



BACKGROUND

The Thematic update is an advocacy tool of the UN system in Serbia aimed to share data and information, identify and promote priority areas for development, and contribute to strengthening the discussion among relevant stakeholders, including donors. The focus of this thematic update is on asylum and migration.

Serbia has a positive legacy of welcoming refugees and integrating them into the society. In the 1990s, more than half a million refugees from the former Yugoslavia were integrated, while over a 1.5 million refugees and migrants have been supported since 2015/2016, when the Western Balkan route became active.

In 2023, 108,822 refugees, asylum-seekers, and migrants were accommodated by the Serbian Commissariat for Refugees and Migration (SCRM). UNHCR data indicate that at least 61% of arrivals have originated from refugee-producing countries, with 37% of arrivals originating from Syria and 24% originating

from Afghanistan. Adult males have accounted for 96% of all arrivals, compared to 4% for women, and 6% for children.

The thematic update provides an overview of the present state of migration management and the asylum system. It also discusses necessary adjustments for Serbia to fully institutionalize the accomplishments of recent years, which have been supported by external resources. For the continued enhancement and development of relevant systems, more comprehensive and sustainable solutions are required.

A shift towards recognizing the benefits that the arriving migrant and refugee population represent and enabling the increase of these benefits presents an opportunity to make use of their skills, experiences, and potentials at a time when depopulation trends in Serbia are visible.

In the following, the priority areas for further attention as identified by the UN system are outlined.



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1. ACCESS TO TERRITORY, THE PRINCIPLE OF NON-REFOULEMENT AND REGISTRATION OF ASYLUM-SEEKERS

Access to territory is a precondition for enabling the protection of persons who have international protection needs and cannot return to their countries of origin due to war or persecution. In Serbia, national legislation includes safeguards from refoulement and allows for non-penalization for the irregular entry of asylum seekers, as refugees are not always able to meet requirements for regular entry. It is necessary to ensure regular provision of information on asylum at the border crossing points and in border areas, as well as to ensure the identification of persons with international protection needs and their referral into asylum channels.

According to current protocol, asylum seekers, upon the expression of their intent to seek asylum and the completion of the subsequent asylum application, are registered and issued an ID card for asylum-seekers. Whereas the current ID cards are not widely recognized, the planned issuance of new asylum-seeker cards should better facilitate their access to rights.

2. REGISTRATION OF FOREIGNERS

Registration of migrants is an essential migration management process that should be based on principles of protection, information, and age and gender sensitivity, and which should allow for the effective preliminary identification of vulnerabilities/needs. Currently, less than 10% of migrants are registered, due to a combination of adverse factors and systemic deficiencies. Low registration hinders the identification process and access to identity, and, thus, legal protection, status determination, and the adequate implementation of migration legislation. Effective registration entails the provision of information on migration processes in languages migrants understand, as this is crucial for accessing territory and the ability to seek protection.

It is critical that registration establish legal identity, which is an essential dimension of safe, orderly, and regular migration and mobility of people. The lack of evidence of legal identity worsens the vulnerability of migrants and impedes access to rights and services.

3. RECEPTION SYSTEM AND ACCESS TO SERVICES

The Serbian Commissariat for Refugees and Migration (SCRM) is the lead government institution responsible for the reception of migrants and asylum seekers and the integration of refugees. The high number and high turnover of refugees and migrants travelling through Serbia and using the facilities highlights the importance of maintaining adequate standards, yet at the same time impacts the system's ability to do so, a factor that must be taken into consideration. In this regard, the relevant facilities need to be properly defined, diversified, and maintained to ensure that all beneficiaries have access to required/needed services, with specific focus placed on vulnerable individuals (UASC, single women, individuals with a medical condition, and the like) and on dedicated centres with services for the asylum procedure for asylum seekers.

In Serbia, persons accommodated in reception/asylum centres have access to free primary health care service, yet currently health care for migrants and asylum-seekers mainly depends on external funding, which has an impact on the continuity and provision of services. For those who live with chronic conditions or serious illnesses, including mental health conditions, providing access to sustainable treatment and adequate facilities, without systemic improvements in healthcare, remains a challenge. Supporting mechanisms that ensure full access to immunization services should remain a key national strategy to improve the health of migrant and asylum-seeking children. Other key components of child health, such as nutrition, child growth, and development, and responsive caregiving are also in need of prioritizing and strengthening.

