

POLICY PROPOSAL

From Temporary Protection to an Orderly Transition

Proposal to Strengthen the Temporary Protection Mechanism in the Republic of Serbia

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From Temporary Protection to an Orderly Transition: Proposal to Strengthen the Temporary Protection Mechanism in the Republic of Serbia

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This advocacy paper was prepared within IDEAS' Asylum and Migration Programme as a contribution to an informed public debate on strengthening the temporary protection mechanism and aligning it with the European Union acquis. IDEAS remains available to the competent authorities for consultations on the proposals set out in this paper, more detailed explanations and expert support in their further development.

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Executive Summary

This paper analyses four years of temporary protection in Serbia and proposes concrete legislative and operational steps to ensure continuity of status, fuller access to rights and transition towards more durable solutions.

Temporary protection is an emergency, collective and time-limited protection mechanism designed for situations involving a mass influx of displaced persons in which conducting individual asylum procedures would be impracticable or would jeopardise the functioning of the asylum system. Its purpose is not to replace international protection, but to provide an immediate, orderly and legally predictable state response in an emergency. In the Republic of Serbia, the mechanism was activated for the first time by the Government Decision on Providing Temporary Protection in the Republic of Serbia to Displaced Persons Coming from Ukraine, published on 18 March 2022.[1]

Four years later, implementation experience shows that the existing framework responded successfully to the emergency reception phase but is not suited to protracted displacement. This is most evident in the duration of protection. The extension "for as long as the reasons persist", introduced by the 2024 amendment to the Government Decision, has no express basis in Article 75 of the Law on Asylum and Temporary Protection (LATP), which limits the total duration to a maximum of two years. This has created a conflict between a by-law and the Law, raising a serious question of compliance with Article 195 of the Constitution.[2] Legal gaps also exist in the content of protection. The catalogue of rights under Article 76 of the LATP is narrower than the minimum standards under Directive 2001/55/EC with regard to social assistance, accommodation and education, while in practice the beneficiary's document does not always enable seamless proof of status and exercise of rights. Furthermore, neither the transition of beneficiaries to more durable grounds of residence nor the consequences of the termination of protection are regulated. There is no legal bridge to more durable statuses for persons who have lived lawfully, worked and educated their children in Serbia for years, nor is there a regulated procedure for the event of termination. This is occurring at a time when the Council of the European Union, on 30 July 2026, extended protection until 4 March 2028, having already established a coordinated but non-binding approach to transition in its Recommendation of 16 September 2025.[3,4]

The proposed improvements can be achieved through amendments to existing legislation, without placing an additional burden on institutions. Inaction, by contrast, deepens legal uncertainty for beneficiaries and the competent authorities because the extension of protection rests on a basis that could be challenged before the Constitutional Court at any time. The impact on the asylum system presents a particular risk. If protection ended abruptly, a substantial share of the population of

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[1] Decision on Providing Temporary Protection in the Republic of Serbia to Displaced Persons Coming from Ukraine, "Official Gazette of the Republic of Serbia", Nos. 36/2022, 21/2023 and 21/2024 (hereinafter: the Government Decision).

[2] Constitution of the Republic of Serbia, "Official Gazette of the Republic of Serbia", Nos. 98/2006 and 115/2021, Articles 194 and 195 (hereinafter: the Constitution).

[3] Council of the European Union, *Council Implementing Decision (EU) 2023/2409 of 19 October 2023*, OJ L, 2023/2409, 24 October 2023, available at: https://eur-lex.europa.eu/eli/dec_impl/2023/2409/oj/eng; *Council Implementing Decision (EU) 2024/1836 of 25 June 2024*, OJ L, 2024/1836, 3 July 2024, available at: https://eur-lex.europa.eu/eli/dec_impl/2024/1836/oj/eng; *Council Implementing Decision (EU) 2025/1460 of 15 July 2025*, OJ L, 2025/1460, 24 July 2025, available at: https://eur-lex.europa.eu/eli/dec_impl/2025/1460/oj/eng; *Council Implementing Decision (EU) 2026/1912 of 30 July 2026 extending the temporary protection introduced by Implementing Decision (EU) 2022/382*, OJ L, 2026/1912, available at: https://eur-lex.europa.eu/eli/dec_impl/2026/1912/oj/eng [accessed 3 October 2026] (hereinafter: the 2023–2025 Extension Decisions; the 2026 Extension Decision).

[4] Council of the European Union, *Council Recommendation of 16 September 2025 on a coordinated approach to the transition out of temporary protection for displaced persons from Ukraine*, C/2025/5129, OJ C, 23 September 2025, available at: https://eur-lex.europa.eu/eli/C/2025/5129/oj/eng [accessed 16 July 2026] (hereinafter: the Council Recommendation on transition).

approximately 1,400 beneficiaries would enter individual asylum procedures, leaving a system that decides approximately 130 applications each year facing several hundred new cases. Such an outcome would also send a negative signal in the accession negotiations under Chapter 24.

Six Key Recommendations

1. Amend Article 75 of the LATP so that temporary protection may continue to be extended by annual, reasoned Government decisions for as long as the reasons objectively persist, subject to mandatory periodic review of the situation in the country of origin. This would bring the domestic framework substantively into line with the logic of Article 4(2) of Directive 2001/55/EC, supplemented by a domestic procedure for annual review, and eliminate the conflict between the Government Decision and the Law.
2. Amend Article 76 of the LATP so that it expressly guarantees social assistance and means of subsistence; suitable accommodation or housing support; access to education for children under the same conditions as nationals; access to adult education and vocational training in accordance with domestic law; and a biometric identity card bearing a foreign national's registration number as an administrative solution enabling effective proof of status.
3. Establish a dedicated registration procedure for temporary protection and ensure continuity of status and rights. Instead of using the certificate form intended for a person who has expressed an intention to apply for asylum, a separate certificate of registration for persons seeking temporary protection should be prescribed. The certificate should clearly state that the registration concerns temporary protection, while at the same time recognising lawful stay and basic rights pending an individual decision. The status and rights of a beneficiary who submits a timely application for extension should continue until the procedure on that application is finally concluded.
4. Establish a legal bridge to more durable statuses by introducing a new Article 76a of the LATP and giving priority to amending the Law on Foreigners. The right to permanent residence should primarily be regulated by the Law on Foreigners, following the model of the special ground applicable to persons granted asylum, so that time spent under temporary protection counts towards the required period of lawful or continuous residence, provided that all other statutory conditions are met. The new Article 76a of the LATP should synchronise that regime and expressly permit applications for residence on another ground to be submitted without leaving the country and without loss of protection pending a decision. Only if the Law on Foreigners cannot be amended within an appropriate period should the right to permanent residence be regulated temporarily and comprehensively in the LATP as a *lex specialis*.
5. Regulate termination and the deferred effect of a decision terminating temporary protection. Protection should end only on the basis of a reasoned, objective assessment that return is safe, dignified and sustainable. The Government decision should set the date on which protection ends in light of the circumstances of the particular crisis, provided that this date may not fall earlier than six months or later than one year after publication of the decision. Until that date, beneficiaries should retain their status and rights, with an express prohibition on enforced removal while protection remains in force. Beneficiaries should have the right to appeal an individual termination decision and other individual status decisions to the Asylum Commission and the right to initiate an administrative dispute, with both the appeal and the action having suspensive effect.
6. Adopt a national transition scheme modelled on EU Council Recommendation C/2025/5129. It should provide beneficiaries with information in a language they understand, counselling on available options, exploratory visits to the country of origin without loss of status, and voluntary return support under the existing programme of the Serbian Commissariat for Refugees and

Migration once temporary protection has ended, with a departure period during which beneficiaries retain their status and rights, and should monitor the transition through monthly publication of aggregated and anonymised temporary protection data.

