

# Input by civil society organisations to the Asylum Report 2024

Fields marked with \* are mandatory.

Dear Colleagues,

The production of the Asylum Report 2024 is currently underway. The [annual Asylum Report series](#) presents a comprehensive overview of developments in the field of asylum at the regional and national levels.

The report includes information and perspectives from various stakeholders, including experts from EU+ countries, civil society organisations, researchers and UNHCR. To this end, we invite you, our partners from civil society, academia and research institutions, to share with us your reporting on developments in asylum law, policies or practices in 2023 by topic as presented in the online survey (**'Part A' of the form**).

We also invite you to share with us any publications your organisation has produced throughout 2023 on issues related to asylum in EU+ countries. These may be reports, articles, recommendations to national authorities or EU institutions, open letters and analytical outputs (**'Part B' of the form**).

Your input can cover information for a specific EU+ country or the EU as a whole. You can complete all or only some of the sections.

Please note that the Asylum Report does not seek to describe national systems in detail but rather to present key developments of the past year, including improvements and challenges which remain.

All submissions are publicly accessible. For transparency, contributions will be published on the EUAA webpage. For reference, contributions to the 2023 Asylum Report by civil society organisations can be accessed [here](#), under 'Acknowledgements'. All contributions should be appropriately referenced. You may include links to supporting material, such as analytical studies, articles, reports, websites, press releases or position papers. If your organisation does not produce any publications, please make reference to other published materials, such as joint statements issued with other organisations. Some sources of information may be in a language other than English. In this case, please cite the original language and, if possible, provide one to two sentences describing the key messages in English.

The content of the Asylum Report is subject to terms of reference and volume limitations. Contributions from civil society organisations feed into EUAA's work in multiple ways and inform reports and analyses beyond the Asylum Report.

Your input matters to us and will be much appreciated!

**\*Please submit your contribution to the Asylum Report 2024 by Thursday, 30 November 2023.\***

## Instructions

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Before completing the survey, please review the list of topics and types of information that should be included in your submission.

For each response, only include the following type of information:

### Part A:

- New developments and improvements in 2023 and new or remaining challenges;
- Changes in policies or practices, transposition of legislation or institutional changes during 2023;
- Across the different thematic sections feel free to make reference to issues related to the implementation of the Temporary Protection Directive at national level.

### Part B:

- New publications your organisation produced in 2023

Please ensure that your responses remain within the scope of each section. Do not include information that goes beyond the thematic focus of each section or is not related to recent developments.

## PART A: Contributions by topic

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### **1. Access to territory and access to the asylum procedure (including first arrival to territory and registration, arrival at the border, application of the non-refoulement principle, the right to first response (shelter, food, medical treatment) and issues regarding border guards)**

- Border controls repulsing irregular migrants, pushing them back sporadically (e.g. to N. Macedonia). No signs that persons are allowed to claim asylum to border controls at official border crossings or along the green border zones. Registration is limited to persons managing to officially express asylum claim intention in police offices. The predominant number of irregular migrants (including refugees) accommodated after entering Serbia in state-run facilities is staying out of any legal procedure, in irregular position and is not registered.  
Access to asylum procedure is sporadically limited since asylum seekers must go to local police stations, sometimes even for several times, before they would get Asylum Intent Confirmation (i.e. register as persons intending to claim asylum) from police inspectors for foreigners in the same local police stations. Only upon APC written intervention and urgency to local police station or local police department for foreigners, same persons are allowed to register their intention to claim asylum. Especially problematic is the area of Northern Serbia (Vojvodina), bordering with the EU, where persons willing to claim asylum are prevented from registering their intention to claim asylum and are in that manner prevented from becoming asylum seekers and submitting asylum claim. In that regard, access to asylum is almost totally denied, while persons intending to claim asylum are instructed to go back to Belgrade or other places in Central or Southern Serbia and try to claim asylum there.

