

Input by civil society to the EASO Annual Report 2019

Fields marked with * are mandatory.

The production of EASO's *2019 Annual Report on the Situation of Asylum in the European Union* is currently underway. The yearly [annual report](#) series present 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 organizations, the UNHCR and researchers. To this end, we invite you to submit information on developments in asylum law, policy or practice in 2019 (and early 2020) by topic as presented in the online survey.

Please note that the EASO Annual 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. Your input can cover practices of a specific EU+ country or the EU as a whole. You can complete all or only some of the sections. It is preferred to provide your submission in bullet points to facilitate drafting.

All submissions are publicly accessible. For transparency, 2019 contributions will be published on the EASO webpage. Contributions to the 2018 annual report by civil society organisations can be accessed [here](#). 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 EASO annual report is subject to terms of reference and volume limitations. Submissions may be edited for length and clarity or may not be included in the final report. Contributions from civil society organisations feed into EASO's work in multiple ways and inform reports and analyses beyond the annual report.

Please complete the online survey and submit your contribution to the 2019 annual report by **Thursday, 12 March 2020**.

[Instructions](#)

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

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

- New developments and improvements in 2019 and new or remaining challenges;
- Changes in policies or practices, transposition of legislation or institutional changes during 2019.

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.

Contributions by topic

1. Access to territory and access to asylum procedures (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)

REMAINING CONCERNS:

- Access to the territory and to the asylum procedure at the airport is still limited, as asylum seekers usually cannot exercise that right without help of non-governmental organisations. In 2019 APC noticed only two cases where asylum seekers were registered at the airport without anyone's assistance. APC also noticed that access to territory and procedure depends if person speaks English/can communicate with police officer since border police is reluctant to provide every person with translator. However, with the legal assistance of non-governmental organisations, access to territory and asylum procedure at the airport can be achieved.

- Access to the asylum procedure within the territory is still limited. Police stations often turn away asylum seekers, with explanation that they do not have capacities (staff, technical, or translators). APC noticed that police for foreigners in Belgrade often refer asylum seekers to Commissariat for Refugees and Migration (KIRS), authority that is in charge of accommodation, instead of registering them, assuming they are not interested to stay in country but to get accommodation and transit. However, with the legal assistance of non-governmental organisations, access to asylum procedure within the territory can be achieved.

- The Law on Asylum and Temporary Protection does not allow new asylum application in situations of previously suspended asylum procedure due to absconding (only to those who withdraw their applications in written can apply again), what could cause asylum seekers end up without their claims decided in merits and risk refoulement.

- A number of pushbacks was recorded in 2019 in the southern part of the country mainly towards North Macedonia, usually not violent.

NEW CONCERNS:

- The parallel system of asylum and migration protection was made, since the practice of state authorities is to direct asylum seekers and migrants to Commissariat for Refugees and Migration's (KIRS) office in Belgrade, instead of police stations (what is in accordance with law). In Belgrade, KIRS directs asylum seekers and migrants further to transit centers (urgent accommodation for illegal migrants), usually in the south of the country, where they get accommodation and other basic services (food, urgent health care etc.). KIRS then conduct identification of those who are "genuine" asylum seekers and for them, KIRS organizes transfer to police stations for registration. After registration, KIRS or other service provider, transfer them to

asylum centers (for asylum seekers), what makes access to asylum inefficient and complicated, and months could pass before a person submits asylum application.

- Although the Law on Asylum and Temporary Protection gave an opportunity to asylum seekers to submit asylum application on their own (not only in presence of asylum officer, in a form of an interview, as it was before), in practice it does not function, due to the short deadlines, lack of knowledge, information, legal aid, interpretation or technical capacities. Further more, many asylum seekers complained that they were not sure if they had applied for asylum, since they had been provided, by the representatives of KIRS, with asylum application forms to fill and then to return, without any explanation or information, which has been causing legal insecurity.

IMPROVEMENTS:

- Foreigners who were previously denied right to stay, or received an entry ban and an order to leave the country, can usually access the asylum procedure, what was very difficult in 2018.

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

REMAINING CONCERNS:

- Lack of information on asylum procedure, is generally present, especially in the transit centers in the north of the country, since non-governmental organisations specialised for provision of legal information, are not permitted to enter. Further more, those accommodated in transit centers are perceived by all stake holders as they are in transit, so they are not provided with information on asylum procedure.

