being 23 days from the date of the expressed intention to apply for asylum.

6.2 Procedure before the Asylum Office

In line with LATP, the Asylum Office as the first instance authority, decides on asylum applications. The asylum procedure in the first instance may end in several ways:¹²⁵

- Upholding the application and recognising the right to refuge, whereby persons acquire refugee status in line with the 1951 Convention on the Status of Refugees;
- Recognising the right to subsidiary protection;
- Rejecting the asylum application as unfounded, when the Asylum Office finds that the applicant does not fulfill conditions for being granted asylum or subsidiary protection;
- Dismissing the asylum application due to lack of procedural preconditions for examination of the substance in meritum;¹²⁶
- Discontinuing the procedure.¹²⁷

¹²⁵ Art. 38, LATP.

¹²⁶ The application is dismissed in cases when there is a safe third country to which the applicant may be returned, when the applicant has already been granted asylum in another country or when the applicant has submitted a subsequent asylum application but failed to provide new facts and evidence.

¹²⁷ Takes place when the applicant withdraws his/her application, fails to appear for the interview, fails to notify the Asylum Office of any change of address at which he/she resides or if he/she leaves the country

In the first three cases, The Asylum Office decides on the merits, which requires a thorough examination of the substance of asylum applications and consideration of all the relevant facts in line with Art 32 of LATP. On the other hand, in case of dismissal of asylum applications and the discontinuation of the asylum procedure, the Asylum Office does not examine substance of asylum applications but discontinues the procedure for procedural reasons. In case of discontinuation of the procedure, the applicants may submit requests for return into the previous situation to the Asylum Office. When upheld, these result in either the examination of the substance of asylum applications or their dismissal.

The Asylum Office may examine the substance of applications in regular or accelerated procedure. In the regular procedure, implemented as a rule, the Asylum Office should pass decisions no later than three months from the date of submission of the asylum applications. This timelimit may be extended to six or nine months, depending on the complexity of the individual case, heavy workload of the Asylum Office when a large number of foreigners submitted applications at the same time i.e., when there is a necessity to examine the asylum applications properly and completely.¹²⁸ In case of temporary volatility in the country of origin of the applicant, the timelimit for deciding on the asylum application may be additionally extended but it may not exceed of 12 months from the date of submission of the application. The accelerated procedure is applied in specific cases including situations when the applicant presented data irrelevant to the examination of the asylum application in substance, misled the officials, concealed data on his/her identity, presented contradictory and inaccurate statements, submitted a subsequent asylum application, sought to postpone his/her removal from the country or if he/she presents a security threat.¹²⁹ In accelerated procedures, decisions are rendered within 30 days.

The Law on Asylum and Temporary Protection provides for the possibility of conducting the entire asylum procedure at border crossings i.e., in transit areas of airports provided adequate accommodation and subsistence are ensured in cases when the asylum application may be rejected as unfounded in accelerated procedure i.e., when it may be dismissed.¹³⁰ In this case, the decision shall be passed within 28 days. Failing that, the applicant is allowed entry into the country in order to continue the procedure.

In the first six months of 2024, the Asylum Office completed first instance procedures related to 76 persons from 15 different countries.¹³¹ In that period, it decided on the merits in the procedures related to 34 persons. Only one decision, on granting subsidiary protection to a Syrian asylum-seeker was passed. Asylum applications of 33 persons were rejected.

In the first six months of 2024, asylum procedures related to 40 persons were discontinued. The high number of discontinued asylum procedures related to the asylum-seekers from Syria – the country of origin of the highest number of refugees globally – is particularly concerning. Therefore, the current practice requires analysis to establish whether the Asylum Office readily concludes that the asylum applications had been withdrawn and whether it applies the principles stipulated in the Law on General Administrative Procedure: the principle of the protection of the rights of clients and the principle of assistance to clients in its decision-making process. This is particularly important having in mind the potential consequences for the asylum-seekers, as the decision on discontinuation of the procedure

without permission during the asylum procedure.

¹²⁸ Art. 39, LATP.

¹²⁹ Art. 40, LATP.

¹³⁰ Art. 41, LATP.