1 Introduction

1.1 Subject and Purpose of the Paper

This paper was prepared after four years of implementation of the temporary protection mechanism in the Republic of Serbia, at a time when the European Union has extended protection until 4 March 2028, while coordinated preparations are simultaneously under way for beneficiaries to transition towards more durable solutions. In this context, the Republic of Serbia can also take stock of implementation to date and adapt its framework in a timely manner. Alignment is also necessary because displacement from Ukraine is a regional phenomenon and the response can be effective only if states act in a coordinated manner, since differences in status and in the timing of the termination of protection encourage secondary movements and complicate planning in every state.

The need for adaptation does not in itself indicate that the initial response was deficient. The mechanism was activated in March 2022 because of mass displacement caused by the armed conflict in Ukraine, and a framework designed for short-term situations corresponded to the very nature of temporary protection. Displacement has, however, entered a protracted phase, a challenge also faced by the European Union, meaning that rules designed for a crisis response now govern residence lasting several years. The consequences are legal uncertainty for beneficiaries and the competent authorities, a restricted catalogue of rights and the absence of an orderly exit from protection.

The purpose of this paper is to identify weaknesses in the existing framework, on the basis of comparative legal analysis and data on implementation to date, and to offer the competent authorities concrete and feasible legislative and operational solutions, including proposals to amend the Law on Asylum and Temporary Protection[5] and a model national transition scheme. The proposed solutions contribute to legal certainty and orderly migration management in the Republic of Serbia, a more secure position and fuller enjoyment of rights by beneficiaries of protection, and alignment of domestic law with the European Union acquis.

With regard to alignment with European Union law, the paper does not proceed from the direct application in the Republic of Serbia of Directive 2001/55/EC and judgments of the Court of Justice of the European Union, but from the obligation of gradual alignment in the accession process, particularly under Chapter 24. The binding minimum standards of Directive 2001/55/EC are therefore used as a benchmark for legislative convergence, while the Council Recommendation on transition and UNHCR documents serve as guidance for the operational and transition framework.

1.2 Method and Sources

The paper draws on four groups of sources. The first consists of a legislative analysis of domestic law, primarily the Law on Asylum and Temporary Protection and the Government Decision on Providing Temporary Protection,[6] the Law on Foreigners[7] and the Constitution of the Republic of Serbia.[8]

The second group consists of a comparative legal analysis of European Union law, including Directive 2001/55/EC on temporary protection,[9] Council Implementing Decision (EU) 2022/382 establishing the

[5] Law on Asylum and Temporary Protection, "Official Gazette of the Republic of Serbia", No. 24/2018 (hereinafter: LATP).

[6] Government Decision.

[7] Law on Foreigners, "Official Gazette of the Republic of Serbia", Nos. 24/2018, 31/2019 and 62/2023. The single permit regime for temporary residence and work has applied since 1 February 2024 (hereinafter: the Law on Foreigners).

[8] Constitution, Articles 194 and 195.

[9] Council of the European Union, *Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving*

existence of a mass influx,[10] the Council decisions extending protection,[11] the European Commission's Operational Guidelines for implementation of that Decision,[12] the Council Recommendation on a coordinated approach to transition,[13] and the case-law of the Court of Justice of the European Union in *Krasiliva*[14] and *Kaduna*.[15]

The third group consists of UNHCR international standards: the 2014 Guidelines on Temporary Protection or Stay Arrangements[16] and the May 2025 Recommendations on the Continued Use of Temporary Protection Arrangements and Guiding Principles for Transition.[17]

The fourth group consists of statistical data from the Migration Profiles of the Republic of Serbia for 2022–2024,[18] monthly reports of the Asylum Office,[19] and UNHCR statistical snapshots for 2025 and 2026,[20] consolidated in earlier analyses by the Center for Research and Social Development IDEAS.

1.3 Intended Audience

The paper is addressed to the Government of the Republic of Serbia, as the authority adopting the decision on temporary protection and an authorised proposer of legislation; the Ministry of the Interior (MoI), including the Asylum Office as the organisational unit responsible for decisions on asylum and temporary protection; and the Serbian Commissariat for Refugees and Migration (SCRM), as the authority responsible for reception, integration and voluntary return. Given its direct link to the process of alignment with the European Union acquis, the paper is also intended for the Ministry of European Integration, the Negotiating Group for Chapter 24 and the competent committees of the National Assembly.

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such persons and bearing the consequences thereof, OJ L 212, 7 August 2001, pp. 12–23, available at: https://eur-lex.europa.eu/eli/dir/2001/55/oj/eng [accessed 16 July 2026] (hereinafter: the Temporary Protection Directive).

[10] Council of the European Union, *Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection*, OJ L 71, 4 March 2022, pp. 1–6, available at: https://eur-lex.europa.eu/eli/dec_impl/2022/382/oj/eng [accessed 16 July 2026] (hereinafter: the 2022 Activation Decision).

[11] 2023–2025 Extension Decisions.

[12] European Commission, *Communication from the Commission—Operational guidelines for the implementation of Council Implementing Decision 2022/382 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection*, 2022/C 126 I/01, OJ C 126 I, 21 March 2022, pp. 1–16, available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52022XC0321(03) [accessed 16 July 2026] (hereinafter: the Commission Operational Guidelines).

[13] Council Recommendation on transition.

[14] Court of Justice of the European Union, *Krasiliva*, C-753/23, judgment (Tenth Chamber) of 27 February 2025, ECLI:EU:C:2025:133, paragraphs 28–40 and the operative part, available at: https://curia.europa.eu/juris/liste.jsf?num=C-753/23 [accessed 16 July 2026] (hereinafter: the judgment in *Krasiliva*).

[15] Court of Justice of the European Union, *Kaduna*, Joined Cases C-244/24 and C-290/24, judgment (Grand Chamber) of 19 December 2024, ECLI:EU:C:2024:1038, paragraphs 101–158 and the operative part, available at: https://curia.europa.eu/juris/liste.jsf?num=C-244/24 [accessed 16 July 2026] (hereinafter: the judgment in *Kaduna*).

[16] United Nations High Commissioner for Refugees (UNHCR), *Guidelines on Temporary Protection or Stay Arrangements*, February 2014, available at: https://www.refworld.org/policy/legalguidance/unhcr/2014/74916 [accessed 16 July 2026] (hereinafter: UNHCR, 2014 Guidelines).