- Lack on information about asylum procedure is especially present at the police stations, where registration takes place. After registration, asylum seekers are just given confirmation on registration (in Serbian language, cyrillic letters) that includes instruction about accommodation (name of the camp where they have to go), and they are not provided with any other information about their rights and obligations in asylum procedure. It is important to be notices, that translators are not present neither provided at police stations. The first time asylum seeker is provided with information is just before asylum application (that in a form of an interview), by the present asylum officer.

LEGISLATIVE CHANCE and CONCERN:

- Although new Law on free legal aid came into force in 2019, free legal aid to asylum seekers is not financed by the state. It is prescribed that free legal aid to asylum seekers can be provided by non-governmental organisations, which can be financed from projects, not from state budget. Law on asylum and temporary protection prescribes the right on free legal aid provided by specialised non-governmental organisations to asylum seekers, but still financial burden of it, is carried solely by non-governmental organisations.

IMPROVEMENTS:

- Asylum officers keep making efforts to provide applicants with free representation in asylum procedure by addressing specialised non-governmental organisations with a request to represent applicants, in individual cases.

- Asylum officers started providing information about rights and obligations of asylum seekers, before submission of asylum request.

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)

REMAINING CONCERNS:

- Lack of interpretation is present in general, especially in the first contact with police. Police stations where registration takes place, do not provide interpretation that causes a lot of problems with identification.
- In asylum procedure, interpretation is provided by UNHCR. The qualification requirements for interpreters are not transparent. There is a lack of interpreters for some languages like pashto and kurkish.
- In other procedures, such as magistrate court proceedings interpretation lacks as well. Therefore, violation of the right on interpretation within the right of fair trial is highly concerning in Magistrate proceedings. Non-governmental organisations are usually facilitating state institutions (The State Prosecutor Office, Health care centres, Social Welfare centres, Center for protection of victims of human trafficking, etc.) with interpreters.

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

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

REMAINING CONCERNS:

- Although the Law on Asylum and Temporary Protection prescribes procedure at the border and in the transit area, those provisions are not implemented, since Belgrade's airport does not have appropriate facility for accommodation of applicants and other technical capacities. However, there is a room at the airport, where those denied entrance are kept until returned to the country of entrance, with the return flight. APC noticed asylum seekers being kept in that place for more days, in inappropriate conditions, even unaccompanied minors, before they were registered and let to enter the country.

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)

REMAINING CONCERNS:

- Information on accommodation is given to asylum seekers after the registration, but not in the language they understand. The registration certificate includes information about accommodation, but it is in Serbian cyrillic letters. The certificates are not understandable as they usually contain more than one name of the accommodation centers (asylum center and transit center), without any instruction how to reach it and no information on address of the center.
- There is still no free transportation provided from police stations to the transit or asylum centers, while the transportation from the transit centers to the asylum centers is organised irregularly and covered by non-

governmental organisations or international organisations from their project funds.

- Asylum seekers are still accommodated both in transit centres (urgent accommodation for illegal migrants) and asylum centers, but it is not clear if it is because of lack of accommodation capacities or it is a state strategy to keep people away from seeking asylum. Namely, asylum seekers are almost always, after being registered, directed and accommodated in reception centers, not in asylum centers. Only if they, after being accommodated, urge by themselves for their transfer or through their legal representatives, they are transferred to asylum centers in order to continue the asylum procedure, what leads to the conclusion that it is one of the ways to keep away those who are not 'genuine' asylum seekers, who are not persistent.

- Arbitrary reception, removal and throw-out from accommodation facilities by the Commissariat for Refugees and Migration (KIRS) continues, which sometimes led to the suspension of asylum procedures and the prevention from access to asylum. Although Law on asylum and temporary protection gave a right to KIRS to decide about reception conditions, in practice it was noticed that they were acting completely arbitrarily, deciding ad hoc about accommodation without bringing any decision which asylum seeker could appeal to. Also, a case of collective forced eviction of asylum seekers from one center to another was recorded in 2019.

- Insufficient reception conditions in transit centers, continuous. Asylum seekers complain about lack of hot water, sometimes cold water and drinking water, insufficient clothing for children, insufficient food portions and quality of the food. Also, asylum seekers complain about the conditions in certain asylum centers, such as food quality, lack of clothing, especially clothing for children and baby formula. There is still no money allowance provided by state, except from cash cards sometimes shared by non-governmental and humanitarian organizations.

- There is no specialised accommodation for unaccompanied minors, so they are accommodated together with adults. Only limited capacities are provided in state social centers for youth.

- Personal security is also problematic in camps. Many asylum seekers are reporting thefts and fights in camps and lacking possibilities to report abuses. Insecurity culminated with a murder of an unaccompanied minor in front of Asylum center Krnjaca in jun 2019.

