



Belgrade Centre
for Human Rights



UNHCR
The UN Refugee Agency

EN

INFORMATION FOR PERSONS SEEKING ASYLUM IN THE REPUBLIC OF SERBIA





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ASYLUM

WHAT IS ASYLUM?

In case you are afraid to return to your country of origin, because you believe you will be persecuted or you will suffer serious harm and violation of your rights, you have the right to seek asylum in the Republic of Serbia. According to the laws in the Republic of Serbia, asylum is the right to residence and protection accorded to a foreigner who has been granted refuge or subsidiary protection. Serbia signed the 1951 Convention relating to the Status of Refugees and its 1967 Protocol and undertook obligation under international law to provide protection to refugees.

This brochure illustrates how and why you can seek asylum in the Republic of Serbia, and what your rights and obligations during this process are.

WHO CAN BE GRANTED REFUGE?

Asylum is granted to a foreigner who has a well-founded fear of being persecuted for reasons of

- ▶ race
- ▶ sex
- ▶ language
- ▶ religion
- ▶ nationality
- ▶ membership of a particular social group
- ▶ political opinion

and who is unable or because of that fear, unwilling to enjoy protection in his or her country. In case a person is stateless, this applies to their country of habitual residence.

When is subsidiary protection granted? Sometimes an asylum seeker cannot fulfil criteria for the refugee status, but can be granted subsidiary protection. This happens if there are justified reasons indicating that if they are to be returned to their country of origin or habitual residence, they would face a real risk of suffering serious harm.

Serious harm represents

- ▶ the threat of death by penalty or execution
- ▶ torture (harm or suffering inflicted by a public official for a specific purpose)
- ▶ inhuman or degrading treatment or punishment
- ▶ individual threat to life by reason of violence in situations of international or internal armed conflict.

Please note that seeking asylum is free of charge! There are no fees associated with asylum application. Accommodation to asylum seekers is also provided free of charge including access to basic services. However, you must abide by the house rules of the accommodation facilities and respect the laws of the Republic of Serbia at all times.

You can find more detailed information at

www.azil.rs or www.unhcr.rs

Is the information that I share during the asylum procedure confidential?

Yes. Personal information obtained in the course of the asylum procedure may be accessed only by the persons authorised by law.

Can you provide advice on asylum-related matters in other countries?

Unfortunately we are unable to provide any information on other countries.

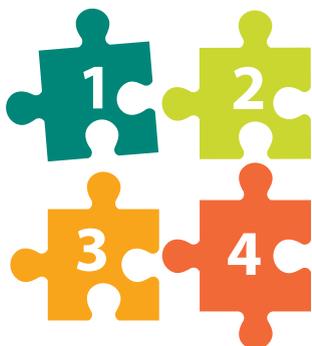
THE ASYLUM PROCEDURE CONSISTS OF 4 STEPS:

1. REGISTRATION

2. SUBMISSION OF AN ASYLUM CLAIM

3. INTERVIEW

4. DECISION



1. REGISTRATION

HOW DO I SEEK ASYLUM IN SERBIA?

Initially, you must you must approach an authorised police officer and tell them you would like to apply for asylum. The police officer will then register you.

WHAT IF I AM A CHILD?

If you are under 18 and you are not accompanied by your parents or guardians you must first be assigned a legal guardian by the social institution. Your guardian must be present during all interviews and procedures that you will undergo. Your guardian, will also assist you with your accommodation, medical and psychological care, school, tracing your family and in other important issues that affect your life.

HOW DOES THE REGISTRATION LOOK LIKE?

The police officer will take your personal details, photos and fingerprints, and issue you a document certifying that you had expressed intention to seek asylum. The registration certificate will direct you to report to one of the accommodation facilities for asylum seekers which you are obliged to do within 72 hours. It is important to keep

this certificate safe and it is important to go to the assigned asylum centre within the 72 hours deadline.

CAN I CHOOSE THE ACCOMMODATION FACILITY?

The accommodation facility where you will be required to report is decided by the authorities based on available space.

There are currently five asylum centres in the following towns – Banja Koviljača, Bogovađa, Krnjača, Sjenica and Tutin and reception centres in multiple locations across Serbia. There is very little difference in terms of quality of accommodation between them.

WILL THE POLICE ESCORT ME TO THE ACCOMMODATION FACILITY?

