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Asylum Information Database

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UPDATE ON 2025

SERBIA

COUNTRY REPORT

JULY 2026

Acknowledgements & Methodology

This report was written by Nikola Kovačević, independent expert, human rights lawyer from Serbia and coordinator of Asylum and Migration Program at the Centre for Research and Social Development IDEAS, with the help of Centre for Research and Social Development IDEAS, Anđela Šemić, Senior Advocacy Officer at IDEAS and Marko Milanović, Executive Director of IDEAS. The report was edited by ECRE.

This report draws on authors and the above-enlisted CSOs' experience providing legal assistance to asylum seekers and refugees in Serbia, engaging with the asylum authorities and monitoring the respect for the right to asylum in the country.

The Report also draws on the findings and reports of other CSOs who are active in the field of asylum and migration in Serbia, such as Asylum Protection Centre (APC), Border Violence Monitoring Network (BVMN), Centre for Development of Social Policies (Klikaktiv), Centre for Peace Studies (CMS) and Hungarian Helsinki Committee (HHC), as well as the findings of regional and international human rights bodies, United Nations High Commissioner for Refugees office in Serbia (UNHCR), European Commission and other relevant and credible sources.

The information in this report is up-to-date as of 31 December 2025, unless otherwise stated.

The Asylum Information Database (AIDA)

The Asylum Information Database (AIDA) is managed by the European Council on Refugees and Exiles (ECRE). It aims to provide up-to date information which is accessible to researchers, advocates, legal practitioners and the general public through the dedicated website www.asylumineurope.org It covers 26 countries, including 20 EU Member States (AT, BE, BG, CY, CZ, DE, ES, FR, GR, HR, HU, IE, IT, MT, NL, PL, PT, RO, SE, and SI) and 6 non-EU countries (Egypt, Serbia, Switzerland, Türkiye, Ukraine and the United Kingdom). The database also seeks to promote the implementation and transposition of EU asylum legislation reflecting the highest possible standards of protection in line with international refugee and human rights law and based on best practice.

This report is part of the Asylum Information Database (AIDA), funded by the European Union's Asylum, Migration and Integration Fund (AMIF) and ECRE. The contents of this report are the sole responsibility of ECRE and can in no way be taken to reflect the views of the European Commission.

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Glossary & List of Abbreviations

A11	A11-Initiative for Economic and Social Right
Afis	Automated fingerprint identification system
ADA	Administrative Dispute Act
APC	Asylum Protection Centre
BVMN	Border Violence Monitoring Network
BCHR	Belgrade Centre for Human Rights
BIA	Security-Information Agency of Serbia
BID	Best Interest Determination
BPA	Border Police Administration
BPS	Border Police Station
BPSB	Border Police Station Belgrade
CAT	United Nations Committee against Torture
CESCR	United Nations Committee on Economic, Social and Cultural Rights
CHTV	Government's Centre for Human Trafficking Victims' Protection
CJEU	Court of Justice of the European Union
CoI	Country of Origin Information
CM	Committee of Ministers of the Council of Europe
CSO	Civil Society Organisation
CPT	European Committee for Prevention of Torture and Inhumane and Degrading Treatment or Punishment
CRC	United Nations Committee on the Right of the Child
CRM	Commissariat for Refugees and Migration
CSW	Centre for Social Work
DCOT	Department of the Ministry of Interior for Combating Organized crime and Terrorism (DCOT)
DoI	Declaration of Intent for Lodging an Application on Asylum in Hungarian Embassy
DRC Serbia	Danish Refugee Council in Serbia
ECHR	European Convention on Human Rights and Fundamental Freedoms
ECtHR	European Court of Human Rights
GAPA	General Administrative Procedure Act
HRC	United Nations Human Rights Committee
IAN	International Aid Network
ICCPR	International Covenant on Civil and Political Rights
IDEAS	Centre for Research and Social Development IDEAS
IDP	Internally displaced person
ISIS	Islamic State of Iraq and Syria
MoI	Ministry of Interior
MoLEVSA	Ministry of Labour, Employments, Veteran and Social Affairs
MYLA	Macedonian Young Lawyers' Association

NES	National Employment Service
NPM	National Preventive Mechanism
OKS	Specific Category of Foreigners | Određena kategorija stranaca
PIN	Psychosocial Innovation Network
RBC	Regional Border Centre
RSDP	Refugee Status Determination Procedure
TRHG	Temporary Residency on Humanitarian Grounds
VBA	Military Security Agency
UAE	United Arab Emirates
UASC	Unaccompanied and Separated Children
UNHCR	United Nations High Commissioner for Refugees
Recording of intention to lodge an asylum application	Request certifying a person's intention to apply for asylum. This does not constitute a formal application for asylum.

Statistics

Overview of statistical practice (1)

The Asylum Office does not publish statistics on asylum applications and decisions. Basic figures based on information provided by the Asylum Office are published by UNHCR office in Serbia. Positive and negative decision rates are weighed against the total number of decisions rendered in merits in the same timeframe. Apart from the first column which is related to the number of applicants/persons in 2025, all other figures refer to the number of decisions. The total number of persons encompassed with the bellow-outlined decisions can be observed in the Asylum Office practice in 2025**.** Thus, one decision can encompass two or more asylum seekers. It is also important to note that decisions to discontinue asylum procedures due to absconding are still the most common decisions and that is the reason why, in relation to many nationalities, there are no in-merit decisions.

Applications and granting of protection status at first instance - top 10 nationalities: 2025[1]

	Applicants in 2025 (2)	Pending at end of 2025	Total decisions in 2025 (3)	Total in-merit decisions (4)	Total rejections (5)	Refugee status	Subsidiary protection	Humanitarian protection (6)[2]
Total (1)	130[3]	N/A	89[4]	86	79	2	5	99

Breakdown by the countries of origin with the highest figures of the total numbers

Russian Federation	29	N/A	10	10	10	0	0	2
Palestine	10	N/A	0	0	0	0	0	26
Pakistan	9	N/A	4	4	4	0	0	1
Syria	8	N/A	7	7	4	0	3	0
Burundi	8	N/A	9	9	8	0	1	4

1 It is important to note that for the purpose of the 2025 Update to this report, the Asylum Office delivered copies of all decisions rendered in the period from 1 January 2025 and 31 December 2025, which provided the author with the possibility to provide accurate statistical data and substantive analysis of the 2025 practice.

2 Because humanitarian protection is not related to the asylum procedure or the Law on Asylum and Temporary Protection these figures have not been added to the figures for total decisions in 2025 and total in-merit decisions.

3 There were no subsequent asylum applications in 2025.

4 This number does not encompass decisions on discontinuation due to absconding which cannot be accurately determined in terms of the ratio between number of decisions and number of persons. The Asylum Office provides inaccurate data to the UNHCR office in Serbia outlining in its monthly reports that the number of decisions on absconding is identical to the number of persons. This is simply not correct since 1 decision on absconding can encompass more people (e.g. families or couples). For that reason, the methodology established by the author is to reduce the total number of persons for 30% as the approximate number of decisions - 83. Thus, the approximate number of decisions on discontinuation in this Report will be 83 decisions rendered in relation to 100 persons. A total number of all decisions related to the asylum procedure and rendered by the Asylum Office in 2025 is 170. These 170 decisions encompass 226 persons.

DR Congo	7	N/A	0	0	0	0	0	2
Cuba	7	N/A	17	17	17	0	0	2
Kazakhstan	5	N/A	1	1	1	0	0	0
Türkiye	4	N/A	8	8	8	0	0	0
Afghanistan	3	N/A	5	5	3	1	1	1

Source: Ministry of Interior - Asylum Office and of the UNHCR office in Serbia (monthly reports) and Ministry of Interior - Border Police Department's Response to the request for the information of public importance no. 07-25/26-2, 10 March 2026 (received on 23 March 2026).

Note 1: The figure for “total” refers to all nationalities, while the breakdown is for the top 10 countries of origin with the highest numbers of the applicants.
Note 2: ‘Applicants in year’ refers to the total number of applicants, and not only to first-time applicants.
Note 3: Statistics on decisions cover the decisions taken throughout the year, regardless of whether they concern applications lodged that year or in previous years.
Note 4: Statistics on decisions rendered in merits.
Note 5: ‘Total rejections’ in this column only covers negative decisions on the merit of the application (and not inadmissibility decisions).
Note 6: Temporary residency on humanitarian grounds ('привремени боравак из хуманитарних разлога') can be granted for the period ranging from 6 months to 1 year, in line with the Article 61 of the Foreigners Act.

Applications and granting of protection status at first instance - top ten nationalities: rates for 2025

	Overall rejection rate (1)	In merit protection rate (2)	Refugee rate amongst positive decisions (1)	Subsidiary protection rate amongst positive decisions (1)	Humanitarian protection rate
Total	92%	8%	28,6%	71,4%	N/A
Breakdown by the countries of origin with the highest numbers					
Russian Federation	100%	0%	0%	0%	N/A
Palestine	0%	0%	0%	0%	N/A
Pakistan	100%	0%	0%	0%	N/A
Syria	57%	43%	0%	100%	N/A
Burundi	89%	11%	0%	100%	N/A
DR Congo	0%	0%	0%	0%	N/A
Cuba	100%	0%	0%	0%	N/A
Kazakhstan	100%	0%	0%	0%	N/A
Türkiye	100%	0%	0%	0%	N/A
Afghanistan	60%	40%	50%	50%	N/A

Source: Ministry of Interior - Asylum Office and of the UNHCR office in Serbia (monthly reports) and Ministry of Interior - Border Police Department's Response to the request for the information of public importance no. 07-25/26-2, 10 March 2026 (received on 23 March 2026).

Note 1: These rates are calculated based on total in-merit decisions.
Note 2: These rates are calculated based on in-merit decisions only, excluding non-in-merit rejections, as well as decision on temporary residency on humanitarian grounds, as it is irrelevant for the assessment of the asylum procedure in the Serbian context.

Gender/age breakdown of the total number of persons issued with the certificate on the intention to lodge asylum application in the Republic of Serbia: 2025

	Men	Women
Number	539	87
Percentage	86%	14%

	Adults	Children	
		Accompanied	Unaccompanied
Number	523	89	14
Percentage	83,5%	14,2%	2,3%

Source: Ministry of Interior - Asylum Office and UNCHR office in Serbia (monthly reports)

Note: The gender breakdown (Men/Women) for asylum applicants was not provided by the Asylum Office in 2025, but only a breakdown of persons who expressed their intention to lodge asylum application, and in line with the Article 35 (11) of the Asylum and Temporary Protection Act. The Asylum Office simply does not keep such data, but it is reasonable to assume that the ratio between men and women asylum applicants is similar to the ratio of men and women issued with registration certificates.

First instance and appeal decision rates: 2025

It should be noted that, during the same year, the first instance and appeal authorities handle different caseloads. Thus, the decisions below do not necessarily concern the same applicants.

	First instance		Appeal	
	Number	Percentage	Number	Percentage
Total number of decisions	86	100%	68	100%
Positive decisions	7	8%	2[5]	3%
• *Refugee status*	2	28,6%	0	0%
• *Subsidiary protection*	5	71,4%	0	0%
• *Other*	0	0%	3	4,5%
Negative decisions	80	92%	66	95,5%

Source: Ministry of Interior - Asylum Office and of the UNHCR office in Serbia (monthly reports), Ministry of Interior - Border Police Department's Response to the request for the information of public importance no. 07-25/26-2, 10 March 2026 (received on 23 March 2026) and Asylum Commission Response to the request for the information of public importance no. 01/26, 29 January 2026, delivered on 10 April 2026.

[5] All three decisions implied that the cases were referred back to the Asylum Office. Both appeals were upheld on the basis of the arguments outlined in the appeal of applicants and their lawyers.

Overview of the legal framework

Main legislative acts on asylum procedures, reception conditions, detention and content of international protection

Title (EN)	Original Title (SR)	Abbreviation	Web Link
Law on Asylum and Temporary Protection Official Gazette no. 24/2018	Zakon o azilu i privremenoj zaštiti / Закон о азилу и привременој заштити Službeni glasnik RS, br. / Службени гласник РС, бр. 24/2018	Asylum Act	Available here (EN) https://bit.ly/2NigaSq (SR)
Law on Foreigners Official Gazette no. 24/2018, 31/2019 and 62/2023	Zakon o strancima / Закон о странцима Službeni glasnik RS, br. / Службени гласник РС, бр. 24/2018, 31/2019 i/и 62/2023	Foreigners Act	https://bit.ly/2SP2aa9 (EN) https://bit.ly/2SUJIee (SR)
Law on Migration Management Official Gazette no. 107/2012	Zakon o upravljanju migracijama / Закон о управљању миграцијама Službeni glasnik RS, br. / Службени гласник РС, бр. 107/2012	Migration Management Act	https://bit.ly/2RQR7gY (EN) http://bit.ly/1Qo7kPK Available here (SR)
Constitution of the Republic of Serbia Official Gazette no. 83/06 and 115/21	Ustav Republike Srbije / Устав Републике Србије Službeni glasnik RS, br. / Службени гласник РС, бр. 83/06 i/и 115/21	Constitution	http://bit.ly/1Rd2D98 (EN) https://bit.ly/3fxuFk9 SR)
General Administrative Procedure Act Official Gazette no. 18/2016	Zakon o opštem upravnom postupku / Закон о општем управном поступку Službeni glasnik RS, br. / Службени гласник РС, бр. 18/2016	GAPA	https://bit.ly/3bn76ua (EN) https://bit.ly/2IpdyEP (SR)
Law on Administrative Disputes Official Gazette no. 111/2009	Zakon o upravnim sporovima / Закон о управним споровима Službeni glasnik RS, br. / Службени гласник РС, бр. 111/2009	ADA	https://bit.ly/2SbzJxS (EN) https://bit.ly/42nGv8u (SR)
Law on Employment of Foreigners Official Gazette no. 128/2014, 113/2017, 50/2018 and 31/2019	Zakon o zapošljavanju stranaca / Закон о запошљавању странаца Službeni glasnik RS, br. / Службени гласник РС, бр. 128/2014, 113/2017, 50/2018 i/и 31/2019	Foreigners Employment Act	https://bit.ly/42njKlh (EN) https://bit.ly/35bggXD (SR)

Law on Citizenship Official Gazette nos. 35/2004, 90/2007 and 24/2018	Zakon o državljanstvu Republike Srbije / Закон о држављанству Републике Србије Službeni glasnik RS, br. / Службени гласник РС, бр. 35/2004, 90/2007 i/и 24/2018	Citizenship Act	Available here (EN) Available here (RS)

Main implementing decrees and administrative guidelines and regulations relevant to asylum procedures, reception conditions, detention and content of protection

Title (EN)	Original Title (SR)	Abbreviation	Web Link
The Rulebook on the Form of the Decision on Refusal of Entry into the Republic of Serbia, the Form of the Decision on the Approval of Entry into the Republic of Serbia and the Manner of Entering Data on the Refusal of Entry into the Travel Document of the Foreigner Official Gazette, no. 50/2018	Pravilnik o izgledu obrasca o odbijanju ulaska u Republiku Srbiju, o izgledu obrasca o odobrenju ulaska u Republiku Srbiju i načinu unosa podatka o odbijanju ulaska u putnu ispravu stranca / Правилник о изгледу обрасца о одбијању уласка у Републику Србију, о изгледу обрасца о одобрењу уласка у Републику Србију и начину уноса податка о одбијању уласка у путну исправу странца Službeni glasnik RS, br. 50/2018/ Службени гласник РС, бр. 50/2018	Rulebook on the Refusal of Entry	https://bit.ly/2EkP1N9 (SR)
Rulebook on the Procedure of Registration, Design and Content of the Certificate on Registration of a Foreigner Who Expressed Intention to Seek Asylum Official Gazette, no. 42/2018	Pravilnikom o načinu i postupku registracije i izgledu i sadržini potvrde o registraciji stranca koji je izrazio nameru da podnese zahtev za azil / Правилник о начину и поступку регистрације и изгледу и садржини потврде о регистрацији странца који је изразио намеру да поднесе захтев за азил Službeni glasnik RS, br. / Службени гласник РС, бр. 42/2018	Rulebook on Registration	https://bit.ly/2U3A3AE (SR)
Rulebook on the Content and Structure of the Asylum Application Form and the Content and Appearance of the Forms of Documents issued to	Pravilnik o sadržini i izgledu obrasca zahteva za azil i sadržini i izgledu obrazaca isprava koje se izdaju tražiocu azila i licu kojem je odobren azil ili privremena zaštita / Правилник о садржини и изгледу обрасца захтева за	Rulebook on Asylum Application	https://bit.ly/3sDTDFO (SR)

Asylum Seeker and Person Granted Asylum or Temporary Protection Official Gazette, no. 42/2018	азил и садржини и изгледу образаца исправа које се издају тражиоцу азила и лицу којем је одобрен азил или привремена заштита Službeni glasnik RS, br. / Службени гласник РС, бр. 42/2018		
Decree on the Manner of Involving Persons Granted Asylum in Social, Cultural and Economic Life Official Gazette, no. 101/2016 and 56/2018.	Uredba o načinu uključivanja u društveni, kulturni i privredni život lica kojima je odobreno erti na azil / Уредба о начину укључивања у друштвени, културни и привредни живот лица којима је одобрено право на азил Službeni glasnik RS, br. / Службени гласник РС, бр. 101/2016 i/и 56/2018.	Integration Decree	https://bit.ly/2J5b3rW (SR)
Rulebook on Medical Examinations of Asylum Seekers upon Admission to the Asylum Centre or other Facility for Accommodation of Asylum Seekers Official Gazette, no. 57/2018	Pravilnik o zdravstvenim pregledima tražioca azila prilikom prijema u Centar za azil ili drugi objekat za smeštaj tražilaca azila / Правилник о здравственим прегледима тражиоца азила приликом пријема у Центар за азил или други објекат за смештај тражилаца азила Službeni glasnik RS, br. / Службени гласник РС, бр. 57/2018	Rulebook on Medical Examinations	https://bit.ly/3LG93IS (SR)
Rulebook on House Rules in the Asylum Centre and other Facility for Accommodation of Asylum Seekers Official Gazette, no. 96/2018	Pravilnik o kućnom redu u centru za azil i drugom objektu za smeštaj tražilaca azila / Правилник о кућном реду у центру за азил и другом објекту за смештај тражилаца азила Službeni glasnik RS, br. / Службени гласник РС, бр. 96/2018	Rulebook on House Rules	https://bit.ly/3gRBnmV (SR)
Decree on the Criteria for Determining the Priority for Accommodation of Persons who have been Granted Refugee Status or Subsidiary Protection and the Conditions for the Use of Housing for Temporary Accommodation Official Gazette, no. 56/2018	Uredba o merilima za utvrđivanje prioriteta za smeštaj lica kojima je priznato parvo na utočište ili dodeljena supsidijarna zaštita i uslovima korišćenja stambenog prostora za privremeni smeštaj / Уредба о мерилима за утврђивање приоритета за смештај лица којима је признато право на уточиште или додељена супсидијарна заштита и условима коришћења стамбеног простора за привремени смештај	Decree on Accommodation of persons granted refugee status or subsidiary protection	https://bit.ly/3oSVo0Y (SR)

	Službeni glasnik RS, br. / Службени гласник РС, бр. 56/2018		
Rulebook on Social Allowances for Asylum Seekers and Persons Granted Asylum Official Gazette, no. 12/2020	Pravilnik o socijalnoj pomoći za lica koja traže, odnosno kojima je odobren azil / Правилник о социјалној помоћи за лица која траже, односно којима је одобрен азил Službeni glasnik RS, br. / Службени гласник РС, бр. 12/2020	Rulebook on Social Allowances	https://bit.ly/3LFNp0O (SR)
Rulebook on the Look and Content of the Travel Document for Refugees Official Gazette no. 104/2023	Pravilnik o sadržini i izgeldu obrasca putne isprave za izbeglice/ Правилник о садржини и изгледу обрасца путне исправе за избеглице Službeni glasnik RS, br. / Службени гласник РС, бр. 104/2023	Rulebook on Refugee Travel Document	https://bit.ly/4e6rDBI (SR)
Decision on Granting Temporary Protection in the Republic of Serbia to Persons Fleeing from Ukraine Official Gazette no. 36/2022, 21/2023 i 21/2024	Odluka o pružanju privremene zaštite u Republici Srbiji raseljenim licima koja dolaze iz Ukrajine / Одлука о пружању привремене заштите у Републици Србији лицима која долазе из Украјине Službeni glasnik RS, br. / Службени гласник РС, бр. 36/2022, 21/2023 i/и 21/2024	Decision on Temporary Protection	Available here (SR)

Overview of main changes since the previous report update

The previous version of this report was last published in **July 2025**.

International protection

Asylum procedure

- **Key statistics on arrivals:** MoI and CRM recorded 9,567 arrivals which is a significant decrease in comparison to 2024 when 19,603 arrivals was recorded. Still, this number reflects only the persons recorded in CRM reception facilities, and it is reasonable to assume that number of arrivals to Serbia is significantly higher. Also, this number does not encompass persons in need of international protection who can arrive to Serbia regularly (Ukraine or Russian Federation), or who arrived regularly with a visa and then applied for asylum (see Access to the territory and arbitrary and forcible removals).

- **Access to the territory - pushbacks**: Pushbacks from Serbia to North Macedonia and Bulgaria continue, despite lower number of CSO reports. Several cases were recorded in detail by CSOs, while the *modus operandi* of pushbacks was confirmed in the landmark judgment *O.H. and Others v. Serbia* rendered in February 2026. Only 76 foreign nationals were officially readmitted to neighbouring countries, while 4,620 was refused entry. On the other hand, MoI reported 10,802 preventions of illegal entry, which in most of the cases amounts to pushbacks, regardless of MoI's interpretations which are based around the narrative of 'discouragement'. Thus, pushbacks remain a systemic practice, especially at the borders with Bulgaria and North Macedonia (see Access to the territory and arbitrary and forcible removals).

- **Pushbacks from other countries to Serbia**: Only 210 persons were returned under the readmission agreement, while pushbacks from neighbouring countries continued, reaching 5,580 from Hungary. Decreased presence of CSOs in border areas has led to the lower number of individual testimonies recorded and published (see Access to the territory and arbitrary and forcible removals).

- **Smuggling activities**: Smuggling continued to be the only way to leave Serbia towards the EU, but after winter 2023 and armed clashes at the north between the smuggling groups, and smuggling groups and police, it became more clandestine. This topic had arisen publicly only after the incidents which imply either new clashes with police or tragedies in which people on the move are involved in fatal traffic accidents or drowning in rivers while trying to reach neighbouring countries, as it was the case with Syrian UaSCs in 2024 and Chinese migrants in 2025 (see Access to the territory and arbitrary and forcible removals).

- **Access to the asylum procedure at the airport**: Access to the asylum procedure at the airport remains a serious problem, and many cases of automatic refusal of entry, deprived of any risk assessment of *refoulement*, were recorded in 2025. Also, foreign nationals refused entry continue to be arbitrarily deprived of their liberty, which was confirmed by the ECtHR in the judgment *H.G.D. v. Serbia* from October 2025 (see Access to the territory at the Nikola Tesla Airport in Belgrade).

- **Registration and lodging of asylum applications**: In 2025, only 626 persons were registered in terms of the Article 35 of the Asylum Act, while only 130 lodged their asylum application. Persons who were served an expulsion order, or persons returned back from neighbouring countries can still be denied access to the asylum procedure and exposed to the risk of *chain-refoulement*, penalizations in misdemeanour or denial of access to reception facilities. Thus, any return to Serbia deprived of guarantees of access to asylum or other residential procedure in which individual circumstances of foreign nationals can be examined, including the risks of

refoulement, should be considered as falling short of the procedural limb of Article 3 of ECHR (see Registration of the asylum application).

- **First-instance asylum decisions**: In 2025, the Asylum Office rendered 172 decisions regarding 228 asylum seekers. Out of that number, 79 decisions regarding 118 asylum seekers were rejected on the merits, while 7 decisions granting asylum to 7 persons were delivered in the same period. The asylum procedure was discontinued in 83 cases regarding 100 applicants, due to their absconding, while in 1 instance subsequent asylum application was declined in relation to 1 applicant. There was 1 inadmissibility decision (first country of asylum). First instance asylum procedure still lasts excessively long (13,6 months) and is followed by a poor credibility assessment, poor CoI research and low recognition rate. Citizens of the Russian Federation, Türkiye and Burundi do not have prospect of obtaining international protection. The practice with regards to SGBV survivors, as well as LGBTQI+ applicants continued to deteriorate and the practice in general remains contradictory and unpredictable. Recognition rate in 2025 was 8%, which is a further decrease. The first Syrian applicant was rejected on the merits in December 2025. Positive practice was determined in relation to survivors of trafficking in human beings. And finally, arbitrary application of national security grounds in asylum and other residential procedures remains, reaching to 11 asylum procedures being negatively resolved for the applicants on these grounds (see Regular procedure).

- **Asylum Commission – the second instance authority:** The second instance body continues to lack corrective influence on Asylum Office. Also, contradicting practice in the same or identical cases was recorded again. In 2025, Asylum Commission rendered 68 decisions in relation to 94 persons from: Cuba (21), Russian Federation (18), Burundi (15), Türkiye (8), Belarus (6), Afghanistan (3), Syria (3), China (3), Kyrgizstan (2), Croatia (2), Iran (2), Pakistan (2) and 1 from Kazakhstan, Nigeria, Iraq, Sweden, Moldova, Bosnia and Hercegovina, Armenia, Ukraine and India. Still, the number of decisions in comparison to 2024 increased. As it was the case in 2021, 2022, 2023 and 2024 the Asylum Commission did not render any positive decisions in 2025, i.e. it did not grant international protection. Only two appeals were upheld, and the cases were referred back to the Asylum Office. The Asylum Commission basically confirmed the contentious practice of the Asylum Office with regards to the applicants from Russian Federation, Burundi and Türkiye, as well as the practice of arbitrary application of national security grounds, poor credibility assessment of SGBV survivors claims and LGBTQI+ applicants (see Appeal).

- **Administrative Court – the third instance authority**: In 2025, the Administrative Court delivered 22 decisions regarding 28 persons out of which most of them were of unknown nationality due to once again excessive anonymization: Unknown (13), Burundi (3) Iran (4), and 1 from Syria, Iraq, Cuba and Croatia. For that reason, the only thing which can be safely determined is the fact that cases before the Administrative Court last on average 36,6 months and that the practice of arbitrary application of national security grounds was confirmed in another case. No positive or corrective influence of this body was recorded, and all complaints were either rejected or dismissed. Thus, unless the Administrative Court's internal organization undergoes thematical restructuring, complaint to this body will continue to be theoretical and illusory (see Appeal).

- **Legal aid:** Legal aid continues to be limited due to funding cuts which impacted CSOs as traditional providers. The Law on Free Legal Aid needs to be amended so private lawyers can be provided in earlier stages of asylum procedure. Without competent legal aid providers, persons in need of international protection, as well as other vulnerable categories of persons of the move would be deprived of any chance of obtaining protection in Serbia (see Legal assistance).

Reception conditions

- **Reception capacity and conditions**: In 2025, a total of 3 asylum centres and 3 reception centres were operational out of 12 in total. Total reception capacities were, respectively 4,216 and 2,006

in asylum centres and 2,210 in reception centres. There was no overcrowding and genuine asylum seekers were referred to AC Sjenica and AC Obrenovac. AC Krnjača was permanently closed, as well as RCs in Šid, Adaševci, Dimitrovgrad and Kikinda. RCs in Sombor, Subotica, Bosilegrad, Pirot were not operational, as well as ACs in Banja Koviljača and Tutin (see Reception Conditions).

- **Vulnerability**: There is no vulnerability assessment upon arrival to reception facilities, not there is a state-organized and coordinated vulnerability assessment during the course of asylum procedure. CSOs and their legal representatives were once again those who primarily identified most vulnerable applicants and coordinated collection of evidence which proves vulnerability. Such evidence (expert opinions of SGBV survivors for instance) were flagrantly ignored by asylum authorities in all instances. Thus, vulnerable categories of foreign nationals and their special needs are systematically neglected in Serbian asylum and migration system. The perfect example of such practice is the fact that most of the survivors of human trafficking were identified by IDEAS and ATINA (see Special reception needs for vulnerable groups).

Detention of asylum seekers

- **Freedom of movement/deprivation of liberty:** No asylum seeker was detained in 2025, while 499 foreign nationals was detained under the Foreigners Act. The return rate was around 60%, while around 20% of foreign nationals was released due to the low prospect of return. Mass detention on national security grounds is no longer an issue, and the number of such cases has significantly dropped according to the data delivered by the MoI (see Detention of Asylum Seekers).

- **Detention conditions:** NPM criticized living conditions and regime of life in DC Padinska Skela and DC Plandište. It also outlined the complete lack of adequate health care and vulnerability screening upon arrival, as well as lack of meaningful activities (see Detention conditions).

Content of international protection

- **Integration – right to work**: There were no issues reported with regards to access to labour market, but it remains clear that integration support in this sense is predominately provided by UNHCR office in Serbia. Still, only around 70 out of 250 persons granted asylum remained in Serbia, which corroborates that prospect of integration of refugees in Serbia remains limited and that more assistance should be provided to asylum seekers from earlier stages of the first instance asylum procedure (see Access to the labour market).

- **Integration – right to permanent residency**: On 31 December 2025, a total 45 persons granted asylum in Serbia obtained permanent residency which corroborates the standing that many beneficiaries of international protection in Serbia have moved on to the EU (see Long-term residence).

- **Access to education**: No major problems were recorded with regards to access to education, except for the everlasting problem of children being deprived of support to adapt to elementary and high school class while under the status of asylum seekers (see Access to education).

- **Family reunification**: There were no cases of family reunification in 2025 (see Family reunification).

- **General observation of the author**: According to the opinion of the author of this report, the past 18 years have undoubtably proven that Serbia has never been genuinely interested to develop its asylum system and throughout the years, the behaviour of relevant authorities clearly has been embodied through practices which had a sole aim to crush aspirations of refugees to consider Serbia as a country where they can access protection: automatic application of the safe third country concept in the period 2008-2018, excessive length of asylum procedure 2008-present, no possibility to obtain refugee travel documents in the period 2008-2023, systemic pushbacks which intensified in the period from 2015 to the present day, organized crime present in reception facilities which had its roots in

different State hierarchies including the police, impunity for such acts, recognition rate which can only be considered as a statistical mistake, complete disregard of vulnerable persons on the move, automatic returns from airport to countries where there was a clear risk of refoulement, etc. If we add to that that hundreds of millions of euros was invested into the Serbian asylum system by the EU and other donors, and that Serbia has failed to budged the minimum for independent functioning, it is hard to escape the impression that the only reason certain and rare positive steps have been recorded in the past 18 years was motivated by financial support which was utilized in a non-sustainable manner.