IMPROVEMENTS:

- Although there is no specialised accommodation for unaccompanied minors, state decide to accommodate only unaccompanied minors in one of the existing asylum centers. That measure was ad hoc.

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)

REMAINING CONCERNS:

- The Law on Asylum and Temporary Protection prescribes violation of the house rules in the asylum center as a ground for detention, although APC is not aware of its frequent application. However, Commissariat for Refugees and Migration (KIRS), which manages the accommodation capacities, applied other illegal measures to establish order (e.g throw-out from the center, forced transfer from one center to another etc.).

- In accordance with The Law on Asylum and Temporary Protection, detention procedure is not urgent.

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)

REMAINING CONCERNS:

- Average length of the first instance procedure is 9-10 months, but it should be noticed that months could pass before an asylum seeker access the asylum and submit asylum application. However, APC is aware of cases where an application was filed in 2017 and has not been decided yet. APC noticed also that length of procedure depends sometimes on proximity of the asylum centers to Belgrade (Asylum office's head quarter) and availability of interpreters for some languages.
- The quality of decisions is poor, claims are not examined properly, applicants are not questioned in details, decisions are lacking detailed reasonings.
- Particularly worrying is the lack of immediacy, as it is often the case that 2 inspectors of the Asylum Office take part in the proceedings (one at the application, the other at the interview), and the decision is made by the third, chief of the Asylum Office.

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

REMAINING CONCERNS:

- Technical functioning of the second instance body Asylum Commission is not transparent. There are no secondary legislation on its functioning. It is unclear where is the address of the Commission, who is doing case management etc.
- Asylum Commission usually does not decide in merits but returns cases to the first instance for renewal even in circumstances when the case had already been returned to the first instance several times before, causing some cases lasting for unreasonable period of time.

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

REMAINING CONCERNS:

- COI research done by Asylum office is poor. Decisions are based on up to 3 resources, usually outdated.

IMPROVEMENTS:

- The new COI section within Asylum office was formed. However, the improvements in COI research was not noticed.

11. 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)

REMAINING CONCERNS:

- The age assessment is done by the police without any specific criteria, completely arbitrary.
- There is no systemic guardianship solution. The capacities of social work centers are insufficient in this regard.

- Vulnerable applicants are still not provided with the necessary support, there are no special accommodation facilities for vulnerable applicants, as e.g. for unaccompanied minors, injured persons, persons with disabilities.

12. 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)

REMAINING CONCERNS:

- Integration measures stayed insufficient. Free accommodation in a period of one year turned insufficient for refugees/subsidiary protected to learn language, find a job, and start earning for living.

- The fees for work permits are high.

- No travel document has ever been issued to a recognised refugee or person with subsidiary protection. There is no relevant secondary legislation.

- Naturalisation is not possible, since there are legal gaps in Law on foreigners and Law on citizenship that make it impossible for refugee to apply for citizenship.

13. Return of former applicants for international protection

REMAINING CONCERNS:

- the state does not carry out return procedures for former applicants for international protection, but their stay on the territory of Serbia is tolerated.

14. 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)

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

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16. National jurisprudence on international protection in 2019 (please include a link to the relevant case law and/or submit cases to the [EASO Case Law Database](#))

17. Other important developments in 2019

REMAINING CONCERNS:

- Cases of discrimination of refugees are noticed, especially in provision of services like banks, telecommunications etc. usually due to unfamiliarity of actors with specific id cards for refugees.
- Asylum seekers and persons granted international protection have to provide Asylum office with their photos (in hard copy), in order to get ID cards since Asylum office does not have technical capacity to produce ID cards i.e. photos. If asylum seeker does not have financial means to make photos, he will not have any ID.

References and sources

18. Please provide links to references and sources and/or upload the related material in PDF format

- https://twitter.com/APC_CZA/status/1116322936162537472
- <http://www.apc-cza.org/en/8-vesti/1660-migrant-refugee-situation-on-the-northern-border-of-serbia-from--july-22-to-august-2-2019.html>
- <http://rs.n1info.com/English/NEWS/a489975/Teenage-migrant-killed-in-Belgrade-in-what-seems-to-be-revenge.html>
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- art. 46. par.1 point 2 Law on asylum and temporary protection available at <http://www.unhcr.rs/media/docs/2018/LawOnAsylumAndTemporaryProtectionRS.pdf>

19. Feedback or suggestions about the process or format for submissions to the EASO Annual Report

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