



## Input by civil society to the EASO Annual Report 2016

EASO has started production of the Annual Report on the Situation of Asylum in the European Union 2016, in line with Article 12 (1) of the EASO Regulation. The report aims to provide a comprehensive overview of important asylum-related developments at EU and national level, and the functioning of all key aspects of the Common European Asylum System (CEAS). The report will be finalised by collecting information from EU+ countries, civil-society stakeholders, UNHCR and other relevant sources on main developments in asylum policies and practices of EU+ countries in 2016.

Previous reports can be consulted on EASO's website: <https://www.easo.europa.eu/information-analysis/annual-report>

We would kindly like to ask you to provide your **observations**, - preferably bullet points to facilitate further processing of your input - **on developments in asylum law or practice in 2016 (and early 2017) in the areas listed below, reflecting the usual structure of the report**. Observations may concern national practices of specific EU+ countries or the EU as a whole.

The EASO Annual Report will not describe the national asylum systems in detail but present key developments in 2016, including **improvements and new/remaining concerns**. The topics listed below reflect the structure of chapter 4 of the EASO report on the 'Functioning of the CEAS'. We kindly ask all contributors to provide brief summaries only on those topics/issues that have seen important **improvements/deterioration as well as new concerns or where previous relevant concerns remained in 2016**.

Please bear in mind that the EASO Annual Report is a public document. Therefore, your input should be, whenever possible, supported with references to written sources to ensure transparency. That can be done by providing links to any documents such as position papers, important press releases, studies, comments, input to the other reports, public statements to government programs, etc.

While EASO endeavours to cover all relevant developments and strives to include as many references as possible, the final content of the EASO Annual Report remains bound by its terms of reference and volume. Therefore, while all contributions are gratefully received and recognised, EASO may edit contributions for length and clarity and use the submissions to best serve the objective of the Annual Report: to improve the quality, consistency and effectiveness of the CEAS.

Please provide your input by filling in this document (with attachments if required) and emailing it to [ids@easo.europa.eu](mailto:ids@easo.europa.eu) **AND** [consultative-forum@easo.europa.eu](mailto:consultative-forum@easo.europa.eu) **by 20 February 2017**.

Within the areas, please highlight the following **type of information**:

- NEW positive developments; improvements and NEW or remaining matters of concern;
- Changes in policies or practices; transposition of legislation; institutional changes; relevant national jurisprudence.
- Please use the topics listed below as a guide to providing input for each section. **DO NOT** provide information unrelated to relevant new developments.

**Name of the contributing stakeholder: "Asylum Protection Center"**

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### 1) Access to territory and procedure

- Number of illegal deportations ("push-backs") has increased both to the territory of Macedonia and Bulgaria
- Border controls repulsing irregular migrants, no signs that persons are allowed to claim asylum to the border controls
- Access to asylum procedure is limited since asylum seekers have to go to police station several times before they would get Asylum Intent Confirmation

### 2) Access to information and legal assistance

- Free Information and Legal assistance are provided by NGOs
- Government agencies are not sharing common and reliable information

### 3) Providing interpretation services

- There is still a lack of interpreters in asylum and court procedures, Asylum Office is still missing interpreters for some languages (e.g. Pashtu)
- There are no hired interpreters in police stations

### 4) Dublin procedure

N/A

### 5) Specific procedures (border, accelerated, admissibility)

N/A

### 6) Reception of applicant for international protection:

- Capacities of all Reception Centers (Asylum Centers) are full. There is still a lack of available accommodation capacities for persons seeking asylum, expressing intention to seek asylum
- During 2016 Republic of Serbia opened several new transit centers (Niš, Vranje, Bujanovac, Sombor, Pirot, Obrenovac, Subotica, Bosilegrad, Dimitrovgrad), and accommodates asylum seekers even in transit centers beside asylum centres.
- During the winter 2016 more than 1000 people were sleeping on the street in Belgrade, as they couldn't get Asylum Intention Paper and since there were no available spaces in Asylum/Transit Centers
- Not enough food, clothes, hygiene, warm water nor humanitarian aid for all asylum seekers is provided in centers, which is why some migrant are receiving food once a day only from the Red Cross

### 7) Detention:

- Since the end of 2016 there has been increase in cases of detention of asylum seekers in Reception Centre for Foreigners, i.e. at the end of November/beginning of December 2016 Serbian police started with detaining asylum seekers, e.g. police entered into Asylum Centers in Krnjaca and Tutin and detained around 50 people for the reasons of not possessing ID documents or posing a threat to national security at the end of 2016

### 8) Procedures at First instance:

- Officers from Asylum Office have been visiting Asylum Centers less often in 2016 than during 2015, working less, thus prolonging the asylum procedure in concrete cases for asylum seekers accommodated in asylum centres. Asylum seekers have to wait for a longer time before lodging asylum application than before, waiting for Asylum Office to visit concrete asylum centre. Having in mind the fact that Asylum Office is conditioning submission of asylum requests, registration, and asylum interviews, as body whose presence and confirmation is needed for each of mentioned activities, asylum procedure is

significantly prolonged depending on its concrete work and intensity of its visits to the asylum centres.

#### 9) Procedures at Second Instance:

- Mandate of Commission for Asylum expired at the September of 2016, and the new Commission for Asylum hasn't been composed until today, so the last decisions were made in August 2016
- Procedures are only conducted in written and Asylum Commission is avoiding to decide in merits, looking for each opportunity to keep with procedural questions, avoiding to consult COI information and reports, nor relating to the arguments presented in the appeals, often looking to return case to the first instance for renewal even in circumstances when the case was already returned to the first instance before.

#### 10) Availability and use of Country of Origin Information:

- First instance (Asylum Office), Second instance (Commission for Asylum) and Administrative Court are still not using Country of Origin Information while deciding upon asylum application

#### 11) Vulnerable applicants:

- Vulnerable applicants are still not provided with the necessary support by the Government, especially not in the accommodation facilities run by the Commissariat for Refugees and Migration. Role of local social welfare centres increased, especially relating to the unaccompanied minors, but their efficiency is highly questionable. Lack of professional, human, technical, operational capacities is evident.

#### 12) Content of protection – situation of beneficiaries of protection

- Limited access to the asylum procedures
- Limited access to the accommodation
- Difficulties in reporting abuse or criminal acts
- Slow and legally questionable decisionmaking process in asylum
- Limited access to ID documents in asylum procedure
- No integration process established by the Government in practice, although new regulations adopted
- Serbian travel documents lacking for persons granted asylum in Serbia
- National service for unemployment is issuing working permits without charging for public taxes for people who got protection and who are in financial need

#### 13) Return of former applicants for international protection

N/A

#### 14) Resettlement and relocation

- Resettlement and relocation is still done only by UNHCR

#### 15) Other relevant developments