Temporary protection

The information given hereafter constitute a short summary of the Annex on Temporary Protection on 2025. For further information, see the Annex on Temporary Protection.

Temporary protection procedure

- **Scope of temporary protection**: The following persons are eligible to be beneficiaries of 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.

- **Registration for temporary protection**: In 2024, a total of 387 persons were registered under the TP. In the same period, 394 persons were granted temporary protection for the first time. Finally, temporary protection was extended for a total of 859 persons.

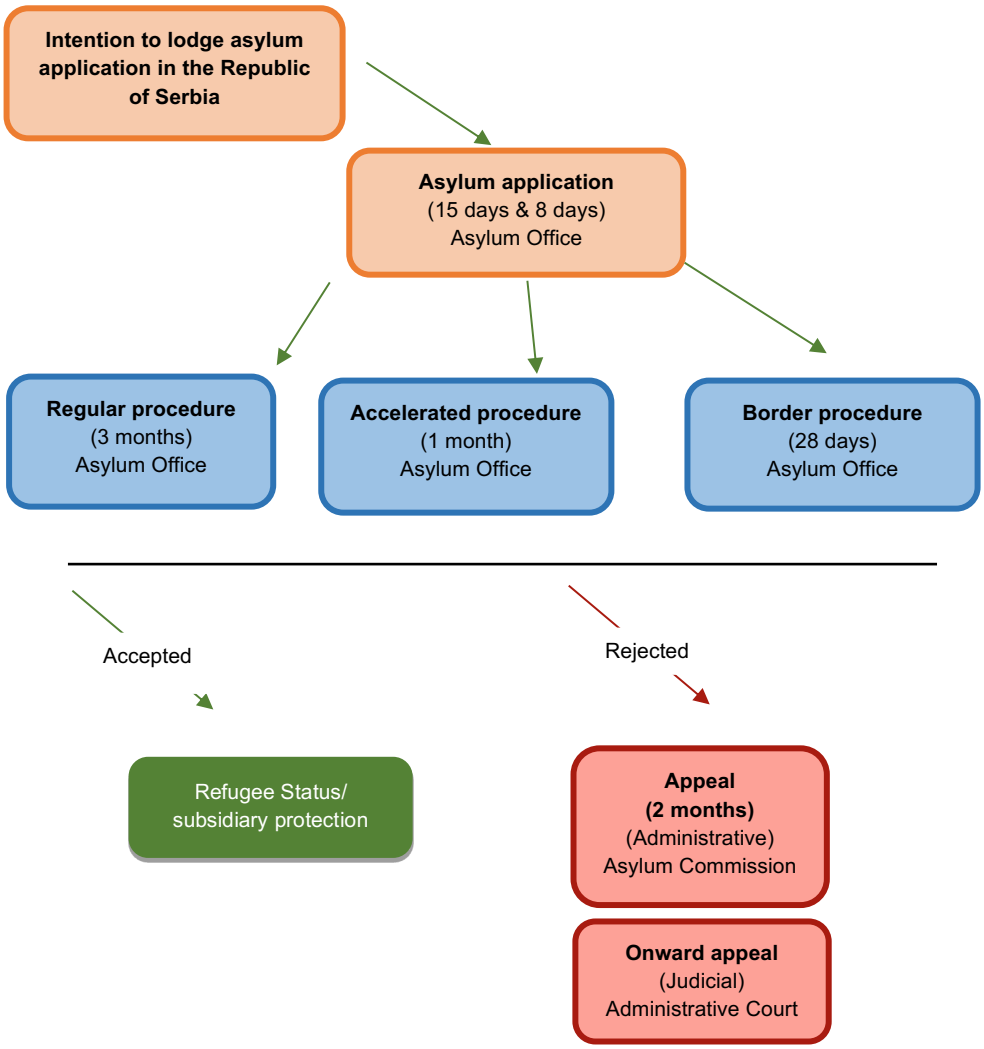
Content of temporary protection

- **Access to rights**: There were no major issues reported in access to rights and in relation to Ukrainian refugees and other beneficiaries of TP. Most of the problems were identical to those described in relation to asylum seekers and persons granted asylum in the general report

Asylum Procedure

A. General

1. Flow chart



2. Types of procedures

Indicators: Types of Procedures

1. Which types of procedures exist in your country?

❖ Regular procedure:	☒ Yes	☐ No
▪ Prioritised examination:[6]	☐ Yes	☒ No
▪ Fast-track processing:[7]	☐ Yes	☒ No
❖ Dublin procedure:	☐ Yes	☒ No
❖ Admissibility procedure:	☒ Yes	☐ No
❖ Border procedure:	☒ Yes	☐ No
❖ Accelerated procedure:[8]	☒ Yes	☐ No
❖ Other:	☐ Yes	☒ No

2. Are any of the procedures that are foreseen in the law, not being applied in practice?

☒ Yes ☐ No

The **regular procedure** still represents the most commonly applied procedure and is conducted in relation to applicants accommodated in the Asylum Centre (AC) Obrenovac and AC Sjenica - the only remaining operational facilities designated for genuine asylum seekers. The asylum procedure is also conducted in an unhindered manner in relation to applicants who can afford to live in private accommodation in Belgrade or in other places such as social care institutions for unaccompanied and separated children (UaSC) or safe houses for survivors of trafficking in human beings. AC Krnjača, as the AC in which most of asylum interviews had been taking place in the past 10 years was permanently closed in mid-2025.

Due to the decreased number of arrivals, as well lower number of asylum applications, but also more regular presence of officers at the Asylum Office in AC Sjenica, asylum seekers in this facility waited significantly less for their asylum interview in 2025. Still, the current situation in terms of the number of applicants and low occupancy of AC Obrenovac simply fails to provide reasonable justification for asylum seekers being referred to AC Sjenica when recently refurbished AC Obrenovac can accommodate everyone. The unreasonable referral system of asylum seekers, which is mostly controlled by the Commissariat for Refugees and Migration (CRM) and whose stance is that all single male asylum seekers should be referred to AC Sjenica and not to AC Obrenovac remained the same in 2025. Thus, the ineffectiveness and extensive length of the asylum procedure should also be attributed to the CRM (for further information on this practice and its consequences on asylum seekers' access to the asylum procedure, see Registration – Concerns in practice).

As for the **accelerated procedure**, it is still rarely used and only in instances of manifestly unfounded applications. It has also been conducted mostly in relation to applicants accommodated in Belgrade. In 2023, 2024 and 2025 the accelerated procedure was not applied.[9]

Since the introduction in the Asylum Act in 2018, the **border procedure** has not been conducted. Thus, the border procedure has yet to be applied in practice. The two operational immigration detention facilities in the border areas with Romania and Bulgaria – Detention Centre (DC) in Plandište and DC in Dimitrovgrad - were not used for such purpose, nor was the border procedure facilitated in the airport transit zones.

The Ministry of Interior (MoI) had previously explained that a **border/transit zone procedure** at the airport would be conducted after the reconstruction and extension of the Terminal facility at the airport Nikola Tesla. The project envisaged the construction of detention premises for persons refused entry, but also persons who might apply for asylum and who could then be subjected to the airport/border procedure.

6 For applications likely to be well-founded or made by vulnerable applicants.
7 Accelerating the processing of specific caseloads as part of the regular procedure, without reducing procedural guarantees.
8 Entailing lower procedural safeguards, whether labelled as 'accelerated procedure' in national law or not.
9 Conclusion based on the basis of the analysis of all first instance decisions delivered by the Asylum Office, which were shared with the author for the purpose of drafting this Report.

Said reconstruction was finalised during 2022, and the newly established premises are operational but still not considered suitable for longer stays due to their size and carceral structure.[10]

Thus, the **airport transit zone procedure** is yet to be applied in practice and it is reasonable to assume that such procedure will not be conducted at the airport in the near future due to infrastructural deficiencies. For that reason, all foreigners who express their intention to lodge an asylum application at the airport are issued with the certificate on the intention to lodge asylum application (registration certificate) and are referred to one of the Asylum or Reception Centres.

3. List of authorities that intervene in each stage of the procedure

Stage of the procedure	Competent authority (EN)	Competent authority (SR)
Decision on entry and Decision on refusal of entry[11]	Regional Border Centres (RBC) or Border Police Stations (BPS) established within the Border Police Administrations of the Ministry of Interior	Regionalni centri granične policije (RCGP) i stanice granične policije (SGP) / Регионални центри граничне полиције (РЦГП) и станице граничне полиције (СГП)
Registration Certificate	RBC, BPS and Foreigners Units within Police Departments in Serbia	RCGP, SGP i Odeljenje za strance unutar policijskih uprava / РЦГП, СГП и Одељења за странце унутар полицијских управа
Asylum Application	Asylum Office	Kancelarija za azil / Канцеларија за азил
Refugee status determination	Asylum Office	Kancelarija za azil / Канцеларија за азил
Appeal procedure ❖ First appeal ❖ Onward appeal	 Asylum Commission Administrative Court	 Komisija za azil / Комисија за азил Upravni sud / Управни суд
Subsequent application	Asylum Office	Kancelarija za azil / Канцеларија за азил
Constitutional Appeal	Constitutional Court of the Republic of Serbia	Ustavni sud / Уставни суд
Revocation / Withdrawal	Asylum Office	Kancelarija za azil / Канцеларија за азил
Returns (voluntary and forced)	Border Police Administration - Detention Centres in Belgrade, Plandište and Dimitrovgrad	Управа граничне полиције - Прихватилишта за странце у Београду, Пландишту и Димитровграду - Uprava granične policije - Prihvatilišta za strance u Beogradu, Plandištu i Dimitrovgradu

Impact of security checks on asylum procedures

In Serbia, the Security Information Service (BIA), but also the Department of the MoI for Combating Organized crime and Terrorism (DCOT), always conduct security checks and assessments, after which an application for international protection can be rejected based on exclusion grounds.[12] This has become the usual practice before the decision granting asylum is officially rendered. According to the observations of the author of the report, the main issue is that a negative decision issued after such assessments does not contain any factual information or evidence which would indicate why the asylum seeker in question represents a national security risk. This further undermines their possibility to challenge such assessment

10 Outlined by the representatives of the Asylum Office at the round table with Border Police that took place in Vrdnik on 28 December 2023.

11 Formally speaking, the Border Police is not authorised to refuse entry to any person seeking asylum.

12 Article 33 (2) Asylum Act and Article 9 Foreigners Act.

before the Asylum Commission and the Administrative Court, who also keep applicants in the dark on the facts which allegedly indicate their security threat to Serbia.

This practice was applied for the first time in the period 2015-2018 in one case concerning a Libyan family whose asylum applications were rejected because they were on the list of individuals whose presence on Serbian territory was considered a threat to national security and continued in the following years as an occasional practice.[13] However, it started to intensify in 2024 when the national security grounds were applied in 9 negative decisions which represents 16% of all negative decisions rendered in 2024 by the Asylum Office. In 2025 the practice remained similar, resulting in 11 decisions which represent 13% of all negative decisions.

Thus, according to the observations of the author of the report, the practice from 2024 and 2025 indicates that arbitrary national security assessments are more widely applied in asylum, but also other residential procedures. It was also commonly used as a ground for immigration detention in 2023 and 2024.

4. Determining authority

Name in English	Number of staff	Ministry responsible	Is there any political interference possible by the responsible Minister with the decision making in individual cases by the first instance authority?
Asylum Office	23	Ministry of Interior	☐ Yes ☒ No

Source: Asylum Office, Response to the request for the information of public importance no. 07-2/25, 11 February 2025 (delivered on 21 February 2025).

4.1 Asylum Office – first Instance

The Asylum Office is responsible for examining applications for international protection and competent to take decisions at first instance.[14] In its response to the request for information of public importance, the MoI outlined that the Asylum Office has 28 positions envisaged, and that the current number of employees is 23.

13 For more information, see ECRE, AIDA Country Report: Serbia - 2024 Update, p. 22, available here.
14 Article 20 Asylum Act.

Asylum Office staff: 2025	
Position	Number
Head of the Asylum Office	1
Department for Refugee Status Determination	
Head of the RSDP Department	1
RSDP officer	14
Junior RSDP officer	1
Operational Support officer	1
Department for Collection and Documentation on the State of Human Rights in Countries of Origin (CoI Department)	
Head of the Country-of-Origin Department	1
CoI Officer	3
Junior CoI officer	1
Translators for English language	2
Total	**25**

Source: Ministry of Interior - Border Police Department's Response to the request for the information of public importance no. 07-25/26-2, 10 March 2026 (received on 23 March 2026).

In 2025, a total of 14 asylum officers were in charge of the asylum procedure and deciding on applications for international protection. Asylum officers are in charge of facilitating the lodging of asylum applications in person, asylum interviews and rendering decisions at first instance.

In the decision-making process, they are assisted by the CoI Department, which provides information on specific issues in countries of origin and third countries which were raised during the asylum interview. The Head of the RSD Department and then the Head of the Asylum Office must further confirm the decision of asylum officers, and BIA or DCOT need to provide a positive 'security assessment' as outlined above (see List of authorities that intervene in each stage of the procedure).

It can be said that current capacities of the Asylum Office could be for the first time assessed as quantitatively more adequate in relation to the number of applications in 2025 and further decline in arrivals. Thus, the number of decisions and asylum interviews continued to increase in 2025 (85 decisions and 152 interviews) in comparison to 2024 (65 decisions and 102 interviews) and 2023 (45 decisions and 88 interviews). Still, quantitative improvement has not been followed by qualitative progress, which can be seen from the ensuing parts of the Report.

The Asylum Office continued with the positive practice and delivered the copies of all decisions taken in merits in 2025. For that reason, it is possible to calculate exactly the length of the first instance procedures which resulted in merits decisions in 2025. An average length for the purpose of this Report will be calculated only in relation to decisions which were rendered for the first time applicants and for the first time (cases which were referred back and forth from higher instances will not be taken into account). Thus, there were 4 decisions in which applicants were rejected by the Asylum Office twice (after the appeal was upheld and the case was referred back by the Asylum Commission), while one decision was related to dismissal. As for the remaining 84 cases an average length of the first instance procedure in 2025 was 13,4 months, which is slightly more than in 2024 when an average length was 13 months, and significantly longer then in 2023 when it was 11,6 months. Accordingly, even though the capacities of the Asylum Office were more adequate in 2025, the length on the first instance asylum procedure was again extended and not shortened.

The low capacity of the Asylum Office is also reflected in the fact that the Asylum Office rarely undertakes evidentiary activities *proprio motu* (expert opinions, witness statements, etc,). This is mainly done by legal representatives who have a proactive approach. For that reason, applicants without specialised legal

representatives are deprived of the possibility to have their claims examined through multi-disciplinary approach if necessary.[15] Thus, according to the observations of the author of the report, it is reasonable to repeat the assessment that the current capacities are inadequate, especially after the influx of Ukrainian refugees who applied for temporary protection. Also, the question that remains open if there is a budget within the MoI to cover the costs of expert opinions.

Still, as it has been the case in previous years, if Serbia were to be considered a safe third country to send asylum seekers for them to receive international protection, according to the assessment of the author of the report, if just a few hundreds of persons in need of international protection were to be returned on a yearly basis based on guarantees that they would be allowed to lodge an asylum application, the Asylum Office would collapse due to lack of capacity.

Another concerning element is the frequent turnover within the Asylum Office, which has experienced many changes in high-level staff and directors. In September 2020, the Head of the Asylum Office was transferred to another position, and a new Head, without any prior experience, was appointed. Moreover, the Deputy Head of the Asylum Office was transferred to another Department of the MoI. In December 2020, the newly appointed Head of the Asylum Office was transferred again, leaving the Country-of-Origin Information Officer as acting Head and acting Deputy Head of the Asylum Office. At the beginning of 2021, the former Head of the Asylum Office (removed in September 2020) was reinstated, which was a positive development given the person's experience in the asylum field, and her status was confirmed in December 2022. However, at the beginning of 2023, she was replaced again, with a person with significant experience in the Border Police Administration and who served on several occasion as a member of the Asylum Commission. However, this person retired at the end of 2024 and a new Head of the Asylum Office was appointed. In 2025, and for the third time, the old Head of the Asylum Office (removed in September 2020 and beginning of 2023) was reinstated again. These kind of changes undoubtably contribute to poor efficiency of the first instance authority.

In contrast to its assessment in the 2022 Progress Report, in 2023 the European Commission provided more realistic picture of the capacities of the Asylum Office,[16] stating that 'it needs to increase its capacity for actual handling of asylum applications'.[17] It also stated that quality of asylum decisions needs to be further improved through sustainable quality assurance mechanisms and harmonisation of the decision-making process.[18] These findings remain valid and basically unchanged until November 2025 and the latest Progress Report of the Commission.[19]

Thus, it is important to reiterate that a significant increase in operational asylum officers is necessary to up to at least 20 officers to cope in an appropriate and timely manner with the current numbers of applicants and additional tasks. This would reduce the length of the first instance procedure and potentially reduce the absconding rate which remains high. However, a quantitative increase in staff does not improve access to and quality of procedures without proper training and capacity building, which takes time. For that reason, if the capacities of the Asylum Office are to be increased in the near future, it will take several years to train newly-hired asylum officers to deal with several hundred asylum applications per year. To deal with several thousand asylum applications per year would require a complete shift of State policy towards the asylum issue which has never been the case until now, an assessment further corroborated by the fact that the first instance asylum procedure could not currently be conducted without the assistance of international Organisations and civil society.

15 From the case files assessed by the author of this report, it can be determined that in all decisions rendered in relation to applicants who did not have legal representatives there were no expert opinions or reports taken into account.

16 See more in AIDA, *Country Report: Serbia – Update on the year 2022*, May 2023, available here, p. 25.

17 European Commission, *Serbia: Progress Report*, SWD (2023) 695 final, 8 November 2023, available at: https://bit.ly/4bRUaJU, 68.

18 *Ibid*.

19 European Commission, *Serbia: Progress Report*, SWD(2024) 695 final, 30 October 2024, available here.

4.2 Asylum Commission – second Instance

The Asylum Commission decides on appeals against decisions of the Asylum Office as the second instance body. It is comprised of a Chairperson and eight members, appointed by the Government for a four-year term. To be appointed Chairperson or member of the Asylum Commission a person must be a citizen of Serbia, have a university degree in law and minimum five years of working experience and must have an 'understanding' of the human rights legislation. The Asylum Commission shall operate independently and shall pass decisions with a majority of the entire membership votes.[20]

The specialisation and knowledge of the 9-member Asylum Commission can still be considered inadequate for their role, since none of the current members has a strong background in refugee and international human rights law. The fact that not a single applicant was granted asylum in 2022, 2023, 2024 and 2025 by the Asylum Commission confirms this statement. In the history of the Serbian asylum procedure, since 2008, this body has rendered only 3 decisions granting asylum to 4 persons. Moreover, all the members of the Asylum Commission are selected from different ministries and have regular full-time paid jobs. For their work in the Asylum Commission, they receive 25,000 dinars - 213 EUR (the president of the Commission) and 18,000 dinars - 153 EUR (members of the Commission). Remuneration and mostly the bureaucratic, but also security background of members of the Commission, clearly indicates that this body cannot exercise its corrective role but can only contribute to the lack of effectiveness of the Serbian international protection status assessment procedure. Based on the observations of the author of this report, the 2023, 2024 and 2025 practice corroborates this claim.

In April 2024, the Government elected members of the Commission from the following parts of State apparatus:

1. The Head of Commission holds a managerial position within the MoI
2. The Head of the Department for Readmission from the MoI
3. The Officer for Systemic and Legal matters from the MoI
4. A State Secretary from the Ministry of Justice (political position)
5. A Coordinator from the Department of Consular Matters from the Ministry of Foreign Affairs
6. The Head of the Department for General Matters and Management of Human Resources form the Ministry of Health
7. The Head of the Department for Legal Matters from the Commissariat for Refugees and Migration (CRM)
8. The Manager of the Department for Legal and Analytical Matters in the field of Employment and Economical migration from the Ministry of Labour, Employment, Veteran and Social Affairs (MoLEVSA)
9. A Professor from the Police Academy[21]

The Asylum Commission does not have an office,[22] administration, country of origin department nor any other logistical support. Members of the Commission meet several times per year and vote on the proposals made by the rapporteurs designated for every appeal case. They do that outside their regular working hours within their respected ministries, sitting in an office located on the same floor as the Asylum Office within the Ministry of Interior.

In its 2021 Concluding Observations, the UN Committee against Torture (CAT) recommended that Serbia abolish the Asylum Commission and introduce a judicial review by the Administrative Court at second instance.[23] As outlined, this assessment of the CAT proved its continued validity in 2024 and 2025, given the lack of corrective influence of this body towards the Asylum Office.

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20 Article 21 Asylum Act and SWD(2025) 755 final, 4 November 2025, available here, p. 55

21 Government Decision No. 119-3053/2024 of 11 April 2024.

22 They meet at the Ministry of Interior and on the same floor where Asylum Office is based.

23 CAT, *Concluding observations on the third periodic report of Serbia*, 20 December 2021, CAT/C/SRB/CO/3, available at: https://bit.ly/3MLqTGh, para. 34 (b).

The Asylum Commission, in most cases, renders decisions in a timely manner, within maximum 3 months (the deadline being 2 months). Still, there are instances in which appeals take much longer, sometimes even for more than a year. In 2024, and in relation to cases which were examined in merits by the Asylum Commission (35 in total), average length of the second instance procedure was 3 months, ranging from 1 month to 5, 7 or 9 months (see more in Asylum Commission practice 2024). Similar cases were recorded in 2025, but it is important to outline that it is impossible to count an average length since, from the copies of decisions obtained by the author of this report, it cannot be always seen the date when appeals were lodged.

4.3 Administrative Court – third Instance

The final decisions of the Asylum Commission may be challenged before the Administrative Court.[24] The Administrative Court judges still lack adequate resources to assess complaints lodged by asylum seekers and their legal representatives and none of the judges are specialised in asylum and migration issues despite occasional trainings and study trips.[25] Thus, most of the complaints are rejected and in the history of Serbian asylum system, the Administrative Court has never held an asylum interview nor rendered a decision granting asylum.

There is no specially designated department comprised of judges with relevant and necessary knowledge and supporting infrastructure such as a CoI department. The difficulty which the judges of the Administrative Court face is also related to the fact that, in their everyday work, they have to be familiar and apply several dozen laws and bylaws which are governing the field of administrative measures (taxes, election disputes, local municipality matters, issuance of permissions and licences, education, medical administrative disputes and others).

There are 60 administrative judges in total, covering the entire territory of Serbia.[26] As of 31 December 2023, there were 181,220 administrative proceedings pending,[27] while that number on 31 December 2024 was 163,236.[28] On 31 December 2025, the number of pending cases was 156,449,[29] which clearly shows that the backlog and variety of administrative disputes, together with administrative judges' lack of experience dealing with asylum and migration issues, makes this body ineffective, theoretical and illusory for asylum seekers.

The length of the procedure before the Administrative Court can sometimes be counted in years, which has led, in some instances, to asylum procedures that have lasted more than 4 years.[30] Comprehensive analysis of the 2025 practice will be outlined in the Onward appeal chapter.

4.4 Quality assurance, transparency and cooperation with the UNHCR, EU, CSOs and other entities

The Asylum Act explicitly envisages that the asylum authorities should cooperate with UNHCR when undertaking activities related to its mandate, and the UNHCR should have free access to all persons who might be in need of international protection.[31]

24 Article 22 Asylum Act.
25 This conclusion is based on the author's assessment of the quality of the decision-making process for 2023; practice-informed observation of IDEAS; European Commission, *Serbia: Progress Report*, SWD (2023) 695 final, 8 November 2023, available here, p. 67 and p. 68 and poor practice analysed in previous AIDA Country Reports on Serbia, available here.
26 The list of judges can be found here.
27 Upravni sud, Annual Report of the Administrative Court, 9 January 2024, available in Serbian here, 1-2.
28 Upravni sud, Annual Report of the Administrative Court, 13 January 2025, available in Serbian here.
29 Upravni sud, Annual Report of the Administrative Court, 13 January 2026, available in Serbian here.
30 Administrative Court, Judgment U 12638/18, 20 July 2021; this judgment was rendered with regards to an Iraqi applicant who lodged his asylum application in 2017.
31 Article 5 (1) and (2) Asylum Act.

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

1. General information concerning the applicants, refugees or persons who have been granted subsidiary or temporary protection in Serbia, including statistical data, and specific information on individual cases, provided that the person to whom the asylum procedure refers has given their consent in the manner and under the conditions prescribed by the law governing the protection of personal data;
2. Information regarding the interpretation of the 1951 Convention and other international instruments relating to refugee protection and their application in the context of this Law.[32]

Since 2022, the Asylum Office has been delivering the above-outlined data to the UNHCR and its partners.

According to the observations of the author of this report, apart from human, professional and infrastructural lack of capacities, the lack of effective quality assurance control and comprehensive analysis of the asylum case law can be considered as one of the main reasons for contradicting decisions in the practice of the Asylum Office, Asylum Commission and Administrative Court. This can also explain the lack of corrective influence of the second and third instance authorities on the quality of the decision-making process in general.[33] The lack of corrective influence was noted by the European Commission as well.[34]

There is no State quality assurance control in place and the practice of the Asylum Office, Asylum Commission and Administrative Court cannot be adequately assessed by professionals acting externally. Thus, there are no personal records of asylum officers or judges available to the public or upon explicit request which can provide information on the decision-making process such as the number and type of decisions rendered, the length of the asylum procedure and the overall quality of the decision-making process. The same can be said for the members of the Asylum Commission.

The practice of occasional presence of UNHCR officers during asylum interviews continued in 2023, 2024 and 2025. Still, and apart from the occasional presence of UNHCR officers and occasional seminars and trainings, it can be safely said that there is no quality assurance control of the credibility assessment conducted by the asylum authorities which is also reflected in inconsistent and contradicting practice.

The EUAA (European Union Asylum Agency) - former EASO -, has also been providing support in Serbia since 2016. The support was provided under the second roadmap for cooperation between Serbia and EASO/EUAA 2020-2022, established by the MoI and CRM.[35] One of the main focuses with regards to the refugee status determination procedure was on country of origin information (CoI).[36] EUAA representatives held a meeting with relevant CSOs recognised as main providers of free legal aid in Serbia in October 2021.[37] In addition, representatives of the asylum authorities have attended numerous seminars and trainings outside Serbia. However, EUAA support has failed to produce significant results: according to the observations of the author of this report, inadequate CoI assessments continued to be observed in the Asylum Office's practice in 2023, 2024 and 2025 by way of copy-pasting selectively chosen parts of CoI reports, which are then taken out of context and not in line with the meaning of such reports, with the sole aim to reject asylum applications.[38] Meetings between CSOs and EUAA continued in 2025, as well as occasional trainings but it remains to be seen what concrete actions related to the

32 Article 5 (3) Asylum Act.
33 AIDA, *Country Report: Serbia – Update on the year 2021*, May 2022, available here, p. 87 and p. 90.
34 European Commission, *Serbia: Progress Report*, SWD(2024) 695 final, 30 October 2024, available here, p.50.
35 EASO and Serbia, *Roadmap for Cooperation EASO – Serbia (2020-2022): Strengthening the asylum and reception systems in line with the Common European Asylum System and EU Standards*, 2020, available here.
36 EASO and Serbia, *Roadmap for Cooperation EASO – Serbia (2020-2022): Strengthening the asylum and reception systems in line with the Common European Asylum System and EU Standards*, 2020, available here, 15ff.
37 The author of this report attended the meeting.
38 Practice-informed observation of IDEAS, January 2024 and January 2025.

credibility assessment and increase in its quality will be (for further information, see Regular procedure – General).

Regarding the transparency of asylum authorities' work, it is important to outline that the MoI did not provide data to CSOs regarding asylum issues between 2018 and 2022, and the only available data was obtained from legal representatives in asylum procedures and publicly available reports published by other State institutions such as the Ombudsperson or the CRM. However, in 2023, 2024 and 2025 all decisions rendered by the Asylum Office and Asylum Commission were communicated to the author of this report, accompanied with relevant statistical data on border practices, readmission, refusals of entry and immigration detention. This data is suitable to shed more light on issues related to the access to territory and asylum procedure, but also on practices which imply deprivation of liberty of foreign nationals under the immigration legal framework. Most importantly, it provides the author with the possibility for comprehensive analysis and the overview of the first instance practice in relation to asylum applications decided in merits.

The Administrative Court continued to be the most transparent and all the judgments rendered in 2025 were also communicated to the author of this report.[39] The main issue that remains is excessive anonymizations of judgments which does not allow third parties to assess the quality of credibility assessment since it is not possible to determine the country of origin of complainants.

The Asylum Office still provides regular statistical data to UNHCR, but the statistical overview could be significantly improved. For instance, there is no gender or age breakdown when it comes to asylum applicants, nor is there a breakdown by particular vulnerabilities or the basis of the claim. In a system in which several hundred applications are made per year and they are addressed to one centralised body– the Asylum Office, this should not be considered a burden.

5. Short overview of the asylum procedure

5.1 International legal framework

Serbia is a State party to almost all relevant universal and regional treaties and conventions including the 1951 Refugee Convention Relating to the Status of Refugees,[40] 1967 Protocol,[41] European Convention for the Protection of Human Rights and Fundamental Freedoms,[42] UN Convention against Torture and Other Cruel, Inhumane and Degrading Treatment or Punishment,[43] International Covenant on Civil and Political Rights,[44] International Covenant on Economic, Social and Cultural Rights,[45] Convention on the Rights of the Child,[46] Convention on Preventing and Combating Violence against Women and Domestic Violence,[47] Convention on Action Against Trafficking in Human Beings,[48] Convention on the Elimination

39 Administrative Court response to the freedom of information request no. Cu-II-17a 94/22 od 26 February 2023.

40 UNGA, *Convention Relating to the Status of Refugees*, 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137, available at: https://bit.ly/2GCMu4R, hereinafter: Refugee Convention.

41 UNGA, *Protocol Relating to the Status of Refugees*, 31 January 1967, United Nations, Treaty Series, vol. 606, p. 267, available at: https://bit.ly/3kbPLpf, hereinafter: the Protocol.

42 CoE, *European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14*, 4 November 1950, ETS 5, available at: https://bit.ly/3oUqWkC, hereinafter: ECHR.

43 UNGA, *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 10 December 1984, United Nations, Treaty Series, vol. 1465, p. 85, available at: https://bit.ly/3auJjbJ, hereinafter: UN CAT.