All asylum-seeking and migrant children have access to free primary and secondary education in the Republic of Serbia. As a result of joint efforts, educational coverage has increased (varying from 50-85% depending on the period of the year), and the quality of learning support provided in centres and schools has also improved. Maintaining primary school attendance rates as well as

increasing those in secondary education remain priorities. Considering ongoing trends, continued support to and the strengthening of the education system will be needed to ensure quality and inclusive education and integration for refugee and migrant children.

The Ministry of Labour, Employment, Veteran, and Social Affairs (MoLEVSA) and the local centres for social welfare have been providing support to vulnerable refugee and migrants. Nevertheless, the local institutions, established by local self-governments, require more support as they cannot always meet all the needs of refugees and migrants in vulnerable situations, especially of women, single parents, unaccompanied and separated children, survivors of violence or trafficking, and persons with disabilities, all of whom typically require local social services.

Standard Operating Procedures for Sexual and Gender Based Violence (SGBV) are in place and envisage coordination between national services and civil society organizations. Government institutions provide support to survivors of domestic violence, while challenges persist in addressing other types of violence. The absence of a state-run safe shelter for migrant and refugee survivors of violence often jeopardizes the effective management of cases. A referral mechanism for the protection needs of members of the LGBTI community, as well as information dissemination in this context, are in place thanks to civil society efforts. Nevertheless, a low number of individuals seek support, likely due to the fear of negative reactions and the scarcity of some specialized services. The lack of an adequate and culturally sensitive state-funded mental health and psycho-social system is also an area that needs to be addressed.

4. ASYLUM PROCESS, REGISTRATION OF REFUGEES AND INTEGRATION

The Law on Asylum and Temporary Protection (LATP), the Law on Foreigners, and the Law on Migration Management form the legal basis for the asylum system. Various capacity-building initiatives have contributed towards the improved application of international standards and the national legal framework for

international protection. Nonetheless, additional by-laws and material and human support to the asylum authorities are required to implement the provisions of the LATP more effectively, including a fair and fast asylum procedure. An increased number of determining officers with adequate training, qualifications, and support and a more regular presence of the asylum office in the reception and asylum-centres are necessary. Effective and sustainable quality assurance mechanisms and adequate state resources for procedural requirements (such as interpretation and legal representation free of charge, etc.) still need to be ensured within the asylum procedure. The increased proactive involvement of the Administrative Court in promptly and thoroughly reviewing decisions from the first and second instances would enhance the quality of decision-making and bring it in line with international standards.

Since the introduction of the relevant asylum legislation in 2008, the development of the legal framework has enabled the integration of recognized refugees. Nevertheless, many refugees face practical challenges in the integration process and require specialist support by NGOs to navigate the administrative system, to find employment, and to access health care. It has been recognized that financial support beyond one year is often necessary, especially for vulnerable persons such as families with dependents, SGBV survivors, and medical cases. For the full integration of refugees to be achieved, the issuance of widely recognized biometric identity documents, the provision of travel documents, and the option to acquire Serbian citizenship are needed. The most recent revisions of the Law on Foreigners and the Law on the Employment of Foreigners have enhanced the legal framework, as it now allows persons with international protection to obtain permanent residence, as a precondition for accessing citizenship, removes the requirement of work permits, and enables asylum seekers to access and participate in the labour market, upon 6 months of the submitting of their claim. In addition, partnerships with the private sector have served as good practice in enabling refugees to gain experience in the Serbian labour market and in opening the path for longer-term employment, enhancing Serbian language skills, and increasing the acceptance of refugees by other employees.

5. CHILD PROTECTION

Unaccompanied and separated children (UASC) are the one of the most vulnerable individuals arriving to Serbia. In 2023, 3,000 UASC were identified, and 2,225 received guardianship. The real number is surely higher, as UASC who are already in the hands of smugglers are generally not adequately identified by the relevant protection actors. Therefore the presence of UASC is likely vastly underestimated. The majority of UASC are boys, on average 16-17 years old, with many of them originating from Afghanistan, as well as from Syria, Morocco, and other countries.

The Ministry of Labour, Employment, Veterans, and Social Affairs (MoLEVSA) has the lead accountability in providing and organizing protection for refugee and migrant children in Serbia, while Centres for Social Work at the local level oversee the protection of children. The Serbian Commissariat for Refugees and Migration (SCRM) provides accommodation, in designated reception centres, to a considerable number of unaccompanied and separated children above the age 16 with low or with no identified risks and vulnerabilities. UASC identified as being at protection risk are usually referred to child protection institutions within the social welfare system. Since December 2022, Reception Centre Šid (located in the vicinity of the border with Croatia) has been designated as a facility for the accommodation of UASC. For younger children the childcare units in Vodovodska and Niš currently remain the only childcare institutions offering accommodation to children of younger age, those regarded at protection risk, or those with identified vulnerabilities within the social welfare system.

