

Temporary Protection Serbia

This annex on temporary protection complements and should be read together with the [AIDA Country Report on Serbia](#).

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Temporary Protection Procedure

A. General

The Asylum and Temporary Protection Law¹ defines **temporary protection** as a form of protection granted on the basis of the decision of the Government of the Republic of Serbia (Government) in case of a mass influx of displaced persons who cannot be returned to their country of origin or country of habitual residence.²

The Asylum Act more specifically defines temporary protection as a form of protection that is provided in the extraordinary procedure, in the case of a **mass influx of displaced persons** who cannot be returned to their country of origin or habitual residence if there is a risk that, due to such mass influx, it will not be possible to effectively carry out individual asylum procedures and in order to protect the interests of displaced persons and other persons seeking protection.³ A decision on the provision of temporary protection is taken by the Government.

The term **displaced persons** is related to foreign nationals who have been forced to leave their area or country of origin or habitual residence, or who have been 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 an 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.⁴

Temporary protection may also be granted to persons who legally resided in the Republic of Serbia (Serbia) at the time of the adoption of the Government's Decision, which basically means that the Serbian Asylum Act also recognises *sur place* beneficiaries of temporary protection.⁵ The protection of *sur place* refugees who benefit from temporary protection is also related to those foreigners whose right to residence had expired before the decision on temporary protection was revoked.⁶

In accordance with the decision, persons who have been granted temporary protection are registered in accordance with Article 35 of the Asylum Act.⁷ Accordingly, they are issued with a registration certificate on the intention to lodge a request for temporary protection (**registration certificate**). The decision granting temporary protection is taken for each applicant individually.⁸

On 18 March 2022, on the basis of Article 74 (2) of the Asylum Act and Article 43 (1) of the Law on the Government,⁹ for the first time in the history of the Serbian asylum system, the Government adopted the Decision on Providing Temporary Protection in the Republic of Serbia to Displaced Persons Coming from Ukraine.¹⁰ The scope of temporary protection is related to '**persons displaced from Ukraine**' who were forced to leave Ukraine as their country of origin or country of habitual residence or who were evacuated from Ukraine and who cannot return to permanent and safe living conditions because of the current situation prevailing in that country.¹¹

¹ *Official Gazette*, no. 24/18, available in English at: <https://bit.ly/3tK8WLG>, hereinafter: Asylum Act.

² Article 2 (1-9) Asylum Act.

³ Article 74 (1) Asylum Act.

⁴ Article 74 (3) Asylum Act.

⁵ Article 74 (3) Asylum Act.

⁶ Article 74 (4) Asylum Act.

⁷ Article 74 (5) Asylum Act.

⁸ *Ibid* and Point 3 TP.

⁹ *Official Gazette*, nos. 55/05, 71/05 - correction, 101/07, 65/08, 16/11, 68/12 - CC, 72/12, 7/14 - US, 44/14 and 30/18 - etc. the law, available in Serbian at: <https://bit.ly/424S5os>, hereinafter: Government Act.

¹⁰ *Official Gazette*, no. 36/2022, available in Serbian at: <https://bit.ly/44b1MDV>, hereinafter: TP.

¹¹ Point 1 TP.

The phrase displaced persons encompasses the following categories:

1. citizens of Ukraine and their family members who resided in Ukraine;
2. asylum seekers, stateless persons and foreign nationals who have been granted asylum or equivalent national protection in Ukraine and their family members who have been granted residence in Ukraine.
3. foreign nationals who have been granted valid permanent residence or temporary residence in Ukraine and who cannot return to their country of origin under permanent and long-term circumstances.¹²

Temporary protection is also granted to citizens of Ukraine and their family members, who at the time of the activation of TP already legally resided in Serbia, but whose right to stay expired before the revocation of the decision on temporary protection.¹³ The notion of 'family members' in terms of the Asylum Act to which the TP explicitly refers to,¹⁴ implies the following individuals:

1. spouses, but only if the marriage was concluded before the arrival in Serbia and their minor children born in legal or in common-law marriage, minor adopted children, or minor step-children.
2. extramarital partner and their minor children born in common-law marriage, minor adopted children, or minor step-children. The extramarital partnership needs to meet the criteria set out in Article 4 of the Family Law¹⁵ which outlines that common-law marriage represents the permanent cohabitation of man and woman, between whom there are no marriage obstacles which creates an obligation of mutual support and the right to joint property of common-law partners.¹⁶

Exceptionally, the status of family member may also be granted to other persons, taking into account particularly the fact that they had been supported by the person who has been granted refugee status, subsidiary or temporary protection. Special circumstances which should be considered are their age and psychological dependence, as well as health, social, cultural, or other similar circumstances.¹⁷

Temporary protection introduced through the TP lasts one year from the date of entry into force of this decision.¹⁸ In this way, Serbia has joined almost all European countries in providing temporary protection to millions of Ukrainian citizens and other types of residents from this country impacted by the international armed conflict.

On 16 March 2023, the Government extended temporary protection to displaced people through the Decision on Supplementing of the TP which will be valid until 18 March 2024.¹⁹

The armed conflict in Ukraine caused by Russian aggression triggered also the mass movement of Russian nationals who arrived in Serbia due to the free-visa regime between these two countries, in place since 7 March 2008.²⁰

Even though it is hard to get an accurate number of Russian citizens who arrived in Serbia after the end of February 2022, some sources indicate that more than 200,000 Russians resided in Serbia in 2022,²¹

¹² Point 2, paragraph 1 TP.

¹³ Point 2, paragraph 2 TP.

¹⁴ Point 2, paragraph 3 TP.

¹⁵ *Official Gazette*, nos. 18/2005, 72/2011 – other law and 6/2015, available in English at: <https://bit.ly/3vZUH76>, hereinafter: Family Act.

¹⁶ Article 2-1-12 Asylum Act.

¹⁷ Article 2-1-12-2 Asylum Act.

¹⁸ Point 5 TP.

¹⁹ *Official Gazette*, nos. 36/2022 and 21/2023, available in Serbian at:

²⁰ Decision on Cancellation of Visas for the Citizens of the Russian Federation, *Official Gazette*, no. 27-931/2008, available in Serbian at: <https://bit.ly/3LI8Tej>.