44 ICCPR, UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, available at: https://bit.ly/3nBpWBv, hereinafter: ICCPR.

45 UN General Assembly, *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3, available at: https://bit.ly/3mRV4fy, hereinafter: ICESCR.

46 UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, available at: https://bit.ly/3mfoK5y, hereinafter: UN CRC.

47 Council of Europe, *The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence,* November 2014, ISBN 978-92-871-7990-6, available at: https://bit.ly/3G0FoSJ.

48 Council of Europe, Council of Europe Convention on Action Against Trafficking in Human Beings, 16 May 2005, CETS 197, available at: https://bit.ly/2IRT9ZV, hereinafter: Istanbul Convention.

of All Forms of Discrimination Against Women,[49] Convention on the Rights of Persons with Disabilities[50] European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment,[51] and several others.

This further means that persons in need of international protection can address individual complaints/communications/applications to most of the UN and CoE Treaty bodies and that the legal framework and practice related to the field of asylum and migration can be assessed through the other forms of work of these bodies such as monitoring visits, periodic reporting and review, inquiry procedures and others. Also, it is important to note that in September 2023, Serbia ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights[52] while the Optional Protocol to the Convention on the Rights of the Child on a communications procedure is yet to be ratified.[53]

5.2 Constitutional legal framework

Article 16 of the Constitution of the Republic of Serbia[54] stipulates that generally recognised rules of international law and ratified international treaties are an integral part of the legal system of Serbia and that relevant authorities shall apply them directly. Article 18 of the Constitution further confirms that the human rights enshrined in the Constitution shall also be applied directly, as well as human rights arising from the generally recognised rules of international law and in line with the values common to democratic societies and in accordance with international human rights standards, as well as the practice of international bodies for the protection of human rights. And finally, Article 145 (2) of the Constitution entails that courts' decisions shall be based on the Constitution, laws, ratified international treaties and other generally recognised rules of the international law.

Through cumulative interpretation of the above-outlined constitutional provisions, it can be safely concluded that all ratified universal and regional international treaties, as well as the practice of the ECtHR, UN Treaty Bodies and other relevant international bodies for the protection of human rights, should be interpreted as legally binding by asylum and other relevant authorities. This also implies that the legal framework governing asylum and migration issues should be aligned with the rules outlined in the sub-chapter 5.1., but also to the relevant practice of the bodies for the protection of human rights.

It is also important to note that the Constitutional Court of the Republic of Serbia (Constitutional Court) is entitled to receive individual complaints – constitutional appeals – and that the final outcome of the procedure initiated with the constitutional appeal can be pecuniary and non-pecuniary damage.[55] Accordingly, the Constitutional Court is entitled to examine individual complaints of refugees, asylum seekers and migrants and, in theory, this body can be considered as an effective legal remedy.[56] However, the practice has shown the opposite.[57]

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49 UNGA, Convention on the Elimination of All Forms of Discrimination Against Women, 18 December 1979, United Nations, Treaty Series, vol. 1249, p. 13, available at: https://bit.ly/3ucAOxX, hereinafter: UN CEDAW.

50 UN General Assembly, Convention on the Rights of Persons with Disabilities: resolution / adopted by the General Assembly, 24 January 2007, A/RES/61/106, available at: https://bit.ly/3wVbbNZ, hereinafter: CRPD.

51 Council of Europe, European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, 26 November 1987, ETS 126, available at: https://bit.ly/3h2KQXQ.

52 UNGA, *Optional Protocol to the International Covenant on Economic, Social and Cultural Rights: resolution / adopted by the General Assembly*, 5 March 2009, A/RES/63/117, available at: https://bit.ly/3ydMXBD, hereinafter: OPCESCR.

53 UN Human Rights Council, *Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure: resolution / adopted by the Human Rights Council*, 14 July 2011, A/HRC/RES/17/18, available at: https://bit.ly/3tFVecN.

54 Official Gazette of the Republic of Serbia, nos. 98/2006 and 115/2021.

55 Constitutional Court Act, Official Gazette of the Republic of Serbia, nos. 109/2007, 99/2011, 18/2013, 103/2015 and 40/2015, available in Serbian at: http://bit.ly/2NHOtVm, Articles 82 to 92.

56 On the effectiveness of the Constitutional Court see more in the following chapters.

57 More about the practice of the Constitutional Court in the following chapters.

The right to refugee status ('utočište') is explicitly enshrined in the Article 57(1) of the Constitution, which reads:

> Any foreign national with reasonable fear of persecution based on his race, gender, language, religion, national origin or association with some other group, political opinions, shall have the right to asylum in the Republic of Serbia.

Another relevant provision of the Constitution which recognises persecution in terms of the Article 1 of the Refugee Convention, but also provides wider protection from *refoulement* is the Article 39 (3) of the Constitution:

> A foreigner can be expelled only on the basis of a decision of the competent authority, rendered in the procedure governed by law and if they are provided with the right to appeal, and only where they are not threatened with persecution because of their race, gender, religion, nationality, citizenship, belonging to a certain social group, political opinions or where they are not threatened with a serious violation of the rights guaranteed by this constitution.

Thus, the right to international protection in terms of both international human rights law and international refugee law, revolving around the refugee definition outlined in the Article 1 of the Refugee Convention, and the principle of *non-refoulement* in terms of both frameworks, is explicitly guaranteed. Also, the constitutional framework and its link with universal and regional treaties for the protection of human rights and the practice of relevant monitoring bodies (ECtHR, CAT, CCPR and others) provides additional layers of protection for persons in need of international protection.

Constitutional appeals submitted by refugees and asylum seekers to the Constitutional Court are also examined under Article 25 of the Constitution which prohibits torture and inhumane or degrading treatment or punishment, and which can be interpreted in line with the practice of the ECtHR and Article 3 of the ECHR, including under the auspices of the *non-refoulement* principle. Articles 27 to 29 of the Constitution reflect the content of the Article 5 ECHR, including Article 5-1-f which is related to immigration detention. Still, there is no explicit provision on immigration detention which can be imposed for the purpose of prevention of irregular entry or expulsion. Article 36 (2) of the Constitution reflects Article 13 of the ECHR usually read in conjunction with the *non-refoulement* principle, but also other relevant rights. Article 4 of Protocol 4 to the ECHR was examined by the Constitutional Court through the framework of the Article 39 (3) of the Constitution.[58] Article 26 prohibits slavery and other contemporary forms of slavery such as forced labour. And finally, the Constitution also contains provisions which are related to economic and social rights which can be linked to the inclusion and integration of asylum seekers and refugees: non-discrimination (Article 21), right to work (Article 60), right to health care (Article 68), right to social protection (Article 69), right to education (Article 71) and others.

5.3 Asylum legal framework

The asylum system and procedure *stricto sensu* are mainly governed by the Law on Asylum and Temporary Protection (Asylum Act) that came into force on 3 June 2018.[59] Additionally, relevant are the Foreigners Act,[60] the General Administrative Procedure Act (GAPA)[61] and the Administrative Disputes Act (ADA).[62] GAPA acts as *legi generali* with regard to the Asylum Act and Foreigners Act in their respective subject matter, as well as the Migration Management Act,[63] which regulates certain issues relevant to the housing and integration of asylum seekers and refugees, alongside the Decree on the Manner of Involving Persons Recognised as Refugees in Social, Cultural and Economic Life (Integration

58 Constitutional Court, Decision No. UŽ 1823/17, Decision of 29 December 2020, available in Serbian at: http://bit.ly/3fk0aPD.
59 Official Gazette no. 24/2018.
60 Official Gazette no. 24/2018 and 62/2023
61 Official Gazette no. 18/2016 and 95/2018.
62 Official Gazette no. 111/2009.
63 Law on Migration Management of the Republic of Serbia, Official Gazette of the Republic of Serbia, no. 107/2012.

Decree).[64] There are several more laws and bylaws which regulate the House Rules in reception facilities, social and health-care issues, right to work and other aspects related to inclusion and integration of asylum seekers and refugees.

The Asylum Act was introduced in 2018 and is now regulating the treatment of all asylum applications. All the procedures initiated under the old Asylum Act from 2008 were finalised by the end of 2019.[65] Thus, all the law's novelties, except for the border procedure, are generally applied in practice.[66]

5.3.1 Ongoing amendments of the Asylum Act

In 2021, the Government was working towards amending the Asylum Act. The MoI initiated dialogues on the amendments and all relevant CSOs were invited to take part in consultations in November 2021. The consultations continued in 2022 and were finalised on 28 February 2023.[67] The draft versions of amendments of the law is still available on the website of the MoI and it remains unclear when will it be referred to the Parliament.[68] The MoI shared with CSOs the first draft of the amendments to the Asylum Act which included numerous positive changes such as:

- introduction of the new category of the 'foreigner who expressed the intention to lodge an asylum application' who will be entitled to the majority of aspects of the material reception conditions;[69]
- harmonisation of terminology and certain procedural steps governed by GAPA;
- pre-elementary school education and preparation for children under the age of 7 who belong to the category of asylum seekers;
- recognising subsequent applicants as persons entitled to the same rights as first-time asylum seekers, including the right to have ID cards.

Suggestions of amendments to the First Draft of the amendments to the Asylum Act were proposed by some of the CSOs after the consultations. IDEAS and other CSOs suggested the following changes which, to a certain extent, reflect the proposals of other CSOs:

- prescribing more precise criteria for the assessment of the possibility for asylum seekers to enjoy protection from persecution in the country of origin – Article 31;
- excluding the deadline 15+8 days for submission of asylum application – Article 36 (see Lodging an application);
- introducing specific evidentiary activities such as forensic expert opinions and witnesses – Article 37;
- clarifying the registration of asylum seekers at the border in terms of their detention and introducing provisions which govern the procedure and competent body for a decision on deprivation of liberty for the purpose of the asylum procedure or forced removal– Article 48;
- making a clear distinction between measures which imply deprivation of liberty and measures which are related to the limitation of the freedom of movement – Article 78;
- introducing clear criteria for the application of the safe third country concept – Article 45;
- specifying which aspects of material reception conditions should be granted to the newly introduced category of 'foreigner who expressed intention to lodge asylum application';
- harmonisation of provisions on guardianship contained in the Family Law with provisions of the Asylum Act governing accommodation of unaccompanied and separated children ('UASC').
- Introduction of the biometric ID cards of asylum seekers and persons granted asylum.

64 Official Gazette, no. 101/2016 and 56/2018.
65 AIDA, *Country Report: Serbia, Update on the year 2019*, May 2020, available here, 32.
66 Ibid., 18-19.
67 The final proposal of the amendments is available in Serbian language on the following link: http://bit.ly/3yepU9U.
68 The draft law is available in Serbian here.
69 At this moment, only persons who lodged an asylum application are recognised as a category which is entitled to material reception conditions.

It was also suggested that the amendments to the provisions governing the exclusion procedure require more time and external expertise.

It is also important to note that IDEAS lodged the request for classification of the judgment *H.G.D. v. Serbia*[70] under enhanced supervision by the Committee of Ministers of the Council of Europe (CM)[71] with an aim to pressure Serbian authorities to amend the Foreigners Law. The amendments should imply recognition of the status of persons deprived of their liberty of foreign nationals who might be in need of international protection and who were refused entry and are forced to stay in the transit zone from several hours to several weeks while their legal situation is resolved. These amendments in general should recognize that placement in the transit zone of foreign nationals who are refused entry as persons deprived of their liberty, and in line with the well-established practice of the Strasbourg Court.[72] Serbian State Agent disputes the need for amendments of the law[73] and provided the Action Plan which does not encompass any changes of the current framework.[74]

Also, it is important to reflect on the genuine prospect for the adoption of the amendments in the past several years. In 2023, all attention was turned to another early Parliamentary elections which took place in December 2023, putting on hold again all legislative activities related to the Asylum Act. In May 2024, the new Government was elected, as well as the new Minister of Interior. However, the work on the amendments did not continue, and on 28 January 2025, the Prime Minister resigned.[75] In April 2025, the new Government has been appointed.[76] It remains to be seen if the new Government will continue the process of adopting the proposed amendments, but as outlined above, there is no publicly available information on when the amendments will be introduced into the Parliamentary procedure and if there will be additional amendments in light of the EU Pact on Asylum and Migration.

5.3.2 Overview of the asylum procedure

The procedure for seeking asylum in Serbia is as follows: a foreigner may 'express the intention to lodge an asylum application' within the Serbian territory or at border crossing point (including the Nikola Tesla or Niš Airport in Belgrade), following which they are registered by the officials of the MoI before whom they have expressed the intention and receive a registration certificate of having done so.[77] The asylum seeker is then expected to go to their designated asylum centre, or to notify the Asylum Office within 72 hours should they wish to stay at private accommodation.[78] It is not possible to express such intention in diplomatic or consular representations of Serbia. In other words, the potential applicant must be present on Serbian territory or under the effective control of Serbian Border Police or other state authority.

Upon arrival at the centre or private accommodation, the asylum seeker should wait for 15 days for the Asylum Office to facilitate the lodging of the asylum application and then to issue them personal identity documents for asylum seekers. It is also possible to lodge a written application within 8 days after the expiry of the above-mentioned deadline.[79] Afterwards, an asylum officer will conduct the asylum interview.[80]

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70 ECtHR, *H.G.D. v. Serbia*, Application No. 3158/20, Judgment of 7 October 2025, available here.

71 IDEAS, 1553rd meeting (March 2026) (DH) - Rule 9.2 - Communication from an NGO (Center for Research and Social Development IDEAS) (24/11/2025) in the case of H.G.D. v. Serbia (Application No. 3158/20) available here.

72 See for example, ECtHR, *Nolan and K. v. Russia,* Application no. 2512/04, Judgment of 6 July 2009, Edal, available here; *Amuur v. France*, Application No. 19776/92, Judgment of 25 June 1996, available here;

73 The State Attorney's Office, the Agency Department for the European Court of Human Rights, 1553rd meeting (March 2026) (DH) - Rule 8.2a - Communication from the authorities (28/01/2026) concerning the case of *H.G.D. v. Serbia* (Application No. 3158/20) available here.

74 The State Attorney's Office, the Agency Department for the European Court of Human Rights, 1563rd meeting (June 2026) (DH) - Action plan (26/03/2026) - Communication from Serbia concerning the case of H.G.D. v. Serbia (Application No. 3158/20), available here.

75 Radio Slobodna Evropa, *Premijer Srbije podneo ostavku u jeku protesta*, 28 January 2025, available here.

76 The Government of Serbia, *New Serbian government voted in*, 16 April 2025, available in Serbian here.

77 Article 35 Asylum Act.

78 *Ibid*.

79 Article 36 Asylum Act.

80 Article 37 Asylum Act.

The Asylum Office is under the legal obligation to decide on the application within 3 months of its submission, during which time one or more interviews must be held in order to establish all of the facts and circumstances relevant to rendering a decision. This deadline could be extended by an additional 9 months.[81] Thus, the maximum length of the first instance asylum procedure is 1 year.

In the case of a negative decision (in-merits or inadmissible), the asylum seeker has 15 days to lodge an appeal to the Asylum Commission. A negative decision also contains an order to leave the country and a deadline to do so, which can be up to 30 days. However, when the decision on rejection becomes final (confirmed by the Administrative Court), the relevant MoI unit for foreigners renders an additional expulsion decision in cases where the applicant has failed to voluntarily leave the territory of the State within the given deadline.[82] Only the expulsion decision creates grounds for forcible removal and potential immigration detention imposed for the purpose of forced removal and in line with the Foreigners Act.[83] An expulsion decision can be challenged, but this appeal does not have an automatic suspensive effect.[84] However, it is possible to lodge a request for interim measures to the Administrative Court after the appeal has been submitted to the second instance body - Border Police Administration and in line with the Article 23 of the Administrative Disputes Act (ADA).[85] If granted, expulsion cannot be facilitated before the final judgment of the Administrative Court.

The Asylum Commission has to decide and deliver the second instance decision to the applicant within 60 days of the appeal having been lodged.[86]

An onward appeal to the Administrative Court can be submitted and must be done within 30 days from the delivery of the second instance decision. There is no deadline within which the third instance body has to decide.[87] Both remedies (i.e., the appeals before the Asylum Commission and the Administrative Court) have automatic suspensive effect.[88]

5.3.3 Constitutional Court procedure

The last instance in the Serbian legal system is the Constitutional Court. The constitutional appeal does not have an automatic suspensive effect. It is possible to lodge a request for interim measures to the Constitutional Court, but several cases, which implied forcible removal, have shown that this mechanism is weak and slow, as that the decision on the interim measures was taken several months after the request was lodged.[89] This was recognised by the ECtHR, which granted interim measures submitted by Serbian lawyers on at least 12 occasions in the past years.[90]

81 Article 39 Asylum Act.
82 Article 74 (1-8) Foreigners Act.
83 Article 87 Foreigners Act.
84 Article 80 Foreigners Act.
85 Official Gazette no. 111/2009.
86 Article 95 Asylum Act and Article 174 GAPA.
87 Article 96 Asylum Act.
88 *Ibid*.
89 Constitutional Court, Decision No. UŽ 3548/2013, Decision of 19 September 2013, available in Serbian at: http://bit.ly/3cG4bhy.
90 For example, ECtHR, *P. v. Serbia*, Application No. 80877/13, granted on 23 December 2013 – *refoulement* from the Belgrade airport 'Nikola Tesla' to Greece as a country that could not had been considered as a safe for Iranian political activist; *Ahmed Ismail (Shiine Culay) v Serbia*, Application No. 53622/14, granted on 29 July 2014 – *refoulement* from the Belgrade airport 'Nikola Tesla' to Somalia where the applicant would have faced persecution as a journalist who was targeted by al-Shabab and *H.G.D. v. Serbia*, Application No 3158/20, granted on 30 November 2016 – *refoulement* to Iran of a man who converted from Islam to Christianity.

The practice of the Constitutional Court for the period 2008-2025 – concluded and pending cases

No.	Case file number	Date of decision/pending	Article	Description	Decision
CONCLUDED					
1	UŽ 1544/2009	27.10.2009	32, 57 and 67	Rejection of asylum application in merits	Dismissed
2	UŽ 4156/2011	17.11.2011	32, 57 and 67	Rejection of asylum application in merits	Dismissed as untimely
3	UŽ 1286/2012[91]	29.03.2012	32 (1) and 57	Automatic application of the safe third country concept	Rejected as unfounded
4	UŽ 5331/2012[92]	24.12.2012	22, 36 (2) and 57	Automatic application of the safe third country concept	Rejected as manifestly unfounded
5	UŽ 3548/2013[93]	19.09.2013	32 (1), 39 (3), 57 and 66	Automatic application of the safe third country concept	Rejected as unfounded
6	UŽ 6596/2011[94]	30.10.2014	32 (1) and 57	Right to a fair trial	Adopted as founded
7	UŽ 4197/2015[95]	20.06.2016	39	Right to freedom of movement	Rejected as manifestly unfounded
8	UŽ 4650/2016	07.06.2018	22, 27, 28, 29 and 36 (2)	Arbitrary deprivation of liberty at Immigration Detention Center in Padinska Skela	Inadmissible due to non-exhaustion of domestic remedies
9	UŽ 6006/2016[96]	19.12.2018	25, 36 (2), 39 (3) and 57	Libyan refugees rejected in merits and served with an expulsion decision on the basis of security grounds	Rejected as manifestly unfounded
10	UŽ 8023/2016[97]	07.03.2019	25, 36 (2), 39 (3) and 57	Automatic application of the safe third country concept	Rejected as unfounded
11	UŽ 9940/2016[98]	13.06.2019	22, 27, 28, 29 and 36 (2)	Arbitrary refusal of entry and deprivation of liberty at the transit zone	Manifestly unfounded
12	UŽ 1823/17[99]	29.12.2020	25, 27, 28, 29, 36 (2) and 39 (3)	Arbitrary deprivation of liberty, ill-treatment, non-refoulement, collective expulsion and right to an effective legal remedy	Partially adopted as founded in relation to arbitrary deprivation of liberty, ill-treatment and violation of

91 Available at: http://bit.ly/3kKVHME.
92 Available at: http://bit.ly/3ygC4yO.
93 Available at: http://bit.ly/3cG4bhy.
94 Available at: http://bit.ly/3F5BmZk.
95 Not available online.
96 Not available online.
97 Available at: http://bit.ly/3oeSFND.
98 Not available online.
99 Available at: http://bit.ly/3fk0aPD.

					prohibition of collective expulsion
13	UŽ 358/2015	04.03.2021	32 and 33	Right to a fair trial in misdemeanour procedure	Inadmissible
14	UŽ 29/2018	01.07.2021	22, 27, 29 and 36	Arbitrary deprivation of liberty	Rejected as manifestly unfounded
15	UŽ 3651/2015	27.07.2022	22, 27, 28, 29 and 36 (2)	Arbitrary refusal of entry and deprivation of liberty at the transit zone	Partially adopted in relation to the lack of legal remedy against the act of refusal of entry
16	X	Unknown	27, 28 and 29	Arbitrary deprivation of liberty during COVID-19 lockdown	Dismissed as manifestly unfounded
17	UŽ 10165/17	29.12.2025	25, 36 (2), 39 (3) and 57	Automatic application of the safe third country concept	Discontinued due to the fact that applicant was granted temporary residency on humanitarian grounds and tansfer to Germany
PENDING					
18.	X.	2022	25 and 57	Rejecting of LGBTQI+ applicant from Tunisia in asylum procedure	Pending
19.	X	2022	25 and 57	Rejecting of LGBTQI+ applicant from Tunisia in asylum procedure	Pending
20.	X.	2024	27	Arbitrary deprivation of liberty at the airport transit zone	Pending
21.	X.	2024	27	Arbitrary deprivation of liberty at the airport transit zone	Pending
22.	X.	2024	27	Arbitrary detention based on national security grounds	Pending
23.	X.	2024	27	Arbitrary detention based on national security grounds	Pending
24.	X.	2025	27	Arbitrary detention based on national security grounds	Pending

5.4 International legal procedures

In 2025, most of the pending cases before ECtHR have been resolved. Currently, there are only two cases related to asylum and immigration issues which are pending before the ECtHR. The first one is related to summary expulsion and alleged *refoulement* to North Macedonia and *chain-refoulement* to Greece of a Sudanese applicant - *A.H. v. Serbia and North Macedonia and A.H. v. Serbia*.[100] The second on is related to arbitrary detention at the airport transit zone - *N.Y. v. Serbia*.[101] As for the remaining cases, the Table below provides an overview all communicated cases related to asylum and migration and their outcome:

No.	Name	Application No.	Article	Outcome	Substance of claim
1.	*A. and Others v. Serbia*[102]	37478/16	Article 3 and Article 13 read in conjunction with Article 3	Struck out of list due to the fact that applicants were granted subsidiary protection	Expulsion to Libya after the conclusion of asylum procedure influenced by the national security assessment
2.	*S.E. v. Serbia*[103]	61365/16	Article 2. of Protocol 4.	Violation of Article 2. of Protocol 4.	Denial of the right to freedom of movement due to lack of bylaw which would allow persons granted asylum to obtain refugee travel document
3.	*M.H. v. Serbia*[104]	62410/17	Article 3 (material and procedural limb of non-refoulement principle) and Article 13 read in conjunction with the Article 3	Struck out of list due to the fact that applicant was granted temporary residency on humanitarian grounds and was reunited with his family in Germany	Automatic application of the safe third country concept and risk of refoulement to North Macedonia and *chain-refoulement* to Greece, Türkiye and potentially Syria
4.	*A.K. v. Serbia*[105]	57188/16	Article 3 (material and procedural limb of non-refoulement principle) and Article 13 read in conjunction with the Article 3	Struck out of list due to the fact that representative lost contact with the applicant	Automatic application of the safe third country concept and risk of refoulement to North Macedonia and *chain-refoulement* to Greece and Türkiye
5.	*M.W. v. Serbia*[106]	70923/17	Article 13 read in conjunction with the Article 3 and Article 6	Struck out of list due to the fact that representative lost contact with the applicant	Lack of automatic suspensive effect of appeal against the expulsion order, denial of access to asylum procedure and penalization in misdemeanour procedure of UaSC without possibility to dispute

100 Application Nos. 60417/16 and 79749/16, communicated on 27 may 2021, available here.
101 Application No. 23659/24, Communicated on 17 October 2025, available here.
102 Application no. 37478/16, available here.
103 Available here.
104 Available here.
105 Available here.
106 Available here.

					charges, appeal and participate in the proceeding with the assistance of interpreter
6.	*H.G.D. v. Serbia*[107]	3158/20	Article 5-1-f, 5-2, 5-4 and 5-5	Violation of Article 5-1-f, 5-2 and 5-5	26-day arbitrary detention at the transit zone of Nikola Tesla airport due to lack of legal framework which governs the placement of foreign nationals refused entry, lack of judicial review of detention and lack of right to compensation due to arbitrary detention
7.	*O.H. and Others v. Serbia*[108]	57185/17	Article 4 of Protocol 4, Article 3 in terms of conditions in police custody, Article 3 in relation to the manner in which expulsion was carried, Article 3 in terms of risks assessment of refoulement (procedural limb), Article 5-1, Article 5-2 and Article 5-4, as well as Article 13 read in conjunction with Article 4 of Protocol 4 and Article 13 read in conjunction with Article 3 (expulsion)	Violation of Article 4 of Protocol 4, Article 3 in relation to the manner in which expulsion was carried, Article 3 in terms of risks assessment of refoulement (procedural limb), Article 5-1 and Article 5-4	Group, forcible and informal expulsion of Afghan asylum seekers from Serbia to Bulgaria
8.	E.B. v. Serbia[109]	50086/20	Article 5 and Article 14 read in conjunction with Article 5 and Article 2 of Protocol 4 - all of that with regards to COVID-19 lockdown measures	Struck out of list due to the fact that representative lost contact with the applicant	COVID-19 lockdown in Asylum Center
9.	*A.A. v. Serbia*[110]	42112/21	Violation of Article 5-1 (e), 5-2, 5-4 and 5-5 with regards to Informal detention, as well as detention imposed under regular (limitations) and emergency measures (derogations in terms of the Article 15 of ECHR) during COVID-19 pandemic and Article 14 read in	Inadmissible - manifestly unfounded	COVID-19 lockdown in Asylum Center

[107] Available here.
[108] Available here.
[109] Available here.
[110] Available here.

			conjunction with Article 5; Article 2 of Protocol 4 in conjunction with Article 14		
10.	*P.D. v. Serbia*[111]	42112/21	*Ibid*.	Inadmissible - manifestly unfounded	COVID-19 lockdown in Asylum Center
11.	*S.B. and Others v. Serbia*[112]	22463/17	Article 3 (living conditions in RC Preševo) and Article 5-1 and 5-2 (*de facto* detention in RC Preševo)	Inadmissible - manifestly unfounded	De facto detention in RC Preševo and living conditions in RC Preševo
12.	*Ali. v. Serbia*	4662/22	Article 3 (procedural limb)	Violation of the procedural limb of Article 3	Extradition to Bahrein without risk assessment of refoulement and denial of access to asylum procedure

B. Access to the procedure and registration

1. Access to the territory and arbitrary and forcible removals

Indicators: Access to the Territory

1. Are there any reports (NGO reports, media, testimonies, etc.) of people refused entry at the border and returned without examination of their protection needs? ☒ Yes ☐ No
2. Is there a border monitoring system in place? ☐ Yes ☒ No
3. Who is responsible for border monitoring? ☒ National authorities ☐ NGOs ☐ Other
4. How often is border monitoring carried out? ☐ Frequently ☐ Rarely ☒ Never

1.1 Legal access to the territory and effective access to means of legal entry at the border crossing points

As regards legal access to the territory, third country nationals cannot apply for a (humanitarian) visa, specifically with the intention to apply for international protection upon arrival, nor are there any resettlement or relocation operations in place.

Serbia has not designated official border crossing points as places where asylum applications can be lodged or registered. This means that persons in need of international protection who successfully access the territory or who are not subjected to pushbacks or any other form of informal and forcible expulsion, can in most of the cases access the asylum procedure regardless of the place of entry – official border crossing points or green border area.

1.2 Hindering of access through legal ways

1.2.1 Readmission agreements

As Serbia is neither an EU member state nor a party to the Dublin Regulation, there is nothing equivalent to a Dublin procedure in the country. However, Serbia has concluded Readmission Agreements with the

[111] Available here.
[112] Available here.

European Union[113] as well as North Macedonia,[114] Albania,[115] Montenegro[116] and Bosnia and Herzegovina ('Bosnia').[117]

As regards the Readmission Agreement with the EU, it has not been functioning properly since September 2015, and Hungary mostly expels foreigners to Serbia in an informal manner, amounting to a push-back policy. The same practice is applied by Croatia and Romania in the vast majority of cases. According to the MoI, in 2019, not a single foreigner was returned to Serbia under the Readmission Agreement, while in 2020, 84 readmission requests were accepted by Serbia. It is not clear from which States foreigners were returned as well as how many foreigners were included in these 84 requests.[118] In 2023, a total of 744 foreigners were readmitted to Serbia from neighbouring countries,[119] while the number in 2024 was 462 and in 2025 more than two times less - 210.

The same can be said for the functioning of the Readmission agreement with North Macedonia. The NPM outlined in its Report the following:

> The NPM also wants to point out the difficult implementation of readmissions with North Macedonia. According to the data obtained during the visit, in 2020, 68 requests for readmission of same number of persons were submitted to North Macedonia and all requests were rejected, usually with the explanation that there was no evidence that a foreigner entered Serbia from North Macedonia, even though, according to officials' statements, that was more than obvious, and all the necessary evidence was provided.[120]

These findings remain valid as of December 2025, as can be seen from the outlined statistical data provided below, which shows that only 79 foreign nationals were officially readmitted from Serbia to neighbouring States, primarily to Bulgaria.

In April 2019, Serbia and Austria signed an agreement that would allow **Austria** to send back to Serbia asylum seekers whose asylum applications have been rejected on the merits and who had transited from Serbia. Upon their return, they are to be placed in an 'adequate' accommodation, for which Vienna will pay. This agreement is most likely the technical agreement between Serbia and Austria which should serve as foundation for the operationalisation of the Readmission Agreement which Serbia has signed with the European Union. At the time of writing, the agreement has not yet been applied in practice even though it triggered debates in both Austria and Serbia.[121] In the opinion of the author of this report, the announcement of the signing of the agreement was more for domestic political purposes than informed by a realistic prospect for mass returns of irregular foreign nationals to Serbia.

