

Input by civil society to the 2021 EASO Asylum Report

Dear Colleagues,

The production of the *EASO Asylum Report 2021* is currently underway. The annual [Asylum 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 organisations, UNHCR and researchers. 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, policy or practice in 2020 (and early 2021) by topic as presented in the online survey.

Please note that the EASO 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. 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.

All submissions are publicly accessible. For transparency, 2021 contributions will be published on the EASO webpage. Contributions to the 2020 EASO 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 EASO Asylum Report is subject to terms of reference and volume limitations. Contributions from civil society organisations feed into EASO's work in multiple ways and inform reports and analyses beyond the Asylum Report.

Your input matters to us and will be much appreciated!

Nina Gregori -EASO Executive Director

*Please complete the online survey and submit your contribution to the 2021 EASO Asylum Report by **Thursday, 25 February 2021**.*

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, only include the following type of information:

- ✓ New developments and improvements in 2020 and new or remaining challenges; and
- ✓ Changes in policies or practices, transposition of legislation or institutional changes during 2020.

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)**

The access to asylum has still been limited and challenging. Refugees are reporting not being able to register their asylum intentions in police stations over the country, or facing serious challenges aiming to discourage and prevent refugees in their intention to access asylum procedure

There is no efficient and easily accessible mechanism for applying for asylum. The applicants are prevented from applying themselves in written, since they don't have access to free interpretation and legal aid, neither technical capacities. On the other hand, asylum applications in oral (in a form of a short interview), are significantly limited to only one or two (of 18) reception centres where the interviews are organised by Asylum office in a pace that it not transparent.

Illegal push backs from a territory of Serbia, especially along the border with N. Macedonia, have been happening daily. The fence on the border with N. Macedonia was built in a non-transparent way. Officials never explained or gave any information about it in media. Many push backs were followed by border police violence.

COVID 19 - The state of emergency was in place from 15th March 2020 until 6th May 2020, during which period a registration procedure was suspended by a Government's decree. In that period, asylum interviews were not conducted as well. The situation continued to be almost unchanged until the end of a year, which resulted in sharp decrease in number of registrations (2829), asylum applications (144) and in interviews (64) in 2020.

Official statistic on reception capacities are 6000 places. However, during the state of emergency, more than 9000 people were forcibly accommodated in the same capacities. The situation continued until the end of a year, which caused centres being overcrowded and reception conditions worsen (lack of COVID 19 protection products, appropriate clothes and footwear, in some centres even food and drinking water).

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

The reliable information about asylum procedure and related rights are not easily accessible, especially not in the police stations, KIRS (Commissariat for Refugees and Migration Agency) accommodation or centres, other institutions, what lead to their inability and delays in submission of asylum applications and that affect their credibility assessment further on. The reason is reluctance and ignorance of state institutions, COVID challenges and priorities set, incompetence of most of local grassroots and initiatives, mere numbers of people transiting Serbia. On the other hand, there is a general lack of interpretation services, and in most cases the first moment an asylum seeker is provided with an interpreter is during the first asylum interview (asylum application in oral).

Although a law on free legal aid exists, the state system is still not functioning, so the burden of free legal aid to asylum seekers is completely carried by a two project-funded NGOs. In that regard, these two professional NGOs are managing just partially to respond to all that existing legal needs of asylum seekers and refugees and there is serious limit in accessing legal counselling and legal representation.

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 serious and general lack of interpretation services in the whole asylum system. Especially concerning is a lack of interpretation in first contact with police and institutions and in registration process, that affects identification among other issues. Interpretation is not provided nor financed from the state funds, except in the magistrate court and criminal proceedings, when same expenses are covered by the court funds.

Interpretation services in asylum hearings is still provided and funded by UNHCR.

General qualification requirements are not transparent in either of these situation. Some of the languages are still lacking (Pashto, Kurdish, and Kirundi). Sometimes, the distance from the capital to the reception centres discourages interpreters from providing services, which lead to delays in asylum interviews.

NGOs usually facilitate various state institutions with interpreters, covered by their own projects. That became common practice.

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)

Although introduced by the Law on Asylum and Temporary Protection (2018), border procedure is still not implemented. Belgrade's airport does not have appropriate facility for accommodation of applicants and other technical capacities. However, there is a room at the airport 'Nikola Tesla', where those denied entrance are kept until returned to the country of entrance, usually without proper representation, access to information, interpretation and asylum.

Prioritisation of vulnerable cases such as UAMs, seems not being implemented as well. Accelerated procedures and admissibility procedures are extremely rarely used.

Particularly concerning are the cases closed due to absconding, since the Law on Asylum and Temporary Protection does not provide any possibility for an applicant to reopen that case in the situation of subsequent return, what could further cause a risk of refoulement for returnees, done by Serbian authorities.

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)

Official statistic on reception capacities are 6000 places. However, during the state of emergency, more than 9000 people were accommodated in the same capacities. The situation continued until the end of a year, which caused centres being overcrowded and reception conditions worsen (lack of lack of beds, beddings, lack of COVID 19 protection products, appropriate clothes and footwear, in some centres even food and drinking water).

Among 18 reception centres that exist in Serbia (5 asylum centres and 13 transit centres), only one centre (Banja Koviljaca) accommodates exclusively asylum seekers. Other centres accommodate predominantly irregular migrants and persons with intention to claim asylum. Freedom of movement was completely abolished during the state of emergency in April 2020. Reception centres were guarded by military and police forces. After the end of the state of emergency, freedom of movement was reduced to couple of hours per week, based on non-transparent criteria and arbitrariness of the reception management.