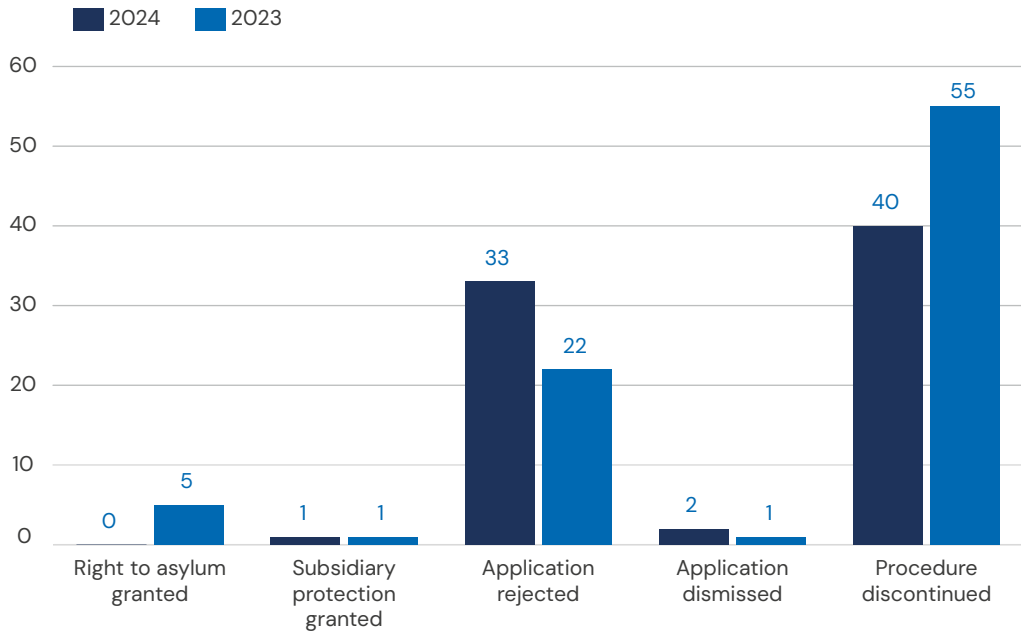
¹³¹ In its reports, the Asylum Office equalizes the number of the decisions passed with the number of persons these decisions refer to. Therefore, the number of decisions reported on by the Asylum Office should actually be interpreted as the number of persons included in the lower number of first-instance decisions. While in the present report we cannot fully take over the terminology of the Asylum Office equalizing the number of decisions and the number of persons, we will resort to a compromise and use the term “number of cases” in the context of reporting of the Asylum Office.

sets down the timelimit within which foreigners with no other grounds of stay in the Republic of Serbia must leave its territory.¹³²

Two decisions to dismiss subsequent asylum applications were made in the first half of 2024.

Number of cases completed in first instance procedures in the period januar – jun | 2023 – 2024.

No. of cases



Number of cases completed in first instance procedures in the period anuary – June relative to the outcome of the procedure | 2024

No. of cases



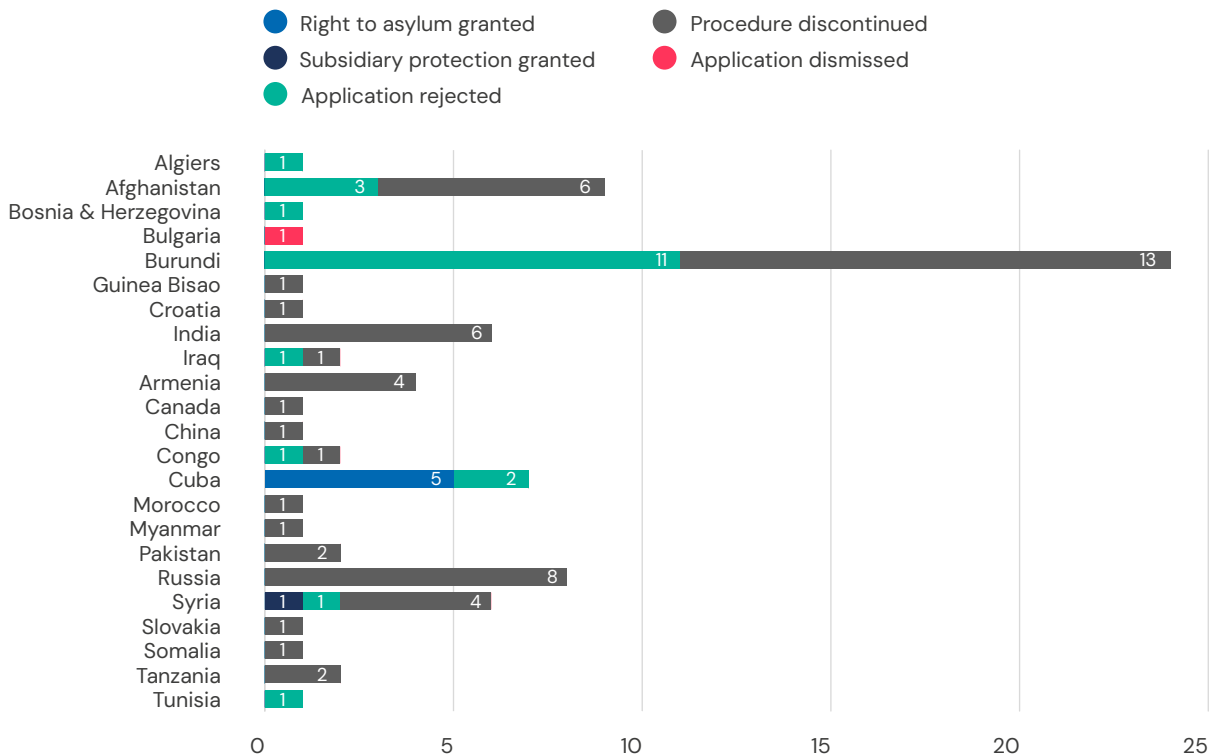
132 Art 47(3), LATP.