²¹ Euronews, *U Srbiju je prošle godine došlo oko 200.000 Rusa, a sa njima i brojne promene koje su mnogi već osetili - u novčaniku*, 16 January 2023, available at: <https://bit.ly/3nCsjcO> or ABC News, *In pro-Putin Serbia, liberal-minded Russians seek a home*, 6 February 2023, available in English at: <https://bit.ly/3VH3M2J>.

while other sources indicate that this number goes up to 300,000 but that 50,000 of them were granted different forms of temporary residency²² under Article 40 of the Law on Foreigners Act.²³

According to Radio Television Serbia, 100,000 Russians had moved their residency in Serbia in November 2022.²⁴ Maybe the most accurate information was obtained by Radio Free Europe which published that between 25 February 2022 and 21 December 2022, the Ministry of Interior (Mol) recorded a total of 219,153 arrivals of Russian nationals in Serbia, but it remains unclear how many remained in Serbia.²⁵

The arrival of Russian citizens occurred in two waves. The initial one started right after the beginning of the conflict in February 2022, when mostly Russian citizens who were employed in foreign companies and mainly in the IT sector decided to come to Serbia and register their companies. According to Radio Free Europe, just in 2022, a total of 4,187 Russian companies and entrepreneurs were registered in the Agency for Business Registers (*Agencija za privredne registre* - APR).²⁶ In 2021, the total number of registered Russian companies in the APR was only 159.²⁷ Thus, the first wave mainly included people who had their own financial resources to come to Serbia, to rent or buy real estate and continue their own business. This caused an increase in average rent prices of at least 30%, even though the price of rents in Belgrade and Novi Sad, the country's two main cities, doubled or – in some instances – tripled.²⁸

The second wave of arrivals was registered in September 2022, after the announcement of military mobilisation by Russian President Vladimir Putin.²⁹ In this wave, the first asylum applicants arrived in Serbia. In other words, 99% of the Russian citizens who moved their residency regularised their stay in line with the Foreigners Act, while in the last quarter of 2022, and the first quarter of 2023, people who claimed to have fled military mobilisations started to arrive to Serbia. What is also interesting to outline is that these people have weaker financial status and are accommodated in the Asylum Centre (AC) in Krnjača.

Thus, in terms of asylum seekers coming from Russia, the following statistical overview can depict the changes which impacted the asylum system in Serbia.

According to the available statistics provided through UNHCR cooperation with the Mol, between 2009 and 2023, a total of 80 Russian citizens lodged their asylum applications in Serbia.

Breakdown of Russian asylum seekers in the period 2009-2023

Year	Number of asylum applications lodged
2009	2
2011	2
2015	13
2016	4
2018	6
2019	4
2020	3

²² Labour grounds, educational grounds, family grounds, humanitarian grounds, etc.

²³ *Official Gazette*, no. 24/2018 and 31/2019, available in English at: <https://bit.ly/3bxcWrF>.

²⁴ N1, *RTS: 100,000 Russians and 18,000 Ukrainians in Serbia*, 16 November 2022, available in English at: <https://bit.ly/44A8eEA>.

²⁵ Radio Free Europe, *Uticao rata u Ukrajini na Srbiju u brojka*, 2 January 2023, available in Serbian at: <https://bit.ly/3B1InI3>.

²⁶ Radio Free Europe, *Русски на svakom koraku u Beogradu*, 18 January 2023, available at: <https://bit.ly/3HKMBYp>.

²⁷ *Ibid.*

²⁸ Radio Free Europe, *Uticao rata u Ukrajini na Srbiju u brojka*, 2 January 2023, available in Serbian at: <https://bit.ly/3B1InI3>.

²⁹ The Guardian, *Putin announces partial mobilisation and threatens nuclear retaliation in escalation of Ukraine war*, 21 September 2022, available in English at: <https://bit.ly/3NMhfo1>.

2021	3
2022	20
2023 (first 4 months)	25
Total	69

It is reasonable to assume that all asylum procedures initiated up to 2020 have become final and executive, and the final outcome of these procedures is only 3 decisions on refugee status granted to 3 LGBTQI+ applicants from Chechnya.³⁰ In the period 2021-2023, there were 48 asylum applications lodged by Russian citizens before the Serbian asylum authorities. According to statistical data from UNHCR, the 3 asylum applications lodged in 2021 ended with a decision on discontinuing the asylum procedure due to absconding.

The available statistics indicate that a total of 20 asylum applications were lodged in 2022 and an additional 25 in 2023. Accordingly, a total of 45 asylum applications were lodged in the given period.

Russian asylum seekers in the period January 2022 - April 2023

Month	Number of Russian asylum seekers	Number of Hearings	Number of abscondings of 2022 and 2023 applicants
January 2022	0	0	0
February 2022	0	0	0
March 2022	0	0	0
April 2022	0	0	0
May 2022	1	0	0
June 2022	3	1	0
July 2022	6	0	0
August 2022	0	0	0
September 2022	1	0	6
October 2022	0	0	0
November 2022	7	0	0
December 2022	2	0	1
January 2023	5	0	0
February 2023	3	1	0
March 2023	4	5	0
April 2023	13	1	0
Total	45	8	7

Out of these 45 applicants, 7 absconded from the procedure, which means that on 30 April 2023, a total of 38 applications were pending.

Many applicants claim risk of persecution on the basis of their political beliefs, public opposition to the Russian Government's actions (including military actions),³¹ risk of forced recruitment into the Russian military and draft evasion.³²

³⁰ Asylum Office, Decisions Nos. 26-1216/18, 26-1217/18 and 26-1218/18, 12 February 2019.

³¹ Law of 4 March 2022 No.31, Law of 25 March 2022 No. 62, Law of 18 March 2023 No. 57, Law of 4 March 2022 No. 32, Law of 25 March 2022 No. 63, Law of 18 March 2023 No. 58, description and explanation of these regulations is available in English at: <https://bit.ly/3M3woQz>.

³² Decree No. 647 of 21 September 2022, available in English at: <https://bit.ly/3HNidga>.

According to the Serbian Commissariat for refugees, from 24 February 2022 until 24 February 2023, around 148,000 Ukrainian citizens were recorded entering Serbia, while around 26,000 were granted some form of temporary residency.³³

The support of the Commissariat for Refugees and Migrations is provided to around 4,500 Ukrainian residing on a private address and to around 70 to 80 refugees from Ukraine accommodated in the AC in Vranje.³⁴ It is not possible to have statistics as to nationals of other countries eligible for temporary protection under the TP.³⁵

The following tables provide a statistical overview of the number of Ukrainian citizens and other nationals eligible for temporary protection under the TP who were registered and granted temporary protection.

