

REPUBLIC OF SERBIA

**LAW ON ASYLUM AND
TEMPORARY PROTECTION**

Belgrade, 2018

LAW ON ASYLUM AND TEMPORARY PROTECTION

Note: This is a true translation of the original Law,
but it is not legally binding.

Original title:

ZAKON O AZILU I PRIVREMENOJ ZAŠTITI

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LAW ON ASYLUM AND TEMPORARY PROTECTION*

I. BASIC PROVISIONS

Subject Matter of the Law

Article 1

This Law shall prescribe the status, rights, and obligations of asylum seekers and persons granted the right to asylum or temporary protection, the principles, conditions, and procedure for the granting and cessation of asylum or temporary protection, as well as other issues relevant for asylum and temporary protection.

Basic Terms

Article 2

Certain expressions used in this Law shall have the following meaning:

1) asylum shall be understood to mean the right to residence and protection accorded to a foreigner who has been granted refuge or subsidiary protection on the basis of a decision by the competent authority;

2) the asylum procedure shall be understood to mean a procedure, governed by this Law, for the acquisition and cessation of the right to asylum and other rights of asylum seekers and persons to whom the right to asylum has been granted;

3) a foreigner shall be understood to mean a person who is not a citizen of the Republic of Serbia, irrespective of whether he/she is a foreign national or a stateless person;

4) an asylum seeker (hereinafter: the Applicant) shall be understood to mean a foreigner who has filed an application for asylum in the territory of the Republic of Serbia, and where no final decision has yet been rendered;

5) a subsequent asylum application shall be understood to mean an application for asylum filed after the final decision, based on which the application for asylum was dismissed, and based on which the application for asylum has been adopted and subsidiary protection has been granted or upon the decision on suspension of the procedure due to withdrawal of the application ;

6) a refugee shall be understood to mean a person who, on account of a well-founded fear of persecution on grounds of race, sex, language, religion, nationality, or membership of a particular social group or due to his/her political opinions, is not in the country of his/her origin, and is unable or unwilling, owing to such fear, to avail him/herself of the protection of

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that country, as well as a stateless person who is outside the country of his/her previous habitual residence, and who is unable or unwilling, owing to such fear, to return to that country;

7) the right to refuge shall be understood to mean the right to residence and protection granted to a refugee who is in the territory of the Republic of Serbia, with respect to whom the competent authority has determined that his/her fear of persecution in the country of origin or country of habitual residence is well-founded;

8) subsidiary protection shall be understood to mean protection granted by the Republic of Serbia to a foreigner who would be, if returned to the country of origin or habitual residence, subjected to suffering of severe injustice, and who is unable or unwilling to avail himself/herself of the protection of that country, due to such threat, and in line with Article 25 of this Law;

9) temporary protection shall be understood to mean protection granted by the Government in the case of a mass influx of displaced persons who cannot be returned to their country of origin or habitual residence, in line with Article 74 of this Law;

10) a country of origin shall be understood to mean a country whose nationality a foreigner holds or a country in which a stateless person had habitual residence, and if a foreigner has multiple nationalities, a country of origin shall be understood to mean any country whose national he/she is;

11) habitual residence shall be understood to mean a place where a foreigner stayed under such circumstances based on which it could be concluded that his/her stay in that place or area was not only temporary;

12) a family member shall be understood to mean the spouse, provided that the marriage was contracted before the arrival to the Republic of Serbia, the common-law partner in line with the regulations of the Republic of Serbia, their minor children born both in or out of wedlock, minor adopted children, or minor step-children, whereas the status of a family member may be exceptionally granted also to other persons, particularly taking into account the fact that they had been supported by the person who has been granted asylum or temporary protection, as well as their age and psychological dependence, including the health, social, cultural or other similar circumstances;

13) a minor shall be understood to mean a foreigner under 18 years of age.

14) an unaccompanied minor shall be understood to mean a foreigner under 18 years of age who was neither accompanied by his/her parents or guardians on his/her arrival to the Republic of Serbia, nor an adult who is responsible for him/her or who found himself/herself without the company of his/her parents or guardians after having arrived to the Republic of Serbia or the company of an adult who is responsible for him/her.

15) a minor separated from the parent shall be understood to mean a foreigner under 18 years of age and who, upon his/her entry into the Republic of Serbia is unaccompanied by parents or guardians, or an adult who is responsible for him/her or who, having entered the Republic of Serbia, was left without the company of a parent or a guardian or the company of an adult who is responsible for him/her, but not necessarily without the company of other relatives, and who is subject of the provisions of this Law, which refer to an unaccompanied minor.

The expressions denoting persons in this Law shall refer equally to persons of male and female gender, regardless of the grammatical gender in which they were expressed.

Application of the Law

Article 3

The regulations governing the general administrative proceedings shall apply to the issues related to the asylum procedure that are not regulated by this Law.

The issues relating to the scope, content, and type of the rights and obligations of the Applicants and persons granted the right to asylum or temporary protection that are not regulated by this Law, shall be subject of the regulations governing the legal status of foreigners and the regulations governing migration management.

The provisions of this Law shall be interpreted in line with the Convention Relating to the Status of Refugees, the Protocol Relating to the Status of Refugees and the generally accepted rules of international law.

The provisions of this Law shall not be applied to the refugees who have acquired this status based on the Law on Refugees (Službeni glasnik RS, No. 18/92, Službeni list SRJ, No. 42/02 – FCC and Službeni glasnik RS, No. 30/10).

Right to File the Application for Asylum

Article 4

A foreigner who is in the territory of the Republic of Serbia shall have the right to express his/her intention to file the application for asylum or to file the application for asylum in the Republic of Serbia, in line with the law.

If a foreigner referred to in paragraph 1 of this Article is not eligible to be granted the right to refuge, the competent authorities shall consider *ex officio* whether he/she meets the conditions for granting subsidiary protection.

Cooperation with United Nations High Commissioner for Refugees

Article 5

The competent authorities shall cooperate with United Nations High Commissioner for Refugees (hereinafter: UNHCR) in the performance of the activities, in conformity with its mandate.

UNHCR shall have free access to all persons, in line with its mandate.

Upon the request of UNHCR, the competent authorities shall provide:

1) general information relating to Applicants, refugees and persons to whom subsidiary or temporary protection has been granted in the Republic of Serbia, including the statistical data, as well as the specific information pertaining to specific cases, if the person, to whom the asylum procedure refers has given his/her consent in the manner and under the conditions set forth by the law governing the personal data protection;

2) the information in terms of interpretation of the Convention from 1951 and other international documents which relate to the protection of refugees, as well as in term of their application in the context of this Law.

Non-refoulement

Article 6

No person shall be expelled or returned to a territory where his/her life or freedom would be threatened for on grounds of his/her race, sex, language, religion, nationality, membership of a particular social group, or political opinions.

Paragraph 1 of this Article shall not apply to a person with respect to whom there are reasonable grounds to believe that he/she constitutes a threat to security of the Republic of Serbia, or who has been convicted of a criminal act by a final judgment, for which, according to the legislation of the Republic of Serbia, imprisonment for a period of five years may be

imposed, or a more severe punishment, due to which reason he/she constitutes a threat to the public order.

Notwithstanding paragraph 2 of this Article, no person shall be expelled or returned without his/her will to a territory where there is a risk of him/her being subjected to torture, inhumane or degrading treatment, or punishment.

Principle of Non-discrimination

Article 7

In the course of the implementation of the provisions of this Law, any discrimination on any grounds shall be prohibited, in line with special regulations governing the issues of prohibition of discrimination, and in particular on grounds of race, colour, sex, gender, gender identity, sexual orientation, nationality, social origin or a similar status, birth, religion, political or other beliefs, financial standing, culture, language, age or mental, sensory or physical disability.

Principle of Non-punishment for Unlawful Entry or Stay

Article 8

A foreigner shall not be punished for unlawful entry or stay in the Republic of Serbia, provided that he/ she expresses an intention to file the Application without any delay, and offers a reasonable explanation for his/her unlawful entry or stay.

Principle of Family Unity

Article 9

The competent authorities shall take all the available measures for the purpose of maintaining family unity during the procedure, as well as upon granting asylum or temporary protection.

All persons who have been granted asylum or temporary protection shall be entitled to family reunification, in accordance with the provisions of this Law.

Principle of Protection of the Best Interest of Minors

Article 10

In the course of the implementation of the provisions of this Law, one shall comply with the principle of the best interests of the minor.

When assessing the best interests of a minor, one shall take into account the minor's well-being, social development and the minor's origin, the minor's opinion, depending on his/her age and maturity, the principle of family unity and the protection and security of the minor if it is suspected that the minor is a victim of trafficking or the victim of domestic violence and other forms of gender-based violence.

Article 11

In the case of a minor, the intention shall be expressed by the parent or guardian.

The asylum application on account of a minor shall be filed by the parent or guardian.

Notwithstanding paras. 1 and 2 of this Article, a minor over 16 years of age who is married may independently take part in the asylum procedure.

Article 12

An unaccompanied minor shall have a temporary guardian appointed by the guardianship authority, in line with the law, as soon as the fact has been determined that it is a case of an unaccompanied minor, and not later than the submission of the asylum application.

A minor referred to in paragraph 1 of this Article shall be informed without delay about the appointment of the temporary guardian.

A temporary guardian shall be obliged to inform the unaccompanied minor without delay, of the asylum procedure and his/her rights and obligations.

Notwithstanding paragraph 1 of this Article, an unaccompanied minor, older than 16 years of age, who is married, shall not be appointed a temporary guardian.

An unaccompanied minor shall express the intention to seek asylum in mandatory presence of a temporary guardian.

An unaccompanied minor shall file the asylum application personally, in mandatory presence of a temporary guardian.

A temporary guardian may also file an application on behalf of an unaccompanied minor, when this is in the best interest of the minor.

An unaccompanied minor shall be interviewed in the presence of the temporary guardian.

The procedures as per the asylum application of an unaccompanied minor, as well as other procedures relating to the rights of an unaccompanied minor shall have priority in comparison to other procedures.

Principle of Free Interpretation

Article 13

The Applicant who does not understand the official language of the asylum procedure shall be provided free interpretation services in his/her native language, i.e. language that he/she can understand.

The obligation to provide free interpretation services referred to in paragraph 1 of this Article shall include the use of sign language and the availability of Braille materials.