Same is the practice regarding the persons seeking asylum at the international airport Nikola Tesla in Belgrade, where foreigners police is registering asylum intentions (issuing Asylum Intent Confirmation) after receiving APC's written urgency in concrete cases.

Access to asylum procedure is limited for all those persons that have been returned or illegally pushed back from EU countries (e.g. Hungary, Croatia, Romania) to Serbia if they had previously passed through Serbia and expressed asylum intention in Serbia.

- Illegal push backs of migrants were conducted from Hungary, Croatia and Romania (EU) to Serbia, by border guards of same countries, including violence, denial from accessing asylum procedure and with breach of existing readmission procedures under EU-Serbia Readmission Agreement and its protocols with all three mentioned EU member states.
- Especially intensive and continuous pushbacks have been conducted by Hungary from their side of Hungarian border with Serbia, done through the raised Hungarian wired fence, often involving hundreds of pushed back persons, including children, women and whole families. Highly developed and powerful smuggling networks has been developed, as a direct consequence of pushbacks practice, along Serbian side of the borders with EU, spreading steadily across other regions of Serbia. First response to pushed back persons (i.e. shelter, food and medical treatment) was provided sporadically by the Serbian institutions on Serbian soil, under the funding of EU, and only after migrants had been pushed back to Serbia.

## **2. Access to information and legal assistance (including counselling and representation)**

- No state funded free legal aid for asylum seekers exists in asylum procedure. Free Legal information and free Legal aid (including legal counseling and legal representation) to asylum seekers and refugees are provided by a few professional legal NGOs including APC, registered before the Ministry of Justice and relying on their own funding.
- Systematically, access of NGO lawyers to persons with intention to seek asylum and to asylum seekers, has been factually, and unlawfully prevented by Serbian Commissariat for Refugees and Migration (hereinafter KIRS) in asylum centers and reception centers under KIRS-own jurisdiction across the country. Same practice is against the Law on Asylum and Temporary Protection, the Law on Free Legal Aid, against Serbian Constitution and against the existing Serbian legal procedures. With the practice of not allowing entrance to lawyers to concrete facilities and camps, KIRS is preventing asylum seekers accommodated in same facilities and camps to reach free legal aid and receive legal counseling according to the law. Mentioned KIRS's practices are directly violating rights of asylum seekers on free legal aid, keeping them vulnerable, exposed to discrimination, unable to secure fair asylum procedure and preventing their asylum claims to be submitted and examined by asylum authorities in merits. Moreover, it has led asylum seekers to be in ignorance of their rights and of existing procedures and deprived them of legal certainty and of their legal prospects in asylum procedure. EU Delegation in Serbia is directly informed on same practices in written and in oral communication by APC and supplied with the concrete proofs in that regard.
- Serbian Commissariat for Refugees and Migration (KIRS) has been unlawfully sharing unreliable legal information regarding the asylum procedure and legal prospects in asylum procedure to migrants/asylum seekers/refugees accommodated in KIRS-run reception and asylum centers, thus leading beneficiaries in delusion and in legally irrevocable harmful situation. Same practice is disputable regarding the existing Serbian laws and regulations, having in mind that KIRS is not authorized to provide relevant legal and other information under the asylum laws to migrants/asylum seekers/refugees, but only to provide accommodation and integration assistance to asylum seekers and refugees within Serbian asylum system. Same practice of KIRS in providing legal information and legal counseling regarding asylum is resulting with the vast majority of migrants and persons willing to seek asylum staying misinformed and out of legal procedures in Serbia, staying in vast majority in illegal/irregular position in KIRS's reception and asylum camps in Serbia. Additionally, irregular stay of potential asylum seekers and refugees is vaguely tolerated by KIRS in their accommodation centers, as well as by other state authorities thereto. APC has initiated complaint procedure before Serbian Ombudsman's office against KIRS's unauthorized

practice of law and misinforming of asylum seekers, who has opened official control of KIRS regarding unlawful provision of legal aid to migrants/asylum seekers/refugees in KIRS-run accommodation facilities.