Registration certificates issued to applicants for temporary protection in the period March 2022 - April 2023

Months	Ukraine	Russia	Other ³⁶	Total	Male	Female	Children
March 2022	51	3	0	54	15	39	23
April 2022	278	5	2	285	88	197	74
May 2022	255	6	6	267	75	192	59
June 2022	165	1	9	175	50	116	48
July 2022	93	2	0	95	65	30	24
August 2022	58	2	1	61	20	41	12
September 2022	44	0	1	45	15	30	9
October 2022	55	2	6	63	28	35	13
November 2022	53	1	0	54	17	37	11
December 2022	66	5	3	74	31	43	22
January 2023	50	1	0	51	20	31	8
February 2023	14	0	0	14	4	10	1
March 2023	33	0	0	33	13	20	5
April 2023	22	0	0	22	7	15	4
Total	1,237	28	28	1,293	453	840	313

Total number of persons granted temporary protection in the period March 2022 - April 2023

Months	Ukraine	Russia	Other	Total
March 2022	0	0	0	0
April 2022	0	0	0	0
May 2022	314	7	3	324
June 2022	381	8	6	395
July 2022	96	2	0	98
August 2022	72	2	0	74
September 2022	49	0	2	51

³³ RTS, *Kroz Srbiju prošlo 148.000 državljana Ukrajine, a 26.000 prijavilo boravište*, 24 February 2023, available in Serbian at: <https://bit.ly/3HLWsNw>.

³⁴ Data extracted from monthly statistical overviews provide on the monthly basis by the UNHCR office in Serbia.

³⁵ *Ibid.*

³⁶ China, Latvia, Bosnia and Hercegovina, Belarus, Georgia, Uzbekistan and Armenia.

October 2022	49	2	1	52
November 2022	61	1	5	67
December 2022	51	3	0	54
January 2023	64	2	3	69
February 2023	29	1	0	30
March 2023	18	0	0	18
April 2023	25	0	0	25
Total	1,209	28	20	1,257

The number of persons granted the extension of temporary protection in the period March - April 2023

Months	Ukraine	Russia	Other	Total
March 2023	219	5	4	228
April 2023	424	14	5	443
Total	643	19	9	671

Between March 2022 and April 2023, the total number of persons registered in line with the TP was 1,293. Out of that number, 1,237 were Ukrainian nationals, 28 were Russian nationals and 28 were of other nationalities (China, Latvia, Bosnia and Hercegovina, Belarus, Georgia, Uzbekistan and Armenia). A total of 840 registered individuals were female, 453 male. Out of 1,293 registered individuals, 313 were children.

Out of 1,293 registered individuals, 1,257 were granted temporary protection. In the period March-April 2023, 671 persons' temporary protection was extended.

There was only one instance in which the request for temporary protection was rejected based on national security grounds. The Asylum Office did not provide the reasons outlined in the security assessment.³⁷ This decision was confirmed by the Asylum Commission³⁸ and the case is currently pending before the Administrative Court. This case further illustrates unreasoned security assessments of the Security Information Agency (BIA).³⁹

B. Qualification for temporary protection

According to the TP, the following categories are eligible for temporary protection:

1. citizens of Ukraine and their family members who resided in Ukraine;
2. asylum seekers, stateless persons and foreign nationals who have been granted asylum or equivalent national protection in Ukraine and their family members who have been granted residence in Ukraine.
3. foreign nationals who have been granted valid permanent residence or temporary residence in Ukraine and who cannot return to their country of origin under permanent and long-term circumstances.⁴⁰

³⁷ Asylum Office, Decision No. 26–1658/22, 23 June 2022.

³⁸ Asylum Commission, Decision No. AĐ 20/22, 12 August 2022.

³⁹ See more in AIDA, *Country Report: Serbia, 2022 Update*, available at: <https://bit.ly/3I5K6Qr>.

⁴⁰ Point 2, paragraph 1 TP.

It is not possible to categorise beneficiaries of temporary protections under categories no. 2 or no. 3, but it is reasonable to assume that most of the applicants who are not Ukrainian nationals were categorised under the first category as family members of Ukrainian citizens.

There is no specific procedure envisaged for persons eligible for the TP who were in the *sur place* situation. As it has already been outlined, temporary protection may be granted also to persons who legally resided in Serbia at the time of the adoption of the Government’s Decision, which basically means that the Serbian Asylum Act also recognises *sur place* beneficiaries of temporary protection.⁴¹ The protection of *sur place* refugees who benefit from temporary protection is also related to foreigners whose right to residence expired before the decision on temporary protection was revoked.⁴²

It cannot be determined how many beneficiaries of temporary protection Serbia benefited from *sur place* temporary protection, in line with Point 2, paragraph 1 of the TP.

Point 2, paragraph 1 of the TP explicitly covers asylum seekers, stateless persons and foreign nationals who have been granted asylum or equivalent national protection in Ukraine. The definition of family members is outlined in [General](#).

Refugees from Ukraine have unhindered access to the asylum procedure, as well as a variety of alternative statuses such as different forms of temporary residency. According to the Serbian Commissariat for refugees, from 24 February 2022 until 24 February 2023, around 148,000 Ukrainian citizens were recorded entering Serbia, while around 26,000 were granted some form of temporary residency.⁴³

It is important to note that several Ukrainian nationals applied for asylum. In 2022, a total of 6 Ukrainians applied for asylum – one 3-member family and 3 individuals. The family and one journalist from Ukraine were granted subsidiary protection and refugee status respectively, while the remaining two cases are still pending. The first 4 applicants (family and journalists) were treated with priority and were granted international protection within the statutory 3 months deadline in the case of the family and 4 months for the journalist. This indicates that Ukrainian applicants in these two cases were prioritized compared to applicants from Syria, Afghanistan, Burundi, Cuba, etc whose asylum procedure lasts from 8 to 12 months on average, and sometimes even longer.⁴⁴ On the other hand, the other two applicants have been waiting for their first instance decision for more than three months and their cases were still pending at the time of writing.

No.	Case File No.	Date of Asylum Application	Date of hearing	Date of 1 st instance decision	Length of asylum procedure	Number of applicants
1.	26-462/22	24.03.2022	May	15.06.2022	83 days	3
2.	26-	24.03.2022	April	22.08.2022	120 days	1
3.	X.	August	September	Pending	Pending	1
4.	X.	November	February	Pending	Pending	1
Total	4					6

The temporal scope of temporary protection was initially set for 1 year, and was then extended for another year, all in line with Article 74 of the Asylum Act. Article 74 foresees that temporary protection may be granted for a period of maximum one year. If the grounds for providing temporary protection continue to exist, temporary protection may be extended for a further six months, and for a maximum of one year.⁴⁵

⁴¹ Article 74 (3) Asylum Act.

⁴² Article 74 (4) Asylum Act.

⁴³ RTS, *Kroz Srbiju prošlo 148.000 državljana Ukrajine, a 26.000 prijavilo boravište*, 24 February 2023, available in Serbian at: <https://bit.ly/3HLWsNw>.

⁴⁴ See more in Country Report: Serbia, 2022 Update.

⁴⁵ Article 74 (2) Asylum Act.

