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Respect, Protection and Fulfilment

The Human Rights of Persons in Need of International Protection in the Republic of Serbia

Nikola Kovačević

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The Centre for Research and Social Development IDEAS is one of the leading civil society organisations in Serbia. Based in Belgrade, it uniquely combines public policy research and development with direct support to the most vulnerable groups. Our mission is to build lasting solutions to complex social problems and to create a fairer society for all.

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List of Abbreviations

BPD	Border Police Directorate
BPS	Border Police Station
CHTVP	Centre for the Protection of Victims of Human Trafficking
CPC	Criminal Procedure Code
CoI	Report on the situation of human rights in the country of origin
Constitutional Court	Constitutional Court of the Republic of Serbia
ECtHR	European Court of Human Rights
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
IDEAS	Centre for Research and Social Development IDEAS
Integration Regulation	Regulation on the Integration of Refugees in Social, Cultural and Economic life.
LATP	Law on Asylum and Temporary Protection
LAD	Law on Administrative Disputes
LEF	Law on Employment of Foreigners
LGAP	Law on General Administrative Procedure
MoI	Ministry of Interior
NES	National Employment Service
NHIF	Republic Health Insurance Fund
Registration Certificate	Certificate of an asylum-seeker's expressed intention to lodge asylum application in the Republic of Serbia
SCRM	Commissariat for Refugees and Migration
Serbia	Republic of Serbia
UNHCR	High Commissioner of the United Nations for Refugees

Author's Foreword

Centre for Research and Social Development IDEAS,[1] as partner to the Office of the United Nations High Commissioner for Refugees in Serbia,[2] and through the Asylum and Migration Programme, since 2019 has been providing legal support to refugees and asylum-seekers in the Republic of Serbia,[3] and since 2015 has advocated for and promoted the improvement of the overall legal framework, practices and policies relating to persons on the move. Activities carried out in 2025 were conducted within the project *Improvement of protection and access to rights for asylum-seekers and refugees in Serbia*.

The support provided by IDEAS covers all components that constitute an asylum system and includes provision of legal information, identification of persons at heightened risk, individual legal advice, and direct legal representation before the competent authorities of Serbia, and primarily within the asylum procedure.

However, the legal assistance provided by IDEAS also includes legal representation in other administrative and legal procedures regulated by the Law on Asylum and Temporary Protection,[4] the Law on Foreigners[5] and accompanying bylaws. Thus, in 2025 the legal team of IDEAS provided free legal assistance to foreigners whose entry into Serbia was refused or who were issued a return decision, as well as those who, in accordance with the LATP or the Law on Foreigners, were deprived of their liberty in one of immigration detention centres or who, either primarily or after a legally concluded asylum procedure, made a decision to regulate their legal status in Serbia through one of the types of temporary residence (most commonly on humanitarian grounds and in accordance with Article 61 of the Law on Foreigners).

Legal support was also provided to individuals who may be in need of international protection and who are undergoing the procedure regulated by the Law on International Legal Assistance in Criminal Matters[6] and the Criminal Procedure Code.[7] IDEAS legal team also provided legal assistance to asylum-seekers and persons granted asylum in Serbia before Commissariat for Refugees and Migration[8] and other bodies before which these categories of foreign nationals seek to enjoy their economic and social rights as part of their inclusion and integration into Serbian society.

[1] Hereinafter: IDEAS.

[2] Hereinafter: UNHCR.

[3] Hereinafter: Serbia.

[4] *Official Gazette of the RS,* No. 24/2018, available at: https://www.paragraf.rs/propisi/zakon-o-azilu-i-privremenoj-zastiti.html; hereinafter: LATP.

[5] *Official Gazette of the RS*, no. 24/2018, 31/2019 and 62/2023, available at: https://www.paragraf.rs/propisi/zakon_o_strancima.html.

[6] *Official Gazette of the RS*, no. 20/2009, available at: https://www.paragraf.rs/propisi/zakon_o_medjunarodnoj_pravnoj_pomoci_u_krivicnim_stvarima.html.

[7] *Official Gazette of the RS*, Nos. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013, 55/2014, 35/2019, 27/2021 - Constitutional Court decision and 62/2021 - Constitutional Court decision), available at: https://www.paragraf.rs/propisi/zakonik_o_krivicnom_postupku.html; hereinafter: CPC.

[8] Hereinafter: SCRM.

And finally, legal support in 2025 also included direct legal representation before the Constitutional Court of the Republic of Serbia,[9] the European Court of Human Rights[10] and the United Nations treaty bodies, as well as other international bodies for the protection of human rights.

In addition to providing legal support, the Asylum and Migration Programme continuously analyses the legal framework, policies and practices in the field of asylum and migration and advocates for their improvement.

The report *Respect, Protection and Fulfilment of the Human Rights of Persons in Need of International Protection in the Republic of Serbia* includes a review and analysis of the legal framework, policies and practices of competent authorities and their impact on the enjoyment of human rights by refugees, asylum-seekers, and certain vulnerable migrant categories whose personal circumstances at least temporarily prevent their safe return to their country of origin. The report is divided into ten chapters that thematically address the steps persons in need of international protection must go through in order to fulfil their right to international protection within the Serbian asylum system.

Chapter I provides an overview of the Serbian asylum system and legal framework, and a general assessment from the perspective of legal representatives of the extent to which the system may be characterized as effective and fair for persons who might be in need of international protection. Chapter II focuses on the right of access to the territory and the asylum procedure, with particular emphasis on the collective and informal forcible removals of foreign nationals to neighbouring countries such as North Macedonia and Bulgaria. It also examines the practice of refusal of entry and the risks identified in relation to the respect of the principle of *non-refoulement*. This chapter more specifically addresses access to the asylum procedure, i.e. the legal framework and observed practices regarding registration and lodging of asylum applications. The report subsequently examines the practice and quality of decisions on asylum applications rendered by the Asylum Office,[11] the Asylum Commission and the Administrative Court, while Chapter VI addresses the inclusion of asylum-seekers, i.e., the integration of persons granted asylum in Serbia. Chapter VII reviews the reception capacities used during 2025, while Chapter VIII examines the treatment of particularly vulnerable groups of people on the move. Chapter IX presents the practice concerning temporary protection provided to Ukrainian nationals during 2025. The Report concludes with recommendations for improving the legal framework and practice.

The overarching conclusion of this Report is that, almost 17 years after Serbia established its asylum system, the system continues to face significant challenges in efficiency and effectiveness. This assessment applies equally to all its segments - from access to the territory and the asylum procedure to the integration of persons granted the asylum - notwithstanding the progress achieved in certain areas. In many fields, the only discernible development has in fact been regression or a lack of progress. Elsewhere, periods of evident progress have been followed either by a slowdown or by reversals. Some improvements resulted from legally binding decisions of domestic and international human rights bodies, including the ECtHR and UN treaty bodies. It is nevertheless fair to note that several positive practices and asylum decisions - primarily rendered by the Asylum Office - were observed in 2025. Unfortunately, these practices and decisions appear to reflect the high-quality work of individual professionals in competent state authorities, international organizations and civil society, rather than a system-wide feature. The system remains unpredictable, inconsistent and inefficient. This is also demonstrated by reports of civil society organizations, international human rights bodies and the

[9] In hereinafter: Constitutional Court.

[10] In hereinafter: European Court of Human Rights (ECtHR).

[11] Hereinafter: the Asylum Office.

European Commission, which over the past 16 years have repeatedly set out the same findings, recommendations and proposals for improving the legal framework, policies and practice. The same is true of this Report.

The author of this report, Nikola Kovačević, hereby thanks all competent authorities with which IDEAS worked during 2025 and which provided a full range of data for this report, including statistical data and copies of decisions rendered in asylum procedures. The views and conclusions expressed in this report do not necessarily reflect the official stance of UNHCR.

Executive summary

KEY FIGURES

2025 in numbers

10,802
"prevented illegal crossings" reported by the Border Police

1,771
refusals of entry at Serbian airports

626
registration certificates issued

132
asylum applications lodged

7
people granted protection by the Asylum Office

408
days, average duration of the first-instance procedure

Legal framework

Legal framework governing human rights of persons that are in need of international protection in the Republic of Serbia is largely in line with international human rights law, international refugee law and EU acquis, and provides for full, unhindered and in most of the instances direct application of relevant standards. However, certain amendments of the Law on Asylum and Temporary Protection and accompanying bylaws, as well as amendments of Foreigners Law in relation to provisions which could impact refugees and asylum seekers are still required. The most important parts of the outlined legal framework and which require legislative revisions are the following:

1. Persons that might be in need of international protection whose entry to Serbia at airports is assessed or whose entry has been refused should be recognized as persons deprived of their liberty with accompanying safeguards related to *non-refoulement* principle and right to liberty and security;
2. Recognition of persons registered in line with the Article 35 who have not lodged asylum application as beneficiaries of minimum material reception conditions in asylum and reception centres;
3. Abolish deadline of 15+8 days for lodging asylum application after registration;
4. Harmonisation of provisions on guardianship contained in the Family Law with provisions of the LATP governing accommodation of unaccompanied and separated children;
5. Introduction of the biometric ID cards of asylum seekers and persons granted asylum;
6. The Law on Health Insurance should be amended to define clearly the right to health insurance of asylum-seekers, persons granted the right to asylum and persons granted temporary protection;

Access to territory and asylum procedure

The practice of informal, collective and often violent denials of access to Serbian territory (pushbacks) continued in 2025, and especially in relation to foreign nationals arriving from North Macedonia and Bulgaria. This is corroborated by the official statistics of the MoI and reports of national and international CSOs. Also, the European Court of Human Rights had rendered a landmark judgment *O.H. and Others v. Serbia*, finding multiple violations of the ECHR, including violation of prohibition of collective expulsions, but also Article 3 and Article 5 of the Convention. MoI reported 10,802 'preventions of illegal entry'.

The contentious practice of refusal of entry at Serbian airports continued, including the arbitrary detention of persons that could be in need of international protection who are frequently denied access to asylum procedure after they are refused entry. In the judgment *H.G.D. v. Serbia*, the ECtHR has outlined the lack of legal framework which governs the status of foreign nationals in the transit zone who are refused entry. A total of 1,771 refusal of entry decisions were issued in 2025.

A handful of cases of denial of registration in line with the Article 35 of LATP were recorded in 2025, but experience of IDEAS indicates that such problem is not widespread. Still, it remains unclear what is the practice of Police Departments across Serbia and in relation to foreign nationals who were served with expulsion orders or penalized in misdemeanour procedure for irregular entry or stay on the territory of Serbia. A total of 626 registration certificates were issued in 2025.

There were no major issues in relation to lodging of the asylum application. In 2025, a total of 132 asylum applications were lodged mainly by citizens of Russian Federation (29), Palestine (10), Pakistan (9), Burundi (8), Syria (8) and Cuba (7).

Asylum Procedure

In 2025, the Asylum Office issued 170 decisions regarding 226 asylum applicants. Of this number, the largest share of decisions related to suspensions – 83 decisions on suspension (48%) issued in relation to 100 asylum applicants. Of a total of 86 decisions relating to the assessment of asylum applications, 79 decisions pertained to refusals and were issued regarding 118 asylum-seekers. Only 7 decisions were positive, and seven asylum-seekers were granted the right to asylum. With regard to substantive decisions, it can be concluded that the rejection rate in 2025 was 92%, while the recognition rate was 8%. Applicants from the Russian Federation and Türkiye do not stand a chance of obtaining international protection in Serbia.

Average length of the first instance asylum procedure and in relation to the first-time applicants whose claims were assessed in merits was still excessive and was around 13.4 months or 408 days.

Problems regarding inadequate credibility assessment, country of origin information research and its selective citation in decision on rejection, the quality of reasoning of negative decisions and arbitrary application of national security grounds have remained unchanged and represent the main reason why Serbian asylum procedure can only be assessed as ineffective.

In 2025, the Asylum Commission issued 68 decisions concerning 94 persons from Cuba (21), the Russian Federation (18), Burundi (15), Türkiye (8), Belarus (6), Afghanistan (3), Syria (3), China (3), Kyrgyzstan (2), Croatia (2), Iran (2), Pakistan (2), Kazakhstan (1), Nigeria (1), Iraq (1), Sweden (1),

Moldova (1), Bosnia and Herzegovina (1), Armenia (1), Ukraine (1) and India (1). Only two appeals were upheld and cases were referred back to the Asylum Office.

In 2025, the Administrative Court issued 21 decisions regarding 27 individuals. Not a single complaint was upheld.

Professional and logistical capacities of the Asylum Commission and the Administrative Court remained unchanged, and their practice continues to lack corrective influence on the Asylum Office. Not a single positive decision recognizing the right to asylum was rendered in 2025 by these two bodies.

Inclusion and Integration

Asylum seekers are still not recognized as category which is entitled to institutional support in accessing socio-economic rights, language courses and other types of support which would allow them effective inclusion and later integration (if granted asylum) into Serbian society.

Since 2008, a total of 250 persons were granted asylum, while maximum 30% of them remained in Serbia. This statistical data indicates that integration of persons granted asylum in Serbia remains inadequate, but positive steps have been observed during 2025.

Asylum seekers and persons granted asylum (who are not granted permanent residency) are still not entitled to biometric ID cards, which continues to generate numerous challenges in everyday life and access to basic services and rights. On the other hand, persons recognized as in need of international protection and who were granted permanent residency are issued with biometric ID cards. A total of 45 refugees were granted permanent residency by 31 December 2025.

From 1 February 2024 to 31 December 2024, a total of 49 travel documents were issued to persons granted asylum. During 2025, 9 travel documents were issued, for 2 Afghan nationals (subsidiary protection), 1 Burundian national (subsidiary protection), 2 Iraqi nationals (subsidiary protection), 1 Cameroonian national (subsidiary protection), 1 Nigerien national (subsidiary protection), 1 Syrian national (subsidiary protection) and 1 Ukrainian national (refugee status).

Access to labour market for asylum seekers is possible 6 months after lodging of the asylum application which should be amended and shortened. On the other hand, persons granted asylum had unhindered access to labour market and are supported by CRM, UNHCR and CSOs in this process. More raising awareness activities are necessary for potential employers.

Problems related to access to healthcare can be overcome through changes of the Law on Health Insurance which would define the right to insurance for asylum-seekers and persons granted asylum. Also, Republic Fund for Health Insurance should issue uniformly written instructions to all branches and facilitate training with an aim to harmonize the practice.

Social allowances continue to be restrictively granted to asylum seekers and persons granted asylum. One of the key problems is that the right to financial social assistance is not provided for persons residing in collective centres, even though they are often at greater risk of poverty and social exclusion. Also, the procedure for obtaining social assistance is often lengthy and administratively complex. The amounts of social allowances are often insufficient to cover basic living expenses.

Financial assistance for housing which can be granted to persons granted asylum continues to be insufficient, while conditions for granting of such assistance by CRM remain excessive and strict. The

biggest challenge remains the period in which this assistance is possible - one year from the date when decision granting asylum becomes final.

Right to primary and secondary education is guaranteed to asylum seekers, while persons granted asylum are also entitled to preschool and higher education. Enrolment procedures remain complex, especially because of the lack of relevant documents from country of origin and its recognition by Serbian authorities. Financial barriers are also frequent and with regards to purchasing textbooks and other education-related costs. Language barriers also continue to be serious issue, especially in relation to asylum seekers who are not recognized as category which is entitled to language support.

Asylum and Reception Centres

During 2025, a total of 7 asylum and reception centres were operational, with some operating throughout the entire year, while the Asylum Centre in Krnjača was permanently closed in June 2025. The total capacity available to people on the move in the first half of the year was 3,716 beds. Following the permanent closure of the Krnjača Asylum Centre, the capacity of the six remaining operational centres was 2,886 beds. Particularly impractical decision of the CRM was to keep AC Sjenica operational despite the fact that AC Obrenovac accommodated fewer than 100 asylum seekers throughout 2025.

Temporary Protection

In 2025, and in relation to forcibly displaced persons from Ukraine, a total of 387 persons were registered; temporary protection was granted for the first time to 394 persons, and 859 decisions on extension were issued.

CHAPTER I

Overview of the Legal Framework Governing the Asylum System in the Republic of Serbia

I.1 International Legal Framework

Serbia is a State party to almost all relevant universal and regional international treaties, including: the 1951 Convention relating to the Status of Refugees[12] and the additional Protocol of 1967,[13] the European Convention for the Protection of Human Rights and Fundamental Freedoms,[14] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[15] the International Covenant on Civil and Political Rights,[16] the International Covenant on Economic, Social and Cultural Rights,[17] the Convention on the Rights of the Child,[18] the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence,[19] the Council of Europe Convention on Action against Trafficking in Human Beings[20], the Convention on the Elimination of All Forms of Discrimination against Women,[21] the Convention on the Rights of Persons with Disabilities,[22] the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment[23] and many others.

[12] UNGA, *Convention Relating to the Status of Refugees*, 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137, available at: https://bit.ly/2GCMu4R.

[13] UNGA, *Protocol Relating to the Status of Refugees*, 31 January 1967, United Nations, Treaty Series, vol. 606, p. 267, available at: https://bit.ly/3kbPLpf.

[14] CoE, *European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14*, 4 November 1950, ETS 5, available at: https://bit.ly/3oUqWkC, hereinafter: European Convention.

[15] UNGA, *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 10 December 1984, United Nations, Treaty Series, vol. 1465, p. 85, available at: https://bit.ly/3auJjbJ, hereinafter: UN CAT.

[16] UNGA, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, available at: https://bit.ly/3nBpWBv, hereinafter: ICCPR.

[17] UNGA, *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3, available at: https://bit.ly/3mRV4fy, hereinafter: ICESCR.

[18] UNGA, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, available at: https://bit.ly/3mfoK5y, hereinafter: UN CRC.

[19] CoE, *The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence,* November 2014, ISBN 978-92-871-7990-6, available at: https://bit.ly/3G0FoSJ.

[20] CoE, *Convention on Action Against Trafficking in Human Beings*, 16 May 2005, CETS 197, available at: https://bit.ly/2IRT9ZV.

[21] UNGA, *Convention on the Elimination of All Forms of Discrimination Against Women*, 18 December 1979, United Nations, Treaty Series, vol. 1249, p. 13, available at: https://bit.ly/3ucAOxX.

[22] UNGA, *Convention on the Rights of Persons with Disabilities,* A/RES/61/106, available at: https://bit.ly/3wVbbNZ.

[23] CoE, *European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment*, 26 November 1987, ETS 126, available at: https://bit.ly/3h2KQXQ.

In this regard, the national legal framework enables persons who might be in need of international protection to lodge individual applications to various United Nations and Council of Europe bodies. Furthermore, these bodies may monitor the legal framework and practices in the field of asylum and migration through periodic reports, inquiry procedures and other mechanisms. It is important to note that Serbia ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights in September 2023,[24] while it has not yet ratified the Optional Protocol to the Convention on the Rights of the Child.[25] By ratifying the Optional Protocol to ICESCR, all persons residing on Serbian territory or under its effective control are enabled to submit individual complaints that may be significant in relation to the enjoyment of economic and social rights by persons on the move within the framework of their inclusion and integration into Serbian society.

I.2 Constitutional Framework

When considering the constitutional and legal framework, it is important to highlight that Article 16 of the Constitution of the Republic of Serbia[26] provides that generally accepted rules of international law and ratified international treaties form an integral part of the domestic legal system and can be directly applied by competent authorities. Article 18 further provides that human and minority rights, as such, are directly applicable, having been established by generally accepted rules of international law, ratified international treaties and laws. In paragraph 3 of the same article, it is stated that provisions on human and minority rights shall be interpreted in a manner conducive to advancing the values of democratic society, in accordance with existing international standards on human and minority rights, as well as the practices of international institutions overseeing their implementation.

Interpretation of these constitutional provisions leads to the conclusion that all ratified universal and regional international treaties, as well as the practices of ECtHR, United Nations treaty bodies and other relevant international bodies responsible for human rights protection, are legally binding on the institutions responsible for asylum and migration.

It is also important to note that individuals may lodge constitutional appeals with the Constitutional Court of Serbia, which adjudicates alleged violations of human rights guaranteed by the Constitution and the international instruments mentioned above.[27] Accordingly, refugees, asylum-seekers and migrants may lodge constitutional appeals to the Constitutional Court.

The right to asylum is explicitly guaranteed by Article 57 of the Constitution, which provides:

[24] UNGA, *Optional Protocol to the International Covenant on Economic, Social and Cultural Rights: resolution / adopted by the General Assembly*, 5 March 2009, A/RES/63/117, available at: https://bit.ly/3ydMXBD, hereinafter: OPCESCR.

[25] UN Human Rights Council, *Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure: resolution / adopted by the Human Rights Council*, 14 July 2011, A/HRC/RES/17/18, available at: https://bit.ly/3tFVecN

[26] *Official Gazette of the RS*, nos. 98/2006 and 115/2021, available at: https://www.paragraf.rs/propisi/ustav_republike_srbije.html.

[27] The Constitutional Court Act, *Official Gazette of the RS*, no. 109/2007, 99/2011, 18/2013, 103/2015 and 40/2015, available at: http://bit.ly/2NHOtVm, article 82–92.

CONSTITUTION OF THE REPUBLIC OF SERBIA, ARTICLE 57

A foreign national who has a well-founded fear of persecution on grounds of race, gender, language, religion, nationality, membership of a particular social group or political opinions, has the right to asylum in the Republic of Serbia.

Another relevant constitutional provision recognizes persecution within the meaning of Article 1 of the Convention relating to the Status of Refugees, while also providing broader protection against expulsion than Article 33 of that Convention. This is Article 39(3) of the Constitution:

CONSTITUTION OF THE REPUBLIC OF SERBIA, ARTICLE 39(3)

A foreign national may be expelled only on the basis of a decision by the competent authority, in accordance with a procedure prescribed by law, and only if he is guaranteed the right to appeal, and only where there is no risk of persecution on grounds of race, gender, religion, nationality, citizenship, membership of a particular social group, political opinion or where there is no risk of serious violation of rights guaranteed by this Constitution.

Constitutional appeals previously lodged by refugees and asylum-seekers with the Constitutional Court were also examined under Article 25 of the Constitution, which prohibits torture and inhuman or degrading treatment or punishment and may be interpreted in accordance with the case law of ECtHR and Article 3 ECHR, which also encompasses the principle of *non-refoulement*. Articles 27 to 29 of the Constitution reflect the content of Article 5 of ECHR, including Article 5(1)(f), which is related to detention of foreign nationals. Article 36(2) of the Constitution reflects Article 13 of ECHR, which is often considered in conjunction with the principle of *non-refoulement*, as well as other relevant rights. The Constitutional Court examined Article 4 of Protocol No. 4 to ECHR within the framework of Article 39(3) of the Constitution.[28] Article 26 prohibits slavery, modern forms of slavery and forced labour. Finally, the Constitution also includes provisions relating to economic and social rights that may be linked to the inclusion and integration of asylum-seekers and refugees: prohibition of discrimination (Article 21), right to work (Article 60), right to health care (Article 68), right to social protection (Article 69), right to education (Article 71), and other rights.

I.3 Legislative Framework

The asylum procedure, as well basic principles, rights and responsibilities of asylum-seekers, persons granted asylum and persons granted temporary protection, are regulated by the LATP, which came into force in 2018. In addition to the asylum procedure, the LATP also regulates the statuses that can be granted to foreigners – refugee status and subsidiary protection, as well as the institution of temporary protection. In addition, relevant are the Law on Foreigners, the Law on General Administrative

[28] The Constitutional Court, Decision no. UŽ 1823/17, dated 29 December 2020, available at: http://bit.ly/3fk0aPD.

Procedure[29] and the Law on Administrative Disputes.[30] The LGAP functions as *lex generalis* in relation to the LATP and the Law on Foreigners, while the Law on Migration Management is also relevant[31] and, together with the Regulation on the Inclusion of Refugees in Social, Cultural and Economic Life[32] regulates certain aspects of the residence and integration of refugees and asylum-seekers. There are still several bylaws which govern house rules in reception centres, social protection[33] and health[34] issues relating to refugees and asylum-seekers, the right to work and other aspects of inclusion and integration of asylum-seekers and refugees.[35]

For terminological consistency, this Report uses the term "asylum" in the meaning prescribed by the LATP, encompassing refugee status and subsidiary protection. Temporary protection is referred to separately as a distinct form of protection. In line with UNHCR terminology, "international protection" is used as a broader analytical term when referring collectively to different forms of protection or to persons who are or might be in need of international protection. When referring to a specific legal status or rights under Serbian law, the corresponding terms from the LATP are used.

[29] *Official Gazette of the RS*, no. 18/2018 and 95/2018, available at: https://www.paragraf.rs/propisi/zakon-o-opstem-upravnom-postupku.html.

[30] *Official Gazette of the RS*, no. 111/2009, available at: https://www.paragraf.rs/propisi/zakon_o_upravnim_sporovima.html.

[31] *Official Gazette of the RS*, no. 107/2012, available at: https://www.paragraf.rs/propisi/zakon-o-upravljanju-migracijama.html.

[32] Regulation on the inclusion of refugees in social, cultural and economic life, *Official Gazette of the RS*, no. 101/2016 and 56/2018, available at: https://pravno-informacioni-sistem.rs/eli/rep/sgrs/vlada/uredba/2016/101/2/reg Hereinafter: Integration Regulation.

[33] Regulation on social assistance for persons seeking, or who have been granted asylum, *Official Gazette of the RS*, no. 12/2020, available at: https://bit.ly/3LFNp0O.

[34] Regulation on medical examinations of asylum-seekers upon admission to the Asylum Centre or another accommodation facility for asylum-seekers, *Official Gazette of the RS*, no. 57/2018, available at: https://bit.ly/3LG93lS.

[35] See also Regulation on criteria for determining priority for accommodation of persons granted the right of asylum or assigned subsidiary protection and conditions for using residential space for temporary accommodation, *Official Gazette of the RS*, no. 56/2018, available at: https://bit.ly/3oSVo0Y.

CHAPTER II

Right of Access to the Territory and the Asylum Procedure

The right to access territory and the asylum procedure represents *a conditio sine qua non* for persons who claim to be in need of international protection and who must be provided with the opportunity to have their allegations on persecution and/or suffering serious harm in the country of origin or in a third country examined, that is, a decision on granting international protection must be rendered in legally established procedure, through an assessment of subjective and objective facts and circumstances. For this reason, all competent authorities, especially those who establish the first contact with persons arriving in Serbia, must ensure that all foreigners are able to access the territory and to be registered, i.e. to be issued with a registration certificate so that they may submit an asylum application.[36]

In other words, in order for a foreigner to submit an asylum application, it is necessary for them to access the territory or, at the very least, to come under the effective control of competent Serbian authorities, which, in the context of people on the move, would be police officers of the Border Police Directorate.[37] In other words, in accordance with Article 35 of the Law on Asylum and Temporary Protection (LATP), foreigners must be given the opportunity to be registered, that is, to be issued with the certificate of an asylum-seeker's expressed intention to lodge asylum application in the Republic of Serbia.[38]

This chapter deals with practices (formal and informal) which, by their nature, were such during 2024 and 2025 that could have or have denied the possibility for foreigners to remain on Serbian territory or, at the very least, under effective control of border authorities before whom they attempted to express their intention to lodge an asylum application or in other way outline reasons against forced denial or return to the country of origin or a third country.

II.1 Right of Access to the Territory in the Context of Border Control

The right of persons who may be in need of international protection to access the territory is one of the fundamental prerequisites for accessing the asylum procedure. The question of access to the territory has become one of the most important issues in the previous decade, particularly considering a whole range of practices adopted by many countries that have systemic characteristics and which entail deterrence of refugees and migrants from borders outside the framework of legally established

[36] In the context of Articles 35 and 36 of the LATP.

[37] Hereinafter: the BPD.

[38] Hereinafter: Registration Certificate

procedures, most often collectively and in many cases accompanied by physical and/or psychological ill-treatment, without taking into account their individual circumstances.[39]

For this reason, this issue is of particular importance for Serbia, precisely because reports and testimonies have been published for over a decade indicating that the Serbian border police resort to practices colloquially referred to as *pushbacks*,[40] and which in their essence represent a cluster of human rights violations that go beyond the violation of the prohibition on collective expulsion, which is enshrined in Article 4 of Protocol No. 4 to ECHR. In this context, it is important to note that at the beginning of 2026, ECtHR rendered a judgment confirming the credibility of such findings and established that in the case of *O.H. and others v. Serbia* the said cluster of violations occurred in relation to 17 Afghan refugees. In other words, said judgment did not relate solely to a violation of the prohibition on collective expulsion, but also to the actions of Serbian border authorities preceding it, the manner in which expulsion was carried out, and the failure to undertake measures to assess the risk of *refoulement*.[41]

The data to which IDEAS has access will be presented alongside other official data obtained primarily from the Ministry of Interior,[42] and which relate to formal procedures for refusal of entry, i.e. the forced return of foreigners to their country of origin or to a third country. However, the main focus will be on the practice referred to in official data of the Border Police Directorate as "preventing illegal crossings", but also on the practice of rendering, delivering and carrying out forced returns based on refusal of entry decisions, in accordance with Article 15 of the Law on Foreigners.

II.1.1 Prevention of "Illegal Crossings"

In response to IDEAS's request for access to information of public importance, the MoI Border Police Directorate stated that, during 2024, a total of 14,080 foreign nationals were prevented from making an "illegal border crossing", with the largest numbers coming from North Macedonia (10,487) and Bulgaria (3,437).[43] This number in 2025 reached 10,802, with the highest figures again relating to North Macedonia (8,741) and Bulgaria (1,914).[44] What is important to reiterate is the fact that the institute of "prevention of illegal border crossings" does not exist within the legal framework of Serbia governing the actions of BPD police officers at the border, whether at official border crossings or at so-called "green borders". In other words, neither the Law on Foreigners nor the Law on Border Control[45] recognises "prevention of illegal border crossings"[46] as a formal administrative action carried out in the administrative-law sense in accordance legally established procedure, resulting in an enforceable decision that would legally prevent a person from irregularly entering Serbian territory. The term

[39] The term "*pushback*" is most commonly used to describe this practice.

[40] ECRE, *AIDA Country Report: Serbia*, 2023 Update, Chapter B1, available at: https://asylumineurope.org/wp-content/uploads/2024/08/AIDA-SR_2023-Update.pdf, hereinafter: *AIDA Serbia 2023*, as well as ECRE, *AIDA Country Report: Serbia*, 2024 Update, Chapter B1, available at: https://asylumineurope.org/wp-content/uploads/2025/07/AIDA-SR_2024-Update.pdf, hereinafter: AIDA Serbia 2024, as well as ECRE, AIDA Country Report: Serbia – 2025 Update, July 2026, hereinafter: AIDA Serbia 2025.

[41] The following section provides a more detailed analysis.

[42] Hereinafter: the MoI.

[43] MoI - Border Police Directorate, Responses to requests for access to information of public importance, no. 07-34/24 of 30 August 2024 and no. 07-2/25 of 11 February 2025 (received on 21 February 2025), hereinafter: MoI-FOI 2024.

[44] MoI - Border Police Directorate, *Responses to requests for access to information of public interest*, no. 07-25/26-2 of 10 March 2026 (received on 23 March 2026), hereinafter: MoI-FOI 2025.

[45] *Official Gazette of the RS*, no. 24/2018, available at: https://www.paragraf.rs/propisi/zakon-o-granicnoj-kontroli.html.

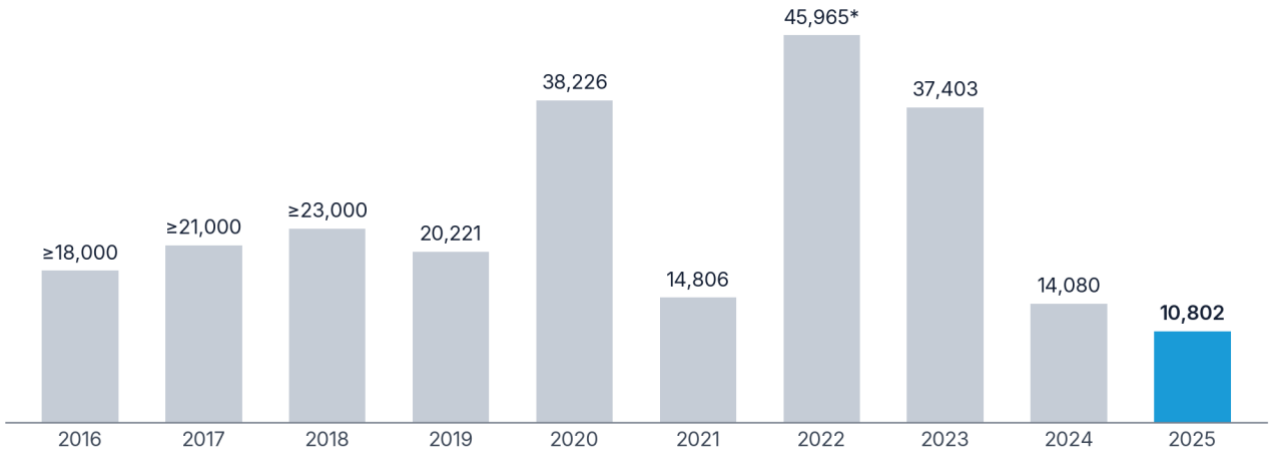
[46] For example, in article 2 of the Law on Border Control, the term "preventing irregular migration" is mentioned in the context of the purpose of the Law itself, while in article 3 of the same law, preventing illegal entry is part of "the scope of powers, activities and measures" which constitute part of border control.

mentioned in the Law on Border Control is used more as a description of the duty or objective of border police operations achieved through the application of a full range of police powers exercised in accordance with the law. For example, preventing irregular border crossings may be achieved through a streamlined readmission procedure, which is preceded by the deprivation of liberty in the immigration detention centre and the rendering of an expulsion order.[47] Another way of preventing irregular entry is the previously mentioned refusal of entry decision.

FIGURE 1

Prevented crossings fell in 2025 but still exceeded 10,000

Number of "prevented illegal crossings" reported by the Border Police Directorate, 2016–2025. Figures for 2016–2018 are minimum values. *2022: crossings from North Macedonia up to 15 December.



Source: Ministry of Interior, Border Police Directorate (Table 2).

However, regarding the practice of Border Police Directorate, i.e. regional border police centres and border police stations, an impression is that this term from the Law on Border Control has acquired the character of an official power whose application is measured and reported through statistical data shared with the public,[48] in official reports of the MoI[49] and European Commission,[50] but also reports of civil society organizations[51] and to the Ombudsman.[52] However, this data is separated from the data relating to refusals of entry carried out through the decision on refusal of entry pursuant to Article 15 of

[47] Article 77 of the Law on Foreigners.

[48] *YouTube, Vučić: We Are Taking Important Measures to Ensure the Safety of Our Citizens*, 15 December 2022, available at: http://bit.ly/3l6xtwi

[49] See for example, MoI, *Report on the Implementation of the Strategy for Countering Irregular Migration for the Period 2018-2020*, June 2021, available at: https://bit.ly/3Dtss4r, p. 10.

[50] European Commission, *Serbia: Progress Report*, SWD(2022) 338, 12 October 2022, available at: https://bit.ly/3LedaYB, p. 61.

[51] MoI-FOI 2024 and MoI-FOI 2025.

[52] Protector of Citizens, Serbia: National Report on the Situation of Human Rights of Migrants at Borders, ENNHRI, July 2021, available at: https://ennhri.org/wp-content/uploads/2021/07/Serbian-National-Report-3.pdf, p. 21.

the Law on Foreigners and the accompanying bylaws,[53] and through the application of the Law on General Administrative Procedure[54] as *lex generalis*.

If a deeper analysis of what border control measures actually entail in practice is undertaken, several issues arise that are important for ensuring the right to access territory, a prerequisite for accessing the asylum procedure. First of all, it cannot be ruled out that during the performance of border control, refugees or migrants, when attempting an irregular entry into Serbia (most often from North Macedonia and Bulgaria), observe border police personnel carrying out border surveillance and decide to return. Thus, it cannot be ruled out that the data submitted to IDEAS for 2024 and 2025 include information on individuals observed and counted by the Serbian Border Police, most likely using modern technology, and included in the results of "prevented illegal border crossings", without having established effective control over them.

However, numerous reports of non-governmental organizations,[55] the direct experience of IDEAS's legal team,[56] the findings of prominent international human rights bodies, as well as those of domestic bodies such as the Ombudsman[57] and the Constitutional Court of the Republic of Serbia,[58] and, since early 2026, the ECtHR,[59] combined with statements made by political and other public officials,[60]provide compelling indications that a significant number of foreign nationals whose "illegal entry was prevented" came into direct contact with police officers who established *de facto* control over their physical movement. Once effective control is established[61] over a group of foreign nationals encountered while crossing the border irregularly—whether that control is established in a neighbouring country, in the area between the two states (so-called no man's land), or on Serbian territory in the immediate vicinity of the border—it triggers the authorities' obligation to respect, protect and fulfil those persons' human rights. At that point, "preventing an illegal border crossing" cannot be carried out outside procedures prescribed by law, while the establishment of effective control constitutes a deprivation of liberty.[62]

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[53] Regulation on the Format of the Form for Refusal of Entry into the Republic of Serbia, the Format of the Form for Granting Entry into the Republic of Serbia and the Method of Entering Data on Refusal of Entry into a Travel Document of a Foreigner, *"Official Gazette of the RS", no. 50/2018*.