Principle of Free Access to UNHCR

Article 14

The Applicant shall have the right to contact authorised UNHCR staff at any stage of the asylum procedure.

Principle of Personal Delivery

Article 15

Any written official communication in the procedure shall be delivered personally to the Applicant or to his/her legal representative or attorney and it shall be considered delivered when any of the above persons have received it.

Principle of Gender Equality and Sensibility

Article 16

The provisions of this Law shall be interpreted in a gender sensitive manner.

The Applicant shall be, upon his/her request, enabled to file the asylum application and to be interviewed by a person of same sex, i.e. to be interviewed with the help of a translator or an interpreter of the same sex, unless when this is not possible or is associated with disproportionate difficulties for the authority conducting the asylum procedure.

Principle referred to in paragraph 1 of this Article shall be applied even without a special application of the applicant and when conducting searches, body checks and other actions in the course of the procedure that include physical contact with the applicant.

Female applicants accompanied by men, seeking asylum, shall file the application and give statements separately from their accompaniers.

Principle of Providing Special Procedural and Reception Guarantees

Article 17

In the course of the asylum procedure, care shall be taken of the specific circumstances of persons requiring special procedural or reception guarantees, such as minors, unaccompanied minors, persons with disability, elderly people, pregnant women, single parents with minor children, victims of trafficking, severely ill persons, persons with mental disorders, as well as persons who were tortured, raped or exposed to other severe forms of psychological, physical or sexual violence, such as female victims of female genital mutilation.

The special procedural and reception guarantees shall serve to provide the appropriate assistance to an asylum seeker who, due to his/her personal circumstances, is not able to exercise the rights and obligations under this Law without appropriate assistance.

The procedure of identification of personal circumstances of a person, referred to in paragraph 1 of this Article, shall be continuously implemented by the competent authorities, and at the earliest in a reasonable deadline upon the initiation of the asylum procedure, i.e. upon expressing the intention of filing the asylum application at the border or transit area.

Principle of Directness

Article 18

Within the asylum procedure, the applicant shall be entitled to directly, before the officer administering the procedure, present all the facts relevant for granting and termination of the right to asylum.

Principle of Confidentiality

Article 19

The information about the Applicant, as well as the foreigner who has been registered to have expressed the intention to seek asylum, which are obtained in the course of the asylum procedure may be available only to the persons authorised by law.

The information referred to in paragraph 1 of this Article shall not be disclosed to the country of origin of the Applicant, unless the applicant has to be forcibly returned to the country of origin upon the completion of the procedure and in such event, the following information may be disclosed:

- 1) identification data;
- 2) information about family members;
- 3) information about documents issued by the country of origin;
- 4) fingerprints;

5) photographs.

The collection, processing and keeping of the information referred to in this Article shall be conducted in accordance with the regulations on the protection of personal information.

II. COMPETENT AUTHORITIES

Ministry of Interior – the Asylum Office

Article 20

In procedures of approval and the cessation of the right to asylum, the procedure shall be conducted and all decisions shall be rendered by the Asylum Office, the organisational unit of the Ministry of the Interior (hereinafter: the Ministry), competent for the asylum affairs.

The officers of the Asylum Office are not part of the uniformed composition of the Ministry.

Asylum Office

Article 21

The Asylum Commission shall decide on appeals of the Asylum Office.

The Asylum Commission shall comprise the President and the eight members, appointed by the Government for a four-year term.

A citizen of the Republic of Serbia may be elected president and a member of the Asylum Commission, a bachelor of laws having at least five years of working experience and who is familiar with the regulations stemming from the area of human rights.

The president and the members of the Asylum Commission shall be entitled to remuneration for the work in the Asylum Office.

The amount of remuneration referred to in paragraph 4 of this Article shall be specified by the Government.

The funds for the work of the Asylum Office shall be provided in the budget of the Republic of Serbia.

The Asylum Commission shall work independently and shall pass decisions by a majority vote of the overall number of its members.

Within 30 days of the date of the appointment of its members, the Asylum Commission shall pass its Rules of Procedure which shall more closely regulate the manner of decision-making by the Asylum Commission, the calling of its meetings, and other issues of relevance to its work.

Administrative Court

Article 22

An administrative dispute may be launched against the final decisions of the Asylum Commission.

Commissariat for Refugees and Migration

Article 23

The Commissariat for Refugees and Migration (hereinafter referred to as: the Commissariat) shall provide the material conditions for the reception of asylum seekers in accordance with this Law.

The Commissariat shall provide temporary accommodation for persons who have been granted asylum in accordance with regulations governing the area of migration management.

The Commissariat shall implement voluntary return programs of a foreigner whose application for asylum has either been denied or dismissed by means of the decision of a competent authority, or in case the asylum procedure has been suspended, of a foreigner who has been granted temporary protection, a foreigner for whom the decision referred to in Article 75, paras. 3 and 4 has been rendered or the decision referred in Article 83 and 84 of this Law as well as a foreigner to whom the right to asylum has terminated, as well as integration programs for persons who have been granted the right to asylum in line with the regulations governing the area of migration management.

III. CONDITIONS FOR GRANTING THE RIGHTS TO ASYLUM

Right to Refuge

Article 24

The right to refuge, or refugee status, shall be granted to the applicants who are outside their country of origin or habitual residence, and who have a well-founded fear of persecution on grounds of their race, sex, language, religion, nationality, membership to a specific social group or political opinion, as a result of which they are unable or unwilling to avail themselves of the protection of that country.

Subsidiary Protection

Article 25

Subsidiary protection shall be granted to the Applicant who fails to meet the conditions for granting refuge referred to in Article 24 of this Law if there are justified reasons to indicate that if he/she would be returned to his/her country of origin or habitual residence he/she would face a real risk of suffering serious injustice, and who is unable, or, owing to such risk, unwilling to avail himself/herself of the protection of that country.

Serious injustice shall comprise the threat of death by penalty or execution, torture, inhuman or degrading treatment or punishment, as well as a serious and individual threat to the life caused by violence of general scope in situations of international or internal armed conflicts.

Grounds of Persecution

Article 26

The grounds for persecution referred to in Article 24 of this Law shall be assessed by considering the content of the following terms:

- 1) race, referring to skin colour, descent, and membership of a specific ethnic group;

2) religion, referring to theistic and atheistic beliefs, participation in or abstention from private or public, formal religious rituals, either independently or in community with others, other religious ritual or expressions of faith, or forms of personal or communal conduct founded on or arising from religious beliefs;

3) nationality, referring to membership of a group that is specific in terms of its culture, ethnic or linguistic identity, common geographical or political origins, or its relationship with the population of another state, and may also include citizenship.

4) political opinion, referring to an opinion, view or belief about matters related to the potential perpetrators of persecution referred to in Article 29 of this Law, and their policies or methods, irrespective of whether the Applicant acted upon that opinion, view or belief.

5) A specific social group, referring to social groups whose members share innate characteristics or a common background that cannot be changed, or common characteristics or beliefs that are so fundamental to their identity or conscience that these persons must not be forced to renounce them, whereby that group has a distinct identity in their country of origin because it is perceived as being different from the surrounding society.

Depending on the circumstances in the country of origin, a particular social group may also mean a group that is based on the common characteristics of sex, gender identity or sexual orientation.

When assessing whether there is well-founded fear from persecution, it is irrelevant whether the applicant actually possesses racial, gender, religious, national, social or political characteristics or characteristics in terms of linguistic or gender identity, which are cause of persecution, in case the perpetrator of prosecution assigns him/her such characteristics.

Sur Place Principle

Article 27

A well-founded fear of being persecuted or a real risk of suffering serious injustice may be based on:

1) events that took place after the Applicant had left the country of origin or habitual residence or

2) the activities the Applicant has engaged in after he/she had left the country of origin or habitual residence, and in particular when the Applicant has continued expressing his/her beliefs or orientation which he/she held in the country of origin or habitual residence.

In case the Applicant files the Subsequent Application for asylum, material facts and evidence produced after the effectiveness of the decision, and relating to the assessment of fulfilment of conditions to be granted asylum, cannot be founded exclusively on the circumstances that the Applicant created by his/her personal actions aimed at meeting the conditions to be granted asylum.

Acts of Persecution

Article 28

The acts regarded as persecution in accordance with Article 24 of this Law must be:

1) sufficiently serious in nature or repetition that they constitute a serious violation of fundamental human rights, in particular the non-derogable rights specified under Article 15, paragraph 2 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, or

2) a set of various measures, including violations of human rights, which are sufficiently severe as to affect an individual in the similar manner as referred to in part of item 1 of this paragraph.

The acts of persecution referred to in paragraph 1 of this Article shall, in particular, be:

1) physical or psychological violence, including sexual violence and gender-based violence;

2) legal, administrative, police and/or judicial measures that are discriminatory or which are applied in a discriminatory manner;

3) judicial prosecution or punishment that is disproportionate or discriminatory;

4) denial of judicial redress that leads to disproportionate or discriminatory sanctions;

5) judicial prosecution or punishment for refusal to undertake military service during conflicts, where performance of military service would include criminal offences or acts that have been specified as reasons for denial or rights to asylum, in line with Articles 33 and 34 of this Law;

6) acts of a gender-specific or child-specific nature.

Relation must exist between the reasons for persecution and acts of persecution, as well as the lack of protection against such acts.

Actors of Persecution or Serious Injustice

Article 29

The persecution referred to in Article 24 of this Law and the injustice referred to in Article 25, paragraph 2 of this Law may be committed by:

1) the state authorities;

2) parties or organisations that control the state or a significant part of the state territory;

3) non-state bodies, if it has been shown that the state authorities or parties, i.e. organisations that control a significant part of the state territory, including international organisations, are unable or unwilling to provide protection against persecution or serious injustice.

Providers of Protection in the Country of Origin

Article 30

Protection from persecution and serious injustice in the country of origin or habitual residence, in terms of Articles 24 and 25 of this Law, may be provided by the following, if they are able and willing:

1) the state authorities or

2) parties, state or international organisations that control the state or a significant part of the state territory.

The protection referred to in paragraph 1 of this Article must be effective and permanent.

The protection referred to in paragraph 1 of this Article shall imply an effective legal system for prevention, detection and punishment of the acts constituting persecution or serious injustice, as well as effective access to such protection.