[17] United Nations High Commissioner for Refugees (UNHCR), *UNHCR Recommendations on the Continued Use of Temporary Protection Arrangements and Guiding Principles for Transition in Relation to the Ukraine Refugee Situation*, May 2025, available at: https://www.refworld.org/policy/countrypos/unhcr/2025/150064 [accessed 16 July 2026] (hereinafter: UNHCR, 2025 Recommendations).

[18] Serbian Commissariat for Refugees and Migration and Ministry of the Interior, *Migration Profiles of the Republic of Serbia for 2022, 2023 and 2024* (hereinafter: Migration Profiles 2022–2024).

[19] Ministry of the Interior—Asylum Office, *Monthly Reports for June 2024–March 2026*, consolidated by the Center for Research and Social Development IDEAS (hereinafter: Asylum Office Monthly Reports).

[20] United Nations High Commissioner for Refugees (UNHCR), *UNHCR Serbia Statistical Snapshot for June 2026*, June 2026, available at: https://www.unhcr.org/rs/sites/rs/files/docs/rs/2026-07/UNHCR%20Serbia%20June%202026%20Snapshot.pdf [accessed 16 July 2026] (hereinafter: UNHCR Serbia, June 2026 Statistical Snapshot).

2 Nature of the Mechanism and International Standards

2.1 Concept and Features of Temporary Protection

By its legal nature, temporary protection is an exceptional, collective and time-limited mechanism. It operates at the intersection of the need to provide immediate protection to a large number of displaced persons and the limited capacity of the regular asylum system to examine each case individually within a short period. Three features form the core of the mechanism.

- **Exceptional nature.** Protection is activated only in circumstances of a mass influx or an imminent mass influx.
- **Collective nature.** Status is granted to a defined category of persons, rather than to an individual on the basis of individually established persecution.
- **Temporary nature.** Protection lasts for as long as the objective reasons for which it was introduced persist and ends when return is possible in safe, dignified and sustainable conditions.

Temporary protection complements and does not replace international protection. A beneficiary retains the right to apply for asylum at any time, while the state remains bound by all obligations arising from refugee law and international human rights law, including the principle of non-refoulement. The mechanism is designed to protect both displaced persons and the asylum system in exceptional circumstances. In this sense, temporary protection may be a simplified and collective regime, but it must not be a regime of diminished protection. The longer it lasts, the greater the state's obligation to gradually transform emergency reception into an orderly status with clear rights, continuity and an exit strategy.

2.2 UNHCR Standards: Solutions-Oriented Protection

UNHCR's 2014 Guidelines on Temporary Protection or Stay Arrangements[21] frame the mechanism as a flexible, practical and solutions-oriented response to humanitarian crises and complex cross-border population movements. The Guidelines require formalised identification, registration and documentation of beneficiaries, including mechanisms for identifying persons with specific vulnerabilities and needs at the point of reception. They also require minimum standards of treatment that build on Executive Committee Conclusion No. 22 of 1981 in light of contemporary human rights law. These minimum standards include documented permission to stay, protection against arbitrary deprivation of liberty, accommodation, health care and education, freedom of movement, physical security, family unity, special care for unaccompanied children and opportunities for self-reliance and work.[22]

With regard to duration, the Guidelines take a position of direct relevance to the Serbian framework. Instead of rigid time limits determined in advance, it is preferable to define the circumstances in which protection ends as precisely as possible, while beneficiaries should enjoy protection for as long as they need it. An upper time limit, referred to in expert discussions as a period of up to three years, is useful primarily as the point at which transition towards more durable solutions must begin, rather than as a mechanism for the automatic expiry of protection. Protection ends when an objective assessment establishes that the situation which caused the displacement has ended and that return is reasonable and feasible in safe and dignified conditions, as well as when a person has transitioned to another status, responsibility has been transferred to another state or a durable solution has been found.

[21] UNHCR, 2014 Guidelines.

[22] United Nations High Commissioner for Refugees (UNHCR), Executive Committee, *Conclusion No. 22 (XXXII): Protection of Asylum-Seekers in Situations of Large-Scale Influx*, 1981, available at: https://www.refworld.org/policy/exconc/excom/1981/en/62604 [accessed 16 July 2026] (hereinafter: Executive Committee Conclusion No. 22).

Finally, the Guidelines distinguish among the phases of a humanitarian crisis—emergency response, stabilisation and transition—and require solutions to be adapted to the phase the situation has reached. UNHCR's May 2025 Recommendations, issued specifically in relation to the situation in Ukraine, confirm that the grounds for protection continue to exist, call on states to continue applying temporary protection and set out guiding principles for transition. These are the voluntary and informed nature of every decision to return, gradual transition, preservation of acquired rights and prevention of status gaps.[23]

2.3 European Union Law: Directive 2001/55/EC and Its Implementation

In European Union law, the mechanism was established by Directive 2001/55/EC,[24] which sets minimum standards and establishes a two-tier structure. Directive 2001/55/EC lays down the framework and catalogue of rights (Articles 8–16), while the mechanism is activated by a Council decision establishing the existence of a mass influx (Article 5). As regards duration, Article 4 provides for an initial period of one year, automatically extendable by six-month periods for a maximum of one further year (paragraph 1). Thereafter, if the reasons for temporary protection persist, the Council may decide to extend it for up to one further year (paragraph 2). The duration of protection is therefore linked to the duration of the causes of displacement, rather than exclusively to the passage of time.

The mechanism was activated for the first time by Implementing Decision (EU) 2022/382 of 4 March 2022,[25] and protection was subsequently extended in successive stages, most recently by Council Implementing Decision (EU) 2026/1912 of 30 July 2026, until 4 March 2028. The same Decision introduced a restriction for new applicants relating to compliance with military obligations in Ukraine, which has applied since 31 July 2026 and does not affect persons who already enjoyed protection.[26] In May 2026, approximately 4.38 million persons enjoyed temporary protection in EU Member States.[27] In parallel, in its non-binding Recommendation of 16 September 2025, the Council recommended a coordinated approach to transition. This includes encouraging beneficiaries to transition to other lawful statuses, such as those based on employment, self-employment, education, research, family or other national grounds; informing beneficiaries about differences in rights between statuses; preventing situations of unlawful stay; allowing exploratory visits to Ukraine while protection is in force; organising voluntary return programmes once protection has ended; and supporting reintegration.[28] Directive 2001/55/EC has been retained as a permanent instrument for situations of mass influx within the framework of the Pact on Migration and Asylum.[29]

The European Commission's Operational Guidelines for implementing Council Implementing Decision (EU) 2022/382 emphasise that a residence permit, or a beneficiary's document, is not merely an administrative confirmation but a *condition for effective access to rights* because it serves as proof of status before employment services, schools, health-care institutions and other authorities.[30]

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[23] UNHCR, 2025 Recommendations.

[24] Temporary Protection Directive, Article 4.

[25] 2022 Activation Decision.

[26] 2023–2025 Extension Decisions; 2026 Extension Decision.