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 specified in a decision taken by the Government.⁴⁶

The first TP was taken on 18 March 2022, and extended on 16 March 2023 until 18 March 2024. The question that remains open is what will happen to Ukrainian refugees after 18 March 2024. According to the current legal framework, the asylum procedure but also different forms of temporary procedure would be available to them. In case a significant number of Ukrainian refugees decided to apply for asylum in 2024, this could cause an unsurmountable challenge for the Asylum Office which is operating at a limited capacity.⁴⁷

C. Access to temporary protection and registration

1. Admission to territory

There were no reports or recorded incidents regarding people fleeing Ukraine being denied access to the territory in line with Article 15 of the Foreigners Act (refusal of entry) or though the well documented practice of pushbacks and other forms of collective expulsions which has been intensively ongoing since 2016.⁴⁸ Thus, the positive practice of the Serbian authorities when it comes to assistance to and treatment of persons displaced from Ukraine at the border should be used as an example for the treatment of persons in need of international protection arriving to Serbia from other countries.

Additionally, there were no recorded cases of returnees from Ukraine being subjected to any kind of formal or informal forcible removals from the Serbian territory such as readmission, pushbacks, expulsion or refusal of entry.

In October 2011, the Law on Ratification of the Agreement between the Government of the Republic of Serbia and the Cabinet of Ministers of Ukraine on the cancellation of visas for their citizens was adopted in the Parliament on Serbia,⁴⁹ introducing the free visa regime which has been in force ever since.

Thus, Ukrainian citizens face no obstacles in accessing Serbian territory and remaining for up to 90 days. This legal possibility has been used by the vast majority of persons in need of international protection displaced from Ukraine to transit through Serbia towards the EU countries.

2. Freedom of movement

All persons meeting the requirements set out in the TP, regardless of them having or not having biometric passports or biometric travel documents have had unhindered access to the territory of Serbia and to move freely within the territory of Serbia. There were no reported obstacles for the more than 100,000 displaced persons from Ukraine that left Serbia towards European Union countries such as Hungary, Croatia or Romania.

3. Registration under temporary protection

The MoI – the Administration for Border Police (ABP) and relevant Regional Border Centres within ABP, as well as all Police Departments who have their immigration units, are tasked with registering persons claiming to meet the requirements set out in the TP and in line with the Article 35 of the Asylum Act.

⁴⁶ Article 74 (3) Asylum Act.

⁴⁷ See more in AIDA, *Country Report: Serbia, 2022 Update*, available at: <https://bit.ly/3I5K6Qr>.

⁴⁸ See more in AIDA, *Country Report: Serbia, 2022 Update*, available at: <https://bit.ly/3I5K6Qr>.

⁴⁹ Official Gazette, no. 8/2011 and 17/2021, available in Serbian at: <https://bit.ly/3VFIh2i>.

Foreigners may express the intention to lodge the request for temporary protection to the competent police officers at the border or within the territory either verbally or in writing,⁵⁰ including in places such as border posts, police stations or even the Detention Centre for Foreigners in **Padinska Skela, Dimitrovgrad and Plandište**.⁵¹ Unaccompanied and separated children (UASC) cannot express the intention to seek asylum until a social welfare centre appoints a temporary legal guardian.⁵² However, there were no UASCs from Ukraine recorded since the introduction of the TP.

Regional Border Centres within ABP can issue them with the registration certificate on the spot. There is no need for further referrals and the procedure is fairly simple and implies directing these people to AC Vranje if necessary, or just simple allowance to continue towards their destination country – hotels, hostels and private addresses. All persons registered for temporary protection are also given the information leaflet drafted in Ukrainian which contains all necessary information, including relevant contact numbers of the Commissariat for Refugees and Migration (CRM), UNHCR, CSOs and others.

An authorised police officer shall photograph and fingerprint the person (identification),⁵³ who will thereafter be issued a certificate on registration as a foreigner who has expressed the intention to lodge a temporary protection application in Serbia ('registration certificate - registration').⁵⁴ The manner and procedure of registration, as well as the content of the registration certificate, are defined in the Rulebook on Registration. This Rulebook prescribes the design and content of registration certificates.

Pursuant to the Rulebook, registration certificates shall be issued in two copies, one of which is handed to the foreigner and the second one is to be archived in the MoI organisational unit where the officer who issued the registration certificate is employed.⁵⁵

Every person who claims to be in need of international protection can express their intention to apply for asylum or temporary protection. It is possible that people displaced from Ukraine could have overstayed in Serbia (more than 90 days); while in theory they could be penalized for the misdemeanour of illegal residency on the territory of Serbia,⁵⁶ such cases were not reported. The bottom line is that there is no deadline for them to be registered or to apply for temporary protection.

There are no reports which could indicate that persons displaced from Ukraine have been denied access to the territory, registration and temporary protection procedure due to lack of personal documents. Such persons are issued with a decision on allowing access to the territory. The same rule applies to persons who are not Ukrainian citizens, but had legal residence in Ukraine and cannot return to their country of origin.⁵⁷ All potential beneficiaries of temporary protection are issued with registration certificates in line with the Article 35 of the Asylum Act.

In practice, no problems related to registration of applications for temporary protection were recorded on national territory and at the borders.

There is no appeal against the informal decision not to issue a registration certificate to a person who claims temporary residency. However, there were no instances in which such a problem was reported, and it can be safely assumed that all persons displaced from Ukraine were effectively allowed to access the temporary protection procedure.

50 Article 35(1) Asylum Act.

51 Article 35(2) Asylum Act.

52 Article 11 Asylum Act.

53 Article 35(5) Asylum Act

54 Article 35(12) Asylum Act.

55 Article 8 Rulebook on Registration.

56 Article 122 and Article 123 Foreigners Act.

57 UNHCR, Temporary Protection in Serbia, available at: <https://bit.ly/3M6q376>.

4. Legal assistance

The Free Legal Aid Act (FLA) explicitly guarantees free legal aid to asylum seekers (including persons applying for temporary residency),⁵⁸ refugees and persons granted subsidiary protection.⁵⁹ However, the Free Legal Aid Fee Schedule Regulation (FLA Regulation)⁶⁰ foresees free legal aid only for administrative dispute procedures conducted before the Administrative Court. This means that asylum seekers, including those who are applying for temporary protection, could apply for State funded free legal aid only if they reach the third instance authority. So far, not a single asylum seeker has used State funded free legal aid, including persons displaced from Ukraine.⁶¹ However, there was one case in which the applicant from Ukraine was rejected in merits, based on national security grounds, and enjoys free legal aid from CSOs.

The right to free legal aid is also guaranteed by the Asylum Act, as well as the right to receive information concerning asylum.⁶² The Asylum Act further provides that an asylum seeker shall have access to free legal aid and representation by UNHCR and CSO whose objectives and activities are aimed at providing free legal aid to refugees. In practice, the vast majority of persons who submit an asylum application in Serbia use the services of CSO lawyers before both national and international bodies. Their work and assistance are not state, but project funded and the main donors are UNHCR, EU and other donors. CSOs represent asylum seekers in all three instances and in front of the Constitutional Court.