In November 2022, the President of Serbia Aleksandar Vučić, Austria's Chancellor Karl Nehammer and Hungarian President Viktor Orbán signed trilateral agreement with the aim to strengthen border security policies in Balkan countries.[122] Even though it is not clear from this agreement which concrete measures will be undertaken and in line with what kind of procedures, it provides for deployments of Austrian and

113 Official Gazette no. 103/2007

114 Radio Free Europe, *Srbija i Makedonija potpisale sporazum o readmisiji*, 4 October 2010, available at: http://bit.ly/3kI8Od3 [accessed on 26 February 2021].

115 Official Gazette no. 7/2011.

116 Official Gazette no. 13/2013.

117 Radio Free Europe, *Srbija i BiH potpisale Sporazum o readmisiji*, 5 July 2013, available at; http://bit.ly/3dSKJ1F [accessed on 26 February 2021].

118 MoI, *Извештај о спровођењу Стратегије супротстављања нерегуларним миграцијама за период 2018-2020. година*, June 2021, available at: https://bit.ly/3Dtss4r, p. 24.

119 MoI, *Response on the request for the information of public importance of the MoI no. 07-34/24 of 15 April 2024*.

120 Ombudsman, *Serbia: National Report on the situation of human rights of migrants at the borders*, ENNHRI, July 2021, available here, p. 21.

121 Taz, *Einfach weitergeschoben: Abgelehnte Geflüchtete will Österreich in serbischen Abschiebezentren unterbringen – und für sie zahlen*, 17 April 2020, available (in German) at: https://bit.ly/2SY8U3c; Der Standard, *Grüne lehnen Abschiebung abgelehnter Flüchtlinge nach Serbien ab*, 16 April 2020, available (in German) at: https://bit.ly/2T0LzOv.

122 Euronews, *Austria, Serbia and Hungary strike migration deal, saying EU measures have failed*, 17 November 2022, available at: http://bit.ly/3T1LWGk.

Hungarian border officers to Serbian border with North Macedonia, provision of additional equipment for monitoring of the borders, etc.[123] As future measures, the heads of state of Austria, Serbia and Hungary aim at readmission of those persons who are not in need of international protection. Without disputing the sovereign right of these States to cooperate in managing the mixed migratory flows, the practice of systemic denial of access to territory based on ill-treatment, pushbacks or other forms of collective expulsions has been recorded as the most common practice applied at borders of Serbia and Hungary in 2025 (see Informal and forcible removals). The terminology used at the press conference completely disregarded the concepts of refugees and asylum seekers and was only based around the notions of 'migrants' and 'illegal migration'.

For the purpose of this 2025 update of the AIDA report, the MoI delivered statistical data on the number of readmissions and returns from and to Serbia. Even though the numbers are quite low,[124] they should be considered important for the comparative analysis with the number of pushbacks and other forms of collective or individual informal types of expulsions which took place in the same period (see and forcible removals).

It is also important to highlight that persons readmitted from Serbia to neighbouring countries are primarily detained in one of the Immigration Detention Centres, mainly in the one located at the border with Bulgaria (Dimitrovgrad) and in line with the Article 87 of the Foreigners Act. The basis for detention is the forcible removal, so one of the additional preconditions for detention is the issuance and serving of the expulsion order to the foreign national and in line with the Article 77 of the Foreigners Act.

The expulsion order is served in Serbian language and in a procedure in which the acting police officer does not take into consideration potential risks of *refoulement* or *chain-refoulement*, where foreigners, especially those in need of international protection, are, in practice, effectively denied the possibility to access a remedy against this decision. In particular, expulsion orders, as well as refusal of entry decisions, are rendered in a bureaucratic manner, on the basis of a template drafted in Serbian Cyrillic.[125] In addition, these decisions are served to foreigners who rarely enjoy access to legal aid and who are not allowed to inform third persons of their whereabouts during the first hours of the arrest, which are also basic safeguards against ill-treatment, including safeguards against *refoulement* as enshrined in Article 83 of the Foreigners Act.[126] They are not informed in a language they understand of their other rights, but also obligations and applicable procedures, which further undermine their capacity to challenge both detention and expulsion decisions.[127] Finally, the appeal against an expulsion order does not have an automatic suspensive effect.[128] In 2024, a total of 12,420 expulsion orders were issued in relation to foreign nationals,[129] Compared to 7,566 in 2025 .

The fact that many expulsion orders were issued to nationals of Afghanistan (1,591) and Syria (524), but also Palestine (326), Iran (46) and other individuals who might be in need of international protection, indicates that at least 50% of foreign nationals are theoretically introduced into the forcible removal regime despite risks that they might face in third countries or even countries of origin (e.g., Türkiye, see List of authorities that intervene in each stage of the procedure).

123 RTS, *Vučić, Orban i Nehamer potpisali Memorandum o borbi protiv ilegalnih migracija*, 16 November 2022, available at: https://bit.ly/3T0VzVG.
124 Especially in comparison to the number of pushbacks from and to Serbia.
125 Refusal of entry decision in bilingual - English and Serbian Cyrillic.
126 CPT, *Immigration Factsheet*, CPT/Inf(2017)3, available at: https://bit.ly/3zntMUA, pp 2-3.
127 *Ibid*.
128 Article 80, Foreigners Act.
129 MoI-Border Police Administration, responses to the information of public importance nos. 07-34/24, 30 August 2024 (delivered on 20 September 2024) and 07-2/25, 11 February 2025 (delivered on 17 February 2025).

Expulsion orders issued in relation to foreign nationals in the period 1 from January 2025 to 31 December 2025	
Country	Number
Afghanistan	1,591
Türkiye	762
Syria	524
Palestine	326
Iraq	135
Others	4,228
Total	7,566

Source: Ministry of Interior - Border Police Department's Response to the request for the information of public importance no. 07-25/26-2, 10 March 2026 (received on 23 March 2026).

1.2.1.1 Readmissions from neighbouring countries to Serbia in 2025

There were no readmissions from North Macedonia to Serbia in 2025. The detailed breakdown by readmitting country and nationality is detailed in the following tables, while data on sex and age was not delivered this time.

Readmission from Hungary to Serbia from 1 January 2025 to 31 December 2025					
Country	Adult Male	Underage Male	Adult Female	Underage Female	Total
Türkiye	N/A	N/A	N/A	N/A	6
Total	N/A	N/A	N/A	N/A	**6**

Source: Ministry of Interior - Border Police Department's Response to the request for the information of public importance no. 07-25/26-2, 10 March 2026 (received on 23 March 2026).

Readmission from Romania to Serbia from 1 January 2025 to 31 December 2025					
Country	Adult Male	Underage Male	Adult Female	Underage Female	Total
Afghanistan	N/A	N/A	N/A	N/A	1
Algeria	N/A	N/A	N/A	N/A	1
Libya	N/A	N/A	N/A	N/A	1
Total	N/A	N/A	N/A	N/A	**3**

Source: Ministry of Interior - Border Police Department's Response to the request for the information of public importance no. 07-25/26-2, 10 March 2026 (received on 23 March 2026).

Readmission from Croatia to Serbia from 1 January 2025 to 31 December 2025					
Country	Adult Male	Underage Male	Adult Female	Underage Female	Total
Türkiye	N/A	N/A	N/A	N/A	29
China	N/A	N/A	N/A	N/A	17
Afghanistan	N/A	N/A	N/A	N/A	17
Palestine	N/A	N/A	N/A	N/A	9
Others	N/A	N/A	N/A	N/A	43
Total	N/A	N/A	N/A	N/A	**115**

Source: Ministry of Interior - Border Police Department's Response to the request for the information of public importance no. 07-25/26-2, 10 March 2026 (received on 23 March 2026).

Readmission from Montenegro to Serbia from 1 January 2025 to 31 December 2025					
Country	Adult Male	Underage Male	Adult Female	Underage Female	Total
Nepal	N/A	N/A	N/A	N/A	1
Morocco	N/A	N/A	N/A	N/A	1
Total	N/A	N/A	N/A	N/A	2

Source: Ministry of Interior - Border Police Department's Response to the request for the information of public importance no. 07-25/26-2, 10 March 2026 (received on 23 March 2026).

Readmission from Bosnia-Herzegovina to Serbia from 1 January 2025 to 31 December 2025					
Country	Adult Male	Underage Male	Adult Female	Underage Female	Total
Afghanistan	N/A	N/A	N/A	N/A	7
Egypt	N/A	N/A	N/A	N/A	5
India	N/A	N/A	N/A	N/A	4
Pakistan	N/A	N/A	N/A	N/A	4
Nepal	N/A	N/A	N/A	N/A	3
Syria	N/A	N/A	N/A	N/A	2
Bangladesh	N/A	N/A	N/A	N/A	1
Algeria	N/A	N/A	N/A	N/A	1
Total	N/A	N/A	N/A	N/A	**27**

Source: Ministry of Interior - Border Police Department's Response to the request for the information of public importance no. 07-25/26-2, 10 March 2026 (received on 23 March 2026).

Readmission from Bulgaria to Serbia in the period 1 January 2025 to 31 December 2025					
Country	Adult Male	Underage Male	Adult Female	Underage Female	Total
China	N/A	N/A	N/A	N/A	52
Iran	N/A	N/A	N/A	N/A	1
Georgia	N/A	N/A	N/A	N/A	1
Russian Federation	N/A	N/A	N/A	N/A	1
Total	N/A	N/A	N/A	N/A	**55**

Source: Ministry of Interior - Border Police Department's Response to the request for the information of public importance no. 07-25/26-2, 10 March 2026 (received on 23 March 2026).

Readmission from Albania to Serbia from 1 January 2025 to 31 December 2025					
Country	Adult Male	Underage Male	Adult Female	Underage Female	Total
Shri Lanka	N/A	N/A	N/A	N/A	2
Total	N/A	N/A	N/A	N/A	**2**

Ministry of Interior - Border Police Department's Response to the request for the information of public importance no. 07-25/26-2, 10 March 2026 (received on 23 March 2026).

In 2025, a total of 210 persons were subjected to the readmission procedure to Serbia, and most were readmitted to Serbia from Croatia (115). The most represented nationalities were China (69), followed by Syria (35) and Afghanistan (25).

1.2.1.2 Readmission from Serbia to neighbouring countries

There were no readmissions from Serbia to Hungary, Romania, Albania, Montenegro, in 2025. The detailed breakdown by readmitting country and nationality is detailed in the following tables, while data on sex and age was not delivered this time.

Readmission from Serbia to Bulgaria from 1 January 2025 to 31 December 2025					
Country	Adult Male	Underage Male	Adult Female	Underage Female	Total
Afghanistan	N/A	N/A	N/A	N/A	21
Morocco	N/A	N/A	N/A	N/A	19
Syria	N/A	N/A	N/A	N/A	8
Other	N/A	N/A	N/A	N/A	11
Total	N/A	N/A	N/A	N/A	**59**

Source: Ministry of Interior - Border Police Department's Response to the request for the information of public importance no. 07-25/26-2, 10 March 2026 (received on 23 March 2026).

Readmission from Serbia to North Macedonia from 1 January 2025 to 31 December 2025					
Country	Adult Male	Underage Male	Adult Female	Underage Female	Total
Afghanistan	N/A	N/A	N/A	N/A	7
Pakistan	N/A	N/A	N/A	N/A	2
Total	N/A	N/A	N/A	N/A	**9**

Source: Ministry of Interior - Border Police Department's Response to the request for the information of public importance no. 07-25/26-2, 10 March 2026 (received on 23 March 2026).

Readmission from Serbia to Bosnia and Hercegovina in the period from 1 January 2025 to 31 December 2025					
Country	Adult Male	Underage Male	Adult Female	Underage Female	Total
Afghanistan	N/A	N/A	N/A	N/A	2
Bangladesh	N/A	N/A	N/A	N/A	2
Others	N/A	N/A	N/A	N/A	4
Total	N/A	N/A	N/A	N/A	**9**

Source: Ministry of Interior - Border Police Department's Response to the request for the information of public importance no. 07-25/26-2, 10 March 2026 (received on 23 March 2026).

Readmission from Serbia to Croatia in the period from 1 January 2025 to 31 December 2025					
Country	Adult Male	Underage Male	Adult Female	Underage Female	Total
Afghanistan	N/A	N/A	N/A	N/A	1
Syria	N/A	N/A	N/A	N/A	1
Others	N/A	N/A	N/A	N/A	2

Source: Ministry of Interior - Border Police Department's Response to the request for the information of public importance no. 07-25/26-2, 10 March 2026 (received on 23 March 2026).

Serbia readmitted only 79 foreign nationals, mostly to Bulgaria and who were mostly from Afghanistan (21) and Morocco (19).

The manner in which expulsion orders were rendered and served clearly indicates that these people were sent back without any assessment of the risk of *refoulement or* chain-refoulement. In addition, considering that only two persons were issued with a registration certificate at the three Immigration Detention Centres,[130] it is clear that access to the asylum procedure for persons that are in need of international protection and who are detained for the purpose of forcible removal is highly questionable.

Given the very low numbers of readmissions compared to arrivals and pushbacks, the conclusion that is drawn by the author of this report is that formal cooperation on returns of refugees, asylum seekers and migrants between the States in the Western-Balkan region and countries which form the external borders of the EU is almost non-existing. Border policies are mainly based on unlawful forms of expulsions which are contrary to the safeguards against *non-refoulement* and the prohibition of collective expulsions.

1.2.2 Refusal of entry under the Foreigners Act

Article 15 of the Foreigners Act foresees that the Border Police should refuse entry into the Republic of Serbia to a foreigner if that person:

- Does not have a valid travel document or visa, if required;
- Does not have sufficient means of subsistence for their stay in the Republic of Serbia, for return to their country of origin or transit to another country, or is not in other ways provided with subsistence during their stay in Serbia;
- Is in transit, but does not meet the criteria for entry into the next country of transit or country of final destination;
- Has been issued a protective measure of removal, security measure of expulsion, or a ban on entry into the Republic of Serbia, which is in effect;
- Does not have a certificate of vaccination or other proof of good health, if coming from areas affected by an epidemic of infectious diseases;
- Does not have travel medical insurance for the intended period of stay in Serbia.

Entry should be refused by issuing a decision on refusal of entry on a prescribed form,[131] unless it is established that there are humanitarian reasons or interest for the Republic of Serbia to grant entry, or if the international commitments of the Republic of Serbia indicate otherwise.[132] The foreigner can lodge an appeal to the MoI – Border Police Administration against the decision within 8 days.[133]

In practice, however, foreigners at Nikola Tesla airport are taken to the detention room and are cut off from the outside world. In other words, their treatment amounts to arbitrary detention in terms of the ECtHR jurisprudence established in the *Amuur v. France* judgment.[134] They typically are not able to draft and send the appeal against the refusal of entry decisions as they do not know domestic legal provisions and often do not speak Serbian or English (the decision on refusal of entry is issued in Serbian and English).[135] Moreover, they have to pay a fee of 15,670 dinars (approx. €133) before they can send the appeal to the Administrative Court.[136] It remains unclear if foreign nationals are even provided with a pen and paper to draft an appeal, which then has to be translated for the MoI-BPD as the second instance body. There is no post office in the transit zone, nor any other way to access the second instance body. The appeal does not have automatic suspensive effect.[137] This means that, even if the foreigner manages to lodge an appeal, they will have to wait for the decision on their appeal in the country to which they are

130 UNHCR Office in Serbia and Ministry of Interior of the Republic of Serbia - Border Police Department - Asylum Office.
131 Article 15(2) Foreigners Act.
132 Article 15(3) Foreigners Act.
133 Article 15(6) Foreigners Act.
134 Application no 19776/92, Judgment of 25 June 1996, EDAL, available at: http://bit.ly/2TayPpz.
135 Practice based observation by IDEAS, January 2024.
136 Annex 1 to the Rulebook on Refusal of Entry available at: https://bit.ly/3zaq6KS and Law on Republic Administrative Fee, Fee No. 37 (5), available in Serbian here.
137 Annex 1 Regulation on the Refusal of Entry.

expelled, which suggests that this remedy is theoretical and illusory.[138] The refusal of entry decision is mainly applied at the airport, as discussed in the next section, but also at the official border crossing points. In 2022, 2023, 2024 and 2025 the MoI provided a statistical overview of the refusal of entry decisions rendered on the land border crossing points, and which will be outlined in the ensuing parts of this chapter. However, they were mainly applied to foreigners who are not in need of international protection.

The Foreigners Act contains the entire set of principles which aim to guarantee the respect of *non-refoulement* in all forcible removal procedures, including regarding the decision on refusal of entry. Article 75 provides that the competent authority should take into consideration the specific situation of vulnerable persons, family and health status of the person being returned, as well as the best interests of a child,[139] specific position of people with disabilities,[140] family unity,[141] etc. If necessary, during the return procedure, an interpreter should be provided for a language that the foreigner understands, or is reasonably assumed to understand.[142] Additionally, the competent authority should, at the foreigner's request, provide written translation of the provision of the decision on return, translation of the ban on entry if issued, and translation of the information on the right to lodge a legal remedy into a language that the foreigner understands or may be reasonably assumed to understand.[143] Furthermore, Article 83 envisages that a foreigner may not be forcibly removed to a territory where they would be under threat of persecution on the grounds of their race, sex, sexual orientation or gender identity, religion, nationality, citizenship, membership of a particular social group or their political views, unless they represent a threat for national security or public order.[144] Regardless of the existence of such exceptions, Article 83(3) strictly prohibits foreigners' removal to a territory in which they would be at risk of the death penalty or torture, inhuman or degrading treatment or punishment.

Notwithstanding all the prescribed guarantees against *refoulement*, the introduction of the concept of refusal of entry into the new Foreigners Act still gives a lot of reasons for concern. This concern is derived from the current practice of the MoI at the airport transit zone and in the border areas with **Bulgaria**, **North Macedonia** and **Montenegro**, which is based on regular pushbacks which are being praised by the highest state officials, as discussed below. Thus, after the Foreigners Act came into force, the practice of denial of access to territory partially took a different shape, which is equally harmful as the one that existed before. In other words, denial of access to the territory is now based on pushbacks, but also on legal decisions that cannot be effectively challenged before the competent judicial authority since the appeal does not have automatic suspensive effect.[145]

The guarantees against *refoulement* that are introduced in the Foreigners Act existed in the Serbian legal framework before this Act came into force.[146] However, they were not applied properly, and there are plenty of documented cases where *prima facie* refugees were denied access to territory regardless of the risks in the receiving states (most notably in Bulgaria and North Macedonia).

138 ECtHR, *Čonka v. Belgium*, Application No 51564/99, Judgment of 5 February 2002, EDAL, available at: https://bit.ly/2STSScH; *Muminov v. Russia*, Application No 42502/06, Judgment of 11 December 2008, para 10, available at: https://bit.ly/3R270gH.
139 Article 75(1) Foreigners Act.
140 Article 75(2) Foreigners Act.
141 Article 75(3) Foreigners Act.
142 Article 75(5) Foreigners Act.
143 Article 75(6) Foreigners Act.
144 Article 83(2) Foreigners Act.
145 ECtHR, *M.A. v. Lithuania*, Application No. 59793/17, 11 December 2018, paras 83-84, available at: https://bit.ly/40Kz3Er.
146 See e.g., the Constitution of the Republic of Serbia and legally binding case law of the ECtHR.

Refusals of entry in relation to North Macedonia from 1 January 2025 to 31 December 2025		
Nationality	Number of Persons	Country of Removal
Türkiye	9	North Macedonia
Germany	4	North Macedonia
Others	56	North Macedonia
Total	**69**	

Source: Ministry of Interior - Border Police Department's Response to the request for the information of public importance no. 07-25/26-2, 10 March 2026 (received on 23 March 2026).

Refusals of entry in relation to Bulgaria from 1 January 2025 to 31 December 2025		
Nationality	Number of Persons	Country of Removal
Bulgaria	31	Bulgaria
Germany	4	Bulgaria
Romania	3	Bulgaria
Others	56	Bulgaria
Total	**94**	

Source: Ministry of Interior - Border Police Department's Response to the request for the information of public importance no. 07-25/26-2, 10 March 2026 (received on 23 March 2026).

Refusals of entry in relation to Romania from 1 January 2025 to 31 December 2025		
Nationality	Number of Persons	Country of Removal
Romania	71	Romania
Other	110	Romania
Total	**181**	

Source: Ministry of Interior - Border Police Department's Response to the request for the information of public importance no. 07-25/26-2, 10 March 2026 (received on 23 March 2026).

Refusals of entry in relation to Hungary from 1 January 2025 to 31 December 2025		
Nationality	Number of Persons	Country of Removal
Unknown	107	Hungary
Germany	68	Hungary
Other	232	Hungary
Total	**407**	

Source: Ministry of Interior - Border Police Department's Response to the request for the information of public importance no. 07-25/26-2, 10 March 2026 (received on 23 March 2026).

Refusals of entry in relation to Croatia from 1 January 2025 to 31 December 2025		
Nationality	Number of Persons	Country of Removal
Unknown	146	Croatia
Others	538	Croatia
Total	**684**	

Source: Ministry of Interior - Border Police Department's Response to the request for the information of public importance no. 07-25/26-2, 10 March 2026 (received on 23 March 2026).

Refusal of entry in relation to Bosnia and Herzegovina from 1 January 202 to 31 December 2025		
Nationality	Number of Persons	Country of Removal
Türkiye	543	BiH
Other	210	BiH
Total	**748**	

Source: Ministry of Interior - Border Police Department's Response to the request for the information of public importance no. 07-25/26-2, 10 March 2026 (received on 23 March 2026).

Refusal of entry in relation to Montenegro from 1 January 2025 to 31 December 2025		
Nationality	Number of Persons	Country of Removal
Türkiye	464	Montenegro
Other	202	Montenegro
Total	**666**	

Source: Ministry of Interior - Border Police Department's Response to the request for the information of public importance no. 07-25/26-2, 10 March 2026 (received on 23 March 2026).

Refusal of entry at Serbian airports 1 January 2025 to 31 December 2025[147]		
Nationality	Number of Persons	Country of Removal
Türkiye	386	Unknown
Bangladesh	156	Unknown
Nepal	139	Unknown
Pakistan	136	Unknown
Unknown	89	Unknown
Others	865	Unknown
Total	**1,771**	

Source: Ministry of Interior - Border Police Department's Response to the request for the information of public importance no. 07-25/26-2, 10 March 2026 (received on 23 March 2026).

The figures outlined above indicate that refusal of entry decisions are mainly rendered in relation to foreign nationals who are most likely not in need of international protection and especially in the land border area. Those who might be in need of protection are simply subjected to pushback practices. However, the nationalities of people refused entry at the Belgrade airport (Türkiye, but probably also Syrians, Afghanis and others)[148] give serious reasons for concern as several violations of refugees' rights - and more generally of fundamental rights - are reported[149] in the receiving states (mainly Türkiye, but also UAE,

147 The data received from the MoI on the refusal on entry practice at Serbian airports did not provide.

148 The data received from the MoI on the refusal on entry practice at Serbian airports did not provide all nationalities, but only the top 10.

149 None of these three countries are parties to the 1951 Refugee Convention. Regarding the UAE's treatment of Afghan refugees awaiting resettlement: BBC, *UAE arbitrarily detaining 2,400 Afghan asylum seekers – report*, 16 March 2023 available here and Infomigrants, *Thousands of Afghans 'in limbo' in United Arab Emirates: Human Rights Watch*, 15 March 2023, available here.
Regarding Lebanon, see Mixed Migration Centre, *Selective and Strategic indifference: Lebanon's migration and refugee landscape*', 25 January 2024, available here; UNHCR, P*rotection Monitoring Findings - Lebanon - 4th Quarter 2023*, 22 March 2024, available here; Amnesty International, *Lebanon: Authorities must halt unlawful deportations of Syrian refugee*s, 24 April 2024, available here.
Regarding Qatar, both the situation of refugees and the overall human rights situation, especially for women, migrants and LBGTQIA+, see: US Department of State, *2023 Country Reports on Human Rights Practices: Qatar*, available here; Human Rights Watch, *Qatar*, 2019, available here; Amnesty International, 'Qatar: 2023', available here.

Lebanon or Qatar).[150] In particular, the persons returned to these countries are exposed to both risk of *refoulement* and *chain-refoulement*.[151] The data obtained by the MoI provides several interesting and contentious details:

- At least 196 persons of unknown nationality were returned to neighbouring countries, including from the airport and to Hungary which does not provide access to the international protection procedure to foreigners who have not applied through the embassy procedure,[152]
- Refusal of entry from Serbian airports for Turkish nationals, in a manner which cannot be considered as adequate due to the lack of assessments of the risks of *refoulement* is also worrying, especially when taking into consideration the numerous instances in which people fleeing persecution (journalists, political activists and others) from Türkiye were treated in the transit zone (arbitrarily detained, asylum claims ignored, etc.).[153]

Following are examples of flawed application of refusal of entry decisions in the period 2024-2025:[154]

- On 12 February 2024, a woman, claiming to be a SGBV survivor from DRC, was removed to Türkiye even though she claimed that she survived rape and other forms of persecution in her country of origin. She tried to apply for asylum at the airport. IDEAS was contacted by the doctor from one of the hospitals in Belgrade, where she was allegedly taken for the purpose of verifying her allegation with the gynaecologist. Due to lack of information on individual data, the Rule 39 request to the ECtHR was declined. The BPSB ignored emails from IDEAS and put the woman back on a plane even before the ECtHR decided upon the Rule 39 request. This example perfectly illustrates the *modus operandi* of the BPSB, denying contract with the outside world to people who were (according to the doctors) clearly in distress, practices which eventually lead to denial of access to the territory and the asylum procedure.

- On 21 August 2024, the ECtHR granted IDEAS' request for interim measures and prevented the forcible removal of N.Y., a Turkish citizen who fled political persecution and who was denied access to asylum, allegedly physically ill-treated and automatically refused entry. Only after the Rule 39 request was granted was Mr. N.Y. allowed to access the territory, and officers of border police administration were adamant that the applicant did not want to apply for asylum.

- On 25 September 2024, the ECtHR granted another interim measure lodged by IDEAS which was related to a mother and two children of Kurdish origin, who also fled political persecution in Türkiye. They were arbitrarily detained in the detention area of Nikola Tesla airport from 23 to 26 September 2024, being denied access to the territory and the asylum procedure. Moreover, when they addressed IDEAS, they provided pictures on which they were holding tissues on which it was written that they wanted asylum. BPSB ignored their request and only after the ECtHR granted the Rule 39 request where they allowed to access the territory;

- On 15 January 2025, an Indian citizen who claimed religious persecution was returned regardless of the fact that he expressed his intention to apply for asylum and BPSB was duly informed;

- On 24 July 2025, an Iranian national who claimed political and religious persecution and asked for asylum was returned to Türkiye before IDEAS was able to address the ECtHR;

- On 28 October 2025, a Russian political activist, with strong arguable claim, was denied access to asylum and was returned to Russian Federation after which the contact was lost and IDEAS

150 Practice-informed observation of IDEAS, January 2024.
151 MoI, *Response on the request for the information of public importance of the MoI no. 07-34/24 of 15 April 2024*.
152 See AIDA, *Country Report: Hungary – 2023 Update*, July 2024, available here.
153 See the bellow examples and practice-informed observation by IDEAS and author of this Report.
154 For individual cases from previous years please see AIDA, *Country Report: Serbia – Update on the year 2022*, May 2023, available here, pp 44-45, AIDA, *Country Report: Serbia – Update on the year 2023,* August 2023, available here, pp. 46-48 and AIDA, *Country Report: Serbia – Update on the year 2024,* August 2025, available here, pp. 47-50

was not able to obtain information on his fate. IDEAS attempted to lodge a Rule 39 request, but there was not enough time since the applicant reached out to the lawyer 60 minutes before the flight to Moscow;

In 2023 there were at least 20 interventions at the Belgrade airport performed by IDEAS.[155] In 2024, IDEAS provided assistance to 10 persons arbitrarily detained at the airport transit zone, including two unaccompanied boys from Egypt who were refused entry automatically without the presence of the competent worker of the CSW. Legal aid was required via phone or through (a) family members or friends who contacted IDEAS directly, or (b) UNHCR and its other partners. In 2025, IDEAS provided assistance in 12 instances in relation to 16 persons who were mostly returned (9 persons), while 7 of them were registered in line with Article 35 of Asylum Act. This means that access to the asylum procedure at the airport remains a serious concern, even when there is an outside intervention.

The question that remains open is what the destiny of those persons in need of international protection who were not able to contact legal aid providers was, especially when it comes to nationals of Syria, Afghanistan, Türkiye, but also Cuba, Burundi, Iran, Palestinians or stateless people. It is also important to note that people who were highlighted as stateless in the MoI response were most likely not even assessed as such,[156] as the MoI did not even attempt to identify them.[157] In other words, these could have been people who destroyed their travel documents and who originated from countries where they could face persecution. All of these problems were briefly outlined in the EU Progress Report in 2022 and 2023,[158] but the 2023 Report still does not reflect the seriousness of the clandestine and unpredictable practice of the BPSB based on the author's field experience. In the 2024 and 2025 Progress Reports, the European Commission failed to underline the systemic issue of arbitrary detention and forcible removals without any risk assessment of *refoulement*, nor are there reports of Frontex or FRO on the issues continuously reported for more than a decade.

The UN Human Rights Committee published the following findings and issued very specific recommendations applicable to the flawed practice of BPSB:

> '32. [...] the Committee is concerned by reports failure to provide access to asylum procedures for persons refused entry at international airports and their subsequent *de facto* detention in airport transit zones [...]
>
> 33. The State party should ensure respect for the principle of non-refoulement by ensuring that:
>
> (a) asylum-seekers and any persons in need of international protection are not [...] expelled or to a country in which there are substantial grounds for believing that there is a real risk of irreparable harm, such as that set out in articles 6 and 7 of the Covenant;
>
> (b) Asylum-seekers receive information about their right to seek asylum in a language they understand [...]
>
> (c) Asylum-seekers have effective access to an appeal process that is in line with international standards, including ensuring that the lodging of appeals has a suspensive effect on [...] expulsion;

155 A total of 11 interventions in relation to 14 persons originating from Cuba, Pakistan and India, Practice-informed observation by IDEAS.

156 Serbia does not have a law according to which stateless people are treated through specially designed procedures.

157 MoI, *Response on the request for the information of public importance of the MoI no. 07-34/24 of 15 April 2024*.

158 European Commission, *Serbia: Progress Report*, SWD(2022) 338 final 12 October 2022, available at: https://bit.ly/3LedaYB, p. 63 and see also European Commission, *Serbia: Progress Report*, SWD (2023) 695 final, 8 November 2023, available at: https://bit.ly/4bRUaJU, p. 68.