[54] *Official Gazette of the RS*, Nos. 18/2016, 95/2018 - authentic interpretation and 2/2023 - Constitutional Court decision, available at: https://www.paragraf.rs/propisi/zakon-o-opstem-upravnom-postupku.html.

[55] For example, Border Violence Monitoring Networks (*Border Violence Monitoring Network*) on its website publishes statements by foreigners who claim they were informally forcibly removed from Serbia to North Macedonia and Bulgaria, available at: https://borderviolence.eu/testimonies/.

[56] Individual cases will be described below.

[57] Citizen's protector, *Serbia: National report on the situation of human rights of migrants at borders*, ENNHRI, July 2021, available at: https://ennhri.org/wp-content/uploads/2021/07/Serbian-National-Report-3.pdf, p. 21

[58] Constitutional Court, Decision No. UŽ 1823/2017, 29 December 2020, available at: https://www.asylumlawdatabase.eu/nl/content/serbia-constitutional-court-decision-expulsions-bulgaria.

[59] ECtHR, *O.H. and Others v. Serbia*, Application No. 57185/17, 3 February 2026, available at: https://hudoc.echr.coe.int/eng?i=001-248192.

[60] Today, Vučić: *Vučić: In Serbia there are currently 3,977 asylum-seekers, last year over 38,000 illegal crossings were prevented,* 17 June 2021, available at: https://bit.ly/3koFNV0 and the MoI, *Report on the Implementation of the Strategy for Countering Irregular Migration for the Period 2018-2020*, available at: https://bit.ly/3Dtss4r, 10.

[61] UN Human Rights Committee (HRC), *General comment no. 31 [80], The nature of the general legal obligation imposed on States Parties to the Covenant*, CCPR/C/21/Rev.1/Add.13, 26 May 2004, available at: https://www.refworld.org/legal/general/hrc/2004/en/52451, para. 10.

[62] ECtHR, *O.H. and Others v. Serbia*, Application No. 57185/17, 3 February 2026, available at https://hudoc.echr.coe.int/eng?i=001-248192.

II.1.2 Allegations and Reports of Informal and Forced Expulsions from Serbia to Neighbouring Countries

Unfortunately, as it has been the case in previous years, the practice of collective expulsions of refugees and migrants who (most often) arrive from North Macedonia and Bulgaria attempting to reach Serbian territory has continued. Although the number of organizations monitoring such practices has significantly decreased during 2024 and 2025,[63] and thus a smaller number of reports in which testimonies and descriptions of questionable border authorities procedures are outlined, several incidents indicate that harmful patterns of behaviour by the Serbian border police have continued during 2024 and 2025:

- In January 2024, according to the report of Border Violence Monitoring Network (*Border Violence Monitoring Network* – BVMN),[64] a group of Moroccan nationals was informally and collectively expelled to Bulgaria which was also accompanied by physical violence (beating, kicking, pushing, destruction of property, spraying pepper spray);[65]
- On 16 February 2024, the IDEAS legal team established direct contact with two Syrian men who had entered irregularly from North Macedonia and reached the vicinity of city of Preševo several hours later. After they contacted the IDEAS legal team, including by video call, two plain-clothes and two uniformed police officers arrived, deprived them of liberty and drove them back to North Macedonia in a police van, threatening them with the use of force and police dogs. The pushback took place near Miratovac Field and the North Macedonian village of Lojane, and the entire incident was documented in real time through GPS location data and photographs;[66]
- On 22 February 2024, travellers filmed a group of stripped refugees and migrants walking along the motorway towards the Tabanovce Reception Centre in North Macedonia. According to their testimonies, and those of foreign nationals who subsequently managed to re-enter Serbia, the Serbian police deprived several dozen Syrian and Iraqi nationals of their liberty. One group was taken to a police facility near the border with North Macedonia, where they were allegedly ill-treated in a way which implied kicking, slapping, punching and striking with Kalashnikov rifle butts. A second group of foreign nationals, who were deprived of their liberty immediately after crossing the border, were subjected to similar ill-treatment and ordered to remove their clothes and footwear and return to North Macedonia wearing only their underwear;[67]
- In May 2024, the BVMN reported that another group of Moroccans was returned to Bulgaria, using physical abuse;[68]
- In September 2024, the BVMN reported that a group of 31 citizens from Afghanistan was deprived of liberty immediately after crossing the state border from the direction of Bulgaria, that they were loaded into a police vehicle and told they would be sent to a "camp". However, they were forcibly returned to Bulgaria;[69]

[63] For previous reports by various organizations, see more in section B1 of the report *AIDA Serbia 2023* and AIDA *Serbia 2024,* Chapter B.

[64] hereinafter: BVMN.

[65] BVMN, *They were beating us severely, as if they were beating animals*, available at: https://bit.ly/3zmNpBt.

[66] Information regarding the aforementioned case, including statements, GPS locations and other evidence, is stored in IDEAS's internal archives.

[67] Guardian, *Videos show migrants stripped of clothing in freezing temperatures at Serbian border*, 22 February 2024, available at: https://bit.ly/3XIsPFG.

[68] BVMN, *He had been kicked in the face after having fallen on the ground due to the heavy beating he received*, available at: https://borderviolence.eu/testimonies/may-8-2024-slivnica-serbia/.

[69] BVMN, *Shot at, beaten with 'wooden tools', fingers bent backwards*, available at: https://borderviolence.eu/testimonies/september-25-2024-pirot-serbia/.

- In October 2024, a young man from Afghanistan reported to the BVMN that he was forcibly expelled to North Macedonia;[70]
- During his asylum interview, X., a Syrian national and IDEAS client, stated that he had repeatedly been expelled from Serbia to Bulgaria, after which he was deprived of liberty by the competent immigration authorities and held in detention centres where conditions were poor.[71]
- The BVMN reported that in August 2025, five young men from Iran were forcibly expelled and exposed to physical and psychological ill-treatment as well as to seizure of personal belongings and items of value;[72]
- In September 2025, IDEAS, in collaboration with the non-governmental organization MYLA from North Macedonia, documented a case of violent and collective pushbacks of a group of Afghan refugees who were detained in a police vehicle parked outside the Reception Centre in Bujanovac and pushed back into North Macedonia. Prior to being forced to return via the Miratovac field to Tabanovce, one of the Afghan men was beaten so severely that he permanently lost his vision in his left eye, an incident properly documented by medical staff at the Tabanovce Reception Centre in North Macedonia. IDEAS collected evidence through cross-border cooperation, including GPS movement data, video footage, witness statements, and medical documentation, and initiated proceedings before the Constitutional Court.

What is important to note is the fact that the number of reports on informal and, most often, violent pushbacks from Serbia, primarily into North Macedonia and Bulgaria, was significantly higher in previous years, meaning there were multiple sources where such reports were regularly published. However, it is also important to note that a significant number of non-governmental organizations that previously published reports on this issue no longer have continuous field presence,[73] and one of the main reasons for this is the significant reduction in funding for their operations, as well as for the operations of international organizations, during 2025. And finally, the decline in witness statements can also be linked to a significant drop in the number of observed arrivals of people on the move, which is primarily due to the tightening of border policies in countries such as Bulgaria and Greece.[74]

[70] BVMN, *People shouldn't behave like this with us. Treat us like humans*, available at: https://borderviolence.eu/testimonies/october-14-2024-presevo-serbia/.

[71] Minutes of the oral hearing, no. 26-3434/24 dated 25 February 2025.

[72] BVMN, "If you come back, we will kill you!", 1 August 2025, near Miratovac, Serbia, available at: https://www.borderviolence.eu/testimony/if-you-come-back-we-will-kill-you

[73] For previous reports by various organizations, see more in section B1 of the report *AIDA Serbia 2023*.

[74] See more at *AIDA Country Report: Greece-2023 Update*, available at: https://asylumineurope.org/wp-content/uploads/2024/06/AIDA-GR_2023-Update.pdf, section B.1. *AIDA Country Report: Bulgaria-2023* Update available at: https://ecre.org/aida-country-report-on-bulgaria-2023-update/, chapter B1. See also CPT, *Report to the Bulgarian Government on the visit to Bulgaria carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 16 to 23 September 2024*, CPT/Inf (2025) 26, available at: https://rm.coe.int/1680b6e029, paras. 38-41.

TABLE 1

UNHCR data on informal and forcible removals to North Macedonia for the period 2019–2025[75]

	2019	2020	2021	2022	2023	2024	2025
January	78	74	0	4	23	Not available	Not available
February	87	150	31	8	33	Not available	Not available
March	96	112	2	6	3	Not available	Not available
April	35	9	7	85	Not available	Not available	Not available
May	49	9	22	20	Not available	Not available	Not available
June	19	88	5	6	Not available	Not available	Not available
July	59	10	21	2	Not available	Not available	Not available
August	28	154	46	301	Not available	Not available	Not available
September	159	142	14	6	Not available	Not available	Not available
October	67	159	57	0	Not available	Not available	Not available
November	90	30	0	103	Not available	Not available	Not available
December	6	40	5	35	Not available	Not available	Not available
Total	**773**	**977**	**210**	**576**	**Not available**	**Not available**	**Not available**

Nevertheless, the cases listed above confirm beyond doubt that the practice of informal and forcible removals of refugees and migrants to neighbouring countries continues to be reported and documented. This is further supported by the fact that reported patterns of conduct by the Serbian border police observed, for example, in the Ombudsman's report,[76] the Constitutional Court's decision,[77] and ECtHR's judgment[78] continue to appear in publicly available testimonies.[79] In addition,

[75] The mentioned data are available on the UNHCR data portal, available at: https://bit.ly/3rYbS9O.

[76] Protector of Citizens, Serbia: National Report on the Situation of Human Rights of Migrants at Borders, ENNHRI, July 2021, available at: https://ennhri.org/wp-content/uploads/2021/07/Serbian-National-Report-3.pdf, p. 21.

[77] Constitutional Court, Decision No. UŽ 1823/2017, 29 December 2020, available at: https://www.asylumlawdatabase.eu/nl/content/serbia-constitutional-court-decision-expulsions-bulgaria.

[78] ECtHR, *O.H. and Others v. Serbia*, Application No. 57185/17, 3 February 2026, available at https://hudoc.echr.coe.int/eng?i=001-248192.

[79] Border Violence Monitoring Network, Testimony Database, available at: https://www.borderviolence.eu/testimonies

this practice was confirmed by the Human Rights Committee's findings of May 2024,[80]which are merely the latest in a series of credible reports published by international governmental and non-governmental bodies and UN agencies that have for years reported on the rule-of-law concerns and on respect, protection and fulfilment of human rights of refugees and migrants at Serbia's borders.[81]

In light of all the above, it is important to note that on 3 February 2026, the European Court, exactly ten years after the incident, confirmed the aforementioned decision of the Constitutional Court and delivered a judgment in which it established a full range of breaches of the ECHR related to the case of the collective expulsion of a group of 17 Afghan nationals from Serbia to Bulgaria in 2016.[82] The aforementioned judgment is significant for several reasons. First, this is the first judgment of this kind issued regarding Serbia, in which the views expressed in this report materialized through specific findings in individual cases. Furthermore, certain breaches identified in the judgment were not established by the Constitutional Court of Serbia. Finally, it is commendable to note that some of the qualifications set out in the Constitutional Court's decision have had a positive impact on the practice of the ECtHR, which for the first time in its history has addressed the act of expulsion from the perspective of Article 3 of the ECHR, namely, the prohibition of ill-treatment. For this reason, the following brief overview of the event from February 2016, along with the findings of the ECtHR, will be outlined.

[80]HRC, *Concluding observations on the fourth periodic report of Serbia**, 3 May 2024, CCPR/C/SRB/CO/4, available at: https://bit.ly/3XFyfRT, paras. 32-33.

[81] HRC, *Concluding observations on the third periodic report of Serbia**, 10 April 2017, CCPR/C/SRB/CO/3, available at: https://bit.ly/46njRy9, para. 32, CAT, *Concluding observations on the second periodic report of Serbia*, 3 3 June 2015, CAT/C/SRB/CO/2*, para. 15, available at: https://bit.ly/3uj15La, Amnesty International, *Europe's Borderlands: Violations against refugees and migrants in Macedonia, Serbia and Hungary*, July 2015, available at: https://bit.ly/1dLK66T, pp. 31-34, UNHCR, *Serbia as country of asylum*, August 2012, available at at: https://bit.ly/2SevotT, para 13; CAT, *Concluding observations on the third periodic report of Serbia**, 20 December 2021, CAT/C/SRB/CO/3, available at: https://bit.ly/3vd0s4r, para. 33.

[82] ECtHR, *O.H. and Others v. Serbia*, Application No. 57185/17, 3 February 2026, available at: https://hudoc.echr.coe.int/eng?i=001-248192.

CASE

O.H. and Others v. Serbia

On the night between 2 and 3 February 2016, a group of 17 refugees from Afghanistan irregularly entered Serbia from Bulgaria, near the border crossing 'Gradina' located in the vicinity of the city of Dimitrovgrad. After being deprived of liberty by the Serbian border police, they were detained at the Border Police Station[83] Gradina in conditions that may have reached the threshold of degrading treatment, particularly for the nine children in the group and the two women, one of whom was in poor health, while the other was later found to be a survivor of gender-based violence both in her country of origin and during her journey to Europe. After detention orders had been issued, they were brought before the Misdemeanour Court in Pirot and charged with irregular entry into Serbia, which constituted a misdemeanour under the Law on Foreigners that was in force at that time. The judge provided an interpreter for a language the defendants understood and, when they presented their defence, found that they were refugees, applied Article 31 of the Refugee Convention and ordered the police officers to register them under the Law on Asylum which was in force at that time. The proceedings were accordingly discontinued, and the decisions discontinuing the misdemeanour proceedings stated that the defendants had to be regarded as refugees and that Bulgaria could not be considered as a safe third country for them.

After receiving confirmation of registration, the asylum-seekers were crammed into a police van or truck,[84] being assured that they would be transported to the Reception Centre in Bela Palanka "Divljana". Instead, they were taken to the area of the "green belt" towards Bulgaria and, near the Bulgarian Border Police Station "Kalotina", were disembarked from the vehicles, and during the night at temperatures below zero, in the forest, were forced to return to Bulgaria.

In subsequent days, through cross-border cooperation between the UNHCR offices in Serbia and Bulgaria and their partners, various pieces of evidence were collected, which were subsequently used in proceedings before the Constitutional Court and the European Court over the following years. The evidence was detailed and timely, including witness statements, official documentation from Serbia and Bulgaria, photographs, GPS locations, and medical findings.

With regard to the subsequent decision of the Constitutional Court, it is important to note that the Court found a violation of Article 27(3) of the Constitution because the detention orders issued when the applicants were deprived of liberty at BPS Gradina could not be challenged. The Constitutional Court also found that the manner in which the expulsions were carried out - at night, in a forest and at low temperatures, with the persons concerned left in difficult conditions without access to basic necessities and services - reached the threshold of inhuman treatment under Article 25 of the Constitution. The expulsions themselves were characterized as a violation of Article 4 of Protocol No. 4 to the European Convention, i.e. Article 39(3) of the Constitution, because the individual circumstances of each person in the group had not been considered before the expulsion. Finally, each appellant was awarded EUR 1,000. The Constitutional Court did not find a violation of the procedural aspect of Article 3, i.e. Article 25 of the Constitution, with regard to the obligation to assess the risk of *refoulement*, nor did it characterize the act of transport to the green border as arbitrary deprivation of liberty.

Due to partial acceptance of the constitutional appeal, and also because, according to the assessment of the legal representative and the victims, the amount of 1,000 euros was not proportionate to the severity of the harm suffered, proceedings before the European Court have been initiated, which were commenced during the same period as the proceedings before the

Constitutional Court. It is reasonable to assume that the European Court first awaited the outcome of the proceedings before the Constitutional Court, which is also what made the process longer.

In its judgment of 3 February 2026, the European Court confirmed the violations found by the Constitutional Court. Unlike the Constitutional Court, however, the European Court also found a violation of the procedural aspect of Article 3 of the European Convention because no assessment had been made before the expulsion as to whether Bulgaria was a safe third country for the applicants. In addition, their transport in a police vehicle from the Misdemeanour Court in Pirot to the green border with Bulgaria was characterized as an arbitrary deprivation of liberty carried out in a "*deceptive*" manner, a formulation appearing for the first time in the case law of the European Court and one that could be described as the *modus operandi of m*any border police forces which, instead of taking refugees and migrants to safety, leave them in places where their lives and physical integrity are at risk, often while assuring them that they are being taken to safety. Neither the Constitutional Court nor the European Court found that the conditions in the basement room at BPS Gradina reached the threshold of inhuman and degrading treatment. The European Court did not make such a finding because the applicants' representatives remained in contact, until the proceedings before the Court concluded, with only two persons from the group of 17, both adults. Had contact happened to have been maintained with the child applicants, it is highly likely that the conditions at BPS Gradina would have been characterized, in their regard, as inhuman or at least degrading.

And finally, it is important and proper to note that the European Court, for the first time in its history, has characterised the collective, informal and forced expulsion of asylum-seekers at entry points into Serbia as inhuman, a finding originally established by the Constitutional Court. In other words, it can be said that the decision of the Constitutional Court, although incomplete in terms of establishing all forms of harm, has had a positive impact on the practice of the European Court, and deserves full praise.

Thus, from 2012 until the date of this report, the most prominent human rights bodies have consistently highlighted the problem of collective, informal and forced expulsions of refugees at entry points into Serbia, who are deprived of guarantees against arbitrary deprivation of liberty, *refoulement*, and chain *refoulement*, as well as collective expulsion.

A cumulative analysis of allegations and documented cases from 2024 and 2025, together with allegations, reports and documented cases from previous years,[85] shows that the pattern of conduct by the Serbian Border Police towards refugees and migrants comprises a wide range of human rights violations. In other words, foreign nationals who stated that they had been informally and forcibly expelled to North Macedonia and Bulgaria suffered some or all of the violations listed below:[86]

1. They have been arbitrarily and most frequently briefly deprived of liberty (for the longest period no more than a few hours), outside any legally established procedure, without being provided with a decision in a language they understand and without being given the opportunity to challenge the

[83] Hereinafter: the BPS.

[84] To date, it has not been established by what means of transport the persons concerned were taken to the Bulgarian border.

[85] See also the compilation of reports by BVMN, Klikaktiva and the Centre for Protection and Assistance to asylum-seekers, compiled in *AIDA Country Report: Serbia - Update 2022*, available at: https://asylumineurope.org/wp-content/uploads/2023/05/AIDA-SR_2022update.pdf, Chapter B-1 and *AIDA Serbia 2023*, Chapter B-1 and *AIDA Serbia 2024*, Chapter B-1.

[86] The aforementioned list was compiled in accordance with an analysis of all the aforementioned sources covering the period from 2012 to the date of adoption of this Report.

deprivation of liberty before a judicial body, and (in the vast majority of cases) without the act itself being recorded in the official records of the Ministry of Interior' deprivation of liberty;
2. Their right to legal representation has been curtailed, their right to notify a person of their choice regarding the deprivation of liberty, and their right to a medical examination, as well as their right to be informed in a language they understand about their rights (including the right to apply for asylum), obligations, and applicable procedures;
3. were not identified;
4. they were not registered in accordance with the LATP or the Law on Foreigners;
5. They have not undergone a medical examination to determine whether they require any form of medical assistance;
6. A vulnerability assessment has not been carried out with respect to various criteria relevant to the category of persons on the move, such as: unaccompanied children and/or separated children, victims of gender-based violence, victims of torture and other forms of mistreatment, victims of human trafficking, LGBTQI+ individuals as particularly vulnerable groups in migration contexts, and so on;
7. The persons were expelled outside the legally established procedure without being issued an individual decision on expulsion in a procedure in which, with the assistance of a translator and legal representative, they were able to actively participate and challenge their return, and against which they could have lodged a legal remedy that would have had automatic suspensive effect;
8. The persons were expelled without risk assessment of *refoulement*, or chain *refoulement*, whether in a third country or the country of origin. In some cases, the alleged ill-treatment materialized when foreign nationals were reportedly deprived of liberty by the authorities of a neighbouring country and held in inhuman and degrading conditions in detention centres (for example, in Bulgaria);[87]
9. If they were in a group, the persons were expelled without considering, in relation to each member of the group, their or their individual circumstances, which only makes expulsion both collective and itself prohibited, and against which they were unable to effectively and efficiently lodge a legal remedy;
10. Only the expulsion to which they were subjected, i.e. the act of coercion, implied conduct that, at the very least, could be characterized as inhuman and degrading, but in more blatant cases, as torture, and which could entail: psychological violence in the form of shouting, insults, threats and swearing; degrading conduct consisting of stripping off clothing and removing garments, forcing to lie or sit on the floor; physical violence, including beatings, kicking, pushing, striking with rubber batons, non-standard objects, firearms, spraying of pepper spray or smoke, and releasing of official dogs, and so on. All such acts violate the absolute prohibition of torture in its material sense;
11. All the aforementioned acts constitute violations of various human rights, such as the inviolability of physical or mental integrity, as well as the right to personal freedom and security, and by their nature represent breaches of service rules, as well as acts criminalized under the Criminal Code of Serbia;[88] Such practices must be investigated and punished through an efficient and effective

[87] For example, the victim of gender-based violence, Z.F., who was part of a group of 17 Afghan refugees that the Constitutional Court and the European Court found had been collectively expelled to Bulgaria, was deprived of freedom in the Immigration Detention Centre Busmanci, where the European Committee against Torture and Inhuman or Degrading Treatment or Punishment (CPT) found that conditions were not in compliance with Article 3 of the European Convention, CPT, *Report to the Bulgarian Government on the visit to Bulgaria carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 17 December 2018*, CPT/Inf (2019) 24, available at: https://rm.coe.int/1680966286, p. 4.

[88] Criminal Code*, "Official Gazette of the RS", no. 85/2005*, 88/2005 - amended, 107/2005 - amended, 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016, 35/2019 and 94/2024. Some of the criminal offences include sexual assault and torture (Article 137), forced labour (Article 361) in similar cases.

> criminal or other procedure for establishing responsibility. The absence of such a procedure creates an atmosphere of impunity and undermines the rights of persons in movement to access justice and obtain a fair outcome, thereby raising procedural aspects of the prohibition of torture.

Thus, the available information indicates that unlawful practices by Serbian border authorities continue to occur and that they constitute evidence that the crisis of rule of law at border areas of European countries is a reality, also in Serbia. According to the information available to the author of this report, there is no known case in which material, disciplinary or criminal liability has been established against police officers of BPD in relation to the described practices, and regarding hundreds of reports on forced and informal, group and arbitrary returns of foreigners to North Macedonia or Bulgaria.[8990] The aforementioned procedure has not been initiated in the case of police officers of BPS Gradina, for whom decisions by the Constitutional Court and the European Court of Human Rights have established that collectively and in a manner that is inhumane and degrading, they have driven a group of 17 Afghan refugees to Bulgaria.[91]

[89] IDEAS for the purposes of this report has not obtained aggregate data from competent authorities on all potentially initiated disciplinary and criminal proceedings, and the aforementioned conclusion is based on available public sources and information to which the authors have access.

[90] For example, N1, *The military and police currently remain silent about migrants left behind in the forest, 19 December 2016*, available at: https://n1info.rs/vesti/a215625-vojska-i-policija-zasad-cute-o-migrantima-ostavljenim-u-sumi/.

[91] This information was provided by the public prosecutor of the Higher Public Prosecutor's Office in Pirot at an event organised by Group 484.

TABLE 2

Tabular presentation of data on "prevented irregular entries" for the period 2016–2025

Year	Number of Irregular Crossings Prevented
2016	(at least) 18,000[92]
2017	(at least) 21,000[93]
2018	(at least) 23,000[94]
2019	20,221[95]
2020	38,226[96]
2021	14,806
2022	45,965 (up to 15 December 2022 from North Macedonia)
2023	37,403[97]
2024	14,080[98]
2025	10,802[99]
Total	**(at least) 243,503**

[92] Danas, 'Migrants unhappy with conditions of life', 27 December 2016, available in Serbian at: http://bit.ly/2koDcN7.

[93] Alo, *Not the military and police – Vulin: Now there would be 20,000 migrants in Serbia, imagine that*!, 22 July 2017, available at: http://bit.ly/2DGDqRx.

[94] Ministry of Defence, *Termination of the Deployment of the Joint Forces of the Serbian Armed Forces and the Ministry of Interior*, 2 April 2018, available at: https://bit.ly/2EolHoI.

[95] BETA, *MoI: Illegal Entry by 20 to 50 Migrants Prevented Daily*, 26 November 2019, available at: http://bit.ly/2TdLuYL.

[96] Today, Vučić: *Vučić: In Serbia there are currently 3,977 asylum-seekers, last year over 38,000 illegal crossings were prevented,* 17 June 2021, available at: https://bit.ly/3koFNV0 and the MoI, *Report on the Implementation of the Strategy for Countering Irregular Migration for the Period 2018-2020*, available at: https://bit.ly/3Dtss4r, 10.

[97] AIDA Serbia 2023, Chapter B.1, according to MoI data.

[98] MoI - Border Police Directorate, Responses to requests for access to information of public importance, no. 07-34/24 of 30 August 2024 and no. 07-2/25 of 11 February 2025 (received on 21 February 2025), hereinafter: MoI-FOI 2024.

[99] MoI-FOI 2025.

TABLE 3

Tabular presentation of data on "prevented illegal entries" for the period 1 January 2025 – 31 December 2025[100]

Regional Border Police Centre	Number of "Illegal Entries" Prevented
North Macedonia	8,741
Bulgaria	1,914
Hungary	6
Bosnia and Herzegovina	19
Croatia	13
Airports "Nikola Tesla" Belgrade, "Morava" Kraljevo and "Konstantin Veliki" Niš	60
Romania	4
Montenegro	45
Total	**10,802**

II.2 Practice of Issuing and Enforcing Decisions Refusing Entry

II.2.1 Legal Framework Governing Refusal of Entry

Apart from informal, i.e. non-conventional practices of the Serbian Border Police, which deprive refugees and migrants of their right to access territory and the asylum procedure in Serbia, it is important to briefly consider the practice relating to the institution of entry refusal decisions. Indeed, the possibility of entry refusal through the formal adoption of an official decision was introduced in October 2018 upon the entry into force of the new Law on Foreigners. Article 15 of this law provides a full list of grounds under which Border Police officers of the Border Police Directorate may refuse entry to a foreigner into Serbia, thereby preventing such a person from accessing the territory.

However, what remains controversial from the perspective of application of this institution, particularly regarding individuals who may require international protection, is the manner in which it is legally structured, as well as the practice applied at Serbian border crossings, especially at the border crossing under the jurisdiction of the Belgrade Border Police at the "Nikola Tesla" airport.

Specifically, Article 15, paragraph 2, of the Law on Foreigners provides that a foreigner, for whom a Border Police officer conducting the procedure determines that he does not meet the conditions for entry into Serbia, may be issued an entry refusal decision in accordance with a prescribed form regulated by the Regulation on the format of the entry refusal decision in the Republic of Serbia, the format of the entry permit decision in the Republic of Serbia, and the method of entering data on entry refusal into the foreigner's travel document.[101] According to the aforementioned Regulation, foreigners are issued a bilingual decision, i.e. a decision composed in both Serbian and English. In addition to the

[100] MoI-FOI 2025.

[101] *Official Gazette of the RS*, no. 50/2018. hereinafter: Regulation on the refusal of entry.

grounds for entry refusal and personal data, as well as data on the foreigner's arrival, the decision includes a notice of legal remedies, i.e. the possibility of filing an appeal which does not have automatic suspensive effect. Furthermore, the appeal must be written and submitted at the border crossing itself, together with payment of a fee of 15,670 dinars.[102]

Thus, the manner in which this institution is legally regulated entails a whole range of risks for individuals who may require international protection, especially for those arriving at the border directly from their country of origin, such as arrivals at airports. Above all, the bilingual form does not guarantee that the foreigner will understand the content and reasons for the decision.[103] In addition, a challenge against a decision does not have automatic suspensive effect, and the question arises as to how a foreign national could receive a decision from a higher authority in the country of origin or in a third country to which they have been returned. Finally, it raises the question of how a foreign national without financial means, or one who does not have 15,670 dinars in cash with them at the very border crossing, can file a challenge, and it is even more difficult to imagine a scenario in which such a foreign national, having paid the fee, files a challenge from the country to which they have been forcibly returned based on the issued decision.

The Law on Foreigners allows for a foreign national, even in cases where there are grounds for refusing entry, to be exceptionally granted entry if humanitarian grounds, the interests of Serbia, or international obligations of Serbia are present.[104] This provision may constitute a legal basis for preventing *refoulement*– when a foreign national provides circumstances indicating a risk of expulsion, abuse, or other serious violations of rights, but only if their individual circumstances are assessed prior to the decision on entry refusal. Data on the number of decisions granting entry under this basis during 2025 were not available to the author at the time of report completion, thus making it impossible to assess to what extent this mechanism is applied in practice.

Given all the above, it is clear that in the future it would be beneficial to develop standard operational procedures that would clearly provide guidance to police officers of the BPD, while also eliminating some of the uncertainties raised in this report.

II.2.2 Refusal of Entry, the Status of Foreign Nationals Refused Entry in the Transit Zone, and the Principle of non-refoulement

Beyond the legal framework which, in my view, does not provide sufficient guarantees from *refoulement*– practice has shown that persons who may require international protection face additional difficulties in accessing territory, especially after it has been assessed that they do not meet the conditions for entry into Serbia. Indeed, every assessment of compliance with entry conditions requires a certain amount of time, and even the time required for the automated form of the decision to be printed, completed, and delivered to the foreign national (which is typically the case in practice). During this period, as well as during the subsequent period required for the foreign national to be forcibly returned to the country of origin (by being boarded on a flight), there is a deprivation of liberty, under all relevant criteria of the right to freedom and personal security, which are clearly defined by binding

[102] Law on Republic Administrative Fees, *Official Gazette of the RS*, no. 43/2003 [...] 109/2025, article 37 (5), available at: https://www.paragraf.rs/propisi/zakon_o_republickim_administrativnim_taksama.html.

[103] The authors have not identified publicly available findings of the National Prevention Mechanism for torture that specifically relate to the provision of transfer procedures in the process of denying entry to airports in Serbia.

[104] Article 15, paragraph 3, of the Law on Foreigners.

European Court practice.[105] In other words, foreigners regarding whom a refusal of entry or those who are awaiting compulsory expulsion based on a decision are deprived of their freedom and, by automatic effect, fall within the guarantees arising from the right to personal liberty and security guaranteed by Article 27 of the Constitution, as well as Article 5 of the European Convention on Human Rights and Article 9 of the International Covenant on Civil and Political Rights.

The fact that someone is deprived of their freedom, and in order to avoid such deprivation being characterised as arbitrary, implies that a decision has been taken within a procedure established by law, by a body established by law, and on grounds based on law.[106] The same law must also regulate the duration of the deprivation of liberty, the grounds for extension or termination thereof, the possibility of challenging the deprivation of liberty before a judicial body, and the right of the person deprived of liberty to be informed, in a language they understand, of their rights, obligations and applicable procedures.[107] Like every individual deprived of liberty, and in the sense of respecting guarantees against ill-treatment (which include guarantees against *refoulement*), persons deprived of liberty in the context of border control and refusal of entry must also be afforded the right to legal representation, the right to notify a person of their choice of their situation, and the right to a medical examination.[108] If any of the above-mentioned guarantees is missing, the deprivation of liberty of foreigners whose entry has been refused is considered arbitrary.

The Law on Foreigners in Serbia does not recognize the possibility of deprivation of liberty for foreigners undergoing compulsory return proceedings based on a decision refusing entry. Consequently, foreigners whose entry has been refused and who cannot be returned at the same time remain deprived of liberty at border crossings until such return is carried out.

The legal team of IDEAS received, during 2025, twelve requests to provide legal assistance to asylum-seekers who, without any doubt, were in need of international protection or who claimed such. These are individuals whose entry was refused by the Belgrade Border Police (BPS Belgrade) and who were arbitrarily deprived of freedom in the transit zone at the airport for periods ranging from several hours to several days.

II.2.3 Practice of the Serbian Border Police at Airports in Serbia in 2024 and 2025

The practice of BPS Belgrade has been under scrutiny by civil society organizations and international human rights bodies since November 2011, when the European Court of Human Rights first indicated an interim measure requiring the Government of Serbia to refrain from refusing entry to an Iranian political dissident, Mr P.[109] In other words, the aforementioned case first exposed the practice of handling refugees and migrants in the transit zone at Nikola Tesla Airport, which had been based on automatic entry refusals and arbitrary confinement of foreigners in transit areas until, during the flight with the

[105] ECtHR, *Guzzardi v. Italy*, Application No. 7367/76, Judgment of 6 November 1980, available at: https://bit.ly/3tS73Al, para. 95; *Z.A. and Others v. Russia*, Application Nos. 61411/15, 61420/15, 61427/15 and 3028/16, Judgment of 21 November 2019 [GC], EDAL, available at: https://bit.ly/3JB0Hdu, para. 138

[106] See also CoE, Guide on Article 5 of the European Convention - Right to Liberty and Security, updated August 2024, available at: https://ks.echr.coe.int/documents/d/echr-ks/guide_art_5_eng.

[107] *Ibid*.

[108] CPT, *Police custody*, Extract from the 2nd General Report of the CPT, published in 1992, CPT/Inf(92)3-part1, available at: https://rm.coe.int/16806cea2f, para. 36.

[109] *P. v. Serbia*, Application No. 80877/13, interim measure granted on 23 December 2023.

airline that brought them to Serbia, no seat was made available on the return flight to a third country or to their country of origin.

Following the case of Mr P and up to the completion of this Report, the European Court of Human Rights indicated interim measures on at least seven further occasions in response to applications lodged by IDEAS. The measures sought to prevent BPS Belgrade from forcibly returning refugees either to a country of origin where they would face persecution or serious harm, or to a third country from which they could be removed onwards to their country of origin or where other rights might be denied, again resulting in a violation of the principle of *non-refoulement* (for example, return to a third country that cannot be considered safe because of its treatment of refugees and asylum-seekers).[110]

Two of at least eight interim measures were indicated in 2024, and within one month of each other, concerning Turkish nationals who faced evident political persecution in their country of origin. Both cases clearly illustrate that the treatment of persons in need of international protection arriving at airports in Serbia, particularly Belgrade Nikola Tesla Airport, has not changed and continues to involve a routine sequence of steps by BPS Belgrade that constitutes another cluster of human rights violations the rights of refugees or persons attempting to seek asylum in Serbia during border control. In 2025, the European Court issued no such decisions, although an application for an interim measure was lodged on behalf of a national of the Russian Federation who faced political persecution in the country of origin. Unfortunately, the IDEAS legal team learned of the case only a few hours before the flight and lodged the application, but the European Court did not have enough time, less than one hour, to decide it. The applicant was returned and the application for an interim measure was dismissed.[111] In other words, to persons who have no doubt about their need for international protection,[112] and to persons who claim they are seeking asylum[113] during passport control, and who were denied entry into Serbia at the airport, the following human rights violations may occur in the following manner:[114]

1. Flights from Türkiye, Qatar, the United Arab Emirates, and from other destinations, particularly non-EU destinations or destinations outside the EU, are subject to a special type of control by the Belgrade BPS (known as the "first line of defence"), as it assumes that police officers of the BPS Belgrade carry out preliminary passport checks and determine grounds for denying entry with respect to nationals from African and Asian countries, as well as Türkiyeand other countries. In practice, this means that foreigners are unable to reach regular passport control, but are immediately separated from the passenger group upon exiting the aircraft and directed either to a section of the airport where a decision on denial of entry is handed to them, or to a section of the airport where holding areas for foreigners who have been denied entry are located;
2. Whether the case involves foreigners who were denied entry immediately upon exiting the aircraft, or those who are so characterized at passport control (and who are usually asked to "sit aside"

[110] ECtHR, *Ahmed Ismail (Shiine Culay) v Serbia*, Application No. 53622/14, interim measure granted on 29 July 2014, *H.G.D. v. Serbia*, Application No. 3158/20, interim measure granted on 30 November 2016, *Ozen v. Serbia*, Application No. 45794/21, interim measure granted on 15 September 2021, *Çapan v. Serbia*, Application No. 26005/22, interim measure granted on 30 May 2022, *Moazen and Others v. Serbia*, Application No. 56318/22, interim measure granted on 9 December 2022, *Yuksel v. Serbia*, Application No. 23659/24, interim measure granted on 21 August 2024 and *N.A. and Others v. Serbia*, Application No. 26934/24, interim measure granted on 25 September 2024.

[111] ECtHR, *A.S. v. Serbia*, Application No. , Decision of 28 October 2025.

[112] What are generally the persons for whom the authors of this report can confidently state, based on their knowledge of individual circumstances in the countries of origin.

[113] And which assistance did the authors of this report seek, seeking free legal aid.