Asylum Protection Center (APC), the Belgrade Center for Human Rights (BCHR) and the Center for Research and Social Development IDEAS (IDEAS) provided free legal aid and legal information and orientation to refugees from Ukraine. Still, the attitude of the Mol in terms of applicants for temporary protection, but also those who applied for temporary residency was impeccable, allowing people to fully enjoy their rights in line with the TP regardless of them having legal representatives or not. Assistance was also provided by the CRM.

There were no reported cases in which persons entitled to temporary protection were faced with obstacles in obtaining legal aid in their temporary residence procedure.

5. Information provision and access to NGOs

A foreigner who has expressed their intention to apply for temporary protection in Serbia, as well as a person who has lodged their request for temporary protection, shall have the right to be informed about their rights and obligations throughout the temporary protection procedure.⁶³

The provision of relevant information, as well as something which can be considered as legal orientation are a primary task of the State and relevant police stations and police departments in which foreigners who might be in need of international protection are registered. Still, reality has shown that information for refugees and migrants is provided by an entire set of state and non-state actors including CRM and CSOs.

All relevant NGOs have developed informational leaflets, as well as UNHCR,⁶⁴ but also CRM⁶⁵ and Mol.⁶⁶ Also, several dozen CSOs provided information in various different locations, including at reception facilities. What is also important to note is the fact that the Asylum Office provided information leaflets to all refugees from Ukraine who received decisions on granting temporary protection on their rights and responsibilities.

⁵⁸ Article 4 (2-6) FLA.

⁵⁹ Article 4 (2-7) FLA.

⁶⁰ Free Legal Aid Fee Schedule Regulation (*Uredba o tarifi za pružanje besplatne pravne pomoći*), Official Gazette of the RS No. 74/2019.

⁶¹ This conclusion is drawn from the fact that legal representatives in all Administrative Court judgments were CSOs.

⁶² Article 56(3)-(4) Asylum Act.

⁶³ Article 56(1) Asylum Act.

⁶⁴ UNHCR, Temporary Protection in Serbia, available at: <https://bit.ly/3M6q376>.

⁶⁵ CRM, Information, available at: <https://bit.ly/3nFOvTf>.

⁶⁶ *Ibid.*

There is no data on special leaflets designed for displaced people from Ukraine such as UASC, survivors of trafficking in human beings, torture victims and others. Still, there were no recorded obstacles regarding information provision. The MoI provides information leaflets specially designed for Ukrainian refugees during registration, including at the border, but also after they are distributed in the temporary protection procedure.

D. Guarantees for vulnerable groups

The Asylum Act explicitly foresees that, in the course of the asylum, but also temporary protection procedure, the specific circumstances of certain categories requiring special procedural or reception guarantees will be taken into consideration. This category includes minors, unaccompanied minors, persons with disabilities, elderly persons, pregnant women, single parents with minor children, victims or survivors of trafficking in human beings, severely ill persons, persons with mental disorders, and persons who were subjected to torture, rape, or other serious forms of psychological, physical or sexual violence, such as women who were victims of female genital mutilation.⁶⁷

However, as with asylum seekers, it remains unclear how in practice and in which kind of specific procedure relevant asylum authorities are conducting vulnerability assessments, what kind of decision they render and how they design special and individualised programmes to meet the special needs of the above-enlisted categories in different contexts (accommodation, provision of psycho-social support, provision of medical support, in asylum or integration procedure, etc.).

What is important to note is that most vulnerabilities are determined by relevant CSOs, UNHCR, but also CRM, but access to specific rights and safeguards is predominately done by CSOs.⁶⁸

Still, the positive attitude, but also very simple approach towards granting temporary protection allows the author of this Report to safely assume that all categories of persons displaced from Ukraine have effective access to temporary protection.

There were no special procedures introduced for UASCs which can be considered as different than the one provided to UASCs who apply for asylum in the regular procedure. However, there were no UASCs from Ukraine registered in the period of 13 months.

There are no institutionally established programmes for vulnerable categories of refugees, asylum seekers and migrants, including refugees coming from Ukraine, in Serbia. Thus, beneficiaries of temporary protection are in an identical situation as other refugees and asylum seekers. These services are provided by PIN, IAN, ATINA and other CSOs who have narrow expertise in providing support to vulnerable applicants from Ukraine.⁶⁹

⁶⁷ Article 17(1) and (2) Asylum Act.

⁶⁸ See more in AIDA, *Country Report: Serbia, 2022 Update*, available at: <https://bit.ly/3I5K6Qr>.

⁶⁹ See more in AIDA, *Country Report: Serbia, 2022 Update*, available at: <https://bit.ly/3I5K6Qr>.

Content of Temporary Protection

A. Status and residence

1. Residence permit

Indicators: Residence permit

- | | |
|--------------------------------------------------------------------------------------------------------------------------------|--------|
| 1. What is the duration of residence permits granted to beneficiaries of temporary protection? | 1 year |
| 2. How many residence permits were issued to beneficiaries from the activation of temporary protection until 31 December 2022? | 1,173 |

Despite their right to permanent residence under the Asylum Act,⁷⁰ recognised refugees are not issued a separate document of residence, as they are considered *ipso facto* to be entitled to reside in the country. The same rule applies for beneficiaries of temporary protection. The right to reside in Serbia shall be approved per a decision on granting temporary protection and shall be proven by an identity card for persons who have been granted the right to temporary protection.⁷¹ ID cards for persons granted temporary protection are valid for one year.

The content of this document is simple, and the ID card is a plasticised document containing a photo of the person, their surname and first name, gender, date and place of birth, country of origin, address, as well as the document number and date of issue and expiration. The document is filled out by hand by an Asylum Office official and the only proof that the document has been issued by a state administration body is a stamp of the Ministry of Interior.

ID cards that are issued to beneficiaries of temporary protection create an entire set of everyday obstacles. The first problem is that this document cannot prove the identity and legal status of beneficiaries of temporary protection. While ID cards issued to Serbian citizens and foreigners granted temporary or permanent residency contain the unique personal number of the citizen (JBMG) or the foreigner's registration number (EBS), this document, due to lack of its biometric features does not contain any of these data. Thus, the current ID card for beneficiaries of temporary protection does not contain the EBS, which further causes bureaucratic obstacles to enjoy other rights such as obtaining a work permit, opening bank accounts and other everyday needs which can be met only with the additional documentation issued by the Asylum Office, such as confirmation on obtaining international protection in Serbia or an EBS confirmation document.

ID cards for persons granted temporary protection are valid for one year and should be renewed for all beneficiaries who remained in Serbia after the TP was extended.