[27] Eurostat, *4.38 million persons under temporary protection in May 2026*, 10 July 2026, available at: https://ec.europa.eu/eurostat/web/products-eurostat-news/w/ddn-20260710-1 [accessed 16 July 2026].

[28] Council Recommendation on transition.

[29] Temporary Protection Directive, current consolidated text, available at: https://eur-lex.europa.eu/eli/dir/2001/55/oj/eng [accessed 16 July 2026].

[30] Commission Operational Guidelines.

2.4 Lessons from the Case-Law of the Court of Justice of the European Union

The activation of protection also resulted in the first judgments of the Court of Justice of the European Union interpreting Directive 2001/55/EC, with two immediate lessons. In *Krasiliva* the Court held that the right to a residence permit under Article 8(1) of Directive 2001/55/EC is an individual right guaranteed by the EU legal order and that, read in conjunction with Article 47 of the Charter of Fundamental Rights, it entitles a beneficiary to an effective judicial remedy against a decision declaring an application for a permit inadmissible or rejecting it.[31] In *Kaduna* the Grand Chamber clarified the relationship between mandatory protection (Article 5) and optional protection (Article 7). A state that has extended protection to additional categories retains the autonomy to end such optional protection earlier, but while the protection remains in force no return decision may be issued against a beneficiary, nor may the effects of such a decision be suspended conditionally until the protection ends.[32]

For the Republic of Serbia, two requirements follow. The first is an express prohibition on the enforced removal of beneficiaries while protection remains in force, and the second is an unequivocal right to an effective remedy against all decisions concerning status and documentation. Both standards are already indirectly contained in the law in force (Articles 6, 95 and 96 of the LATP), but expressly prescribing them for beneficiaries of temporary protection would eliminate any legal uncertainty.

3 Legal Framework and Implementation in the Republic of Serbia

3.1 Law on Asylum and Temporary Protection

Temporary protection is regulated primarily in Chapter VII of the LATP (Articles 74–76), together with the definition in Article 2(9) and provisions on documents (Articles 87 and 90). The Serbian legislature modelled the mechanism on Directive 2001/55/EC, also adopting its two-tier structure, under which the Law establishes the framework and the mechanism is activated by a Government decision (Article 74(2)). Displaced persons are foreign nationals who have been forced to leave their country of origin or habitual residence, or have been evacuated, and cannot return to durable and safe living conditions, in particular persons who have fled areas of armed conflict or local violence and persons at serious risk of mass violations of human rights (Article 74(3)). Protection may also be granted to persons who were lawfully staying in Serbia when the decision was adopted and whose right of residence is due to expire (Article 74(4)).

Article 75 regulates duration. Protection is granted for a maximum of one year and, if the reasons persist, may be extended by an additional six months and for no more than one further year, making the statutory maximum two years (paragraphs 1 and 2). Protection ends upon expiry of the period or cessation of the reasons for which it was introduced, as decided by the Government (paragraph 3), and may be terminated for an individual by decision of the Asylum Office if grounds for exclusion from the right to asylum apply (paragraph 4). Article 76 guarantees the core rights. These include residence for the duration of protection; a document; health care in accordance with the regulations governing health care for foreign nationals; access to the labour market; free primary and secondary education; legal aid; freedom of religion; collective accommodation; and suitable accommodation for persons requiring special reception guarantees. A beneficiary retains the right to apply for asylum, while family

[31] Judgment in *Krasiliva*.

[32] Judgment in *Kaduna*.

reunification may be permitted in justified cases. The identity card is issued with a period of validity equal to the duration of the temporary protection granted (Article 90(3)).

3.2 The Government Decision and Its Implementation, 2022–2026

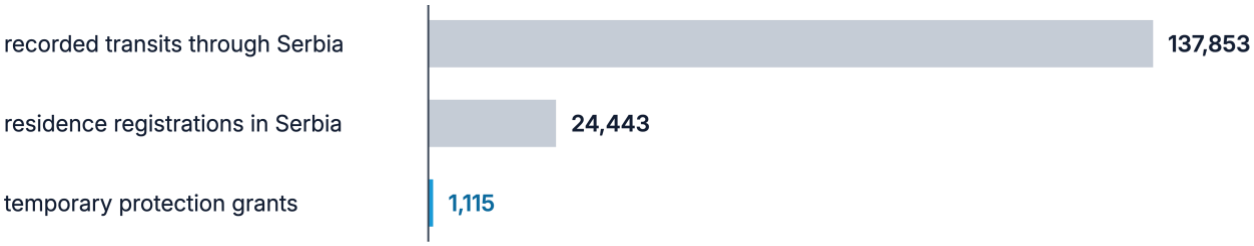
By the Decision published on 18 March 2022, less than one month after the start of the armed conflict, the Government activated the mechanism for displaced persons coming from Ukraine and included a broader group of beneficiaries than the mandatory categories established at EU level, including foreign nationals who held a valid temporary residence permit in Ukraine.[33] The 2023 supplement extended protection until 18 March 2024, while the 2024 amendments introduced a mechanism of annual renewal under which individual decisions are issued for one year and may be extended "for as long as the reasons" for which protection was granted persist. The speed and inclusiveness of this response merit recognition and provide a sound foundation. As explained in Section 4.1, the question that arises concerns the relationship between such extensions and the statutory maximum duration.

3.3 Key Data: A Small, Stable and Predominantly Vulnerable Population

According to data from the Ministry of the Interior, from the outbreak of the armed conflict until the end of 2022, 137,853 persons from Ukraine passed through Serbia and 24,443 registrations of residence were recorded, while a considerably smaller number entered the temporary protection regime. By the end of 2022, protection had been granted to 1,115 persons.[34]

Figure 1. Breakdown of persons from Ukraine by registered residence and temporary protection granted in Serbia

24 February–31 December 2022



Source: Migration Profiles 2022–2024.

Following the initial wave, the system stabilised. The number of persons with valid protection was 1,145 in 2023, 1,084 in 2024 and 1,253 in 2025, while 1,437 persons held active temporary protection at the end of June 2026. Excluding extensions, protection was granted for the first time to a total of 2,251 persons in 2022–2025. In 2024, the population consisted predominantly of women and girls (61.8%) and children (18.3%), including approximately 150 women over the age of 60. At the end of 2025, 54 persons were living in collective accommodation, while the remainder lived in private accommodation.[35,36]

Two findings are particularly relevant to policy design. First, since 2023 the dynamics of the system have been driven by extensions of existing statuses, concentrated in annual cycles (March and April), rather than by new arrivals. The system has moved from a crisis response to a regime of protracted support for a stable population. Second, approximately one third of beneficiaries do not renew their status each year. Transition is therefore already occurring spontaneously, but the reasons for leaving

[33] Government Decision.

[34] Migration Profiles 2022–2024.

[35] UNHCR Serbia, June 2026 Statistical Snapshot.