Protection within the Country

Article 31

As part of the assessment of the Application in substance, one shall also assess the possibility for the protection of the Applicant within the state, by relocating him/her to a specific part of the country of origin or habitual residence where:

- 1) there are no grounds for a well-founded fear of persecution or threat of suffering serious injustice, or
- 2) the Applicant is able to receive effective protection from persecution or from suffering serious injustice.

Relocation referred to in paragraph 1 of this Article shall be possible provided that:

- 1) the applicant is able to travel to that part of the country safely and lawfully;
- 2) the applicant will be allowed admittance to that part of the country;
- 3) the applicant can be reasonably expected to settle in that part of the country.

When assessing whether there are substantial grounds for well-founded fear of persecution or real threat of injustice, i.e. whether the applicant has access to the protection against persecution or serious injustice in any part of his/her country of origin, general circumstances known for a certain part of the country and personal circumstances of the applicant shall be taken into account.

Assessment of Facts and Circumstances

Article 32

The Applicant shall cooperate with the Asylum Office, and shall deliver to the Asylum Office all available documentation, and present true and accurate information relating to his/her identity, age, nationality, family members, country and address of previous residence, previous applications, movement after leaving the country of origin, personal and travel documents, and the grounds on which his/her application for asylum is based.

When deciding on the substance of the application for asylum, the Asylum Office shall collect and consider all the relevant facts and circumstances, particularly taking into consideration:

- 1) the relevant facts and evidence presented by the Applicant, including the information about whether he/she has been or could be exposed to persecution or the risk of suffering serious injustice;
- 2) current reports about the situation in the country of origin of the applicant or country of his/her habitual residence, and, if necessary, the country through which he/she travelled, including the laws and regulations of that country, and the manner in which they are applied - as contained in various sources provided by international organizations, such as UNHCR and the European Asylum Support Office (hereinafter: EASO) as well as other human rights organizations dealing with protection of human rights;
- 3) the position and personal circumstances of the Applicant, including gender and age, in order to assess on those bases whether the procedures and acts to which he/she has been or could be exposed would amount to persecution or serious injustice;
- 4) whether the Applicant's activities, from the moment when he/she left the country of origin, were aimed at creating the decisive conditions to be granted asylum, in order to assess whether those activities would expose the applicant to persecution or a risk of serious injustice if returned to that country;

5) whether the applicant could benefit from the protection of a country whose nationality he/she can prove.

The fact that the Applicant has already been exposed to persecution or risk of suffering serious injustice, or the threat of such persecution or injustice, is an indication of the Applicant's well-founded fear of persecution or risk of suffering serious injustice, unless good reasons exist to believe that such persecution or serious injustice will not be repeated.

The Applicant's claims shall be considered credible in the part where a certain fact or circumstance is not substantiated with evidence if:

- 1) the Applicant has made a sincere effort to substantiate his/her claims with evidence;
- 2) all the relevant elements at his/her disposal have been presented, with a satisfactory explanation of the shortcomings of other relevant facts;
- 3) it has been established that the Applicant's claims are consistent and acceptable, and that they are not in contradiction with the specific and general information relevant to the decision on the Application;
- 4) the Applicant has expressed the intention to seek asylum as soon as possible or has justified his/her failing to do so.
- 6) it has been established that the Applicant's claims are generally credible.

Reasons for Denying Rights to Refuge

Article 33

The right to refuge shall not be granted to the Applicant if there are founded reasons based on which it is deemed that he/she has committed, incited or in some other way participated in committing:

- 1) a crime against peace, a war crime or a crime against humanity as defined by the provisions of international conventions adopted for the purpose of prevention of such crimes;
- 2) a serious non-political crime committed outside the territory of the Republic of Serbia, before the Applicant's arrival to the territory of the Republic of Serbia;
- 3) acts contrary to the objectives and principles of the United Nations as set out in the Preamble, and in articles 1 and 2 of the Charter of the United Nations.

The right to refuge shall not be granted to the Applicant representing a threat to national security and public order of the Republic of Serbia.

The right to refuge shall not be granted to the Applicant who already has been granted stay in a country which, based on such stay acknowledges him/her the same rights and obligations as of the citizens of the same country.

The right to refuge shall not be granted to the Applicant enjoying the protection or receiving aid of an authority or agency of the United Nations, except from UNHCR.

In case the protection or aid referred to in paragraph 4 of this Article cease for any reason, on which the Applicant could not have had effect and his/her position is not finally resolved in line with the relevant resolutions adopted by the General Assembly of the United Nations, the right to asylum shall be granted to him/her.

Reasons for Denying Subsidiary Protection

Article 34

Subsidiary protection shall not be granted to the Applicant if there are serious reasons for considering that he/she has committed, incited or in some other way participated in committing:

- 1) a crime against peace, a war crime or a crime against humanity as defined by the provisions contained in international conventions adopted to prevent such crimes;
- 2) severe criminal acts;
- 3) acts contrary to the purposes and principles of the United Nations as set out in the Preamble, and in articles 1 and 2 of the Charter of the United Nations.

Subsidiary protection shall not be granted to the Applicant representing a threat to national security and public order of the Republic of Serbia.

The severe criminal act referred to in paragraph 1, item 2) of this Article shall be the criminal act, for which, in accordance with the legislation of the Republic of Serbia, imprisonment lasting for a period of five years or severe punishment may be imposed.

IV. ASYLUM PROCEDURE

Registration

Article 35

During border control upon entry into the Republic of Serbia or in the territory of the Republic of Serbia, a foreigner may, either orally or in written form, before an authorized officer of the Ministry, express the intention to file an application for asylum.

In exceptional circumstances, a foreigner may express his/her intention to file the application for asylum also at the Asylum Centre or in other facilities specified for the accommodation of asylum seekers as well as the reception centre for foreigners, under Article 51 of this Law.

A foreigner who has expressed the intention to file the application for asylum in accordance with paragraph 1 of this Article, having expressed such an intention, shall be registered and referred to the Asylum Centre or other facility specified for the accommodation of asylum seekers and shall be obligated to report there within 72 hours from the moment of issuance of the registration certificate.

When required or if some of the bases referred to in Article 77 has been fulfilled, as well as in other cases, due to security reasons, a foreigner whose intention to seek asylum has been registered, shall be taken to the asylum centre or other facility which has been allocated for the accommodation of the applicants.

For the purpose of registration, an authorized police officer shall photograph him/her and take his/her fingerprints.

To a minor, who is undoubtedly and unambiguously believed that he/she is younger than 14 years of age, shall not have his/her fingerprints taken.

An authorised police officer shall have the right to search a foreigner, whereby fully respecting his/her physical and psychological integrity and human dignity and search his/her personal belongings for the purpose of finding personal documents and documents required for establishing the identity.

The authorized officer shall have the right of temporary seizure of all identification papers and documents that may be relevant to the asylum procedure, whereby, if necessary, the foreigner shall be issued a certificate thereof.

A foreigner who possesses a passport, an identity card or some other identification document, a residence permit, a visa, a birth certificate, a travel ticket, or another document or

an official communication of relevance to the asylum procedure, shall be obliged to submit them during the registration.

A foreigner who deliberately obstructs, avoids, or fails to consent to the registration referred to in paragraph 5 of this Article shall be subject of the regulations governing the legal position of a foreigner.

An authorized police officer of the Ministry shall issue a certificate of completed registration of a foreigner who has expressed the intention to file an application for asylum (hereinafter referred to as: certificate of registration).

When receiving a foreigner to whom a certificate of registration has been issued, at the centre for asylum or other facility intended for the accommodation of asylum seekers, the Commissariat shall confirm the fact of reception in the certificate of registration.

If a foreigner, having been registered, fails to report to the asylum centre without justified reason or other facility intended for the accommodation of Applicants, within 72 hours, the regulations on the legal status of foreigners shall apply.

In case a foreigner, wilfully, without approval or justified reason leaves the centre for asylum, or other facility designated for the accommodation of the applicants, prior to the expiry of the legally set deadline for the filing of the application for asylum, the regulations on the legal status of foreigners shall be applied.

The registration manner and procedure, the layout and the content of the certificate of registration shall be more closely governed by the minister competent for internal affairs (hereinafter referred to as: the minister).

Initiating Asylum Procedure

Article 36

The asylum procedure shall be initiated by filing the application to an authorised officer of the Asylum Office on the prescribed form, within 15 days of the date of registration, at the latest.

If the authorised official of the Asylum Office does not enable the foreigner to whom a certificate has been issued, to file the application for asylum within the time-limits referred to in paragraph 1 of this Article, the asylum seeker may do so by filling in the application form, within 8 days of the date of expiry of the time-limit referred to in paragraph 1 of this Article.

The Procedure shall be deemed initiated upon the receipt of the application form by the Asylum Office.

The application for asylum shall be submitted personally, except in cases set forth by this Law. In case the application for asylum is submitted through another person, in line with the provisions of this Law, the Applicant must be personally present.

Before the applicant files the application for asylum, the acting competent authority shall be obliged to instruct the Applicant about his/her rights and obligations, in particularly the rights to residence, the right to a free interpreter during the procedure, legal aid, and the right of access to UNHCR.

The contents and the form of the application for asylum and other forms set forth by this Law, shall be prescribed by the Minister.

Hearing

Article 37

An authorised officer of the Asylum Office, who has undergone the necessary training, shall interview the Applicant, in the shortest period of time possible, on all of the facts and

circumstances of relevance for deciding on the Application filed, and particularly for establishing:

- 1) the identity of the person;
- 2) the grounds on which his/her asylum application is based;
- 3) the asylum seeker movements after leaving his/her country of origin or habitual residence, and
- 4) whether the asylum seeker has already sought asylum in another country.

An authorised officer of the Asylum Office may interview the Applicant several times in order to establish the factual situation.

During the interview, the Applicant shall fully cooperate with the authorised officer of the Asylum Office and give credible and persuasive explanations of the grounds on which his/her Application is based, present all the available evidence to support his/her Application, and reply truthfully to all questions asked.

The Applicant shall attend the interview personally, and shall participate in the interview, irrespective of whether he/she has a legal representative or attorney.

The interview with the Applicant shall be conducted even in the absence of his/her duly summoned attorney if the attorney has failed to justify his/her absence.

Family members of the asylum seeker shall be interviewed separately, unless when, as assessed by the officer conducting the hearing, it is necessary for the purpose of establishing relevant facts on which the application for asylum is based.

The interview with the asylum seeker shall be closed to the public.