Certain changes are evident in work-related statistics of the Asylum Office in the first half of 2024 relative to the same period last year. The total number of cases remained almost the same as in the two previous years, suggesting no major increase in the workload of the Asylum Office. However, a drastic drop of the share of the recognition rate was noted in the first half of 2024, having in mind the number of cases that ended in status recognition: 21% in the first half of 2023 vs. only 3% in the same period of 2024. This information is particularly concerning if compared to the average 43% recognition rate in the EU.¹³³

The analysis of the structure of asylum-seekers in 2023 and 2024 shows that the majority continue to originate from the refugee-producing countries. Therefore, the dramatic drop of the status recognition rate may be ascribed to the change of the structure of asylum-seekers solely. This points to extremely high standards of proof and assessment of substance of asylum claims implemented by the first instance authority. The trend observed during the past several years persisted in the first half of 2024 also, and the statistics demonstrate a very low probability of receiving international protection in Serbia.

Number of cases completed in first instance procedures in the period January – June relative to the outcome of the asylum procedure | 2023.

No. of Cases



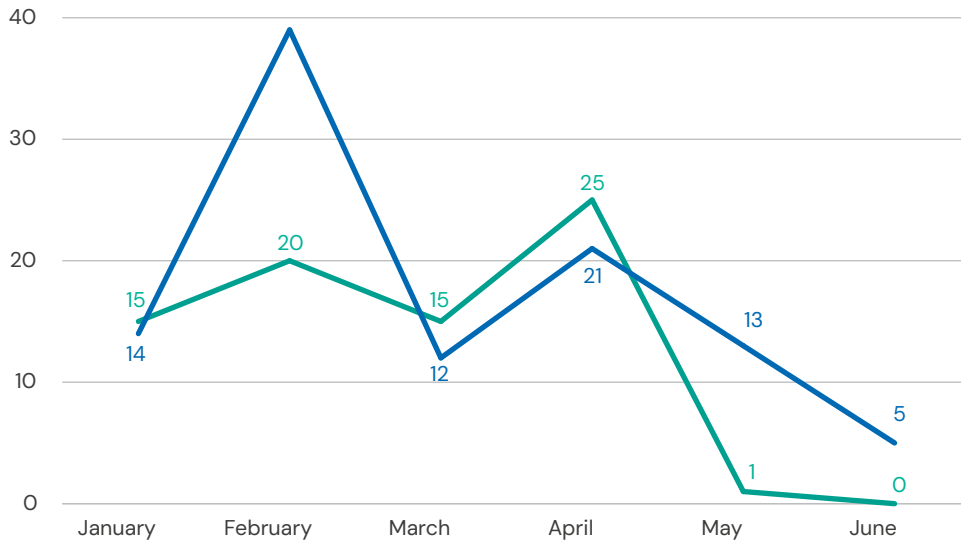
¹³³ Recognition rates in the EU and Serbia, when calculated on the basis of Asylum Office reports, is not entirely comparable: In the EU, it is calculated on the basis of the number of decisions and not the number of persons included in the decisions.

**Number of cases completed in first instance procedures in the period
January – June relative to the outcome of the asylum procedure | 2024 – 2023.**

	Right to asylum granted	Subsidiary protection granted	Application rejected	Procedure discontinued	Application dismissed	total	Right to asylum granted	Subsidiary protection granted	Application rejected	Procedure discontinued	Application dismissed	Total
Algiers					1	1			1			1
Afghanistan									3	6		9
Bosnia & Herzegovina									1			1
Bulgaria											1	1
Burundi			11	5		16			11	13		24
Guinea Bisao										1		1
Croatia			1	1		2				1		1
India										6		6
Iraq				2		2			1	1		2
Iran				1		1						0
Armenia										4		4
Canada										1		1
China										1		1
Congo									1	1		2
Cuba			4	3		7	5		2			7
Morocco										1		1
Myanmar										1		1
Moldova				1		1						0
Germany			1			1						0
Pakistan				4		4				2		2
Palestine				1		1						0
Russia			10	8		18				8		8
Syria		1	1	13	1	16		1	1	4		6
Slovakia										1		1
Somalia										1		1
Tanzania										2		2
Tunisia			3	1		4			1			1
Türkiye			1			1						0
Ukraine			1			1						0
Total	0	1	33	40	2	76	5	1	22	55	1	84
	2024						2023					

When the number of the asylum applications submitted is compared to the number of the cases completed in the first instance, it is evident that the number of new cases exceeds the number of cases resolved in the first instance by 37%.

Ratio of the number of cases completed in first instance procedures and the number of claims submitted in the period January – June by month | 2024.



During the drafting of this report, IDEAS analysed 19 decisions of the Asylum Office received directly from this authority upon request for access to information from public importance, as well as the decisions received by clients represented in asylum procedures. These 19 decisions refer to 30 persons whose asylum applications were decided on the merits i.e., 88% of the total number of persons whose cases were decided on the merits¹³⁴. Of the 19 decisions, 17 were passed in the first instance procedure, and two were passed after the second instance authority remitted the cases to the Asylum Office for repeat procedure.