Article 76 of the Asylum Act envisages the following rights for temporary protection beneficiaries:

- ❖ the right to legally reside for a period of one year since March 18th 2022,
- ❖ the right to have a personal document confirming their status,
- ❖ the right to health care as other foreigners, in line with the Law on Health Protection,
- ❖ the right to access the labour market (in accordance with the Law on Employment of Foreigners),
- ❖ the right to primary and secondary education free of charge,
- ❖ the right to free legal aid,
- ❖ the right to freedom of religion,
- ❖ the right to stay in collective accommodation in designated facilities,
- ❖ the right to special support for persons with specific needs, like children, unaccompanied or separated children, persons with disabilities, elderly persons, pregnant women, single parents

⁷⁰ Article 60 Asylum Act.

⁷¹ Article 90 Asylum Act.

with children, victims of human trafficking, persons with serious medical conditions including mental health issues, victims of torture, rape, or exposed to any form of serious psychological, physical, or sexual violence,

- ❖ the right to submit an asylum claim and in justified cases the right to family reunification.

There were no instances in which TP holders wanted to transfer their residence in EU Member States, nor were there recorded instances in which applicants who received temporary protection in other countries applying for temporary protection to Serbia.

2. Access to asylum

As already outlined, persons displaced from Ukraine have unhindered access to the asylum procedure, regardless of if they were previously holders of temporary protection or not, as has already been outlined in [General](#).

B. Family reunification

A beneficiary of temporary protection has the right to reunification with their family members.⁷² Family members are the spouse, provided that the marriage was contracted before the arrival in Serbia, the common law partner in accordance with the regulations of Serbia, their minor children born in legal or in common law marriage, minor adopted children, or minor step-children.

Exceptionally, the status of family member may also be granted to other persons, taking into account particularly the fact that they had been supported by the person who has been granted asylum or subsidiary protection, their age and psychological dependence, including health, social, cultural, or other similar circumstances.⁷³ A family member for whom there exist grounds to be excluded from asylum shall not have the right to family reunification.⁷⁴

The Foreigners Act prescribes that family reunification is related to the so called 'nuclear family' which covers: spouses, civil partners, their minor children born in or out of wedlock, minor adopted children or minor stepchildren, who have not married.

The general requirements for any kind of temporary residency are the following:

- ❖ Valid travel document
- ❖ Evidence of means for subsistence during the planned stay
- ❖ Registered address of residence in the Republic of Serbia
- ❖ Evidence of health insurance during the planned stay (around 300 EUR per year)
- ❖ Proof of payment of the prescribed administrative fee (around 135 EUR)

Only temporary residence granted on humanitarian grounds does not require an individual to meet the general criteria. Article 61 of the Foreigners Act provides that temporary residence may be granted to a foreigner meeting general criteria when other circumstances exist that require special consideration in relation to:

- ❖ Their family, cultural or social ties with Serbia, recent level of integration of the foreigner in the society of the Republic of Serbia, particularly with regard to their education, work activities or language skills;
- ❖ Delay of forced removal of a foreigner referred to Article 84 of this Law, over a period of one year or longer;

⁷² Articles 70(1) and 9(2) Asylum Act.

⁷³ Article 2(2) and (12) Asylum Act.

⁷⁴ Article 70(4) Asylum Act.

- ❖ A foreigner who is a victim of a serious criminal offence, including persons who have been involved in actions to enable irregular migration and who cooperate with the police and the judiciary, and whose presence is necessary in the criminal proceedings or who is participating in an investigation as witness or plaintiff;
- ❖ A minor foreigner who has been abandoned, who is a victim of organised crime or has for other reasons lost parental care or company;
- ❖ Serious and legitimate personal reasons of humanitarian nature, existing interests of the Republic of Serbia or international commitments made.

The Mol shall also grant temporary residence for humanitarian reasons if they determine that the circumstances based on which the application was made are founded, even if the general criteria referred to above are not met for legitimate reasons.⁷⁵

Temporary residence for humanitarian reasons shall be granted for a minimum of six months and a maximum of one year and may be extended, if the circumstances that the temporary residence was based on still exist.⁷⁶

The family reunification procedure is regulated by the Foreigners Act. Foreigners Act explicitly foresees that family members of persons granted asylum have to apply for a visa in the diplomatic-consular representation of Serbia in the country of origin or a third country. They also have to provide evidence of their family ties with a person granted asylum in Serbia. People granted visas to arrive in Serbia will be granted temporary residence for the purpose of family reunification in line with Article 55 of the Foreigners Act.

In practice, there were no cases of family reunification procedures realised, which could indicate if family members of beneficiaries of temporary protection would obtain the same form of temporary protection or temporary protection on humanitarian grounds.

C. Movement and mobility

Beneficiaries of temporary protection have equal rights to free movement as permanently residing foreigners in Serbia.⁷⁷

There were no recorded cases in which beneficiaries of temporary protection were denied access to EU Member States.

D. Housing

Indicators: Housing

- | | |
|-----------------------------------------------------------------------------------------------|--------------------------------|
| 1. For how long are temporary protection beneficiaries entitled to stay in reception centres? | For as long as TP is in force. |
| 2. Number of beneficiaries staying in reception centres as of 04/23 | 78 |
| 3. Number of beneficiaries staying in private accommodation as of 30/23 | Approx. 26,000 |

The vast majority of beneficiaries of temporary protection is accommodated at a private address, while between 70 to 80 on average have been accommodated in the AC Vranje, designated solely for people displaced from Ukraine.

⁷⁵ Article 61 (2) Foreigners Act.

⁷⁶ Article 61 (3) Foreigners Act

⁷⁷ Article 62 Asylum Act.

Beneficiaries of temporary protection are entitled to access reception facilities governed by the CRM for as long as they enjoy such protection. The CRM is the main state authority in charge of accommodating refugees, asylum seekers, persons seeking temporary protection and beneficiaries of temporary protection.

The AC in Vranje has been designated in particular as being dedicated to beneficiaries of temporary protection. On 3 January 2023, a total of 83 beneficiaries of temporary protection resided in the AC Vranje while its maximum capacity is of 150 beds.

The Serbian asylum system does not recognise any reception schemes except the 19 asylum and reception centres. Taking into consideration that the number of Ukrainian refugees in Serbia who opted for temporary protection is less than 1,300 and that there is no accurate data as to how many of them remained in Serbia, it can be safely said that the AC in Vranje covers the needs of those refugees who cannot afford private accommodation. The remaining beneficiaries live in private addresses at their own cost. There were no instances in which beneficiaries of temporary protection were denied access to reception facilities.