### **3. Provision of interpretation services (e.g. introduction of innovative methods for interpretation, increase/decrease in the number of languages available, change in qualifications required for interpreters)**

- There is still a lack of interpreters in asylum and in court procedures. Asylum Office is still missing interpreters for some languages (e.g. Pashtu, Kurdish, etc.).
- There are no hired interpreters in police stations or at disposal of Border police in all needed circumstances, especially in initial phase of expressing asylum intention before border police officers in police stations, at the police stations near to the borders or in the phase of asylum claim submission.
- There is still a lack of interpreters in asylum and reception accommodation facilities, supplemented with migrant-refugee occupants of the same facilities providing interpretation in case of need to the managements or same facilities and for other purposes.
- No innovative methods for interpretation were introduced in the reporting period.

### **4. Dublin procedures (including the organisational framework, practical developments, suspension of transfers to selected countries, detention in the framework of Dublin procedures)**

N/A

### **5. Special procedures (including border procedures, procedures in transit zones, accelerated procedures, admissibility procedures, prioritised procedures or any special procedure for selected caseloads)**

- Border procedures are lacking to be conducted in practice although existing in the laws.
- Although obligatory according to the law. Accelerated procedures where not conducted in cases linked with national security issues (e.g. Admin. Court, case A.M. U 9495/23, H.E. U17777/22, etc.).

### **6. Reception of applicants for international protection (including information on reception capacities – increase/decrease/stable, material reception conditions - housing, food, clothing and financial support, contingency planning in reception, access to the labour market and vocational training, medical care, schooling and education, residence and freedom of movement)**

- Capacities of all reception centers (including asylum centers) are not sufficient to respond to the existing migration trends, although the number of persons in need for accommodation varies on monthly scales. There is still a lack of available sustainable accommodation capacities having in mind that many accommodation capacities are factually arranged for short stay of persons and not for their longer stay or living, often even lacking heating, water, warm water, clean sheets, hygiene, connection with urbane areas, etc.). All mentioned despite EU financial support to Serbian reception system. During the reporting period, at any moment, more than 1000 persons in average were staying in the open,

mostly in the border areas, especially in the north of Serbia since there were no available spaces in asylum /transit centers in that region. Among them there were unaccompanied minors and women.

Hundreds of persons are still residing out of the system of centers, in makeshift camps, in open, in the streets, or suburbs of many towns and cities, especially in area of Northern Serbia.

- Non-unified accommodation conditions in asylum and reception centers. Most of the accommodation is suitable exclusively for short-term stay of tenants. Some accommodation conditions are not able to meet sufficient living conditions for longer stay of asylum seekers and refugees in terms of privacy, safety, hygiene, diet, family unity, children education and development needs, livelihoods, education, integration. Not enough food, clothes, hygiene, warm water, medicines nor humanitarian aid were provided for all asylum seekers in the reception/asylum centers. The situation in that regard varied significantly among different accommodation facilities across the country. All despite EU financial support to Serbian reception system.
- The managements of the accommodation centers are often lacking expertise, training, especially professional qualifications to deal with asylum seekers, refugees, vulnerable categories, migration/social /humanitarian issues or even to run same centers. Due to that fact, misconduct of many camp managements, and their inhumane approach to the camp residents are present, often leading to violations of their human rights and other asylum guaranteed rights (i.e. insults, violence, discrimination, limitations to freedom of movement, denials of right to accommodation, of right to medical care, of right to privacy, of right to family unity, of right to keep or obtain private documents and asylum intention papers, etc.).
- Unaccompanied minors are regularly accommodated in reception camps for adults that are not suitable for UAMs, e.g. Preševo and Bujanovac transit camps, Obrenovac asylum camp.
- In many reception/asylum camps, there are rising risks of infiltrated smuggling and criminal activities and groups regarding physical safety, human trafficking, exploitation and psychosocial wellbeing of occupants.
- State integration support to persons granted asylum is significantly lacking, leading to the risks of destitution. Most integration support activities are conducted by local NGOs. In the illustrative case of person from Somalia granted asylum, person ended in the street as homeless failing to receive sustainable integration support and accommodation by the KIRS.
- Asylum seekers and refugees are facing difficulties in accessing secondary and tertiary health care services within the state health care system. Asylum seekers and persons granted asylum are entitled to medicines.
- Access to permanent residence for persons granted asylum has been guaranteed under the changes of the asylum legislation.
- Travel documents have not been issued for persons granted asylum in spite of existing legislation.
- ID documents for asylum seekers and persons granted asylum are still made simple and not with the electronic chips, differing significantly from regular ID's of local citizens, thus causing their bearers problems with institutions or elsewhere in accessing their guaranteed rights or services and exposing them to the risks of discrimination.
- Regulations regarding access to labour market have changed in 2023. envisaging shorter period of waiting for accessing labour market ( i.e. period of 6 months after submitting asylum claim) and no working permits for asylum seekers to access labour market as of February 2024.