Notwithstanding paragraph 7 of this Article, a UNHCR representative may be present during the interview, provided that the Applicant does not object to that.

An audio or audio-video recording of the interview may be made, provided that the Applicant has been informed about it.

The interview may be omitted if:

- 1) on the basis of the available evidence, a decision may be adopted upholding the application for asylum and granting the right to refuge;
- 2) the Applicant is unable to give a statement due to permanent circumstances that are outside of his/ her influence;
- 3) the admissibility of the Subsequent Application is being assessed in accordance with Article 46, paragraphs 2 and 3 of this Law.

If the interview has been omitted in accordance with paragraph 10, item 2, it shall be made possible to the Applicant or a member of his/her family to present evidence and/or give statements relevant to the decision on the Application for asylum.

In case the number of filed applications for asylum increases to such an extent that the authorized officers of the Asylum Officer are unable to interview every applicant in good time, the Government may, upon the request of the competent authority, issue a decision by means of which officers of other organizational units of the competent authority or other state authorities are temporarily engaged in the hearing process, who, prior to being engaged in the hearing process must undergo the necessary training.

Deciding on the Merits of the Application for Asylum

Article 38

The Asylum Office shall examine the merits of the application for asylum and render a decision:

1) upholding the Application and recognising the right to refuge if the applicant meets the conditions under Article 24 of this Law;

2) upholding the Application and granting subsidiary protection, if the applicant meets the conditions under Article 25 of this Law;

3) refusing the Application as unfounded if the Applicant fails to meet the conditions under articles 24 and 25 of this Law;

4) refusing the Application if the conditions for denial in accordance with Articles 33 and 34 of this Law exist;

5) refusing the Application as unfounded if the Applicant fails to meet the conditions under articles 24 and 25 of this Law, and if the circumstances under Article 40 of this Law exist.

In a decision referred to in paragraph 1, items 3) through 5), the Asylum Office shall specify the time limit for the foreigner who does not have any other grounds of residence in the Republic of Serbia to leave the country.

Time Limits

Article 39

The decision on the Application under regular procedure shall be rendered not later than three months from the date of the Application for asylum or admissible Subsequent Application.

The time limit may be extended for a further three months if:

1) the Application includes complex factual and/or legal issues;

2) a large number of foreigners have filed their Applications at the same time.

Notwithstanding paragraph 2 of this Article, the time limit may be extended for a further three months if it is necessary to ensure a proper and complete assessment of the Application.

If a decision cannot be rendered within the time limit referred to in paragraph 1 of this Article, the Applicant shall be informed thereof as well as of the time within which he/she may expect a decision to be rendered.

If it can be justifiably expected that no decision will be rendered on the Application on asylum within the time limits referred to in paragraphs 1 through 3 of this Article on account of the temporary unsafe situation in the country of origin of the Applicant, the authorised officers of the Asylum Office shall verify the situation in the country of origin every three months, and inform the Applicant in reasonable time about the reasons for the postponement of a decision.

In the case referred to in paragraph 5 of this Article, the decision shall be made not later than 12 months from the date of submission of the Application for asylum.

Accelerated Procedure

Article 40

The application for asylum shall be rendered under accelerated procedure, if it has been established that:

1) the Applicant has presented only the facts that are irrelevant for the assessment of the Application;

2) the Applicant has consciously misled the Asylum Office by presenting false information or by presenting forged documents, or by not providing relevant information or by concealing documents that could have had a negative effect on the decision;

3) the Applicant has intentionally destroyed or hidden documents that establish identity and/or nationality so as to provide false information about his/her identity and/or nationality;

4) the Applicant has presented obviously inconsistent, contradictory, false or unconvincing statements contrary to the verified information on the country of origin, rendering his/her Application non-credible;

5) the Applicant has filed the Subsequent Application that is admissible in accordance to Article 46, paragraphs 2 and 3 of this Law;

6) the Applicant has filed the Application for the clear purpose of postponing or preventing the enforcement of a decision that would result in his/her removal from the Republic of Serbia;

7) the applicant presents a serious threat to the national security or public order;

8) it is possible to apply the safe country of origin concept, in accordance with Article 44 of this Law;

The decision on the application for asylum under the accelerated procedure shall be rendered within 30 days from the date of submission of application for asylum, at the latest or the allowed subsequent application for asylum, along with the administration of the entire asylum procedure.

The Asylum Office shall be obliged to inform the Applicant that his/her application for asylum shall be decided on under the accelerated procedure.

The accelerated procedure cannot be administered on the application for asylum which has been submitted by an unaccompanied minor.

An appeal may be lodged against the decision of the Asylum Office, rendered under the accelerated procedure, to the Asylum Commission, within eight days from the date of serving the decision.

Acting on Border Crossing or in Transit Zone

Article 41

At a border crossing or in the transit zone of an airport or a port or inland water port, the entire procedure shall be conducted whereby respecting the fundamental principles specified under this Law, unless:

1) the Applicant is provided adequate accommodation and food;

2) the application for asylum, i.e. the subsequent application for asylum can be rejected as unfounded in line with Article 38, paragraph 1, item 5) of this Law;

3) the application for asylum, i.e. the subsequent application can be dismissed in line with Article 42, of this Law.

The representatives of the organisations providing legal aid to asylum seekers and persons who have been granted asylum shall have effective access to border crossings, or transit zones in airports or inland water ports, in accordance with the regulations on the protection of national borders.

An attorney or a representative of an organisation providing legal aid to asylum seekers and persons who have been granted right to asylum, apart from UNHCR, may have access to the Applicant temporarily restricted, when that is necessary for the protection of the national security or public order of the Republic of Serbia.

The asylum procedure on the application of an unaccompanied minor may not be administered at border crossings or in transit zones.

The Asylum Office shall render a decision on the Application referred to in paragraph 1 not later than 28 days from the date the Application is filed.

In case the Asylum Office fails to render the decision within the time limit referred to in paragraph 5 of this Article, the Applicant shall be enabled entrance into the Republic of Serbia, for the purpose of administration of procedure on the lodged application for asylum.

An appeal against the decision referred to in paragraph 5 of this Article can be brought before the Asylum Commission within five days from the date the decision is served.

Dismissal of Application or Subsequent Application

Article 42

A decision on dismissal of the Application shall be rendered, without examining its merits, if:

- 1) it is possible to apply the first country of asylum concept in accordance with Article 43 of this Law;
- 2) it is possible to apply the safe third country concept in accordance with Article 45;

The provisions from paragraph 1, item 1) of this Article shall be applied under the condition that the Applicant shall be readmitted in the first country of asylum.

The Asylum Office shall render a decision dismissing the Subsequent Application if it assesses that it is inadmissible in accordance with Article 46, paragraphs 2 and 3 of this Law.

An appeal against the decision on the dismissal of the Application or the Subsequent Application can be brought before the Asylum Commission within eight days from the date the decision is served.

First Country of Asylum

Article 43

A country shall be deemed a first country of asylum:

- 1) in which the applicant has been recognised refugee status, and if he/she is still able to avail himself/ herself of that protection or
- 2) in which the applicant enjoys effective protection, including the guarantees arising from the non-refoulement principle;

The applicant shall be allowed to challenge the application of the first country of asylum concept in terms of his/her particular circumstances.

Safe Country of Origin

Article 44

A country shall be considered a safe country of origin where, on the basis of the legal situation, the application of the regulations and the general political circumstances, it is established that there are no acts of persecution referred to in Article 24 of this Law or risk of suffering serious injustice within the meaning of Article 25, paragraph 2 of this Law, which shall be established on the basis of information on:

- 1) the relevant laws and regulations of the country, and the manner in which they are applied;
- 2) observance of the rights and freedoms guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms, particularly Article 15, paragraph 2, the International Covenant for Civil and Political Rights, and the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

- 3) abidance by the non-refoulement principle;
- 4) application of effective legal remedies.

The information referred to in paragraph 1 of this Article shall be collected from various relevant sources, particularly from EASO, UNHCR, the Council of Europe, and other relevant international organisations.

The Government shall determine a list of safe countries of origin, at the proposal of the ministry competent for foreign affairs, and shall revise it, as needed, taking into account the provisions of paragraph 1 of this Article.

The Ministry of Foreign Affairs shall draft the Proposal of the list of safe countries or origin taking into account the opinions of competent authorities set forth by this Law.

The eligibility for the application of the safe country of origin concept shall be established individually for each Application that is lodged.

A country specified in the List of safe countries of origin may be considered a safe country of origin in a specific case only if:

- 1) the Applicant holds the nationality of that country, or had his/her habitual residence in that country if he/she is a stateless person;
- 2) the Applicant has not explained in a credible manner why that country of origin cannot be considered to be a safe country of origin in his/her case.

The applicant shall be informed in good time of the application of the safe third country of origin concept, so that he/she is able to challenge this in relation to paragraphs 5 of this Article, in the light of his/her personal circumstances.

Safe Third Country

Article 45

A safe third country shall be a country where the applicant is safe from persecution referred to in Article 24 of this Law, or the risk of suffering serious injustice as referred to in Article 25, paragraph 2 of this Law, where he/she enjoys the guarantees prescribed by the non-refoulement principle, and where he/she has a possibility to access an efficient procedure for granting and enjoying protection in accordance with the 1951 Convention on the Status of Refugees (hereinafter: the 1951 Convention.)

When determining the conditions for the application of the safe third country concept, each application shall be assessed individually, examining whether a country meets the conditions specified in paragraph 1 of this Article, and whether there exists a connection between that country and the Applicant on the basis of which it could be reasonably expected that he/she could seek asylum in that country.

The Applicant shall be informed in good time of the application of the safe third country concept, so that he/she is able to challenge this in relation to paras. 1 and 2 of this Article, in view of his/her personal circumstances.

The Asylum Office shall issue the Applicant, whose Application has been dismissed in accordance with Article 42, paragraph 1, item 2 of this Law, a certificate informing the competent state authorities of that country that his/her Application has not been examined in merits in the Republic of Serbia.

If the safe third country refuses to accept the foreigner, the merits of his/her Application for asylum shall be decided on in accordance with the provisions of this Law.

Subsequent Application

Article 46

An applicant may file the Subsequent Application if he/she provides evidence that the circumstances relevant for recognising the right to asylum have substantially changed or evidence which, for justified reasons, he/she has failed to present in the previous procedure, after the effectiveness of the decision whereby:

- 1) the Application was dismissed in accordance with Article 38, items 3) through 5) of this Law;
- 2) the procedure was discontinued in accordance with Article 47, paragraph 2, item 1 of this Law.