It must be noted that only in 18% of the cases that the Asylum Office decided on the merits were passed in the longest statutory timelimit of one year. The timelimit was exceeded in all the other cases. The Asylum Office takes an average of 460 days to pass a first instance decision on the merits, with the length of the procedure ranging from 251 to 629 days. Of concern is also the average period required to organise oral hearings – 245 days from the date of submission of asylum applications. The period between submission of the applications to oral hearings varied from 90 to 387 days.

Looking at the number of rejected asylum applications, the majority refers to the nationals of Russia and Burundi. The Asylum Office most often rejects the claims of Russian nationals for lack of proof of persecution or well-founded fear of persecution. The most frequent reasons the applicants state for leaving the country are fear of draft and disagreement with the state policy. Nevertheless, the Asylum Office often concludes that the applicants did not present sufficient objective proof to substantiate their allegations about persecution. In cases when fear of draft is stated, the Asylum Office specifically examines whether the applicants served the military service or had military training which could classify them as reservists. If no such training took place, the Asylum Office often finds it not possible to consider the applicants potential victims of draft.

¹³⁴ Comparing the data with the information that UNHCR receives from the Asylum Office, the decisions to reject asylum applications with respect to four persons are missing.

The most frequent reason for rejecting asylum applications of the nationals of Burundi, as stated by the Asylum Office, are contradictory statements and lack of proof supporting well-founded fear of persecution. In many cases, the applicants claim they had suffered violence or had been at risk due to political or personal conflicts. However, the Asylum Office often finds the stated reasons not supported sufficiently by objective evidence or that they cannot be linked to persecution as set out in international standards. It is also often stressed that the applicants fail to prove they had attempted to obtain the protection of the competent authorities in the country of origin, or that the authorities were incapable of providing protection to them. When sexual or political violence are stated as reasons for leaving the country, the Asylum Office often finds there exist protection mechanisms in Burundi and that these were not exhausted. Additional attention is paid to consistency of statements during the procedure and the possibility to verify the claims. In most of the cases, the Asylum Office concludes lack of sufficient proof that would suggest a well-founded fear of persecution, and consequently rejects the asylum applications and subsidiary protection.

This shows that the Asylum Office applied high standards to establish well-founded fear of persecution, which may explain the significant drop in recognition rates of persons in need of international protection. In this context, the approach to victims of gender-based violence is particularly worrying.

An illustrative example is the Decision no. 26-2985/22. In this case, the asylum claim of a victim of sexual violence was rejected although the Asylum Office accepted credibility of statement of the applicant. Namely, it concluded that there were no “objective circumstances” to support subjective fear despite having accepted the statement about the sexual violence experienced. By the same token, the Asylum Office failed to adequately examine the wider context of gender-based violence in the country of origin, in particular with a view to obstacles to reporting violence and efficient protection. The asylum-seeker was also expected to prove that it was impossible for her to obtain protection, which is often an unrealistic requirement for the victims of sexual violence. The asylum application of a victim of protracted sexual violence was also rejected by the Decision no. 26-2028/22, although the Asylum Office had accepted credibility of her statements. Namely, it concluded that there were no “objective circumstances” to support subjective fear despite the fact it had accepted the statement about years of rape by uncle who is a member of the ruling party. The asylum-seeker was expected to prove that there was no possibility for her to obtain protection, ignoring the fact she had received death threats in case she reported abuse and that the perpetrator held the position of power. It is especially concerning that the first instance authority did not take into account the political dimension of the case arguing there was no evidence on political engagement of the uncle despite his rank in the ruling party.

The applicants for asylum should have access to classified information in order to have their procedural rights – the possibility to contest them ensured. The Decision no. 26-1947/21 illustrates a worrying practice of the Asylum Office related to use of classified information in the asylum process, which raises the question of the fairness of the procedure and the respect of the international protection standards. The asylum-seeker was initially granted subsidiary protection in view of the volatile situation in the country of origin. However, one year later the Asylum Office received a report from the police station on “actions taken” in respect of the asylum-seeker. Consulting the Security and Information (BIA), the Asylum Office received a classified document on the basis of which it decided to revoke the earlier accorded protection. In this case the asylum-seeker was neither informed of the contents of the classified document nor was he given an opportunity to comment on the allegations against him, which poses a risk to adequate application of the principle of *non-refoulement* and increases the risk of passing arbitrary decisions and disproportionate use of classified information.

6.3 Procedure before the Asylum Commission

In case asylum-seekers are not satisfied with the decision of the Asylum Office as a first instance authority, they have the right to lodge an appeal with the Asylum Commission within the statutory timelimit.¹³⁵ The appeals procedure is governed by the Law on General Administrative Procedure stipulating that the decision of the first instance authority may, *inter alia*, be challenged for reasons of improper application of the law, falsely or incompletely established factual situation, because of a wrong conclusion on the factual situation made on the basis of the established facts, for violations of the procedure or for exceeding the limits of authority in decision-making.¹³⁶