Under normal circumstances the police do not provide transportation to asylum seekers and you are expected to go to the assigned centre on your own.

WHAT IF I FAIL TO REPORT TO THE ACCOMMODATION FACILITY WITHIN 72 HOURS WITHOUT A JUSTIFIED REASON?

You will not be able to pursue your asylum procedure and you will be considered as a foreigner. In case you have entered the country irregularly, you will be considered an irregular foreigner.

CAN I CHANGE MY PLACE OF RESIDENCE DURING THE ASYLUM PROCEDURE?

You can change your place of residence, following the submission of asylum application, if you can afford to stay at a private address. In order to reside at a private accommodation, you need a written permission from the Asylum Office. In case you move without permission, your asylum procedure will be terminated.

CAN I TRAVEL OUTSIDE SERBIA DURING THE ASYLUM PROCEDURE?

You are expected to remain in Serbia for the entire duration of the procedure. In case you leave Serbia, your asylum procedure will be terminated.

CAN AN ASYLUM SEEKER BE DETAINED?

Asylum seeker may have their movement restricted in several cases, including for public order reasons or when it is necessary to establish identity, ensure presence or establish facts when they cannot be established without the restriction of movement. The authorities must provide you with a written decision on the restriction of movement.



2. SUBMITTING AN ASYLUM APPLICATION

WHAT IS THE NEXT STEP AFTER I HAVE REPORTED TO THE DESIGNATED ACCOMMODATION FACILITY?

The asylum procedure starts when you or your legal representative submit the application to the Asylum Office. You have to do it within 15 days of registration. In order to do it Asylum office has to come to the centre where you are accommodated. In order to do this the Asylum Office has to come to the centre where you are accommodated and receive the asylum application in person. If this does not happen, you should submit your asylum application via post within the deadline of 8 days.

HOW DO I SUBMIT AN APPLICATION FOR ASYLUM BY MYSELF?

You need to fill out a prescribed form. The form is available in different languages and will be provided to you by the staff of the Commissariat for Refugees and Migration upon request. The form contains questions on personal and family data and you will also need to explain the reasons for leaving your country of origin and circumstances that you would face in case of return. Your legal representative will assist you in filling out the form.

WHAT KIND OF DOCUMENTS ARE ASYLUM SEEKERS AND REFUGEES ISSUED WITH?

After registration and submission of an asylum claim you will be provided with an ID card for asylum seekers which includes your photo. This document is issued by the police. Commissariat for Refugees and Migration will also issue you a document / registration card proving that you are accommodated in one of the centres. You should keep both documents with you at all times.



3. INTERVIEW

WHAT DO I NEED TO DO AFTER SUBMITTING AN ASYLUM APPLICATION?

In order to establish all the facts and circumstances of your case, which are necessary in order to make a decision on your asylum application, the Asylum Office will schedule an interview with you as soon as possible.

It is likely that for the interview you will be moved to another accommodation facility from where you were initially placed. You will be informed about the move in advance by the Commissariat for Refugees and Migration. Your relocation is officially requested by the Asylum Office.

IN WHICH LANGUAGE IS THE INTERVIEW CONDUCTED?

The procedure is conducted in Serbian language and you will be provided with an interpreter for the language you can communicate in. You have the right to communicate in the language you understand and if you have problems understanding the interpreter you should say this to the Asylum officer.

WHO WILL BE PRESENT DURING THE INTERVIEW?

The interview is conducted by the Asylum Office representative and there will also be an interpreter present. You have the right to request free legal assistance and the presence of your lawyer throughout the procedure.

WHAT WILL I BE ASKED ABOUT?

You will be asked questions primarily about

- ▶ your identity and other personal information as well as information about your family members
- ▶ the reasons for seeking asylum
- ▶ how you travelled to Serbia and whether you had sought asylum in any other country.

DO I NEED TO SUBMIT EVIDENCE?

Every case is different but usually it is highly desirable to submit evidence supporting your claims.



4. DECISION

WHO DECIDES ON MY ASYLUM APPLICATION?

The decision in the first instance is made by the Asylum Office (*Kancelarija za azil*) of the Ministry of Interior.

HOW LONG DOES THE ASYLUM PROCEDURE TAKE?

A decision on the asylum application in the regular procedure should be made within three months after the date of the asylum application. However, sometimes time limits may be extended up to nine months, in cases where the application includes complex factual and/or legal issues, or if a large number of asylum applications had been submitted around the same time. In very specific circumstances, the time limit may be extended for another three months, and the decision thus must be made within 12 months from the application date at the latest.