While further improving the conditions where UASC are accommodated in large scale centres and institutions to ensure that these are aligned with international standards for alternative care is vital, it should be emphasized that placing UASC in such large-scale facilities should be considered the option of last resort. Alternatives to institutional care need to be prioritized for all categories of UASC and the capacities for family-based care solutions and foster care, supervised independent living, and other relevant solutions must be enhanced. Improved identification of unaccompanied and separated children, effective guardianship protection, and documented, evidenced, and child-

specialist-led best interest examinations need to be ensured to guarantee that the best interest of the child is respected in line with international and national standards. Going forward, the mainstreaming of child protection for refugees and migrants into the national system will be crucial to ensuring sustainability in this context and reducing the need for external funding.

6. TRAFFICKING AND SMUGGLING

Refugees and migrants face the risk of exploitation and abuse when resorting to smuggling networks and are also at risk of being trafficked, particularly women and children. With the increase of criminal smuggling networks which are linked to organized crime, there is a fine line between trafficking and smuggling and refugees and migrants need to be protected from exploitation and abuse. Trafficking in persons among migrants and refugees remains under-detected, with a low level of identification of victims of trafficking within these populations and deficiencies in referral procedures and victim-sensitive and trauma-informed investigation, prosecution, and adjudication, as well as in overall protection.

The system of protection for victims of trafficking needs to be strengthened in terms of comprehensive protection services and longer-term support for reintegration at the community level. The main challenges in tackling smuggling include: effective prosecution, especially given the lack of interpreters for the languages spoken in the countries of origin; identification; the inability to cooperate with countries of origin; and the insufficient cooperation of competent state authorities in the countries of origin, transit, and intended destination.

Further support, through the organization of operational and strategic meetings between the law enforcement and prosecution agencies of Serbia and the EU, is of key importance, as are the improvement of trainings on victim assistance and referral for government personnel and strengthening capacities and cooperation between the various sectors of the Ministry of the Interior (MoI) and with other relevant institutions, especially the Centre for Protection of Trafficking Victims (CPTV) and SCRM.

7. SOCIAL COHESION/INCLUSION AND PREVENTION OF HATE SPEECH, XENOPHOBIA

The worrying level of anti-refugee/migrant sentiment and xenophobia remain a challenge in both the provision of protection and the finding of solutions for persons of concern. Criminal smuggling networks have increased their use of guns and firearms, which has led to more violence in border areas in the north of Serbia and has increased fear among the location population. In this context, projects and initiatives that bring local populations together with refugees and migrants through joint activities, such as sports, cultural events, and trainings, including in schools, can positively contribute to social cohesion and reduce tension. The role of media also plays an important role in how refugees and migrants are depicted in the public sphere, and it is crucial that good examples of refugee integration and migrants' contributions to society are highlighted.

8. REGULAR MIGRATION PATHWAYS INCLUDING REGULARIZATION

Regular pathways are essential for providing alternatives to irregular migration, enhancing the integrity of asylum and immigration systems, and protecting migrants in situations of vulnerability. Despite the existence of regulatory provisions, few long-term solutions are currently available to stranded migrants in need of other forms of protection. Advancing rights-based actions to expand access to regular pathways for vulnerable categories, including unaccompanied or separated children and victims of trafficking or gender-based violence, will require effective and individualized case

determination processes and the optimized use of existing regulations.

Potential advancements in supporting regular migration pathways could entail expanding the use of these pathways and implementing effective case management to improve assistance to unaccompanied and separated children, including family reunification in the countries of origin and in the countries of asylum of refugee children. Additionally, these solutions should also ensure the availability of relevant regulatory provisions, infrastructure, and resources so as to provide alternatives to detention, especially for vulnerable groups.

9. HOLISTIC RETURN MANAGEMENT

Return management is a vital element of sound migration management. As mixed migration remains an enduring reality in Serbia, cooperation in facilitating the return of migrants to their countries of origin emerges as a key policy area. While the functioning assisted voluntary return and reintegration program has helped enable as many as 1,185 returnees to return to their countries of origin, comprehensive return management that is inclusive of effective non-voluntary return programs remains a challenge, predominantly due to the lack of cooperation with key countries of origin. In order to develop holistic return management, there is a recognized need for consolidating rights-based and process-driven systems and procedures for effective return management, notably through the adoption and enforcement of administrative frameworks for effective return, readmission, and reintegration processes, and capacity-building related to them, as well as through the adoption of functional digital solutions to facilitate effective return operations.

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