The Subsequent Application shall be comprehensible and shall contain the relevant facts and evidence that arose after the effectiveness of the decision, or facts and evidence which the Applicant for justified reasons did not present during the previous procedure, which refer to establishing the eligibility for granting asylum.

The admissibility of the Subsequent Application shall be assessed on the basis of new facts and evidence, and in connection with the facts and evidence already presented in the previous procedure.

If it has been established that the Subsequent Application is admissible, the competent authority shall revoke the prior decision and again decide on the merits of the application.

The Subsequent Application shall be dismissed if it has been established that it is inadmissible in accordance with paragraphs 2 and 3 of this Article.

The Asylum Office shall decide on the Subsequent Application for asylum, within 15 days at the latest, from the date of its submission.

Suspension of the Procedure and *Restitutio in Integrum*

Article 47

The procedure for deciding on the Application shall be discontinued if the Applicant withdraws the Application.

It shall be considered that the Applicant has withdrawn his/her application if:

- 1) he/she withdraws his/her Application in a written statement;
- 2) he/she, despite having received a duly served summons, fails to appear for the interview or declines to make a statement, without providing a valid reason for doing so;
- 3) he/she fails to notify the Asylum Office of the change of address within three days of the said change, or if he/she in other way prevents the service of a summons or another written official communication in some other way, failing to justify the reasons for doing so;
- 4) he/she leaves the Republic of Serbia without the Asylum Office being aware of it, and fails to present justified reasons.

The decision to discontinue the procedure shall indicate a time limit for a foreigner who has no other grounds for residing in the Republic of Serbia to leave the territory of the Republic of Serbia, and if he/she fails to do so, he/she shall be forcibly removed, in accordance with the law governing the legal status of foreigners.

The Applicant may submit a proposal for *restitutio in integrum* in line with the law governing the general administration procedure, when the decision on suspension of procedure was rendered for reasons specified in paragraph 2 items 2), 3) and 4) of this Article.

A decision on the proposal for *restitutio in integrum* shall be rendered by the Asylum Office.

V. EXERCISE OF APPLICANTS' RIGHTS AND OBLIGATIONS

Applicants' Rights

Article 48

The Applicant shall be entitled to:

- 1) residence and freedom of movement in the Republic of Serbia;
- 2) material reception conditions;
- 3) social assistance;
- 4) health care;
- 5) primary and secondary education;
- 6) information and legal aid;
- 7) freedom of religion;
- 8) labour market access;
- 9) documents in accordance with Articles 90 and 91 of this Law.

Residence and Freedom of Movement in the Republic of Serbia

Article 49

Upon reception to the Asylum Centre or other facilities specified for the accommodation of asylum seekers, the Applicant shall have the right to reside in the Republic of Serbia, and during that time, he/she shall be allowed to move freely throughout the country, unless there exist reasons for the restriction of movement specified under Article 77 of this Law.

Material Reception Conditions

Article 50

The material reception conditions shall include: accommodation, food, clothing and financial assets for personal needs.

The amount of the financial assets for personal needs, referred to in paragraph 1 of this Article shall be equal to the amount of assets realized by adult beneficiaries of the rights in social protection without income, accommodated at the institution of social protection, in line with the regulations governing the area of social protection. The financial assets shall be allocated for four family members of the applicant's household, at the most, including the Applicant.

When accommodating a foreigner who is registered to have expressed the intention to seek asylum and an Applicant, due attention shall be given in particular to his/her

gender, age, whether he/she holds a position of a person who requires special procedural and/or reception guarantees, as well as the family unity.

Material conditions of reception may be reduced or terminated, if the Applicant has his/her own funds or if he/she starts realizing income based on the work which is sufficient to cover the material conditions of reception, as well as by means of misuse of the allocated aid, referred to in paragraph 1 of this Article, to obtain benefit.

The Commissariat shall render a decision on reduction or termination of material conditions of reception.

The Applicant may file an appeal to the Asylum Commission, against the decision referred to in paragraph 5 of this Article.

The appeal shall not have a suspensive effect on the decision, if the decision on reduction or termination of allowance has been rendered.

If an applicant possesses his/her own financial assets, he/she may reside outside the accommodation capacities of the Commissariat at his/her own cost, and exclusively with a prior permission granted by the Asylum Office, which shall be granted at the request of the person after he/she has lodged the application. Exceptionally, it may be granted even earlier if reasons of the foreigner's safety, who has been registered to have expressed the intention to seek asylum, require so.

The regulations on conditions that ensure material conditions of reception, the procedures for their reduction or termination and other issues related to the reduction or termination of the material conditions of reception and regulations on the house rules at the Asylum Centre and other facilities intended for the accommodation of applicants, as well as the regulations on the manner of disbursement of funds for personal needs, shall be rendered by the head of the Commissariat.

The material conditions of accommodation may be provided in the Asylum centre or other facility which has been set for such purposes (hotel, resort or other suitable facility).

Asylum Centre and Other Facilities for Accommodation of Asylum Seekers

Article 51

Pending the adoption of the final decision on their asylum application, the applicants shall be provided with the material reception conditions at the Asylum Centre or other facility intended for accommodation of applicants.

The Government shall by means of a decision establish one or more asylum centres.

The Government shall by means of a decision, designate one or more facilities intended for the accommodation of applicants.

The operation of the Asylum Centre or other facility intended for the accommodation of the applicants, shall be managed by the head of the Commissariat who shall pass its act regulating the internal organisation and job classification at the Asylum Centre or other facility intended for the accommodation of applicants.

Funds necessary for operation of asylum centres and other facilities intended for accommodation of applicants shall be allocated from the Republic of Serbia.

Article 52

At the Asylum Centre or other facility intended for the accommodation of applicants, material conditions of reception shall be provided for an unaccompanied minor, pending the final decision on application for asylum.

Exceptionally, to an unaccompanied minor who has filed an asylum application, pending the final decision on his/her Application, the Commissariat shall, based on the decision of the social welfare centre, provide accommodation in a social protection institution or other provider of accommodation or in foster care, if the necessary conditions for his/her accommodation cannot be provided at the Asylum Centre or other facility specified for the accommodation of applicant.

Exceptionally, persons with a particular psychological or physical condition, who need special procedural or reception guarantees and to whom the required conditions for his/her accommodation cannot be provided at the asylum centre or other facility intended for accommodation of applicant, the Commissariat shall, based on the decision of the social

welfare centre, provide accommodation at the social protection institution, or with other provider of accommodation or in foster care.

The social welfare centre shall be obliged, prior to rendering the decision in paras. 2 and 3 of this Article, to administer the procedure in line with the law, as well as to acquire the approval of the Commissariat for payment of the accommodation costs.

The funds for the accommodation of the applicant referred to in paras. 2 and 3 of this Article at the social protection institutions, with other provider of accommodation or in foster care, shall be allocated from the budget of the Republic of Serbia, from the funds intended for the provision of accommodation of the applicants.

Social Assistance

Article 53

Unless he/she is accommodated in the accommodation capacities of the Commissariat and social protection institutions, other provider of accommodation or in foster care, the applicant shall have the right to social assistance.

The minister competent for social policy shall more closely define the issues of social assistance to applicants.

Healthcare Protection

Article 54

Upon the admission to the Asylum Centre or other facilities specified for accommodation, all applicants shall undergo a medical examination, and the conduct of the medical examinations shall be more closely defined by the minister competent for health affairs.

The Applicant shall have the right to healthcare protection, in accordance with the regulations governing healthcare protection of foreigners.

In enabling the exercise of the right to healthcare protection by applicants, appropriate healthcare protection shall be provided as a priority to a severely ill applicant, the applicant who is a victim of torture, rape or other serious forms of psychological, physical or sexual violence, and the applicants with mental disabilities.

Education

Article 55

The applicant shall be entitled to free elementary and secondary education, in line with the special regulations.

Access to education referred to in paragraph 1 of this Article, shall be immediately provided for a minor applicant, and within three months at the latest, from the date when he/she submitted the application for asylum.

Information and Legal Aid

Article 56

A foreigner who has expressed the intention to seek asylum in the Republic of Serbia, as well as an applicant, shall be entitled to be informed of his/her rights and obligations throughout the entire asylum procedure.

The applicant shall be entitled to be informed of his/her rights and obligations which refer to the material conditions of reception, and within 15 days at the latest from the date when he/she has filed the application for asylum.

The applicant shall be entitled to be informed of the citizens associations or other organizations which provide aid and information to applicants.

A foreigner who has expressed the intention to seek asylum in the Republic of Serbia, as well as the applicant, may use free legal aid and representation before competent authorities, from associations whose objectives and activities are directed at the provision of legal aid to applicants and persons who have been granted the right to asylum, as well as free legal aid of UNHCR.

Labour Market Access for Applicants

Article 57

The applicant shall have right to access the labour market in line with the regulations governing the area of employment of foreigners.

Special Obligations of the Applicant

Article 58

The applicant's obligations shall be:

1) to abide by the measures of restriction of movement referred to in Article 78 of this Law, if such have been set;

2) to inform the Asylum Office in writing, of each and every change of the previously granted address, within three days from the date of such change;

3) to abide by the house rules if accommodated in the asylum centre or other facility for the accommodation of applicants;

4) to respond to summons and cooperate with the Asylum Office and other competent authorities at all the stages of the asylum procedure;

5) to hand over to an authorised officer his/her identification papers, travel document, and other documents that may be of relevance for his/her identification;

6) to cooperate with the authorised staff during the registration;

7) to cooperate with the authorised staff during the medical examination;

8) to stay in the territory of the Republic of Serbia pending the completion of the asylum procedure.

9) to leave the Asylum Centre or other facilities specified for accommodation upon the effectiveness of the decision on his/her Application.

In the case of non-compliance with the obligations referred to in paragraph 1, items 3), 7), and 9) of this Article, the authorised officer of the Asylum Centre or other facilities specified for accommodation shall inform the Asylum Office, which shall undertake the measures referred to in Article 78 of this Law.