[36] Migration Profiles 2022–2024; Serbian Commissariat for Refugees and Migration and UNHCR, *Centre Profiles*, December 2025.

the system—such as transition to another status, departure from the country or return—are not officially tracked. This is a data gap that the proposed monthly reporting would address.

4 Limitations of the Existing Framework

The domestic framework is broadly aligned with Directive 2001/55/EC, and the state's response during the crisis phase was timely and inclusive. The limitations identified are not the result of a flawed concept, but of the fact that the framework was designed for a short-term crisis and is now being applied to protracted displacement for a fifth year.

4.1 Duration of Protection and the Relationship between the By-Law and the Law

The principal systemic limitation is contained in Article 75(1) and (2) of the LATP, which limits the total duration of temporary protection to a maximum of two years. That maximum was exhausted in March 2024. To avoid a legal gap, the Government introduced annual renewal "for as long as the reasons persist" through the 2024 amendments to the Decision. In doing so, the by-law adopted pursuant to Article 74(2) of the LATP exceeded the temporal framework established by Article 75 of the same Law. Since subordinate legislation must be consistent with the law (Article 195(1) of the Constitution),[37] this arrangement raises a serious question about the legal validity of extensions after March 2024. It exposes the state to administrative disputes and initiatives for review of legality, while leaving beneficiaries and the competent authorities in uncertainty.

It is important to identify the problem precisely. The problem is not that protection is being extended. Extending protection for as long as the reasons persist is appropriate, humane and fully consistent with the European Union's approach. Relying on Article 4(2) of Directive 2001/55/EC, the EU has extended its own temporary protection through successive Council decisions, most recently until 4 March 2028.[38] The problem is that protection is being extended without an express statutory basis. Unlike Directive 2001/55/EC, the LATP did not incorporate an equivalent of Article 4(2), namely the possibility of further extension by a specific institutional decision for as long as the reasons persist. The proper solution is therefore not another extension of the Government Decision, but an amendment to Article 75 of the LATP that brings extensions back within the framework of the Law.

4.2 Absence of a Regulated Procedure for Applying for Temporary Protection and Continuity of Status

The framework in force does not regulate the procedure by which a person applies for temporary protection or the person's position pending an individual decision. Article 74(5) merely provides that persons are to be registered and that a separate decision granting temporary protection is to be issued for each person, but it does not regulate how or before which authority an application is submitted, which document is issued in connection with the application or what that document proves. The rights under Article 76 are linked to a person who has already been granted temporary protection, leaving the period from arrival until an individual decision legally unregulated.

Because there is no dedicated form or procedure, practice relies on the certificate intended for a foreign national who has expressed an intention to apply for asylum (Articles 35 and 88). By directing the person to an asylum centre and referring to a 72-hour time limit, such a certificate creates the mistaken impression that a person seeking temporary protection has initiated an asylum procedure or must continue under the regime for asylum applicants. Temporary protection is thus procedurally

[37] Constitution, Articles 194 and 195.

[38] 2023–2025 Extension Decisions; 2026 Extension Decision.

conflated with asylum, although the two are separate regimes. The same deficiency recurs with every annual extension. The validity of the document is tied to the duration of the protection granted (Article 90(3)), while the Law does not provide for an extension application that would keep the status in force pending a new decision. Any delay in decision-making therefore creates a period during which a person is formally unable to prove their status, with immediate consequences for employment, health insurance, children's education and access to services. The scale of the risk is illustrated by the concentration of extensions in annual cycles: in April 2025 alone, 449 extension decisions were issued.[39]

Finally, no assessment of specific needs is carried out at the application stage, although the LATP provides for special procedural and reception guarantees (Article 17), while the UNHCR Guidelines require mechanisms for identifying vulnerabilities at the point of reception. In a population in which children, older women and persons with chronic illnesses are disproportionately represented, the failure to identify needs early means that special guarantees are activated late or not at all.[40]

4.3 A Catalogue of Rights Narrower than the Minimum Standards

A comparative analysis of Article 76 of the LATP and Chapter III of Directive 2001/55/EC reveals a high degree of correspondence in the core rights (residence, documentation, health care, access to asylum and an effective remedy), but also several differences that disadvantage beneficiaries.

- **Social assistance and means of subsistence.** Article 13 of Directive 2001/55/EC requires states to provide necessary assistance in terms of social welfare and means of subsistence to beneficiaries who do not have sufficient resources. Article 76 of the LATP does not mention this right, unlike the provisions applicable to asylum applicants (Articles 48 and 53 of the LATP) and persons granted asylum (Article 67 of the LATP), for whom social assistance is expressly guaranteed.
- **Accommodation.** Directive 2001/55/EC requires "suitable accommodation or, if necessary, the means to obtain housing", while the LATP guarantees only collective accommodation in designated facilities. In a situation of protracted displacement in which more than 95% of beneficiaries live in private accommodation, a model based exclusively on collective reception no longer reflects reality.
- **Education.** Directive 2001/55/EC guarantees children access to the education system under the same conditions as nationals (Article 14) and provides adults with access to education, vocational training and practical workplace experience (Article 12). The LATP is limited to free primary and secondary education, which is narrower even than the rights the same Law grants to persons granted asylum (Article 64 of the LATP).
- **Access to employment.** The right under Article 76(1)(4) is formally recognised, and the Law on the Employment of Foreign Nationals already provides that a person granted temporary protection has the right to work without a single permit. The principal problem is therefore not a statutory requirement to obtain a single permit, but proving status to employers, banks and electronic service providers, as well as consistently informing authorities and employers about the existing right to work.[41]
- **Documentation.** A beneficiary's identity card is not biometric and does not contain a foreign national's registration number. This is not in itself a departure from the minimum requirements of Directive 2001/55/EC, but it is a practical barrier to the effective application of domestic law. According to the available data, in practice this makes it more difficult to prove identity and status to banks, employers and electronic service providers, leading the authorities to issue separate

[39] Asylum Office Monthly Reports, April 2025 and March 2026.

[40] UNHCR, 2014 Guidelines.

[41] European Council on Refugees and Exiles (ECRE), Asylum Information Database (AIDA), *Temporary Protection: Serbia—2024 Update*, July 2025, available at: https://asylumineurope.org/wp-content/uploads/2025/07/AIDA-SR_Temporary-Protection_2024.pdf [accessed 16 July 2026].

certificates for the exercise of individual rights. Between June 2024 and March 2026, more than two hundred such certificates were issued for health care, employment, banking and education—the very purposes that the document itself should facilitate.[42]

- **Family and vulnerable groups.** Family reunification "may" be permitted in justified cases (Article 76(3)), while the position of unaccompanied children is regulated only under the general regime. This is less detailed than Articles 15 and 16 of Directive 2001/55/EC and leaves room for inconsistent application. The legislative solution should therefore expressly cover the right to family reunification where the conditions are met, the appointment of a guardian for an unaccompanied child, an assessment of the child's best interests and the provision of suitable accommodation and care.

All of these differences assume additional importance in light of the principle of progressively higher standards. A minimum that is acceptable in the first months of a crisis ceases to be acceptable in the fifth year of protection. Directive 2001/55/EC is, after all, an instrument of *minimum* standards, meaning that alignment with it is the floor, not the ceiling.