[114] The list of violations and contested forms of conduct by BPS Belgrade was compiled from dozens of testimonies collected by the authors of this Report over the preceding 12 years, and many descriptions containing those elements can also be found in the report *AIDA Serbia 2023*, pp. 46-49.

until someone comes to speak with them, or are escorted to one of the BPS Belgrade holding areas), at the moment when a police officer of the BPS Belgrade assesses that they do not meet the conditions for entry, they are handed a bilingual decision form on denial of entry and asked to sign it;

3. The decision-making procedure is automatic in nature, and does not involve any prior determination of facts relating to risks of *refoulement*—for example, those specified in Article 15(4) of the Law on Foreigners or Article 83 of that Law—but only facts relating to the grounds set out in Article 15 (for example, whether the foreign national has sufficient means of subsistence, a return ticket or a hotel reservation); nor is the foreign national permitted to participate actively in the procedure in a language they understand or to present reasons against expulsion;
4. The entire communication takes place in Serbian or English,[115] that is, in languages in which the decision refusing entry is formulated. In the case where the foreigner does not speak either of the aforementioned languages, it is clear that they are unable to fully understand the situation in which they found themselves, the content of the decision, or to present arguments against the adoption or implementation of the decision, and often they are unaware of what they are signing;
5. Because of the language barrier and a lack of legal expertise, even where a foreign national understands the content of the decision, it is difficult to envisage how that person could lodge an appeal. Questions also arise as to whether the person could draft an appeal even if they knew how to do so, since at a minimum they would need paper and a pen, whether they could pay the fee if they had sufficient funds, and how long it would take for an appeal written in the person's own language, for example Turkish, to be translated and delivered to the second-instance authority based at the Police Directorate in the Palace of Serbia in Belgrade;
6. An appeal against a decision refusing entry does not have automatic suspensive effect. For it to have suspensive effect on the grounds set out in Article 83 of the Law on Foreigners, the competent officer of the Belgrade Border Police Station must establish those circumstances (for example, a risk of *refoulement*), which was not even attempted in any of the cases encountered by IDEAS. Consequently, even if the foreign national managed to lodge an appeal, it would not be decided until after their return to a country where they faced persecution and/or serious harm;
7. In many cases, a foreign national cannot be forcibly returned immediately on a flight operated by the airline that transported them to Serbia. In practice, foreign nationals refused entry to Serbia are held in detention rooms in transit zones, where they may remain for several hours, days or even weeks. This situation, particularly when the foreign nationals concerned are in need of international protection, appears to constitute a deprivation of liberty that is not expressly regulated by law, raising serious concerns regarding arbitrariness. In recent years, there have also been cases in which foreign nationals' mobile phones were confiscated, internet connectivity was poor or unavailable, or phone batteries were completely depleted. In other words, these circumstances amounted to *incommunicado* detention;
8. Due to the lack of legal framework, persons who may be in need of international protection face restrictions in accessing legal assistance, the right to appear before a chosen individual, and individual decisions on deprivation of liberty that could have been challenged before judicial bodies;
9. After receiving a decision refusing entry, on the basis described above, it is clear that in this case, and especially for a foreigner who may be in need of international protection, a decision has been delivered which may result in forced removal. This decision was delivered and made within a

[115] Also, there is no data indicating to what extent police officers of the Belgrade BPS speak English, so as to be able to assess the risk of refoulement.

procedure in which the foreigner was not allowed to present arguments against return, had no interpreter or legal representative, and had no practical possibility of filing an appeal, and even if such an appeal were filed, it does not have automatic suspensive effect;

10. For foreigners attempting to resist such practice, access to the asylum procedure is also restricted, that is, to the procedure which in the most effective way enables risks they claim would be exposed to in the event of forced removal to be assessed.

TABLE 4

Refusals of entry at the airports "Nikola Tesla" Belgrade, "Konstantin Veliki" Niš and "Morava" Kraljevo, from 1 January 2025 to 31 December 2025[116]

Nationality	Number of persons	Country to Which the Foreign National Was Returned
Türkiye	386	Unknown
Bangladesh	156	Unknown
Nepal	139	Unknown
Pakistan	136	Unknown
Unknown	89	Unknown
Other Nationalities	865	Unknown
Total	**1,771**	

Given all the above, and above all because IDEAS has intervened in at least 12 cases during 2025 to prevent automatic refusals of entry, it is clear that oversight of the BPS Belgrade procedure is crucial, and an effective approach involving qualified legal professionals in the transit zone is one way to strengthen procedural safeguards from *refoulement*.

In 2025, BPS Belgrade refused entry to 1,771 foreign nationals, including Turkish nationals, who have traditionally been the largest group and in whose cases the European Court granted requests for interim measures in 2024.

Moreover, the legal framework itself must be amended so that foreigners in the transit zone who have been refused entry and who cannot return to their country of origin or a third country are recognized as persons deprived of liberty.[117] In this way, the entire range of guarantees linked to the right to freedom and personal security would be activated, including the right of the foreigner to be informed in a language he understands about his rights, obligations, and applicable procedures. This would consequently strengthen safeguards against *refoulement*

If a change of legal framework is necessary, the decision of the European Court in the case *H.G.D. v. Serbia*,[118] issued in October 2025. The absence of a legal framework in the sense outlined above has led to a breach of the rights to personal liberty and security and of Article 5 of the European Convention. As this judgment is the first of its kind in relation to Serbia, it is important to recall the legal trajectory of this case, which initially reached the Serbian Constitutional Court and only later the Court of Strasbourg.

[116] *MoI-FOI 2025.*

[117] ECtHR, *Amuur v. France*, Application No. 19776/92, 25 June 1996, paragraphs 48 and 49.

[118] ECtHR, *H.G.D. v. Serbia*, Application No. 3158/20, 7 October 2025, available at: https://hudoc.echr.coe.int/?i=001-245084.

CASE

H.G.D. v. Serbia

In June 2019, the Constitutional Court dismissed as clearly unfounded a constitutional challenge brought on behalf of an Iranian refugee *H.G.D.*, and who was detained in a transit zone at Nikola Tesla Airport for 28 days in November 2016.[119] The Constitutional Court noted that the legal framework in force at the time of the applicant's stay at the airport did not provide for a procedure whereby a foreign national could be deprived of liberty in a transit zone, and that deprivation of liberty had not occurred. In other words, the Constitutional Court failed to conduct an independent assessment of the existence *de facto* the deprivation of liberty in the case of a person lodging a constitutional appeal, using subjective and objective criteria, such as the type, duration, consequences, and manner of application of the measure in question.[120] The fact that H.G.D. was detained in the transit zone facilities of the airport for 28 days, with restricted access to the outside world, without translation services and without the possibility of engaging legal representation, informing his family of his place of detention or understanding the procedures being applied to him, and similar matters, has been entirely disregarded. H.G.D. has also been denied access to the asylum procedure, resulting in an interim measure.[121]

In other words, the European Court has established a legal gap which has not been closed by the new Law on Foreigners, which is currently being tested through the most recently communicated case against Serbia.[122] That is, the European Court has established a legal gap which has not been closed by the new Law on Foreigners, which is currently being tested through the most recently communicated case against Serbia – *N.Y. v. Serbia*.[123]

It is also important to note that IDEAS has submitted a request for classification of the judgment *H.G.D. v. Serbia* under enhanced supervision by the Committee of Ministers of the Council of Europe[124] with the aim of exerting pressure on Serbian authorities to amend the Law on Foreigners. The amendments should entail recognition of the status of foreign nationals who are deprived of freedom and who may be in need of international protection, and who have been denied entry and are forced to reside in a transit zone for several hours to several weeks while their legal status is unresolved. These amendments generally should recognize the detention of foreign nationals denied entry in transit zones as deprivation of liberty, in accordance with the well-established practice of the Strasbourg Court. A Serbian state agent contested the need for legal amendments[125] and submitted an Action Plan that does

[119] Constitutional Court, Decision UŽ 9440/16 of 13 June 2019. year.

[120] ECtHR, *Z.A. and others v. Russia* [GC], Application nos. 61411/15, 61420/15, 61427/15, 3028/16, 21 November 2019, EDAL, available at: http://bit.ly/2R5G6Em.

[121] *H.G.D. v. Serbia*, Application No. 3158/20, interim measure granted on 30 November 2016

[122] *H.G.D. v. Serbia*, para.11.

[123] Application No. 23659/24, communicated on 3 November 2025, available at: https://hudoc.echr.coe.int/?i=001-246032.

[124] IDEAS, 1553rd meeting (March 2026) (DH) - Rule 9.2 - Communication from an NGO (Centre for Research and Social Development IDEAS) (24/11/2025) in the case of H.G.D. v. Serbia (Application No. 3158/20) [English only], available at: https://hudoc.exec.coe.int/?i=DH-DD(2025)1468E.

[125] The State Attorney's Office, the Agent's Office before the European Court of Human Rights, 1553rd meeting (March 2026) (DH) - Rule 8.2a - Communication from the authorities (28/01/2026) concerning the case of *H.G.D. v. Serbia* (Application No. 3158/20) [in English only], available at: https://hudoc.exec.coe.int/?i=DH-DD(2026)161E.

not include any changes to the current framework.[126] It remains to be seen what decision the Ministry Committee will make when it meets in June 2026.

In addition to legal amendments, it is important to ensure that police officers of the BPS Belgrade receive clear instructions or standard operational procedures based on which they would effectively and fairly prevent irregular migration, while also minimizing situations in which foreign nationals who may be in need of international protection are returned to third countries or to countries of origin where they could be exposed to persecution, suffering serious harm or other violations of human rights. The most practical solution at this stage would be for each foreign national who refuses return on the basis of a decision denying entry and who indicates fear of inadequate treatment in a third country or in their country of origin to be registered in accordance with Article 35 of the LATP.

II.3 Right of Access to the Asylum Procedure

Registration of a foreign national's intention to submit an asylum application is one of the specificities of the Serbian asylum system that exists in several Western Balkan countries (for example, Montenegro, North Macedonia and Bosnia and Herzegovina).[127] This is materialized through expressing the intention before an authorized police officer, followed by the issuance of a certificate confirming the expression of such intention, which is a prerequisite for submitting an asylum application. For this reason, this step in the Serbian asylum system deserves special attention, both due to the provisions governing it and due to the practices observed during 2024 and 2025, which may indicate unresolved issues relating to the realization of the right to access the asylum procedure.

The number of issued certificates decreased in 2025 (in comparison with 2024) when the MoI issued 626 registration certificates to nationals of Afghanistan (128), Egypt (90), Morocco (56), Syria (48), Iraq (38), Russian Federation (38), Pakistan (32), Palestine (31), Türkiye (18), Sierra Leone (15), Algeria (14), Iran (11), Kuwait (9), Cuba (7), China (7), Kazakhstan (7), Azerbaijan (6), Bangladesh (6), Somalia (5), DR Congo (5), Indonesia (4), Kyrgyzstan (4), Burundi (4), India (3), Jamaica (3), Armenia (2), Bulgaria (2), Cameroon (2), Ghana (2), Germany (2), Nigeria (2), Ukraine (2), and one certificate each to nationals of Albania, Bolivia, Colombia, Ethiopia, Finland, Gambia, Guinea, Haiti, Kenya, Lebanon, Libya, Moldova, the United States of America, Eswatini, Sri Lanka, Sweden, Tunisia, Turkmenistan, the United Kingdom and Zimbabwe[128].

[126] The State Attorney's Office, the Agent's Office before the European Court of Human Rights, 1563rd meeting (June 2026) (DH) - Action plan (26/03/2026) - Communication from Serbia concerning the case of H.G.D. v. Serbia (Application No. 3158/20) [English only], available at: https://hudoc.exec.coe.int/?i=DH-DD(2026)404E.

[127] Article 35. LATP.

[128] During 2024, the MoI issued 850 certificates to nationals of Syria (325), Afghanistan (86), Türkiye (41), Morocco (38), DR Congo (37), Pakistan (33), the Russian Federation (31), Iraq (31), Iran (29), Palestine (25), Egypt (15), Armenia (14), Cuba (14), Algeria (8), Uzbekistan (7), Belarus (7), Bangladesh (6), Sierra Leone (6), Ukraine (5), India (4), Nigeria (4), Sri Lanka (4), Guinea (3), Cameroon (3), China (3), Kazakhstan (3), Lebanon (3), Somalia (3), Albania (2), Croatia (2), Gambia (2), Germany (2) and Nepal (2), and one certificate each to nationals of Eritrea, Georgia, Ireland, Jamaica, Djibouti, Kyrgyzstan, Moldova, Mongolia, North Macedonia, Senegal, Slovakia, Tunisia and Yemen.

TABLE 5

Total Number of Registration Certificates Issued from 1 January to 31 December 2025

Month	Total	Airports	Detention Centres for Foreigners	Police Administrations	Regional Border Police Centres	Asylum Office
January	35	7	0	21	7	0
February	36	1	0	22	13	0
March	16	0	0	11	5	0
April	40	1	0	20	19	0
May	62	2	0	34	26	0
June	65	15	0	40	10	0
July	66	0	0	37	29	0
August	61	25	0	30	6	0
September	71	0	0	36	35	0
October	94	0	0	47	47	0
November	51	0	1	28	22	0
December	29	2	2	16	9	0
Total	**626**	**53**	**3**	**342**	**228**	**0**

Indeed, the number of issued registration certificates in 2025 (626) is slightly lower than in 2024, when 850 certificates were issued. However, the decline in the number of issued registration certificates is not necessarily a negative indicator if one takes into account the fact that, over the previous 17 years, on average 268 individuals have actually submitted asylum applications in Serbia.[129] In other words, for a range of reasons the Serbian asylum system has never attracted large numbers of people, and figures from previous years that at times ran into the hundreds of thousands, for example in 2015, never reflected the actual number of people who wished to remain in Serbia.

In essence, issuing a registration certificate enables a foreigner to reside in an asylum centre or another facility designated for hosting asylum-seekers until the deadline for submitting an asylum application. However, no provision in the LATP grants the right to accommodation or any other rights to individuals who have received a registration certificate (for example, the right to healthcare, which may and has in practice been provided up to the time of submission of the asylum application). Consequently, these individuals do not have a legal status comparable to that of persons who have submitted an asylum application. Accordingly, their residence in centres and access to various material conditions of reception (food, medical care, and similar) is well-established practice, but without legal basis. For this reason, IDEAS has proposed that this category be granted, within limited scope, a legal status explicitly enabling the right to reside in asylum centres and reception centres, the right to food, clothing, clothing, and other elements that constitute part of the material conditions of reception.[130]

[129] See the following table which shows the relationship between issued registration certificates and submitted asylum applications.

[130] IDEAS proposed, during the public consultation on amendments to the LATP, that registered foreign nationals be explicitly recognized as having legal status and therefore granted access to a certain level of material reception conditions. This proposal was incorporated into the latest draft Bill amending the Law on Asylum and Temporary Protection, available at: http://www.mup.gov.rs/wps/wcm/connect/79711a05-63cf-4ac4-80f2-14d6fdf0c523/%D0%9D%D0%B0%D1%86%D1%80%D1%82+%D0%B7%D0%B0%D0%BA%D0%BE%D0%BD%D0%B0+%D0%BE+%D

In 2025, the largest number of registration certificates were issued by police departments (342), followed by regional border police centres (228). The BPS Belgrade issued 53 registration certificates, while the Reception Centre in Padinska Skela issued only three. The Asylum Office issued no registration certificates in 2025.

II.3.1 Legal Framework

The LATP provides that at border controls upon entry into Serbia or on Serbian territory, a foreigner may orally or in writing, express their intention to submit an asylum application to an authorized police officer. The same is possible in an asylum centre or another facility where asylum-seekers may be housed.[131] A foreigner who has expressed their intention to submit an asylum application is referred to an asylum centre or to another facility designated for the accommodation of asylum-seekers, and must report within 72 hours of receiving the registration certificate. A key component of registration is taking a photograph and collecting biometric data.[132] In the event that this is not done, the provisions of the Law on Foreigners will apply to him.[133] An authorised police officer, upon completion of registration, issues a certificate of registration for a foreigner who has expressed an intention to submit an asylum application. Accordingly, the issuance of a certificate of registration is one of the prerequisites for access to the asylum procedure, i.e. for submitting an asylum application. Without a certificate of registration, the asylum procedure cannot be initiated.

In a formal and legal sense, the period of 72 hours during which the certificate is valid (until submission to the appropriate asylum centre or reception centre) may be described as uncertain and risky for several reasons. Specifically, the provision is ambiguous, as it stipulates that if a foreigner, after registration, fails to appear at the asylum centre or another designated accommodation facility without a legitimate reason, the provisions of the Law on Foreigners will apply to him. In other words, a foreigner—regardless of whether he requires international protection or not—may be subject to a return decision and may become the subject of a procedure for compulsory removal to a third country or his country of origin.[134] LATP obliges a registered foreigner to report to the asylum centre or another facility specified in the certificate of registration within 72 hours, but it does not specify who is responsible for organising and financing transport to that facility. This problem is particularly pronounced when the person does not have personal means of travel or belongs to a vulnerable category. The same legal and practical ambiguity exists when a person is initially accommodated in a reception centre and then needs to be transferred to an asylum centre in order to submit an asylum application or carry out other procedural activities.

As already noted, the issuance of a certificate of registration is not considered an asylum application, which is often incorrectly interpreted by foreigners who do not understand the content of the certificate issued in Serbian and Cyrillic script. Given that in the majority of cases there are no interpreters available at police stations and border police stations where foreigners are registered, and given that the issue of how extensively the information leaflets available on the MoI website are distributed to all

0%B8%D0%B7%D0%BC%D0%B5%D0%BD%D0%B0%D0%BC%D0%B0+%D0%B8+%D0%B4%D0%BE%D0%BF%D1%83%D0%BD%D0%B0%D0%BC%D0%B0+%D0%97%D0%B0%D0%BA%D0%BE%D0%BD%D0%B0+%D0%BE+%D0%B0%D0%B7%D0%B8%D0%BB%D1%83+%D0%B8+%D0%BF%D1%80%D0%B8%D0%B2%D1%80%D0%B5%D0%BC%D0%B5%D0%BD%D0%BE%D1%98+%D0%B7%D0%B0%D1%88%D1%82%D0%B8%D1%82%D0%B8+.pdf?MOD=AJPERES&CVID=ojJi8St.

[131] Article 35. LATP.

[132] *Ibid*.

[133] *Ibid*.

[134] In accordance with Articles 74 to 77 of the Law on Foreigners.

police departments and regional border police centres remains open,[135] there is still a significant risk that foreigners will not understand the content and meaning of the certificate.[136] For this reason, it is important that the significance of introducing the possibility of designing multilingual registration forms that are simple and concise in content and do not represent a greater cost be once again emphasized, as well as that the Ministry of Interior (MoI) and the Commissariat for Refugees and Migration (SCRM) establish a written procedure clearly defining the organization and financing of the transport of registered persons. The authority responsible for registration should organize transport to the first centre indicated in the registration certificate, while SCRM should organize subsequent transfers between reception centres and asylum centres. When a registered person does not have their own means, transport costs should be covered from public funds.

On the other hand, it is important to note that during 2025, the prevailing practice had envisaged that foreigners were first accommodated in asylum centres and reception centres, only after being informed of the possibility of applying for asylum being transferred to registration, and that there was a flexible approach regarding legal deadlines and the possibility of submitting applications, which was positive. In these cases, it can be safely stated that individuals were clearly informed about the purpose and effect of issuing a registration certificate, and no significant issues arose in this regard.[137] However, the practice at the Asylum Centre in Sjenica and the Asylum Centre in Obrenovac implies arrival accompanied by a certificate, and such a practice has been established as a constant throughout 2025. In other words, during 2025, these two centres were designated as locations where the Asylum Office would carry out official activities, and residence in these centres is conditional upon possession of a certificate issued in relation to one of these two centres.

In addition, there is a whole range of uncertainties, both in legal and practical terms, regarding persons primarily registered, that is, whose legal status is determined in accordance with the Law on Foreigners and the Law on Offences, and who subsequently decide to apply for asylum. To repeat, Serbia is, in the majority of cases, not considered a destination country, and due to various circumstances, it is common for individuals to only wish to submit an asylum application and register after a prolonged period of residence on Serbian territory. However, their immigration history up to that point may include numerous encounters with competent authorities. The previous immigration history of foreigners established through the application of provisions of the Law on Foreigners should not constitute a barrier to their registration and to granting access to the asylum procedure in accordance with Article 35 of the Law on Asylum and Temporary Protection (LATP), which nowhere mentions the possibility of shortening the process for a foreigner who expresses an intention to submit an asylum application.

II.3.2 Problems in Practice

First of all, it is important to note that foreigners who were prevented from accessing the territory in 2025 were automatically excluded from the possibility of registration under Article 35 of the Law on Asylum and Temporary Protection (LATP). Accordingly, foreigners who were collectively and informally

[135] Informational leaflets are available at: http://www.mup.gov.rs/wps/portal/sr/baner-sadrzaj/!ut/p/z1/fY2xDoIwFEV_pYvzA0xsHFIAiU5oAm8hj0q02LyWQonh6-3g7HRykpN7AaEBZFr1kxZtmUz0Fg9dmh2z075MLuVdFkl-lVVR3-Q5rTOoAP8HcUGP04Q5oLK8DJ8FGhd6o1Vn4gvvkp548D-ImR5-ozGqt3PwJKxwntYgmARt2ojAL-XBvbH9Au_NMIE!/.

[136] Information about the asylum system in Serbia is available on the MoI website and should be distributed to all police offices and regional border police centres, accessible at: http://www.mup.gov.rs/wps/portal/sr/baner-sadrzaj/!ut/p/z1/fY2xDoIwFEV_pYvzA0xsHFIAiU5oAm8hj0q02LyWQonh6-3g7HRykpN7AaEBZFr1kxZtmUz0Fg9dmh2z075MLuVdFkl-lVVR3-Q5rTOoAP8HcUGP04Q5oLK8DJ8FGhd6o1Vn4gvvkp548D-ImR5-ozGqt3PwJKxwntYgmARt2ojAL-XBvbH9Au_NMIE!/

[137] IDEAS is one of the organizations that, as a partner with UNHCR, provides group and individual legal advice in asylum and reception centres.

pushed out of North Macedonia and Bulgaria, and foreigners whose decisions were automatically issued, were also denied access to the asylum procedure and registration of their intention to submit an asylum application.

In 2025, Preševo Police Station refused to register foreigners who had been given a return decision at least several times, while such cases did not occur at Sjenica Police Station in 2025, unlike in 2024. On the other hand, IDEAS intervened on several occasions with the Police Administration in Subotica regarding the need to register foreigners expelled from Hungary, who, according to numerous reports, are deprived of freedom by Serbian police and are placed in inadequate conditions in Kanjiža Police Station or Subotica Police Administration, and are then punished for violations. Eventually, they are issued a return decision.[138]

According to the data provided by MoI to IDEAS, return decisions were issued to 7,566 persons, [139] and a similar or slightly smaller number of cases were likely submitted for the initiation of misdemeanour proceedings. According to nationality data, nearly half of the foreigners have origins from Syria, Afghanistan, Türkiye and Palestine. In other words, at least 50% of the foreigners who received a return decision may have required international protection.[140] They entered Serbia from Bulgaria and North Macedonia, where in theory they may be expelled based on return decisions that are practically issued and delivered identically to the decision refusing entry - by automation. Taking into account the justifications provided by police officers at the Preševo Border Police Station, the Sjenica Border Police Station, and the Office for Foreigners in Belgrade to foreigners who were denied registration, as a result of this practice large number of persons who may require international protection are at risk of being denied access to asylum procedures, due to the fact that return decisions are issued and delivered automatically. Furthermore, this report refers to cases recorded by IDEAS, raising the question of what happens to individuals who do not receive any support by IDEAS or other actors during attempts at registration and who may have a negative migration history.

It is important to note that barriers in registration are a problem that has previously arisen for foreigners who were the subjected to police proceedings in accordance with the Law on Foreigners.[141] For this reason, it is necessary for the Asylum Office to ensure that all police authorities and regional centres of the Border Police Directorate are aware that every person, regardless of immigration history, has the right to express their intention and to be registered in accordance with Article 35 of the Law on Asylum and Temporary Protection (LATP).

[138] See for example, Klikaktiv, Quarterly Report for 2025, p. 23, available at: https://static1.squarespace.com/static/5e3766f903c72c513a16796c/t/69c51f891f078f2b1b4b9592/1774526345336/IV+kvartalni+izve%C5%A1taj+2025+_+SR-1.pdf.

[139] *MoI-FOI 2025.*

[140] See the table below.

[141] See more in AIDA Country Report: Serbia - 2022 Update, available at: available at: https://asylumineurope.org/wp-content/uploads/2023/05/AIDA-SR_2022update.pdf, pp. 73-79.

TABLE 6

Return Decisions Issued from 1 January to 31 December 2025[142]

Country	Number
Afghanistan	1,591
Türkiye	762
Syria	524
Palestine	326
Iraq	135
Others	4,228
Total	**7,566**

TABLE 7

Registration Certificates and Asylum Applications, 2009–2025

Year	Number of registration certificates	Number of asylum applications
2009	272	181
2010	788	215
2011	3,131	218
2012	2,856	335
2013	5,066	89
2014	16,498	379
2015	579,507	583
2016	12,699	574
2017	6,200	233
2018	7,638	324
2019	12,918	249
2020	2,830	145
2021	2,306	175
2022	4,181	320
2023	1,654	196
2024	850	219
2025	626	132
Total	**660,020**	**4,567**

[142] *MoI-FOI 2025.*

II.4 Lodging Asylum Applications

As already noted, the asylum procedure is initiated by lodging an asylum application, at which point the foreign national becomes an asylum-seeker within the meaning of Article 2(1)(4) of the LATP. At the same time, the foreign national acquires the rights under Article 48 of the LATP and the specific obligations under Article 58 of the LATP. Article 48 guarantees asylum-seekers the right to residence and freedom of movement in the Republic of Serbia, material reception conditions, social assistance, health care, primary and secondary education, information and legal assistance, freedom of religion, access to the labour market and the right to documents. Article 58 prescribes their obligations, primarily compliance with the regulations of the Republic of Serbia, cooperation with the competent authorities and observance of the rules governing residence in an asylum centre.[143] In accordance with Article 2 of the Law on Foreigners, no further provisions of that law apply to him.

II.4.1 Statistical Overview and Legal Framework

In 2025, a total of 132 asylum applications were lodged. The largest numbers were lodged by nationals of the Russian Federation (29), Palestine (10), Pakistan (9), Burundi (8), Syria (8), Cuba (7), Kazakhstan (5), Türkiye (4) and Kyrgyzstan (4). In addition, three applications each were lodged by nationals of Algeria, Iraq, Jamaica, China, the Democratic Republic of the Congo and Sierra Leone; two each by nationals of Afghanistan, Egypt, Gambia, Indonesia, Armenia, Nigeria and Uzbekistan; and one each by nationals of Bulgaria, Croatia, India, Iran, Cameroon, Kenya, Lebanon, Moldova, Germany, Slovakia, Eswatini, Sri Lanka, Sweden, Turkmenistan, the United Kingdom and Ukraine.

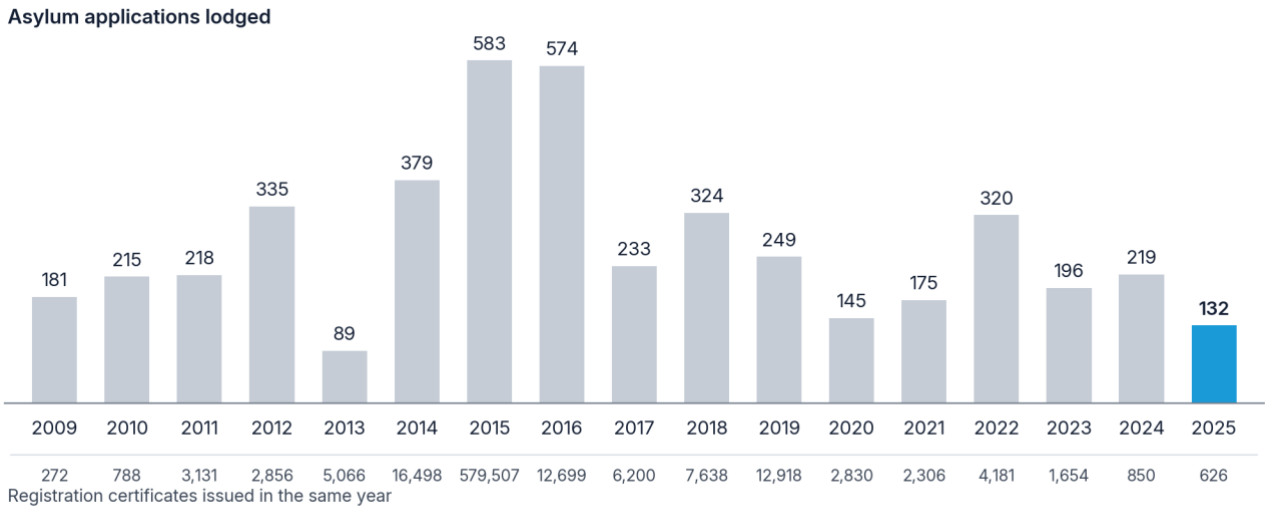
Thus, it is clear that the number of people who actually submit an asylum application does not correspond to the number of registered persons. Since 2009, a total of 660,020 persons, but only 4,567 of them lodged an asylum application (0.7%). This suggests that Serbia is perceived by asylum-seekers primarily as a country of transit, and that more needs to be done to ensure that persons in need of international protection can access an effective asylum procedure and meaningful integration opportunities.

[143] Articles 48 and 58 of the LATP.

FIGURE 2

Fewer than 1 in 100 people registered since 2009 lodged an asylum application

Asylum applications lodged per year (bars) and registration certificates issued in the same year (figures below), 2009–2025. In total, 4,567 applications against 660,020 registration certificates (0.7%).



Source: Table 7.

TABLE 8

Asylum Applications Lodged by Month from 1 January to 31 December 2025[144]

Month	Asylum Applications Lodged before the Asylum Office	Written Asylum Applications	Subsequent Asylum Applications
January	1	9	0
February	2	17	0
March	0	6	0
April	0	10	0
May	1	13	0
June	0	10	0
July	1	12	0
August	0	8	0
September	0	8	0
October	0	8	0
November	0	16	0
December	0	10	0
Total	**5**	**127**	**0**

Article 36 of the Law on Asylum and Temporary Protection (LATP) provides that the asylum procedure is initiated upon submission of an asylum application to an authorized official at the Asylum Office, on

[144] Monthly reports of the Asylum Office for the period January–December 2025.

the prescribed form, no later than 15 days from the date of registration.[145] If an authorised official of the Asylum Office does not allow a foreigner who has been issued a certificate to submit an asylum application within 15 days, the applicant may do so by completing the asylum application form within eight days of the expiry of the stated period.[146] The asylum procedure is considered to have been initiated upon submission of the form to the Asylum Office.[147]

What is problematic from a legal standpoint is the 15-plus-8 day period, which, if strictly interpreted, could pose a significant risk to many foreigners who require international protection and who are registered but are uncertain whether they wish to submit an asylum application. They may be penalised for breach of rules, yet their right to submit an asylum application should not cease upon expiry of the 23-day period.

If this provision were interpreted restrictively, it would mean that registered foreigners who have missed the stated total period of 23 days would lose their right to seek asylum in Serbia. For this reason, it is necessary to amend this provision and eliminate any time limit, especially because it would be impossible for a person claiming that they face persecution or serious harm in their country of origin to be returned to that country without first having their claim examined. The most appropriate procedure for assessing the risk of persecution, serious harm, or risk of serious harm in a third country or in the country of origin is the one established under the LATP. The LATP embodies the principle of directness, i.e. the applicant's ability to present all facts and circumstances to an authorised and competent police officer at the Asylum Office, in a language they understand, with free interpretation, in order to determine whether the foreigner meets the conditions for international protection or not.

Although someone might argue that the existence of the stated facts and circumstances could be examined under provisions of the Law on Foreigners and Article 83 (which embodies the principle *non-refoulement*), such an approach would be entirely illogical for the simple reason that establishing grounds under Article 83 of the Law on Foreigners would mean establishing facts and circumstances for which a foreigner would be entitled to asylum or subsidiary protection. Furthermore, at this time, there is no known example to the author of this report in which police officers of the Border Police Directorate have identified risks under Article 83 of the Law on Foreigners, either when issuing a decision refusing entry or when issuing a return decision. Both types of decision made in accordance with the Law on Foreigners are issued by the Ministry of Interior (MoI), invoking Article 104 of the Law on General Administrative Procedure (LGAP), which regulates the issue of immediate decisions in administrative proceedings. Immediate decision-making under Article 104 of the LGAP envisages that a decision (such as a return decision) is issued without conducting any investigative procedure, i.e. without taking statements from the persons to whom the decision applies. In practical terms, a foreigner to whom a return decision is handed over is not heard, as is the case in asylum proceedings, nor is he thereby given the opportunity to participate in the decision-making process, to clarify his position on the matter, or to potentially, with the help of a language interpreter, present arguments against the decision. Simply put, a return decision is merely filled out on the existing form, printed and handed over to the foreigner, and this is done in the Serbian language.

Therefore, and as is known to the author of this report, return decisions are decisions made following an immediate decision-making process, i.e. decisions that do not precede an investigative procedure and in which statements from the persons to whom the decision applies are not taken, in accordance with Article 104 of the LGAP. Consequently, in an administrative procedure lacking an investigative

[145] Article 36, paragraph 1 of the LATP.

[146] Article 36, paragraph 2 of the LATP.

[147] Article 36, paragraph 3 of the LATP.

procedure or fair participation of the applicant in the decision-making process, it is difficult to imagine how one could assess the existence of grounds for applying Article 83 of the Law on Foreigners. Given all the above, the LATP should not have any time limit for submitting an asylum application, and any person claiming a risk of persecution or suffering serious harm should have an uninterrupted opportunity to submit an asylum application.

II.4.2 Practice Regarding the Lodging of Asylum Applications

During 2025, no significant barriers were observed in the submission of asylum applications by persons previously registered in accordance with Article 35 of the LATP. Out of a total of 132 asylum applications, 127 were submitted in written form, while five applications were submitted to an authorized official of the Asylum Office.

The practical need for legal support has continued to be expressed, particularly during the completion and submission of written forms. Hand-filled applications may create difficulties during translation and full understanding of the applicant's instructions. In 2025, lawyers from IDEAS provided legal assistance in submitting asylum applications for 79 out of a total of 132 applicants, i.e. approximately 60% of all persons who submitted applications.

The practice of submitting asylum applications in 2024, including issues related to hand-filled forms and the scope of legal support provided, is further detailed in IDEAS's previous annual report.[148]

[148] IDEAS 2024, p. 31.

CHAPTER III

First-Instance Asylum Procedure – Practice of the Asylum Office

III.1 Introductory Considerations

The practice of the Asylum Office in 2025 continued to be unpredictable and inconsistent, as was the case in 2023 and 2024,[149] as well as in earlier years when the first instance authority issued different decisions in almost identical or similar cases.[150] In addition, 2025 marked the first decision in which an asylum application by a Syrian national was rejected on the merits, but also, in individual cases, the granting of asylum rights to members of certain social groups from Afghanistan, in the context of the Taliban's return to power.

The problems observed in the practice of the Asylum Office can be divided into three categories. The first is of an administrative nature, primarily relating to the prolonged duration of the asylum procedure.. What is positive is that asylum-seekers in the asylum centres in Sjenica and Obrenovac no longer wait for official hearing services, like in previous years, although this report still advocates that all asylum-seekers should be accommodated in Obrenovac Asylum Centre, both due to its proximity to the Asylum Office's headquarters and because it provides an opportunity for one centre to serve as a location where asylum-seekers can access all rights and services, including those most vulnerable. In fact, establishing a single asylum centre under current circumstances—where the number of arrivals into Serbia has significantly decreased compared to previous years—and given the increasingly limited resources of competent authorities, international organizations, and civil society organizations—would create ideal conditions for the more efficient and coordinated use of limited resources.

The second category of problems relates to the assessment process of the credibility of asylum applications, particularly in relation to the burden of proof and the level of credibility of a particular application under the benefit-of-the-doubt principle, under which any doubt as to whether the conditions for granting the right to asylum have been met should be resolved in favour of the asylum-seeker.[151] We can also include in the second category the quality of the investigation into human rights conditions in the country of origin and its selective citation in negative decisions with the aim of using objective circumstances partially to justify the decision to refuse asylum, even though in many cases no such basis existed.[152]

[149] See more at *AIDA Serbia 2023*, pp. 107-118, and IDEAS, *Respect, Protection and Fulfilment of the Human Rights of Persons in Need of International Protection in the Republic of Serbia - 2025 Annual Report*, hereinafter: *IDEAS 2024*, pp. 36-51.

[150] See more at *AIDA Serbia 2022*, pp. 99-108.

[151] ECtHR, *R.C. v Sweden*, Application No. 41827/07, Judgment of 9 March 2010, available at: https://hudoc.echr.coe.int/fre?i=001-97625, para. 50.

[152] This also constitutes an inadequate application of the LATP within the meaning of Article 32(2)(2).

The first issue is the arbitrary application of the concept of "unacceptable security risk," which deprives asylum-seekers of any real opportunity to challenge their "negative security assessment" used as a basis for the refusal of their asylum application.[153] The second group of decisions relates to the institution of a subsequent asylum application.[154] and the fact that since 2018, when it was introduced, no such request has been assessed as justified, even though in many cases it was clearly evident that either new facts had emerged or facts not disclosed in the initial asylum application had not been disclosed for legitimate reasons.[155] However, in 2025 there were no decisions on subsequent asylum applications, and no applicants submitted such requests, which reinforces the previous findings in this report that the existing practice has discouraged applicants from submitting a subsequent asylum application should new circumstances arise.