VI. EXERCISING RIGHTS AND OBLIGATIONS OF PERSONS GRANTED THE RIGHT TO ASYLUM

Rights and Obligations of Persons Granted the Right to Asylum

Article 59

A person who has been granted the right to refuge and subsidiary protection shall have the right to:

- 1) residence;
- 2) accommodation;
- 3) freedom of movement;
- 4) healthcare protection;
- 5) education;
- 6) access to labour market;
- 7) legal aid;
- 8) social assistance;
- 9) ownership;
- 10) freedom of religion;
- 11) family reunification;
- 12) documents in line with Article 87 of this Law;
- 13) integration assistance.

A person who has been granted the right to asylum shall be obliged to abide by the Constitution, laws, other regulations and by-laws of the Republic of Serbia.

A person who has been granted the right to asylum shall be obliged to attend classes of Serbian language and script in the Republic of Serbia.

In case the person referred to in paragraph 3 of this Article, for no justified reason, fails to report to the Commissariat for Refugees and Migrations, to attend the classes of Serbian language and script, within 15 days from the date of finality of the decision, based on which his/her right to asylum has been granted or ceases to attend them, shall be deprived of the right to financial support for temporary accommodation, as well as the right to one-off financial support, which shall be allocated from the budget of the Republic of Serbia.

A family member of the person to whom the right to asylum has been granted, shall, under the same conditions, enjoy all of the rights and obligations referred to in paras. 1 and 2 of this Article, except for the right to family unification referred to in item 11), paragraph 1 of this Article.

The Asylum Office shall inform the person to whom the right to asylum has been granted, in the language the person understands, in the shortest period of time possible, upon the granting of the right to asylum, on the rights and obligations relating to such status.

Right to Residence

Article 60

The right to residence in the Republic of Serbia shall be approved under a decision granting right to refuge, i.e. granting subsidiary protection, and shall be proved by an identity card for persons who have been granted right to asylum.

The right to residence in the Republic of Serbia shall be enjoyed by the family members of the person to whom the right to asylum has been granted, in line with the provisions of this Law.

Right to Accommodation

Article 61

A person who has been granted asylum shall be provided with an accommodation commensurately with the capacities of the Republic of Serbia, and not longer than within one year from the adoption of the final decision granting him/her the right to asylum, provided that he/she does not have any financial assets in compliance with a special provision regulating the accommodation of persons granted asylum.

For the purposes of paragraph 1 of this Article, accommodation shall mean the provision of a habitable space for temporary use, or the provision of financial assistance necessary for temporary accommodation.

Freedom of Movement

Article 62

The person to whom the right to asylum has been granted shall be entitled to move freely on the territory of the Republic of Serbia, as well as outside the territory of the Republic of Serbia, in line with the provisions of this Law.

Right to Healthcare Protection

Article 63

A person who has been granted the right to asylum shall be entitled to healthcare protection, in line with the regulations governing the healthcare protection of foreigners.

The costs of healthcare protection of the person referred to in paragraph 1 of this Article shall be borne by the budget of the Republic of Serbia.

Right to Education

Article 64

The person who has been granted the right to asylum shall be entitled to pre-school, elementary, secondary and higher education under the same conditions as the citizens of the Republic of Serbia, in line with the regulations governing the area of education.

Right to Access the Labour Market

Article 65

The person who has been granted the right to asylum shall be entitled to access the labour market.

The conditions for exercising the rights referred to in paragraph 1 of this Article shall be more closely governed by the law governing the employment of foreigners.

Right to Legal Aid

Article 66

The person who has been granted the right to asylum shall have equal rights as the citizens of the Republic of Serbia in terms of the rights of free access to courts, legal aid, exemption from paying court and other costs before state authorities.

Right to Social Assistance

Article 67

A person who has been granted the right to asylum shall be entitled to social assistance.

The minister competent for social policy shall more closely govern the issues of social assistance to the persons who have been granted the right to asylum.

Right of Ownership

Article 68

A person who has been granted the right to asylum shall be entitled to movable and immovable property under the same conditions as the permanently residing foreigner in the Republic of Serbia, and in terms of the right to protection of intellectual property – as the citizen of the Republic of Serbia.

Freedom of Religion

Article 69

The person who has been granted the right to asylum shall be entitled to life and upbringing of children in line with his/her religious beliefs.

Right to Family Reunification

Article 70

A person who has been granted the right to asylum shall be entitled to reunification with his/her family members.

A minor child born in and out of wedlock, a minor adopted child or minor step-child of a person who has been granted the right to asylum, and who has not founded his/her own family, shall have the same legal status as his/her parent who has been granted asylum, as decided by the Asylum Office.

The family members of a person who has been granted asylum who are not referred to in paragraph 2 of this Article shall regulate their residence in accordance with the regulations governing the legal status of foreigners.

A family member for whom there exist grounds to be excluded from the right to refuge shall not have the right to family reunification.

Integration Assistance

Article 71

The Republic of Serbia shall, within its capacities, ensure conditions for inclusion of persons who have been granted the right to asylum, into the social, cultural and economic life, and enable the neutralization of refugees.

The conditions, the manner, the procedure and other issues relevant for inclusion of persons who have been granted the right to asylum, into the social, cultural and economic life in the Republic of Serbia, as well as their neutralization, shall be governed by the Government, and at the proposal of the Commissariat.

Exemption from Reciprocity

Article 72

After residing in the Republic of Serbia for three years from the date of the recognition of the right to refuge, a person shall be exempt from any possible reciprocity measures in respect of the rights that are due to him/her according to the law.

Special Rights of Unaccompanied Minor

Article 73

An unaccompanied minor who has been granted asylum shall have a guardian or a legal representative appointed as soon as possible by the guardianship authority.

The person referred to in paragraph 1 of this Article shall be accommodated primarily together with his/ her adult relatives or with persons with whom he/she has particularly close bonds.

An unaccompanied minor who has been granted asylum may be placed in a foster family or a social protection institution under the conditions and in the procedure specified under Article 52 of this Law.

When deciding on the accommodation for an unaccompanied minor, whenever it is possible, brothers and sisters shall be accommodated together, in accordance with their best interest, taking into account their age and degree of maturity.

Whenever it is necessary, the competent authorities shall initiate the search for the family members of an unaccompanied minor, protecting the best interests of the minor, and in the cases where the life or integrity of the minor or his/her close relatives may be threatened, particularly if they remained in the country of origin, it shall be ensured that the collection, processing, and exchange of information is in accordance with the principle of confidentiality.

VII. TEMPORARY PROTECTION

Temporary Protection

Article 74

Temporary protection shall mean a form of protection that is provided in the extraordinary procedure, in the case of a mass influx of displaced persons that cannot be returned to the country of origin or habitual residence, if there is a risk that, due to the mass influx, it will not be possible to carry out effectively each individual asylum procedures, in order to protect the interests of displaced persons and other persons seeking protection.

A decision on the provision of temporary protection shall be taken by the Government.

The displaced persons referred to in paragraph 1 of this Article shall be understood to mean foreigners who were forced to leave the area or country of their origin or habitual residence, i.e. who were evacuated, and who are unable to return to durable and safe living conditions due to the situation that is prevalent in that country, in particular:

- 1) persons who have left the area of armed conflict or localised violence;
- 2) persons who face a serious threat of mass violations of human rights or who have been victims of such violations.

Temporary protection may be granted also to persons who were residing lawfully in the Republic of Serbia at the time of the adoption of the decision referred to in paragraph 1 of this Article, whose right of residence had expired before the decision on temporary protection was revoked.

In accordance with the decision referred to in paragraph 2 of this Article, persons who have been granted temporary protection shall be registered in accordance with this Law, and a decision granting temporary protection shall be rendered for each person individually.

Duration and Termination of Temporary Protection

Article 75

Temporary protection may be granted for a period of maximum one year.

If the grounds for providing temporary protection continue to apply, duration of temporary protection may be extended for additional six months, and for a maximum of one year.

Temporary protection shall cease upon the expiry of the period for which it was granted, or when the grounds based on which it was granted have ceased to exist, as decided by the Government.

Notwithstanding paragraph 3 of this Article, temporary protection may cease to apply to a person on the basis of a decision of the Asylum Office, if it has been established that in his/her case there are grounds for denying the right to refuge.

Rights and Obligations of Persons Granted Temporary Protection

Article 76

A person who has been granted temporary protection shall be entitled to:

- 1) residence for the period of duration of temporary protection;
- 2) document confirming his/her status and right to residence;
- 3) healthcare protection, in line with the regulations governing healthcare protection of foreigners;
- 4) access to labour market for the period of duration of temporary protection, in line with the regulations governing the employment of foreigners;
- 5) free elementary and secondary education in state schools, in line with the special regulations;
- 6) legal aid under the conditions set forth for the Applicant;
- 7) freedom of religion under the same conditions as the citizens of the Republic of Serbia;
- 8) collective accommodation in facilities set forth for such purposes;
- 9) Appropriate accommodation in case of a person who needs special reception guarantees, in line with Article 17 of this Law.

A person granted temporary protection shall be entitled to file the application for asylum.

A competent authority may, in justified cases, allow for family reunification in the Republic of Serbia, and grant temporary protection also to family members of persons who have been granted temporary protection.

A person who has been granted temporary protection shall be obliged to abide by the Constitution, the laws, and other regulations and general acts of the Republic of Serbia.

The decision on accommodation of persons who have been granted temporary protection shall be rendered by the Government, at the proposal of the Commissariat.

VIII. RESTRICTION OF MOVEMENT

Reasons for Restriction of Movement

Article 77

Applicants may have their movement restricted by a decision of the Asylum Office, when that is necessary in order to:

- 1) establish identity or nationality;
- 2) establish material facts, evidence and circumstances underlying the asylum application, which cannot be established without the restriction of movement, particularly if there is a risk of absconding;
- 3) ensure the presence of the Applicant in the course of the asylum procedure, if there are reasonable grounds to believe that the asylum application was filed with a view to avoiding deportation;
- 4) protect national security of the Republic of Serbia and public order in accordance with the law.
- 5) decide, within the procedure, on the right of the applicant to enter the territory of the Republic of Serbia;

The movement of the Applicant and the foreigner whose intention to seek asylum has been registered can be restricted by means of the decision of the Asylum Office in case of non-compliance with the obligations specified in Article 58, paragraph 1 items 3) and 7) of this Law.

The risk of absconding shall be assessed on the basis of all the facts, evidence and circumstances in a particular case, particularly taking into account all previous arbitrary attempts of leaving wilfully the Republic of Serbia, failures to consent to the identity checks or identity establishment procedures, concealing information or providing false information about one's identity and/or nationality.