In the first six months of 2024, the Asylum Commission passed a total of 24 rulings, upholding the appeals in two cases only.¹³⁷ These statistics show that the practice of the second instance authority has not changed significantly relative to the previous years, and testify to the low probability of success in this phase of the procedure.¹³⁸ Also, when upholding appeals, the Asylum Commission remits the cases to the Asylum Office for repeat procedure. However, annulment of the first instance decisions and remitting cases to the first instance authority for reconsideration is to be applied only when the second instance authority establishes that the deficiencies of the first instance procedure would be faster and more effectively removed by the first instance authority.¹³⁹

It should also be noted that the Asylum Commission has not fully exercised its authority to hold oral hearings or decide on granting asylum on the merits, which is contrary to the obligation to examine each case in detail and without bias. The Law on General Administrative Procedure is very clear there stressing that the second instance authority shall by itself or through the first instance authority amend the procedure if it finds that the factual situation was established wrongly or incompletely and repeat the entire process or part thereof if it finds that the violation of the procedure affected lawfulness and correctness of the challenged ruling. In that case, the second instance authority annuls the challenged ruling and itself rules on administrative matter if it finds – on the basis of the facts established in amended procedure – that it must be decided upon in a different way.¹⁴⁰

On the other hand, it is positive that the average time for the decisions of the Asylum Commission is two to three months, that procedural timelimits are observed, though it must be stressed that remitting of cases to the first instance authority prolongs the timeframe for deciding on asylum applications.

As is the case with the Asylum Office, the majority of negative decisions passed by the Asylum Commission in the first half of 2024 refer to the nationals of Russia and Burundi. Of the 22 decisions, seven relate to the rejected appeals lodged by nationals of Russia, and six by the nationals of Burundi.

The Asylum Commission most often rejected the appeals of Russian nationals for lack of proof

¹³⁵ Art. 84, LAMP.

¹³⁶ Art. 158, LAMP.

¹³⁷ Reply of the Asylum Commission to the request of IDEAS for access to information of public importance no. 01/24-2.

¹³⁸ In 2023, the Asylum Commission passed a total of 36 rulings: 30 negative, four positive and two on suspension of procedure. AIDA report Serbia, 2023, Update. Available at: https://asylumineurope.org/wp-content/uploads/2024/08/AIDA-SR_2023-Update.pdf, page 125.

¹³⁹ Art. 171(3), LAMP.

¹⁴⁰ *Ibid.*

of persecution, finding their claims unfounded. It is stressed that the claimants had legally left Russia, had neither been exposed to serious threats nor had they presented concrete proof of persecution. Fear of draft or military service is not often accepted as a justified reason, in particular if the claimants do not fulfil conditions for military service. Thus the conclusion is drawn that they are economic migrants who had not been exposed to the well-founded fear of persecution that would justify accord of international protection.

Also, certain rulings of the Asylum Commission indicate insufficient examination of the facts in concrete cases and potential blanket approach to resolution of appeals¹⁴¹, as well as standardized language contained in the rulings. It is important to stress that examination of each case individually, taking into account the relevant facts and evidence, represents one of the key standards of the quality of the asylum procedure and the respect of an effective legal remedy.

Finally, the Asylum Commission often rejects the appeals lodged by the nationals of Burundi reasoning that the proof submitted and statements made were not in line with the available reports on the situation in the country of origin. The statements are not trusted even in the face of indications supporting them. The Asylum Commission states that the evidence such as testimonies on threats, arrests or political repression including medical evidence, are not credible or consistent or that they cannot be linked to persecution by the authorities or political groups. In addition, the Asylum Commission stresses that the claimants failed to prove active political role that could cause the interest of the authorities. Legal departure from the country of origin is interpreted as absence of a actual risk of persecution, although that is not always the case – particularly in the countries with weak institutions and high levels of corruption. Subjective fear of the claimants from Burundi is not grounded in objective circumstances, and therefore the Asylum Commission rejects their complaints regularly.

6.4 Procedure before the Administrative Court

In case asylum-seekers are dissatisfied with the second instance ruling of the Asylum Commission, they have the right to initiate disputes before the Administrative Court.¹⁴² The Administrative Court has an obligation to examine whether all the facts had been established correctly in the procedures before the administrative authorities and whether material regulations had been properly applied. According to the international standards, a legal remedy must be effective including the possibility of review of factual as well as legal aspects of cases.

Nine judgements of the Administrative Court were analyzed in the reporting period.¹⁴³ The analysis shows that the Administrative Court often focuses on presence of objective elements supporting subjective fear of the claimants, not valuating the subjective elements of fear adequately when adjudicating in asylum-related cases. This approach is not fully in line with the international standards that emphasize that asylum-seekers are often not able to present full evidence due to the circumstances of their departure from the country of origin. The burden of proof is divided between claimants and the Administrative Court, which should provide appropriate assistance in obtaining evidence and apply the principle *benefit of the doubt* to the benefit of asylum-seekers whenever there exist reasonable indications that support their claims. In addition, the Law on Administrative Disputes stipulates that, in

¹⁴¹ Ruling no. AŽ – 05/24.

¹⁴² Art.22, LATP.