## **7. Detention of applicants for international protection (including detention capacity – increase /decrease/stable, practices regarding detention, grounds for detention, alternatives to detention, time limit for detention)**

- ◆ Detention practice in the case of asylum seekers is not common in the reporting period.

## **8. Procedures at first instance (including relevant changes in: the authority in charge, organisation of the process, interviews, evidence assessment, determination of international protection status, decisionmaking, timeframes, case management - including backlog management)**

- Persons willing to claim asylum are regularly being sent to remote accommodation facilities upon managing to register before local police. They were often sent to reception transit centers even though the asylum centers are designated as accommodation facilities for persons willing to claim asylum.
- Officers from the Asylum Office have been visiting asylum centers extremely rarely and never visiting reception transit centers, thus prolonging the duration of asylum procedure in concrete cases for asylum seekers accommodated in asylum or transit centers that are willing to get decisions on their asylum claims in the reasonable period.

Asylum seekers have to wait for a long time before lodging asylum applications, waiting for the Asylum Office to visit concrete asylum centers or to respond to asylum claims sent by asylum seekers themselves via mail (local post offices).

In case of Asylum Office's ignorance, asylum seekers are authorized to submit asylum claims themselves in written on official Serbian language Asylum Application Form by sending same Application by mail to Asylum Office, to its seat in Belgrade. In practice, it is almost impossible task for non-Serbian speaking asylum seekers accommodated in remote asylum or reception centers across Serbia to understand and fill Serbian written Official Asylum Application Forms and to send it as registered mail via post to Asylum Office's seat in Belgrade.

- In practice, asylum applications are often filled in by legally not authorized nor competent KIRS camp staff for persons willing to seek asylum in the asylum/reception centers. Moreover, KIRS staff are sending scanned asylum applications through unofficial email communication to the Asylum Office officers, thus violating confidentiality principle and right to privacy of asylum seekers in asylum procedure and causing legal uncertainty to asylum seekers, especially regarding the moment of official start of asylum procedure and regarding the awareness of asylum seekers about their legal proceedings and the progress made thereto.
- The majority of the Asylum Office's decisions are decisions without entering into the merits of asylum claims (e.g. suspensions).
- Within proceedings, common argumentation of first instance Asylum Office for rejecting asylum claims is the lack of relevant evidence or documentation submitted by the applicant in favor of its claim but followed with no explanation or assessment of Asylum Office presented on submitted COI reports.
- The duration of the first instance procedure is long and can last more than a year. Especially long is the period from registration of asylum intention to the first interview organized by the Asylum Office.
- Case management of Asylum Office appears deficient, especially having in mind record keeping and absence of documentation in concrete case records, appearing as a common reason for the cancelation of first instance decisions.