WILL I UNDERGO CRIMINAL OR SECURITY CHECKS?

Every asylum seeker is subjected to a series of background and security checks to make sure that they do not fall under any of the categories which under the law do not deserve refugee status (war criminals, persons convicted for serious crimes, etc.).

CAN THE ASYLUM OFFICE ACCELERATE THE ASYLUM PROCEDURE?

It is very important to tell the truth to the Asylum authorities, as in cases where you may have presented only irrelevant facts, misled the Asylum Office, destroyed or concealed documents and evidence or where your statements have been inconsistent, contradictory, inaccurate or unconvincing or in case you have sought asylum only to postpone removal from Serbia, the procedure can be accelerated and the decision will be made within 30 days.

DO THE COMMISSARIAT FOR REFUGEES AND MIGRATION OR UNHCR TAKE PART IN THE DECISION-MAKING PROCESS?

Commissariat for Refugees and Migration and UNHCR do not take part in the decision-making process. However, you have the right to seek contact with UNHCR at any time during the procedure.

WHAT IS THE ROLE OF THE COMMISSARIAT FOR REFUGEES AND MIGRATION?

Commissariat for Refugees and Migration is in charge of providing accommodation and assisting those who have been given refugee to integrate into Serbian society. This means that if you are granted refugee status the Commissariat for Refugees and Migration will provide you with rental assistance for one year from the moment you were granted asylum and also with, history and culture classes.

WHAT IF I GET A NEGATIVE DECISION?

If the Asylum Office issues a negative decision rejecting or refusing your application, you may file an appeal to the Asylum Commission within 15 days of receiving the decision.

The Asylum Commission may accept the appeal and either return the case for another deliberation or decide by itself.

In case the Asylum Commission rejects your appeal you may challenge such decision before the Administrative Court.

If you get a negative decision in the final instance you are normally supposed to leave Serbia within a designated timeframe.

IF I AM GRANTED ASYLUM FOR HOW LONG IS IT VALID?

Refugee status is valid for five years while subsidiary protection is renewed annually. You will get a refugee ID card valid for 5 years (1 year in case of subsidiary protection). You will be instructed to get in touch with the Commissariat for Refugees and Migration to seek support for integration in form of rental assistance or classes.

For more information about available UNHCR integration assistance please contact Belgrade Centre for Human Rights or UNHCR.

RIGHTS AND OBLIGATIONS OF ASYLUM SEEKERS AND PERSONS WHO WERE GRANTED ASYLUM

WHAT RIGHTS DO I HAVE AS AN ASYLUM SEEKER OR A REFUGEE IN SERBIA DURING THE ASYLUM PROCEDURE?

As an asylum seeker before it is decided on your asylum application in Serbia you have the right to:

- ▶ residence and freedom of movement in Serbia, unless there are grounds for restriction¹
- ▶ accommodation, food and clothing
- ▶ social assistance, only if you are not provided with accommodation in asylum, reception or transit centres
- ▶ healthcare
- ▶ free primary and secondary education
- ▶ information and legal aid
- ▶ freedom of religion
- ▶ right to work under certain circumstances (if you have been in the asylum procedure for longer than 9 months)
- ▶ ID card

1 When it is necessary to establish your identity or nationality, establish facts and circumstances about your asylum application which cannot be established without the restriction of movement, to ensure your presence while the asylum procedure is ongoing if the authorities believe you applied for asylum to avoid deportation, to ensure the protection of security and public order and to decide in course of the procedure whether you have a right to enter the territory of Serbia.

AS A PERSON WHO WAS GRANTED ASYLUM YOU HAVE THE RIGHT TO

- ▶ residence
- ▶ accommodation assistance
- ▶ freedom of movement
- ▶ free healthcare
- ▶ free primary and secondary education
- ▶ access to Universities under the same conditions as citizens
- ▶ labour market access
- ▶ legal aid
- ▶ social assistance
- ▶ ownership
- ▶ freedom of religion
- ▶ family reunification
- ▶ personal documents
- ▶ integration assistance

DO I HAVE THE RIGHT TO FREE LEGAL ASSISTANCE?

You have the right to be properly informed about the asylum procedure during the entire asylum procedure. You have the right to free legal assistance and presence of your legal representative during the asylum procedure. Free legal assistance can be provided by the Belgrade Centre for Human Rights.