4.4 Absence of a Transition Framework and Exit Strategy

The most serious structural weakness is the absence of a clearly regulated transition pathway out of temporary protection. Unlike persons granted asylum, for whom the Law on Foreigners already provides a special ground for permanent residence after more than three years of residence based on asylum, there is no such special rule for beneficiaries of temporary protection. The general permanent residence regime is linked to continuous residence based on an approved temporary residence permit and to holding an approved temporary residence permit at the time the application is submitted, whereas temporary protection is not temporary residence. The right of temporary protection beneficiaries to permanent residence should therefore be regulated primarily through an amendment to the Law on Foreigners, following the model of the existing special ground for persons granted asylum, while the LATP should be synchronised by referring to the exercise of that right in accordance with the law governing the status of foreign nationals. Only if the Law on Foreigners cannot be amended in time to avoid a status gap should the new Article 76a of the LATP temporarily contain a full provision allowing time spent under temporary protection to be counted.

Transition to temporary residence on another ground is possible under the general regime of the Law on Foreigners where the prescribed conditions are met, but it is not specifically regulated as a transition mechanism for beneficiaries of temporary protection. In particular, the Law does not expressly provide that an application may be submitted without leaving the Republic of Serbia, that a beneficiary retains temporary protection until a final decision, or that rejection of the application does not result in a status gap. Nor is there any regulated obligation to inform and counsel beneficiaries about the available options. A person who has lawfully lived and worked in Serbia and educated their children here for four years therefore has neither a clear pathway to a more durable status nor certainty about what follows when protection ends.

Comparative experience shows that the greatest risks arise precisely at this point. Research on transition options in EU Member States identifies a high risk of large-scale irregularity where bridging statuses do not exist and the conditions for other statuses are strict or opaque, and explicitly recommends the introduction of statuses that enable beneficiaries to transition without a period of legal limbo.[43] The European Union incorporated the same conclusion into its Recommendation on transition.[44]

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[42] Asylum Office Monthly Reports, June 2024–March 2026.

[43] European Council on Refugees and Exiles (ECRE) and Brussels School of Governance, *Transition to What? Legal Statuses Available after Temporary Protection for Persons Displaced from Ukraine*, Working Papers 22–24, February 2026, available at: https://ecre.org/ecre-publications/ [accessed 16 July 2026].

[44] Council Recommendation on transition.

The Republic of Serbia, which faces the same challenge of protracted protection, has yet to establish an equivalent framework.

5 Why Reform Is in the Interest of the Republic of Serbia

5.1 Asymmetry of Risks

The risk assessment conducted for a scenario in which protection ends without transition arrangements reveals a structural asymmetry. The legislative amendments needed to address these risks are limited in scope and predominantly technical, whereas failure to adopt them would cause a range of legal and administrative consequences. The abrupt termination of collective protection would probably result in hundreds of individual asylum cases in a system that decides a considerably smaller number of applications each year, at a time when the European Union has extended protection until 2028 and is preparing a coordinated transition. Table 1 summarises the risk register.

Table 1. Risk Register for a Scenario in Which Protection Ends Without Transition Arrangements

Risk Area	Key Driver
Legal and institutional	Status gap, risk of breach of the principle of non-refoulement, conflict with Article 75 of the LATP, administrative disputes and constitutional issues
Burden on the asylum system	An estimated 300 individual applications (range: 200–1,000) in a system that decides approximately 130 applications each year
Humanitarian and protection-related	Loss of health care, education and lawful residence for a predominantly vulnerable population (women, children, older persons and persons with chronic illnesses)
Irregularity and exploitation	Some members of the population falling into an unregulated status, undeclared work, and risks of exploitation and human trafficking

5.2 Six Reasons for Action

- **Progress under Chapter 24.** Orderly extension and a transition framework would constitute a measurable indicator of alignment with the European Union acquis, reflected in the European Commission's annual report.
- **Reduced burden on the asylum system.** The collective regime is administratively simpler than hundreds of individual procedures, while a timely deferred effect of the termination decision and a transition scheme protect the Asylum Office and the Asylum Commission from overload.
- **Rule-of-law credibility.** Amending Article 75 would eliminate the current legal vulnerability created by extending protection through a by-law and return the mechanism to the constitutional framework.
- **Partners' confidence.** Alignment with the approach of the European Union and UNHCR strengthens partners' confidence, while the opposite course would cause disproportionate reputational damage to the country.
- **Small scale and self-reliance of the population.** This is a relatively small population of approximately 1,400 people, predominantly economically active and living in private accommodation. Although the number of active beneficiaries changes, a significant share leave the system each year, meaning that transition can be managed gradually.

- **Better data and migration management.** Keeping people within an orderly system preserves records, oversight and planning capacity, which is in the state's direct interest.

6 Proposed Legislative Solutions

The proposals that follow have been formulated so that they can be incorporated into a law amending the LATP, together with accompanying amendments to the Law on Foreigners and relevant by-laws. The wording is preliminary and provides a starting point for further legislative and technical refinement.

6.1 Amendment of Article 75 and Extension of Protection within the Legal Framework

The proposal seeks to align the statutory maximum duration with the reality of a protracted crisis, using Article 4 of Directive 2001/55/EC as a model. Instead of a two-year limit, the Law should authorise the Government to extend protection for successive one-year periods for as long as the reasons persist, on the basis of a reasoned assessment of the circumstances in the country of origin. This would eliminate the existing conflict between the by-law and the Law, while ensuring that every extension decision has a verifiable factual basis.

PROPOSED LEGISLATIVE WORDING

In Article 75, paragraph 2 shall be amended to read:

"If the reasons for which temporary protection was granted continue to exist, the Government may, on the basis of a reasoned assessment of the circumstances in the beneficiaries' country of origin, extend temporary protection by decision for successive periods of one year for as long as those reasons persist."

A new paragraph shall be added after paragraph 2 to read:

"The Government shall adopt the decision referred to in paragraph 2 of this Article no later than 60 days before expiry of the current period of protection and shall publish it in the 'Official Gazette of the Republic of Serbia'."

6.2 Amendment of Article 76 and the Content of Protection

The body of rights should be supplemented in seven areas, in six of which Article 76 falls short of Articles 12, 13, 14, 15 and 16 of Directive 2001/55/EC. These are social assistance, housing support outside collective accommodation, education for children under the conditions applicable to nationals, adult education and vocational training, family reunification, special protection for unaccompanied children, and a document that serves as independent proof of status and rights without the need for separate certificates.

A distinction should be drawn between the standards expressly required by Directive 2001/55/EC and domestic administrative solutions. A biometric identity card bearing a foreign national's registration number is not itself a minimum requirement under the Directive, but it is necessary for effective proof of status in the domestic system and access to electronic, banking and other services.