(d) All relevant officials, including border guards, receive adequate training on international standards, including the principle of *non-refoulement* [...] '[159]

Still, the number of refusals of entry decisions in 2023 significantly decreased after Serbia (starting from December 2022) re-introduced visa regimes for citizens of Burundi, Cuba, India, Tunisia and other countries from which asylum seekers were coming in previous years.[160] The number of refusal of entries remained similar in 2024 (4,716). In 2025, a sharp drop (1,771) was recorded.[161] Thus, the decrease in numbers of decisions does not mean that the practice has improved, but that the number of arrivals from countries which were mainly exposed to arbitrary refusal of entry decreased.

In order for the Foreigners Act to be applied fully in line with the principle of *non-refoulement*, it is necessary to conduct a thorough training of all the border officials entitled to render a decision on refusal of entry, but also to develop standard operational procedures which would help border officers to recognise different vulnerable categories of persons on the move. Additionally, all the Regional Border Centres should have among their staff interpreters for Arabic, Farsi, Urdu, Pashtu, Turkish, Kurdish, Kirundi and other languages that foreigners who might be in need of international protection understand. In practice, however, interpreters do not seem to be hired. Additionally, a person who is about to be denied access to the territory should be afforded adequate and free of charge legal assistance. Finally, the implementation of the Foreigners Act should be made transparent and border monitoring activities, as recommended by the CAT, should dispel any existing doubts on the flawed practices of border authorities. Relevant standards of the European Committee for the Prevention of Torture and Inhumane and Degrading Treatment or Punishment (CPT) include that the detaining authority should serve foreign nationals deprived of their liberty with multi-lingual forms which outlines their rights, obligations and applicable procedures in a language which the foreigner understands.[162]

It is also worth mentioning that in light of the ECtHR judgment in *M.A. v. Lithuania*,[163] the Foreigners Act should be amended to introduce the automatic suspensive effect of the appeal against the decision on refusing the entry. The recent Strasbourg Court jurisprudence in cases such as *A.I. and Others v. Poland*,[164] or *A.B. and Others v. Poland*,[165] further confirms the above-highlighted necessity. The findings in these judgments also indicate that the practice at Serbian airports can also amount to collective expulsion in terms of the Article 4 of Protocol 4 ECHR.

1.3 Informal and forcible removals (*pushbacks*)

1.3.1 Informal and forcible removals from Serbia

Access to the territory for persons in need of international protection remained a serious concern in 2025. The pattern of multiple human rights violations which occur through the practice of pushbacks and other forms of arbitrary, very often collective and deprived of any risk assessment of *refoulement*, expulsions continued to include one, more or sometimes all the following violations:

159 HRC, *Concluding observations on the fourth periodic report of Serbia**, 3 May 2024, CCPR/C/SRB/CO/4, available at: https://bit.ly/3W1s0qn, paras. 32-33.

160 European Commission, *Serbia: Progress Report*, SWD (2023) 695 final, 8 November 2023, available at: https://bit.ly/4bRUaJU, pp. 69-70.

161 Ministry of Interior - Border Police Department's Response to the request for the information of public importance no. 07-25/26-2, 10 March 2026 (received on 23 March 2026).

162 CPT, *Immigration detention*, CPT/Inf (2017)3, March 2017, available at: https://bit.ly/3sL4rWK.

163 ECtHR, *M.A. v. Lithuania*, Application No 59793/17, Judgment of 11 December 2018, EDAL, available at: https://bit.ly/2txDq72, paras 83-84.

164 ECtHR, *A.I. and Others v. Poland*, Application No. 39028/17, Judgment of 14 November 2022, EDAL, available at: http://bit.ly/3l67o0m.

165 ECtHR, *A.B. and Others v. Poland*, Application No. 42907/17, Judgment of 14 November 2022, EDAL, available at: https://bit.ly/3l67o0m.

1. short term unlawful and arbitrary deprivation of liberty,[166] according to both the subjective and objective criteria of the ECtHR and contrary to material and procedural norms of the Serbian Police Act;[167]
2. arbitrary depravation of liberty without individual custody record which aims at hiding unlawful actions of border authorities;[168]
3. denial of access to a lawyer, right to inform a third person on their situation and whereabouts and right to an independent medical examination;[169]
4. failure to inform refugees and migrants on the reasons for deprivation of their liberty, as well as procedures which are applicable to them, and in a language they understand in writing and verbally;[170]
5. denial of access to the asylum procedure or other residential procedure where risks of refoulement or chain refoulement would be assessed;[171]
6. ill-treatment including kicks, slaps, punches, dropping off at locations where refugees and asylum seekers cannot fulfil their basic needs (food, water, medical assistance), destroying of cell phones, stripping, verbal abuse (threatening, swearing, etc), etc.;[172]
7. forcible removal without examination of individual circumstances of each person or outside any legal procedure;[173]
8. lack of assessment on any risks of *refoulement* and *chain-refoulement*[174] in the receiving states and complete disregard of special needs e.g., age, mental or medical state, trauma caused by torture, human trafficking, sexual or gender-based violence (SGBV);
9. denial of access to effective legal remedy for the above-listed violations cumulatively and under Article 13 ECHR.[175]

What is also important to add to this list is the fact that most of the testimonies or cases which were recoded and confirmed as a violation, include different forms of psychological or physical ill-treatment which implies: kicks, slaps, punches, hits with rubber truncheons, insults, threats, etc. All of these acts amount to different criminal offences which should be effectively and thoroughly investigated and perpetrators punished, which, according to the knowledge of the author of this report has never happened.[176] It is also important to note that both Constitutional Court and ECtHR have determined that the manner in which pushback operations are facilitated can also amount to inhumane and degrading

166 ECtHR, *Creangă v. Romania*, Application No. 29226/03, Judgment of 23 February 2012, available at: https://bit.ly/3BjU8bI, para. 84.

167 ECtHR, *Guzzardi v. Italy*, Application No 7367/76, Judgment of 6 November 1980, available at: https://bit.ly/3tS73Al, para. 95; *Z.A. and Others v. Russia*, Application Nos. 61411/15, 61420/15, 61427/15 and 3028/16, Judgment of 21 November 2019 [GC], EDAL, available at: https://bit.ly/3JB0Hdu, para. 138, but see also, CPT, *Report to the Croatian Government on the visit to Croatia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 14 August 2020*, CPT/Inf (2021) 29 , 3 December 2021, available at: https://bit.ly/3978tyQ, para. 10; ECtHR, *A.R.E. v. Greece*, Application No. 15783/21, Judgment of 7 January 2025, available here, para. 290 and *O.H. and Others v. Serbia*, Application No. 57185/17, Judgment of 3 February 2026, available here, para. 176.

168 CPT, *The prevention of ill-treatment of foreign nationals deprived of their liberty in the context of forced removals at borders*, Extract from the 32nd General report of the CPT Published on 30 March 2023, CPT/Inf (2023) 7 - part, available at: https://rm.coe.int/1680aabe68, para. 26.

169 CPT, *Extract from the 2nd General Report [CPT/Inf (92) 3*], p. 6, para. 36, available at: https://bit.ly/3GVD4KU.

170 ECtHR, *Khlaifia and Others v. Italy*, App. Nos. 16483/12, Judgment of 15 December 2016, EDAL, available at: https://bit.ly/2Bojevu, para. 92.

171 ECtHR, *Hirsi Jamaa and Others v. Italy*, Application no 27765/09, Judgment of 23 February 2012 [GC], EDAL, available at: http://bit.ly/2R5G6Em, paras. 156, 157 and 185.

172 ECHR, Article 3.

173 ECtHR, *Čonka v. Belgium,* Application no 51564/99, Judgment of 5 February 2002, available at: http://bit.ly/2YJEZ1y, para. 59.

174 ECtHR, *Hirsi Jamaa and Others v. Italy*, Application no 27765/09, Judgment of 23 February 2012 [GC], EDAL, available at: http://bit.ly/2R5G6Em.

175 The issue of pushbacks and various forms and layers of human rights violations was addressed by different bodies for the protection of human rights. See, *inter alia*, CPT, The prevention of ill-treatment of foreign nationals deprived of their liberty in the context of forced removals at borders, available at: https://bit.ly/3QKc4oq, paras. 69-107 and Special Rapporteur on the Human Rights of Migrants, Human rights violations at international borders: trends, prevention and accountability, A/HRC/50/31, 26 April 2022, available at: https://bit.ly/3JzQgtu. https://bit.ly/46kqDF3

176 See for example ECtHR, Shahzad v. Hungary (No. 2), Application No. 37967/18, Judgment of 5 October 2023, available here.

treatment - e.g., dropping off at locations where people on the move cannot fulfil their basic needs (food, water, medical assistance, housing, medical care) and in life-threating conditions. In the landmark case *O.H. and Others v. Serbia*, both bodies have declared such practice as inhumane treatment. [177]

1.3.1.1 Arrivals

The number of arrivals has varied in the past decade and was influenced by different factors such as border policies of different countries (Bulgaria, Türkiye, North Macedonia, Greece, etc.), visa policies of Serbia, international agreements (e.g., EU- Türkiye statement) different methodologies to assess the number of arrivals, etc.[178] The most reliable way to determine the most accurate arrival numbers is recording by the MoI in the Afis, which cannot be expected in the near future due to lack of capacity of the Border Police Administration to process persons on the move at entry points from Bulgaria and North Macedonia. Thus, what has remained a constant is that it is impossible to determine the exact number of persons on the move who have arrived of transited through the territory of Serbia and for several reasons:

- The MoI, CRM and UNHCR, as most frequent sources of information, have applied different methods to collect and compile data on refugees and migrants entering and residing on Serbian soil;[179]
- A significant number of refugees and migrants are not registered (fingerprinted and photographed) by the MoI in line with the Foreigners or Asylum Act. Thus, they are not introduced into the database with fingerprints and pictures of foreigners - *Afis*. This is the only way to properly identify persons without any ID and which can further prevent the recording of one person several times using a different name or when their name is not properly typed into one of the databases.[180]
- It is not clear if FRONTEX data on the number of irregular crossings to the EU from the Western-Balkan countries also includes those foreigners who were pushed-back several times;[181]
- A number of refugees and migrants simply transit through Serbia without being noticed and with the help of organized criminal groups involved in smuggling.

In 2024, the number of arrivals via the Western Balkan route decreased by 78% (21,520 detected irregular border crossings) and included mainly citizens of Türkiye, Syria and Afghanistan.[182] In 2025, FRONTEX recorded 12,525 irregular border crossings, which is a 42% drop.[183] According to the CRM, the number of arrivals to Serbia dropped for around 50% - 19,603 arrivals in 2024 and 9,567 arrivals in 2024.[184]

177 ECtHR, *O.H. and Others v. Serbia*, Application No. 57185/17, Judgment of 3 February 2026, available here, paras 128-134.

178 See more in AIDA, *Country Report: Serbia – Update on the year 2024,* August 2025, available here, pp. 53-55.

179 See more in AIDA, *Country Report: Serbia – Update on the year 2024,* August 2025, available here, pp. 53-55.

180 Precisely, this might lead to a situation in which CRM registers one person in different camps under different names, including persons who were introduced in Afis because CRM workers do not have access to this database in reception facilities.

181 See more in AIDA, Country Report: Serbia – *Update on the year 2024, August 2025*, available here, pp. 53-57.

182 ECRE, Balkan Route: NGO warning about Frontex data showing major fall in irregular crossings, available here.

183 Frontex, Frontex: Irregular border crossings down 26% in 2025, Europe must stay prepared, 15 january 2025, avaialble here.

184 Radio Free Europe, *Manje od 10 hiljada migranata evidentirano u Srbiji tokom 2025*, 2 January 2026, available here.

The number of arrivals per month was as follows:

Observed Arrivals in the period 2019-2025									
Month	Arrivals 2019		Arrivals 2020		Arrivals 2021	Arrivals 2022	Arrivals 2023	Arrivals 2024	Arrivals 2025
	UNHCR	CRM	UNHCR	CRM	UNHCR and CRM	UNHCR and CRM	UNHCR and CRM	UNHCR and CRM	UNHCR and CRM
January	629	/	1,700	/	3,180	2,644	5,957	2,782	N/A
February	819	/	2,633	/	2,273	3,236	3,782	1,687	N/A
March	1760	/	1,649	/	3,832	1,238	6,477	1,290	N/A
April	1,826	/	583	/	4,344	6,132	4,144	830	N/A
May	2,512	/	270	/	3,182	8,019	7,506	1,073	N/A
June	2,366	/	2,108	/	4,111	10,039	10,083	1,168	N/A
July	2,726	/	3,197	/	5,762	13,425	13,571	1,653	N/A
August	3,673	/	4,146	/	7,101	17,997	Missing data	1,879	N/A
September	3,686	/	2,981	/	8,978	19,345	13,036	1,947	N/A
October	4,123	/	2,703	/	6,570	14,519	9,223	2,090	N/A
November	3,871	/	2,022	/	6,027	11,916	8,532	1,901	N/A
December	1,713	/	1,011	/	4,978	11,160	5,391	1,303	N/A
Total	**29,704**	**10,145**	**25,003**	**63,408**	**60,338**	**119,670**	**108,808 (missing August)**	**19,603**	**9,567**

Source: Data provided by the UNHCR office in Serbia and CRM.

The number of arrivals outlined in the table above is not related to people who were impacted by the armed conflict in Ukraine. In June 2023, it was reported that around 370,000 Russian citizens have resided in Serbia since February 2022, but this does not mean that all of them remained.[185] In August 2023, it was reported that around 36,500 Ukrainian citizens resided in Serbia.[186] In 2024, some media reported that around 200,000 citizens of the Russian Federation and Ukraine have entered Serbia.[187]

According to some sources from 2025, around 73,000 Russian Citizens applied for temporary residency and around 90% of these applications were granted.[188] Still, and due to the fact that many citizens of said countries can come to Serbia without visa, and are often entering and exiting Serbia, it is not possible to determine their exact number.

Presence of Frontex

The Status Agreement on border management cooperation between the European Union and Serbia entered into force in June 2021, and in June 2024 was followed by the Agreement on Operational Cooperation in border management.[189] The agreement allows Frontex to carry out joint operations in Serbia, especially in the event of sudden border management challenges. The former European Commissioner for Home Affairs and Migration, Ylva Johansson, visited Serbia to launch the first Frontex joint operation at the Serbian border with Bulgaria.[190] FRONTEX officers are dispatched at the border with Bulgaria. The new status agreement between the EU and Serbia entered into force on 1 April 2025 and

185 Bloomberg Adria, *Deset najzastupljenijih biznisa Rusa u Srbiji*, 26 June 2024, available here.
186 021 Portal, *U Srbiji se trenutno nalazi više od 43.000 Ukrajinaca*, 31 August 2023, https://bit.ly/3L0Mb1e.
187 Vreme, *Da li Rusi napuštaju ili naseljavaju Srbiju?*, 30 September 2024, available here.
188 BBC na srpskom, *Rusi u Srbiji: Kako žive danas, tri godine od početka rata u Ukrajini*, 2 March 2025, available here.
189 European Commission, *EU signs agreement with Serbia to strengthen migration and border management cooperation*, 25 June 2024, available at: https://bit.ly/4cyPYyA.
190 Frontex, *Frontex expands presence in Western Balkans with operation in Serbia*, 16 June 2021, available at: https://bit.ly/3H2aG9X.

renewal of the Ministry of Interior's working arrangement with Frontex is ongoing and 159 standing corps officers are deployed at Serbia's borders with North Macedonia and Bosnia and Herzegovina and at the international airport in Belgrade, in addition to Hungary and Bulgaria.[191] As of June 2026, the author of this report is not aware of allegations of human rights violations made against FRONTEX officers.

Regardless of Frontex and European Commission findings, including from 2025 which does not provide any relevant data on arrivals, which are mostly obtained from Serbian authorities, the most striking deficiency in the data they publish is related to the lack of any information on harmful border practices committed by Serbian border authorities but also border forces of neighbouring States. According to the author of this report, the only explanation for the drop in the number of arrivals or irregular crossings is the so called 'combat against smuggling'. Thus, the 2024 and 2025 Progress Reports do not contain a single information from which it can be determined to what extent Serbia has the capacity to maintain the rule of law at its borders and to safeguard access to the territory and the asylum procedure. Moreover, 2024 and 2025 Progress Reports have failed to reflect credible sources which indicate the involvement of some segments of Serbian security forces in smuggling operations.[192] All of these issues have significant impact on the effectiveness of Serbian asylum system and its legislative and practical alignment with the CEAS.

1.3.1.2 Chronology of arbitrary and forcible removals from Serbia to neighbouring countries

To reiterate, the so-called Western Balkan route represents a region in which refugees, asylum seekers and migrants are systematically subjected to arbitrary and forcible removals without any safeguards against arbitrary detention, *refoulement*, *chain-refoulement* and collective expulsions, and very often ill-treatment at the hands of border authorities which remain unpunished.

What is important to highlight is that instances of pushbacks are often portrayed by Serbian authorities as situations in which refugees, asylum seekers and migrants are deterred from attempting to cross the border after they realise that border patrols of Serbia are on the other side. However, the MoI's argument that refugees and migrants are discouraged from irregular crossings when they encounter border police is misleading and is the long-standing position repeated since 2016, when mixed patrols of the army and police were introduced with the aim 'to suppress illegal migration'.[193]

This argument was publicly used for the first time by Mr. Jovan Krivokapić from the Ministry of Defence, who stated on national television that refugees and migrants are discouraged when they spot border patrol forces.[194] A month before that statement, a group of 17 Afghan refugees were collectively expelled back to Bulgaria. This incident was declared as a violation of the prohibition of collective expulsions and other human rights by the Constitutional Court in December 2020[195] and the ECtHR in February 2026.[196] Three months before, a Kurdish family of 7 was left in the forest to freeze to death and only because of the CSO Info Park's reaction, was a search and rescue mission carried out and the family saved.[197] Accordingly, the credibility of such statements can be verified only if an independent border monitoring mechanism is established, as recommended by the Committee against Torture in 2015[198] and 2021,[199] while the Human

191 European Commission, *Serbia: Progress Report*, SWD(2025) 755 final, 4 November 2025, available here, p. 96.
192 See for example BIRN, *Serbian Police Translator, Named in BIRN Report, Held for People-Smuggling*, 16 January 2024, available here.
193 AIDA, *Country Report: Serbia – Update on the year 2016*, February 2017, available here, 15 and 19.
194 RTS, *Migrantsko proleće*, 29 March 2017, 12:40, available at: https://bit.ly/3sQtUdq.
195 Constitutional Court, Decision No. UŽ 1823/2017, Decision of 29 December 2020, EDAL, available at: http://bit.ly/2YJXJhi.
196 *O.H. and Others v. Serbia*, Application No. 57185/17, Judgment of 3 February 2026, available here.
197 N1, *Patrola vojske i policije ostavila migrante da umru u šumi*, 19 December 2016, available in Serbian here.
198 CAT, *Concluding observations on the second periodic report of Serbia*, 3 June 2015, CAT/C/SRB/CO/2*, para 15, available at: https://bit.ly/3ujDBFX.
199 CAT, *Concluding observations on the third periodic report of Serbia**, 20 December 2021, CAT/C/SRB/CO/3, para. 34(e), available at: https://bit.ly/3MLqTGh.

Rights Committee outlined that all pushback allegations should be promptly, thoroughly and independently investigated and perpetrators, if found guilty, punished appropriately.[200]

Thus, the recorded cases of pushbacks imply that refugees and migrants are initially put under the effective control (deprived of their liberty) and then forcibly removed back to one of the neighbouring States. In particular, the description labelled as 'discouragement' is misleading as it does not correspond to reality and is aimed at avoiding the responsibility for the set of violations listed above. Still, it cannot be excluded that such instances exist, but the recorded cases and judicial and other findings of domestic and international bodies clearly corroborate the existence of arbitrary and forcible removals as a pattern of behaviour of Serbian border police..

All pushback allegations are further supported by Serbian officials who continuously publicly present 'the positive results' of Serbian border authorities as they successfully combat 'illegal entries' from neighbouring states.[201] One such measure was also the erecting of the barbwire fence towards North Macedonia which has been clearly described in previous AIDA Reports and which remain valid to this day.[202] In June 2020, it was published in the media that up to June 2020, 532 migrants had been prevented from 'illegally' crossing the border.[203] In a report by the Ombudsman, it was stated that in 2020, 14,390 people gave up trying to illegally enter Serbia from North Macedonia after they spotted border police forces.[204] On 15 December 2022, president of Serbia Aleksandar Vucic outlined that, in 2022, a total of 45,965 illegal entries from North Macedonia were prevented.[205] The MoI stated that in 2023, a total of 37,403 'illegal entries' were prevented.[206] The number in 2024 reached 15,583,[207] while in 2025 this number was 10,802.[208] In its Report on the implementation of the Strategy for Combating Irregular Migration for the period 2018-2020, the MoI outlined the following:

> 'During 2019, a total of 20,221 people were prevented from attempting to cross the state border illegally, of which 4,990 were caught trying to cross the state border illegally, while 15,231 people gave up after being spotted by the state border security authorities, while in 2020, a total of 38,226 persons were prevented, of which 22,572 were directly prevented from attempting to cross the state border illegally, while 15,654 were the results of preventive action by the state border security authorities.'[209]

These numbers do not include foreign nationals who were refused entry or were readmitted to one of the neighbouring countries. Thus, according to the author of this report, it is safe to assume that many of these prevented illegal entries implied unlawful and in most of the cases collective expulsions to neighbouring States deprived of any risk assessment of *refoulement*. Lastly, the author does not exclude that significant number of refugees and migrants were deterred by very appearance of border police patrols.

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200 HRC, *Concluding observations on the fourth periodic report of Serbia**, 3 May 2024, CCPR/C/SRB/CO/4, available at: https://bit.ly/3W1s0qn, para. 33.

201 AIDA, *Country Report: Serbia – Update on the year 2018*, March 2019, available here, 16-18 and AIDA, *Country Report: Serbia, Update on the year 2019*, May 2020, available here, pp 20-21.

202 AIDA, *Country Report: Serbia - 2024 Update*, available here, pp. 60-61.

203 Blic, *Migranti i među lubenicama: carinici otkrili 532 "ilegalca", samo juče sprečeno 45 da uđe u srbiju*, 18 June 2020, available in Serbian at: https://bit.ly/3hIly1f.

204 Ombudsman, Serbia: National Report on the situation of human rights of migrants at the borders, ENNHRI, July 2021, available here, p. 21.

205 *YouTube, Вучић: Предузимамо важне мере за сигурност наших грађана*, 15 December 2022, available at: http://bit.ly/3l6xtwi.

206 MoI, *Response on the request for the information of public importance of the MoI no. 07-34/24 of 15 April 2024*.

207 Ministry of Interior - Border Police Administration-Department for Readmission, responses to the information of public importance nos. 07-34/24, 30 August 2024 (delivered on 20 September 2024) and 07-2/25, 11 February 2025 (delivered on 17 February 2025).

208 See the Table bellow.

209 MoI, *Извештај о спровођењу Стратегије супротстављања нерегуларним миграцијама за период 2018-2020. година*, June 2021, available in Serbian at: https://bit.ly/3Dtss4r, p. 10.

Once again, it remains vague what the following terms mean: 'prevented from attempting to cross the state border', 'were caught while trying to cross the state border', 'gave up after being spotted', 'directly prevented from attempting to cross' and 'results of preventive action.' What is clear is that these people are not issued a decision on refusal of entry,[210] which is the formal way to prevent someone from irregularly entering Serbia.

Number of persons prevented from 'illegally crossing the border' (data extracted from the statements of the state officials and official reports of the MoI)

Year	Number of persons denied access to the territory
2016	(at least) 18,000[211]
2017	(at least) 21,000[212]
2018	(at least) 23,000[213]
2019	20,221[214]
2020	38,226[215]
2021	14,806.[216]
2022	45,965 (until 15 December 2022 from North Macedonia)
2023	37,403
2024	14,080
2025	10,802
Total	**(at least) 243,503**

In this year's response, the MoI delivered the following data:

Regional Border Centre	Number of prevented 'illegal entries'
North Macedonia	8,741
Bulgaria	1,914
Hungary	6
Bosnia and Hercegovina	19
Croatia	13
Airports (Belgrade, Niš and Kraljevo)	60
Romania	4
Montenegro	45
Total	**10,802**

Source: Ministry of Interior - Border Police Department's Response to the request for the information of public importance no. 07-25/26-2, 10 March 2026 (received on 23 March 2026).

210 Article 15 Foreigners Act.

211 Danas, *Migrants unhappy with conditions of life*, 27 December 2016, available in Serbian at: http://bit.ly/2koDcN7.

212 Alo, *Da nije vojske i policije - Vulin: Sad bi bilo u Srbiji 20.000 migranata, zamislite to!*,22 July 2017, available in Serbian at: http://bit.ly/2DGDgRx.

213 Serbian Army, *Престанак ангажовања Заједничких снага Војске Србије и МУП*, 2 April 2018, available in Serbian at: https://bit.ly/2EolHoI.

214 BETA, *MUP: Na dnevnom nivou spreči se ilegalni ulazak 2'0 do 50 ilegalnih migranata*, 26 November 2019, available (in Serbian) here.

215 Danas, *Vučić: There are currently 3,977 migrants in Serbia, last year we prevented more than 38,000 illegal crossings*, 17 June 2021, available (in Serbian) at: https://bit.ly/3koFNV0 and Ministry of Interior, Извештај о спровођењу Стратегије супротстављања иррегуларним миграцијама за период 2018-2020. година, available at: https://bit.ly/3Dtss4r, p. 10.

216 European Commission, *Serbia: Progress Report*, SWD(2022) 338 final 12 October 2022, available at: https://bit.ly/3LedaYB, p. 61.

In 2025, the presence of civil society organisations at the borders with **North Macedonia**, and **Bulgaria** continued to be limited.[217] There is no effective border monitoring mechanism established in Serbia with an aim to closely and frequently observe the situation at entry borders. Still, apart from AIDA country reports on Serbia,[218] numerous national and international CSOs have been continuously reporting on pushback practices since 2015. The reports were also published by BVMN, Serbian Ombudsman, Amnesty International, etc. [219]The fact that that there are not many recent reports on harmful border practices committed by Serbian border authorities at the green border with North Macedonia, **Bulgaria** and **Montenegro** does not mean that arbitrary and forcible removals at borders are not facilitated daily.

Pushback reports throughout years

According to UNHCR, at least 773 refugees and migrants were pushed back to **North Macedonia** in 2019, 977 in 2020, 210 in 2021, 576 in 2022 and 59 in 2023. UNHCR has stopped reporting on such practices in their monthly statistical snapshots so the data on such practices does not exist for 2024 and 2025.

UNHCR data on pushbacks to North Macedonia 2019-2025							
	2019	2020	2021	2022	2023	2024	2025
January	78	74	0	4	23	N/A	N/A
February	87	150	31	8	33	N/A	N/A
March	96	112	2	6	3	N/A	N/A
April	35	9	7	85	0	N/A	N/A
May	49	9	22	20	0	N/A	N/A
June	19	88	5	6	0	N/A	N/A
July	59	10	21	2	0	N/A	N/A
August	28	154	46	301	0	N/A	N/A
September	159	142	14	6	0	N/A	N/A
October	67	159	57	0	0	N/A	N/A
November	90	30	0	103	0	N/A	N/A
December	6	40	5	35	0	N/A	N/A
Total	**773**	**977**	**210**[220]	**576**[221]	**59**	N/A	N/A

Source: UNHCR data portal.[222]

In 2020, a group of 16 persons from **Morocco**, **Iran** and **Algeria** were collectively expelled from the asylum centre (AC) in **Tutin** to **North Macedonia**. Allegedly, the police told them that they were being transferred to the reception centre (RC) in **Preševo**. Instead, they were dropped off near the Macedonian village of **Lojane**. They were crammed into the police van and after they had arrived at the drop off point, several of them were threatened, slapped and punched. Later on, the same group was arrested by Macedonian police and collectively expelled to **Greece**.[223] The group addressed several NGOs, including BVMN and IDEAS.[224] The Ombudsman issued an extremely contentious Recommendation, stating that the MoI and Commissariat for Refugees and Migration (CRM) had failed to prevent 'uncontrolled movement' of migrants who were, according to the report, left in front of the RC in **Preševo** and then went

217 More than 95% of persons in need of international protection are entering Serbia from these three countries.
218 See Chapter of Access to Territory in all previous AIDA reports on Serbia available here:
219 All sources will be enlisted in the ensuing parts of this Chapter.
220 UNHCR data portal, available at: https://bit.ly/3rYbS9O.
221 *Ibid*.
222 UNHCR data portal, available at: https://bit.ly/3rYbS9O.
223 BVMN, *Pushed-back from a Camp in Serbia to N. Macedonia, and then to Greece*, 3 April 2020, available here.
224 IDEAS, *Hod po žici - uticaj epidemije zarazne bolesti COVID-19 na sistem azila u Republici Srbiji - U susret „drugom talasu' - preliminiarni nalazi*, March 2020, available in Serbian at: https://bit.ly/46kqDF3, p. 34.

in an 'unknown direction'. This finding implies that the Ombudsman rejected as not credible the allegations of collective expulsion, even though he was provided with the phone number and location of the victims.[225] However, the body never tried to collect testimony from these people, even though they managed to return to Serbia after several weeks and the Ombudsman was aware of their whereabouts.[226] This case displays a similar pattern as the case of collective expulsion reported by the APC in 2019.[227]

BVMN described in detail four more pushbacks to **North Macedonia** in 2020, involving a total of 54 persons from **Afghanistan**, **Algeria**, **Morocco**, **Pakistan**, **Tunisia** and **Syria**. The first two incidents refer to April 2020, when 26 residents of RC in **Preševo** were taken from the camp and collectively expelled to North Macedonia close to the Serbian border village **Miratovac**.[228] Two other reports were published in October 2020 outlining that refugees and migrants were taken respectively from AC **Tutin**,[229] and the town **Preševo**,[230] to the green border area with North Macedonia close to **Miratovac** village. APC reported pushbacks to **North Macedonia** in November 2020.[231] All these cases included different forms of ill-treatment, such as: slapping, kicking, hitting with a rubber truncheon, use of police dogs, etc. These reports suggest that collective expulsions continued to take place, regardless of the COVID-19 pandemic, and that particularly vulnerable foreigners in that regard are those who are placed in RC **Preševo** and AC **Tutin**.