¹⁴³ Request for access to information of public importance no. CyII-17a 64/24-1.

administrative disputes, the Court adjudicates on the basis of the facts established during a public hearing, which is not held only when the subject of the dispute is such that it evidently does not require a direct hearing of clients and special establishment of factual situation, or when the clients explicitly agree to it.¹⁴⁴ In the first half of 2024, the trend of not holding oral hearings in asylum cases persists although these could contribute to clarification of facts relevant to adjudicating in a concrete case.

A good illustration of the above is the Decision no. 1 U 11355/20, where the Administrative Court concluded that the claimant had not provided sufficient evidence on personal persecution and had not made probable the existence of actual risk from serious human rights violation in case of his return to Iran. The Court insisted on objective evidence that were difficult for the asylum-seeker to obtain due to his circumstances, and it did not insist that the first and second instance authorities obtain these objective evidence, thereby violating the principle of sharing the burden of proof.

In cases when persecution was conducted by non-state actors (private persons or groups), the Administrative Court often maintains that it suffices that the country of origin has legal protection mechanisms not always taking into account that the state is not capable or willing to provide efficient protection in practice. According to international standards, it is necessary to assess whether state protection is effective and accessible to the claimant, taking into account the actual situation in the country of origin.

Even though the practice of the Administrative Court proves consistent application of domestic legal framework and international standards, there is space for improvements towards full incorporation and application of international standards in this area. The Administrative Court often stresses the relevance of individual assessment and respect of procedural rights, which are important to continued development of practice. However, more reliance on the UNHCR Handbook and Guidelines and the case law of the European Court of Human Rights would contribute to a more efficient protection of asylum-seekers. Improvements in this direction would allow the Administrative Court to find better balance between the legitimate right of states to control migrations and the obligation to provide protection to persons fleeing from persecution or serious injustice.

144 Art. 33, LAD.

07 Material reception conditions

Material reception conditions represent an important aspect of the asylum system ensuring adequate housing accommodation, nutrition and support to asylum-seekers during their stay in Serbia. In line with the Law on Asylum, CRM is mandated with ensuring material conditions for reception of asylum-seekers.¹⁴⁵ Material reception conditions include housing accommodation, food and cash allowance for personal needs,¹⁴⁶ whereby CRM must provide special reception guarantees according to the specific circumstances of asylum-seekers including “minors, unaccompanied minors, persons with disabilities, the elderly, pregnant women, single parents with minor children, victims of trafficking, persons with mental disorders as well as victims of torture, rape or other serious forms of psychological, physical or sexual violence such as women who were victims of female genital mutilation.”¹⁴⁷ This part of the report analyses housing facilities functional in the first six months of 2024, the conditions of accommodation in asylum and reception centres as well as the specific needs and the protection of the vulnerable groups of asylum-seekers.

In the first half of 2024, eleven reception and six asylum centres were operating on the territory of Serbia with the total capacity of 6,646 persons. The reception centres include: RC Adaševci, RC Bosilegrad, RC Bujanovac, RC Dimitrovgrad, RC Kikinda, RC Pirot, RC Preševo, RC Principovac, RC Šid, RC Sombor i RC Subotica. Asylum centres on the territory of Serbia are AC Banja Koviljača, AC Krnjača, AC Obrenovac, AC Sjenica, AC Tutin and AC Vranje.

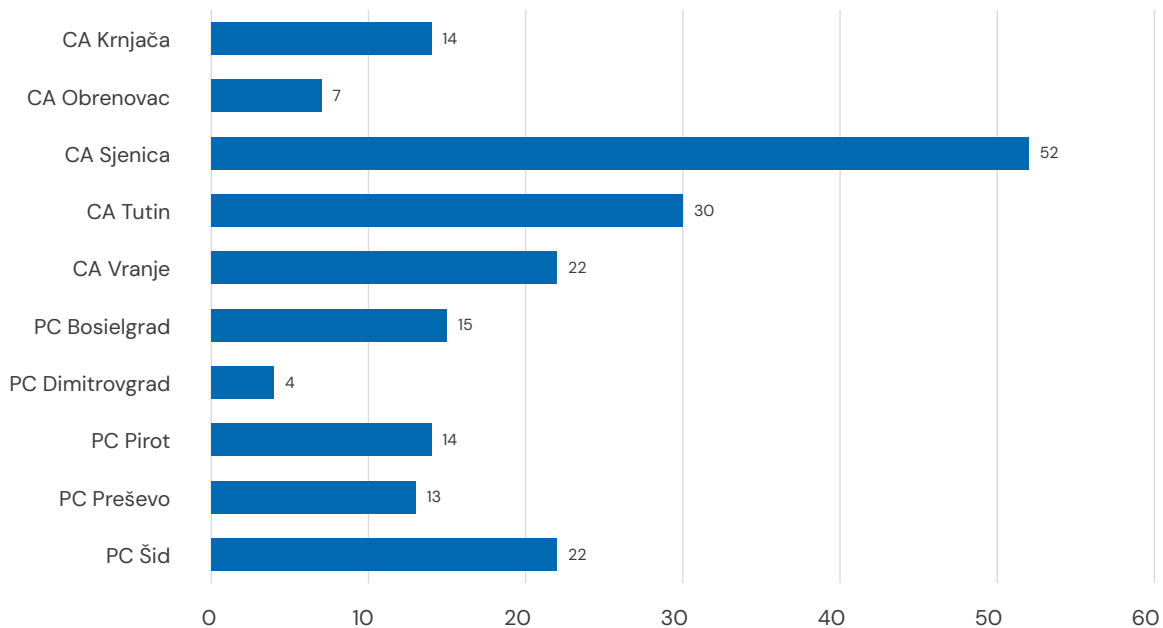
The number of persons accommodated in these centres in the first half of 2024 was below the maximum capacity and therefore certain centres were not operational. There were no residents in RC Adaševci, RC Kikinda, RC Subotica, RC Sombor and RC Principovac, and the RC Dimitrovgrad was closed in April 2024. RC Bosilegrad, RC Bujanovac, RC Pirot, RC Preševo and RC Šid were open during the first six months. With respect to the asylum centres, all but AC Banja Koviljača were operating in the first six months.