Of course, it is important to note that, as was the case in 2024,[156] in 2025 as well the Asylum Office issued a number of decisions representing good practice in assessing the credibility of asylum claims. Thus, in 2025, asylum rights were granted to survivors of gender-based violence and human trafficking, as well as unaccompanied children, and to certain categories of Afghan nationals due to the risk of persecution by the Taliban. Nevertheless, the number of positive decisions remains extremely low and cannot alter the overall assessment of this report, which is that the asylum procedure before the Asylum Office still needs to be made fair, effective and functional.

Finally, it is important to highlight that a significant number of negative decisions have been issued in relation to asylum-seekers whose claims were found to be justifiably uncredible and whose reasons for leaving their country of origin were clearly not linked to the grounds on which asylum may be granted. Of course, it is commendable that, in 2025, with regard to all persons registered under Article 35 of the LATP, there were no obstacles to the submission of asylum applications and their consideration by competent authorities.

III.2 Interview – Legal Framework, Statistical Overview and Practice

The hearing is a formal procedure in the asylum process through which the principle of directness enshrined in Article 18 of the LATP is operationalised. Article 37 provides that the hearing shall be conducted by an authorised official of the Asylum Office, who has undergone the necessary training, and this shall be done in the shortest possible time, with the aim of establishing:

1. The identity of the asylum-seeker;
2. The reasons on which the asylum claim is based;
3. The movements of the asylum-seeker after leaving their country of origin or country of habitual residence;
4. Has the asylum-seeker already sought asylum in another country.

An authorised official of the Asylum Office may interview the asylum-seeker multiple times in order to establish the factual situation. The asylum-seeker is obliged to fully cooperate with the authorised official of the Asylum Office during the interview, to provide credible and reliable explanations for the

[153] Article 33(2) of LATP and Article 34(2) of LATP.

[154] Article 46 of LATP.

[155] Article 46(1) of LATP.

[156] See more in *IDEAS 2024*, p. 51.

reasons underlying their asylum claim, to submit all available evidence supporting their claim, and to truthfully answer all questions put to them.[157] The asylum-seeker must attend and participate in the interview in person, irrespective of whether they have a legal representative or counsel.[158] Family members of the asylum-seeker are interviewed separately, except when, according to the assessment of the official conducting the interview, it is necessary to establish key facts underlying the asylum claim. In accordance with the principle of confidentiality,[159] The public is excluded from the interview.[160] This does not exclude the possibility of UNHCR's presence.[161] Audio or visual recording is also possible, if the asylum-seeker has been informed thereof.[162]

The Law on Asylum and Temporary Protection (LATP) provides for the possibility of omitting hearings in the following circumstances:

1. if, based on available evidence, a decision can be taken granting the asylum application and authorising access to asylum;
2. if the applicant is unable to give a statement due to long-standing circumstances beyond their control;
3. if the admissibility of a subsequent asylum application is assessed.

This option has never been applied to date, despite IDEAS lawyers submitting in 2024 a request to apply this provision to a woman who survived gender-based violence and human trafficking and who was therefore psychologically vulnerable. Regrettably, the interview was conducted regardless of the applicant's representative's request. Nevertheless, positively, the applicant was later granted access to asylum. The Asylum Office has never provided a reason for why a person arriving from Ukraine, in relation to whom it was established that she was a victim of human trafficking by the Centre for Human Trafficking Victims Protection[163], must have been interviewed. As supporting documents submitted with the asylum application include the CHTVP report confirming the applicant's status as a victim of human trafficking and clearly indicating that human trafficking was also an act of forced disappearance. Medical reports from a psychiatrist were submitted, as well as psychosocial assessments highlighting the risk of re-traumatisation. Based on the reviewed evidence, findings and opinions, she met the conditions set out in Article 37, paragraph 10, points 1 and 2, and without any obstacle it could be established that she fulfilled the conditions for granting access to asylum. According to the author of this report, there were no requests for the omission of an interview in 2025.

[157] Article 37, paragraph 3 and Article 32, paragraph 1 of the LATP.

[158] Article 37, paragraph 4 of the LATP.

[159] Article 19 of the LATP,

[160] Article 37, paragraph 7 of the LATP.

[161] Article 37, paragraph 8 of the LATP.

[162] Article 37, paragraph 9 of the LATP.

[163] hereinafter: CHTVP.

TABLE 9

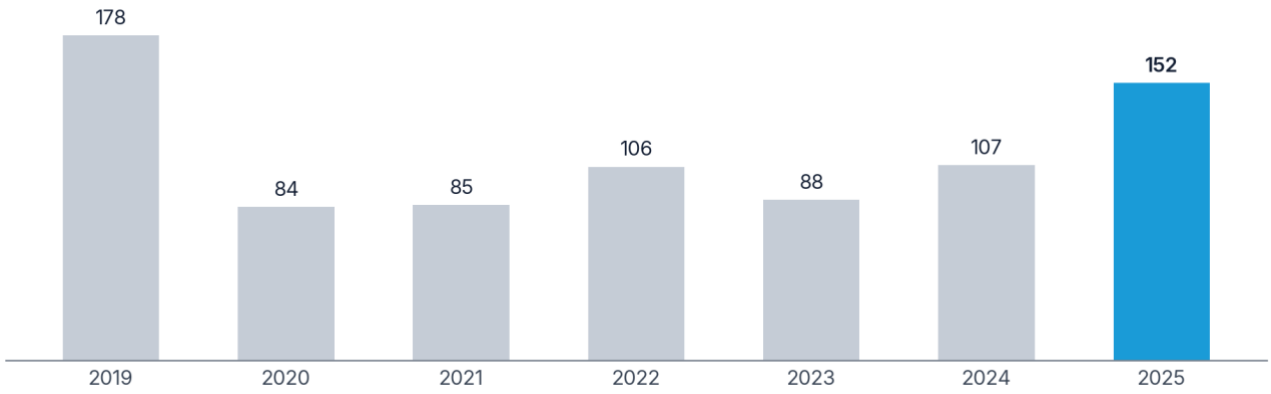
Hearings conducted by the Asylum Office between 2019 and 2025[164]

Month	2019	2020	2021	2022	2023	2024	2025
January	16	5	8	6	2	4	9
February	32	20	7	9	7	11	19
March	16	9	2	10	14	19	24
April	26	0	5	14	6	22	14
May	12	0	15	6	6	8	18
June	3	3	14	5	2	4	6
July	9	1	11	8	4	2	11
August	6	1	0	4	2	2	11
September	19	8	0	18	15	5	14
October	17	23	9	1	6	13	6
November	8	7	1	22	15	6	9
December	14	7	13	4	9	11	11
Total	**178**	**84**	**85**	**106**	**88**	**107**	**152**

FIGURE 3

The Asylum Office held 152 hearings in 2025, the most since 2019

Asylum interviews (hearings) conducted by the Asylum Office per year, 2019–2025.



Source: Asylum Office monthly reports (Table 9).

What is important to note is that the waiting period for asylum interviews after the submission of an application has been reduced due to more frequent visits by the Asylum Office to the Sjenica Asylum Centre. Nevertheless, the view is reiterated that establishing the Obrenovac Asylum Centre as the sole centre for asylum-seekers under current circumstances would eliminate the problem of unreasonably

[164] *Monthly Reports of the Asylum Office*.

long waiting times for interviews, thereby reducing cases of discouraged asylum-seekers who leave Serbia, and consequently the asylum process.[165]

In 2025, the asylum interview process continues to be significantly dependent on the accommodation locations of asylum-seekers and the field access of the first-instance authority.

One way to address this issue could be the rationalisation of the existing system of referring asylum-seekers to asylum centres. Indeed, the majority of asylum-seekers, especially male adults, are automatically referred to the Sjenica Asylum Centre, which is 260 km away from Belgrade, where the Asylum Office is headquartered. This assessment remains valid despite the regular visits by the Asylum Office to the Sjenica Asylum Centre throughout 2025. At the same time, the Obrenovac Asylum Centre, located near the headquarters of the Asylum Office, had less than 10% of its capacity utilised during most of 2024 and 2025 (fewer than 100 users in an institution with a formal capacity of 1,000 beds).[166] Therefore, it is difficult to find a legally, practically and logically justified reason for not utilising the capacity of the asylum centre in Obrenovac to a greater extent, with the aim of overcoming the systemic problem of prolonged first-instance asylum procedures.[167]

In any case, the IDEAS lawyers did not identify significant problems during the official hearing procedures in 2025. All staff members of the Asylum Office conducted their duties properly and enabled asylum-seekers to present all facts and circumstances. Furthermore, legal representatives were allowed to raise questions without interruption at the end. No cases were recorded in which there was a lack of consensus between Asylum Office staff, powers of attorney, and asylum-seekers regarding the content of the hearing notes, which in every IDEAS case was properly signed off at the end.

Finally, the logistical support available to Asylum Office staff when conducting interviews should be improved. It is a major challenge for the officers concerned to conduct interviews, maintain order, arrange interpreters and enter the content of the interview in the record themselves. All participants generally consider that interviews would be significantly shorter if the Asylum Office had the support of a minute-taker, allowing the police officer to focus solely on questioning the asylum-seeker. It should nevertheless be noted that the Asylum Office's working conditions improved during the reporting period, as a fitted-out and modernly equipped Asylum Office room was established at the Obrenovac Asylum Centre. This facilitates procedural steps and enables Asylum Office staff to be present at the centre on a weekly basis.

III.3 Overview of Asylum Office Practice

In 2025, the Asylum Office issued 170 decisions regarding 226 asylum applicants. Of this number, the largest share of decisions related to suspensions – 83 decisions on suspension (48%) issued in relation

[165] More on this later in the text.

[166] See more in Chapter VIII of this Report.

[167] On the duration of the asylum procedure, see further below.

to 100 asylum applicants.[168][169] This continues the trend observed in previous years, in which the largest number of decisions issued by the Asylum Office concerned individuals who had left the asylum process and (most likely) Serbia, and who were subject to a preliminary decision prior to the issuance of the first-instance decision.

The remaining 87 decisions (52%) were substantive decisions, except for one case in which the application of a Belarusian national was dismissed as inadmissible under the first-country-of-asylum concept, Sweden being the first country of asylum in that case.[170] In fact, the 86 decisions mentioned above, issued in relation to 125 asylum applicants, will be subject to analysis in this report with varying levels of detail.

Of a total of 86 decisions relating to the assessment of asylum applications, 79 decisions pertained to refusals and were issued regarding 118 asylum-seekers. Only 7 decisions were positive, and seven asylum-seekers were granted the right to asylum.[171] There were no decisions dismissing an asylum application as inadmissible under the safe-third-country concept.[172]

FIGURE 4

Only 7 of 170 first-instance decisions granted protection

Decisions issued by the Asylum Office in 2025, by outcome. Number of decisions.



Source: IDEAS analysis of Asylum Office decisions, 2025 (Annex 1).

One conclusion that may be drawn from the statistics is that the total number of decisions issued in 2025 was higher than in 2024. In 2024, 151 decisions were issued, while in 2025 the figure rose to 170,

[168] It was not possible to establish the exact number of decisions discontinuing proceedings, primarily because of the way in which the Asylum Office records data in its monthly reports, which it regularly submits to the UNHCR Office in Serbia for onward distribution to other stakeholders. The reports show only the total number of persons covered by decisions, not the precise number of decisions. Although this is inaccurate, the Asylum Office reports the number of decisions as identical to the number of persons, applying a one-decision, one-person principle. Many decisions in fact cover two or more persons. For example, in 2024 a single decision covered a six-member family from the Russian Federation but was recorded in the official statistics as 6 decisions, even though one decision joining the proceedings was issued in respect of all family members. What can therefore be established with certainty is that decisions discontinuing proceedings covered 100 persons. In an effort to present the statistics as accurately as possible, the authors of this Report adopted a methodology under which the total number of decisions discontinuing proceedings was set at 70% of the total number of persons covered. In other words, 70% of 100 is 83. By contrast, the exact ratio of persons to decisions could be established for substantive decisions and decisions on subsequent asylum applications because the copies of decisions duly provided by the Asylum Office were analysed in detail.

[169] In addition to decisions discontinuing proceedings in the strict sense, this figure includes decisions staying proceedings, dismissing appeals on procedural grounds, withdrawing subsidiary protection and reopening proceedings, which the Asylum Office reports separately in its monthly reports.

[170] The Asylum Office, Decision No. 26-2642/24 dated 23 December 2025.

[171] Asylum Office, decisions no. 26-1615/19 of 29 April 2025, no. 26-454/24 of 23 June 2025, no. 26-297/24 of 23 June 2025, no. 25-1546/24 of 30 June 2025, no. 26-854/24 of 1 July 2025, no. 26-1285/24 of 18 July 2025 and no. 26-614/25 of 23 July 2025.

[172] Article 45. Law on Asylum and Temporary Protection (LATP).

an increase of approximately 13%. The number of decisions on the merits also increased: 59 such decisions were issued in 2024, compared with 86 in 2025, an increase of approximately 46%. In other words, in 2025, 86 decisions on the merits concerned 125 asylum-seekers from the following countries: Cuba (26), the Russian Federation (22), Türkiye (16), Burundi (11), Syria (7), Belarus (6), Romania (5), Afghanistan (4), Kyrgyzstan (4), Pakistan (4), Nigeria (2), China (2), Croatia (2), Armenia (2), and one decision each concerning nationals of Iran, Cameroon, Tunisia, Iraq, Kazakhstan, Bosnia and Herzegovina, Sweden, Egypt, Algeria, Slovakia, Ukraine and Ireland.

With regard to substantive decisions, it can be concluded that the refusal rate for asylum applications in 2025 was 92%, while the grant rate was 8%. This represents a further decrease in the grant rate of international protection by 4 percentage points compared to 2024.[173] International protection was granted through 7 decisions (8%) for 7 individuals. The right to asylum (status of refugee) was granted through 2 decisions, specifically for nationals of Afghanistan and Cameroon, while subsidiary protection was granted through five decisions for nationals of Syria (3), Burundi (1) and Afghanistan (1).

The majority of the substantive decisions issued in 2025 related to nationals of Cuba – 17 decisions regarding 26 applicants; the Russian Federation – 16 decisions regarding 22 applicants, and Burundi – 8 decisions regarding 11 applicants. Only one out of a total of 41 decisions for these three categories was positive and related to the reunification of a family of a child from Burundi.[174] and not on a substantive decision based on the application submitted. All other decisions implied the refusal of asylum applications, including those of persons who had survived gender-based violence.[175] or else they fled due to persecution to which they were exposed as a result of their sexual orientation,[176] or political activism[177] or risk of mobilization.[178] In this regard, the rate of recognition of international protection for Cuba, the Russian Federation and Burundi in 2025 was 0%, i.e. 12.5% for Burundi if family reunification is even considered part of the decision through which the quality of the assessment of the credibility of submitted asylum claims can be evaluated.

The fourth-largest group of asylum-seekers whose applications were decided on the merits by the Asylum Office were Turkish nationals. Most claimed religious persecution, and all 16 asylum-seekers were rejected on the merits in 8 decisions, resulting in a 0% recognition rate.[179]

The next group of applicants are Syrians, where 7 decisions were taken regarding 7 individuals. Of these, three Syrian nationals were granted subsidiary protection, while three were subject to the "unacceptable security risk" concept,[180] and one Syrian was rejected in a merit review.[181] According to the author's findings, this was the first such decision following the change of regime in Syria. As a result, the rate of recognition of international protection for Syrians in 2025 was 43%.

And the last larger group of asylum-seekers regarding whom a decision was made in the merit review consists of Afghan nationals, for which six decisions were issued covering five Afghans (one Afghan

[173] See more in *IDEAS 2024*, p. 37.

[174] The Asylum Office, decision no. 26-1615/19 of 29 April 2025.

[175] For example, the Asylum Office, decision no. 26-2028/22 of 28 April 2025.

[176] For example, the Asylum Office, decision no. 26-2506/24 of 6 August 2025.

[177] *Ibid*.

[178] For example, the Asylum Office, decision no. 26-1181/24, dated 11 August 2025.

[179] For example, the Asylum Office, decisions no. 26-1157/23, dated 28 April 2025, 26-2173/24 dated 17 July 2025, 26-2174/24 dated 17 July 2025 and so on.

[180] The Asylum Office, decision no. 26-2655/23 of 27 May 2025.

[181] The Asylum Office, decision no. 26-353/24 of 23 December 2025.

national was rejected twice).[182] One Afghan national was granted the right to asylum,[183] one unaccompanied child was granted subsidiary protection,[184] while the remaining Afghan applications were rejected either on the merits (2 persons) or on the ground of an "unacceptable security risk" (1 person).[185]

Regarding other nationalities, the Asylum Office has issued exclusively negative decisions, except in the case of an unaccompanied girl from Cameroon who survived gender-based violence and human trafficking and was granted the right to asylum.[186] Thus, asylum applications were rejected in low-credibility cases involving nationals of Pakistan (4 persons - 4 decisions), Nigeria (2 persons - 2 decisions), Croatia (2 persons - 2 decisions), Armenia (2 persons - 2 decisions), and one decision each concerning nationals of Tunisia, Bosnia and Herzegovina, Romania (1 decision - 5 persons), Sweden, Algeria, Slovakia, Egypt and Ireland.

Most of these decisions will not be subject to detailed analysis, except where some of them relate to the phenomenon of arbitrary application of the "unacceptable security risk" criterion. In this regard, the Asylum Office has issued a total of 11 decisions rejecting asylum applications due to a negative security assessment by the Security-Information Agency. Thus, the applications of a family from Belarus (six persons in total) were rejected,[187] as were those of three nationals from Syria, two nationals from Pakistan, and one national each from Cuba and Afghanistan. In addition, with regard to one national each from Iraq, Kazakhstan, and Kyrgyzstan, a similar assessment was carried out, with the caveat that these individuals were also undergoing extradition proceedings to their country of origin.[188]

It is worth noting that one national from the Russian Federation and one national from Kyrgyzstan were excluded from international protection in two decisions.[189] and one national from Kyrgyzstan.[190]

III.4 Duration of the Asylum Procedure

The decision on an asylum application in the regular procedure is issued no later than within three months from the date of submission of the asylum application or of a duly authorized subsequent asylum application,[191] which means that within the said three months, a formal hearing procedure must be carried out, the decision must be written and finally delivered to the asylum-seeker.

The period may be extended by an additional three months if the application contains complex factual or legal issues or if a large number of applicants simultaneously submit asylum applications.[192] Additionally, the period may be extended by another three months if this is necessary in order to fully

[182] The Asylum Office, decisions no. 26-584/24 of 30 July 2025 and 18 December 2025.

[183] The Asylum Office, decision no. 26-1546/24 of 30 June 2025.

[184] The Asylum Office, decision no. 26-854/24 of 1 July 2025.

[185] The Asylum Office, decision no. 26-3432/24 of 9 December 2025.

[186] The Asylum Office, decision no. 26-614/25 of 23 July 2025.

[187] Asylum Office, decision no. 26-3133/24 of 21 July 2025.

[188] Asylum Office, decisions no. 26-185/25 of 28 April 2025, 26-1314/25 of 8 August 2025 and 26-2227/25 of 1 October 2025.

[189] Who the US is seeking to extradite and who was held in extrajudicial detention during the first-instance procedure, Asylum Office, decision no. 26-44/25 of 28 April 2025.

[190] Asylum Office, decision no. 26-178/24 of 5 June 2025.

[191] Article 39, paragraph 1 of the Law on Asylum and Temporary Protection (LATP).

[192] Article 39, paragraph 2 of the Law on Asylum and Temporary Protection (LATP).

and appropriately consider the application.[193] Finally, if it can reasonably be expected that the decision on the asylum application cannot be issued within nine months, and due to temporary instability in the country of origin of the applicant, duly authorized officials of the Asylum Office regularly assess the situation in the country of origin every three months and, within a reasonable timeframe, inform the applicant of the delay in issuing the decision.[194]

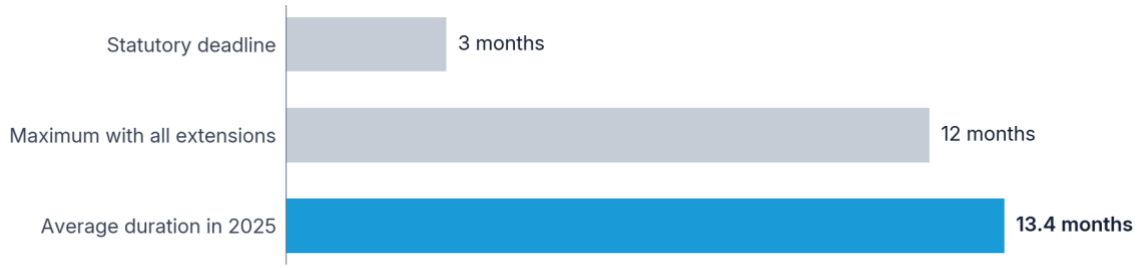
Thus, the maximum duration of the initial asylum procedure in the above-mentioned circumstances amounts to 12 months, with the Asylum Office being obliged to notify the applicant of the extension and the reasons underlying it.[195] During 2024 and 2025, based on direct experience in representing applicants in asylum proceedings, as well as on reviewing all first-instance decisions, it has not been established that such a notification has been sent in any case where the procedure lasted longer than three months.

As noted above, first-instance asylum proceedings in Serbia are excessively and unreasonably long. Data on the time elapsed between the lodging of an asylum application and the interview show that proceedings are completed within three months only in exceptional cases. If one considers the Asylum Office decisions concerning asylum-seekers whose applications were examined for the first time, and excludes one decision dismissing an asylum application as inadmissible, the average duration was 13.4 months or 408 days.[196] This was the average time required by the first-instance authority to issue a decision on the merits in 2025, which was 0.4 months longer than in 2024. The table above shows that a first-instance decision was issued within three months only in six cases, mostly where the asylum-seekers were simultaneously subject to extradition proceedings. In some cases, first-instance asylum proceedings lasted 18, 19.5, 20, 21, 23 or even 26 months.

FIGURE 5

First-instance decisions took longer than the law allows even with all extensions

Duration of the first-instance asylum procedure in months: statutory deadline under the LATP, maximum duration with all extensions and average duration of decisions on the merits for first-time applicants in 2025.



Source: LATP; IDEAS analysis of Asylum Office decisions, 2025.

Thus, the excessively long duration of the first-instance procedure can partly be linked to the limited operational capacity of the Asylum Office[197], but also to the previously mentioned policy of referring

[193] Article 39, paragraph 3 of the Law on Asylum and Temporary Protection (LATP).

[194] Article 39, paragraph 5. LATP.

[195] Article 39, paragraph 4. LATP.

[196] The duration of the procedure is calculated as a time period from the submission of the asylum application to the issuance of the first-instance decision, for cases where the request is being considered for the first time. The decision to dismiss a request is not included in the calculation. Due to the way data are recorded and processed, the duration is calculated in months, and it is not possible to reliably present the average duration in days.

[197] According to the response from the Asylum Office to the request for access to information of public interest no. 07-2/25 dated 11 February 2025, delivered on 21 February 2025, 23 out of 28 systematically identified work positions were filled in the Asylum Office, of

asylum-seekers to the Asylum Centre in Sjenica rather than to the Asylum Centre in Obrenovac, whose capacity was almost fully unutilised during 2024 and 2025. Furthermore, for certain nationalities or persons at heightened risk, and in cases where there was no question of applying the principle of an unacceptable security risk, it is difficult to justify the prolonged duration of the procedure. The same can be said regarding *prima facie* non-credible cases to which the accelerated procedure may apply.

III.5 Quality and Fairness of the Credibility Assessment of Asylum Applications

When it comes to the quality and the credibility assessment of asylum claims in the first-instance procedure, one of the fundamental conclusions of this report is that the threshold for proving the existence of a risk of persecution or suffering serious harm has been set too high by the first-instance authority. The best example of this assertion is the decisions rendered in 2025 regarding individual citizens of Burundi, as well as citizens of the Russian Federation who have fled mobilization or even re-mobilization. In these cases, proving political persecution or a risk of forced military mobilization has become practically impossible.The pattern of decisions concerning citizens of the Russian Federation who base their claims on the armed conflict in Ukraine and the current political context in Russia raises questions about the consistency and accessibility of international protection in such cases.

When it comes to citizens of Burundi, there is no doubt that the period during which there was a visa-free regime between this country and Serbia created circumstances under which a significant number of Burundian citizens entered Serbia for economic reasons. The same applies to citizens of the Russian Federation. However, this circumstance in no way changes the fact that Burundi remains a country currently going through various forms of political instability, as well as the fact that credible reports from various international organizations indicate a whole range of systemic patterns of human rights violations against opposition members, journalists, workers in the private sector, members of the ethnic minority Tutsi, and generally individuals who are not politically aligned with the current ruling structures.[198] The same problem is faced by family members of the aforementioned individuals.[199] Moreover, the conflict in Ukraine caused by Russian aggression has created circumstances under which it has also become unpredictable who and under what circumstances may be forcibly taken to the front.

Finally, this year's practice has shown that the level of protection previously enjoyed by certain categories of asylum-seekers, such as those in 2024, has gradually diminished or has entirely disappeared. This primarily applies to LGBTQI+ asylum-seekers, as well as asylum-seekers who have

which 12 staff members were directly assigned to manage asylum procedures and make decisions on requests. If this number is taken as an approximate figure for the number of active staff during 2025, approximately 11 new asylum applications, 13 hearings and seven substantive decisions are processed per staff member. This calculation is indicative, as the data on the number of employees represent the situation in February 2025, it is unknown whether the number of active staff remained unchanged throughout the year or how the cases are actually distributed among them, and the calculation does not include other procedural and administrative tasks carried out by the Asylum Office.

[198] See for example, HRC, *Concluding observations on the third periodic report of Burundi**, CCPR/C/BDI/CO/3, 29 August 2023, available at: https://bit.ly/46hLFpC; CAT, *Concluding observations on the third periodic report of Burundi**, CAT/C/BDI/CO/3, 11 December 2024, available at: https://bit.ly/3LwYtPa. Special Rapporteur on the situation of human rights in Burundi, *Situation of human rights in Burundi - Report of the Special Rapporteur on the situation of human rights in Burundi, Fortuné Gaetan Zongo*, A/HRC/54/56, 11 August 2023, available at: https://bit.ly/4d76bv9.

[199] *Ibid*.

experienced more severe forms of gender-based violence or who fled before any form of such violence was materialized.[200]

Such a conclusion is based on a detailed analysis of the entire practice of the first-instance body, which has primarily been based on an analysis of justifications that without any doubt indicate a lack of application of Article 32 of the LATP and Article 141(4) of the LGAP (the provisions which regulate the establishment of facts and circumstances upon which the asylum claim is based, or the assessment of the credibility of the asylum-seeker's statements). The combined application of the aforementioned provisions in the practice of the Asylum Office is scarce and indicates that the assessment of credibility, legally regulated by these provisions, is incomplete and selective. The aforementioned provisions require the Asylum Office to assess, in combination, individual and general circumstances,[201] with the aim of establishing the existence of a reasonable and substantial risk of persecution or suffering serious harm, distributed among the claimant and the asylum-seeker. Thus, the objective is to establish a risk, not to establish with certainty that such a risk will actually materialise, which is the impression that IDEAS lawyers have had over the past few years.

III.5.1 Asylum Office Practice Regarding Asylum-Seekers from Burundi in 2025

Negative practice of the Asylum Office regarding asylum-seekers from Burundi has continued in 2025, concerning various categories of asylum-seekers from this country.[202] This is primarily reflected in reliance on sources that cannot be regarded as relevant country-of-origin information on the human rights situation, even though they were produced by UNHCR, IOM and other UN agencies. The key reason for this finding lies in the fact that the cited sources are primarily based on statistical data on the number of Burundian nationals who returned to their country of origin between 2017 and 2024.[203] Although these reports may indicate that in Burundi there are no longer conditions leading to mass displacement, particularly among the Tutsi ethnic communities, the sources cited by the first-instance body still show that hundreds of thousands of Burundians remain in neighbouring countries, and that many returnees have reported experiencing intimidation. On the other hand, reports that are not statistical in nature but clearly describe systemic patterns of human rights violations by security forces and Imbonerakura are entirely omitted from the 2025 decisions.[204]

In addition, the practice of selectively citing parts of reports concerning survivors of gender-based violence continued. In particular, the Asylum Office continued, as a matter of routine, to cite descriptions of formally established procedures for the protection of survivors of gender-based

[200] Review of practice in handling such cases is set out in *AIDA Serbia 2024*, pp. 104-106.

[201] Article 32, paragraph 2, points 1, 2 and 3 of the LATP and Article 141, paragraph 4 of the LGAP.

[202] See also IDEAS, R*espect, Protection and Fulfilment of the Human Rights of Persons in Need of International Protection in the Republic of Serbia - 2024 Annual Report*, pp. 42-46, available at: https://ideje.rs/wp-content/uploads/2025/07/Godisni-izvestaj_3.jul-ver2.pdf; hereinafter: IDEAS 2024.

[203] An example of such a report is UNHCR, *Burundi Operational Overview - 31 October 2024*, available at: https://data.unhcr.org/en/documents/details/112410.

[204] HRC, *Concluding observations on the third periodic report of Burundi**, CCPR/C/BDI/CO/3, 29 August 2023, available at: https://bit.ly/46hLFpC; CAT, *Concluding observations on the third periodic report of Burundi**, CAT/C/BDI/CO/3, 11 December 2024, available at: https://bit.ly/3LwYtPa. Special Rapporteur on the situation of human rights in Burundi, *Situation of human rights in Burundi - Report of the Special Rapporteur on the situation of human rights in Burundi, Fortuné Gaetan Zongo*, A/HRC/54/56, 11 August 2023, available at: https://bit.ly/4d76bv9.

violence published on GOV.UK (*guidance for Burundi)*,[205] which was posted by the UK Foreign, Commonwealth & Development Office for its nationals travelling to Burundi. The webpage describes the legal procedures available to survivors of rape and other forms of sexual violence in order to provide them with appropriate assistance, preserve evidence and initiate proceedings to establish the perpetrators' responsibility. However, similar notices exist on the UK Government website for almost every country in the world, and such a notice cannot in itself be regarded as a report on the human rights situation in the country of origin. Moreover, the webpage provides no information on the practical implementation of those procedures that would demonstrate that they constitute effective and durable protection within the meaning of Article 30(2) and (3) and Article 32(2)(5) of the LATP.

Selective citation of parts of reports on the country of origin and their copying without engaging in individual interpretation has been observed in almost all of the analysed negative decisions of Burundian nationals, particularly in relation to those who claimed they had suffered political persecution as members of opposition parties (and who provided copies of membership cards as evidence) or as individuals who simply publicly opposed the existing government. This is also the case with decisions 26-804/25 dated 13 October 2025 and 26-2791/23 dated 28 April 2025, where the Asylum Office relied solely on introductory sections of reports from 2021 issued by UN agencies, which relate to progress Burundi has made in certain areas relating to political stability.[206] Thus, for example, the Asylum Office relied on introductory sections of reports *Commission on Inquiry on Human Rights in Burundi,*[207] which, like any UN document in its introductory sections contains a reference to positive circumstances and achieved progress. In fact, the Asylum Office referred to a paragraph in the introductory section (which, with its title and content, totals five pages) stating a general improvement in the situation and positive promises by the President that greater efforts would be made to significantly improve the human rights situation. The following 45 pages exclusively discuss negative practices relating to the absence of rule of law, the judiciary’s dependence on executive power, cases of killings, torture, arbitrary deprivation of liberty, and politically manipulated proceedings against political dissidents.

[205] UK Foreign Office, *Burundi: information for victims of rape and sexual assault*, available at: https://www.gov.uk/government/publications/burundi-information-for-victims-of-rape-and-sexual-assault.

[206] Reports by international organizations on the human rights situation in a country invariably contain positive assessments and note progress in their opening paragraphs. For countries such as Burundi, however, those introductory sections extend to no more than two pages, while the remaining dozens of pages are consistently negative and describe systemic problems in the enjoyment and protection of human rights.

[207] A/HRC/48/68, 16 September 2021, available at: https://www.ohchr.org/en/hr-bodies/hrc/co-i-burundi/co-i-burundi.

CASE

Mother and daughter from Burundi

The continuity of negative practices is most evident in the case of a mother and daughter from Burundi, in which the Asylum Office first rejected the asylum application on 2 February 2024 by decision no. 26-2028/22. The case does not contain any references to political persecution, but exclusively references to gender-based violence, specifically incest, supported by a specialist psychological report and an expert report on gender-based violence, as well as information about the country of origin provided by the legal representatives. In addition to the commonly reported statistics on Burundian repatriations published by UNHCR and IOM, and citing a webpage from the UK Foreign Office, the Asylum Office referred to the EUAA report on women's situation in Burundi, applying an already established pattern of selective citation of CoI reports.[208] Only the section describing the legal framework was cited, while the sections addressing practice, as well as reports by CAT, the Human Rights Committee and the Special Rapporteur on Burundi concerning unpunished domestic violence, were omitted. The case came before the Asylum Office again after the Asylum Commission upheld the appeal and instructed the Asylum Office to address precisely the issue identified above: the lack of data on the effectiveness of the victim-protection system and the effective operation of the legal framework and established procedures.[209] Unfortunately, the Asylum Office issued almost identical decision and again rejected the asylum application of a woman whose experience and the volume of evidence she had previously submitted through her legal representatives were sufficient to warrant a grant of asylum.[210] Another similar decision was made in relation to an asylum-seeker from Burundi who claimed to be at risk of ordinary persecution by both her family and her husband's family, due to conflict with their relationships and the formation of a new family (in Serbia she gave birth to a child).[211] What particularly concerns is that the Asylum Office, besides the usual reference to statistical data on the repatriation of Burundian refugees, cited a 2024 Human Rights Watch report stating that there is no "pursuit of women who gave birth outside marriage". This is nowhere stated in the referenced report.[212] The same applies to the cited Amnesty International report from 2023.[213] In other words, some of the decisions from 2025 indicate a deterioration in the way reports on human rights conditions in the country of origin are cited, with facts that do not exist in those sources being presented. The same arguments can be found in decision no. 26-1183/24 dated 24 June 2025, regarding another Burundian national who claims to have fled due to gender-based violence.

III.5.2 Asylum Office Practice Regarding Asylum-Seekers from Cuba and the Russian Federation

First and foremost, it is important to highlight that almost all decisions concerning nationals from Cuba and the Russian Federation in 2024 and 2025 were rejected as not credible, and a detailed analysis has established that for a significant number of those decisions, the outcome would not have been

[208] EUAA, *Situation of women in Burundi*, available at: https://www.ecoi.net/en/file/local/2089804/2023_03_Q6_EUAA_COI_Query_Response_Burundi_situation_of_women.pdf

[209] Asylum Commission, decision no. AŽ 15/24 of 17 October 2024

[210] Asylum Office, decision no. 26-2028/22 of 28 April 2025.

[211] Asylum Office, decision no. 26-1730/24 of 4 August 2025.

[212] HRW, *Burundi 2023*, available at: https://www.hrw.org/world-report/2024/country-chapters/burundi.

[213] See more at: https://www.amnesty.org/en/documents/pol10/5670/2023/en/.

different. Indeed, during interviews, most asylum-seekers from Cuba reported severe economic difficulties in the country of origin, while some also mentioned their participation in protests in July 2021 or general disagreements with the political system. Taking into account that the Asylum Office has, in its past practice, granted asylum to Cuban nationals whose profiles clearly indicated political persecution, and comparing these cases with those of Cuban applicants rejected in 2024 and 2025, it cannot be claimed that the Office's practice is adverse towards higher-profile Cuban political activists.[214]

A similar situation exists with several decisions regarding nationals from the Russian Federation who cited a general disagreement with Vladimir Putin's regime and his military operation in Ukraine, but without specifying how these circumstances affected them personally, or without providing evidence of the consequences they allegedly suffered.[215]

Nevertheless, a few cases from 2024 and 2025 merit special attention as they relate to cases of fleeing military mobilization that has reached the threshold of real risk of persecution within a specific social group.[216]

In one such case in 2024, the asylum-seeker fled from the Russian Federation together with his family after receiving a call to register with the regional military command, which is the first step towards potential conscription and deployment. An individual statement was submitted, while legal representatives provided a detailed compilation of reports describing the legal framework during wartime, the penalties for evading mobilization, and the unpredictability of recruitment practices, primarily based on the EUAA report.[217] Although the asylum-seeker was not in a category falling under the primary line of mobilization, the practice existing in the Russian Federation without any doubt shows that individuals who receive a call to report to the military command are at serious and real risk of being conscripted, as highlighted by relevant reports submitted. Unfortunately, the Asylum Office did not consider the individual and general circumstances cited as sufficient grounds for granting international protection, further indicating the high threshold of proof that asylum-seekers must meet. Moreover, the most contentious aspect of the decision pointing to a systemic problem within the Asylum Office's CoI unit is the fact that no analysis of reports on the country of origin was included in this decision. Indeed, the only external source the Asylum Office used to support its negative decision was a news article from a Serbian media outlet published in September 2022, which superficially analyzes the mobilization practices in the Russian Federation.[218] Ignoring the fact that a domestic media article was used as a source, i.e., as evidence of objective circumstances excluding the risk of persecution or suffering serious harm, it is simply unimaginable that the Asylum Office did not at least briefly refer to the EUAA report, which was directly acknowledged within the very LATP.[219] In addition, the Asylum Office failed to address that source as part of its obligation under Article 141(4) of the Law on General Administrative Procedure, which prescribes the mandatory content of a decision's reasoning and requires the authority to address evidence submitted by the parties. In this case, that evidence was a CoI

[214] See for example the decisions of the Asylum Office, decision no. 26-1043/22 dated 6 February 2023 and decision no. 26-132/22 dated 13 February 2023.