One of the reports published by a coalition of CSOs in April 2021 gives a detailed account of push backs of 4 persons to North Macedonia in the first four months. The report further outlines that pushbacks from Serbia and particularly from North Macedonia to Greece are likely to be happening on a much larger scale.[232]

An encouraging sign in 2021 was a border initiative of the Ombudsman office. When it comes to pushbacks to North Macedonia committed by Serbian authorities, the Ombudsman recorded numerous testimonies.[233] Thus, 5 testimonies which encompass several dozen persons were collected in only 2-3 days in the border area with North Macedonia. This data clearly demonstrates the widespread or even systematic extent of the pushback practice. **In 2021, the** Ombudsman report outlined the following:

> 'According to official data of the RBPCs, in 2020 […] 434 [persons/refugees and migrants] on the border with Bulgaria gave up trying to illegally enter the Republic of Serbia. According to police officers, these are foreigners who, after noticing the presence of border police patrols, gave up entering the country.'[234]

These testimonies reflect others collected by the BVMN from 2020. Still, apart from BVMN in 2020 and APC in 2021, other CSOs present on a daily basis at reception centres in border areas have not published reports on border practices or testimonies collected by those who might have been informally expelled to one of the neighbouring states. The same can be said for CSOs in the neighbouring/receiving states, who

225 Ombudsman, Recommendation No. 4232/127/2020, 7 October 2020, available in Serbian at: http://bit.ly/36nVVPp.

226 The author of this report informed the Deputy Ombudsman for Persons Deprived of Liberty on the whereabouts and the contact of victims since he was not able to visit them during the state of emergency and the curfew which implied official permission to move and reside outside the place of regular residency.

227 AIDA, *Country Report: Serbia, Update on the year 2019*, May 2020, available here, pp 19-20.

228 BVMN, *The Officers Encouraged the Dogs to Attack*, 17 April 2020, available at: https://bit.ly/39ZgGSo and *Serbian Authorities Place us 500m above the Border, they Beat you and Bring to the Border*, 17 April 2020, available here..

229 BVMN, This gateway has been used to carry out pushbacks from north Macedonia to Greece repeatedly, 22 October 2020, available here.

230 BVMN, 'They told us to leave van one by one and all of them together beat us', 20 October 2020, available here.

231 APC Twitter, available at: https://bit.ly/3tnyIGK.

232 Protection Rights at Borders, Pushing Back Responsibility, April 2021, available at: https://bit.ly/3RMSZmP, p. 7.

233 Ombudsman, *Serbia: National Report on the situation of human rights of migrants at the borders*, ENNHRI, July 2021, available here, p. 21.

234 Ombudsman, *Serbia: National Report on the situation of human rights of migrants at the borders*, ENNHRI, July 2021, available here, 21.

so far have not disclosed any major findings or testimonies by refugees and asylum seekers on this issue in 2019, 2020, and 2021.[235]

APC reported that in the first half of 2021, 410 pushbacks were documented by their field teams, and estimation of this CSO is that every day, at least 50 refugees and migrants are collectively expelled to North Macedonia.[236]

Klikaktiv reported in October 2022 that *'some of the refugees interviewed here [Serbia] stated they had been pushed back by the Serbian police back to North Macedonia, with no physical violence committed during the pushback*'.[237]

The 2022 Progress Report from 2021 indicates that 14,806 foreign nationals were prevented from entering Serbia.[238] The very fact that this data was included in Progress Report but without critical observation is concerning and should be criticised. Moreover, the fact that issues related to pushback operations on North Macedonian and Bulgarian border have never been critically reflected in the Progress Report clearly indicates that such practice, which clearly undermines access to territory and asylum procedure, is not of the European Commission's concern. The 2021 data was obtained by the MoI, which keeps this kind of records but does not always disclose it publicly. In the past, these numbers were usually disclosed by State officials in the context of assuring the public that Serbia is successfully combating organised crime, smuggling, human trafficking and illegal migration.[239]

In a 2022 report, Klikaktiv Reports emphasises that:

> 'In the end of September, the Klikaktiv team spoke to a group of four men from Morocco who stated they had been pushed back to Bulgaria by the Serbian police on the green border near the city of Pirot: the police did not issue them with any documentation or provided information on asylum procedure, but allegedly had beat them, took away their personal belongings (3 mobile phones and 350 euros) and made them walk back to Bulgaria.'[240]

Klikaktiv reported the following in 2023:

> 'In December 2023, people on the move also reported that they were pushed-back from the Serbian territory back to Bulgaria and that they were victims of police violence during these actions. The cases of push-backs from the Serbian territory were also happening in the past but they were rarely violent. Towards the end of December, Klikaktiv spoke to two men from Syria who claimed to be pushed-back from Serbian territory back to Bulgaria. According to their testimony, they crossed from Bulgaria to Serbia via river Timok (for the 15km of its run the River Timok is a natural border between two countries) in a rubber boat, but the Serbian police caught them and confiscated the boat. The police officers then forced them into a freezing river and they had to swim back to the Bulgarian shore'.[241]

On 16 February 2024, IDEAS's legal team was in contact with two men from Syria who were transported to the North Macedonian border. They called the IDEAS hotline and video call was established at the moment they were apprehended by Serbian border police - two officers in civilian clothes and two uniform police officer who arrived with the police van. They were talking in English asking for asylum, but the line

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235 AIDA, *Country Report: Serbia – Update on the year 2018*, March 2019, available here, p. 16.
236 APC, *Migracije na jugu srbije*, 29 December 2021, available at: https://bit.ly/33xTxHm, p. 2.
237 Klikaktiv, *The Third Quarterly Report in 2022 (July-August-September*), available at: https://bit.ly/3Ld2pFU, p. 15.
238 European Commission, *Serbia: Progress Report*, SWD(2022) 338 final 12 October 2022, available at: https://bit.ly/3LedaYB, p. 61.
239 See, e.g., Government of the Republic of Serbia, *Меморандум о сарадњи Србије, Мађарске и Аустрије у борби против илегалних миграција*, 16 November 2022, available in Serbian at: https://bit.ly/3SLf8U8.
240 Klikaktiv, *The Third Quarterly Report in 2022 (July-August-September)*, available at: https://bit.ly/3Ld2pFU, 20.
241 Klikaktiv*, From migration to criminalization - growing oppressive treatment against people on the move in Serbia, Annual report for the year 2023*, May 2024, available at: https://bit.ly/3VGpzYH, p. 15.

was cut off and they were boarded to the back of the van. On the road from the vicinity of Preševo town where they were deprived of their liberty, to the green border area in Miratovac field, close to the North Macedonian village Lojane, they continuously sent GPS locations. Afterwards, they were ordered to leave towards North Macedonia and the police dogs were released at them. Contact was then lost.[242]

On 22 February 2024, a group of stripped foreign nationals was video recorded while walking on the highway towards Reception Centre in Tabanovci in North Macedonia. According to their testimonies, as well as testimonies collected from foreign nationals who managed to enter Serbia, Serbian police arrested several dozens of nationals of Syria and Iraq. One group was taken to the police facility in the vicinity of border with North Macedonia where they were allegedly ill-treated: kicks, slaps, punches, hitting with belts and riffle buts. Others, who were captured right after they crossed the border were also ill-treated in similar manner, stripped and ordered to go back to North Macedonia. Several testimonies were collected by MYLA in North Macedonia and CSOs in Serbia and which contain pictures of bruised bodies.[243]

BVMN reported one instance of pushback to Bulgaria in January 2024 when the Police took clothes, shoes and other belongings from a man from Morocco and smashed his phone. Afterwards, he and other people from his group were kicked, punched and pepper sprayed, and ultimately returned to Bulgaria.[244] A similar case occurred in May 2024.[245] A collective expulsion, which corresponds to the pattern of behaviour of Serbian border police operating in the border area with Bulgaria and determined in the 2021 landmark judgment of the Constitutional Court (see below)[246] and confirmed by ECtHR, [247] was reported by BVMN in September 2024 when 31 Afghan men were expelled from Serbia to Bulgaria.[248] BVMN also reported a violent and forcible removal of an Afghan man from Serbia to North Macedonia in October 2024.[249]

In 2025, BVMN reported one pushback from August 2025 which involved 5 Iranian man who alleged physical ill-treatment, seizure and destroying of personal belongings and removal to North Macedonia.[250] In September 2025, IDEAS recorded forcible expulsion from deeper Serbian mainland of a group of Afghan refugees who attempted to enter RC in Bujanovac. One of the Afghans was severely beaten up and lost sight on his left eye. The case was taken by IDEAS lawyers to the Constitutional Court in Serbia after relevant evidence was collected though cross-border cooperation with CSO MYLA from North Macedonia and is currently pending. Klikaktiv in its quarterly reports did not report on additional individual cases related to pushbacks from Serbia to neighbouring countries in 2025.[251] Several allegations appeared in BVMN monthly reports but without more detailed description of time and place.

To conclude, it is clear that denial of access to the territory represents the State policy which has remained unchanged in 2025. This practice is most prominent at the borders with North Macedonia (8,741) and Bulgaria (1,914), but from the MoI response it can be seen that in addition to the refusal of entry practice as a form of forcible removal governed by the Foreigners Act, there is the practice of informal returns, outside the scope of Foreigners Act is applied at airports.

International and judicial reactions

Thus, although reports of collective expulsions to North Macedonia and Bulgaria have been decreasing in the past several years, data published by the highest state authorities (MoI, but also the Ombudsman)

242 IDEAS internal report, 16/17 February 2024 and WhatsApp correspondence from 16 February 2024.
243 Guardian, *Videos show migrants stripped of clothing in freezing temperatures at Serbian border*, 22 February 2024, available at: https://bit.ly/3XIsPFG.
244 BVMN, *They were beating us severely, as if they were beating animals*, available at: https://bit.ly/3zmNpBt.
245 BVMN, *He had been kicked in the face after having fallen on the ground due to the heavy beating he received*, available here.
246 Constitutional Court of Serbia, Decision No. UZ 1823/2017, Decision of 29 December 2020, EDAL, available here.
247 *O.H. and Others v. Serbia*, Application No. 57185/17, Judgment of 3 February 2026, available here.
248 BVMN, *Shot at, beaten with 'wooden tools', fingers bent backwards*, available here.
249 BVMN, *People shouldn't behave like this with us. Treat us like humans*, available here.
250 BVMN, *If you come back, we will kill you!,* available here.
251 The quarterly reports of Klikaktiv are available here, here, here and here.

indicate that pushbacks are still a reality. This was confirmed in the decision of the Constitutional Court of Serbia, as well as in findings of the CAT in its latest Concluding Observations, but also findings of the HRC from the end of 2024.[252] This data represents a continuation of the previous findings of relevant CSOs and international bodies for the protection of human rights and can be considered as evidence that collective expulsions are widespread and systematic.

The practice of pushbacks has been criticised by the UN Human Rights Committee already back in 2017 when it expressed its concerns related to 'collective and violent' denial of access to territory.[253] These concerns have also been shared by the CAT[254] and Amnesty International,[255] while UNHCR had reported this problem for the first time in 2012.[256] In 2015, the CAT recommended that Serbia establish 'formalised border monitoring mechanisms, in cooperation with the Office of the United Nations High Commissioner for Refugees and civil society organisations.'[257] To date, Serbia has failed to establish an independent border monitoring mechanism. The CAT reiterated its recommendation in 2021 and urged Serbia to:

> 'Introduce a border monitoring mechanism that includes representatives of independent entities, such as international Organisations and civil society with expertise in international refugee law and international human rights law, to ensure that border authorities are acting in line with the principle of *non-refoulement* and the prohibition of collective expulsion, as well as for the purpose of collecting accurate data'.[258]

Similar findings were outlined in 2024 Concluding observations of the HCR:

> '[...] 32. [...] the Committee is concerned by reports of failures to ensure effective access to asylum procedures, including: alleged pushbacks and ill-treatment at land borders; failure to provide access to asylum procedures for persons refused entry at international airports and their subsequent *de facto* detention in airport transit zones;
>
> [...] (d) All relevant officials, including border guards, receive adequate training on international standards, including the principle of *non-refoulement*, and that all allegations of pushbacks and ill-treatment are promptly, thoroughly and independently investigated and perpetrators, if found guilty, are punished appropriately;'[259]

In 2021, the Constitutional Court (CC) confirmed that illegal border practices have been a state practice.[260] This decision is the first official recognition that relevant State authorities denied access to the territory and asylum procedure and carried out collective expulsions.[261] On 29 December 2020, the CC adopted the constitutional appeal submitted by 17 refugees from Afghanistan who complained to have been collectively expelled to **Bulgaria** in February 2017.[262] The case concerned the forcible removal of 25 Afghan refugees (including 9 children) who entered Serbia from Bulgaria. The group was arrested by the border police officers and was detained for 12 hours in the basement of the Border Police Station **Gradina**

252 HRC, *Concluding observations on the fourth periodic report of Serbia**, 3 May 2024, CCPR/C/SRB/CO/4, available here, paras. 32-33.
253 HRC, *Concluding observations on the third periodic report of Serbia**, 10 April 2017, CCPR/C/SRB/CO/3, available at: https://bit.ly/46njRy9, para. 32,
254 CAT, *Concluding observations on the second periodic report of Serbia*, 3 June 2015, CAT/C/SRB/CO/2*, para 15, available at: https://bit.ly/3uj15La.
255 Amnesty International, *Europe's Borderlands: Violations against refugees and migrants in Macedonia, Serbia and Hungary*, July 2015, available at: https://bit.ly/1dLK66T, pp. 31-34.
256 UNHCR, *Serbia as country of asylum*, August 2012, available at: https://bit.ly/2SevotT, para 13.
257 CAT, *Concluding observations on the second periodic report of Serbia*, 3 June 2015, CAT/C/SRB/CO/2*, para 15, available at: https://bit.ly/3uj15La.
258 CAT, *Concluding observations on the third periodic report of Serbia**, 20 December 2021, CAT/C/SRB/CO/3, available at: https://bit.ly/3vd0s4r, para. 34.
259 HRC, *Concluding observations on the fourth periodic report of Serbia**, 3 May 2024, CCPR/C/SRB/CO/4, available here, paras. 32-33.
260 Constitutional Court, Decision No. UŽ 1823/2017, Decision of 29 December 2020, EDAL, available at: http://bit.ly/2YJXJhi.
261 AIDA, *Country Report: Serbia, Update on the year 2019*, May 2020, available here, p. 21.
262 Constitutional Court, Decision No. UŽ 1823/2017, Decision of 29 December 2020, EDAL, available at: http://bit.ly/2YJXJhi.

in inhumane and degrading conditions.[263] Later on, they were taken to the misdemeanour court to face trial for illegal entry on Serbian territory. An acting judge dropped the charges stating that the defendants were in need of international protection, that they should not be removed to **Bulgaria** due to poor living conditions in reception centres and because 'they might be victims of human trafficking.' The judge ordered the police to issue the applicants with registration certificates and to take them to asylum centres. Right after the trial, and upon being issued asylum certificates, the applicants were put in a truck and, instead of being taken to the camp, were taken to the green border area and collectively expelled to Bulgaria.

The Constitutional Court found that Gradina officers had violated the applicants' right to liberty and security (Article 27 (3) and Article 29 (1) of the Constitution)[264] by denying them the possibility to challenge the lawfulness of their detention with the assistance of a competent legal representative. The Court dismissed the applicants' claim that the material conditions in the basement amounted to inhumane and degrading treatment, stating that a period of 12 hours is not lengthy enough to reach the threshold of Article 25 of the Constitution (Article 3 of ECHR).[265] The Court further found that it is an undisputable fact that the applicants were expelled to **Bulgaria**. By applying the standards established in the ECtHR jurisprudence in *Čonka*,[266] *Hirsi Jamaa*[267] and *Georgia v. Russia*,[268] the Court determined that the applicants were expelled to Bulgaria outside any legal procedure, without examining the individual circumstances of every applicant and without the possibility for them to provide arguments against their expulsion. The Court also awarded EUR 1,000 to each of the applicants.[269]

This case was further appealed to the ECtHR. On 12 July 2021, the ECtHR communicated the case to the Government of Serbia so it could answer on the issues raised by the Court in its questions, related to Article 3, Article 13 read in conjunction with Article 3, Article 4 of Protocol 4, Article 13 read in conjunction with Article 4, Article 5, Article 5 (2) and Article 5 (4).[270] The communication phase was concluded at the end of 2022, and the judgment of the Court was issued on 3 February 2026 finding multiple violations:

1. Arbitrary deprivation of liberty described as 'deceptive detention' aimed at facilitating pushback and in the back of the police vehicle which transported applicants to the green border area with Bulgaria;
2. Inhumane treatment which implied the manner in which forcible removal was performed and which implied leaving of applicants in the forest in cold and life-threatening conditions;
3. removal without risk assessment of refoulement which violated procedural limb of the Article 3;
4. violation of prohibition of collective expulsion.[271]

On 14 June 2021, another case referring to informal expulsions to North Macedonia and then further to Greece was communicated to the Governments of Serbia and North Macedonia (*A.H. v. Serbia and North Macedonia*, and *A.H. v. Serbia*). The case concerns a Sudanese applicant who attempted to seek international protection in Serbia. Instead of being registered, he was allegedly subject to several summary removals to North Macedonia by the authorities of Serbia and to Greece by the authorities of North Macedonia, respectively. A formal removal decision was never issued. The case refers to Article 3

263 DW, *Serbia: Court confirms illegal pushbacks into the EU, 22 January 2021*, available at: http://bit.ly/3699fH8.
264 Which corresponds to Article 5 (4) of ECHR.
265 Which will be further examined by the ECtHR, *O.H. and Others v. Serbia*, Application No. 57185/17, 1 August 2017, available at: https://bit.ly/3JyPhXo.
266 ECtHR, *Čonka v. Belgium,* Application no 51564/99, Judgment of 5 February 2002, available at: http://bit.ly/2YJEZ1y.
267 ECtHR, *Hirsi Jamaa and Others v. Italy*, Application no 27765/09, Judgment of 23 February 2012 [GC], EDAL, available at: http://bit.ly/2R5G6Em.
268 ECtHR, *Georgia v Russia*, Application no 13255/07, Judgment of 3 July 2014, EDAL, available at: https://bit.ly/49BWp3b.
269 Insajder, *Odluka Ustavnog suda potvrda da se migranti proteruju iz Srbije*, 22 January 2021, available in Serbian at: http://bit.ly/39Wgl2U [accessed on 24 January 2021].
270 ECtHR, *O.H. and Others v. Serbia*, Application No. 57185/17, 1 August 2017, available at: https://bit.ly/3JyPhXo.
271 ECtHR, *O.H. and Others v. Serbia*, Application No. 57185/17, Judgment of 3 February 2026, available here.

and Article 13 read in conjunction with Article 3 in terms of the risk assessment of *refoulement* and *chain-refoulement*.[272]

1.4 Pushbacks towards Serbia and their consequences

Pushbacks towards Serbia have been documented along the green border between **Bosnia**, **Croatia**,[273] **Hungary** and **Romania**[274] since 2015, where refugees and asylum seekers, at one point, were almost systematically denied access to the territory and the asylum procedure, and are often subjected to various forms of ill-treatment, some of which might amount to torture.[275] In 2025, pushbacks were mostly facilitated from Hungary.

This state of affairs indicates that Serbia's geographical position puts the country in a difficult situation. Namely, the Serbian asylum system cannot be considered as fair and effective, and thus, it is not attractive to refugees and asylum seekers.[276] For that reason, most persons in need of international protection who arrive to Serbia strive to leave to one of the three neighbouring States which form the so-called external borders of the EU – Romania, Hungary and Croatia. One of the exit routes is also towards Bosnia and Herzegovina.

The will to reach an EU country implied in the past that refugees, asylum seekers and migrants were staying in border areas, in one of six Reception Centres or in one of the over 20 informal settlements which used established in abandoned facilities or tent settlements formed in forests and fields.[277] Apart from food, water and a roof over their heads, refugees, asylum seekers and migrants in reception centres were faced with conditions that can only be described as inhumane and degrading due to overcrowding, lack of privacy, poor hygiene, insecurity and others. Even more appalling conditions were registered in the informal settlements where there is no access to the most basic needs, especially during the hot summer or cold winter days.[278]

One of the consequences of illegal border polices, very often explained as a 'necessity' in the combat against organised crime, irregular migration, human trafficking and smuggling, was the increased number of operations from organised smuggling groups.[279] In the period from 2022 to the end of 2023, dozens of incidents involving organized criminal groups facilitating smuggling have been reported by CSOs, independent media and investigative journalists, often outlining the link between these groups and some hierarchies within Serbian MoI.[280] This has led to police raids, excessive use of force, arbitrary deprivation of liberty and *de facto* detention in reception facilities.[281] This also implied armed clashes between the smuggling groups, but also clashes between such groups and police, the latest one being recorded in May 2025 in the vicinity of the town of Šid close to Croatian border.[282]

In 2024, the situation significantly changed due to the fact that almost all reception facilities located on north were closed at the end of 2023, meaning that persons pushed back from EU countries to Serbia

272 ECtHR, *A.H. v. Serbia and North Macedonia, and A.H. v. Serbia*, Application Nos. 60417/16 79749/16, 19 October and 27 December 2016 respectively, available at: https://bit.ly/3oVp8dz. The case is litigated by Ms. Olga Đurović, attorney at law form Asylum Protection Center.

273 For more detailed information on pushbacks from Croatia see more in AIDA, *Country Report: Serbia - 2024 Update*, available here, pp. 76-77.

274 For more detailed information on pushbacks from Croatia see more in AIDA, *Country Report: Serbia - 2024 Update*, available here, p. 67.

275 Nikola Kovačević, *Documenting ill-treatment and collective expulsions of refugees and migrants, January 2019*, IAN, available at: https://bit.ly/2T8kEl5.

276 European Commission, *Serbia: Progress Report*, SWD(2022) 338 final 12 October 2022, available at: https://bit.ly/3LedaYB, p. 48.

277 Klikaktiv, *From migration to criminalization - growing oppressive treatment against people on the move in Serbia, Annual report for the year 2023*, May 2024, available at: https://bit.ly/3VGpzYH, p. 19.

278 See more in AIDA, *Country Report: Serbia - 2024 Update*, available here, pp. 76-77

279 Firstost, *LIVE: Austria's Nehammer Briefs Media With Orban, Vucic Following Discussion on Illegal Immigration*, 7 July 2023, available at: https://bit.ly/3XNbiMy.

280 *Ibid*.

281 *Ibid*.

282 BLIC, Migranti pucali na policiju: Opsadno stanje kod Šida: Jedan mrtav, četvorica zadržana, za ostalima se traga, 23 May 2025, available here.

have not been able to find official shelters (see more in Reception Conditions). The situation has remained unchanged in 2025, and there are no indications that any of these facilities will be open in the near future.

Such change of context occurred after the October 2023 shootings, when the police facilitated actions in which hundreds of refugees and migrants were deprived of their liberty and persecuted for the misdemeanour of illegal entry or illegal stay on Serbian soil.[283] Most of them were sentenced to short terms prison sentences (between 10 and 30 days) and transferred to penitentiary institutions all around Serbia. Also, all reception facilities were closed for several weeks, depriving in that way all foreign nationals who were not asylum seekers of their liberty.[284] The regime to which they were subjected is reminiscent of the regime introduced during the COVID-19 lockdown when people were deprived of their liberty without individual and reasoned decision against which they can lodge remedy to the judicial body and where they were deprived of the possibility to access legal aid.[285] CSOs in Serbia have received higher number of distress calls from families of people who were apprehended and were missing from several days to several weeks - serving their prison sentence or being detained in one of the reception facilities.[286] This form of behaviour can only be described as arbitrary and contrary to the right to liberty and security.[287] Eventually, Adaševci, Kikinda, Sombor and Subotica were closed, and they remained closed as of May 2026.

At the end of 2025, Klikaktiv reported the following:

> 'The beginning of autumn and the arrival of colder weather affected the dynamics of movement of people on the move on the territory of the Republic of Serbia. During the summer months, there is traditionally an increase in the number of people transiting toward European Union countries, while favorable weather conditions allow people to stay outdoors, which results in greater visibility of migrants' presence. Although a decrease in the number of people on the move staying in or transiting through Serbia was recorded during the last quarter of 2025, their presence did not disappear completely. As noted in the previous subsection, intensified police activities aimed at preventing irregular migration and migrant smuggling, combined with worsening weather conditions, contributed to people on the move becoming significantly less visible in the public space than in the previous period. During the fourth quarter of 2025, no significant presence of people was recorded in squats along the Serbian–Hungarian border, although many of the people with whom Klikaktiv communicated stated that their primary goal remained crossing into Hungary.'[288]

All of the above-described actions have led to the situation in which people on the move take more dangerous ways to cross borders to neighbouring countries, being crammed in back of the vans or trucks or crossing the rivers during the night. There were two serious traffic accidents recorded in February and July 2024. In the first one, 3 people died,[289] while in the other one many passengers were seriously injured.[290] The most tragic incident occurred in August 2024 when at least 10 unaccompanied boys drowned in Drina river trying to cross to Bosnia and Herzegovina.[291] In 2025, there was another incident in which 1 Chinese national drowned in the river while trying to cross from Serbia to Croatia.[292]

Additional information on push-back practices to Serbia can be found in the other AIDA country reports on Croatia, Hungary and Romania.

283 Practice-informed observation of IDEAS, January 2024.
284 Practice-informed observation of IDEAS, January 2024.
285 See more in AIDA, *Country Report: Serbia – Update on the year 2020*, March 2021, available here, pp 122-126.
286 Klikaktiv, *From migration to criminalization - growing oppressive treatment against people on the move in Serbia, Annual report for the year 2023*, May 2024, available at: https://bit.ly/3VGpzYH, pp 20-21.
287 Ibid., pp 9-10.
288 Klikaktiv, *Quarterly Report for 2025*, available here, pp. 22-23.
289 Radio Slobodna Evropa, *Troje migranata poginulo u teškom udesu na jugu Srbije*, 20 February 2024, available here.
290 Blic, *HAOS NA PUTU KOD BELE PALANKE Prevrnuo se kombi pun migranata, svi povređeni zbrinuti* , 26 July 2024, available here.
291 BBC, *Najmanje 10 migranata se utopilo u Drini, među njima i beba*, 22 August 2024, available here.
292 See more in Klikaktiv, *Quarterly Report for 2025*, available here, p. 24.

1.4.1 Pushbacks from Hungary to Serbia and Embassy Procedure

Since the contentious changes in the Hungarian legal framework in the period 2015-2025,[293] including the legalisation of a practice which is considered to be in violation of the prohibition of collective expulsions, the Hungarian authorities have reported that 400,046 refugees, asylum seekers and migrants were expelled back to Serbia. Due to such practice, but also Hungary's failure to comply with a judgement of the Court of Justice of the European Union (CJEU),[294] FRONTEX suspended its operational activities in Hungary.[295] Moreover and due to the failure to comply with the judgment, Hungary was ordered to pay a lump sum of 200 million euros and a penalty payment of 1 million euros per day of delay for failure to comply with the CJEU judgment.[296]

In 2020, BVMN published 3 testimonies encompassing 30 people who were pushed back from **Hungary** to **Serbia**.[297] This number significantly increased in 2021 amounting to 30 documented pushback cases encompassing 347 persons. Only in 5 out of 30 cases allegations of violence were not reported, while in the other 25 cases the following forms of ill-treatment by the Hungarian authorities were outlined: kicks, slaps, punches, hitting with police buttons, forcing to undress, handcuffing in painful positions, arbitrary detention, pushing to the ground, forcing to lie or sit on the ground, dog attacks, insulting, threating, pepper spraying, etc.[298] The same trend continued in 2022, when BVMN compiled 77 reports encompassing 1,337 persons who were pushed back from Hungary.[299] In 2023, BVMB compiled 36 reports containing testimonies related to violent pushbacks of 613 persons on the move.[300] In 2024, BVMN collected 4 testimonies which were related to 64 persons from Syria, Afghanistan, Iraq, Pakistan and other countries, and which implied different forms of physical ill-treatment.[301] There were no BVMN reports on pushbacks from Hungary in 2025 which indicates the lack of presence of CSOs in this border regions. In its quarterly reports, Klikaktiv describes pushback operations committed by the hands of Hungarian border authorities as a rule, but without providing individual testimonies.[302]

Particularly worrying examples of push-back practices from Hungary to Serbia are related to individuals who had never been in Serbia beforehand. There are probably dozens of cases of foreigners subjected to such practice. The first such case was recorded in 2016.[303] In April 2021, an SGBV survivor who arrived from Senegal to Budapest airport was expelled to Serbia.[304] In September 2021, an Afghan student in Hungary was expelled to Serbia.[305] On 31 December 2021, a woman from Cameroon who was traveling from Romania towards Austria was apprehended by Hungarian immigration authorities and expelled to Serbia. In February 2022, she obtained the status of victim of human trafficking in Serbia.[306] One such case resulted in Hungary being found responsible by the Strasbourg Court for expelling to Serbia a Kurdish UASC who was expelled from Austria to Hungary and then by Hungarian authorities to Serbia, even though he had never been in Serbia before.[307]

293 See AIDA, *Country report: Hungary, Updates on the years 2016-2020*, available here.
294 CJEU, Case C-808/18, 17 December 2020, available at: https://bit.ly/3MNe8uR.
295 FRA, *Migration: Key fundamental rights concerns*, Bulletin 2 for 2021, available at: https://bit.ly/3BwONyt, p. 6.
296 CJEU, *Asylum policy: Hungary is ordered to pay a lump sum of 200 million euros and a penalty payment of 1 million euros per day of delay for failure to comply with a judgment of the Court of Justice*, press release, 13 June 2024, available at: https://bit.ly/45KWPCG.
297 The testimonies are available here.
298 BVMN, Testimony Database, available here.
299 *Ibid*.
300 BVMN, Testimonies, 1 January 2023-31 December 2023, available here.
301 BVMN, Testimonies, 1 January 2024-31 December 2024, available here.
302 Klikaktiv, First Quarterly Report for 2025, available here, p. 22.
303 HHC, *World Refugee Day – 1 out of 40,000: Karox*, 20 June 2020, available at: https://bit.ly/3h2z0Oe.
304 BCHR, *Mađarska - ovde se ne traži azil*, 16 November 2021, available at: https://bit.ly/3JDXSbj.
305 Telex, He had never been to Serbia in his life, he did not know anyone there, and yet he was pushed-back there, 30 September 2021, available at: https://bit.ly/3I83gmN.
306 The author of this Report acts as her legal representative.
307 ECtHR, *K.P. v. Hungary*, Application No. 82479/17, Judgment of 18 January 2024, available at: https://bit.ly/4dfbjOS.