145 Art. 23, LAMP.

146 Art. 50, *Ibid.*

147 Art. 17, *Ibid.*

Average occupancy of accommodation capacities in asylum centres and reception centres in the first six months | 2024



According to CRM, 8,793 new arrivals were registered in the reception and asylum centres in the first half of 2024 – considerably less than in 2023, when 108,808 persons were registered during the entire year.¹⁴⁸

The data also show that men were in the majority in the asylum and reception centres. This trend continued in the first half of 2024 also, with men constituting 92.9% of beneficiaries and women only 7.1%. Similarly, children represented a relatively small share of refugee and migrant population accommodated in the asylum and reception centres – 13%. According to CRM data about the structure of persons accommodated in the reception and asylum centres, the majority were nationals of Syria (3,362), Afghanistan (2,173), Morocco (652), Turkey (648), and Pakistan (324).

The accommodation conditions in the asylum and reception centres vary depending on their location. The asylum-seekers assess positively the hygiene and quality of food in AC Bogovađa and AC Sjenica. Hygiene is poor and food is inadequate in AC Krnjača and RC Preševo.¹⁴⁹ In addition, the same conditions of accommodation are provided for both the asylum-seekers and the irregular migrants who often stay for short periods. This can be problematic having in mind different needs and length of stay of members of these groups.¹⁵⁰ Furthermore, the accommodation conditions do not fully meet the standards defined in the UN Guidelines for Alternative Care of Children, which may pose a risk for the children staying in these centres.¹⁵¹

The research conducted in the first half of 2024 shows notable challenges in ensuring adequate

¹⁴⁸ Government of the Republic of Serbia (2024). 108,808 migrants registered in Serbia last year. <https://www.srbija.gov.rs/vest/760497/u-srbiji-prosle-godine-evidentirano-108808-migranata.php>.

¹⁴⁹ Centre for Research and Social Development IDEAS (2024). Submission of the Centre for Research and Social Development IDEAS to the Human Rights Committee's 140th Session Related to Examination of the Fourth Periodic Report of Serbia, <https://ideje.rs/wp-content/uploads/2024/03/SUBMISSION-OF-THE-CENTER-FOR-RESEARCH-AND-SOCIAL-DEVELOPMENT-IDEAS-TO-THE-HUMAN-RIGHTS-COMMITTEE-RELATED-TO-EXAMINATION-OF-THE-FOURTH-PERIODIC-REPORT-OF-SERBIA-2024-1.pdf>

¹⁵⁰ *Ibid.*

¹⁵¹ *Ibid.*

reception conditions for the vulnerable groups, LGBTIQ+ asylum-seekers in particular¹⁵² as well as the survivors of gender-based violence.¹⁵³ LGBTIQ+ asylum-seekers often are often faced with lack of information at arrival, absence of standardized procedures for identification of their specific needs and inadequate conditions of accommodation neglecting their gender identity or sexual orientation. Access to health care including specific therapy is often limited. The research identified practices whereby the staff in asylum centres supported and adapted the conditions of accommodation to meet the needs of LGBTIQ+ persons proving the potential to improve practice through trainings and development of reception standards. The women – survivors of gender based violence also face similar challenges ,including limited access to information about the available services. Access to health care, and psychosocial assistance in particular is often difficult due to language barriers and lack of information. The above challenges highlight the need for systemic approach that would allow for appropriate identification and support to vulnerable groups respecting their specific needs.

152 Milanović, M. (2024). Experiences of LGBTIQ+ Asylum Seekers in Serbia: Analysis of Reception Conditions, Support Services and Policy Reform Recommendations, Centre for Research and Social Development IDEAS: <https://ideje.rs/wp-content/uploads/2024/09/Assessment-of-LGBTIQ-Asylum-Seeker-Experiences-in-Serbia.pdf>

153 Šemić, A. (2024). Closing the Gap: Enhancing Support for Survivors of Gender-based Violence in the Asylum System in the Republic of Serbia, Centre for Research and Social Development IDEAS: <https://ideje.rs/wp-content/uploads/2024/09/Enhancing-Support-for-GBV-Survivors-in-Serbias-Asylum-System.pdf>