[215] Asylum Office, decisions no. 26-850/23 dated 31 October 2024, 26-10-36/23 dated 22 March 2024, 26-2924/24 dated 21 August 2025

[216] Asylum Office, decision no. 26-624/23 dated 18 April 2024.

[217] EUAA, *The Russian Federation - Military service*, December 2022, available at: https://euaa.europa.eu/sites/default/files/publications/2022-12/2022_EUAA_COI_Russia_Military_Service.pdf.

[218] BBC Serbian, Who can potentially be mobilised in Serbia, 22 September 2022, https://euaa.europa.eu/sites/default/files/publications/2022-12/2022_EUAA_COI_Russia_Military_Service.pdf.

[219] Article 32, point 2, sub-point 2. LATP.

submission spanning dozens of pages and citing the EUAA report. In other words, a combined assessment of the objective circumstances, derived primarily from the EUAA report, and the asylum-seeker's individual circumstances, including that he had been summoned to register at a military command, did not make it possible to exclude with certainty a risk of persecution in connection with mobilization. In this decision, too, the benefit-of-the-doubt principle became an unattainable standard in the Asylum Office's decision-making. All those reasons, above all the inadequate CoI analysis, formed the basis for the Asylum Commission's decision upholding the appeal and remitting the case for reconsideration.[220] However, on 30 April 2025, by decision no. 26-624/23, the Asylum Office again rejected the asylum application, this time focusing on the authenticity of the copy of the military-registration summons submitted by the applicant through his legal representative. The individual circumstances of the case were considered in greater detail, as the Asylum Office addressed the content of the summons. Nevertheless, it remains unclear why a further interview was not scheduled to allow the asylum-seeker to explain the summons in greater detail and the Asylum Office to present the authentic form to which it referred in its reasoning.

However, decision no. 26-1181/24 of 11 August 2025 provides strong evidence that nationals of the Russian Federation can scarcely expect to be granted international protection in cases of desertion. In that case, the applicant had participated in armed conflict and had been wounded. Unable to postpone his contractual obligation to return to the front, he left Russia after receiving threatening messages from his superiors. In addition to clear individual evidence, including medical and military documents, the Asylum Office received numerous general reports identifying persons in the applicant's position as deserters under criminal law and as persons at risk of being returned to an armed conflict in which the Russian Federation had unquestionably violated international humanitarian law and in which the applicant did not wish to participate. The Asylum Office again analysed the legal framework providing grounds for exemption from military service, including on health grounds. As with the legal framework for protecting survivors of gender-based violence in Burundi, however, it failed to explain how that framework operates in practice or whether arbitrary conduct by Russian authorities facing a shortage of personnel for the front could place the asylum-seeker at risk.

It is important to briefly refer to Decision no. 26-2628/23 of 30 June 2025 submitted by a Ukrainian national, Mr. X, who is married to a Russian Federation national with whom he has two children, who are also nationals of Russia. Indeed, the family had lived in Kaliningrad (Russia), and after the outbreak of the armed conflict, Mr. X, as a Ukrainian citizen, did not feel safe in Russia and did not wish to return to Ukraine or take part in fighting. Together with his family, he submitted an asylum application to Serbia. The Asylum Office determined that Russia was Mr. X's country of habitual residence, thereby avoiding a detailed assessment of his asylum claim in relation to Ukraine, while noting that due to the fact that he had not lived in his home country for a long time, he had not received a mobilization call and there is no risk for him in Ukraine. Thus, the Asylum Office again relied on established justifications related to mobilization conditions in Russia, predominantly citing legal provisions, but overlooking the reality in practice, as described in numerous reports indicating the mobilization of Ukrainians who remained on occupied territories.[221] In other words, the Asylum Office's position is that Russia is a safe country for Mr. X, who is ethnically Ukrainian, and that there is no risk for Ukrainians unless they have received a military draft call, despite the fact that the decision by the Serbian Government granting temporary protection to all Ukrainian nationals—including those who are militarily capable—remains in force. Temporary protection has so far been limited to a very small number of Ukrainian individuals assessed

[220] Asylum Commission, decision no. AŽ 25/24 of 27 January 2025

[221] For example, HRW, *Russia Forces Ukrainians in Occupied Areas into Military*, available at: https://www.hrw.org/news/2023/12/20/russia-forces-ukrainians-occupied-areas-military.

as security risks. Thus, for the first time in the history of the Serbian asylum system, a request by a Ukrainian national was rejected in a merits review, including those applicants from this country who fled the Donbas and Luhansk regions between 2014 and 2016.[222]

Finally, particular concern is raised by decision no. 26-2506/24 dated 6 August 2025, which rejected Mr. Y's asylum application. Mr. Y is a member of the LGBTQI+ community, HIV-positive, and since the beginning of the Russian aggression against Ukraine, and after leaving his country of origin, has publicly criticised the war, Russian authorities, and the treatment of LGBTQI+ individuals in Russia. He is ethnically Ukrainian and generally a public critic of various segments of the Russian system (which has been properly supported by evidence). For his public and accessible actions, he was exposed to the risk of criminal prosecution, both under the legal framework criminalising the spread of "gay propaganda" and under the legal framework criminalising the conflict in Ukraine.[223] As a further consequence, according to his assertions, there could have been mobilisation and deployment to the front lines. In addition to individual evidence, a comprehensive COI was submitted by the legal representative, citing relevant sources which were taken into account by both the competent authority and the Asylum Office. However, according to the first-instance body's assessment, the applicant failed to meet the conditions for any form of international protection and concluded that his return to his country of origin would be safe. This case further contributes to the assessment that the practice regarding LGBTQI+ asylum-seekers over the past few years has significantly deteriorated.[224]

III.5.3 Application of the Concept of an "Unacceptable Security Risk"

This practice has continued in 2025, when the institution of an unacceptable security risk was applied in 11 decisions, namely with respect to nationals from Belarus (1 decision – a six-member family), Syria (3), Pakistan (2)[225] and one decision each with respect to nationals from the Russian Federation, Cuba, Kyrgyzstan, Afghanistan, and Kazakhstan.

What is common to all 20 decisions from the previous two years is that no single reason can be identified for why these individuals were characterised as posing an unacceptable security risk. In other words, none of the mentioned individuals was granted at least partial access to the reasons underlying the BIA's assessment and which were the key grounds for rejecting the asylum application. As a result, they have been deprived of the opportunity to challenge the stated assessment and thus the outcome of the first-instance decision. For this reason, in this section a brief reference is made to the legally binding practice of the European Court, which clearly establishes to what extent the facts underlying a negative security assessment must be presented to the individual concerned in order to enable them to effectively challenge it.

The European Court has in its practice emphasised that states must provide individuals subject to a negative security assessment with an effective and reasonable opportunity to challenge it. A decision based on a security assessment must be fair and must at the same time ensure both national security interests and the rights guaranteed by the European Convention.[226] Otherwise, labelling anyone as

[222] See more at *AIDA Serbia 2024*, pp. 101-102.

[223] Human Rights Watch, *No Support - Russia's "Gay Propaganda" Law Imperils LGBT Youth*, 11 December 2018. available at: https://www.hrw.org/report/2018/12/12/no-support/russias-gay-propaganda-law-imperils-lgbt-youth and *Russia: Supreme Court Bans "LGBT Movement" as "Extremist"*, 30 November 2023, available at: https://www.hrw.org/news/2023/11/30/russia-supreme-court-bans-lgbt-movement-extremist and numerous other reports mentioned in the CoI submission.

[224] See more at *AIDA Serbia 2024*, p. 104 and 105.

[225] Asylum Office, Decisions no. 26-193/25 of 21 August 2025 and 26-1689/25 of 23 October 2025.

[226] ECtHR, *Muhammad Muhammad v. Romania*, Application No. 80982/12, available at: https://hudoc.echr.coe.int/fre?i=001-205509, paras. 203-206.

posing a risk to national security would amount to nothing more than arbitrary conduct. The judgment of the European Court that perhaps most closely reflects the practice in Serbia is the case *Gaspar v. Russian Federation*.[227] In the above-mentioned case, the Russian Federation has been found liable because the competent authorities have not identified a single valid reason upon which the negative security assessment of the asylum applicant was based.[228]

Moreover, it is important to turn to the Law on Data Confidentiality[229] which provides in Article 45, paragraph 2, that confidential data obtained from public authorities shall not be disclosed to another recipient without the consent of the authority that designated the data as confidential. In other words, the Asylum Office shall not, pursuant to this provision, disclose the content of a negative security assessment in its decision explanation, thereby making such information accessible to asylum-seekers and their legal representatives. The law also provides for access to such data, but only after submission of a request to the competent body, followed by a security assessment of the applicant (for example, by a legal representative), which, depending on the sensitivity of the data, may take between 30 and 90 days.[230] Consequently, even if access to data forming the basis of the negative security assessment were achieved, neither the asylum-seeker nor their legal representative would be able to timely file an appeal with the Asylum Commission challenging this assessment (the deadline for filing an appeal is 15 days). From this it follows that it is impossible within the Serbian asylum system to challenge a "negative security assessment", and it is clearly evident that legal challenges against decisions rejecting asylum applications are impossible . A detailed analysis of international standards on this issue, as well as of practice in Serbia, was carried out by IDEAS in 2025.[231]

III.5.4 Asylum Office Practice Regarding Applications by Asylum-Seekers from Syria and Afghanistan

In total, 46 nationals from Syria have received international protection in Serbia through 38 decisions establishing the asylum system from 2008. Eight individuals have been granted refugee status through eight decisions, while 38 persons have received subsidiary protection through 30 decisions even though many of them fulfilled criteria for the refugee status. Since 2008, a total of 321,137 Syrians have been registered in Serbia, of whom only 605 have submitted an asylum application. [232] These figures show that 38 of the 46 Syrians granted protection in Serbia received subsidiary protection rather than refugee status. Given that subsidiary protection is assessed only if it has been established that the conditions for refugee status are not met, such a distribution suggests that the recognition of refugee status has been the exception rather than the rule for applicants from Syria, which merits closer analysis of the grounds on which refugee status was found not to apply.

As noted above, three Syrian nationals were granted subsidiary protection in the first half of the year,[233] while two nationals had their asylum applications rejected due to established security risks for the

[227][227] Application No. 23038/15, decision of 12 June 2018, available at: https://hudoc.echr.coe.int/eng?i=001-183543, paragraphs 46–50

[228] *Ibid*.

[229] *Official Gazette of the RS*, no. 104/2009, available at: https://www.paragraf.rs/propisi/zakon_o_tajnosti_podataka.html.

[230] Further details on the procedure for obtaining access to data marked as confidential are set out in Chapter V of the Law on Data Confidentiality.

[231] Sara Lunić and Marko Milanović, National Security and Asylum Procedure, Guide for Legal Representatives, IDEAS, January 2026, available at: https://ideje.rs/wp-content/uploads/2026/03/Nacionalna-bezbednos-ti-postupak-azila.pdf.

[232] See more in AIDA Serbia 2025, pp. 85–91.

[233] Asylum Office, decisions no. 26-454/24 and 26-297/24 of 23 June 2025 and no. 26-1285/24 of 18 July 2025.

Republic of Serbia. The last positive decision dated July 2025 related to a Latakia-born individual, whereas previous cases had mainly been based on the general security situation in the Aleppo region.

However, by decision no. 26-353/24 of 23 December 2025, the Asylum Office rejected the asylum application of a Syrian national from the Latakia region, who is a Sunni Muslim. As key criteria for this decision, the Asylum Office took into account the fact that the applicant is not an Alawite, that he obtained a valid Syrian passport following the change of government, and that several close family members live in Syria without significant problems. Furthermore, the main reason given for leaving the country of origin was the avoidance of mobilization, which had been dismissed by the first-instance authority as an argument due to amnesty granted to deserters by the new government. The Asylum Office properly referred to the most recent EUAA report from December 2025.[234] It remains to be seen how this decision will affect the future practice of the Asylum Office.

Regarding Afghan nationals, it is worth noting that in one case, the right to asylum was granted to a person whose artistic activities would have made it impossible for them to avoid punishment by the Taliban, which is based on extreme interpretations of Sharia law.[235] On the other hand, asylum-seekers who had lived outside Afghanistan for close to a decade or longer, who stated they left their country of origin out of fear of the Taliban prior to their takeover, and who had lived in Europe for a prolonged period within systems contrary to the values upheld by the Taliban, were rejected in the assessment.[236] These decisions may be considered particularly relevant following the judgment of the European Court of Human Rights in D.M. v. Sweden[237] and may be considered questionable. Indeed, in the aforementioned case it has been established that a return to Afghanistan would be contrary to Article 3 of the European Convention, not because there is a general human rights situation in Afghanistan, nor because D.M. belongs to a particular ethnic group, but rather because the time he spent in Europe, specifically in Sweden (from 2015), has been taken into account. During that period, he, as noted by him to Swedish authorities, had arrived in Sweden as a child and had during that time adopted Western lifestyle norms (*westernisation*) and stated that this circumstance is significant in considering his asylum claim, which had been rejected on multiple occasions. The European Court has just taken into account the time the applicant spent on the "West" as a relevant factor that Swedish authorities did not consider when deciding on his asylum application and has concluded that his return to Afghanistan would be contrary to Article 3 and the principle *non-refoulement.* Identical life circumstances are present in the case of an Afghan national whose asylum application was rejected in November, despite having left Afghanistan as a child without any escort in 2016.[238] It remains to be seen whether this circumstance will be taken into account at higher levels of review, and longer absence from Afghanistan is also present in other cases of Afghan nationals whose applications were rejected.[239]

[234] EUAA, *Country Guidance: Syria*, December 2025, available at: https://www.euaa.europa.eu/sites/default/files/publications/2025-12/Country_Guidance_Syria-Comprehensive_update_2025.pdf

[235] Asylum Office, decision no. 26-1546/24 of 1 July 2025.

[236] Asylum Office, decision no. 26-584/24 of 30 April 2025 and 18 December 2025, as well as decision no. 26-3435/24 of 20 November 2025.

[237] Application No. 32694/23, judgment of 26 March 2026, available at: https://hudoc.echr.coe.int/eng?i=001-249223.

[238] Asylum Office, decision no. 26-3435/24 of 20 November 2025.

[239] The Asylum Office, decisions no. 26-584/24 of 30 July 2025 and 18 December 2025.

III.5.5 Asylum Office Practice Regarding Applications by Asylum-Seekers Who Have Survived Human Trafficking

Perhaps the best examples of first-instance practice in 2024 and 2025 are three decisions granting refugee status survivors of human trafficking and gender-based violence.[240] These three decisions are significant because they demonstrate that the first-instance authority has the capacity to recognize different forms of exploitation in the country of origin as acts of persecution within the meaning of Article 28 of the LATP, and to recognize survivors of human trafficking as members of a particular social group within the meaning of Article 26(1)(5) of the LATP.

What is common to all three cases is that the first-instance body, as evidence of the existence of persecution, took into account the report of the Centre for Human Trafficking Victims Protection, which granted asylum-seekers the status of victims, and that the procedure for all three applicants lasted significantly less time than in other cases (four months for the Congolese national, seven and a half months for the Ukrainian national, and three and a half months for the Cameroonian national).

Furthermore, these three decisions confirm that, regarding asylum-seekers who survived human trafficking occurring in the country of origin, there is a consistent practice and that no case has been recorded in which such cases have been rejected in the asylum process. In other words, persons where exploitation was also an act of persecution originating in the country have not been rejected in the asylum procedure, according to the information available to the author of this report, or such a case has not occurred in the previous few years.[241]

[240] The Asylum Office, Decisions No. 26-614/25 of 23 July 2025, 26-1969/24 of 10 October 2024 and 26-296/24 of 29 October 2024.

[241] See more at *AIDA Serbia 2023*, pp. 103, 105, 112 and 141.

CHAPTER IV

Second-Instance Asylum Procedure – Legal Framework and Practice of the Asylum Commission

IV.1 Introductory Considerations and Legal Framework for Initiating the Second-Instance Asylum Procedure

The practice of the Asylum Commission during 2024 and 2025 indicates that this body has had limited practical corrective impact within the Serbian asylum system,. The European Commission,[242] The United Nations Committee against Torture[243] and numerous non-governmental organizations[244] have criticised the lack of corrective impact of the Asylum Commission on the work of the Asylum Office. Furthermore, unlike the first-instance body, the Asylum Commission has never in its history allowed applicants for review to have a face-to-face hearing, that is, direct hearing of the circumstances, facts, and arguments presented in the appeal. This body has never conducted any independent investigation, nor has it issued a decision in the last six years granting the right to asylum or subsidiary protection. Since the establishment of the asylum system, the Asylum Commission has granted subsidiary protection to asylum-seekers only four times.[245]

Under Article 13 of the European Convention on Human Rights, read in conjunction with Article 3, a remedy against a decision that may result in removal must allow for an independent and rigorous scrutiny of the claim, and must be effective in practice and not merely in theory. This presupposes a body that is institutionally capable of examining the substance of a protection claim, including the situation in the country of origin, and not only the formal legality of the first-instance decision. One of the reasons why the appeal before the Asylum Commission cannot be treated as an effective legal remedy lies in the fact that this body consists of nine members appointed by the Government, who carry out their duties towards the Commission as an additional activity alongside their regular duties. The Asylum Commission does not have its own office, i.e. a physical space where it resides and works on appeals, nor does it have a specialised service or secretariat, nor does it have a specific organisational unit responsible for CoI investigations. Simply put, the members of the Commission

[242] European Commission, *Serbia: Progress Report*, SWD(2022) 338, 12 October 2022, available at: https://bit.ly/3LedaYB, p. 62 and *Serbia: Progress Report*, SWD(2024), 30 October 2024, available at: https://enlargement.ec.europa.eu/document/download/3c8c2d7f-bff7-44eb-b868-414730cc5902_en?filename=Serbia%20Report%202024.pdf, p. 50.

[243] CAT, *Concluding observations on the third periodic report of Serbia*, 20 December 2021, CAT/C/SRB/CO/3, available at: //bit.ly/3MLqTGh, para. 34 (b).

[244] See more at *AIDA Serbia 2023*, pp. 24-25, 125 and 127.

[245] See more at *AIDA Serbia 2024*, pp. 94-98.

perform this function in addition to their regular posts and without any professional support service, which are working conditions that objectively limit the time and resources available for the examination of each appeal. This does not relieve the members of their duty to decide appeals with due care, which they assumed on appointment, but it does show that the State has not established the institutional conditions in which that duty can realistically be discharged. Nevertheless, it is fair to note that the author's experience shows that some members, and especially the Chairperson of the Commission, have been exceptionally dedicated to timely and prompt handling of appeals, which has not previously been the case.

In addition, the criteria for selecting members of the Asylum Commission are contested, and are set in a general and abstract manner in the LATP. The LATP stipulates that the Asylum Commission consists of a Chairperson and eight members, appointed by the Government for four years. A person may be selected as Chairperson or member of the Asylum Commission if they are a national of Serbia, a qualified lawyer with at least five years of professional experience, and who is familiar with the provisions relating to human rights. The Chairperson and members of the Asylum Commission have the right to remuneration for their work in the Commission, the amount of which is determined by the Government.[246] The Asylum Commission is independent in its operations and makes decisions by a majority of votes out of the total number of members. In practice, cases are assigned to a member of the Commission who acts as the lead officer, and the decision is considered based on his or her proposal.[247] Taking into account the current composition of the Commission, it is clear that primarily we are dealing with state civil servants who are well versed in the LGAP. Nevertheless, the application of international human rights law and international refugee law standards in asylum procedures remains inconsistent, which can clearly be observed through an analysis of the practice concerning appeals lodged by credible asylum-seekers. In 2025, a change in the composition of the Asylum Commission took place. By a Government decision published in the "Official Gazette of the RS", No. 87/2025 of 10 October 2025, the Chairperson and members of the Asylum Commission were appointed.[248]

The Asylum Commission decides appeals lodged by asylum-seekers who are dissatisfied with decisions of the Asylum Office. An appeal must be lodged within 15 days of the date on which the first-instance decision is received by the applicant or their legal representative.[249] The time limit for deciding on an appeal is 60 days.[250]

The grounds for lodging an appeal are defined by the LGAP, Article 158 of which provides that an appeal may be lodged against a first-instance decision:

1. because it has not been applied at all or has not been properly applied in the law, another regulation or general act;
2. because it was issued by an organ not duly authorized;
3. because the factual situation has been incorrectly or incompletely established;
4. because an incorrect or improper conclusion has been drawn from the established facts regarding the factual situation;
5. because there has been a breach of procedural rules;

[246] Article 21. LATP.

[247] Centre for Human Rights, Analysis of the Asylum System in the Republic of Serbia: Legal Framework and Challenges, Section 4.1.2, p. 22, available at: https://ius.bg.ac.rs/publikacije/.

[248] Decision on the appointment of the President and members of the Asylum Commission, *"Official Gazette of the RS", No. 87/2025 of 10 October 2025.*

[249] Article 95. Law on Asylum and Temporary Protection (LATP).

[250] Article 174 of the LGAP.

6. because the boundaries of authority have been exceeded in making a decision based on independent assessment, or because the decision has not been made in accordance with the purpose for which such authority was granted;
7. because the authority to decide based on free assessment has not been properly exercised;
8. because it has not been taken in accordance with a guaranteed act.

In practice, the most common reasons for filing an appeal are inaccurately or incompletely established factual circumstances that have arisen as a result of ignoring individual evidence and circumstances, as well as partial and selective citation of CoI sources that favour the rejection of asylum applications. However, the mere fact that CoI sources have been selectively cited, or that certain individual evidence has been entirely omitted, namely, that the reasoning in the first-instance decision does not show that such evidence or the statements of the duly authorised representative containing citations of CoI sources that support the demonstration of a risk of persecution or suffering serious harm have been taken into account, together constitutes a complete absence of or improper application of the LGAP and LATP. Specifically, Article 141(4) of the LGAP provides:

LAW ON GENERAL ADMINISTRATIVE PROCEDURE, ARTICLE 141(4)

The reasoning must be understandable and must include a brief statement of the applicant's claims, the factual situation and the evidence on which it is based, the reasons that were decisive in assessing each piece of evidence, the provisions and reasons that, given the established factual situation, point to the decision under the provisions and the reasons why a particular request or proposal was not taken into account. The reasoning must also include the reasons for which the authority has deviated from a previous decision made in similar or identical administrative matters. If a decision is made based on free assessment, the reasoning must include the provision authorising such decision-making, the reasons guiding the decision, and the scope and purpose within which the authority exercised its power to decide based on free assessment. If the appeal does not challenge the enforcement of the decision, the reasoning must include a reference to the law providing for such enforcement.

Under Article 141(4) of the LGAP as *lex generalis* Article 32 of the LATP which specifies the assessment of facts and circumstances in asylum proceedings, and the path that the first-instance body, as well as subsequent bodies, must follow in order to establish a reasonable fear of persecution or suffering serious harm. In other words, Article 32 sets out in paragraphs 2 and 3 which facts and circumstances must form part of the reasoning:

LAW ON ASYLUM AND TEMPORARY PROTECTION, ARTICLE 32(2) AND (3)

When deciding on the merits of an asylum application, the Asylum Office collects and considers all relevant facts, evidence and circumstances, taking particular account of:

1) relevant facts and evidence submitted by the applicant, including information on whether he would or could be exposed to persecution or a risk of suffering serious harm;

2) current reports on the situation in the applicant's country of origin or in the country where he normally resides, and, where applicable, in the countries through which he has passed, including the laws and regulations of those countries and the manner in which they are applied – contained in various sources of international organizations, such as UNHCR and the European Asylum Support Office (hereinafter: EASO), as well as other organizations involved in human rights protection;

3) the applicant's circumstances and personal background, including his gender and age, in order to assess whether the procedures and acts he has undergone or might undergo constitute persecution or serious harm;

4) whether the applicant's activities since leaving his country of origin have been directed towards creating decisive conditions for the grant of asylum rights, in order to assess whether such activities could expose the applicant to persecution or a risk of suffering serious harm if he returned to that country;

5) whether the applicant could obtain protection from a state whose nationality he could prove.

The fact that the applicant has already been exposed to persecution or a risk of suffering serious harm, or threats thereof, indicates the existence of a well-founded fear of persecution or serious harm, unless there are legitimate reasons to believe that such persecution or serious harm would not recur.

Most first-instance decisions according to the author of this report violate Article 32(2) and (3) because their assessment of the facts and circumstances is not adequately reasoned as required by Article 141(4) of the LGAP. In other words, violations concerning the establishment of facts and the incorrect application or complete failure to apply the LGAP and the LATP ultimately lead to the third most frequent violation considered by the Asylum Commission in its practice: drawing an incorrect conclusion as to the facts.

IV.2 Overview of Asylum Commission Practice in 2025

In 2025, the Asylum Commission issued 68 decisions concerning 94 persons from Cuba (21), the Russian Federation (18), Burundi (15), Türkiye (8), Belarus (6), Afghanistan (3), Syria (3), China (3), Kyrgyzstan (2), Croatia (2), Iran (2), Pakistan (2), Kazakhstan (1), Nigeria (1), Iraq (1), Sweden (1), Moldova (1), Bosnia and Herzegovina (1), Armenia (1), Ukraine (1) and India (1). The number of decisions therefore increased compared with 2024, when 45 decisions concerned 59 asylum-seekers from

Burundi (16), Cuba (12), the Russian Federation (10), Syria (5), Iran (4), Armenia (3), Türkiye (2), Ukraine (1), Sweden (1), Egypt (1), Germany (1), Kazakhstan (1), Afghanistan (1) and Croatia (1).

As in the cases of 2020, 2021, 2022, 2023 and 2024, the Asylum Commission did not grant asylum to any applicant in 2025. However, it accepted two appeals as well-founded and returned these matters to the Asylum Office for reconsideration.

Of the 68 decisions issued in 2025, two concerned the dismissal of appeals on procedural grounds (one concerning a national of the Russian Federation and one a national of Burundi). Proceedings were discontinued in two cases (Kyrgyzstan and Cuba), while three decisions considered whether the conditions for discontinuance had been met due to absence from the centre and failure to notify the Asylum Office (Syria, the Russian Federation and Pakistan). These decisions are therefore irrelevant to the analysis in this Report. The rejection of appeals lodged by nationals of Croatia (2), India (1), Armenia (1), Bosnia and Herzegovina (1), Nigeria (1), Moldova (1) and Sweden (1) may also be regarded as justified.

A total of 16 decisions related to Cuban nationals whose claims could not be assessed as highly credible, except in the case of an asylum-seeker assessed by BIA as an unacceptable security risk.[251] In light of this, the Asylum Commission has issued six further decisions rejecting appeals concerning individuals for whom a negative security assessment was made, specifically regarding nationals of Iraq.[252] and Kazakhstan, who were simultaneously undergoing extradition proceedings, a six-member Belarusian family,[253] and one citizen each from Syria, the Russian Federation, and Pakistan. A common characteristic, as in the case of decisions by the Asylum Office, is that none of these decisions by the Asylum Commission contain facts explaining why someone has been deemed a risk to national security. Thus, the Asylum Commission has simply confirmed the decisions of the Asylum Office and upheld the practice of arbitrary security assessments that asylum-seekers cannot effectively challenge at any stage of the asylum procedure.

Moreover, it is sufficient to note that, as in 2024, all appeals by Turkish citizens (a total of three) claiming political or religious persecution have been rejected. In the cases reviewed, Turkish nationals claiming political persecution have not been recognized as refugees.[254]

Only two appeals were upheld as well-founded in 2025. The first concerned an Afghan national who claimed that he faced a risk of persecution by the Taliban in his country of origin.[255] The second decision by the Asylum Commission relates to the previously described case of a Russian family who fled to Serbia after the father received a call to register at the local military command for a test on readiness for participation in armed conflict in Ukraine.[256]

The remaining decisions will be analysed in greater detail as they confirm the claims made in the 2024 report.[257] namely that the corrective impact of the Asylum Commission on problems in the functioning of the Asylum Office essentially does not exist as a rule, but only as an exception. In other words, the inconsistencies and unpredictability in decision-making described in relation to the practice of the Asylum Office are confirmed by decisions of the Asylum Commission, both in regard to inadequate and

[251] Asylum Commission, Decision no. AŽ 02/25 of 3 October 2025.

[252] Asylum Commission, Decision no. AŽ 33/25 of 30 September 2025.

[253] Asylum Commission, Decision no. AŽ 27/25 dated 23 September 2025.

[254] See more at *AIDA Serbia 2023*, p. 130.

[255] Asylum Commission, decision no. 03/25 of 13 June 2025.

[256] Asylum Commission, decision no. 25/24 of 27 January 2025.

[257] IDEAS 2024, pp. 57-61.

combined assessments of individual and general circumstances (selective citation of CoI sources), and in regard to deviations from previously established practice. Furthermore, from the reasoning behind the Asylum Commission's decisions, it is clearly evident that this body also lacks the capacity to assess individual and general circumstances and to include such assessments in its decision-making rationale, in accordance with Articles 141(4) of the Law on Asylum and Temporary Protection (LATP) and Articles 32(2) and (3) of the Law on General Administrative Procedure (LGAP).

And finally, another important point to highlight is that the average duration of the procedure before the Asylum Commission in cases where IDEAS lawyers acted as legal representatives amounted to three months, with a few exceptions. From anonymized copies of decisions provided by the Asylum Commission to IDEAS, it was not possible to determine the duration of the second-instance procedure across all cases, as the decisions do not contain the date of submission or receipt of the appeal. For this reason, the average duration of all procedures before the Asylum Commission cannot be presented in the current annual report, either in days or months. The data on an average duration of three months applies exclusively to cases in which IDEAS lawyers acted as legal representatives and had access to complete procedural documentation. This level of anonymization simultaneously limits the possibility of independent analysis of the timeliness of the second-instance body's decisions.

IV.3 Contradictory Practice of the Asylum Commission Regarding Survivors of Gender-Based Violence from Burundi

Given that a significant number of decisions have been issued by the Asylum Commission in 2024 and 2025 relating to Burundian nationals, from which patterns of inadequate decision-making can be observed, the following analysis includes decisions from both periods. In the majority of cases, the Asylum Commission has confirmed the practice described in section III.5.1 of this report, relating to the Commission's decisions on asylum claims by Burundian nationals.[258]

One of the most striking examples of contradiction in the treatment of women from Burundi who have experienced gender-based violence can be found in the second half of 2024. This concerns asylum-seekers who have experienced gender-based violence as members of a particular social group, rather than due to their political views. These are individuals who were forced into marriage, i.e., who were at risk of forced marriage. One of them was also a victim of incest, and her appeal was upheld by decision AŽ 15/24 of 7 October 2024, in which the Asylum Commission instructed the Asylum Office to explain and demonstrate that the system for protecting survivors of gender-based violence in Burundi functioned effectively. The Asylum Office nevertheless rejected the mother and daughter's asylum applications again, without citing any evidence that the system for protecting survivors of gender-based violence in Burundi was effective.[259] On 28 July 2025, by decision no. AŽ 15/24, the Asylum Commission rejected the appeal lodged by an incest survivor, finding that she could effectively obtain protection in Burundi. It again referred to the legal framework and the implementation of projects aimed at improving public health, but cited no concrete evidence demonstrating that perpetrators of gender-

[258] For more detailed practice from 2024, see IDEAS 2024, chapter 4.3.

[259] Asylum Office, decision no. 26-2028/22 of 28 April 2025.

based violence were effectively identified and punished or that survivors were rehabilitated and supported. It thus issued two different decisions on the same legal matter less than a year apart.

IV.4 Quality of the Credibility Assessment of Applications by Nationals of the Russian Federation

In 2024, the Asylum Commission rejected three appeals lodged by nationals of the Russian Federation whose asylum applications cited a risk of forced mobilization and a risk of criminal punishment for evading it.[260] Firstly, it is proper to note that none of the three cases mentioned corresponds to the categories of nationals of the Russian Federation who, either formally or informally (through unpredictable practices), are at risk of conscription, except possibly one.[261] and who had completed his military service as an artilleryman. However, the reason for these three decisions being subject to a more detailed analysis is that, at the second level, the Asylum Commission, taking into account the statements from the claims, considered the relevant CoI source issued by the EUAA.[262] The report specifically addressing Russian deserters was not at all considered by the Asylum Office during 2024.

This was also one of the reasons why on 27 January 2025 the Asylum Commission issued decision no. AŽ 25/24, adopting the appeal of a six-member family who fled Russia after the father received a call to register at a local military command. The Asylum Commission adopted the view that the first-instance authority had not sufficiently justified why the appellant does not fall within the group of "deserters". After the matter was returned, the Asylum Office again rejected the asylum claims and in its second decision placed greater emphasis on the authenticity of the copy of the call, rather than on circumstances indicating arbitrary mobilisation practices and on the EUAA report.[263]

In the same year, the appeal of a Russian national who had participated in an armed conflict was also rejected. After being wounded, he had decided not to continue performing his contractual obligation to return to the battlefield after recovery.[264] The Asylum Commission refused to clarify the nature of the conflict mentioned in multiple reports indicating violations of the rules of war, which was one of the reasons cited by the appellant.[265] In addition, in the appeal regarding deserters, the legal framework of Russia is cited[266] and penal sanctions, but also reports on the treatment of detainees and their being sent to the front lines. Such a stance by the Asylum Commission leads to the conclusion that it is unreasonable to expect Russian nationals who flee mobilisation to obtain international protection. This restrictive conclusion is based on the belief that it is difficult to imagine an authentic case of desertion substantiated by individual evidence, among which the most striking are the direct consequences experienced by the appellant, manifesting in his injuries sustained during armed conflict.

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[260] Asylum Commission, AŽ 38/23 of 19 February 2024, AŽ 02/24 of 29 February 2024 and AŽ 10/24 of 15 March 2024.

[261] He nevertheless decided, with IOM assistance, to return voluntarily to his country of origin.

[262] EUAA, *The Russian Federation - Military service*, December 2022, available at: https://euaa.europa.eu/sites/default/files/publications/2022-12/2022_EUAA_COI_Russia_Military_Service.pdf.

[263] See the chapter on Asylum Office practice.

[264] Asylum Commission, decision no. AŽ 35/25 dated 1 December 2025.

[265] Independent international investigative commission on Ukraine, Report A/78/540, available at: https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/coiukraine/A-78-540-AEV.pdf.

[266] Criminal Code of the Russian Federation, Articles 328, 332, 333 and 337, available at: https://rulaws.ru/uk/Razdel-XI/Glava-33/Statya-337/.

The Asylum Commission confirmed and upheld the decision of the Asylum Office rejecting the asylum claim of a Ukrainian national and his family (wife and two children), who are Russian nationals. They lived in the Russian Federation during the outbreak of the armed conflict, and left Russia out of fear of persecution due to their husband's ethnic background and fear of mobilisation, and did not go to Ukraine for the same reasons that the Government of Serbia decided to grant temporary protection – a state of general insecurity and widespread violence. A further specific reason cited by the spouse is the risk of being mobilised in Ukraine.[267] This was also the first Asylum Commission decision rejecting the asylum application of a Ukrainian national on the merits.

Finally, it is important to note that the appeal by a LGBTQI+ and political activist from Russia has been rejected by decision no. AŽ 32/25 dated 2 October 2025. By this decision, the Asylum Commission accepted the position of the Commissariat for Refugees and Migration (SCRM) that his profile and activities were not sufficiently serious to attract the attention of Russian judicial authorities, as part of his public activism had been carried out for years prior to leaving his country of origin. Taking into account this position, it is difficult to imagine how future asylum-seekers coming from countries where LGBTQI+ activism is criminalised by law, and occasionally in practice, would be able to demonstrate a risk of persecution.

[267] Asylum Commission, decision no. AŽ 24/25 of 9 September 2025

CHAPTER V

Practice of the Administrative Court

V.1 Introductory Considerations and Legal Framework for Initiating an Administrative Dispute

A challenge against the final decision of the Asylum Commission may be filed and an administrative dispute initiated before the Administrative Court.[268] The lawsuit has automatic suspensive effect, and thus may be considered an effective and efficient legal remedy. The time limit for filing the lawsuit is 30 days from the date of receipt of the Asylum Commission's decision.[269]However, the practice of the Administrative Court from the very beginning of the asylum system, in a clear and unambiguous manner, indicates that the effectiveness and efficiency of this remedy raise serious concerns, and that the corrective role of the Administrative Court remains an unachieved ideal. Reasons for this state of affairs are multifaceted.