In May 2017, the Reception Centre in Vranje (220 places) was opened in a motel at the entrance of the town. The conditions in Vranje may be described as satisfactory bearing in mind their provisional nature, but realistic capacity which would guarantee human dignity and longer stay are several dozen less. In June 2021, this facility became an asylum centre, accommodating Ukrainian families (28 persons in total) at the end of March 2022, and 40 persons in mid-April. The living conditions in the AC Vranje are of the highest standards and this facility was completely refurbished and equipped with new furniture for Ukrainian refugees. In January 2023, the AC in Vranje accommodated 83 refugees from Ukraine. They are provided with food, health care, clothes and occasional cash cards. There were no reported incidents or challenges related to access to State reception facilities nor there were reports on inappropriate housing.

There are no private hosting models designated for refugees from Ukraine, and private accommodation is not organised by the State.

E. Employment and education

1. Access to the labour market

The Asylum Act foresees that persons granted temporary protection are equal to foreigners with respect to the right to work and rights arising from employment and entrepreneurship.⁷⁸ The Employment of Foreigners Act (EFA) explicitly states that persons who have been granted temporary protection are to be issued personal work permits for the duration of that status.⁷⁹

The assistance is to be provided by the Commissariat for Refugees and Migrations and is to form part of every individual beneficiary of refugee status's integration plan. Still, the CRM has not produced a single integration plan in 2022. The assistance should include help in gathering all the necessary documents for registration with the National Employment Service (NES), the recognition of foreign degrees, enrolling in additional education programmes and courses in line with labour market requirements and engaging in measures of active labour market policy.⁸⁰

The NES is tasked with issuing personal work permits which further grants beneficiaries of temporary protection free employment, self-employment and the right to unemployment insurance.⁸¹ This further

⁷⁸ Article 65 Asylum Act.

⁷⁹ Article 13(6) Employment of Foreigners Act.

⁸⁰ Article 7 Integration Decree.

⁸¹ Article 12 EFA.

provides foreigners who have been granted temporary protection with unimpeded access to the labour market.

The Rulebook on Work Permits⁸² governs the procedure for issuing and extending work permits, as well as criteria that one must meet in order to receive the permit. In order to be issued with a personal work permit, in addition to a completed application, a person granted temporary protection needs to submit proof of payment of the administrative fee, a certified copy of their identity card and a certified copy of the decision granting temporary protection, but also the verified statement that they do not have any informal incomes and employment.

Another problem is that beneficiaries have to pay administrative fees in order to receive a work permit, which often represents a major expenditure for them. The Decree does not foresee assistance from the CRM in this regard, meaning that refugees usually require financial aid from civil society organisations to pay these fees. The fee is 14.360 dinars (around 121 EUR)⁸³ plus the fee for lodging the request for a working permit which is around 330.00 dinars (around 3 EUR). That is why such high costs are a major impediment for this vulnerable population. The GAPA foresees exemptions from payment of the costs of the procedure if the party cannot afford to bear the costs without endangering their subsistence or the subsistence of their family or if provided for in a ratified international treaty.⁸⁴ In practice, this possibility was almost always applied in relation to refugees from Ukraine which should be praised.

In spite of the fact that, under the law, persons granted temporary protection in Serbia should not face significant challenges in accessing the labour market, finding employment is difficult in practice, especially bearing in mind the language barrier that exists between most of these persons and the local community.

It should be also borne in mind that support to access the labour market is solely provided by CSOs. In other words, state institutions still do not provide organised assistance to refugees for inclusion into the labour market, despite the provisions of the Integration Decree which stipulates such assistance.⁸⁵ This has been the case for beneficiaries of temporary protection.

There are no specific measures which are different from those envisaged for persons granted asylum or asylum seekers. Beneficiaries of temporary protection have the same treatment as persons granted asylum and asylum seekers.

2. Access to education

The right to education is a constitutional right in Serbia further governed by a number of laws, primarily the Law on Basics of the Education System.⁸⁶ Specific degrees of education are regulated by the Law on Primary Education,⁸⁷ the Law on Secondary Education,⁸⁸ and the Law on Higher Education.⁸⁹

The Integration Decree foresees assistance by the Commissariat for Refugees and Migrations to persons granted temporary protection in entering the educational system.⁹⁰ The Commissariat is to assist child beneficiaries of temporary protection enrolled in pre-school, elementary and high-school education, as well as illiterate adults who are to be enlisted in adult literacy programmes in cooperation with the Ministry of Education. The assistance provided to children includes the provision of textbooks and educational material, assistance in having foreign degrees recognised, learning support and financial support for engaging in extracurricular activities.⁹¹

⁸² Official Gazette no. 63/18, 56/19.

⁸³ Law on Administrative Fees, Fee No. 205, available at: <https://bit.ly/3kXBe0P>.

⁸⁴ Article 89 GAPA.

⁸⁵ Article 7 of the Integration Decree.

⁸⁶ Official Gazette, no. 88/17 and 27/18.

⁸⁷ Official Gazette, no. 55/13, 101/17 and 27/18.

⁸⁸ Official Gazette, no. 55/13, 101/17 and 27/18.

⁸⁹ Official Gazette, no. 88/17, 27/18 – other laws and 73/18.

⁹⁰ Article 2(4) Integration Decree.

⁹¹ Article 6 Integration Decree.

The Professional Instruction on the Inclusion of Refugee/Asylum Seeker Students in the Education System of Serbia further regulates access to education for refugee children.⁹² If the refugee children have proof of prior education, enrolment is made according to their age and level of education completed.⁹³ On the other hand, if they do not have any proof of prior education, enrolment is based on a test which aims to assess their level of knowledge.⁹⁴ For each student, the school is required to develop a Support Plan that should include an adaptation and stress management programme, an intensive Serbian language programme, an individualised teaching activities programme, and an extracurricular activities programme.⁹⁵

Under the Law on Basics of the Education System, foreign nationals, stateless persons and persons applying for citizenship shall have a right to education on an equal footing and in the same manner as Serbian nationals.⁹⁶ The Asylum Act also guarantees the right to education of persons granted temporary protection.⁹⁷ A person granted temporary protection is entitled to preschool, primary, secondary and higher education under the same conditions as citizens of Serbia.⁹⁸

It is also important to highlight that primary school is free and mandatory, and underage beneficiaries are to be ensured access to education immediately, and no later than three months from the date of the application for temporary protection.⁹⁹ Secondary education is also free of charge but is not mandatory.

In 2022, a total of 66 Ukrainian children were enrolled in primary schools all around Serbia.¹⁰⁰

Ukrainian children face similar obstacles as other children from the refugee population due to the language barrier. These obstacles are addressed by different CSOs who assist these children in better adapting to the school system of Serbia. There are no reported instances in which vulnerable children enjoying temporary protection have faced obstacles which require alternative arrangements.