Measures of Restriction of Movement

Article 78

Restriction of movement shall be implemented by:

- 1) imposing a ban on leaving the Asylum Centre, a particular address i.e. a designated area;
- 2) regular reporting at specified times to the regional police department, i.e. police station, by place of residence;
- 3) ordering accommodation at the Reception Centre for Foreigners, educational in line with the law governing the accommodation of foreigners, under intensified police supervision;
- 4) ordering accommodation in a social protection institution for minors under intensified supervision;
- 5) temporary confiscation of a travel document.

The measure referred to in paragraph 1, item 3) of this Article may be imposed if it has been established based on an individual assessment that other measures could not achieve the effect of the restriction of movement.

The restriction of movement shall last for as long as the grounds referred to in Article 77 of this Law apply, and maximum for three months.

Exceptionally, when the restriction of movement has been imposed on the grounds referred to in Article 77, paragraph 1, items 2) through 4) of this Law, the restriction of movement may be extended for a further three months.

An appeal can be lodged to the competent higher court, within eight days from the date of serving the decision, against the decision on restriction of movement.

An appeal shall not have a suspensive effect on the decision.

Non-compliance with Restriction of Movement

Article 79

An Applicant who has violated the restriction referred to in Article 78, paragraph 1, items 1) and 2) of this Law can be ordered stay at the reception centre for foreigners.

Restriction of Movement to Persons who Require Special Procedural and Reception Guarantees

Article 80

The person referred to in Article 17 of this Law may be ordered accommodation at the reception centre for foreigners, only if, by means of individual assessment it has been determined that such accommodation suits his/her personal circumstances and needs, and in particular his/her health state.

An unaccompanied minor may be ordered stay at the social protection institution, for minors, under intensified surveillance, in case alternative measures cannot be effectively applied.

IX. TERMINATION OF ASYLUM AND REMOVAL OF FOREIGNERS

Termination of the Right to Refuge

Article 81

The right to refuge shall terminate for the following reasons:

- 1) if a person again enjoys the protection of the country of origin and avails himself/herself of such protection;
- 2) if a person has re-acquired the nationality that he/she had previously lost;
- 3) if a person has acquired a new nationality, and thus enjoys the protection of the new country;
- 4) if a person voluntarily returned to the country he/she had left or outside which he/she had remained owing to the fear of persecution or abuse;
- 5) if a person can no longer continue to refuse to avail him/herself of the protection of his/her country of origin, as the circumstances that had led to his/her being granted protection have ceased to exist;

6) if a stateless person can be returned to the country of his/her habitual residence, as the circumstances that had led to his/her being granted protection have ceased to exist.

When considering the grounds referred to in paragraph 1, items 5) and 6) of this Article, it shall be taken into account whether the change of circumstances is substantial and durable so that the fear of persecution can no longer be considered well-founded.

The termination of protection in accordance with the provisions of paragraph 1, items 5) and 6) of this Article shall not apply to a person who refuses to avail himself/herself of the protection of his/her country of origin, i.e. the country in which he/she had habitual residence, if he/she can invoke compelling reasons relating to possible persecution or harassment.

Before taking a decision on the termination of the right to refuge, the Asylum Office shall inform the person on the reasons for the termination and provide him/her with a possibility to state the facts relevant for the termination of the protection.

Termination of Subsidiary Protection

Article 82

Subsidiary protection shall cease when the circumstances which led to the granting thereof have ceased to exist or have changed to such a degree that the protection is no longer required, i.e. the person no longer faces a risk of serious injustice.

The termination of subsidiary protection in accordance with paragraph 1 shall not apply to a person who refuses to avail himself/herself of the protection of his/her country of origin, i.e. the country of former habitual residence if he/she is a stateless person, as he/she can invoke compelling reasons arising out of previous serious injustice.

Before taking a decision on the termination of the right to subsidiary protection, the Asylum Office shall inform the person on the reasons for the termination thereof and provide him/her with a possibility to state the facts relevant for the termination of the protection.

Revocation of Decisions on Upholding the Application for Asylum

Article 83

The Asylum Office shall *ex officio* revoke a decision upholding the Application for asylum, if it has been established that the reasons referred to in Articles 81 and 82 of this Law exist.

Revocation of the Right to Asylum by Cancelling the Decision on Upholding the Application for Asylum

Article 84

The Asylum Office shall *ex officio* cancel a decision upholding the Application if:

1) if it has been subsequently established that the decision upholding the Application for asylum was rendered on the basis of falsely presented facts or concealment of facts by the Applicant and that, due to the above, at the time of the submission of the Application, he/she was not eligible to be granted asylum;

2) if it has been subsequently established that there exist grounds which would have excluded the Applicant, in accordance with the law, from the right to refuge, or subsidiary protection, had they been known at the time he/she has filed the application for asylum;

3) if a person who has been granted the right to asylum represents a threat to national security and public order of the Republic of Serbia.

Voluntary Return

Article 85

At the request of the person referred to in Article 23, paragraph 3 of this Law, the Commissariat shall undertake the appropriate measures so as to enable such person to voluntarily return to the country of origin, whereby human dignity shall be taken into account.

In case referred to in paragraph 1 of this Article, the Commissariat shall consider the relevant reports on the state in the person's country of origin, introduce the person to the state and enable him/her to reach his/her decision on return having been fully familiarized with the facts.

The person referred to in paragraph 1 of this Article, until the date of return to the country of origin, shall be entitled to:

- 1) residence and freedom of movement in the Republic of Serbia;
- 2) accommodation, food, clothing and footwear;
- 3) healthcare protection;
- 4) pre-school, elementary and secondary education;
- 5) information and legal aid;
- 6) freedom of religion.

The program of support to voluntary return shall be rendered by the Government at the proposal of the Commissariat.

Removal of Foreigners

Article 86

A foreigner whose Application for asylum has been refused or dismissed under a decision of the competent authority, or whose procedure has been discontinued, as well as the foreigner who has been issued the decision referred to in Article 75, paras. 3 and 4 and Articles 83 and 84 of this Law, and who does not have any other grounds for residing in the country, shall be obliged leave the Republic of Serbia within the time limit specified in that decision.

The time limit during which the foreigner shall be obliged to leave the Republic of Serbia cannot be shorter than seven or longer than 30 days from the date of effectiveness of the decision referred to in paragraphs 1 of this Article.

If the foreigner fails to leave the Republic of Serbia voluntarily within the specified time limit, he/she shall be forcibly removed in accordance with the provisions of the law governing the legal status of foreigners.

Until the removal from the Republic of Serbia, the foreigner referred to in paragraph 3 of this Article can be accommodated in the reception centre for foreigners.

X. DOCUMENTS

Types of Documents

Article 87

The Ministry shall, to the person registered in the records of the Ministry, the person who has filed the application for asylum and the person who has been granted the right to asylum, issue the following documents:

- 1) certificate of registration of the person who has expressed the intention of filing the application for asylum;
- 2) identification card of the asylum seeker;
- 3) identification card of the person who has been granted the right to refuge;
- 4) identification card of the person who has been granted subsidiary protection;
- 5) identification card of the person who has been granted temporary protection;
- 6) travel document for refugees.

A person who has been issued the document referred to in paragraph 1 of this Article shall be obliged to carry the said document with him/herself and present it at the request of an authorized officer.

The contents and the layout of the form of the documents referred to in paragraph 1 of this Article shall be prescribed by the Minister.

Certificate of Registration

Article 88

Certificate of registration of a person who has expressed the intention of filing the application for asylum shall be issued on a prescribed form and cannot serve as the identification document.

Identification Card for the Asylum Seeker

Article 89

Within three days from the date when the Applicant has filed the application for asylum, the Asylum Office shall issue to the Applicant an identity card in a prescribed form, which shall serve also as an identification document and a permit of residence in the Republic of Serbia, pending the completion of the asylum procedure.

The identity card referred to in paragraph 1 of this Article shall be issued to a family member as well, who is with the Applicant, and who has filed the Application.

The identity card referred to in paragraph 1 of this Article shall be issued to a person older than 16 years of age, and at the request of the parent, i.e. guardian and the person older than 10 years of age.

Identity Card for a Person Granted the Right to Asylum or Temporary Protection

Article 90

The Asylum Office shall issue the identity card on a prescribed form, to a person granted the right to asylum or temporary protection, in the Republic of Serbia.

The request for the issuance of the identity card referred to in paragraph 1 of this Article shall be filed by the person older than 16 years of age, and for a person younger than 16 years of age, the request shall be filed by the parent, i.e. guardian.

The person granted the right to refuge shall be issued the identity card with a validity period of five years, and the person granted subsidiary protection shall be issued an identity card with a validity period of one year, and a person granted temporary protection, an identity card shall be issued with a validity period equal to the time limit for which he/she has been granted temporary protection.

Travel Document for Refugees

Article 91

At the request of the person granted the right to refuge in the Republic of Serbia, the Asylum Office shall issue, on a prescribed form, the travel document for refugees, valid for a period of five years.

For a person younger than 16 years of age, the request shall be filed by the parent, i.e. guardian.

In exceptional cases of humanitarian nature, the travel document referred to in paragraph 1 of this Article may be issued to persons granted subsidiary protection as well, and to those who do not hold a national travel document, with a validity period of one year.

Restitution of Document

Article 92

The document referred to in Article 87, paragraph 1, items 2) through 6) of this Law, shall be restituted to the Asylum Office, once the procedure is complete, the status revoked or in case of replacement of the document due to its outdatedness or damage.

Invalid Identity Card

Article 93

The competent authority shall, by means of a decision, declare invalid a missing identity card referred to in Article 87, paragraph 1, items 3) through 5) of this Law.

An appeal shall not be allowed against the decision referred to in paragraph 1 of this Article.

An identity card declared invalid shall be announced in the Službeni glasnik of the Republic of Serbia at the cost of the person whose identity card is declared invalid.

The competent authority shall issue a new identity card upon rendering a decision on declaration of invalidity of the identity card and submission of the decision to the Službeni glasnik of the Republic of Serbia.

Invalid Travel Document

Article 94

A competent authority in charge of issuing a travel document, shall, by means of a decision, declare invalid a missing travel document referred to in Article 87, paragraph 1, item 6).

An appeal shall not be allowed against the decision referred to in paragraph 1 of this Article.