08 Integration

Certain progress was recorded in the domain of integration of refugees in the Republic of Serbia in the first half of the year, although the number of persons granted asylum remains low. The Law on Asylum and Temporary Protection guarantees access of refugees to a range of rights including the right to residence, freedom of movement, health care, social assistance, legal aid, freedom of religion, right to ownership and the right to family reunification. Additionally, refugees are provided housing assistance in the form of housing space or financial aid for accommodation for a period of up to one year from the date of coming into force of the decision on recognition of the right to asylum. All these are implemented by CRM. The refugees also have the right to access all levels of education, under the same conditions as Serbian nationals and to direct access to the labour market.¹⁵⁴

Integration assistance is provided to refugees by a range of activities aimed to facilitate their inclusion into the social, cultural and economic life of Serbia. This support includes full and timely informing about the rights, opportunities and responsibilities, Serbian language learning, learning about the history of Serbia, its culture and constitutional order, assistance for inclusion into the education system – in particular for children and the illiterate adults as well as assistance in inclusion into the labour market.¹⁵⁵ Refugees are also financially assisted in cases of special social or medical needs in the period of up to one year from the date of coming into force of the decision on recognition of the right to asylum.¹⁵⁶

In order to ensure tailor-made support to each individual, CRM develops 12-month individual integration plans for each refugee. These plans take into account factors such as age, education, medical status and employment record thereby ensuring personalized approach to integration.¹⁵⁷

Only one person was granted subsidiary protection in the first half of 2024 and an individual integration plan was developed. As regards accommodation, this person was in the process of approval of financial aid for housing and was included into the Serbian language and alphabet learning programme. CRM approved a cash grant in one case.¹⁵⁸

¹⁵⁴ Art. 59–73, LATP.

¹⁵⁵ Art. 2–7, Decision on Inclusion into the Social, Cultural and Economic Life of Persons Granted the Right to Asylum.

¹⁵⁶ Art. 8, *Ibid.*

¹⁵⁷ Art. 9, *Ibid.*

¹⁵⁸ Commissariat for Refugees and Migrations of the Republic of Serbia (CRM), Reply to the Request for

One of the important steps in exercise of right of refugees is the start of issuance of refugee travel documents. Upon entering into force of the new Rulebook on Layout and Content of Refugee Travel Document Forms on 1 February 2024, issuance of these documents became possible for the first time since the establishment of the asylum system in Serbia. Even though the right to refugee travel documents was stipulated in the Law on Asylum back in 2008,¹⁵⁹ the absence of a bylaw detailing the procedure rendered its exercise impossible. Travel documents include personal information and biometric data of the holders.

Since the beginning of implementation of the new Rulebook and until 30 June 2024, 38 refugee travel documents were issued. Of that number, 32 travel documents were issued to men including six boys and seven were issued to women including three girls.¹⁶⁰ Though these documents differ from the passports issued to Serbian nationals and are subject to visa regime for travel into the states for which Serbian citizens enjoy visa-free travel, their issuance represents significant headway in exercise of the right to freedom of movement and facilitates integration of refugees into the society.¹⁶¹

Additional progress was made on coming into effect of changes and amendments of the Law on Foreigners¹⁶² on 1 February 2024 as these enabled refugees with continued residence exceeding three years to access permanent residence. Granting of permanent residence to refugees provides for an exception from the general conditions applied to other foreigners, whereby their specific personal circumstances and those of the members of their immediate family are taken into account.¹⁶³ This step offers higher legal safety to refugees and brings them closer to the possibility of acquiring citizenship, also stipulated in the Law on Asylum and Temporary Protection.¹⁶⁴

A total of 17 decisions granting refugees permanent residence were passed in the period 1 February –30 June 2024. The analysis shows diversity of the countries of origin of persons granted permanent residence: the majority of decisions were issued to the national of Iran (5), followed by Cuba (3). Two positive decisions were rendered in respect of the nationals of Burundi, Syria and Ukraine each. One positive decision was rendered in respect of the nationals of Iraq, Pakistan and Tunisia each. Of the total number of decisions, 12 were issued to men and five to women including one Cuban girl.

The above progress in exercise of the rights of refugees in Serbia proves the efforts of the State to improve the system of integration and enable refugees to exercise their rights in line with the national legislation and the relevant international standards. However, in view of the limited number of granted statuses and individual integration plans, there is a need for continued advancement of the processes and increase of capacities of institutions involved in the asylum and integration system.

information of public importance, nos. 019–2040/1–2024, 02/08/2024.

159 Art. 58, LATP, *Official Gazette of the RS*, No. 109/2007.

160 MOI – Border Police Directorate, Reply to the Request for information of public importance, nos. 07–34/24, 30/08/2024, response to question no I. 7.

161 Centre for Research and Social Development IDEAS, Šta donosi novi Pravilnik o izgledu i sadržini obrasca putne isprave za izbeglice. Available at: https://ideje.rs/wp-content/uploads/2024/03/putne_isprave_SRB-1.pdf.

162 LF, *Official Gazette of the R*, No. 62/2024.

163 Art. 68(a), *Ibid.*

164 Art. 71, LATP.