## **9. Procedures at second instance (including organisation of the process, hearings, written procedures, timeframes, case management -including backlog management)**

- Second instance procedures are only conducted in written and lacking oral hearings. Asylum Commission is avoiding deciding in merits, looking for any opportunity to keep with procedural issues, avoiding consulting COI information and reports, not relating to the substantial arguments presented in the appeals, often looking to return the case to the first instance for renewal, even in circumstances when the case had already been returned to the first instance once before.
- The first instance asylum body - Asylum Office, is responsible for the administration work of the Second Instance – Asylum Commission.
- Moreover, Administrative court is not deciding in merits on asylum cases but returning contested

second instance decisions that are then returned to the first instance by the Asylum Commission. In that regard, asylum procedures last for years and for an unreasonably long period of time, leaving applicants with no decision brought in merits.

Asylum second instance and court instance practice has unreasonably prolonged duration of asylum procedures for many years, to end with absconding of asylum seekers, who could not wait anymore for a final decision on their asylum claims, out of the proceedings.

#### **10. Availability and use of country of origin information (including organisation, methodology, products, databases, fact-finding missions, cooperation between stakeholders)**

•❖ First instance (Asylum Office), Second instance (Commission for Asylum) and Administrative Court are still not using properly Country of Origin Information while deciding upon asylum applications. Their capacities for COI research are low and limited. Second instance and court instance don't have separate COI division nor specialized clerks/staff to help them within same COI searching/assessing process.

#### **11. Issues of statelessness in the context of asylum (including identification and registration)**

•❖ Statelessness is widely ignored by the asylum authorities. As a rule, Asylum Office is identifying ethnicity of asylum seekers as their nationality (citizenship) in cases of applicants with no travel or ID documents presented. No efforts to identify citizenship has been made in case of persons entering asylum procedure with no personal ID or travel documents.

#### **12. Vulnerable applicants (including definitions, special reception facilities, identification mechanisms/referrals, procedural standards, provision of information, age assessment, legal guardianship and foster care for unaccompanied and separated children)**

- Vulnerable applicants are still not provided with the necessary support by the institutions, especially not in the accommodation facilities run by the KIRS (Serbian Commissariat for Refugees and Migration). Access to the vulnerable asylum seekers is limited for NGO suppliers of specific services and always conditioned by KIRS, despite KIRS's non-jurisdiction in that manner under the law.
- The role of local social welfare centers increased, especially relating to the unaccompanied minors (hereinafter UAMs) and guardianship, but their efficiency is questionable. A lack of professional, human, technical, operational capacities is evident.
- UAMs are often accommodated in inadequate KIRS's reception centres meant for adults, especially in the reception facilities in the south of Serbia (e.g. Bujanovac, Presevo, etc.)
- Despite appointed guardians, UAMs are regularly kept in irregular position during their stay in Serbia. Guardians are often avoiding starting asylum procedures on behalf of UAMs, keeping children aside of regular asylum or any other legal procedures in the country. Same stands against the very best interest of the child to be legal in the country and enjoy rights guaranteed on course of its asylum procedure or upon asylum protection granted.
- Age assessment in the reception facilities is done by KIRS staff although KIRS is not authorized to conduct age assessment under the law. Same practice is arbitrary and without relying on any procedural instructions, documents or safeguards.
- Reception facilities are mostly inappropriate for accommodation of persons with disabilities, for accommodation of families, for accommodation of victims of violence or abuse.