First, judges of the Administrative Court still lack adequate resources to assess claims brought by asylum-seekers and their legal representatives, and none of the judges specializes in asylum and migration matters despite occasional training and study visits. In practice, most asylum-related claims decided by the Administrative Court each year are dismissed. Moreover, there has not yet been a case in which the Administrative Court adjudicated with full jurisdiction and issued a judgment granting the claimant the right to asylum pursuant to Article 43 of the Law on Administrative Disputes. Nor has any judgment been issued after the Administrative Court held an oral hearing under Article 33(1) of that Law; every judgment to date has been issued pursuant to paragraph 2 of the same Article. In other words, the Administrative Court's work in asylum cases is conducted exclusively in chambers and is based on an examination of the case file and submissions by legal representatives.[270]

Similarly, within the Administrative Court there is no specifically designated department composed of judges with relevant and necessary expertise and supporting infrastructure, such as a CoI department. The difficulties faced by Administrative Court judges are also linked to the fact that, in their daily work, they must know and apply hundreds of laws and subordinate regulations governing administrative measures (taxes, electoral disputes, municipal affairs, license issuance, education, medical administrative disputes, and other matters).[271]

Regarding capacity, in 2025 a total of 60 Administrative Court judges handled administrative-law matters.[272] By the end of 2023, the Administrative Court had 153,537 unresolved cases, while by the

[268] Article 17 of LAD and Article 96 of LATP.

[269] Article 96 of the LATP and Article 18, paragraph 1 of the LAD.

[270] See more at *AIDA Serbia 2023.* pp. 127-128.

[271] *Ibid*.

[272] The list of judges is available here: https://www.up.sud.rs/lat/sudije/.

end of 2024 this number had risen to 163,236.[273] By the end of 2025, the number of unresolved cases amounted to 156,449.[274] In other words, it is unreasonable to expect that Administrative Court judges have the capacity and institutional support to adequately perform their corrective function in relation to the Asylum Commission and the Asylum Office.

V.2 Brief Overview of Administrative Court Practice in 2024 and 2025

The practice of the Administrative Court in 2024 and 2025 can only be described as modest in terms of its impact on the efficiency of the asylum process, representing a continuation of the practice from previous years.[275] In 2024, the Administrative Court issued 16 decisions regarding 19 individuals originating from: Iran (7), Unknown (3), Afghanistan (3), Burundi (2), Türkiye (1), Cuba (1), Syria (1), and Ghana (1). Only three of these cases were upheld, two of which were based on procedural grounds related to family unity and the inclusion of newborns in the asylum process, and one concerning administrative misconduct.[276] Only one case has been adopted in the sense that the Asylum Commission has received clear instructions on how to remedy the violations.[277] However, the cited judgment has been anonymized to such an extent that it is impossible to carry out an appropriate analysis, nor to determine the country of origin of the person bringing the case. What can be established is that the Administrative Court was required 46 months to decide on the case, and the issue remaining open is whether the named individual is still in Serbia or not, which may raise questions about the effectiveness of the case as a legal remedy in this instance.

In 2025, the Administrative Court issued 21 decisions regarding 27 individuals, of whom it was impossible to establish nationality for the majority due to excessive anonymization. Decisions were therefore rendered in relation to 12 individuals whose nationality could not be established: six Burundian nationals, four Iranian nationals, and one each from Syria, Iraq, Cuba, Türkiye, and Croatia. Of these, a total of four decisions were dismissed on procedural grounds, and five were suspended due to the applicant's withdrawal from Serbia. Regarding the 12 judgments in which the case was rejected, nationality could only be established in two cases—Iraq and Croatia. For the rest, a detailed analysis is not possible except in one instance where arbitrary application of national security grounds was confirmed, meaning that the Administrative Court has confirmed such a practice by the Asylum Commission Commissioner and the Asylum Commission.[278] Therefore, it is clear that resolving this arbitrary practice will have to be addressed before the Constitutional Court or international bodies responsible for human rights protection.

[273] Administrative Court Annual Report of 9 January 2024, available at: https://bit.ly/4bhck6J, pp. 1-2; and Administrative Court Annual Report of 13 January 2025, available at: https://www.up.sud.rs/wp-content/uploads/2024/08/GODISNJI-IZVESTAJ-za-2024.pdf.

[274] Annual report of the Administrative Court dated 13 January 2026, available at: https://www.up.sud.rs/wp-content/uploads/2025/07/GODISNJI-IZVESTAJ-za-2025.pdf.

[275] See more at *AIDA Serbia 2023,* pp. 129-132.

[276] See the table of Administrative Court case law below.

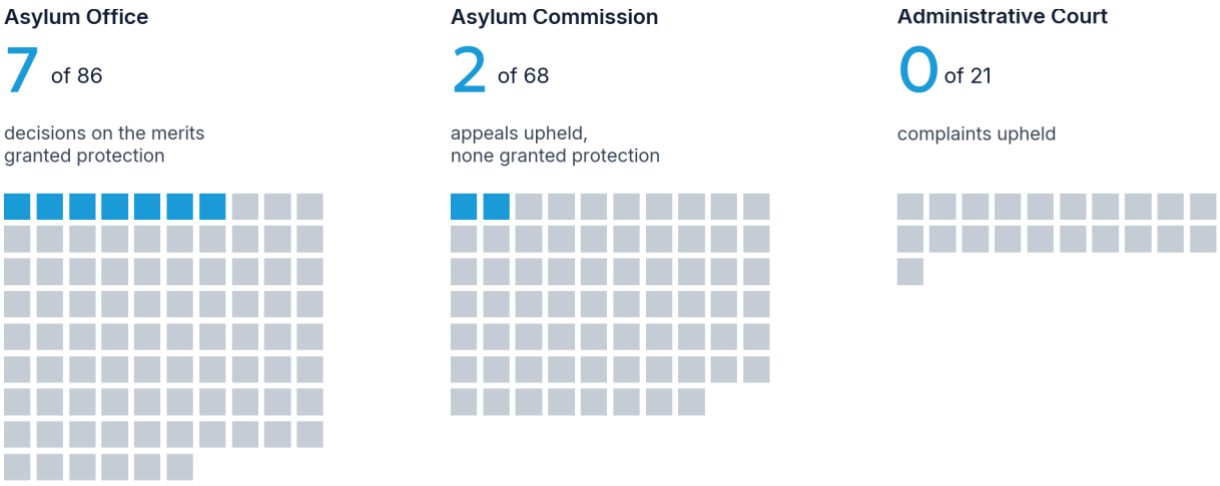
[277] Administrative Court, decision Administrative Court, decision No 7899/20 dated 22 February 2024

[278] Administrative Court, decision U 3951/23 from 25 April 2025.

FIGURE 6

Appeals almost never change the outcome

Decisions in favour of the applicant at each instance in 2025. Each square is one decision.



Source: IDEAS analysis of decisions of the Asylum Office, the Asylum Commission and the Administrative Court, 2025 (Annexes 1–3).

It may be interesting to recall that in 2024, the Administrative Court confirmed the practice whereby asylum-seekers from Burundi who claim to have experienced or are at risk of political persecution are rejected on the merits.[279] Furthermore, the Administrative Court has confirmed the practice whereby victims of gender-based violence are systematically rejected on the basis of information considered by the Asylum Office as CoI, relating to the description of the legal framework for protecting persons who have survived gender-based violence.[280]In other words, protection outcomes for survivors of gender-based violence within the Serbian asylum system, particularly those coming from Burundi, remain severely limitedand relies solely on decision forms already described in the report section where the practice of the Asylum Office and the Asylum Commission is analysed.

And finally, it is important to highlight that based on the 2024 rulings which determined the substance of the claims, it can be concluded that the administrative dispute on average lasted 34 months, or slightly less than three years, while in 2025 this period is slightly longer and amounts to 36 months.

[279] Administrative Court, decision Administrative Court, judgment U 4753/2021 of 6 September 2024.

[280] Administrative court, decision of 10674/23 from 17 May 2024.

CHAPTER VI

Inclusion and Integration of Asylum-Seekers and Persons Granted the Right to Asylum

Integration of refugees, in accordance with the LATP, includes their inclusion in Serbian social, cultural and economic life, along with addressing naturalisation issues as a pathway to a lasting solution (*durable solution*).[281] The responsibility for providing support in integration belongs to SCRM and it is important to stress that this support is provided exclusively to individuals who have been granted the right to asylum. Asylum-seekers, apart from the right to reside in asylum centres and reception centres where material conditions of reception are provided, are not envisaged as a category entitled, under the existing legal framework, to any form of institutional support in social, cultural and economic life. In other words, their institutional inclusion does not exist within the Serbian asylum system.

This circumstance represents one of the key problems faced by asylum-seekers, particularly given that the initial asylum procedure on average lasts around 13.4 months,[282] and if the outcome is negative, the procedure may last for several years. During this time, institutional support for asylum-seekers in language learning, access to the labour market, obtaining documents and certifications necessary for exercising rights, as well as access to economic and social rights, is neither systematically organised nor guaranteed. In practice, support in these areas is mostly provided by international organizations and civil society organizations. In the previous period, resources for such types of support significantly decreased, and support was primarily provided by the UNHCR office in Serbia, which actively collaborates with companies, banks and state institutions to facilitate asylum-seekers' access to rights.

The legal framework governing the integration of refugees is further defined by subordinate regulations, among which the most significant is the Regulation on Integration. According to the Regulation on Integration, the integration assistance programme lasts one year from the date of the decision by the Asylum Office becoming legally binding. During this period, SCRM is obliged to inform refugees about their rights and obligations, ensure attendance at Serbian language classes, include refugees in programmes of familiarisation with Serbian culture, history and constitutional order, provide assistance in integrating into the education system, support in obtaining rights to health and social protection, and assistance in accessing the labour market.[283] These activities are carried out through individual integration plans, which are developed by SCRM advisors based on the needs and possibilities of each individual granted asylum.[284]

During 2024 and 2025, specific improvements in the legal and administrative framework relevant to the integration of refugees and the inclusion of asylum-seekers have been recorded, primarily through the introduction of travel documents for refugees, enabling permanent residence for individuals granted

[281] Article 71. Law on Asylum and Temporary Protection (LATP).

[282] See more Chapter V.3 of this report.

[283] Article 2. Regulation on integration

[284] Article 9. Regulation on integration

asylum after three years of continuous residence, and facilitating access to the labour market. Nevertheless, systematic support for integration remains inadequately developed and not fully tailored to the needs of refugees, which is further detailed in the following section of this chapter.

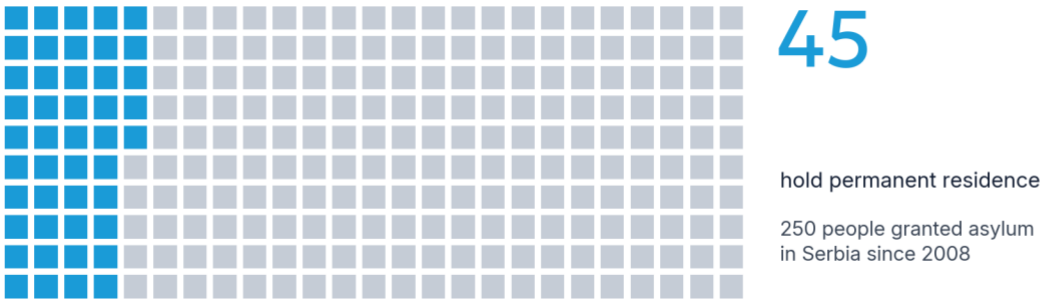
If support is insufficient, it is evident from the number of persons granted the right to asylum who have decided to remain in Serbia. If one considers the fact that since 2008, out of a total of 250 persons, the right to asylum has been granted to,[285] by December 31, 2025, only 45 of these individuals had established permanent residence,[286] it is clear that the majority of those granted the right to asylum have left Serbia, a situation which may be linked to limited prospects for successful integration and a dignified life. This conclusion is based on an analysis of statistical data. It takes into account that permanent residence can only be obtained after three years from the date of grant of the right to asylum, as well as data held by IDEAS regarding the place of residence of refugees whose protection was provided after 2023, who have not yet acquired the right to submit an application for permanent residence.

According to data from the Ministry of Interior (MoI), by December 31, 2025, permanent residence had been granted to 45 individuals previously granted the right to asylum. This figure does not represent the total number of persons still residing in Serbia, as not all individuals meeting the conditions have submitted an application for permanent residence, and for part of the applications submitted, the outcome is unknown. Between January 1, 2023, and December 31, 2025, the right to asylum was granted to an additional 23 persons, of whom, according to IDEAS data, seven have left Serbia. For the remaining individuals, there are no complete and verifiable data on their place of residence, submitted applications for permanent residence, or changes in legal status.[287] Therefore, it is not possible to reliably determine the total number or the percentage of persons granted the right to asylum who have remained in Serbia. Available data indicate a need for systematic long-term monitoring of integration outcomes and the reasons why individuals granted the right to asylum leave Serbia. In any case, the author of this report can confidently state that, in the best-case scenario, no more than 30% of foreign nationals granted the right to asylum have remained in Serbia.

FIGURE 7

45 of the 250 people granted asylum since 2008 hold permanent residence

People granted asylum in Serbia since 2008 and those holding permanent residence on 31 December 2025. Not everyone eligible has applied for permanent residence.



Source: Ministry of Interior data; IDEAS.

[285] *AIDA Serbia 2024*, pp. 94-100.

[286] *MoI-FOI 2025.*

[287] This was the case, for example, of a Lebanese national granted the right to asylum in Serbia who subsequently changed his legal status on the basis of marriage to a Serbian national.

On the other hand, in order for practice and experience in integration to develop, it is clear that the number of persons granted the right to asylum must be much larger. The development of integration policies can be linked to the fact that SCRM has, in the last two years, had very few opportunities to provide support to refugees in Serbia because such persons have not been recognized by the competent authorities whose practices were analysed in previous chapters.

Although it relates to persons granted the right to asylum, namely asylum or subsidiary protection, this section of the report will also address the position of asylum-seekers in terms of access to key economic and social rights, which is referred to in human rights terminology for foreign nationals as inclusion.

VI.1 Right to Residence and Identity Documents

In accordance with the LATP, asylum-seekers, persons granted the right to asylum, and persons granted temporary protection have the right to reside in Serbia, and this right is proven by a personal document issued by the Asylum Office.[288] Furthermore, persons granted the right to asylum in Serbia, after three years of continuous residence in Serbia, acquire the right to permanent residence, in accordance with the Law on Foreigners.[289] The decision on granting permanent residence takes into account specific and personal circumstances of refugees and members of their immediate family, without requiring that general conditions set out in the Law on Foreigners for other categories of foreigners be met.[290]

Residence, personal documents and naturalisation are interrelated elements that shape the legal status of refugees in Serbia. The right to residence ensures legal security, while personal documents enable the proof of identity and residence status, facilitating access to basic rights and services. Naturalisation represents the final step in integration, formally recognising belonging to the host state and enabling full social and legal inclusion.[291]

Under the Convention on the Status of Refugees, contracting states have the obligation to provide refugees who lawfully reside on their territory with documents or certifications that would normally indicate the origin of their country of nationality.[292] In Serbia, the Asylum Office and Temporary Protection issues four types of personal identity cards. These are personal identity cards for asylum-seekers, personal identity cards for a person who has been granted the right of asylum, personal identity cards for a person who has been granted subsidiary protection and personal identity cards for a person who has been granted temporary protection.[293] These documents are issued upon submission to the Asylum Office. The validity period varies depending on the legal status of the applicant, with the possibility of extension. Identity cards for asylum-seekers are issued for a period of six months, identity cards for persons granted subsidiary protection for a period of one year, and identity cards for persons

[288] Article 49 and Article 60. LATP.

[289] Article 68a. Law on Foreigners.

[290] Article 67. Law on Foreigners.

[291] Article 34. Convention on the Status of Refugees.

[292] Article 25. Convention on the Status of Refugees

[293] Article 87. LATP.

granted the right to asylum for a period of five years.[294] For persons granted temporary protection, the validity period of the identity card corresponds to the validity period of temporary protection.[295]

The content and appearance of identity cards are regulated by the Regulation on the content and appearance of the form of application for asylum and on the content and appearance of documents issued to an asylum-seeker or to a person granted asylum or temporary protection.[296] The Regulation stipulates that identity cards contain basic information: a photograph of the person, surname and first name, gender, date and place of birth, country of origin, address, document number, date of issuance and date of expiry.[297]

The preparation of the document entails manually completing the cardboard form by staff of the Asylum Office. The only proof that the document has been issued by a state authority is the seal of the Ministry of Interior (MoI). The specified document is then plasticised. These documents serve for personal identification purposes and constitute proof of lawful residence in Serbia.

Although personal identity cards are crucial for accessing rights and services, practice has revealed a number of problems that hinder asylum-seekers and refugees' integration into society. One of the problems observed during the reporting period involves cases in which individual asylum-seekers were forced to wait for several weeks for the issuance or renewal of their personal identity cards. This issue was particularly evident in relation to individuals who, during the course of the asylum procedure, do not reside in asylum centres but rather at private addresses, with permission from the Asylum Office. In order for such persons to receive a personal identity card, the local police station, upon instruction from Asylum Office, must conduct a field verification and confirm that the named individual is actually present and residing at the address. After the field verification, the local police station sends a report to Asylum Office stating whether the named person was present at the address during the field check or not. Only after a positive field verification does Asylum Office issue a personal identity card. In practice, due to the lack of adequate coordination between Asylum Office as the issuing authority, local police stations as verification bodies, and the asylum-seekers themselves, field verification reports are often negative because the applicants were not present at the address when the check was carried out (for example, they were at work). Thus, in practice, it is often necessary to conduct multiple field verifications to confirm that the applicant is actually residing at the specified address. As a result, during the reporting period, cases were recorded in which the issuance process lasted for several months.

During the reporting period, cases were also recorded in which the time required for the issuance of the first personal identity card or the renewal of a personal identity card was unacceptably long, particularly affecting asylum-seekers who reside in asylum centres. The absence of personal documents can negatively affect access to almost all rights of asylum-seekers, but may also lead to unpleasant situations during police identity checks.

Another problem is the fact that personal identity cards issued to asylum-seekers and persons granted the right to asylum are not in line with the Law on Personal Identity Cards.[298] They do not contain the foreign national registration number (EBS), which is equivalent to the unique master citizen number and

[294] Articles 89–90. Law on Asylum and Temporary Protection (LATP)

[295] Article 90. LATP.

[296] Regulation on the content and format of the application form for asylum and the content and format of the documents issued to the asylum-seeker and to the person granted asylum or temporary protection, *Official Gazette of the RS*, no. 42/2018, available at: https://pravno-informacioni-sistem.rs/eli/rep/sgrs/ministarstva/pravilnik/2018/42/5.

[297] *Ibid*.

[298] *Official Gazette of the RS*, no. 62/2006, 36/2011 and 53/2021, available at: https://www.paragraf.rs/propisi/zakon_o_licnoj_karti.html.

should appear on identity cards.[299] Instead, the Asylum Office issues the EBS on a separate certificate. This places an additional burden both on foreign nationals and on the Asylum Office, which, despite its limited capacity, must issue separate EBS certificates for different purposes, including employment, health care, social benefits and bank accounts.

This situation makes it more difficult to verify the legal status of refugees and asylum-seekers. It also complicates administrative procedures, since these persons must often obtain additional documentation, which may entail further costs. Some EBS certificates require payment of a national administrative fee, for example a certificate issued to open a bank account or obtain a translation of a driving licence. There are also administrative expenses for preparing and posting applications to the Asylum Office and for the Office to prepare and post the certificate to the foreign national or their legal representative.[300]

As already mentioned, personal identity cards are plastic documents which are often not recognized as valid by many institutions, including healthcare facilities, banks, educational institutions, and similar. These difficulties result in discrimination against nationals from the country of residence and other countries with temporary or permanent residence, who have the right to biometric personal identification documents.

VI.2 Refugee Travel Documents

Freedom of movement is one of the fundamental human rights and entails not only the freedom to move and reside within a country, but also the right to leave it and to return to it.[301] Thus, the issuance of travel documents is a prerequisite for realising this right. The Convention on the Status of Refugees obliges contracting states to issue travel documents to refugees who lawfully reside on their territory, enabling them to move freely outside that territory, except in cases where there are legitimate grounds of national security or public order.[302]

In accordance with LATP, refugees in Serbia have the right to a travel document. A travel document is issued by the Asylum Office to persons granted asylum, on a prescribed form with a validity period of five years.[303] In exceptional cases, this document may be issued by the Office to persons granted subsidiary protection, with a validity period of up to one year.[304] The design of the travel document, and its content, is determined by the Ministry of Interior (MoI) through a subordinate act that was supposed to be adopted within 60 days of the law coming into force. [305]

The implementation of the regulation began on 1 February 2024. This enabled the issuance of these documents for the first time since the establishment of the asylum system in Serbia. Travel documents in accordance with the regulation contain personal data of the holder, including biometric data.

[299] Article 7. Law on Personal Identity Card.

[300] For example, in 2025 alone, the IDEAS legal team submitted dozens of requests for the issuance of a personal identification number for different client needs, and the Asylum Office responded to several hundred such requests.

[301] The right of movement is established by numerous universal and regional instruments, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the European Convention on Human Rights.

[302] Article 28. Convention on the Status of Refugees

[303] Article 91, paragraph 1. LATP

[304] Article 91, paragraph 3. LATP.

[305] Article 101 of the LATP

From the start of the new regulation's implementation until 31 December 2024, a total of 49 travel documents have been issued to refugees.[306] Of that number, 39 documents were issued to individuals of male gender, including 6 children, while 10 documents were issued to individuals of female gender, among whom were 3 girls.[307]

During 2025, 9 travel documents were issued, for 2 Afghan nationals (subsidiary protection), 1 Burundian national (subsidiary protection), 2 Iraqi nationals (subsidiary protection), 1 Cameroonian national (subsidiary protection), 1 Nigerien national (subsidiary protection), 1 Syrian national (subsidiary protection) and 1 Ukrainian national (refugee).[308]

Biometric refugee travel documents differ from passports issued to Serbian nationals and are subject to the visa regime applicable to refugees' countries of origin. Nevertheless, their issuance represents a significant step in the enjoyment of refugees' rights. The Asylum Office and the MoI continued to demonstrate a high level of efficiency in this process during 2025, ensuring a swift and orderly procedure - from scheduling appointments and submitting the required documentation to the production and delivery of the documents. This has finally enabled refugees in Serbia to travel lawfully and plan their future with greater security and freedom of movement.

VI.3 Permanent Residence and Naturalization

Access to citizenship in a state that has granted the right to asylum represents the highest level of integration. It confers legal advantages such as protection against forced removal, the right to vote, greater access to social rights and the right to travel, as well as other benefits such as greater stability, better employment prospects and a sense of belonging. The Convention on the Status of Refugees obliges states that have ratified it to facilitate and accelerate the naturalisation process, with minimal costs.[309]

The LATP provides that Serbia will enable the naturalisation process for refugees.[310] However, in practice there is no clearly defined procedure that would help refugees to obtain this right. The problem arose from the inconsistency between the LATP and the Law on Foreigners and the Law on Citizenship.[311] which has made this process more difficult. In order to be granted citizenship, the type of residence assigned to refugees must be recognized as a type of residence that meets the conditions stipulated for eligibility for citizenship, which has long been a legal gap.

With the amendment and supplementation of the Law on Foreigners, whose implementation began on 1 February 2024, refugees with continuous residence lasting more than three years have acquired the right to obtain permanent residence. When submitting applications for permanent residence, their specific circumstances are taken into account, and these individuals do not need to meet all the

[306] From the beginning of the implementation of the new regulation until 30 June 2024, a total of 39 travel documents were issued to refugees. Of this number, 32 documents were issued to men, including 6 children, and 7 documents were issued to women, among whom 3 are girls.

[307] MoI - Border Police Directorate, Responses to requests for access to information of public importance, no. 07-34/24 of 30 August 2024 and no. 07-2/25 of 11 February 2025 (received on 21 February 2025), hereinafter: MoI-FOI 2024.

[308] *MoI-FOI 2025.*

[309] Article 34. Convention on the Status of Refugees

[310] Article 71. Law on Asylum and Temporary Protection (LATP)

[311] *Official Gazette of the RS*, decision no. 135/2004, 90/2007 and 24/2018, available at: https://www.paragraf.rs/propisi/zakon_o_drzavljanstvu_republike_srbije.html

conditions applicable to other foreigners.[312] In this regard, upon submission, a decision is issued to the foreigner, in accordance with the law, granting the right to asylum, as well as a copy of the personal identity card of the person granted the right to asylum, together with proof of paid administrative fees.

Between 1 February and 31 December 2024, a total of 37 refugees received approval for permanent residence in Serbia. Analysis shows diversity in the countries of origin of those granted permanent residence. Among them, the most represented are citizens of Libya (15) and Iran (6). In addition, permanent residence was granted to citizens of Cuba (3), Burundi (3), Syria (2), Ukraine (2), Iraq (1), Pakistan (1), Tunisia (1), South Sudan (1), and Kazakhstan (1). Out of the total number of decisions, 20 were issued to women, including 4 girls, and 17 to men, including 2 boys.

By the end of 2025, 45 persons were residing in Serbia with permanent residence: Libya (19), Iran (6), Burundi (5), Syria (3), Ukraine (3), Cuba (3), and one citizen each from Afghanistan, Bulgaria, Iraq, South Sudan, Kazakhstan, and Pakistan.[313]

Although the possibility of obtaining permanent residence brings greater legal security to refugees and opens the way to citizenship, to date no individual granted asylum has acquired Serbian citizenship. This data indicates the need for further development of the legal framework and administrative procedures to enable a simpler and more efficient path to citizenship for refugees who wish to remain permanently in Serbia.

VI.4 Right to Work

Finding employment in destination countries for asylum-seekers and refugees is a prerequisite for successful integration, as it contributes to economic independence, facilitates language learning, enables familiarity with culture and customs, and fosters social connections.[314]

LATP ensures asylum-seekers and persons granted the right to asylum access to the labour market. The legal framework governing this issue in Serbia during the reporting period has undergone significant changes, including the abolition of work permits and the reduction of the waiting period for asylum-seekers to access the right to work.

Although these changes represent a step forward, access to employment remains challenging. Language barriers, lack of knowledge about the system, and discriminatory practices hinder entry into the labour market. Employers are often unfamiliar with the rights of refugees and asylum-seekers, while administrative procedures, although simplified, remain obstacles for many who wish to find employment.

The Convention on the Status of Refugees obliges contracting states to ensure that refugees receive the same treatment as their own nationals regarding the right to work, including employment, working conditions, and workplace protection.[315] The right to work is also stipulated by other relevant instruments for the protection of human rights.[316]

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[312] Article 68a. Law on Foreigners

[313] MoI-FOI 2025.

[314] UNHCR, Integration Handbook: Employment & Training, available at: https://www.unhcr.org/handbooks/ih/employment-training/employment.

[315] Article 24. Convention on the Status of Refugees

[316] See Chapter I.1 of this report.

In Serbia, the right to work for asylum-seekers[317] and refugees[318] is regulated by the Law on Employment of Foreign Nationals (LATP), which provides that access to the labour market is achieved in accordance with the regulations governing the employment of foreign nationals. This area is further detailed in the Law on Employment of Foreign Nationals,[319] whose amendments and supplements began to be applied from 1 February 2024. The amendments facilitate the employment process for refugees and asylum-seekers. They imply a more open access to the labour market in Serbia, aligned with the practices of EU member states.[320]

New provisions have shortened the period after which asylum-seekers can enter into formal employment relationships. Instead of the previous nine months, access to the labour market is now available after six months from the submission of the asylum application.[321] In addition, instead of obtaining personal work permits, asylum-seekers may now work on the basis of their identity card, EBS certificate and certificate confirming that an asylum application has been lodged, issued by the Asylum Office. Even so, a waiting period of six months remains difficult to justify. Throughout that period asylum-seekers have no right to work, which is also the period in which they cannot be enrolled in compulsory health insurance on the basis of employment and in which they have no entitlement to financial social assistance, so that dependence on state support, and exposure to undeclared work, is built into the earliest stage of their stay. Reducing the waiting period to three months would allow self-reliance to begin earlier, at the stage when motivation to learn the language and to establish contact with the labour market is highest, and would shorten the period in which asylum-seekers are pushed towards informal employment.

As before, refugees have access to the labour market immediately upon recognition of their status and do not need to obtain a work permit. An identity card and an EBS certificate are sufficient.[322] For refugees, the Integration Regulation provides for support in accessing the labour market.[323] Support is a key component of integration assistance – the responsibility lies with SCRM and follows the preparation of an individual integration plan.

SCRM support includes assistance in gathering the necessary documentation for registration with the National Employment Service.[324] (NES), as well as support in initiating the recognition process of foreign educational qualifications for employment purposes. Furthermore, SCRM has responsibility for including refugees in additional education and training programmes tailored to labour market needs, as well as in active employment policies, all in collaboration with the National Employment Service.[325] The aim of this support is to facilitate and enable refugees to become economically independent.

In practice, support from SCRM in integrating refugees into the labour market often fails to materialise or arrives with delays. Every person granted asylum in Serbia is promptly informed during an interview with the integration advisor of their right to initiate the procedure for recognition of foreign educational

[317] Article 57. LATP

[318] Article 65. LATP

[319] Law on Employment of Foreigners, *Official Gazette of the RS*, no. 128/2014, 113/2017, 50/2018, 31/2019 and 62/2023, available at: https://www.paragraf.rs/propisi/zakon_o_zaposljavanju_stranaca.html; hereinafter: the Law on Employment of Foreigners.

[320] Centre for Research and Social Development IDEAS, *Enhancing access to the labour market for refugees and asylum-seekers: Key amendments to the Law on Employment of Foreigners*, available at: https://ideje.rs/wp-content/uploads/2024/03/clanak_1_SRB-3.pdf.

[321] Article 3. Law on Employment of Foreigners

[322] *Ibid*.

[323] Article 2. Regulation on integration

[324] hereinafter: NES.

[325] Article 7. Regulation on integration

qualifications as assistance in entering the labour market, as well as their right to additional education and training in accordance with labour market needs. Until such time as they are granted the right to asylum, many already find employment, translate their educational documents or register with the NES, either independently or with support from civil society organizations.

One of the key steps towards improving access to the labour market for refugees and those seeking asylum is strengthening employer awareness through targeted campaigns and training. Experience working with asylum-seekers shows that employers are often unaware of the legal frameworks enabling the employment of asylum-seekers and those seeking asylum, nor of the simplified procedures introduced by recent legislative amendments. Organising information sessions, developing employer-specific guides and handbooks, and direct collaboration with business associations could contribute to reducing prejudice and increasing their willingness to employ asylum-seekers and refugees in their companies. The UNHCR office in Serbia has played a key role in this process in previous years. Existing training sessions, information sessions, employer materials and other forms of support developed in partnership with partners represent a significant foundation for further improving access to the labour market. However, their sustainability must be ensured through an institutional mechanism led by the National Employment Service, with SCRM participating in the component relating to the implementation of individual integration plans for persons granted asylum.

It is also necessary to introduce systematic language support in learning the Serbian language, which is currently missing for those seeking asylum. Learning the language in the early stages of residence in Serbia would help them acquire basic linguistic skills that are crucial for integration into the labour market.

VI.5 Health Care

The right to health encompasses not only access to medical services but also timely treatment, psychosocial support and preventive care. Protecting physical and mental health is particularly important for refugees and asylum-seekers, who are often exposed to traumatic experiences, insecurity and stress arising from uncertain legal status and challenges in a new environment.[326]

The legislative framework in Serbia recognises the right of asylum-seekers and refugees to health care, providing that health services are provided under the same conditions as those available to Serbian citizens. However, if not employed, these individuals do not have health insurance or health cards, and healthcare providers are often insufficiently informed about their rights, which further complicates access to services. A particular challenge is the availability and development of mental health services, which are crucial for recovery.

VI.5.1 Right to Health Care

LATP guarantees the right of asylum-seekers and refugees to health care, and this right is exercised in accordance with the regulations governing health care for foreign nationals.[327] The provisions on health protection of foreigners are contained in the Law on Health Protection,[328] according to which health

[326] UNHCR, Integration Handbook: Health, available at: https://www.unhcr.org/handbooks/ih/health/health-care

[327] Articles 54 and 63. LATP

[328] Law on Health Protection, *Official Gazette of the RS*, no. 25/2019 and 92/2023, available at: https://www.paragraf.rs/propisi/zakon_o_zdravstvenoj_zastiti.html.

protection[329] of foreigners is provided under the same conditions as for Serbian citizens. In accordance with this, healthcare institutions, private practices and healthcare professionals are obliged to provide emergency medical assistance, as well as other examinations. Health services provided to foreigners who have expressed an intention to submit an asylum application, to asylum-seekers and refugees who are materially unsecured, are funded from the budget of the Republic of Serbia.[330]

In practice, the realisation of this right depends on the individual's legal status and place of residence. Asylum-seekers residing in asylum centres and reception centres under the jurisdiction of SCRM are entitled to basic medical examinations in medical services located within the centres. Upon arrival at the centre, it is expected that they will be referred for medical examinations, which include anamnesis, general physical examination and other diagnostic procedures.[331] During their stay in the centres, medical services provide basic health protection, with particular focus on persons with serious illnesses, victims of torture, sexual violence and other severe forms of psychological, physical or sexual abuse, as well as persons with mental disorders.[332] When the health needs of asylum-seekers exceed the capacity of medical services in centres, they are referred to primary healthcare centres, hospitals or other healthcare institutions.

Unlike asylum-seekers in centres, asylum-seekers and refugees living at private addresses do not have access to healthcare services in centres under the jurisdiction of SCRM. They can carry out health check-ups and treatment in primary healthcare centres, hospitals and other healthcare facilities that provide primary, secondary and tertiary healthcare. Although the legal framework provides for equal treatment of these persons with local nationals, in practice there are challenges regarding access to healthcare, particularly in terms of timely referral to specialist consultations or access to medicines.

VI.5.2 Right to Health Insurance

Although asylum-seekers and refugees in Serbia have the right to healthcare, exercising this right in practice is hampered by the way the healthcare system is organised. Healthcare in state institutions is provided through a mandatory health insurance system, regulated by the Law on Health Insurance.[333] In addition to access to healthcare facilities, health insurance also enables continuous treatment, therapy, monitoring of chronic illnesses and access to medicines on prescription.

According to this law, certain categories of insured persons have the right to health insurance, including foreign nationals who are employed or who have temporary residence in Serbia for purposes of education. Regarding refugees, the law recognises only refugees from the former SFRY, while asylum-seekers and persons granted the right to asylum are not explicitly mentioned. As a result, as foreign nationals, asylum-seekers and refugees may be included in the system, provided they are employed. and if their employer makes insurance contributions. However, this is not possible for asylum-seekers during the first six months after submitting their application, as during this period they do not have the right to work.

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[329] The right to health protection includes measures for preserving and improving health, prevention, combating, early detection of diseases and injuries, as well as treatment, healthcare and rehabilitation

[330] Articles 236–240. Law on Health Protection.

[331] Regulation on medical examinations of asylum-seekers upon admission to the Asylum Centre or another accommodation facility for asylum-seekers, *Official Gazette of the RS*, no. 57/2018, available at: https://pravno-informacioni-sistem.rs/eli/rep/sgrs/ministarstva/pravilnik/2018/57/3/reg.

[332] Article 54. Law on Asylum and Temporary Protection (LATP)

[333] Law on Health Insurance, *Official Gazette of the RS*, no. 25/2019 and 92/2023, https://www.paragraf.rs/propisi/zakon_o_zdravstvenom_osiguranju.html

One possible solution is provided by the law itself, which allows persons not covered by the main categories of insured persons to join the health insurance system by paying their own contributions. There are, however, two key challenges. The first concerns the insufficient knowledge of staff in branch offices of the National Health Insurance Fund of the Republic of Serbia,[334] which made enrolment more difficult in previous years.[335] However, during the period from 2024 to 2025, IDEAS did not observe significant barriers in the process of inclusion into the health insurance system.

Another challenge are the direct costs of contributions. In 2024, the monthly contribution for health insurance amounted to 4,134.73 dinars, while in 2025 it rose to 5,283.60 dinars, which could represent a significant financial burden for unemployed asylum-seekers and families with multiple members. So far, UNHCR has covered the costs of health insurance for asylum-seekers and refugees with serious health issues, but a long-term solution to this issue has still not been found.

VI.5.3 Problems in Accessing Health Care and Further Steps

IDEAS did not systematically monitor the procedures of all healthcare institutions and NHIF branches during 2024 and 2025, hence available data do not allow for a general conclusion regarding the frequency of administrative barriers at the level of the entire healthcare system. In cases where IDEAS provided legal support, no significant or recurring barriers were observed in the process of inclusion into health insurance through self-payment of contributions, although individual difficulties in recognizing rights may occur.[336]

In some healthcare institutions, particularly those covering the Krnjača Asylum Centre area, there is a higher level of awareness among healthcare staff regarding the rights of asylum-seekers, which facilitates their access to healthcare services. IDEAS does not have systematic data on administrative barriers in other healthcare institutions, thus it is not possible to draw general conclusions about the frequency of such barriers. Problems have continued in both 2024 and 2025.

Thus, it can be concluded that the legislative framework in Serbia guarantees the right to health care for individuals granted asylum and for asylum-seekers, but that these individuals in practice may encounter barriers in realizing this right. The greatest problem is health insurance, which has not been systematically resolved. The only way for asylum-seekers and refugees to obtain health insurance is through formal employment or self-payment of contributions, which is not a feasible option for many.

Changes to the Law on Social Insurance are necessary in order to clearly define the right to insurance for asylum-seekers and persons granted the right to asylum. One possible model would be the inclusion of asylum-seekers and refugees into existing national social programmes that provide health protection to vulnerable groups, such as users of social assistance. In this way, health protection would no longer depend exclusively on donor funding, but would become part of the state support system.