The Integration Decree foresees Serbian language courses and courses of Serbian history, culture and constitutional order for persons recognised as refugees. Persons entitled to Serbian language courses are those who do not attend regular schools in Serbia, those who do, and persons older than 65. Persons not attending regular schools are entitled to 300 school periods of Serbian language classes during a single school year, while those engaging in businesses requiring university education may be provided with another 100 periods in a school year. Persons attending school have the right to be provided an additional 140 school periods of Serbian language classes, whereas those above 65 are provided with 200 school periods of the Serbian language adapted to the needs of everyday communications. The courses may be provided at regular or foreign language schools, whereas the adapted Serbian language classes may likewise be provided by companies suggesting a suitable programme and capable of employing the required staff.¹⁰¹ The classes are to be provided in the area where these persons reside, and if this is not possible, transport costs are to be covered by the Commissariat.

In 2021, with the help of the UNHCR office in Serbia, the ENRIC/NARIC Centre of the Qualification Agency of the Republic of Serbia joined the Council of Europe project of a European Qualification Passport for Refugees.¹⁰² Two Ukrainian diplomas were recognised in 2022.

⁹² Ministry of Education, Science and Technological Development Instruction No. 601-00-00042/17-2018 of May 2017.

⁹³ *Ibid.*, 1-2.

⁹⁴ *Ibid.* 2.

⁹⁵ *Ibid.* 3.

⁹⁶ Article 3(5) Law on Basics of the Education System.

⁹⁷ Articles 55 and 64 Asylum Act.

⁹⁸ Article 64 Asylum Act.

⁹⁹ Article 55 (2) Asylum Act.

¹⁰⁰ Euronews, *Koliko je ruske i ukrajinske dece u srpskim školama: Zna se tačna brojka, ali i kako se snalaze sa učenjem na srpskom*, 5 November 2022, available in Serbian at: <https://bit.ly/3l3PrYC>.

¹⁰¹ Article 4 Integration Decree.

¹⁰² More on the European Qualification Passport see on the following link: <https://bit.ly/3wy8gOC>.

F. Social welfare

The Social Welfare Act (SWA) defines social welfare as an organised social activity of common interest whose purpose is to provide assistance and strengthen individuals and families for an independent and productive life in society, as well as prevent the causes of, and eliminate, social exclusion.¹⁰³ The Act defines Serbian citizens as beneficiaries of social welfare, but states that foreigners and stateless persons may also receive social welfare in line with the law and international agreements.¹⁰⁴ This right is exercised through the provision of social protection services and material support.¹⁰⁵ The regulations on social welfare for persons seeking asylum or who have been granted asylum are within the jurisdiction of the Ministry of Labour, Employment, Veteran and Social Issues, which has enacted a Rulebook on Social Welfare for Persons Seeking or Granted Asylum (RSW).¹⁰⁶

Social welfare is provided under the same conditions as for asylum seekers and persons granted asylum. Social assistance is granted by local social welfare centres on whose territory the beneficiary reported their residency.

The request for social welfare is examined and decided upon by the social welfare centre with jurisdiction over the municipality in which the beneficiary resides.¹⁰⁷ Once granted, the conditions for benefitting from social welfare are re-examined by the social welfare centre on an annual basis. The second instance body is the Minister responsible for social affairs.¹⁰⁸

The Asylum Act and RSW do not recognise the actual needs of persons granted temporary protection as a member of a particularly underprivileged group. The main reason for this claim lies in the fact that beneficiaries who are accommodated in Asylum Centres and who do not have sufficient means of livelihood are not eligible for social allowances.

Beneficiaries of temporary protection did not receive social allowances in 2022.

G. Health care

The Asylum Act prescribes that the right to healthcare is guaranteed to all persons granted temporary protection and that all costs of health care are covered by the State.¹⁰⁹ Additionally, foreigners' health care is also governed by the Health Care Act (HCA)¹¹⁰ and the Health Insurance Act (HIA)¹¹¹ as well as the Rulebook on the Terms and Procedure for Exercising the Right to Compulsory Health Insurance (RHI).¹¹² HCA stipulates that refugees and asylum seekers, but also persons granted temporary protection, are entitled to health care under equal terms as Serbian nationals.¹¹³ In general, appropriate enjoyment of the right to health care depends on the assistance of relevant CSOs and International Organisations.¹¹⁴

¹⁰³ Article 2 Social Welfare Act, Official Gazette no. 24/2011.

¹⁰⁴ Article 6 SWA.

¹⁰⁵ Article 4 (2) SWA.

¹⁰⁶ Rulebook on Social Welfare for Persons Seeking or Granted Asylum, Official Gazette no. 44/2008.

¹⁰⁷ *Ibid*, Article 8.

¹⁰⁸ *Ibid*, Article 9.

¹⁰⁹ Article 63 Asylum Act.

¹¹⁰ Official Gazette no. 25/19.

¹¹¹ Official Gazette no. 107/25, 109/05 – correction, 57/11, 110/12 – Constitutional Court Decision, 119/12, 99/14, 123/14, and 126/14 – Constitutional Court Decision.

¹¹² Official Gazette no. 10/10, 18/10 – correction, 46/10, 52/10 – correction, 80/10, 60/11 – Constitutional Court Decision, and 1/13.

¹¹³ Article 236, para. 1, and Article 239 of the Law on Health Care.

¹¹⁴ BCHR, *Right to Asylum in the Republic of Serbia* 2019, 185-187.

As it is the case with refugees and asylum seekers, HIA and RHI do not specify further the rights of beneficiaries of temporary protection. Thus, the HIA does not recognise beneficiaries of temporary protection referred to in the Asylum Act as a separate category of insured standard.¹¹⁵ The same conclusion can be drawn in relation to the Serbian Health Insurance Act.¹¹⁶ Hence, beneficiaries of temporary protection are not entitled to compulsory health insurance and issuance of health insurance cards.¹¹⁷ They can obtain them only if they pay 3,607 dinars per month (a bit more than 300 EUR annually). Of course, employed persons granted temporary protection obtain health care insurance from their employers, but the problem arises mainly for those beneficiaries of the TP who are unofficially unemployed.

Like beneficiaries of international protection, beneficiaries of temporary protection face numerous obstacles in local health care centres due to their plastic ID cards, the language barrier and the fact that employees in health centres are not familiar with this category of persons. This requires continuous assistance of CSOs, but also CRM and even Mol.

¹¹⁵ Article 11 HIA.

¹¹⁶ Exercising the Right to Compulsory Health Insurance, Serbian Health Insurance Fund, Belgrade, May 2015, available (in Serbian) at: <http://bit.ly/33amche>.

¹¹⁷ Article 25 HIA; see more in BCHR, *Right to Asylum in the Republic of Serbia* 2019, 184-185.