A travel document declared invalid shall be announced in the Službeni glasnik of the Republic of Serbia at the cost of the person whose travel document is declared invalid.

The competent authority shall issue a travel document upon rendering a decision on declaration of invalidity of the travel document and submission of the decision to the Službeni glasnik of the Republic of Serbia.

XI. PROTECTION OF RIGHTS

Right to Appeal

Article 95

An appeal may be lodged against the first-instance decisions rendered in the asylum procedure, within 15 days from the date of reception of the first-instance decision, unless otherwise provided by this Law.

The appeal shall not have a suspensive effect on the enforcement of the decision.

Judicial Protection

Article 96

An administrative dispute may be initiated against the final decisions rendered within the asylum procedure.

The appeal shall not have a suspensive effect on the enforcement of the decision.

XII. RECORDS

Article 97

All issues referring to processing of personal data and records kept by the Ministry, as well as issues referring to the contents of such records, updating and deletion, time limits for keeping and measures of protection of the data, shall be subject to the provisions of the law governing records and data processing in the area of internal affairs.

The provisions of the regulations governing the records and data processing in the area of internal affairs shall also be applied to the data, which, for the purpose of administering a second-instance procedure in line with the provisions of this Law, shall be processed by the Asylum Commission.

Article 98

The Commissariat for Refugees and Migrations, for the purpose of performance of tasks, set forth by this Law, and in line with the law governing the protection of personal data, may collect and process the personal data of foreigners as well as of the natural personal and legal entities related to them, and to keep records thereof, which shall contain the following data:

1) records on foreigners who are asylum seekers and who have been provided material conditions of reception (foreigner's name and surname; date of birth; foreigner's sex; country of birth; citizenship; parent's name and surname; mother tongue; religion; religious affiliation; marital status; vocation and vocational degree; occupation; photograph; type, number and validity period of the foreign travel and/or other identification document; name and surname, date of birth, address and identification number or record number of the spouse, common-law partner of the foreigner, children and other member of the foreigner's immediate family; last place of residence in the country of origin; health status of special significance for accommodation; languages he/she speaks; date, place and manner of entry into the Republic of Serbia; date of reception or leaving of the asylum centre or other facility intended for the accommodation of the Applicants; personal data of the person accompanied by the foreigner; whether a guardian has been appointed; name, surname and phone number of the guardian appointed to the minor foreigner; name and seat of the pre-school institution, school or higher

education institution which the foreigner is attending or in which he/she is studying; the name and the seat of the healthcare or social institution where the foreigner is being treated or he/she is being provided care; date of submission of the application for asylum; date of reception and date of leaving the asylum centre or other facility intended for the accommodation of Applicants; name, seat, registration and tax identification number of the legal entity with which the foreigner is employed; number, date of issue and validity period of the personal working permit; number, date of issue and validity period of the identification card for Applicants; type and scope of the allocated material conditions of reception; number and date of the decision by means of which the applicant is reduced or revoked the right to material conditions of reception; number and date of lodging the appeal to the decision reducing or revoking the right to material conditions of reception; number and date of rendering the second-instance decision per appeal to the decision reducing or revoking the right to material conditions of reception; number and date of rendering the decision which refers to the secondary issues in the course of the asylum procedure; whether freedom of movement has been restricted; number and date of rendering the decision on restriction of freedom of the foreigner's movement; the reasons for restriction of movement; measures and duration of restriction of movement);

2) records on foreigners who have been granted the right to asylum or temporary protection who have been provided with some form of assistance in the integration process (foreigner's name and surname; date of birth; foreigner's sex; country of birth; citizenship; parent's name and surname; mother tongue; religion; religious affiliation; marital status; vocation and vocational degree; occupation; photograph; type, number and validity period of the foreign travel and/or other identification document; identification or record number of persons related to the foreigner; name and surname, date of birth, address and identification number or record number of the spouse, common-law partner of the foreigner, children and other member of the foreigner's immediate family; last place of residence in the country of origin; health status of special significance for accommodation; languages he/she speaks; date of reception or leaving of the asylum centre or other facility intended for the accommodation of the Applicants; whether he/she attends classes of Serbian language; date of enrolment and date of completion of Serbian language classes; whether and the date of passing the exam in Serbian language and the date of certificate awarding; whether he/she attends additional classes and the number of additional classes which a foreigner has attended; name, seat and address of the school where the foreigner has attended the Serbian language classes; whether he/she attends classes of Serbian culture, history and constitutional system, date of enrolment and completion; name, seat and address of the service provider providing classes in Serbian culture, history and constitutional system; name and seat of the pre-school, school or higher education institution which the foreigner is attending or which he/she is studying; date of initiation of the procedure for recognizing the education acquired abroad; number and date of the decision recognizing the education abroad; number and date of the decision based on which the costs of the procedure for the recognition of education acquired abroad are granted to the foreigner; whether the foreigner is registered with the National Employment Service; whether he/she is involved in the programs intended for the improvement of his/her position on the labour market; address and seat of the social welfare centre with which the foreigner is registered; number and date of the decision as per request for the granting of financial social aid; the period of duration of the granted financial social aid; number and date of submission of the request for one-off financial aid; number and date of rendering of the decision granting one-off financial aid; the amount of the granted one-off financial aid and the reason for granting the one-off financial aid; name and seat of the healthcare or social institution where a foreigner is being treated or where he/she was provided care; costs of transportation and the number and the date of the decision granting the payment of the transportation costs to a foreigner; name, seat, registration number and tax identification number of the legal entity or entrepreneur providing the service of accommodation to the foreigner, name and surname and the registration number and phone number of the responsible person in the legal entity; name and surname, address and registration number of the natural person providing services of accommodation to a foreigner;

change of address of residence and date of change of the address; whether the integration plan for a foreigner has been prepared and the date of preparation thereof; name, surname and phone number of the integration advisor; foreigner's phone number; foreigner's account number and tax identification number of the legal entity where the foreigner is employed; number, date of issue and validity period of the personal working permit; number, date of issue and validity period of the identification card for persons granted asylum or temporary protection; record number for foreigners);

3) records on foreigners who are involved in programs of voluntary return to the country of origin (foreigner's name and surname; date of birth; foreigner's sex; country of birth; citizenship; parent's name and surname; mother tongue; religion; religious affiliation; marital status; vocation and vocational degree; occupation; photograph; type, number and validity period of the foreign travel document; date and record number of registration for voluntary return; date and place of voluntary departure of a foreigner from the Republic of Serbia; address of the foreigner in the country of voluntary return; amount of the returnee parcel which the foreigner receives; number and date of the decision based on which the grounds of the foreigner's stay in the Republic of Serbia have ceased; name and surname, date of birth, address and identification number or record number of the spouse, common-law partner of the foreigner, children or other members of immediate family of the foreigner who voluntarily leave the Republic of Serbia together with the foreigner; type, number and validity period of the spouse's travel documents and of the foreigner's common-law partner, children and other member of the immediate family who voluntarily leave the Republic of Serbia, together with the foreigner; health status of special significance for the return; personal data of the person accompanied by the foreigner; whether a guardian has been appointed; name, surname and phone number of the guardian appointed to a minor foreigner; name and seat of the pre-school or school institution which the foreigner is attending; name and seat of the healthcare or social institution where the foreigner is being treated or where he/she is being provided care; name, seat, registration number and tax identification number of the legal entity or entrepreneur providing accommodation to a foreigner, name and surname and registration number and phone number of the responsible person within a legal entity; name and surname, address and identification number of the natural person providing services of accommodation to a foreigner; number, date of issue and validity period of the identification document; type and scope of the allocated material conditions of reception; number and date of the decision reducing or terminating the foreigner's right to material conditions of reception; number and date of lodging the appeal to the decision reducing or terminating the right to material conditions of reception; number and date of rendering the second-instance decision as per appeal to the decision reducing or terminating the right to material conditions of reception; whether the restriction of freedom of movement has been imposed; number and date of rendering the decision on restriction of freedom of movement to a foreigner; reason of restriction of movement; measures and period of duration of restriction of movement).

The data referred to in paragraph 1 of this Article shall be kept for a period of five years from the date of processing the last data, except for the data pertaining to the foreigner (and to the persons related to him/her) who was granted asylum (refuge or subsidiary protection) or temporary protection in the Republic of Serbia, which are kept permanently.

XIII. SUPERVISION

Article 99

Supervision of enforcement of this Law and the regulations passed based on this Law shall be conducted by the Ministry, the ministry competent for social policy affairs and the Commissariat, each within their scope of jurisdiction.

XIV. TRANSITIONAL AND FINAL PROVISIONS

Article 100

Within 60 days from the date of entry into force of this Law, the Government shall appoint the president and the members of the Asylum Commission, referred to in Article 21 of this Law.

The Government shall, within 60 days from the date of entry into force of this Law, determine a List of safe countries, referred to in Article 44, paragraph 3 of this Law.

Article 101

Within 60 days from the date of entry into force of this Law:

1) the minister shall render regulations on the manner and procedure of registration of persons who express the intention of filing the application for asylum, on the layout and the contents of the certificate of registration, the contents and the layout of the form of the application for asylum and other forms set forth by this Law and documents referred to in Article 87 of this Law;

2) the head of the Commissariat shall pass an act on internal organization and job classification of the asylum centres and other facilities designated for the accommodation of applicants, regulations on material conditions of reception, house rules, manner of administering and the contents of the records kept by the Commissariat;

3) the minister competent for social policy shall pass the regulations on social assistance for applicants and persons granted the right to asylum;

4) the minister competent for healthcare affairs shall render regulations on medical examinations referred to in Article 54 of this Law, which shall be conducted upon reception at the asylum centre.

Article 102

On the day of entry into force of this Law, the Law on Asylum shall cease to be valid (Službeni glasnik RS, No. 109/07).

The regulations rendered based on the Law on Asylum (Službeni glasnik RS, No. 109/07) shall remain in force until the adoption of the regulations, suspending them, if contrary to the provisions of this Law.

Article 103

The asylum procedures, initiated prior to entry into force of this Law, shall be terminated in line with the provisions of the Law on Asylum (Službeni glasnik RS, No. 109/07), unless the provisions of this Law are more favourable for the asylum seekers.

Article 104

This Law shall enter into force on the eighth day from the date of its publication in Službeni glasnik of the Republic of Serbia, and shall be applied upon expiry of the deadline of 60 days from the date of entry into force of this Law.