Moreover, one of the problems in practice is the inconsistent implementation of legal provisions by NHIF branches. Staff are not always familiar with the possibilities provided by law, leading to unnecessary administrative barriers. The law allows individuals to pay premiums for insurance themselves, but IDEAS does not have data on the practices of all NHIF branches, making it impossible to determine to what extent this possibility is recognized. The priority is therefore a uniformly written

[334] Throughout the text: Refugee Status Office (RSO).

[335] See more at *AIDA Serbia 2023*, p. 183.

[336] All references are based on the practical experience of staff employed at IDEAS.

instruction from NHIF to all branches, and targeted training where recurring problems in the application of regulations have been identified.

VI.6 Social Protection Rights

Access to basic social rights and services enables individuals and families to maintain a dignified life and overcome economic and social difficulties. For refugees and asylum-seekers, it often represents a factor of their security and the possibility of starting a new life in a country that provides them with international protection.

The legislative framework in Serbia guarantees asylum-seekers and persons granted the right to asylum the right to social assistance, and they can access certain forms of support in accordance with laws regulating the field of social protection. Furthermore, refugees have the right to special measures of assistance provided by SCRM, including one-time financial assistance and provision of temporary accommodation. These measures represent a significant component of support for refugees who are undergoing integration into life in a new environment and are striving to achieve basic security.

With regard to international standards applicable to refugees, the Refugee Status Convention obliges contracting states to ensure that refugees receive the same treatment in terms of social protection as their own nationals.[337] This obligation applies to various forms of social assistance and support, including material aid, access to social services, and other types of support aimed at safeguarding basic life needs.

Under national legislation, the right to social assistance for asylum-seekers and refugees is guaranteed by the Law on Asylum and Temporary Protection (LATP).[338] The conditions for accessing this right, the amount of assistance, and the procedure for its approval are more precisely regulated by the Regulation on Social Protection of asylum-seekers or Who Have Been Granted Asylum.[339]

Under the regulations currently in force, financial assistance may be granted to persons who are not accommodated in asylum centres and have no other sources of income above the prescribed minimum.[340] The procedure for accessing the right to assistance is managed by the local centre for social work where the beneficiary resides, while the competent ministry is responsible for handling appeals and making decisions in appellate proceedings. Once the right to social assistance is granted, it is reviewed annually to determine whether the circumstances affecting its allocation have changed.

The legal framework provides support mechanisms, but practice shows that the system does not fully meet the needs of asylum-seekers and refugees. One of the key problems is that the right to financial social assistance is not provided for persons residing in collective centres, even though they are often at greater risk of poverty and social exclusion.

Moreover, the process of obtaining social assistance is often lengthy and administratively complex, which may discourage asylum-seekers and refugees from even initiating an application. In cases where assistance is granted, the amounts are often insufficient to cover basic living expenses, particularly

[337] Chapter IV, Convention on the Status of Refugees

[338] Article 52 and 67 of the Law on Asylum and Temporary Protection

[339] *Official Gazette of the RS*, no. 12/2020, available at: https://pravno-informacioni-sistem.rs/eli/rep/sgrs/ministarstva/pravilnik/2020/12/1/reg.

[340] Article 3. Regulation on social assistance for asylum-seekers, or whose asylum has been granted

considering that asylum-seekers and refugees frequently have no other sources of income or the ability to generate income in the short term.[341]

Given these challenges, the question arises to what extent the current social protection system recognizes the specific needs of asylum-seekers and refugees and to what extent it can meet those needs. The existing framework does not provide sufficient flexibility to allow social protection programs to be tailored to the actual needs of beneficiaries, necessitating a review of possible amendments and improvements to this system.

VI.7 Integration Assistance

Integration support for refugees in Serbia includes a range of activities aimed at facilitating their inclusion in social, cultural, and economic life. Key elements of this process are timely information provision, learning the Serbian language, access to education and the labour market, as well as financial support in cases of specific social and health needs. These activities are provided during the period up to one year from the date of the decision on the grant of asylum rights.[342]

To ensure support tailored to individual needs, SCRM establishes individual integration plans. These plans take into account information on gender, age, level of education, family status, occupation, health condition, work experience of refugees, and other relevant information for proposing appropriate activities, as well as the type and extent of support required in order to enable the most effective inclusion into society.[343] In addition to SCRM, the relevant centre for social work, educational institutions, the NES, a healthcare institution and other bodies, where necessary, should participate in preparing the integration plan. The plan is prepared in Serbian and explained to the person concerned in a language they understand. SCRM is responsible for monitoring implementation of the plan and proposing amendments. [344]

During 2024 and 2025, individual integration plans have been systematically prepared by SCRM for all persons who had a responsible attitude towards staff from this state institution, enabling them to learn the Serbian language and become familiar with Serbian customs and culture. The process of preparing integration plans is clearly defined and in practice is carried out with the participation of integration advisors from SCRM; representatives of UNHCR have also participated, but representatives of other institutions have not.[345]

Due to these limitations, SCRM's activities in the integration process are currently predominantly focused on facilitating access to Serbian language classes, providing information about available forms of material support, and ensuring such support. Strengthening coordination among institutions and tailoring plans to individual user needs could contribute to improving the integration process. Given that the number of persons granted international protection in Serbia is not large, there is a possibility of approaching their integration in a more efficient manner.

[341] See more in AIDA Serbia 2023, pp. 213–215.

[342] Article 9. Regulation on integration.

[343] *Ibid*.

[344] *Ibid*.

[345] Meetings were initiated by IDEAS; in certain cases, representatives of CSOs Athens also attended.

VI.8 Right to Accommodation

LATP guarantees the right to accommodation for refugees in Serbia. Accommodation includes a designated residential space provided on a temporary basis or financial assistance necessary for temporary accommodation.[346] It is ensured in accordance with a specific regulation governing refugee accommodation – the Regulation on Criteria for Temporary Accommodation of Persons with Asylum or Subsidiary Protection.[347]

The provision of accommodation for refugees falls under the responsibility of SCRM, and the right to this type of assistance lasts for the longest period of one year from the date of the decision granting asylum. In order to obtain this right, refugees must prove that they do not have their own financial resources for renting a residence. Additionally, attending Serbian language classes is one of the prerequisites for receiving financial assistance for accommodation.[348]

The biggest challenge is the time limitation of the duration of assistance, which lasts for one year from the date of the decision granting asylum. Since the right to temporary accommodation is valid for one year from the date of the decision granting asylum, and the process of submitting applications and making decisions may take several months, the actual period during which assistance is available is further shortened. This problem was identified in the previous reporting period and remains unresolved through 2025.[349]

Another problem is the amount of financial assistance for housing. Instead of providing specific housing units, SCRM grants cash assistance whose amount is determined based on income per family member. Individuals with no income or whose per-member family income does not exceed 20% of the minimum wage in Serbia may receive an amount equal to the minimum wage. Those with incomes up to 40% of the minimum wage receive 60% of the minimum wage, while individuals with incomes up to 60% of the minimum wage may qualify for 20% of the minimum wage. If income exceeds 80% of the minimum wage, the applicant does not meet the conditions for assistance. Given the rising costs of real estate and living expenses, particularly in larger cities, the amounts granted are often insufficient to cover housing costs. An additional challenge is that when making decisions, the number of family members is not taken into account, so the amount of assistance is the same whether the application is submitted by an individual or a family. This means that larger families, who have higher expenses, do not receive proportionally greater support, which may hinder their integration and stability.[350]

These challenges highlight the need to improve the integration system for refugees, in order to ensure that support measures are available at the right time and in sufficient scope to genuinely contribute to their independence.

Thus, prolonged administrative procedures, inadequate financial assistance, and strict conditions for accessing rights represent key problems that asylum-seekers and refugees face in accessing social protection rights. In order for support to be more effective and tailored to their needs, more flexible

[346] Article 61. LATP.

[347] *Official Gazette of the RS*, Nos. 55/2005, 71/2005 - corr., 101/2007, 65/2008, 16/2011, 68/2012 - Constitutional Court decision, 72/2012, 7/2014 - Constitutional Court decision and 44/2014, available at: https://www.paragraf.rs/dnevne-vesti/200715/200715-vest15.html, hereinafter: Regulation on accommodation.

[348] The Accommodation Regulation provides that a refugee who fails to notify SCRM, within 15 days of the final decision granting asylum, that they are attending Serbian language classes, or who stops attending such classes without justification, loses the right to temporary accommodation assistance.

[349] See more in IDEAS 2024, p. 77-78.

[350] See more in AIDA 2024, p. 214-215.

mechanisms are needed that enable faster and more efficient support. This limitation should be considered together with the inability to access the labour market during the first six months after submitting an asylum application and the absence of organized Serbian language learning programs for asylum-seekers. Taken together, these factors act as deterrents that demotivate asylum-seekers to remain in Serbia and continue with the asylum process.

One of the first steps is expanding access to social assistance so that it includes persons residing in asylum centres, as they are also in a vulnerable position and often lack other sources of income, including the inability to exercise the right to work during the first six months following the submission of an asylum application. Moreover, it is crucial to accelerate the process for granting social assistance in order to ensure timely support for those in need. At the same time, the amount of assistance should be reviewed and increased to ensure that persons can meet their basic living needs.

In addition, it is necessary to develop more flexible, individual integration plans that can be adapted to changes in refugees' life circumstances. Furthermore, it is essential to ensure that these plans are regularly reviewed and updated to reflect refugees' current needs and goals. Regular monitoring and evaluation of integration programmes are of fundamental importance for identifying problems and making necessary adjustments. Moreover, feedback from refugees should be collected to ensure their needs are being met.

In order to ensure timely support, it is necessary to accelerate the procedure for disbursing financial assistance. Although the Accommodation Regulation stipulates that a certificate of NES may be used as proof of income, in practice additional statements verified by a public notary are often required. This additional requirement represents a financial burden for refugees who frequently lack funds for basic needs and for covering the costs of document verification. In order to eliminate unnecessary barriers in accessing rights, it is necessary to simplify the procedure for proving income and to abolish the obligation to submit a notarised statement, especially when another relevant proof already exists.[351][352] In addition, the amount of financial assistance for housing should be sufficient to cover actual living expenses, taking into account the number of family members.

Finally, it is necessary to simplify the procedure for proving income by eliminating the requirement for a notarised statement from a public notary, as this represents an additional financial burden for refugees. Instead, other forms of income proof should be considered, which are also submitted together with the application and do not impose a financial burden on applicants.

VI.9 Education

The right to education is another fundamental human right of particular importance to integration. Through education, refugees and asylum-seekers acquire knowledge, skills and competences. The national legal framework guarantees this right, giving asylum-seekers access to primary and secondary education, while refugees are also entitled to preschool and higher education. Enrolment procedures are nevertheless often complex and require additional documents, which can create difficulties for refugees who do not possess all the necessary documentation. Financial barriers may also arise,

[351] See Article 25 of the Convention on the Status of Refugees, which obliges contracting states to provide administrative assistance to refugees when the exercise of their rights requires action by authorities to which the refugee cannot otherwise appeal, and Article 34 of the Convention, which obliges states to facilitate the integration and naturalisation of refugees to the greatest extent possible, accelerate these procedures and reduce their costs.

[352] Convention on the Status of Refugees, Articles 24 and 35.

particularly in purchasing textbooks and school supplies or meeting other education-related costs. Language barriers further impede learning, as many asylum-seekers and refugees do not speak Serbian well enough to follow classes. These obstacles and possible systemic solutions are examined in greater detail below.

VI.9.1 Right to Education

LATP specifically guarantees the right to education for asylum-seekers and refugees. Asylum-seekers have the right to free basic and secondary education. Access to education for children of asylum-seekers is ensured immediately, and at latest within three months of the date of submission of an asylum application in the Republic of Serbia.[353] Refugees are entitled to free basic and secondary education, as well as pre-school and higher education, under the same conditions as national citizens.[354]

The Integration Regulation recognises the importance of educational support for refugees, providing support from SCRM to those granted protection in the form of translation of school documents, provision of textbooks and school supplies, assistance with learning, and participation in extracurricular activities.[355] In this way, the educational process is made easier and enables refugees to participate equally in the education system.

Access to education for children and adults among asylum-seekers and refugees in Serbia includes various forms of support, but also challenges that must be overcome in order for the education system to be truly inclusive. Enrolment in educational institutions is carried out with the assistance of SCRM for children residing in asylum centres and reception centres, while children living at private addresses are supported by civil society organizations during this process. Unaccompanied and separated children are included in the school system through their temporary guardians, who provide additional support during the process of adapting to a new environment. This model of support, which largely relies on project-financed activities by civil society organizations, is long-term unsustainable, as the education system does not currently provide systematically established employment for child assistants who do not know the language of instruction used in classes.[356]

VI.9.2 Preschool Education

Access to early childhood education remains a challenge for asylum-seekers and refugees in Serbia. Although refugees formally have the right to enroll their children in kindergartens, asylum-seekers face legal uncertainty because this right is not explicitly recognized in the LATP. Administrative and financial barriers complicate enrollment in early childhood institutions for both groups. This situation further complicates the situation for parents who wish to work or attend vocational training programmes but lack the ability to leave their children in a secure environment.

The enrolment process in kindergartens is conducted via the eAdministration Portal (eVrtić). Electronic submission of applications is carried out by filling out an electronic form on the portal, without the need to attach documents previously submitted, as documents are accessed through official duties.[357] This

[353] Article 55. LATP

[354] Article 64. LATP

[355] Article 6. Regulation on integration

[356] Regulation on Pedagogical Assistants and Adult Education Assistants, "*Official Gazette of the RS*", No. 87/2019, Article 3 of which provides only for pedagogical assistants for Roma children and pupils and for children and pupils with developmental disabilities.

[357] *Available at: https://euprava.gov.rs/vrtic?*

request can be submitted exclusively by a parent who is a Serbian national, meaning that this service is not available to asylum-seekers and refugees. [358]

The financial aspect further hinders access to early childhood education for children of asylum-seekers, as they are not entitled to receive subsidies available to Serbian nationals and foreign nationals with permanent residence.[359] Subsidies for children's stay in kindergartens significantly reduce parental expenses, but the eligibility criteria for receiving them are set in such a way that asylum-seekers cannot meet them.

In order for a family to obtain a subsidy for a private kindergarten, the parent must have Serbian nationality or permanent residence in Serbia, be registered on the territory of the municipality where the child is enrolled in kindergarten, and previously not have been able to enroll the child in a state kindergarten due to insufficient capacity.[360] Exactly these conditions exclude asylum-seekers, thereby significantly hindering or completely preventing access to kindergartens. The way in which subsidies are paid further indicates institutional support for families, while asylum-seekers have no access to these benefits.

This situation leaves many asylum-seeking families and refugees trapped in a cycle – without children enrolled in kindergarten, parents cannot work or study, and without employment, they cannot afford to enroll their children in kindergarten, thus hindering their integration and economic independence. Exclusion from the pre-school system is not an isolated phenomenon, but part of a broader pattern of exclusionary factors that asylum-seekers and refugees face at all levels of education: access to e-kindergarten is available only to parents who are citizens of Serbia, and from 2026 also to foreigners with approved permanent or temporary residence, thus leaving asylum-seekers and refugees still outside the system.[361] Subsidies for children’s kindergarten attendance are conditional on citizenship, or permanent residence, and access to free instruction in Serbian as a foreign language is conditional on reciprocity, otherwise the burden falls on parents.[362] Meanwhile, accommodation in student housing, meals, student loans, and scholarships are reserved for citizens of the Republic of Serbia.[363]

VI.9.3 Primary and Secondary Education

Basic and secondary education is guaranteed to all persons in asylum proceedings, while refugees receive additional support through the Regulation on Integration. The existing legal framework allows enrollment of children with documents proving prior education into appropriate grades, while for those

[358] The Crisis Response and Policy Centre, which supported asylum-seekers and refugees in enrolling children in preschool, reported the case of a child granted refugee status who could not be enrolled electronically because the portal rejected the mother's EBS, even though both the father and the child had been granted refugee status.

[359] Decision on the Right to Reimbursement of the Cost of Children's Attendance at a Preschool Institution Founded by Another Legal or Natural Person in the Territory of the City of Belgrade, "*Official Gazette of the City of Belgrade*", no. 41/2023, available at: http://demo.paragraf.rs/demo/combined/Old/t/t2023_07/BG_041_2023_004.htm

[360] *Ibid*.

[361] Office for Information Technology and eGovernment, Registration of Children for Kindergarten Begins Electronically This Year - eKindergarten, available at: https://www.ite.gov.rs/vest/sr/5575/pocinje-ovogodisnja-prijava-dece-u-vrtic-elektronskim-putem-evrtic.php. The 'eKindergarten - foreign national parent' service, introduced in April 2026, is available only to foreign nationals granted permanent or temporary residence who are registered as eCitizens; see: https://n1info.rs/vesti/od-danas-usluga-evrtic-dostupna-u-46-opstina-i-gradova-sirom-srbije/

[362] Article 23(2) and (3) of the Law on the Foundations of the Education System, "*Official Gazette of the RS*", Nos. 88/2017, 27/2018 - other law, 10/2019, 6/2020, 129/2021, 92/2023 and 19/2025.

[363] Article 4(2) and (4) and Article 83(2) of the Law on Student and Pupil Standards, "*Official Gazette of the RS*", Nos. 18/2010, 55/2013, 27/2018 - other law and 10/2019. Refugees are recognized as a vulnerable social group to which more favourable criteria apply (Article 4(6)), but the general nationality requirement is not thereby waived.

without documents, knowledge assessment is conducted. Schools are obliged to prepare individual support plans that include adaptation programs, intensive Serbian language classes, individualized teaching activities, and extracurricular programs.[364]

Recognition of prior education requires a decision recognizing a foreign school certificate. The decision is issued in proceedings conducted by the ENIC/NARIC Centre, an organizational unit of the Qualifications Agency,[365] and no major problems with this procedure were recorded during the reporting period or in previous years.[366] SCRM is formally responsible for supporting refugees in this process, while no such formal support is provided to asylum-seekers.[367] In practice, when submitting applications for recognition of foreign educational certificates, both asylum-seekers and refugees rely on CSOs. In May 2025, the Qualifications Agency, UNHCR, and SCRM published a Career Guidance Handbook for refugees, which provides information on the recognition of foreign educational certificates, enrollment in educational institutions, learning the Serbian language, and requalification.[368]

Although in line with professional guidance, recognition of prior education is not required for continuing education, experience shows that it becomes crucial in later stages of education. For example, children enrolled in primary schools without this decision were required to submit it during the secondary school entrance exam, while recognition of completed secondary education was necessary for university enrollment. This poses a problem for many refugees, as they may lack the necessary educational documents or be unable to obtain them from their countries of origin.

Long-term monitoring of asylum-seekers' and refugees' education reveals that the language barrier remains the main challenge. The lack of language assistants hinders integration into the school system, as children without adequate support struggle to keep up with lessons. CRPC organized informal Serbian language classes and learning assistance during the reporting period, but a systemic solution is needed for this issue. The fact that the language barrier continues to be a challenge is confirmed by the Ministry of Education, which notes that educational materials are being translated into Ukrainian and Arabic, and that over 700 teachers have been trained in using the Serbian as a foreign language program.[369] A systemic solution would involve amending the Regulations on Pedagogical and Adult Education Assistants, by introducing a pedagogical assistant for children who do not know the teaching language, and by removing the reciprocity conditions that determine free access to the Serbian as a foreign language program.

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[364] Ministry of Education, Science and Technological Development, No. 601-00-00042/2017, 5 May 2017, *Professional Guidance on the Inclusion of Refugee and Asylum-Seeking Pupils in the Serbian Education System*, available at: https://prosveta.gov.rs/vesti/strucno-uputstvo-za-ukljucivanje-ucenika-izbeglicatrazilaca-azila-u-sistem-obrazovanja-i-vaspitanja/

[365] The Qualifications Agency, ENIC/NARIC centre, available at: https://azk.gov.rs/stranica.php?id=95

[366] In March 2023, the Qualifications Agency and UNHCR in Serbia signed a Memorandum of Cooperation. This has enabled the two institutions to normalise their collaboration towards finding solutions that will allow refugees access to and inclusion in the education system, lifelong learning, and career guidance. Applicants have been exempted from payment of procedure costs in individual cases

[367] Article 6. Regulation on integration

[368] UNHCR Serbia, Launches first "Career Guidance Handbook for Refugees", 23 May 2025, available at: https://www.unhcr.org/rs/news/first-handbook-career-guidance-refugees-presented. The handbook is published in Serbian and English and is available on the website of the Qualifications Agency.

[369] Statement by the Ministry of Education on International Migration Day, 18 December 2025. The Ministry states that over 5,500 migrant and asylum-seeker students have successfully passed through the education system to date, more than 4,000 educators, teachers, directors, and staff members have been trained, and more than 3,000 individual support plans have been developed. Available at: https://www.kurir.rs/vesti/drustvo/9863203/ucenici-migranti-trazioci-azila-i-izbeglice-ukljuceni-u-sistem-obrazovanja

VI.9.4 Higher Education

Access to higher education in Serbia for refugees and asylum-seekers is enabled under the same conditions as for nationals. The University of Belgrade confirmed in 2022 that these individuals can enroll in studies under equal conditions as domestic citizens.[370] Professional guidelines issued by the Ministry of Education for enrolment, drawn up for each school year, specifically regulate and provide for the enrolment of foreign nationals in migrant/asylum-seeker status, stipulating that they are enrolled in their first year of study under the same conditions as citizens of the Republic of Serbia, with the obligation to submit documents from the competent authority confirming their status.[371] This also applies to enrolment in master's and doctoral studies at higher education institutions established by the State of Serbia.[372] Nevertheless, the number of students from refugee populations remains low, partly due to financial barriers. These arise primarily from the Law on Student and Academic Standards, which links the right to accommodation in student housing, food, student loans, and scholarships to citizenship of the Republic of Serbia, while foreign nationals can only access these benefits in accordance with international agreements and reciprocity, subject to the payment of market prices for accommodation and food.[373]

UNHCR, in collaboration with Serbian institutions and international partners, supports educational opportunities for refugees, including DAFI scholarships that enable students worldwide—including in Serbia—to continue their education. Currently, six refugees and asylum-seekers are studying based on DAFI scholarships.[374]

[370] Technical guidance on enrolment in the first year of undergraduate and integrated study programmes at higher education institutions established by RS for the academic year 2023/2024, "*Official Gazette of the RS*", no. 49/2023 available at: https://pravno-informacioni-sistem.rs/eli/rep/sgrs/ministarstva/uputstvo/2023/49/1/reg

[371] Points 25 and 26 of the Professional Guidance on Enrolment in the First Year of Undergraduate and Integrated Study Programmes at Higher Education Institutions Founded by the Republic of Serbia for the 2025/2026 Academic Year, "*Official Gazette of the RS*", No. 59/2025, available at: https://pravno-informacioni-sistem.rs/eli/rep/sgrs/ministarstva/uputstvo/2025/59/1/reg. The guidance for the 2024/2025 academic year contained identical provisions, "*Official Gazette of the RS*", No. 51/2024, available at: https://pravno-informacioni-sistem.rs/eli/rep/sgrs/ministarstva/uputstvo/2024/51/1/sg

[372] Professional Guidance on Enrolment in the First Year of Master's and Doctoral Study Programmes at Higher Education Institutions Founded by the Republic of Serbia for the 2024/2025 Academic Year, "*Official Gazette of the RS*", No. 51/2024, available at: https://pravno-informacioni-sistem.rs/eli/rep/sgrs/ministarstva/uputstvo/2024/51/2/reg For the 2025/2026 academic year, see "*Official Gazette of the RS*", No. 59/2025, points 20 and 21, available at: https://pravno-informacioni-sistem.rs/eli/rep/sgrs/ministarstva/uputstvo/2025/59/2/reg

[373] Article 4(2) and (4) and Article 83(2) of the Law on Student and Pupil Standards, "*Official Gazette of the RS*", Nos. 18/2010, 55/2013, 27/2018 - other law, and 10/2019.

[374] UNHCR Serbia, Marking Four Years of DAFI Scholarship Implementation in Serbia, available at: https://www.unhcr.org/rs/en/28623-marking-four-years-of-dafi-implementation-in-serbia.html

CHAPTER VII

Asylum and Reception Centres

SCRM is responsible for providing material conditions for the reception of asylum-seekers, as well as for temporary accommodation of persons granted asylum.[375,376] Material conditions of reception include accommodation, food, and financial assistance for personal needs.[377] In addition, SCRM must provide special reception conditions for asylum-seekers in particularly vulnerable situations, including children, unaccompanied children, persons with disabilities, older persons, pregnant women, single parents with children, victims of human trafficking, persons with mental health conditions, and victims of torture, rape or other serious forms of psychological, physical or sexual violence.[378]

During 2025, a total of 7 asylum and reception centres were operational, with some operating throughout the entire year, while the Asylum Centre in Krnjača was permanently closed in June 2025. The reception centre in Principovac, following the closure of the centre in Šid, continued to serve as accommodation for unaccompanied children. The reception centres in Bujanovac and Preševo were active throughout the year and primarily housed individuals not registered under Article 35 of the Law on Asylum and Temporary Protection (LATP). The Asylum Centres in Obrenovac and Sjenica were designated at the end of the year as the only centres where asylum-seekers—persons who had submitted an asylum application—are accommodated. The Asylum Centre in Vranje continued to accommodate Ukrainian refugees who had been granted temporary protection.

According to official SCRM data,[379] the total capacity available to people on the move in the first half of the year was 3,716 beds. Following the permanent closure of the Krnjača Asylum Centre, the capacity of the six remaining operational centres was 2,886 beds, which was fully sufficient to provide accommodation and basic services to refugees and migrants staying in Serbia during 2025.

Careful examination of quarterly reports on the operation of asylum and reception centres clearly shows that the number of people daily present in the centres was far below available capacity. Particularly interesting is the fact that, throughout the entire year, fewer than 100 individuals were present at the Asylum Centre in Obrenovac on a daily basis—again raising questions about the operation of the Asylum Centre in Sjenica, which on average accommodated up to 75 asylum-seekers. In other words, it remains unclear why all asylum-seekers are not accommodated in the Asylum Centre in Obrenovac, and how more efficient asylum procedures and state, international organization, and civil sector services could be delivered in a coordinated manner, especially in light of the significant reduction in resources supporting people in movement.

[375] More information on available accommodation capacities see in *AIDA Serbia 2024*, pp. 139-143,

[376] Article 23 of the LATP

[377] Article 50 of the LATP

[378] Article 17 of the LATP

[379] More information available on the Commissariat for Refugees and Migration (SCRM) website, centre profiles, available at: https://kirs.gov.rs/cir/azil/profili-centara

TABLE 10

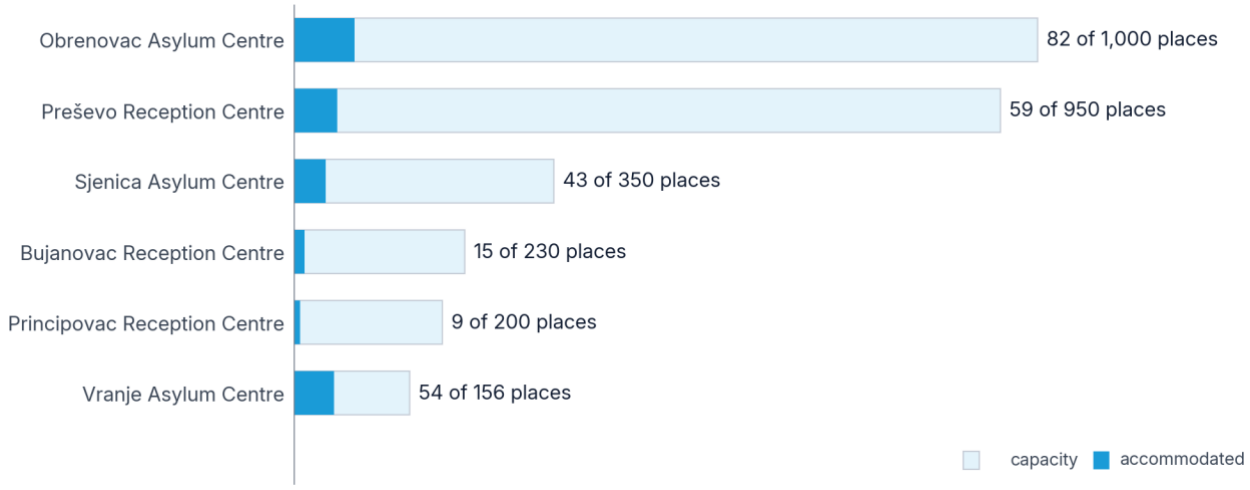
The number of accommodated users in reception centres and asylum centres at the end of each quarter in 2025[380]

Reception centres and asylum centres	Capacity	March	June	September	December
Principovac Reception Centre	200	6	5	1	9
Bujanovac Reception Centre	230	48	27	56	15
Preševo Reception Centre	950	99	85	173	59
Total	**1,380**				
Krnjača Asylum Centre	830 (until June 2025)	95	Closed	Closed	Closed
Obrenovac Asylum Centre	1000	25	74	65	82
Sjenica Asylum Centre	350	74	71	44	43
Vranje Asylum Centre	156	64	64	55	54
Total	**2,336**	**411**	**326**	**394**	**262**
Total accommodation capacity in 2025	**3,716 until June 2025, and after the closure of Krnjača Asylum Centre 2,886**				

FIGURE 8

In December 2025 the centres housed 262 people in 2,886 places

Capacity and number of people accommodated in asylum and reception centres at the end of December 2025, by centre.



Source: Commissariat for Refugees and Migration, profiles of centres, December 2025 (Table 10).

A report published by the Centre for Research and Social Development IDEAS in February 2024 highlighted the need to improve reception conditions for asylum-seekers and underscored the

[380] Commissariat for Refugees and Migration of the Republic of Serbia, Profiles of centres – March 2025, June 2025, September 2025 and December 2025, available at: https://kirs.gov.rs/lat/azil/profili-centara

importance of providing special conditions for vulnerable groups.[381] Furthermore, research conducted by IDEAS during the first half of 2024 indicates significant deficiencies in providing adequate reception conditions for vulnerable groups, particularly LGBTIQ+ asylum-seekers and individuals who have survived gender-based violence.[382]

[381] 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 4th Periodic Report, 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

[382] Milanović, M. (2024). Assessment of LGBTIQ+ asylum-seeker Experiences in Serbia: Analysis of Reception Conditions, Support Services and Recommendations for Policy Reforms, Centre for Research and Social Development IDEAS: https://ideje.rs/wp-content/uploads/2024/09/Assessment-of-LGBTIQ-Asylum-Seeker-Experiences-in-Serbia.pdf; Šemić, A. (2024). Bridging the Gap: Enhancing Support for GBV Survivors in Serbia's Asylum System: https://ideje.rs/wp-content/uploads/2024/09/Enhancing-Support-for-GBV-Survivors-in-Serbias-Asylum-System.pdf.

CHAPTER VIII

Situation of Particularly Vulnerable Groups of Asylum-Seekers

The LATP provides special procedural and reception guarantees for persons in particularly vulnerable situations, including children, persons with disabilities, older persons, pregnant women, single parents with young children, victims of human trafficking, persons with serious illnesses, persons with mental health conditions, and victims of violence or torture.[383] However, it remains unclear how individuals who require these guarantees are identified, nor how competent authorities determine and implement protective measures that should be available to them.

Although certain institutions are responsible for protecting persons at heightened risk, there is no clear coordination or division of responsibilities among them. The Asylum Office,[384] the Asylum Commission and the Administrative Court do not issue specific decisions concerning the need for special procedural guarantees. Similarly, the vulnerability-assessment system is insufficiently developed in reception centres, and SCRM's role in this process is not precisely defined.

In the absence of a systematic approach, the identification and support of vulnerable individuals largely depend on CSOs. They play a key role in identifying individual needs and connecting people with available services, but they have limited capacities and resources. As a result, only a small number of vulnerable individuals receive comprehensive assistance, while many remain without any support. A particular problem is represented by those who are in Serbia but have not submitted an asylum application – this group is entirely excluded from institutional protection and lacks access to the services they need.[385]

A clearer support procedure has been established for unaccompanied children, who, after submitting an asylum application, are referred to guardianship and may be placed in social protection institutions.[386] For victims of human trafficking and gender-based violence, there is also the possibility of accommodation in a secure home provided by the NGO Atina, but this form of support is available only to a small number of individuals, while systematic support in this area is absent. Other persons at heightened risk, including pregnant women, lone parents, persons with serious health problems and mental difficulties, are generally accommodated in SCRM’s housing capacities, which are specifically

[383] Article 17 of the LATP

[384] In practice, the Asylum Office recognises the vulnerability of certain applicants through justifications of its decisions, particularly in cases of unaccompanied children. These cases are resolved by referring to the principle of the best interests of the child and specific procedural safeguards, highlighting that a legal guardian and legal representative have been appointed to the child and that the child is placed in a social protection institution. Such an approach, however, is not consistently applied to other categories of vulnerable asylum-seekers.

[385] *AIDA Serbia 2023*, pp. 139-143

[386] Ministry of Labour, Employment, Veteran and Social Affairs, Response to a request for information of public interest number 003611250202413400009001041001, 8 January 2025

designated for vulnerable asylum-seekers.[387] Only in cases where health problems are so severe that hospitalisation is required can alternative forms of accommodation and care be ensured.

How would the asylum system truly respond to the needs of all vulnerable asylum-seekers, it is necessary to make additional efforts in developing clear procedures for identification and risk assessment, ensure better conditions in asylum centres, facilitate faster access to specialised services, and strengthen cooperation between all relevant actors.

VIII.1 The situation of unaccompanied and separated children

In 2025, 626 persons expressed an intention to seek asylum in Serbia, and children made a significant portion of this group – 103 (16.5%). According to data from the Asylum Office, among children only 14 were unaccompanied[388], which is 2.24% of all registered foreign nationals. In terms of nationality, unaccompanied children registered were from Egypt (11), two boys from Syria and one boy from the Democratic Republic of the Congo.

TABLE 11

Registered unaccompanied children – 2025

Unaccompanied children	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec
M	0	0	0	0	0	8	4	1	1	0	0	14
F	0	0	0	0	0	0	0	0	0	0	0	0
Total	**0**	**0**	**0**	**0**	**0**	**8**	**4**	**1**	**1**	**0**	**0**	**14**

VIII.1.1 Absence of an Age-Assessment Procedure

One of the main problems related to the protection of unaccompanied children in Serbia is the absence of a clear and standardized procedure for assessing age. Currently, national legal framework does not regulate this area, so an individual's age is most often determined solely based on their own statement. Police officers responsible for identity checks, which include age verification, conduct these checks either voluntarily or upon request by state authorities.[389] However, at the level of the Ministry of Interior (MoI), there are no regulations establishing a formal procedure, nor clear guidelines that would assist staff in carrying out this process.[390]

[387] During the reporting period, Krnjača Asylum Centre was a centre that primarily hosted vulnerable asylum-seekers.

[388] Monthly reports of the Asylum Office for the period January–December 2025.

[389] Law on Police, "*Official Gazette of the RS*", Nos. 6/2016, 24/2018 and 87/2018, Article 77.

[390] Centre for Research and Social Development IDEAS, Submission of the Centre for Research and Social Development IDEAS to the Human Rights Committee's 140th Session Related to the 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, p. 27

An additional complexity is introduced by the role of the social protection system involved in this process. Instructions on the work of centres for social work[391] state that a child is considered a child based on their own statement and the field worker's assessment.[392] However, these instructions do not provide further guidance on what constitutes a valid assessment nor establish a legally recognized method for age assessment.

The absence of a reliable mechanism for determining age has several negative consequences. One of the most obvious problems is the inconsistency in data regarding the number of unaccompanied children in Serbia. Different institutions – the Ministry of Labour, Employment, Veteran and Social Affairs, the Asylum Office and SCRM – maintain separate databases, leading to discrepancies and errors in official records due to the lack of a unified procedure. This fragmentation hampers monitoring and resource allocation, further weakening the system's ability to adequately respond to the needs of unaccompanied children.

A more serious consequence of the absence of a clear procedure for age assessment is the risk of misclassifying children as adults. The absence of a clear age assessment process, particularly, can create challenges in cases where it is not immediately obvious whether an individual is a child. In such situations, there is a risk that children may be incorrectly identified as adults, which could affect their access to appropriate services, accommodation, and protective measures. Uncertainty in identification and support also hampers children's access to specialized reception and protection measures.

VIII.1.2 Protection of Unaccompanied Children – Social Protection System

In addition to problems with age assessment, Serbia's social welfare system itself poses a further challenge in the reception of unaccompanied children. The Family Law[393] entrusts the responsibility for guardianship to the CSW, which holds a broad range of responsibilities, far exceeding mere child protection. Although the law provides a basic framework for guardianship, including the responsibilities of the guardian, the appointment process, monitoring mechanisms, and grounds for termination of guardianship, there are no clear standards within the legal framework for carrying out guardianship protection.[394] Gaps in the system often result in inadequate support for unaccompanied children.

Moreover, one of the challenges in practice is the overburdening of the social protection system. The competent guardianship authorities do not have sufficient human resources to provide effective, individual support to each child. As a result, it is common for one guardian to be responsible for a large number of unaccompanied children, which hinders the development of trust and a close relationship with the children, despite their efforts and motivation.