Schooling and education were heavily influenced by COVID 19 pandemic, since at certain periods in 2020, education of refugee children in Serbia was organized remotely (online and TV screenings). Thus, due to lack of conditions (computers, TV and internet) children residing in reception and asylum centres didn't have access to education, and dropped out. That practice was discriminatory having in mind that it didn't correspond to the practice related to Serbian peers, who were allowed to attend school classes.

There are still no money allowances provided to the asylum seekers by state.

Vocational trainings for asylum seekers are not provided, neither employment measures introduced. Workshops and vocational trainings are organised and provided by IOM and Asylum Protection Center (APC), who facilitate access to labour market.

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)

N/A

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, decision-making, timeframes, case management - including backlog management)

The procedure at first instance is still lengthy (over one year on average), and never fits time frame prescribed by law. However, months (more than 3-5 months) could pass before an asylum seeker access the asylum and submit asylum application, so the average time frame for both access to asylum and the first instance decision is much longer.

Quality of the decisions are poor. Claims are not examined properly (personal circumstances are not taken into consideration, vulnerabilities as well, focus of decisions are on past experience not on well-founded fear of persecution, burden of proof is completely on applicant, etc.), applicants are not questioned in details, decisions are lacking detailed reasoning.

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

Although timeframe for a second instance procedure should be 2 months, Asylum Commission as a second instance authority, decides usually within 4 months, rarely fitting the timeframe.

Technical functioning of the Asylum Commission is still not transparent, and not regulated by the secondary legislation. Since the Commission is not permanent body (it gathers from time to time) it does not have the official address, so it is unclear who is doing case management and how, etc.

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

Although a COI department was technically formed (2019) within Asylum office, improvements in COI research were not noticed in 2020. Decisions are usually based on none or rarely on maximum 2-3 sources, usually outdated.

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)

Although the Law on Asylum and Temporary Protection prescribes principle of reception and procedural guarantees for vulnerable applicants, the principle is rarely applied. Beside that article, there are no other provisions nor bylaws that would define the scope of that guarantees.

Special reception facilities are still not available for any of the categories of vulnerable applicants. Especially concerning is a lack of special accommodation for unaccompanied minors - UAMs. Although KIRS reserved two of the reception centres for the use of UAMs, same capacities proved to be insufficient to answer special needs of this group, due to a lack of KIRS's expertise and competent reception centres management and officers and other professional service providers. In one of them, UAMs were subjected to physical violence by private camp security. Same was published on YouTube and subsequently alarmed the general Serbian public. UAMs reported to be more often exposed to psychological violence by reception centres' officers who treated them in a harsh and aggressive manner, threatening and intimidating them.

Age assessment is still highly important unsolved issue, and is usually done arbitrary in none structured nor in determined manner, based on visual assessment of person's physical appearance and its compliance with personal stereotypes and expectations about age appearance.

There is no systemic guardianship solution, since the capacities of centres for social welfare are insufficient in that regard.

Identification and referral of persons with not visually obvious vulnerabilities (such as mental health problems), is insufficient and it relies solely on efforts of legal representatives or NGOs. Even if the identification is doubtless (such as in the cases of documented victims of torture) adequate reception and procedural guarantees are not provided.

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)

The Law on Asylum and Temporary Protection is still not harmonised with other laws (in the first place Law on Citizenship), which unable naturalisation of recognised refugees.

Travel documents for refugees are still not issued. Authorities usually justify it by the lack of relevant bylaws and technical capacities.

Recognised refugees do not have a right on health and social insurance under the same conditions as other citizens, causing elder and ill refugees (usually those who are unable to work), to struggle to obtain medicals and fulfil other needs.

Integration measures are still insufficient. Money compensation for accommodation is provided in a period of a year, but it is up to refugees to find apartments themselves what turned to be very difficult in 2020, in time of raising anti-migrant believes and highly raised anti-migrant rhetoric. Further more, for those without savings, it is very hard to pay a rent deposit and overcome a period of transition.

No systematic vocational trainings for refugees are provided, neither are employment measures implemented. Just IOM and APC periodically organize workshops and trainings and facilitate the access to the labour market.

13. Return of former applicants for international protection

Serbia does not conduct forced returns of former applicants, partly because it has no readmission agreements with the relevant countries of origin. Voluntary returns are conducted through IOM.

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)

N/A

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

N/A

16. National jurisprudence on international protection in 2020 (please include a link to the relevant case law and/or submit cases to the [EASO Case Law Database](#))

N/A

17. Other important developments in 2020

The first family reunification in Serbia ever, happened in September 2020, when Afghan refugee was reunited with his family (wife and five children) from Afghanistan. Same reunification was initiated and facilitate by professional NGO Asylum Protection Center -

APC and its legal staff, who imposed its legal and other capacities to successfully set a precedent and legal practice in that regard for the future.

References and sources

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

<https://www.azilsrbija.rs/police-is-suspending-submission-of-asylum-claims-in-serbia/?lang=en>

https://twitter.com/APC_CZA/status/1329767490432491522

https://twitter.com/APC_CZA/status/1313804525912961025

https://twitter.com/APC_CZA/status/1248925429190328320

https://twitter.com/APC_CZA/status/1243098101113643009

<https://www.youtube.com/watch?v=Hec47ejlJgo>

<https://www.ecoi.net/en/document/2043716.html>

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

N/A

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