It is worth to note that, since 2020, access to the territory and the asylum procedure in **Hungary** was made possible only through a consulate in **Belgrade**.[308] The new procedure in practice implies that persons in need of international protection have to send an email and schedule an appointment at the Consulate and wait to be summoned in order to submit the Declaration of Intent for Lodging an Application on Asylum ('DoI'). The new procedure is described in detail in the AIDA report on Hungary. According to the data obtained by IDEAS, several hundred applicants (individuals and families) have sent an email to the Consulate asking for an appointment. Only few received the response stating that they are included on the list, and even less were invited to the Consulate premises to lodge the DoI. So far, only 3 families from Iran (12 persons in total) have entered Hungary.[309] IDEAS and InfoPark have been providing technical assistance to the foreigners interested in applying for asylum in Hungary. The problems that were detected are the following:

1. DoI forms are in English, which represents a serious obstacle for most of the applicants
2. filling out of the DoI forms requires at least basic knowledge of refugee and asylum law
3. many of the applicants do not know how to use emails and how to communicate with the Consulate in order to schedule the DoI appointment or to lodge the DoI submission
4. the communication with the Consulate is in English and most of the applicants do not understand this language
5. several applicants have failed to appear at the scheduled meeting since they did not understand the message received *via* email from Consulate or because they did not know how to use an email
6. there is no clear criterion on the basis of which an applicant will be invited to submit the DoI as opposed to another, which creates distress and conflicts among applicants who are aware of each other's applications
7. persons who are informed that they are rejected are not advised that they are entitled to lodge an appeal and are not familiar with the Hungarian legal framework governing the appeal stage, neither are Serbian lawyers
8. applicants who are rejected are not legally competent to legally challenge the negative decision/response of the Consulate

Additional issues on the new procedure are documented in the AIDA report on Hungary. To conclude, persons interested in submitting the DoI at the Hungarian consulate do not have effective access to the asylum procedure, and it is clear that this mechanism has showed to be close to impossible to activate in practice, as attested by the fact that only three families from Iran who were allowed to access Hungarian territory. Many people who sent an email to the Consulate are without any legal status but are allowed to reside in the asylum or reception centres. They are in the same situation as thousands of other foreigners who do not enjoy any legal status and whose stay in Serbia is tolerated.

In June 2025, the ECtHR issued a judgment in which it declared the above-described Embassy Procedure as a non-effective means of legal entry, and concluded that the expulsion of three citizens of Afghanistan to Serbia constituted a violation of the prohibition of collective expulsions. The ECtHR also found that the failure to examine the access to adequate asylum procedure in Serbia constituted violation of the procedural limb of Article 3 ECHR.[310]

Finally, it is important to outline that the above-described practice of automatic expulsions to Serbia was declared contrary to Article 4 of Protocol 4 of the ECHR in the case of *Shahzad v. Hungary*.[311] The ECtHR outlined that the Hungarian authorities removed the applicant without identifying him and examining his situation and that he was denied effective access to means of legal entry, which amounted to an expulsion

308 ECRE, *Hungary: New Law on the Lodging of Asylum Applications at Embassies*, 19 June 2020, available at: http://bit.ly/2MRn0mX.

309 See AIDA, *Country report: Hungary,* 2024 Update, available here, p. 9.

310 ECtHR, *H.Q. and Others v. Hungary*, Application Nos. 46084/21 40185/22 53952/22, Judgment of 24 June 2025, available here.

311 ECtHR, *Shahzad v. Hungary*, Application No. 12625/17, Judgment of 8 July 2021, available at: https://bit.ly/3BwQH1U.

of collective nature contrary to Article 4 of Protocol 4.[312] An identical Judgment as *Shahzad* was rendered in the case of *H.K. v. Hungary*.[313] Also, three more applications lodged against Hungary were upheld by the court in the case of *W.A. and Others v. Hungary*, where three Syrian refugees were expelled back to Serbia on the basis of the automatic application of the safe third country.[314] In October 2023, another judgment of the Strasbourg Court found a violation of the Article 4 of Protocol 4, but also of the procedural limb of Article 3 of ECHR,[315] while in September 2024, the Court again found violation of Article 4 of Protocol 4 to the ECHR.[316] In January 2026, the case *H.M v. Hungary* was communicated against Hungary dealing with issues under the Article 4 of Protocol 4 and procedural limb of the Article 3.[317]

Official statistics on pushbacks from Hungary to Serbia 2016-2025	
Year	Number of people pushed back
2016	8,466
2017	9,259
2018	4,151
2019	11,101
2020	25,603
2021	71,470
2022	158,565
2023	100,138
2024	5,713
2025	5,580
Total	**400,046**

Source: Hungarian Ministry of Interior official data and official statistics from the Hungarian Police website.[318]

As showcased by the table above, the Hungarian immigration authorities have been transparent about the number of persons expelled back to Serbia under their domestic framework, outside of any readmission procedure, and without the knowledge of Serbian border authorities. According to the data delivered by the Serbian MoI, only 6 foreigners were officially readmitted from Hungary to Serbia in 2023, 5 in 2024 and 2025 respectively (see Hindering of access through legal ways – Readmission). In the past 10 years, 400,046 persons were informally, forcibly and in most of the cases collectively expelled back to Serbia.

For information about pushback from Romania and Croatia, which has been a serious issue in previous years but for which no new information was available to the author in 2025, see previous updates of the present report.[319]

312 *Ibid*., para. 67.
313 ECtHR, *H.K. v. Hungary*, Application No. 18531/17, Judgment of 22 September 2022, available at: http://bit.ly/3LhVaMI.
314 ECtHR, *W.A. and Others v. Hungary*, Applications Nos. 64050/16 64558/16 and 66064/16, Judgment of 15 December 2022, available at: http://bit.ly/427BS2z.
315 *S.S. and Others v. Hungary*, Application Nos. 56417/19 44245/20, Judgment of 12 October 2023, available at: https://bit.ly/4fAyrbK.
316 ECtHR, *M.D. and Others v. Hungary*, Application No. 60778/19, Judgment of 19 September 2024, available here.
317 ECtHR, *H.M. v. Hungary*, Application No. 4922/23, Communicated on 13 January 2026, available here.
318 See ECRE, AIDA, *Country report : Hungary, 2025 update*, available here, 27.
319 ECRE, AIDA, Country report : Serbia, 2024 Update, from p. 67, available here.

1.5 Access to the territory at the Nikola Tesla Airport in Belgrade

The contentious work of the Border Police Station Belgrade (BPSB) at the **Nikola Tesla Airport** remained unchanged in 2025.[320] In the period between 2021 and 2022, an increasing number of ill-treatment allegations were made by people who were refused entry at the airport and addressed CSOs in Serbia upon their return to their country of origin, or after their admission into Serbia which ensued after CSOs interventions. Allegations of ill-treatment were particularly worrying in the last quarter of 2022, when free visa regimes with Tunisia and India were cancelled and when BPSB was issuing hundreds of refusal of entry decisions per week, which was the reason why NPM conducted the visit.[321] The use of violence towards persons who might be in need of international protection was recorded on numerous occasions by CSOs in Serbia. Violent incidents reportedly include punches, slaps, kicks, hits with rubber truncheons and handcuffing in painful position. Ill-treatment occurred in situations where refugees and asylum seekers were forced to go to the detention premises at the airport or forced to board the plane (see Refusal of entry under the Foreigners Act). The number of reported incidents dropped in 2023, 2024 and 2025 likely due to the decrease in the number of arrivals from countries for which the visa regime was changed (Burundi, Cuba, Tunisia, etc.).

In 2021, BPSB issued 146 certificates of intention to submit an asylum application ('registration certificate'). In 2022, a total of 689 asylum certificates were issued at Serbian airports. In 2023, this number reached 519, while in 2024 this number sharply dropped to 27. In 2025, the total number of issued certificates was 53.

Even though the number of issued certificates in 2024 and 2025 has been the lowest in the past 5 years, the practice of BPSB remained unpredictable, inconsistent and deprived of any clear criteria.[322] In fact, BPSB continued with contentious practices including one consisting of the following steps and in relation to certain nationalities who arrive mainly from Türkiye, which was manifested through two Rule 39 requests granted in the second half of 2024,[323] and several IDEAS intervention in 2025:

- the police wait at the exit of the plane with decisions on refusal of entry forms already filled out with all the available details (flight details, arrival time in Serbia, reasons for refusal of entry, etc.) except for the personal details of the travellers which are later on taken from their passports;
- Foreigners, including persons that might be in need of international protection, are then apprehended right after they leave the plane and are invited to sign the forms, without knowing what they contain;
- their cell phones and passports are frequently taken away and the personal details from the passport are filled out on the decisions on refusal of entry;
- if the flight immediately flies back to Istanbul or other destination, foreigners can be boarded back onto the plane, threatened with the use of force;
- if individuals manage to decline to board this immediate boarding or there is no immediate return flight, they are taken to detention premises at the transit zone with the use of force or the threat of the use of force (except for the women and young children);
- their arbitrary detention can then last from several hours to several days, as long as a seat on a return flight to Istanbul does not become available:
- when a seat on a return flight becomes available, detainees are forcibly taken to the side exit, forced into police cars and driven across the runway to the plane which is already boarded with regular travellers.

320 AIDA, *Country Report: Serbia – Update on the year 2018*, March 2019, available here, 18-20 and AIDA, *Country Report: Serbia – Update on the year 2020*, March 2021, available here, p. 26; AIDA, *Country Report: Serbia, Update on the year 2019*, May 2020, available here, p. 22.

321 NPM, *НПМ у ненајављеној посети Аеродрому „Никола Тесла, проверавао услове боравка*, 22 November 2022, available at: https://bit.ly/3RSGJl0.

322 Practice based observation of IDEAS, March 2024.

323 This pattern of behaviour was drawn on the basis of 27 interviews which the author of this report has conducted with Burundians nationals who managed to access Serbian territory, but also interviews with other foreign nationals who continued to arrive via Belgrade airport asking for the assistance.

- ❖ decisions on refusal of entry in English and Serbian are served to detained individuals prior to their forced boarding onto the plane, regardless of whether they have been signed or not by detainees.

Regardless of the number of persons recognised by airport border authorities as individuals who might be refugees, the most concerning issues which remain are the following:

- ❖ unlawful and arbitrary deprivation of liberty at the transit zone;
- ❖ the manner in which decisions on refusal of entry are being issued;[324]
- ❖ lack of capacity of BPSB officers to recognise persons who might be in need of international protection and those who are not (in line with Article 35 of Asylum Act and Article 83 of Foreigners Act).

Thus, the foreigners who, according to the assessment of BPSB, do not meet the requirements to enter Serbia are deprived of their liberty in the transit zone in an unlawful and arbitrary manner. They remain in that status for as long as the air carrier with which they travelled secures a place for their flight back to the departing destination, regardless of it being the country of origin or a third country.[325] Detention can last from several hours to several weeks. However, BPSB does not consider them as persons deprived of their liberty since there are no legal grounds in the current legal framework which governs foreigners' stay in the transit zone. Thus, BPSB denies them all the rights they should be entitled to, such as: right to a lawyer, right to inform a third person of their whereabouts, the right to an independent medical examination, the right to be served with the decision on deprivation of liberty and the right to lodge an appeal against such decision. Moreover, police officers do not have at their disposal interpreters for the languages which foreigners who might be in need of international protection usually understand, which means that they cannot properly inform them on said rights, including the right to apply for asylum.[326]

The critical consequence of this practice is that people who might be in need of international protection could be denied access to the territory and sent back to third countries or countries of origin where they could face persecution or torture and other cruel, inhumane or degrading treatment or punishment. In other words, they are denied access to the territory and the asylum procedure in an arbitrary manner and without examining the risks of *refoulement*.[327] More precisely, since the new Foreigners Act entered into force in October 2018, foreigners are issued a decision on refusal of entry in a procedure that lacks any guarantees against *refoulement*,[328] without the possibility to use services of a lawyer and an interpreter, and to lodge an appeal with a suspensive effect.[329]

In June 2019, the Constitutional Court (CC) dismissed as manifestly unfounded constitutional appeal submitted on behalf of Iranian refugee H.G.D.[330] In November 2016, H.G.D. was detained at the airport transit zone for 28 days, in the manner described above. The CC's reasoning gives serious reason for concern and indicates the lack of capacity of this body to examine violations of Article 5 of ECHR,[331] in line with the criteria established in the jurisprudence of the ECtHR.[332] Namely, the Court outlined that the legal framework that had been in force at the time of the applicant's stay at the airport did not envisage the procedure in which a foreigner can be deprived of liberty in the transit zone. For that reason, H.G.D.'s claims about unlawful and arbitrary detention could not be considered as well founded. In other words, the Court failed to conduct an independent test on the existence of a deprivation of liberty in the applicant's

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324 Article 15 Foreigners Act.
325 Article 13(2) Foreigners Act.
326 CAT, *Concluding observations on the second periodic report of Serbia*, 3 June 2015, CAT/C/SRB/CO/2, para 15, available at: https://bit.ly/3uj15La.
327 ECtHR, *Gebremedhin (Gaberamadhien) v France*, Application No. 25389/05, Judgment of 26 April 2007, EDAL, available at: http://bit.ly/2RwU82a, paras 66-67.
328 Article 15 Foreigners Act.
329 See by analogy ECtHR, *M.A. v. Lithuania*, Application No 59793/17, Judgment of 11 December 2018, EDAL, available at: https://bit.ly/2txDq72, paras 83-84, see also CAT, *Concluding observations on the second periodic report of Serbia*, 3 June 2015, CAT/C/SRB/CO/2, para 15, available at: https://bit.ly/3uj15La.
330 Constitutional Court, Constitutional appeal no 9440/16, Decision of 13 June 2019.
331 Article 27 Constitution.
332 ECtHR, *Z.A. and others v. Russia* [GC], Application nos. 61411/15, 61420/15, 61427/15, 3028/16, Judgment of 21 November 2019, EDAL, [Chamber judgment] available at: http://bit.ly/2R5G6Em.

case,[333] using the subjective and objective criteria,[334] such as the type, duration, effects and manner of implementation of the measure in question.[335] It disregarded completely the fact that H.G.D. had been locked in premises at the airport transit zone for 28 days, with limited access to the outside world, without interpretation services and the possibility to hire a lawyer, inform his family on his whereabouts and understand the procedures that was being been applied to him. H.G.D. was also denied access to the asylum procedure. The applicant faced *refoulement* to Türkiye, and further [*chain-refoulement*] to Iran. Eventually, the ECtHR granted the Rule 39 request.[336] The case was communicated to the Government of Serbia on 12 July 2021 and the Court issued the judgment on 7 October 2025 finding violations of Article 5-1, 5-4 and 5-5 due to the fact that there was no legal framework which was governing deprivation of liberty of the applicant in the transit zone. The Court outlined its inability to 'identify any provision or any reference to the possibility of detention in the transit zone nor any indication of the maximum duration of detention in the zone.'[337]

In 2022, the BPSB issued the record of 8,682 refusal of entry decisions, while Border Police Station at Niš airport issued 229 decisions. In 2023, BPSB issued 1,498 refusal of entry decisions mainly in relation to Turkish citizens, but also nationals of Iran (34), stateless persons (28), Syria (27) and Afghanistan (13). In 2024, this number was 1,757, while in 2025, this number was almost identical - 1,771. Most of 2025 nationalities refused entry were Turkish (386), Bangkadesh (156) and Nepal (139),

Refusal of entry at Serbian airports 1 January 2025 to 31 December 2025[338]		
Nationality	Number of Persons	Country of Removal
Türkiye	386	Unknown
Bangladesh	156	Unknown
Nepal	139	Unknown
Pakistan	136	Unknown
Unknown	89	Unknown
Others	865	Unknown
Total	**1,771**	

Source: Ministry of Interior - Border Police Department's Response to the request for the information of public importance no. 07-25/26-2, 10 March 2026 (received on 23 March 2026).

During 2025, CSOs (APC, BCHR, IDEAS or Klikaktiv) lawyers were not granted permissions to enter the transit zone as was the case from previous years.[339] In practice, this changed little, since there were no recorded entries into the transit zone by lawyers in the past several years.[340]

Thus, and regardless of that fact that CSO's lawyers used to have transit zone permissions, none of them were allowed to physically access potential asylum seekers. They were contacted via email or cell phone by foreigners detained at the airport. Formally, the main condition for access to the transit zone used to be that lawyers had to know the exact name of the person detained, their passport number and arrival flight details. This means that the BPSB has never allowed unimpeded access to a person who claimed to be in need of international protection and who were not able to directly contact CSOs. However, most of the asylum seekers who contacted CSOs were allowed to enter Serbia after the phone call or an email sent by CSOs' lawyers.

333 ECtHR, *Nolan and K. v. Russia*, Application No. 2512/04, Judgment of 12 February 2009, EDAL, available at: http://bit.ly/36NVSdx, para. 96.
334 ECtHR, *Guide on Article 5 of the European Convention on Human Rights – Right to liberty and Security*, 2025 Update, available here, pp 9-10.
335 ECtHR, *Amuur v. France*, Application no 19776/92, Judgment of 25 June 1996, EDAL, available at: http://bit.ly/2TayPpz, para. 42.
336 ECtHR, *Arons v. Serbia*, Application No. 65457/16, Decision on Interim Measures of 24 November 2016.
337 ECtHR, *H.G.D. v. Serbia*, Application No. 3158/20, Judgment of 7 October 2025, available here, para. 11.
338 The data received from the MoI on the refusal on entry practice at Serbian airports did not provide.
339 See more in AIDA, *Country Report: Serbia - 2024 Update*, available here, p. 80.
340 *Ibid*.

At the same time, not all persons who have been denied access to the territory at the airport are provided with legal counselling since not all of them speak English, nor do they all have access to phones or internet. Accordingly, very often, the people receiving counsel from CSOs at the airport state that there are dozens of others who are detained and wish to apply for asylum or receive additional information on their legal possibilities in Serbia. The European Commission highlighted this problem.[341]

Thus, it cannot be claimed with certainty that asylum seekers are actually allowed to enter Serbia nor that the lawyers in general are able to stay touch with these people to ensure that they entered Serbia and to challenge their arbitrary detention at the transit zone. Deeper communication is only established with foreigners who decide to submit an asylum application.

In 2021, the CAT recommended that Serbia should:

> 'Ensure access to territory and sufficient and effective protection from *refoulement* at the Belgrade International Airport by ensuring that persons detained in the transit zone of the airport receive information about their right to seek asylum, including effective access to asylum procedure, immediately and in language they understand'

It is important to reiterate that the only way to secure the respect for human rights of all the foreigners who arrive at Nikola Tesla Airport and who claim to be in need of international protection would be to grant APC, IDEAS, KlikAktiv or other CSOs or independent lawyers unhindered access to the entire transit zone, including the detention premises. Additionally, BPSB should start providing multi-lingual information leaflets containing the list of rights and obligations that foreigners have in Serbia. These leaflets should also include a short description of the procedures that could be possibly applied to them, including the expulsion procedure. By combining these two, BPSB would guarantee the respect for the principle of *non-refoulement*, maintain control of entry and stay on Serbian territory,[342] and establish a partnership with the qualified lawyers who could assist them in making the right decision in every individual case.

To conclude, it is clear that there is an obvious need to establish a border monitoring mechanism at the airport, which should be managed jointly by UNHCR, CSOs and representatives of the MoI.

2. Preliminary checks of third country nationals upon arrival

Indicators: Preliminary checks at the arrival point

1. Are there any checks that are applied systematically or regularly at the point of entry when a person enters the territory? ☐ Yes ☒ No
2. Is the person considered under law to have entered the territory during these checks? N/A ☐ Yes ☐ No

The national legislation does not foresee preliminary checks to third country nationals at the point of entry, apart from those checks which are related to grounds for refusal of entry envisaged in the Article 15 of the Foreigners Act, as outlined in the Chapter on access to territory at airport. This kind of checks, especially when refusal of entry decision is rendered, imply *de facto* deprivation of liberty. In line with Article 35 of the Asylum Act, they are entitled to express their intention to lodge an asylum application in Serbia at any time, even though there are many problems in practice. During all of the assessments, all foreign nationals are considered to be under the effective control of the State authorities and thus entitled to an entire set of safeguards, including against *refoulement*.

341 European Commission, *Progress Report: Serbia*, 6 October 2020, SWD (2020) 352 final, available at: https://bit.ly/2YaPjPJ, pp 48-49.

342 ECtHR, *Chahal v. United Kingdom*, Application No 22414/93, Judgment of 15 November 1996, EDAL, available at: https://bit.ly/2U22cYJ, para 73.

3. Registration of the asylum application

Indicators: Registration		
1. Are specific time limits laid down in law for making an application?	☐ Yes	☒ No
❖ If so, what is the time limit for making an application?		
2. Are specific time limits laid down in law for lodging an application?	☒ Yes	☐ No
❖ If so, what is the time limit for lodging an application?	15 days and 8 days	
3. Are making and lodging an application distinct stages in the law or in practice?	☒ Yes	☐ No
4. Is the authority with which the application is lodged also the authority responsible for its examination?	☒ Yes	☐ No
5. Can an application for international protection for international protection be lodged at embassies, consulates or other external representations?	☐ Yes	☒ No

3.1 Expression of the intention to seek asylum and registration

3.1.1 The procedure

The Asylum Act envisages that foreigners within the territory of Serbia have the right to express the intention to lodge an asylum application.[343] Foreigners may express the intention to lodge an asylum application to the competent police officers at the border or within the territory either verbally or in writing,[344] including in places such as prisons, the Detention Centres for Foreigners in **Padinska Skela**, **Dimitrovgrad and Plandište**, as well as the airport transit zones or during extradition proceedings or court proceedings, e.g., misdemeanour proceedings.[345] Unaccompanied children cannot express the intention to seek asylum until a social welfare centre appoints a temporary legal guardian.[346]

An authorised police officer shall photograph and fingerprint the person (identification),[347] who will thereafter be issued a certificate on registration as a foreigner who has expressed their intention to lodge an asylum application in the Republic of Serbia ('registration certificate - registration').[348] The manner and the procedure of registration, as well as the content of the registration certificate are defined in the Rulebook on Registration.[349] 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 to be archived in the MoI organisational unit where the officer who issued the registration certificate is employed.[350] Registration certificates issued to foreigners who expressed their intention are in Serbian and in Cyrillic alphabet. Given that the majority of foreigners do not understand Serbian and do not use the Cyrillic alphabet as well as the fact that interpreters are almost never present when the certificate is issued, the possibility of the certificates being issued in English, Arabic, Farsi or some other languages should be considered in order to avoid potential misunderstandings related to the rights and obligations specified therein.[351] There were instances in practice where UASCs were issued registration certificates as adults, but were later identified as minors and registration certificates were corrected upon the request of Social Welfare Centre. This is a consequence of the lack of age assessment procedure.

343 Article 4(1) Asylum Act.
344 Article 35(1) Asylum Act.
345 Article 35(2) Asylum Act.
346 Article 11 Asylum Act.
347 Article 35(5) Asylum Act
348 Article 35(12) Asylum Act.
349 Rulebook on the Procedure of Registration, Design and Content of the Certificate on Registration of a Foreigner Who Expressed Intention to Seek Asylum, Official Gazette, no. 42/2018, available in Serbian at: https://bit.ly/2U3A3AE.
350 Article 8 Rulebook on Registration.
351 See also BCHR, *Right to Asylum in the Republic of Serbia 2019*, 2020, available at: https://bit.ly/46mtBJ0, pp 22-24.

In 2023, the MoI issued 1,654 registration certificates to the citizens of Syria (444), Afghanistan (188), India (120), Morocco (120), Iran (97), Pakistan (81), Iraq (78), Cuba (75), Tunisia (56), Burundi (42), Russian Federation (42), Egypt (37), DRC (35), Palestine (30), Türkiye (28), Sierra Leona (25), Congo (13), Mongolia (9), Algeria (8), Cameroon (8), China (8), Nepal (8), Croatia (6), Nigeria (6), Romania (6), Somalia (5), Bangladesh (5), Jamaica (5), Armenia (4), BiH (4), Bulgaria (4), Guinea (4), Kyrgyzstan (4), Libya (4), Sudan (4), Ecuador (3), Ethiopia (3), Lebanon (3), Moldova (3), Senegal (3), Uzbekistan (3), USA (3), Togo (2) and 1 registration certificate to citizens of Azerbaijan, Benin, Brazil, Canada, Eritrea, Gambia, Ghana, Germany, Greece, Kazakhstan, Mexico, North Macedonia, South Sudan, Sweden, Tanzania, Uganda, Ukraine and Zambia.[352]

In 2024, the MoI issued 850 certificates to the citizens of Syria (325), Afghanistan (86), Türkiye (41), Morocco (38), DR Congo (37), Pakistan (33) Russian Federation (31), Iraq (31), Iran (29), State of Palestine (25), Cuba (25), Egypt (24), Burundi (16), Armenia (11), Algeria (8), Uzbekistan (7), Belarus (7), Bangladesh (6), Sierra Leona (6), Ukraine (5), India (4), Nigeria (4), Sri Lanka (4), Guinea (3), Cameroon (3), China (3), Kazakhstan (3), Lebanon (3), Somalia (3), Albania (2), Croatia (2), Gambia (2), Germany (2), Nepal (2) and 1 registration certificate to citizens of Eritrea, Georgia, Ireland, Jamaica, Djibouti, Kyrgizstan, Moldova, Mongolia, North Macedonia, Senegal, Slovakia, Tunisia and Yemen.[353]

In 2025, the MoI issued 626 certificates to citizens of Afghanistan (128), Egypt (90), Morocco (56), Syria (48), Iraq (38), Russian Federation (38), Pakistan (32), Palestine (31), Türkiye (18), Sierra Leona (15), Algeria (14), Iran (11), Kuwait (9), Cuba (7), China (7), Kazakhstan (7), Azerbaijan (6), Bangladesh (6), Somalia (5), DR Congo (5), Indonesia (4), Kyrgizstan (4), Burundi (4), India (3), Jamaica (3), Armenia (2), Bulgaria (2), Cameroon (2), Ghana (2), Germany (2), Nigeria (2), Ukraine (2), and 1 registration certificate to citizens of Albania, Bolivia, Colombia, Ethiopia, Finland, Gambia, Guinea, Haiti, Kenya, Lebanon, Libya, Moldova, USA, Swaziland, Sri Lanka, Sweden, Tunis, Turkmenistan, UK and Zimbabwe.

The registration certificate in Serbia is not considered an asylum application and thus, an individual who possesses one is not considered an asylum seeker, but a person who intends to become one.[354] Therefore, expressing the intention to seek asylum does not constitute the initiation of the asylum procedure. It is, however, a precondition for lodging the asylum application.

After the foreigner is registered, they are referred to an Asylum Centre or another facility designated for accommodation of asylum seekers, usually other Reception Centres. The foreigner is obliged to report to the facility within 72 hours from the moment of issuance of the registration certificate.[355] Transportation costs to reach the facility are not covered. If the person fails, without a justified reason, to report to the Asylum Centre or other facility designated within 72 hours of registration, the regulations on the legal status of foreigners shall apply. Thus, the person will be considered an irregular migrant, which should not be the case for people in need of international protection or who, on the basis of their origin, have a *prima facie* claim.[356] They then risk being penalised in a misdemeanour proceeding[357] and served with an expulsion decision (either a decision on cancellation of residency[358] or return decision[359]). Still, practice has shown that persons issued with certificates which have expired are allowed to lodge asylum application in the vast majority of cases.

According to the MoI, when issuing registration certificates and referring persons to one of the Asylum Centres or Reception Centres, the police officers advise the persons who express the intention to seek asylum about their right to submit an asylum application and their other rights and obligations, in line with

352 *Ibid*.
353 UNHCR monthly reports.
354 Article 2 (1) (4) Asylum Act.
355 Article 35(3) Asylum Act.
356 Article 35 (13) Asylum Act.
357 Article 71 of the Border Control Act and Article 121 and 122 of the Foreigners Act. *See* also BCHR, Right to Asylum in the Republic of Serbia -Periodic Report for January – June 2020, pp. 15-21, available at: https://bit.ly/3jiKT31.
358 Article 39 (3) Foreigners Act.
359 Article 77 (1) Foreigners Act.

Article 56 of the Asylum Act.[360] Brochures in languages that asylum seekers understand have allegedly been distributed in all police departments in Serbia and contain information on rights, responsibilities and steps in asylum procedure. It is not possible to corroborate or infirm this information for the entire territory, however per NGO experience asylum seekers registered in Belgrade Police Department - Administration for Foreigners do not receive any kind of brochure, as well as asylum seekers registered at the airport. Most of registration certificates were issued by police departments (342), then at Regional Border Centres (228), BPSB (53) and DC Padinska Skela (3).

3.1.2 Concerns in practice[361]

According to the Asylum Office, one person cannot be issued with two or more registration certificates, but it is possible for the same person to be issued with a copy of the registration certificate in case it has expired or has been stolen or lost. There were also many instances in which the expired registration certificate was considered valid and an individual was allowed to submit his or her asylum application.[362] This possibility exists as long as an asylum application has not been rejected, in which case, asylum seeker may lodge a Subsequent Application.[363]

The above-described approach was that taken by the Asylum Office in all cases except when foreigners receive a decision on cancellation of residency[364] or a return decision.[365] In such situations, it is still not entirely clear whether or not the Asylum Office and MoI consider that these people still have the right to apply for asylum and the practice varies from one case to another. For instance, an unaccompanied child was allowed to submit an asylum application regardless of the fact that he was served with two return decisions.[366] On the other hand, a boy from Afghanistan who was issued with a return decision was not allowed to access the asylum procedure and submit his asylum application.[367] There were no recorded instances in 2021 and 2022 where persons with decisions on cancellation of residency or return decisions were denied access to asylum procedure, which is welcome. However, in 2022, DRC and IDEAS witnessed numerous instances in which people were issued expulsion orders for not applying for asylum within the deadline of 23 days, but it remains unclear if they would have been allowed to apply for asylum because they all subsequently left Serbia. In 2022, Klikaktiv reported that people readmitted from Romania were not allowed to register as asylum seekers because they were, upon their return, automatically served with expulsion orders.[368] In December 2023, the Police Station in Preševo refused to register a Syrian national who was declared a national security threat. He had to be moved to AC Obrenovac and registered in the Department for Foreigners in Belgrade with the assistance of IDEAS.

In 2025, several dozen persons from Afghanistan, Syria and other countries were denied access to registration at the Police Station in Preševo and Administration for Foreigners in Belgrade and due their immigration history which implied serving of an expulsion order, misdemeanour penalization, suspected involvement in smuggling, immigration detention, etc. For those foreigners who were refused registration in Preševo, the only solution was their transfer to the territory of another police department where, those who decided to stay (were not discouraged) were registered.