### **13. Content of protection (including access to social security, social assistance, healthcare, housing and other basic services; integration into the labour market; measures to enhance language skills; measures to improve attainment in schooling and/or the education system and/or vocational training)**

- Highly limited access to free legal/other relevant information according to the law.
- Highly limited access to free legal aid according to the law.
- Limited access to asylum procedures.
- Limited access to the accommodation and housing.
- Slow, legally uncertain, and legally questionable decision-making process in asylum procedure (first, second and court level).
- Serbian travel documents lacking for persons granted asylum in Serbia.
- Weak integration measures established by the Government in practice, focusing on support in one year housing for persons granted asylum and in periodic allowance.
- Difficulties for asylum seekers or persons granted asylum to report discrimination, abuse, or criminal acts.
- Access to public health care is limited, especially regarding secondary and tertiary health care.
- Integration into the labour market is possible, but mostly with the support of professional NGOs. The problem of obtaining health insurance and social insurance appears in practice.
- Poor state measures for enhancing language skills of persons granted asylum. Only one model of language course provided by shifting language agency and funded by KIRS is available for persons granted asylum.
- Vocational trainings are not available besides those provided by local NGOs.
- Access to education available but with the support of professional NGOs who are supporting refugees in the enrollment but providing support to teachers in the process of schooling, including facilitation, peer support to teacher, support in doing homework, support in learning local language, support in integration and interaction with local children.

### **14. Return of former applicants for international protection**

- ◆Serbia is generally not returning former applicants for international protection. Most of them abscond. There is an option for voluntary return under the program of IOM and with the support of EU funding.

### **15. Resettlement and humanitarian admission programmes (including EU Joint Resettlement Programme, national resettlement programme (UNHCR), National Humanitarian Admission Programme, private sponsorship programmes/schemes and ad hoc special programmes)**

- ◆Resettlement and relocation is not done by the authorities and remain at a level of possibility strongly in the hands of UNHCR.

### **16. Relocation (ad hoc, emergency relocation; developments in activities organised under national schemes or on a bilateral basis)**



• N/A

**17. National jurisprudence on international protection in 2023 (please include a link to the relevant case law and/or submit cases to the [EUAA Case Law Database](#))**

- 27 U. 1775/20
- 9 U 8234/19
- 6 U 28181/21
- 8 U 4508/21
- I-1 U 10104/20
- III-3 U.7828/23
- 1 U 18713/20
- 12 U 12097/19

**18. Other important developments in 2023**

## **PART B: Publications**

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**1. If available online, please provide links to relevant publications produced by your organisation in 2023**

<https://www.asileproject.eu/asylum-for-containment/>  
<https://www.asileproject.eu/shortcomings-in-eu-cooperation-for-externalization-of-asylum/>

**2. If not available online, please share your publications with us at: [Asylum.Report@euaa.europa.eu](mailto:Asylum.Report@euaa.europa.eu) or upload your file using the functionality below (max. file size 1MB).**

Please upload your file

The maximum file size is 1 MB

**3. For publications that due to copyright issues cannot be easily shared, please provide references using the table below.**

	<b>Title of publication</b>	<b>Name of author</b>	<b>Publisher/Organisation</b>	<b>Date</b>
1				
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## Contact details

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Name and title of contact person

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I accept the provisions of the EUAA [Legal and Privacy Statements](#)

### Useful links

[EUAA Asylum Report 2023 \(https://euaa.europa.eu/asylum-report-2023\)](https://euaa.europa.eu/asylum-report-2023)

[Executive Summary -Asylum Report 2023 \(https://euaa.europa.eu/asylum-report-2023/executive-summary\)](https://euaa.europa.eu/asylum-report-2023/executive-summary)

[Sources on Asylum 2023 \(https://euaa.europa.eu/publications/sources-asylum-2023\)](https://euaa.europa.eu/publications/sources-asylum-2023)

[National asylum developments database \(https://euaa.europa.eu/national-asylum-developments-database\)](https://euaa.europa.eu/national-asylum-developments-database)

[Asylum in Europe in 2022: A Year in Review \(https://euaa.europa.eu/asylum-europe-2022-year-review\)](https://euaa.europa.eu/asylum-europe-2022-year-review)

### Background Documents

[Word template to submit input](#)

### Contact

[Contact Form](#)