In order to be provided with a legal representative by the Belgrade Centre for Human Rights you will have to sign a power of attorney, authorising him or her to represent you in the asylum procedure.

DO I HAVE THE RIGHT TO CONTACT THE UNHCR?

You have a legal right to contact the United Nations High Commissioner for Refugees² in Serbia during the entire asylum procedure.

WILL I BE PUNISHED FOR ILLEGAL ENTRY TO SERBIA?

You should not be punished for unlawful entry or stay in Serbia, provided that you express intention to seek asylum.

CAN I BE DEPORTED?

You cannot be deported from Serbia before the asylum process is completed.

CAN REFUGEE CHILDREN GO TO SCHOOL IN SERBIA?

Primary education is mandatory and all children regardless of their background have the right and obligation to go to school. You can get more info at your accommodation centre where the staff of the Commissariat for Refugees and Migration will explain how to enrol your children in school.

² United Nations High Commissioner for Refugees (UNHCR) is the UN refugee agency tasked with providing protection to refugees.

DOES THE GOVERNMENT PROVIDE ASYLUM SEEKERS OR PERSONS WHO WERE GRANTED ASYLUM WITH FINANCIAL ASSISTANCE?

Persons granted asylum or subsidiary protection can get rental subsidy for one year from the date of the positive decision in case they are unemployed and have no savings. They must enrol in Serbian language classes. If the person was granted asylum, they are expected to move out of the government accommodation centres as they are intended for asylum seekers only.

DO REFUGEES HAVE THE RIGHT TO WORK IN SERBIA?

Persons who were granted asylum or subsidiary protection have the right to obtain a personal work permit and get employment in Serbia. During the asylum procedure, asylum seekers who did not receive a final decision within 9 months, also have the right to obtain a personal work permit allowing them full access to labour market. For more details regarding obtaining a work permit, you can contact Belgrade Centre for Human Rights, UNHCR and other providers of free legal aid.

DOES THE GOVERNMENT SUPPORT REFUGEES IN LEARNING SERBIAN?

Persons who were granted asylum or subsidiary protection are provided with Serbian language lessons free of charge by the Commissariat for Refugees and Migration.

IF I AM GRANTED ASYLUM CAN I REUNITE WITH FAMILY MEMBERS?

You can reunite with your family members. Family members to whom this applies are the spouse with whom you married before arriving to Serbia, common-law partner as defined in the laws of Serbia, minor children, including adopted children and step-children. Exceptionally, the status of a family member may be granted also to other persons, taking into account particularly the fact that they had been supported by you and their age, dependence on you, including health, social, cultural, or other similar circumstances. In all other circumstances the family unity rules of the Law on Foreigners are applied. You will be required to submit evidence of your relationship.

POLICE STATIONS THAT HAVE AUTHORISED OFFICERS FOR FOREIGNERS WHERE YOU MAY EXPRESS THE INTENTION TO SEEK ASYLUM ARE LOCATED IN THE FOLLOWING TOWNS

BEOGRAD, Savska 35
BOR, Moše Pijade 5
ČAČAK, Cara Dušana 3
JAGODINA, Boška Buhe bb
KIKINDA, Braće Tatić 5
KRAGUJEVAC, Trg slobode 3
KRALJEVO, Vojvode Putnika 3
KRUŠEVAC, Stevana Sindelića 1
LESKOVAC, Jug Bogdanova 6
NIŠ, Nade Tomić 14
NOVI PAZAR, Kej 37.
Sandžačke divizije bb
NOVI SAD, Bulevar Kralja Petra I 11
PANČEVO, Jove Maksina 41a
PIROT, Jevrejska 17
POŽAREVAC, Đure Đakovića bb
PRIJEPOLJE, Dušana Dučića 1
PROKUPLJE, Tatkova 4
SMEDEREVO, Despota Grgura 2
SOMBOR, Trg cara Uroša 1
SUBOTICA, Segedinski put 45
ŠABAC, Laze Lazarevića 8
UŽICE, Nade Matić 8
VALJEVO, Uzun Mirkova 1a
VRANJE, Matije Gupca 4
ZAJEČAR, Pane Đukića 1
ZRENJANIN, Zorana Kamenkovića 10

MAP OF SERBIA WITH ASYLUM AND RECEPTION CENTRES