PROPOSED LEGISLATIVE WORDING

In Article 76(1), the following points shall be added after the point regulating health care:

"— necessary assistance in terms of social welfare and means of subsistence, where the beneficiary does not have sufficient resources, in accordance with the regulations governing social protection;

— suitable accommodation or, where necessary, the means to obtain accommodation, where the beneficiary does not have sufficient resources;"

The point regulating education shall be amended to read:

"— free pre-school, primary and secondary education under the same conditions as those applicable to nationals of the Republic of Serbia; access to higher education under the conditions applicable to foreign nationals; and access to adult education, vocational training and practical workplace experience, in accordance with the regulations governing adult education, employment and labour;"

The following paragraph shall be added to Article 90:

"An identity card for a person granted temporary protection shall be issued as a biometric document, shall contain a foreign national's registration number and shall constitute a direct basis for exercising the rights referred to in Article 76 of this Law, without the issuance of separate certificates."

The following paragraphs shall be added to Article 76:

"Family reunification for family members of a beneficiary of temporary protection shall be approved where family members were separated due to the circumstances for which temporary protection was introduced, unless statutory impediments exist. Particular consideration shall be given to the best interests of the child in the procedure. A guardian shall be appointed without delay for every unaccompanied or separated child, who shall also be provided with suitable accommodation, care and access to the rights referred to in this Article."

6.3 Procedure for Applying for Temporary Protection, Legal Effect of the Certificate of Registration and Continuity of Status

Three procedural safeguards would eliminate the risk of status gaps and procedural misunderstanding arising from the absence of a dedicated procedure for applying for temporary protection.

First, an application for temporary protection should be submitted to an authorised police officer of the Ministry of the Interior, including police officers of the Asylum Office and organisational units responsible for matters concerning foreign nationals. The police officer who receives the application should register the applicant and issue a certificate of registration. If the application is received by an organisational unit other than the Asylum Office, that unit should forward it without delay, together with the documentation collected, to the Asylum Office, which remains solely competent to decide on the application. This possibility and the obligation to forward the application must be expressly prescribed so that receipt of an application is neither informal nor devoid of procedural consequences.

The certificate of registration should have immediate legal effect: it should prove lawful stay and the applicant's status until the procedure is finally concluded and should enable the applicant to exercise the statutory minimum rights during this period. This would eliminate the status gap between submission of the application and the decision.

Finally, an application for extension of temporary protection must be expressly introduced. A timely application must, by operation of law, keep status and rights in force until the procedure is finally concluded. The importance of continuity of documentation and an effective remedy is also underscored by the judgment in *Krasiliva*.[45]

PROPOSED LEGISLATIVE WORDING

In Article 74, paragraph 5 shall be amended to read:

"In accordance with the Government decision referred to in paragraph 2 of this Article, a person seeking temporary protection shall submit an application for temporary protection, on which the Asylum Office shall decide separately for each person by issuing a decision."

A new Article 74a shall be added after Article 74 to read:

"Article 74a

An application for temporary protection shall be submitted to an authorised police officer of the Ministry, including a police officer of the Asylum Office and a police officer of an organisational unit responsible for matters concerning foreign nationals.

Registration shall include collecting personal and biometric data concerning the foreign national, recording them in the appropriate Ministry database and issuing a certificate of registration to the person seeking temporary protection.

Where registration is carried out by an organisational unit of the Ministry other than the Asylum Office, that unit shall forward the application and the documentation collected to the Asylum Office without delay, and the Asylum Office shall decide on the application.

The certificate of registration of a person seeking temporary protection shall serve as proof of the applicant's lawful stay and status until the procedure is finally concluded. During that period, the applicant shall have the right to residence, accommodation and health care under the same conditions as a person granted temporary protection.

An applicant may appeal to the Asylum Commission against a decision declaring an application for temporary protection inadmissible or rejecting it within 15 days of service of the decision, and may initiate an administrative dispute against a final decision. The appeal and the action shall suspend enforcement of the decision, and the applicant shall retain the rights referred to in the preceding paragraph until the procedure is finally concluded.

The minister responsible for internal affairs shall regulate in greater detail the method and procedure of registration and the form and content of the certificate of registration of a person seeking temporary protection."

The following paragraph shall be added to Article 75 after the paragraph regulating extensions:

"A beneficiary of temporary protection who submits an application for extension of temporary protection before expiry of the decision shall retain the status and rights referred to in Article 76 of this Law until the procedure concerning that application is finally concluded. A certificate confirming submission of an application for extension of temporary protection shall be issued without delay and no later than three days after submission, and shall serve as proof of the beneficiary's lawful stay and status."

[45] Judgment in *Krasiliva*.

In Article 87(1), points 1a) and 1b) shall be added after point 1) to read:

"1a) certificate of registration of a person seeking temporary protection;
1b) certificate confirming submission of an application for extension of temporary protection;"

The following paragraph shall be added after Article 88(1):

"The certificate of registration of a person seeking temporary protection and the certificate confirming submission of an application for extension of temporary protection shall be issued on the prescribed forms, shall have the legal effects referred to in Articles 74a and 75 of this Law, and shall not serve as identity documents."

6.4 New Article 76a as a Legal Bridge to More Durable Statuses

The proposed new Article 76a would eliminate the status uncertainty described in Section 4.4 by facilitating transition to more durable statuses and ensuring that the transition is not irreversible. With regard to permanent residence, the primary solution is to amend the Law on Foreigners, following the model of the special ground that already exists for persons granted asylum. The LATP should be synchronised with such an amendment by providing that a beneficiary of temporary protection exercises the right to permanent residence in accordance with the law governing the status of foreign nationals and may submit an application without leaving the Republic of Serbia, while retaining temporary protection until a final decision.

The accompanying amendment to the Law on Foreigners should expressly provide that time spent under temporary protection counts towards the period of lawful or continuous residence required for permanent residence, provided that the other conditions under that Law are met. This does not entail automatic acquisition of permanent residence. The person must still meet all general conditions under Article 67 of the Law on Foreigners, including means of subsistence, accommodation and health insurance, which are verified in an individual procedure. Only the period of lawful residence would therefore be counted, removing the sole barrier that the beneficiary cannot influence through their own conduct.

If the Law on Foreigners cannot be amended within a period that would avoid a status gap, the same right may be regulated temporarily and comprehensively in the LATP as a *lex specialis* with a clear reference to the remaining conditions under the Law on Foreigners. This is a fallback rather than a primary solution, because the issue of permanent residence belongs systemically in the Law on Foreigners in the long term. Irrespective of the approach chosen, the Law should expressly provide that a beneficiary may apply from within the country for approval of residence on another ground and retain temporary protection until a final decision on that application.

Finally, transition must not be irreversible. Since protection is retained until a final decision, rejection of an application, including an application for permanent residence, does not affect the existing status and the person remains a beneficiary of temporary protection. If the ground of residence ceases after the transition has already taken place—for example, because employment is lost—the person should have the right to regain temporary protection while it remains in force in the Republic of Serbia, provided that the person still belongs to the category of beneficiaries covered by the Government decision. This safeguard directly encourages transition because beneficiaries who know that an attempt to become self-reliant cannot leave them without status have no reason to postpone leaving temporary protection. The solution is consistent with the Recommendation on transition, which encourages transition to other statuses while preserving continuity of residence.