As a result of overburdening, children frequently have to wait longer before being assigned a guardian, delaying access to basic support and services. Official reports indicate that the average time for assigning a guardian ranges between two and five days after identification[395], during the reporting

[391] Ministry of Labour, Employment, Veteran and Social Affairs, Instruction No. 019-00-19/2018-05 (2018): Instruction on Procedures for Centres for Social Work as Guardianship Authorities in Arranging Accommodation for Unaccompanied Migrant and Refugee Children, 12 April 2018.

[392] Ibid.

[393] Family Law, "*Official Gazette of the RS*", Nos. 18/2005, 72/2011 - other law and 6/2015, available at: https://www.paragraf.rs/propisi/porodicni_zakon.html

[394] Centre for Research and Social Development IDEAS, Submission of the Centre for Research and Social Development IDEAS to the Human Rights Committee's 140th Session Related to the Examination of the Fourth Periodic Report of Serbia, p. 29

[395] Ministry of Labour, Employment, Veteran and Social Affairs, Response to a request for information of public interest number 003611250202413400009001041001, 8 January 2025

period there were cases where this process took significantly longer. This further hinders unaccompanied children from receiving appropriate protection in a timely manner.

VIII.1.3 Accommodation of Unaccompanied Children

During the reporting period, the majority of unaccompanied children were housed in asylum centres and reception centres. All unaccompanied children were housed in the Principovac Reception Centre.

Comparable aggregate data from the Ministry of Labour, Employment, Veteran and Social Affairs on the number, gender and origin of unaccompanied children housed during 2025 were not available to the author at the time of report completion. The latest data available to the author relate to the previous reporting period and were therefore not used for the statistical presentation of the housing of unaccompanied children during 2025.[396]

In addition to asylum centres and reception centres, a portion of unaccompanied children were housed in institutions under the jurisdiction of the Ministry of Labour, Employment, Veteran and Social Affairs. These include the Institute for Education of Children and Youth in Niš and the Institute for Education of Children and Youth in Belgrade – the Vodovodska Unit. Aggregate data on the number, gender and origin of unaccompanied children housed in these institutions during 2025 were not available to the author at the time of report completion.[397]

Although foster care is recognized as the preferred accommodation solution for unaccompanied children, according to the data available to the author it was not used in 2024, while comparable data for 2025 were unavailable.[398]

The system for protecting unaccompanied children in Serbia requires improvement to ensure respect for their rights and the best interests of the child. Existing age-assessment procedures are inadequate and inconsistent with international standards, which may lead to arbitrary decisions that jeopardize children's rights. A standardized age-assessment procedure independent of migration management should be established, with safeguards applied as a matter of course until such a system is fully developed. A child-centred approach that prioritizes interviews over medical examinations and ensures transparency and the right of appeal must be secured through coordinated action by the competent authorities. The Ministry of Labour, Employment, Veteran and Social Affairs, the Ministry of Interior and the Commissariat for Refugees and Migration should, each within its competence: (1) clearly delineate roles and responsibilities in identifying unaccompanied children, assessing age and appointing guardians; (2) establish a uniform referral and data-sharing procedure among authorities acting at the border and in the asylum procedure, centres for social work and institutions accommodating children; (3) ensure continuous training for professionals working with unaccompanied children; and (4) establish regular monitoring of the implementation of these procedures at national and local levels.

The guardianship system must also be significantly improved so that children receive appropriate protection and support. Amendments to the Family Law are needed to enable guardians to be engaged full-time, with clearly defined caseload standards, qualifications and duties specific to work with unaccompanied children. Increasing the number of professionals in the social welfare system and

[396] Ministry of Labour, Employment, Veteran and Social Affairs, Response to a request for information of public interest number 003611250202413400009001041001, 8 January 2025

[397] Ibid.

[398] Ibid.

ensuring sustainable funding for guardianship from national resources, rather than relying on external sources, are essential to the long-term effectiveness of the system.

Ensuring adequate accommodation remains one of the main challenges. Foster care, as the preferred solution, must be actively developed through programmes to recruit and train foster families. Reception centres must be adapted to children's specific needs and provide safe, stimulating conditions for their development. Accommodation in facilities such as the Principovac Reception Centre, which is unsuitable for long-term stays because of its location and function, cannot be a permanent solution. Instead, accommodation models should be developed that ensure stability, support and opportunities for integration, with full respect for the child's ethnic, religious, cultural and linguistic identity.

VIII.2 Survivors of Gender-Based Violence

Gender-based violence includes harmful acts directed against an individual because of their gender or sex, or violence that disproportionately affects individuals of a certain gender or sex, and may include physical, sexual, psychological and economic violence.[399] In the context of displacement, gender-based violence emerges as a cause of leaving the country of origin, threats during travel, and as a problem that may continue after arrival in a new environment. Perpetrators can vary – from intimate partners and family members to traffickers and human smugglers. Although most commonly affecting women and girls, men and boys are not exempt from risk.[400]

The legal framework in Serbia provides certain guarantees for the protection of asylum-seekers and survivors of gender-based violence. The Asylum and Temporary Protection Law recognises gender-based violence as an act of persecution.[401] and provides special procedural and reception guarantees for asylum-seekers in vulnerable situations, including persons who have survived gender-based violence.[402] Law on Gender Equality[403] defines gender-based violence[404] and prescribes measures for its prevention and support for survivors, including free legal and social protection.[405] Protection from domestic violence is also regulated by the Law on Prevention of Domestic Violence[406] and the Family Law, which defines forms of violence and prescribes protective measures for victims. Law on Prohibition of Discrimination[407] provides additional protection by prohibiting discrimination based on

[399] IASC, Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action, Part 1, 2015, available at: https://interagencystandingcommittee.org/sites/default/files/migrated/2021-03/IASC%20Guidelines%20for%20Integrating%20Gender-Based%20Violence%20Interventions%20in%20Humanitarian%20Action%2C%202015.pdf

[400] Centre for Research and Social Development IDEAS, Bridging the Gap: Enhancing Support for GBV Survivors in Serbia's Asylum System, April 2024, available at: https://ideje.rs/wp-content/uploads/2024/09/Enhancing-Support-for-GBV-Survivors-in-Serbias-Asylum-System.pdf

[401] Article 28 of the LATP

[402] Article 17, ibid.

[403] Law on Gender Equality, "*Official Gazette of the RS*", No. 52/2021, available at: https://www.paragraf.rs/propisi/zakon-o-rodnoj-ravnopravnosti.html

[404] Article 6, ibid.

[405] Articles 51-55, ibid.

[406] Law on the Prevention of Domestic Violence, "*Official Gazette of the RS*", Nos. 94/2016 and 10/2023 - other law, available at: https://www.paragraf.rs/propisi/zakon_o_sprecavanju_nasilja_u_porodici.html

[407] Law on the Prohibition of Discrimination, "*Official Gazette of the RS*", Nos. 2/2009 and 52/2021, available at: https://www.paragraf.rs/propisi/zakon_o_zabrani_diskriminacije.html

gender identity and sexual orientation.[408] Criminal Code[409] It covers a range of criminal offences related to gender-based violence, including femicide, harassment, sexual assault and forced marriage.

Although the legislative framework recognises gender-based violence and provides certain protective measures, in practice challenges remain in identifying and adequately supporting survivors, particularly among asylum-seekers and refugees.

VIII.2.1 Problems in Identification and Support

For adequate application of the special procedural and reception guarantees provided for survivors of gender-based violence under the Law on Asylum and Temporary Protection, timely identification is crucial. However, upon arrival at reception centres and asylum facilities, the registration process is generally reduced to collecting basic identifying information, while specific vulnerabilities and needs of individuals are not systematically assessed.

According to a study on reception conditions published by IDEAS in April 2024, many asylum-seekers report that officials during their intake at centres only ask for their first name, surname and country of origin, and even these details are sometimes omitted if they have appropriate identification documents. Interviews are generally conducted in English, which represents a significant barrier for those who do not speak the language, further complicating the disclosure of sensitive information. Such a practice indicates a lack of systematic assessment of needs during intake, resulting in specific requests and risks faced by survivors of gender-based violence remaining unrecognised and without adequate support.

Apart from procedural challenges, there is also a problem of institutional distrust. Many asylum-seekers and migrants who have experienced violence do not report their experiences out of fear, feelings of shame or fear of retaliation from the perpetrator. A short stay in Serbia further hinders the establishment of trust with professionals who could provide assistance, while the lack of information about available protection mechanisms only exacerbates uncertainty. Although some officials of the Ministry of Interior manage to identify vulnerable individuals during registration, in most cases information about victims comes from the CSOs.[410]

VIII.2.2 Lack of Systemic Support

Despite legal obligations, systematic support for victims of gender-based violence among refugees and asylum-seekers in Serbia has still not been adequately developed. Identification of these individuals remains lacking, and available assistance largely depends on CSOs and international actors.

Access to justice, which is crucial for persons who have survived gender-based violence, is often practically unavailable. A very small number of victims decide to report the violence to competent institutions, and the reasons for this are multiple – ranging from fear of consequences and lack of trust, to language barriers and dependence on individuals who brought them to Serbia. Furthermore, preconceptions held by some representatives of institutions may further discourage victims from seeking protection. Although the legal framework provides mechanisms for sanctioning violence, their

[408] Articles 2 and 13, ibid.

[409] Criminal Code, "*Official Gazette of the RS*", Nos. 85/2005, 88/2005 - corr., 107/2005 - corr., 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016, 35/2019 and 94/2024, available at: https://www.paragraf.rs/propisi/krivicni-zakonik-2019.html

[410] AIDA, Country Report: Serbia - 2023 Update, p. 185.

practical implementation often fails, thereby preventing the realization of rights to protection and justice.

When it comes to accommodation, women who have survived violence in certain cases are allowed to stay in a safe house run by the organization Atina.[411] However, the shelter has limited capacity and is not available to everyone who needs assistance. In most cases, the Ministry of Interior, in cooperation with SCRM, refers women travelling alone or men at risk to an asylum centre designated to accommodate asylum-seekers at heightened risk. In 2025, such persons were referred to the Obrenovac Asylum Centre together with other asylum-seekers at heightened risk. Although long-standing practice indicates that accommodation in centres with mixed populations may increase the risk of further violence and re-traumatisation, there is currently no alternative within the state system.

A special problem is the fact that safe accommodation in Serbia is not systematically accessible to asylum-seekers and migrants who have survived gender-based violence.[412] Although the support provided by the Atina organization is of exceptional significance for the immediate care of vulnerable persons and their empowerment through various programmes, this solution is not sufficient.

Finally, access to services essential for long-term stability is a major challenge for women who are survivors of violence and also single mothers. One example is their inability to enrol children in preschool with a subsidy (see the section Right to Education), which means paying the full cost of childcare. This barrier is particularly serious during the first 6 months of residence, when they are not permitted to work. Even after acquiring the right to work, they face the question of who can care for their children while they seek employment. The absence of systemic solutions in this area further impedes recovery from vulnerability and the empowerment of women who have survived violence.

Although the legal framework in Serbia recognises gender-based violence and provides certain protective measures, survivors among refugees and asylum-seekers continue to face serious challenges. The lack of a systematic vulnerability assessment at reception, limited access to justice, systemic deficiencies in accommodation provision and difficulties accessing basic services, such as childcare centres for lone mother caregivers, further complicate exit from violence and long-term stabilisation of these individuals. Support largely depends on CSOs, which is not a sustainable solution.

In order for protection to be more effective, it is necessary to strengthen the system of vulnerability identification through mandatory needs assessment at reception, accompanied by adequate staff training. Survivors of violence must have access to safe accommodation, which requires the development of state capacities for their support, including safe housing accessible to both refugees and asylum-seekers. Access to justice must be facilitated through providing interpreters and clearly defining responsibilities among relevant institutions: police should carry out initial identification and risk assessment, while centres for social work should assess individual needs for protection and take appropriate measures within their mandate. For such an assessment to be effective, it must be binding on the reception system, with the vulnerability assessment report forming the basis for decisions on where the person will be placed and under what conditions. In cases of human trafficking, the Centre for Human Trafficking Victims Protection is informed. At the same time, the social protection system must be adapted to enable lone mothers to enrol their children in childcare centres at subsidised rates

[411] Ibid., p. 140.

[412] The 2023 Athens analysis on the functioning of all reception facilities for women and children victims of violence in Serbia shows that women without documents, as well as those in foreign national status, often remain excluded from this service due to procedural reasons, despite the law guaranteeing access to it. *Functioning and operations of reception facilities for women victims of violence in Serbia* http://www.atina.org.rs/sites/default/files/Funkcionisanje%20i%20rad%20prihvatili%C5%A1ta%20za%20%C5%BEene%20%C5%BErtve%20nasilja%20u%20Srbiji%20-%20Analiza%20zate%C4%8Denog%20stanja.pdf

and facilitate access to empowerment and employment programmes. Raising awareness among migrants and refugees about their rights and available protection mechanisms, as well as training professionals working with this population, is key to reducing prejudice and building trust in the system.

CHAPTER IX

Temporary Protection for Persons Forcibly Displaced from Ukraine

IX.1 Legal Framework

LATP in Article 74 provides for the possibility of granting temporary protection. Temporary protection is protection granted in an emergency procedure in cases of a mass influx of displaced persons who cannot return to their country of origin or habitual residence, if there is a risk that due to this mass influx it would not be possible to effectively carry out individual asylum procedures to protect the interests of displaced persons and other persons seeking protection. The decision on granting temporary protection is made by the Government.

Displaced persons are considered foreigners who were forced to leave their area or country of origin or habitual residence, or who were evacuated, and who cannot return to safe and stable living conditions due to the situation prevailing in that country, particularly:

1. persons who have left the area affected by armed conflict or local violence;
2. persons who are at serious risk of mass violations of human rights or who have been victims of such violations.[413]

Temporary protection may be granted to persons who, at the time of the decision on temporary protection, were lawfully residing in Serbia, but whose right to residence has expired prior to the cancellation of the decision on temporary protection.[414] Persons granted temporary protection are registered and a specific decision is issued, after which they enjoy the rights set out in Article 76 of the Law on Asylum and Temporary Protection (LATP).[415]

Temporary protection may be granted for a maximum period of one year and may be extended if the reasons for it continue to exist for an additional six months or up to a maximum of one year. However, this does not prevent the Government from issuing a new decision with a validity period of one year, subject to possible extension, as was done in the case of Ukrainian refugees. The protection ceases when the period for which it was granted has expired or when the reasons for its grant have ceased, upon which the Government also issues a decision on this.[416]

[413] Article 74, paragraph 2. LATP.

[414] Article 74, paragraph 3. LATP.

[415] Article 74, paragraph 4. LATP.

[416] Article 75. LATP.

IX.2 Practice of Granting Temporary Protection to Persons Forcibly Displaced from Ukraine

TABLE 12

Number of persons registered in accordance with the provisions on temporary protection during the period from 1 January 2025 to 31 December 2025[417]

Month	Ukraine	Russian Federation	Others	Total	M	F	Children
January	26	0	0	26	9	17	0
February	20	2	0	22	12	10	3
March	23	0	0	23	10	13	2
April	11	1	0	12	5	7	2
May	11	1	3	15	6	9	2
June	33	1	1	35	11	24	7
July	34	2	0	36	14	22	6
August	31	2	0	33	19	14	7
September	26	6	0	32	16	16	10
October	51	2	3	56	23	33	10
November	44	2	0	46	22	24	5
December	46	5	0	51	26	25	10
Total	**356**	**24**	**7**	**387**	**173**	**214**	**64**

[417] *Monthly reports of the Asylum Office.*

TABLE 13

The number of persons granted temporary protection in Serbia during the period 1 January 2025 – 31 December 2025[418]

Month	Ukraine	Russian Federation	Others	Total
January	0	0	0	0
February	59	2	0	61
March	19	2	0	21
April	20	0	0	20
May	11	1	0	12
June	10	1	0	11
July	37	1	1	39
August	35	3	3	41
September	28	1	0	29
October	44	6	1	51
November	15	1	2	18
December	85	6	0	91
Total	**363**	**24**	**7**	**394**

TABLE 14

The number of persons whose temporary protection was extended in Serbia during the period 1 January 2025 – 31 December 2025[419]

Month	Ukraine	Russian Federation	Others	Total
January	*0*	*0*	*0*	*0*
February	7	0	0	7
March	152	4	1	157
April	449	12	5	466
May	132	5	0	137
June	26	7	0	33
July	23	0	0	23
August	7	0	0	7
September	3	0	0	3
October	9	0	0	9
November	1	0	0	1
December	14	2	0	16
Total	**823**	**30**	**6**	**859**

[418] *Monthly Reports of the Asylum Office*.

[419] *Monthly Reports of the Asylum Office*.

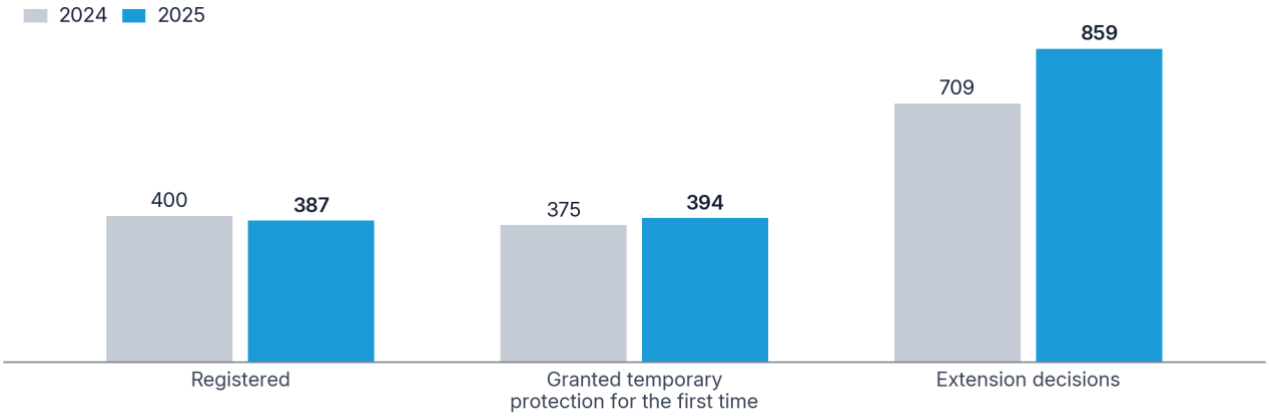
The decision by the Government on temporary protection was first adopted on 19 March 2022[420] and has since been extended twice. The last extension was on 16 March 2024, but with a provision that temporary protection will automatically be extended if there remain valid grounds for it.[421] In other words, temporary protection for citizens of Ukraine and other forcibly displaced persons from that country remains in force.

In 2024, 400 persons were registered in accordance with the rules on temporary protection; out of these, 375 received temporary protection for the first time, while 709 decisions on extending temporary protection were issued. In 2025, 387 persons were registered; temporary protection was granted for the first time to 394 persons, and 859 decisions on extension were issued. The fact that in 2025 seven more temporary protection decisions were made than registrations does not indicate a discrepancy, as registration and decision-making are separate procedural actions recorded by date of implementation, meaning that some of the decisions issued in 2025 may relate to persons registered at the end of 2024. These figures indicate that, by the end of 2025, at least 1,253 persons were benefiting from temporary protection in Serbia.

FIGURE 9

Extensions of temporary protection rose by a fifth in 2025

Persons registered, persons granted temporary protection for the first time and decisions extending temporary protection, 2024 and 2025.



Source: Asylum Office monthly reports (Tables 12–14); section IX.2 for 2024.

[420] *Official Gazette of the RS*, Nos. 36/2022, 21/2023 and 21/2024, available at: https://pravno-informacioni-sistem.rs/eli/rep/sgrs/vlada/odluka/2022/36/1/reg.

[421] Decision on the grant of temporary protection in the Republic of Serbia to persons displaced from Ukraine *"Official Gazette of the RS", No. 36/2022*, 21/2023 and 21/2024, available at: https://www.paragraf.rs/propisi/odluka-o-pruzanju-privremene-zastite-raseljenim-licima-koja-dolaze-iz-ukrajine.html.

CHAPTER X

Recommendations

Access to territory and the asylum procedure

1. All authorities responsible for state-border control should align their conduct with the applicable international law and standards and discontinue practices whereby persons who may be in need of international protection are forcibly turned away or returned, outside procedures prescribed by law, to the countries from which they entered Serbia;
2. All border procedures should incorporate adequate safeguards and operational instructions to prevent possible human rights violations and unlawful practices that could violate the right of access to the territory and the asylum procedure, including through arbitrary deprivation of liberty, breaches of the prohibition of refoulement, the prohibition of ill-treatment in the broadest sense, the prohibition of collective expulsion, and other human rights and freedoms. Appropriate oversight and control mechanisms should also be established;
3. Any person who comes under the effective control of the competent authorities in the context of border control should be treated as a person deprived of liberty. Upon arrival in Serbia, that person should be identified and registered under the LATP or the Law on Foreigners, undergo a medical examination and an initial vulnerability assessment, and the deprivation of liberty should be officially recorded in accordance with the legislation governing internal affairs. Such persons should have access to legal assistance, be able to notify a person of their choice of the deprivation of liberty, and receive oral and written information about their rights, obligations and the applicable procedures, including their right to express an intention to lodge an asylum application;
4. Persons who may be in need of international protection and in respect of whom a decision refusing entry is being considered should receive full information about their rights, obligations and the applicable procedures, in particular their right to lodge an asylum application in Serbia, to obtain legal assistance and to appeal a decision refusing entry;
5. The Law on Foreigners should be amended to recognize a person whose refusal of entry into Serbia is under consideration, or has already been effected by a decision refusing entry, as a person deprived of liberty while held in an airport transit zone or any other transit zone, in accordance with the judgment of the European Court of Human Rights *H.G.D. v. Serbia*. Those amendments must guarantee such persons all rights inherent in the right to liberty and security of person, including service of a decision ordering deprivation of liberty, access to judicial review and access to legal assistance;
6. The Law on Foreigners should also provide that an appeal against a decision refusing entry has automatic suspensive effect, so that the appeal can be fully effective and prevent breaches of the safeguards under Article 83 of that Law;
7. Practice should be improved and all standard operating procedures concerning border control and the issuance and service of decisions refusing entry should be revised to further ensure respect for the principle of *non-refoulement* as guaranteed by the Constitution, international treaties and standards, the LATP and the Law on Foreigners. Mechanisms should be established to monitor the implementation of those practices and procedures;

8. A person's previous immigration status should not affect their right to be registered under Article 35 of the LATP or to lodge an asylum application, since that right is guaranteed by the Constitution. The Asylum Office should communicate this clearly to all Regional Border Police Centres and Police Administrations;
9. To safeguard access to the asylum procedure, the LATP should be amended to abolish the time limit for lodging an asylum application after a registration certificate has been issued, since the existing practice has proved effective in securing enjoyment of the right of access to the asylum procedure;
10. Given the migration situation over the past two years and the significantly lower number of persons arriving in Serbia, SCRM and the MoI could jointly consider reducing the number of asylum and reception centres currently in use and designating the Obrenovac Asylum Centre as the facility in which all foreign nationals registered under Article 35 of the LATP are accommodated;
11. The registration certificate should be translated into English and the languages most commonly used by asylum-seekers, i.e. languages commonly understood by persons in need of international protection. More effective communication could also be ensured through telephone interpretation, modern technologies and similar measures.

Asylum procedure

12. Sustainable funding arrangements for interpretation in the asylum procedure should be established to ensure the effective application of the principle of free interpretation guaranteed by Article 13 of the LATP;
13. The Asylum Office's internal procedures should be harmonized and most asylum procedures completed within 3 months to ensure the effective application of the LATP, taking into account different categories of cases and criteria such as well-foundedness, complexity, vulnerability, established practice and other circumstances;
14. The Asylum Office should introduce an internal quality-control system for first-instance decisions to align practice in identical or similar cases, make decision-making more predictable and ensure continuous quality control;
15. Country-of-origin information cited by the Asylum Office in negative decisions should be presented in full, including both passages supporting rejection of the asylum application and those supporting the asylum-seeker's individual claims, irrespective of submissions by the legal representative;
16. In cases involving asylum-seekers assessed as posing a threat to Serbia's security, decisions should disclose at least some of the facts underlying the security assessment so that the asylum-seekers have a reasonable opportunity to challenge it before higher instances;

The Asylum Office should be relocated from the Border Police Directorate to strengthen its independence and avoid a potential conflict between the Law on Police and the Law on Asylum and Temporary Protection;

17. Coordination among the competent state authorities, expert associations and individual experts working within those authorities, civil society organizations and professional associations should be improved to strengthen, throughout the asylum procedure, the application of special procedural guarantees for all categories listed in Article 17 of the LATP and the identification of circumstances placing asylum-seekers in those categories;
18. The Asylum Commission should introduce a practice of hearing asylum-seekers on the circumstances raised in their appeals;

19. The Asylum Commission should comprehensively review decisions issued by the Asylum Office to promote consistency in practice and exercise a corrective role in relation to the Office's work;
20. Given the complexity of cases considered by the Asylum Commission, the time required for processing appeals and the need for a thorough analysis of individual and general circumstances of applicants, members of the Asylum Commission should receive adequate financial remuneration for their work;
21. The Asylum Commission should be provided with office premises, a secretary and staff capable of independently conducting country-of-origin information research;
22. The Asylum Commission should more frequently issue decisions granting the right to asylum in Serbia, particularly in cases which, based on their individual and objective circumstances, indicate a need for international protection;
23. The Administrative Court should establish a special division or groups of specialized judges with specific expertise in areas regulated by the LATP and the Law on Foreigners, which would hear these cases, assisted by a separate division responsible for conducting research on the human rights situation in the country of origin;
24. The Administrative Court should introduce a practice of holding oral hearings and adjudicating with full jurisdiction;
25. The Administrative Court should give priority to asylum cases in practice;

Inclusion and integration

26. The Ministry of Interior should ensure that the form and content of identity cards for asylum-seekers, persons granted the right to asylum and persons granted temporary protection comply with the Law on Identity Card, including by adding the EBS to the identity-card form. This would facilitate identification and verification of legal status and reduce the need to obtain additional documentation, which in some situations both complicates procedures and entails additional costs;
27. The National Employment Service should establish a regular coordination mechanism for supporting employment of asylum-seekers and persons granted the right to asylum. SCRM should participate in this mechanism in relation to the implementation of individual integration plans for persons granted the right to asylum. The mechanism should be linked to existing training sessions, informational sessions and employer materials developed by UNHCR in partnership, and should include regular information exchange, directing users to services provided by the NES, direct collaboration with employers, and monitoring of employment outcomes. International organizations and civil society organizations should provide technical and operational support, while institutional responsibility for continuity of the process should rest with the NES and SCRM, each within their respective competences;
28. The Law on Health Insurance should be aligned with the LATP so that asylum-seekers, persons granted the right to asylum and persons granted temporary protection are expressly recognized as insured persons, with a clearly regulated basis and funding mechanism for contributions for persons without sufficient means. The Law on Health Insurance should be amended to define clearly the right to health insurance of asylum-seekers, persons granted the right to asylum and persons granted temporary protection;
29. The Ministry of Health and the NHIF should prepare and distribute uniform written guidance to all NHIF branches on the exercise, under the current legal framework, of the right to health insurance by asylum-seekers, persons granted the right to asylum and persons granted temporary protection, including the option of paying contributions independently. A contact point should be established

to resolve individual disputed cases, and targeted training should be organized in branches where recurring implementation problems are identified;

30. Relevant laws and secondary legislation should be amended expressly to extend entitlement to financial social assistance to persons accommodated in asylum centres, in view of their vulnerable situation and lack of other sources of income;
31. Flexible, individual integration plans need to be developed that can be adapted to changes in refugees' living circumstances. Additionally, it is necessary to ensure that these plans are regularly reviewed and updated to reflect refugees' current needs and goals. Regular monitoring and evaluation of integration programmes are of fundamental importance for identifying problems and making necessary adjustments;
32. SCRM should simplify procedures for proving income when claiming financial assistance, including by removing the requirement to submit a notarized statement where other valid evidence, such as a certificate from the National Employment Service, already exists. The existing model of assistance with housing costs should also be reviewed and the amounts aligned with actual housing costs, taking account of family size and other specific circumstances;
33. Systemic support should be provided for asylum-seeking children to learn Serbian through intensive and continuous language courses, enabling their equal participation in education;
34. To facilitate access to citizenship for persons granted the right to asylum, in accordance with the Convention relating to the Status of Refugees and the domestic legal framework, the conditions they must meet to acquire citizenship should be defined precisely and clear time limits established for processing applications;
35. In accordance with Article 89 of the LGAP, which provides for exemption from costs where this would be in the party's interest, consideration should be given to exempting persons granted the right to asylum from fees when they apply for permanent residence and citizenship.

ANNEX 1

Review of decisions by the Asylum Office for the period 1 January 2025 to 31 December 2025

TABLE 15

Asylum Office decisions by country of origin, outcome and duration, 2025[422]

No.	Country of Origin	Number of persons	Outcome	Duration (months)
1.	Cuba	1	Rejection	28
2.	Burundi	2	Rejection	N/A
3.	Nigeria	1	Rejection	17
4.	Burundi	1	Rejection	18
5.	Burundi	1	Rejection	21
6.	Kyrgyzstan	1	Rejection	14
7.	Bosnia and Herzegovina	1	Rejection	19
8.	Cuba	1	Rejection	16
9.	Romania	5	Rejection	23
10.	China	1	Rejection	26
11.	Russian Federation	1	Rejection (Exclusion)	26
12.	Russian Federation		Rejection	3
13.	Türkiye	1	Rejection	22
14.	Tunisia	1	Rejection	11
15.	Nigeria	1	Rejection	16
16.	Cuba	1	Rejection	12
17.	Burundi	1	Subsidiary Protection	N/A
18.	Afghanistan	1	Rejection	14
19.	Russian Federation	6	Rejection	N/A
20.	Syria	1	Rejection	18
21.	Cuba	1	Rejection	17

[422] *MoI-FOI 2025.*

No.	Country of Origin	Number of persons	Outcome	Duration (months)
22.	China	1	Rejection	16
23.	Kyrgyzstan	1	Rejection (Exclusion)	17
24.	Cuba	1	Rejection	17
25.	Cuba	2	Rejection	14
26.	Syria	1	Subsidiary Protection	18
27.	Burundi	1	Rejection	14
28.	Syria	1	Subsidiary Protection	17
29.	Syria	1	Rejection	19.5
30.	Cuba	1	Rejection	14
31.	Russian Federation/Ukraine	4	Rejection	19.5
32.	Cuba	1	Rejection	13
33.	Afghanistan	1	Refugee Status	13
34.	Afghanistan	1	Subsidiary Protection	16
35.	Cuba	1	Rejection	16
36.	Türkiye	1	Rejection	13
37.	Türkiye	6	Rejection	12
38.	Russian Federation	1	Rejection	3
39.	Syria	1	Subsidiary Protection	16
40.	Cuba	1	Rejection	8
41.	Belarus	6	Rejection - Unacceptable Security Risk	20
42.	Cameroon	1	Refugee Status	3.5
43.	Burundi	2	Rejection	14
44.	Iran	2	Rejection	18
45.	Russian Federation	1	Rejection	12
46.	Cuba	1	Rejection	13
47.	Sweden-Somalia	1	Rejection	1
48.	Kazakhstan	1	Rejection	2
49.	Cuba	1	Rejection	13
50.	Russian Federation	1	Rejection	16
51.	Iraq	1	Rejection	10
52.	Cuba	2	Rejection	16.5
53.	Pakistan	1	Rejection	20
54.	Russian Federation	1	Rejection	11
55.	Türkiye	1	Rejection	14
56.	Algeria	1	Rejection	16
57.	Cuba	1	Rejection	14

No.	Country of Origin	Number of persons	Outcome	Duration (months)
58.	Slovakia	1	Rejection	8
59.	Russian Federation	2	Rejection	14
60.	Kyrgyzstan	1	Rejection	1.5
61.	China	1	Rejection	1
62.	Burundi	1	Rejection	6.5
63.	Türkiye	1	Rejection	13
64.	Pakistan	1	Rejection	5
65.	Türkiye	1	Rejection	16
66.	Egypt	1	Rejection	11
67.	Russian Federation	1	Rejection	N/A
68.	Syria	1	Rejection	6.5
69.	Burundi	1	Rejection	14.5
70.	Cuba	1	Rejection	16
71.	Türkiye	4	Rejection	16.5
72.	Afghanistan	1	Rejection	12
73.	Ireland	1	Rejection	16
74.	Armenia	1	Rejection	13
75.	Croatia	1	Rejection	23
76.	Türkiye	1	Rejection	12
77.	Afghanistan	1	Rejection	12.5
78.	Pakistan	1	Rejection	12
79.	Cuba	1	Rejection	14
80.	Afghanistan	1	Rejection	N/A
81.	Cuba	2	Rejection	16
82.	Burundi	1	Rejection	14
83.	Syria	1	Rejection	8
84.	Croatia	1	Rejection	20
85.	Belarus	1	Dismissal as Inadmissible - First Country of Asylum	16
86.	Armenia	1	Rejection	14
87.	Pakistan	1	Rejection	11

ANNEX 2

Review of the Asylum Commission's practice in 2025

TABLE 16

Asylum Commission decisions by country of origin and outcome, 2025[423]

No.	Country of Origin	Number of persons	Outcome
1.	Russian Federation	6	Upheld
2.	Burundi	1	Rejection
3.	Burundi	1	Rejection
4.	Afghanistan	1	Rejection
5.	Cuba	1	Rejection
6.	Burundi	3	Dismissed
7.	Cuba	1	Rejection
8.	Croatia	1	Rejection
9.	Burundi	1	Rejection
10.	Cuba	1	Rejection
11.	India	1	Rejection
12.	Cuba	2	Rejection
13.	Burundi	1	Rejection
14.	Burundi	1	Rejection
15.	Burundi	1	Rejection
16.	Burundi	1	Rejection
17.	Russian Federation	1	Rejection
18.	Russian Federation	1	Rejection
19.	Cuba	1	Rejection
20.	Syria	1	Rejection
21.	Cuba	1	Rejection
22.	Russian Federation	1	Rejection
23.	Cuba	1	Rejection
24.	Cuba	1	Rejection

[423] Asylum Commission, response to request for access to information of public interest no. 01/26 of 29 January 2026 (submitted on 10 April 2026).

No.	Country of Origin	Number of persons	Outcome
25.	Syria	1	Rejection
26.	Afghanistan	1	Rejection
27.	Armenia	1	Rejection
28.	Croatia	1	Rejection
29.	Russian Federation	1	Rejection
30.	Cuba	1	Rejection
31.	Cuba	1	Rejection
32.	Cuba	1	Rejection
33.	Bosnia and Herzegovina	1	Rejection
34.	Afghanistan	1	Rejection
35.	Burundi	2	Rejection
36.	China	1	Rejection
37.	Türkiye	1	Rejection
38.	Nigeria	1	Rejection
39.	Cuba	2	Rejection
40.	Burundi	1	Rejection
41.	Ukraine/Russian Federation	4	Rejection
42.	Russian Federation	1	Rejection
43.	Cuba	1	Rejection
44.	Belarus	6	Rejection
45.	Iraq	1	Rejection
46.	Russian Federation	1	Rejection
47.	Cuba	1	Rejection
48.	Syria	1	Rejection
49.	Russian Federation	1	Rejection
50.	Burundi	1	Rejection
51.	Moldova	1	Rejection
52.	Kazakhstan	1	Rejection
53.	Kyrgyzstan	1	Discontinuance
54.	Pakistan	1	Rejection
55.	Iran	2	Rejection
56.	Cuba	1	Rejection
57.	Sweden	1	Rejection
58.	Türkiye	6	Rejection
59.	Cuba	1	Rejection

No.	Country of Origin	Number of persons	Outcome
60.	Türkiye	1	Rejection
61.	Russian Federation	1	Dismissal
62.	Burundi	1	Rejection
63.	Cuba	1	Rejection
64.	China	2	Rejection
65.	Pakistan	1	Rejection
66.	Kyrgyzstan	1	Rejection
67.	Russian Federation	1	Rejection
68.	Cuba	2	Discontinuance

ANNEX 3

Administrative Court practice in 2025

TABLE 17

Administrative Court decisions by country of origin, outcome and duration, 2025

No.	Country of Origin	No. of persons	Outcome	Duration of the procedure (months)
1.	Croatia	1	Rejection	4
2.	Unknown	1	Rejection	5
3.	Unknown	1	Rejection	53
4.	Unknown	1	Rejection	6
5.	Unknown	1	Rejection	70
6.	Burundi	1	Discontinuance	N/A
7.	Unknown	1	Rejection	24
8.	Burundi	1	Dismissal	N/A
9.	Cuba	1	Dismissal	N/A
10.	Burundi	4	Dismissal	N/A
11.	Unknown	1	Rejection	4
12.	Türkiye	1	Discontinuance	N/A
13.	Unknown	1	Discontinuance	N/A
14.	Iraq	1	Rejection	62
15.	Unknown	1	Rejection	64
16.	Unknown	1	Rejection	67
17.	Unknown	1	Rejection	41
18.	Iran	4	Discontinuance	N/A
19.	Syria	1	Discontinuance	N/A
20.	Unknown	1	Rejection	40
21.	Unknown	1	Dismissal	N/A
Total	**Decisions: 21**		**Persons: 27**	

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