PROPOSED LEGISLATIVE WORDING

In the Law on Foreigners, a new paragraph shall be added to Article 67 to read:

"The period of continuous residence required for the approval of permanent residence shall include time spent under temporary protection granted in accordance with the law governing asylum and temporary protection."

In the Law on Asylum and Temporary Protection, a new Article 76a shall be added after Article 76 to read:

"A beneficiary of temporary protection shall exercise the right to permanent residence in accordance with the law governing the status of foreign nationals.

A beneficiary of temporary protection may submit an application for temporary residence, a single permit, permanent residence or another status provided for under the law governing the status of foreign nationals without being required to leave the Republic of Serbia. The beneficiary shall retain the status and rights of a beneficiary of temporary protection until a final decision on that application.

A person who, after benefiting from temporary protection, acquired a right of residence on another ground may, if that ground ceases while temporary protection remains in force in the Republic of Serbia, regain temporary protection, provided that the person still belongs to the category of persons covered by the Government decision referred to in Article 74(2) of this Law."

6.5 Orderly Termination of Protection

The termination of protection must be regulated as carefully as its granting. The Law in force contains only two provisions: protection ends upon expiry of the period or cessation of the reasons for which it was introduced, as decided by the Government (Article 75(3)), while it may be terminated for an individual by decision of the Asylum Office (Article 75(4)). The assessment criteria, transition period and express safeguards for beneficiaries are not prescribed. Four safeguards are proposed, based on the UNHCR Guidelines,[46] the case-law of the Court of Justice of the European Union and the Recommendation on transition.

- **Objective assessment.** A Government decision terminating protection shall be based on a reasoned assessment that the relevant circumstances in the country of origin have ceased in a durable and stable manner.
- **Deferred effect of the termination decision.** There must be an adjustment period between publication of the termination decision and the date on which rights end, during which beneficiaries retain their full status and rights. The Law should prescribe a minimum period of six months from publication of the decision, while the Government should be able to set a later termination date, no later than one year after publication of the decision, depending on the circumstances of the particular crisis, the size of the population, the duration of the school year, health needs and the availability of other statuses. This would avoid introducing a separate new status while retaining sufficient flexibility for both shorter and protracted crises.
- **Prohibition on removal.** While temporary protection remains in force, including during the period in which the termination decision has deferred effect, no return decision may be issued against or

[46] UNHCR, 2014 Guidelines.

enforced in respect of a beneficiary. This codifies the standard established in *Kaduna* and gives operational effect to the principle of non-refoulement under Article 6 of the LATP.[47,48]

- **Effective remedy.** A beneficiary shall have the right to appeal an individual termination decision to the Asylum Commission and to initiate an administrative dispute, with both the appeal and the action suspending enforcement of the decision.

PROPOSED LEGISLATIVE WORDING

The following paragraphs shall be added to Article 75:

"A Government decision terminating temporary protection shall be based on a reasoned assessment that the circumstances in the beneficiaries' country of origin have ceased in a durable and stable manner and that return is possible in safe, dignified and sustainable conditions. The decision shall determine the date on which protection ends, which may not fall earlier than six months or later than one year after the date of its publication. The Government shall determine the termination date in light of the circumstances in which the reasons have ceased, the size and composition of the population, and the beneficiaries' ability to regularise their status or prepare for voluntary return. Until that date, beneficiaries shall retain their status and all rights referred to in Article 76 of this Law.

While temporary protection remains in force, including during the period in which the termination decision has deferred effect, no return decision may be issued against or enforced in respect of a beneficiary.

A beneficiary may appeal to the Asylum Commission against an individual decision of the Asylum Office terminating, denying or refusing to extend temporary protection within 15 days of service of the decision, and may initiate an administrative dispute against the final decision. The appeal and the action shall suspend enforcement of the decision."

6.6 National Transition Scheme and Data Transparency

At the level of subordinate legislation, a Government act modelled on the Council Recommendation on a coordinated approach to transition is proposed.[49] It should include timely and multilingual information for beneficiaries on available statuses, individual counselling and the possibility of exploratory visits to the country of origin without loss of status. For the period after protection ends, the act should provide for links to the 2026–2029 Programme to Support Voluntary Return implemented by the Serbian Commissariat for Refugees and Migration,[50] with a departure period during which beneficiaries enrolled in the programme retain their status and rights. In parallel, the MoI and the SCRM should establish monthly publication of aggregated and anonymised statistics on temporary protection (grants, extensions, terminations, reasons for leaving the system and population structure), following Eurostat practice and in compliance with personal data protection legislation.

[47] Judgment in *Kaduna*.

[48] Convention relating to the Status of Refugees of 1951, Article 33, and LATP, Article 6 (non-refoulement).

[49] Council Recommendation on transition.

[50] Decree Establishing the Programme to Support the Voluntary Return of Foreign Nationals for 2026–2029, "Official Gazette of the Republic of Serbia", No. 118/2025, available at: https://pravno-informacioni-sistem.rs/eli/rep/sgrs/vlada/uredba/2025/118/2 [accessed 16 July 2026].

7 Implementation Roadmap

The proposed sequence of steps is aligned with the European Union decision-making cycle. Adopting the legislation before 4 March 2027, when the EU extension of protection until 4 March 2028 begins to run, would enable Serbia to adopt subsequent extension decisions on a new and legally sound basis, in step with its European partners.

Table 2. Steps, Responsible Authorities and Deadlines

No.	Measure	Responsible Authority	Deadline
1.	Establishment of a working group to amend the provisions of the LATP on temporary protection, or expansion of the mandate of the existing working group	MoI (Asylum Office), SCRM and the ministries responsible for labour, health and education, with the participation of UNHCR and civil society organisations	Q4 2026
2.	Draft law amending the LATP and priority accompanying amendments to the Law on Foreigners, particularly to recognise time spent under temporary protection for the purposes of permanent residence	Working group and MoI	Q4 2026–Q1 2027
3.	Public consultation and opinions from the European Commission and UNHCR	MoI and Ministry of European Integration	Q1 2027
4.	Adoption of the legislation by the National Assembly	Government and National Assembly	Q1 2027
5.	Adoption of the Rulebook on the Method and Procedure of Registration and the Form and Content of the Certificate of Registration of a Person Seeking Temporary Protection; amendment of the Rulebook on the Content and Form of the Asylum Application and the Content and Form of Documents Issued to Asylum Applicants and Persons Granted Asylum or Temporary Protection, and the Rulebook on Social Assistance for Persons Seeking or Granted Asylum; alignment of regulations on records and housing support	MoI and the ministry responsible for social protection	Q2 2027
6.	National transition scheme (Government act): information and counselling on moving to more durable status, and links to the 2026–2029 Programme to Support Voluntary Return for the period after protection ends	Government, SCRM and MoI	Q2–Q3 2027
7.	Monthly publication of aggregated and anonymised temporary protection statistics	MoI and SCRM	Immediately and on an ongoing basis

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