The lack of clarity with regard to access to the asylum procedure for people in need of international protection who are treated as irregular migrants (since they are issued with an expulsion order or penalised in the misdemeanour proceeding) gives reasons for concern. According to the Foreigners Act, they could be forcibly removed to a third country (in the vast majority of cases to **Bulgaria** and **North Macedonia**) or even to the country of origin in which they could be subjected to ill-treatment. Thus, it is

360 This was claimed in the letter from the MoI-Police Directorate-Border Police Administration No. 26-1991/18.
361 Practice-informed observation of IDEAS, January 2024.
362 A Pakistani national represented by independent attorney at law submitted asylum application in December 2020, regardless of the fact that his registration certificate 'expired'.
363 Article 46 Asylum Act.
364 Article 39 Foreigners Act.
365 Articles 74 and 77 (1) Foreigners Act.
366 IDEAS lawyers submitted a written asylum application in December 2020.
367 ECtHR, *M.W. v. Serbia*, Application No 70923/17, communicated on 26 March 2019.
368 Klikaktiv, *Formalizing Pushbacks – The use of readmission agreements in pushback operations at the Serbian-Romanian border*, available at: https://bit.ly/3yyttru.

very important to emphasise that the current practice of most police departments in Serbia regarding the issuance of expulsion decisions must be improved so that it includes procedural safeguards against *refoulement*. Accordingly, this procedure should be conducted in a manner that implies that the foreigner is allowed to contest their removal to a third country or to the country of origin with the assistance of a lawyer and interpreter, with the possibility to lodge a remedy for judicial review of the negative first instance decision. This remedy must have automatic suspensive effect. None of these safeguards are currently in place. Moreover, the entire procedure is based on the simple delivery of the decision to a foreigner, decision drafted in a standard template that only contains different personal data, but no rigorous scrutiny of risks of *refoulement* is applied.[369] Finally, the author of this report highlights that serving of an expulsion order should not in any way create an obstacle for access to the asylum procedure.

As it has been the case in previous years, the total of 626 certificates issued in 2025 does not adequately reflect the real number of persons who were genuinely interested in seeking asylum in Serbia since only 130 of them officially lodged an asylum application. Registration certificates are mainly issued for the purpose of securing a place in one of the Asylum or Reception Centres, where asylum seekers may enjoy basic rights such as accommodation, food, health care, psycho-social support from CSOs (see Types of Accommodation). Under these circumstances, according to the observations of the author of this report, the MoI does not adequately assess an individual's aspirations, i.e., whether they genuinely want to remain in Serbia. Still, the 2025 practice has brought more realistic numbers and people are not automatically registered anymore.

Since 2009, a total of 660,202 registration certificates were issued. Out of those, only 4,565 asylum applications were lodged, which is 0.7% of all foreigners registered in accordance with the Asylum Act in Serbia.

The correlation between the number of registration certificates and asylum applications in Serbian asylum system 2009-2025		
Year	No. of Registration Certificates	No. of Asylum Applications
2009	272	181
2010	788	215
2011	3,131	218
2012	2,856	335
2013	5,066	89
2014	16,498	379
2015	579,507	583
2016	12,699	574
2017	6,200	233
2018	7,638	324
2019	12,918	249
2020	2,830	145
2021	2,306	175
2022	4,181	320
2023	1,654	196
2024	850	219
2025	626	130
Total	660,202	4,565

However, it is important to highlight that a person who possesses a registration certificate is not considered to be an asylum seeker and thus is not recognised in the Asylum Act as person who is entitled to enjoy the rights enshrined in Article 48. In other words, foreigners who are provided with a registration certificate, but also those who are not registered at all, but are accommodated in Asylum or Reception

369 ECtHR, *Chahal v the United Kingdom*, Application no. 22414/93, Judgment of 15 November 1996, EDAL, available at: http://bit.ly/2TGX4vU, para. 96 and *D and Others v. Romania*, Application No 75953/16, 14 January 2020, EDAL, available at: http://bit.ly/3aBHWGZ.

centres, are in legal limbo. They are not entitled to any of the rights, including the right to reside in reception facilities administered by the CRM, but their stay has always been tolerated. Still, this indicates that the vast majority of persons in need of international protection lacks legal certainty with regards to their status. The first draft of Amendments to the Asylum Act contained a provision under which this category is to be recognised and entitled to material reception conditions and these amendments have remained unchanged after the public debate was finalised in February 2022. The amendments are still pending due frequent political turmoil.

It used to be a common practice that persons who genuinely want to apply for asylum are referred to Reception Centres[370] instead of Asylum Centres (see section on Reception Conditions), thereby postponing their entry into the asylum procedure. Consequently, CSOs providing legal assistance have to advocate for their transfer to AC Sjenica or AC Obrenovac in 2024. However, in 2025, all persons who were issued a registration certificate have been refered to either AC Obrenovac or AC Sjenica.[371]

The CRM continued to rarely allow applicants to move from AC Sjenica to AC Obrenovac despite of the fact that this facility hosted less then 100 persons and was almost empty for most of the year. The requests for transfers have been denied throughout entire year, unless certain vulnerability was flagged. Still, even the requests for transfer of vulnerable applicants have been regularly denied. This standing of the CRM can hardly be justified in the current context where AC Obrenovac is almost completely empty.[372]

As outlined in previous years, according to the author of this report, one of the solutions for this problem would be that all persons who lodged asylum application should be placed in the Belgrade asylum centre in **Obrenovac** (designated as Asylum Centre in 2021), which has the capacity to accommodate on an annual basis all persons who are interested in staying in Serbia. The Asylum Office shares these views; however, the CRM has been declining this proposal without providing any reasonable explanation.[373]

By placing all genuine asylum seekers in AC Obrenovac, an entire set of improvements would be achieved:

- The Asylum Office, which is based in **Belgrade**, would focus the majority of its limited resources on the Asylum Centre based in the same city, and thus would conduct the asylum procedure in a more effective manner, scheduling lodging of asylum applications and interviews faster and more often than it is the case now, especially in distant Asylum Centres such as **Sjenica**;
- Genuine asylum seekers would have access to more effective legal counselling since the CSOs providing free legal assistance are based in **Belgrade** and can be present more often in the centre;
- The resources which are necessary to facilitate the asylum procedure in distant camps, such as travel and accommodation costs of asylum officers and interpreters, would be saved.[374]

One case from January 2022 deserves special attention and is related to a political activist from Bahrein, who was denied access to the asylum procedure and extradited to his country of origin despite a request for interim measures granted by the ECtHR.[375] This was later on determined as a violation of the Article 3 by the Strasbourg Court. [376]

370 The Reception Centres were opened during the 2015/2016 mass influx of refugees and are mainly designated for accommodation of foreigners who are not willing to remain in Serbia.
371 See also,
372 Practice-informed observation of IDEAS, February 2025.
373 AIDA, *Country Report: Serbia, Update on the year 2023*, August 2024, pp 84-85.
374 *Ibid*.
375 *Mohamed v. Serbia*, Application No. 4662/22, granted on 21 January 2022.
376 ECtHR, *Ali. v. Serbia*, Application No. 4662/22, Judgment of 25 March 2025, available here.

3.1.3 Access to the asylum procedure for persons expelled/returned from neighbouring States

It is important to reiterate that people expelled or returned from **Hungary**, **Croatia** and **Romania** informally or in line with the Readmission Agreement between the EU and the Republic of Serbia on the readmission of persons residing without authorisation can face obstacles accessing the asylum procedure. It is not clear what the official stance of Serbian authorities vis-à-vis such cases is, but there were several CSOs' interventions in the past which show that access to asylum procedures may be impeded for people who were penalised in misdemeanour proceeding or were issued with an expulsion order.[377] In particular, the denial of access to the asylum procedure is a common practice applicable to persons who are likely in need of international protection and who attempted to irregularly cross to **Croatia** hidden in the back of a truck or van at the official border crossing. After they are discovered by the Croatian border police and informally surrendered back to the Serbian police, they are automatically taken to the misdemeanour court in **Šid** or **Bačka Palanka** where they are penalised for a misdemeanour of illegal stay or entry and subsequently served with a decision on cancellation of residency or a decision on return.[378] Both of these decisions have the nature of an expulsion order. Therefore, if they decide to apply for asylum, they could be denied that possibility and will be further treated as irregular migrants and can be also pushed to an informal system, outside reception centres. That was the case with the late Afghani USAC X. who was eventually killed by smugglers in front of the Asylum Centre in **Krnjača**.[379] Another case of UASC denied access to the asylum procedure[380] upon the return from Hungary was struck out of list by the ECtHR due to the loss of contact between the applicant and legal representatives.[381]

Similar problems in 2022 were reported by Klikaktiv in relation to people readmitted from Romania:

> Over the past years, most of the people on move have not had access to asylum procedure in Serbia. Police stations in the cities on the north of the country, where the majority of people reside and where they are being accepted after the readmission, refuse to register people on the move as asylum seekers and ignore their asylum claims. This practice forces people to turn to smuggling networks where they are at risk of human trafficking and different types of exploitation. Therefore, people who are in need of international protection are forced to stay in one of the transiting camps or in informal settlements run by smugglers, in very poor conditions, without access to basic necessities such as food, heating and clothes.[382]

In 2024, Klikaktiv again reported that, as outlined above, 12,420 foreign nationals were issued with expulsion order and most likely penalised in misdemeanour procedure for illegal entry or stay on Serbian territory. Out of that number, 3,991 of them were from Syria and 1,994 from Afghanistan, as well as several dozen Palestinians. All of these can potentially find themselves in a situation that they are denied access to registration. Many instances of such practice were recorded in the Police Station Sjenica, but also Police Station Preševo and Police Department in Belgrade.

In 2025, Klikaktiv reported that persons returned from Hungary are routinely detained at the Police Station Kanjiža or Police Station Subotica and are penalized in misdemeanour procedures and served with expulsion orders.[383] According to same sources, detained foreigners can be kept in such situation from several hours to several days, which can easily be declared as arbitrary detention.

It would be necessary for the Asylum Office to clearly inform all police departments that every person who expresses the intention to apply for asylum should be issued with a registration certificate and that people

377 See more in AIDA, *Country Report: Serbia, Update on the year 2019*, May 2020, available here, p. 29.
378 Misdemeanor Judgment No. P 65/19 from 14 January 2019.
379 N1, 'Ubijen migrant koji je bio osumnjičen za ubistvo Avganistanca u centru Beograda', 6 June 2019, available in Serbian here.
380 See more in AIDA, *Country Report: Serbia – Update on the year 2021*, May 2022, p. 58.
381 ECtHR, *M.W. v. Serbia*, Application No 70923/17, Decision of 22 May 2025, available here.
382 Klikaktiv, *Formalizing Pushbacks – The use of readmission agreements in pushback operations at the Serbian-Romanian border*, January 2023, available at: https://bit.ly/3yyttru.
383 Klikaktiv, *First Quarterly Report for 2025*, available here, p. 22 and *Second Quarterly Report for 2025*, available here, p. 18.

who are in need of international protection cannot be protected against *refoulement* in the procedures prescribed by the Foreigners Act due to the lack of capacity of immigration officers to assess such risk. However, this has so far not been the case.

The conclusion that can be drawn from the above-described practices is that asylum seekers should not be returned to Serbia without a prior assessment of the facts related to their previous legal status in Serbia. Moreover, individual assurances[384] should be requested in relation to possible obstacles to access to the asylum procedure. However, taking into consideration the very high dysfunctionality of the child-protection system, USAC should not be returned back to Serbia until the situation significantly improves.[385] Considering Serbia as a safe third country in the context of pushbacks or readmissions severely undermines Article 3 of the ECtHR in its procedural limb. This was corroborated by the ECtHR in its judgment against Hungary which is related to three Syrian refugees expelled back under the automatic presumption that Serbia is a safe third country.[386] The case contains identical findings as in the Grand Chamber judgment *Ilias and Ahmed v. Hungary*.[387] The violation of Article 3 in this particular case was related to the lack of assessment of the risks of chain-*refoulement* from Serbia to North Macedonia. Another judgment which corroborates these findings is the case of *S.S. and Others v. Hungary*,[388] as well as *H.Q. and Others v. Hungary* in which the Court relied on AIDA findings.[389]

To summarise, before returning asylum seekers back to **Serbia**, **Croatian**, **Hungarian**, **Romanian** but also **Bosnian** authorities must determine the following facts and ensure such individual guarantees as:

- what kind of status has the individual enjoyed in Serbia (asylum seeker, irregular migrant or other);
- taking into consideration the determined status, the assurances should contain strong guarantees that the individual will not be referred to the misdemeanour proceeding and will not be issued with any form of expulsion orders;
- returnee will be issued with a registration certificate or its duplicate;
- returnees will be afforded legal representation by competent lawyers who have demonstrated qualifications in asylum and migration law;
- interpretation will be secured from the first contact with the immigration officers.

Additional facts, which must be taken into consideration from the aspect of individual assurances which must be obtained before the return to Serbia, are the following:

- ill-treatment committed by the hands of organised criminal groups controlling the border area and reception facilities which are in poor state and which are located in the north of Serbia
- poor, unhygienic and unsafe living conditions in the informal settlements
- acts of extreme right-wing groups who act against impunity.

Problems regarding access to the procedure at **Nikola Tesla Airport** are identical (see Access to the Territory). Thus, people who are denied access to territory are simultaneously denied access to asylum procedure.

CSOs providing legal aid to asylum seekers have effective access to the Detention Centre for Foreigners in Padinska Skela (DC Padinska Skela) only in relation to detainees who asked for their assistance. In practice, these are usually persons whose families contacted CSO lawyers, and not detainees themselves. The question that remains open is to which extent are persons deprived of their liberty in

384 ECtHR, *Tarakhel v*. Switzerland, Application no. 29217/12, Judgment of 4 November 2014, EDAL, available at: http://bit.ly/2RvQipS, para. 121-122.

385 The cases of *M.W.* and *USAC X.* are the most striking examples of this practice, respectively available at: https://bit.ly/3R54mH5 and X.

386 ECtHR, *W.A. and Others v. Hungary*, Applications Nos. 64050/16 64558/16 and 66064/16, Judgment of 15 December 2022, available at: http://bit.ly/427BS2z.

387 See more at HHC, *Asylum seekers won at the European Court of Human Rights again*, 19 December 2022, available at: http://bit.ly/428w7ld.

388 Applications Nos. 56417/19 and 44245/20, Judgment of 12 October 2023, available at: https://bit.ly/3xQlhpI.

389 Applications Nos. 46084/21 40185/22 53952/22, Judgment of 24 June 2025, available here, paras. 79-81.

immigration detention facilities informed on the asylum procedure taking into account that there are not officially employed interpreters in none of the three facilities (see more in Detention of Asylum Seekers).

However, the number of registered foreign nationals remains low. In 2024, only 2 persons were issued with the registration certificate in DC Padinska Skela. while the total number of immigration detainees in 2024 was 427, including from Syria (108) and Afghanistan (133). In 2025, total of 3 certificates were issued, while the number of detainees was 499

The total number of registration certificates issued in the period 1 January 2025 – 31 December 2025						
Month	Total number of registration certificates	Airport	Detention centres	Police Departments	Border Area	Asylum Office
January	**35**	**7**	**0**	**21**	**7**	0
February	**36**	**1**	**0**	**22**	**13**	0
March	**16**	**0**	**0**	**11**	**5**	0
April	**40**	**1**	**0**	**20**	**19**	0
May	**62**	**2**	**0**	**34**	**26**	0
June	**65**	**15**	**0**	**40**	**10**	0
July	**66**	**0**	**0**	**37**	**29**	0
August	**61**	**25**	**0**	**30**	**6**	0
September	**71**	**0**	**0**	**36**	**35**	0
October	**94**	**0**	**0**	**47**	**47**	0
November	**51**	**0**	**1**	**28**	**22**	0
December	**29**	**2**	**2**	**16**	**9**	0
Total	**626**	**53**	**3**	**342**	**228**	**0**

Source: Ministry of Interior - Asylum Office and of the UNHCR office in Serbia (monthly reports).

3.2 Lodging an application

The asylum procedure is initiated by lodging ('submitting') an application before an authorised asylum officer, on a prescribed form within 15 days of the date of registration.[390] If the authorised asylum officer does not enable the person to lodge the application within that deadline, they may themselves out in the asylum application form within 8 days after the expiry of the 15-day time limit.[391] The asylum procedure shall be considered initiated after the lodging of the asylum application form at the Asylum Office.[392]

If strictly interpreted, the deadline of 15 plus 8 days could create serious problems regarding access to the asylum procedure because the reality in Serbia is that the vast majority of persons in need of international protection do not consider Serbia as a country of destination. However, they are predominantly and automatically issued with registration certificates and are thus subject to this deadline. In case the foreigner fails to meet the deadline, Article 35(13) of the Asylum Act envisages that they will be treated in accordance with the Foreigners Act, which further means that they could face expulsion to a third country or even the country of origin in case of direct arrival to Serbia.

This solution is questionable on many levels. The main reason is the short period left from the moment of registration until the expiry of the 15-plus-8-day deadline for the lodging of the asylum application. There are several relevant observations to highlight:

390 Article 36(1) Asylum Act.
391 Article 36(2) Asylum Act.
392 Article 36(3) Asylum Act.

1. The capacities of the Asylum Office are still insufficient to cover the hundreds of cases in which the registration certificate is automatically issued, and the police officer of the Asylum Office is not present in any of the Asylum Centres;
2. The capacities of CSOs providing free legal assistance are also insufficient to effectively cover all the Reception Centres and Asylum Centres within the set deadline and at the same time provide legal counselling and preparation for asylum interviews;
3. Those people who miss the deadline but have a *prima facie* refugee claim would be considered to be irregular migrants and would be treated in line with the Foreigners Act. Accordingly, they would be exposed to the risk of *refoulement* to one of the neighbouring countries such as Bulgaria and North Macedonia.
4. Vulnerable applicants such as SGBV survivors, torture victims and vulnerable applicants sometimes require weeks or months before they are capable of sharing their traumatic experiences in asylum procedure.

For that reason, it is encouraging that the stance of the Asylum Office still shows a flexible interpretation of Article 36, as it considers that the possibility to lodge an asylum application should be provided for all people regardless of the deadline.[393] The arguments for this approach could be derived from the jurisprudence of the ECtHR and the case *Jabari v. Türkiye* in which the Court stated that 'the automatic and mechanical application' of a short time limit (for submitting an asylum application) 'must be considered at variance with the protection of the fundamental value embodied in Article 3 of the Convention.'[394] However, it is clear that as long as this kind of provision exists in the Asylum Act, the risk of its strict interpretation will continue to exist, especially if the current policy, which implies a more or less flexible approach towards irregular stay of refugees, changes. Additionally, there are academics who are occasionally hired to conduct trainings for decision-makers in Administrative Law, and who are in favour of a strict interpretation of Article 36.[395] For that reason, amending this provision would dispel any doubts on possible mass denial of access to the asylum procedure in the future. IDEAS has suggested the removal of the deadline-related provisions from the Asylum Act during the consultations with the MoI in November 2021 and provided a draft of potential solutions.

In 2024, a total of 219 asylum applications were lodged. A total of 205 were in writing, 11 were lodged before asylum officers and 3 applications were subsequent. Out of total first-time asylum applications, 35 were originating from Syria, 30 from Türkiye, 27 from Cuba, 21 from Russian Federation, 13 from Burundi, 11 from Afghanistan and Pakistan, 10 from Armenia, 7 from Iran, Iraq and Belarus, 4 from Egypt, 3 from the State of Palestine, Kyrgyzstan and Tunisia, 2 from Ukraine, Kazakhstan, Algeria, China and Uzbekistan and 1 from, Croatia, Eretria, Ethiopia, Ireland, Sweden, Gambia, India, Nigeria, Congo and Germany.

In 2025, a total of 130 asylum applications were lodged - 125 in writing and 5 in person, and all were related to the first time applicants: Russian Federation (29), Palestine (10), Pakistan (9), Burundi (8), Syria (8), Cuba (7), Kazakhstan (5), Türkiye (4), then 3 from Alegria, Iraq, Jamaica, China, Kyrgizstan, DR Congo and Sierra Leone, 2 from Afghanistan, Egypt, Gambia, Indonesia, Armenia, Nigeria and Uzbekistan and 1 from Bulgaria, Croatia, India, Iran, Cameroon, Kenya, Lebanon, Germany, Slovakia, Swaziland, Sri Lanka, Sweden, Turkmenistan and UK.

Also, forms for written asylum applications were translated in languages such as Arabic, Farsi, Urdu, French, English and Pashto and were distributed to Asylum and Reception Centres, which means that foreigners can now lodge asylum applications by themselves, with the help of CRM whose staff was responsible for sending applications to the headquarters of the Asylum Office. Still, there were many challenges which implied problems of communication between asylum seekers and the Asylum Office, and with regards to ID cards and other documents relevant for the inclusion which are issued by the Asylum Office (related to work, education or health care). Also, many asylum applications were impossible

393 See more in AIDA, *Country Report: Serbia – Update on the year 2018*, March 2019, available here, p. 25.
394 ECtHR, *Jabari v. Türkiye*, Application No 40035/98, Judgment of 11 July 2000, EDAL, available at: https://bit.ly/2Sj0D71, para 40.
395 AIDA, *Country Report: Serbia, Update on the year 2019*, May 2020, available here, p. 31-32.

to translate due to different types of handwriting. For that reason, IDEAS lawyers have started to provide assistance in drafting and lodging of asylum applications

It remains unclear how many asylum seekers lodged asylum applications by themselves because the Asylum Office does not keep track of such data. According to IDEAS field experience, at least several dozen asylum seekers lodged written asylum applications without the help of legal representatives, but most likely this number can be higher than 50% of all asylum applications lodged in 2022. Still, in 2024, IDEAS lawyers have started to assist foreign nationals in lodging of their asylum application due to challenges which implied that 111 out of 219 applicants were supported in accessing asylum procedure.[396] The same practice continued in 2025, leading to the assistance of more than 60% of asylum applicants (79 applications).[397]

Month	Asylum Applications submitted in person	Written Asylum Application	Subsequent asylum applications
January	**1**	10	0
February	**2**	19	0
March	**0**	6	0
April	**0**	10	0
May	**1**	13	0
June	**0**	10	0
July	**1**	12	0
August	**0**	8	0
September	**0**	8	0
October	**0**	8	0
November	**0**	16	0
December	**0**	10	0
Total	**5**	**125**	**0**

Source: Ministry of Interior - Asylum Office and of the UNHCR office in Serbia (monthly reports).

396 Practice-informed observation of IDEAS, February 2025.
397 *Ibid*.

C. Procedures

1. Regular procedure

1.1 General (scope, time limits)

Indicators: Regular Procedure: General

1. Time limit set in law for the determining authority to make a decision on the asylum application at first instance: 3 months
2. Are detailed reasons for the rejection at first instance of an asylum application shared with the applicant in writing? ☒ Yes ☐ No
3. Backlog of pending cases at first instance as of 2025: No data
4. Average length of the first instance procedure in 2025: 13 months

The asylum procedure in Serbia is governed by the Asylum Act as *lex specialis* to GAPA which is applied in relation to questions that are not regulated by the Asylum Act.[398] The provisions of the Asylum Act shall be interpreted in accordance with the Convention and Protocol relating to the Status of Refugees and the generally recognised rules of international law.[399] Additionally, the third instance procedure before the Administrative Court is also governed by the Administrative Disputes Act (ADA).

The Asylum Act provides that a decision on asylum applications in the regular procedure must be taken within a maximum period of 3 months from the date of the lodging of the asylum application or the admissible subsequent application.[400]

In 2024, the average length of the asylum procedure was 13 months and the cases decided for the first time in the first instance ranged from 4,[401] 6[402] and 9[403] months (1 case each related either to national security grounds or prima facie uncredible cases) to 12,[404] 13,[405] 16[406] and even 20[407] and 24 months.[408]

In 2025, average length slightly increased to 13,4 months and with recoded cases which lasted 20,[409] 21,[410] 23,[411] 28[412]

It is possible to extend the time limit for the first instance decision by 3 months in case the application includes complex factual or legal issues or in case of a large number of foreigners lodging asylum applications at the same time.[413] Exceptionally, beyond these reasons, the time limit for deciding on an asylum application may be extended by a further 3 months if necessary to ensure a proper and complete assessment thereof.[414] The applicant shall be informed of the extension. In 2024 and 2025, and from the case files of all first instance decisions, it cannot be determined if this provision was applied.

398 Article 3 (1), Asylum Act.
399 Article 3 (3), Asylum Act.
400 Article 39(1) Asylum Act.
401 Asylum Office, Decision No. 26-1152/24, 9 August 2024.
402 Asylum Office, Decision No. 26- 3065/23, 26 June 2024.
403 Asylum Office, Decision No. 26- 26-1217/23, 13 July 2024
404 Asylum Office, Decision No. 26-1459/23, 26.08.2024.
405 Asylum Office, Decision No. 26-537/23, 17 April 2024.
406 Asylum Office, Decision No. 26-41/23, 22 July 2024.
407 Asylum Office, Decision. No. 26-1222/22, 9 January 2024.
408 Asylum Office, Decision No. 26- 2126/22, 23 August 2024.
409 Asylum Office, Decision No. 26-193/25, 21 August 2025.
410 Asylum Office, Decision No. 26- 2791/23, 28 April 2025.
411 Asylum Office, Decision No. 26-3054/23, 1 December 2025.
412 Asylum Office, Decision No. 26-1-24/24, 28 April 2025
413 Article 39(2) Asylum Act.
414 Article 39(3) Asylum Act.

The Asylum Act also envisages a situation where a decision on asylum application cannot be made within 9 months due to temporary insecurity in the country of origin of the applicant which needs to be verified every 3 months.[415] Nevertheless, the decision must be taken no later than 12 months from the date of the application.[416]

In other words, the first instance procedure still lasts unreasonably long (on average 13 months) which is one of the reasons discouraging asylum seekers from considering Serbia a country of destination.

In March 2022, the UN Committee on Economic, Social and Cultural Rights (CESCR) recommended that Serbia ensures compliance with the statutory deadlines of the asylum procedure.[417]

The first instance procedure before the Asylum Office may be completed by: (a) a decision to uphold the application and grant refugee status or subsidiary protection;[418] (b) a decision to reject the asylum application;[419] (c) a decision to discontinue the procedure;[420] or (d) a decision to dismiss the application as inadmissible.[421]

The Asylum Act contains detailed provisions regarding the grounds for persecution,[422] *sur place* refugees,[423] acts of persecution,[424] actors of persecution,[425] actors of protection in the country of origin,[426] the internal flight alternative,[427] and grounds for exclusion.[428] This clearly indicates that the legislature was guided by the Common European Asylum System framework, namely the recast Qualification Directive. Still, there is plenty more room for improvement, especially with regard to the exclusion clause which lacks the clear procedural rules which would be in line with UNHCR Guidelines.[429]

Even though the new Asylum Act does not explicitly set out the burden of proof required for being granted asylum, Article 32 provides that the applicant is obliged to cooperate with the Asylum Office, to deliver all available documentation and present true and accurate information regarding the reasons for lodging an asylum application. If an applicant fails to do so, the asylum officer has the possibility to issue a decision in an accelerated procedure.[430] It is further prescribed that, in examining the substance of the asylum application, 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 or she has been or could be exposed to persecution or a risk of suffering serious harm;
2. current reports about the situation in the Applicant's country of origin or habitual residence, and, if necessary, the countries of transit, including the laws and regulations of these countries, and the manner in which they are applied – as contained in various sources provided by international organisations including UNHCR and the European Union Asylum Agency (EUAA), and other human rights organisations;
3. the position and personal circumstances of the Applicant, including his or her sex and age, in order to assess on those bases whether the procedures and acts to which he or she has been or could be exposed would amount to persecution or serious harm;

415 Article 39(5) Asylum Act.
416 Article 39(6) Asylum Act.
417 CESCR, *Concluding observations on the third periodic report of Serbia*, 4 March 2022, E/C.12/SRB/CO/3, available at: https://bit.ly/47AhcCo, paras. 32-33.
418 Article 34(1)(1)-(2) Asylum Act.
419 Article 38(1)(3)-(5) Asylum Act.
420 Article 47 Asylum Act.
421 Article 42 Asylum Act.
422 Article 26 Asylum Act.
423 Article 27 Asylum Act.
424 Article 28 Asylum Act.
425 Article 29 Asylum Act.
426 Article 30 Asylum Act.
427 Article 31 Asylum Act.
428 Articles 33 and 34 Asylum Act.
429 UNHCR, Guidelines on International Protection: Application of the Exclusion Clauses: Article 1F of the 1951 Convention relating to the Status of Refugees, 4 September 2003, HCR/GIP/03/05, https://bit.ly/3plP7es.
430 Article 40 Asylum Act.

4. whether the Applicant's activities since leaving the country of origin were engaged in for the sole purpose of creating the necessary conditions to be granted the right to asylum, so as to assess whether those activities would expose the Applicant to persecution or a risk of serious harm if returned to that country…'[431]

In addition, the benefit of the doubt principle (*in dubio pro reo*) has not been explicitly defined as such, but it is prescribed that the applicant's statements shall be considered credible where a certain fact or circumstance is not supported by evidence if:

1. the applicant has made a genuine effort to substantiate his or her statements with evidence;
2. all relevant elements at his or her disposal have been submitted, and a satisfactory explanation have been given regarding any lack of other relevant facts;
3. the applicant's statements are found to be consistent and acceptable, and that they are not in contradiction with the specific and general information relevant to the decision on the asylum application;
4. the applicant has expressed intention to seek asylum at the earliest possible time, unless he or she can demonstrate good reason for not having done so;
5. the general credibility of the Applicant's statement has been established.

Overview of the practice of the Asylum Office for the period 2008-2025[432]

No.	Case file No.	Date of decision	Country of origin	Type of protection	No. of persons
2008					
2009					
1.	26-766/08	04.02.2009	Iraq	Subsidiary Protection	1
2.	26-753/08	11.05.2009	Ethiopia	Subsidiary Protection	1
3.	26-754/08	11.05.2009	Ethiopia	Subsidiary Protection	1
4.	26-755/08	11.05.2009	Ethiopia	Subsidiary Protection	1
2010					
5.	AŽ – 25/09	22.04.2010	Somalia	Subsidiary Protection	1
2011					
2012					
6.	26-17/12	06.12.2012	Egypt	Refugee Status	1
7.	26-2324/11	19.12.2012	Libya	Refugee Status	1
8.	26-2326/11	20.12.2012	Libya	Refugee Status	1
2013					
9.	26-1280/13	25.12.2013	Türkiye	Refugee Status	2
2014					
10.	26-2429/13	23.05.2014	Tunisia	Refugee Status	1
11.	26-1762/13	23.05.2014	Syria	Subsidiary Protection	1
12.	26-304/13	23.05.2014	Syria	Subsidiary Protection	1
13.	26-1445/14	04.08.2014	Syria	Subsidiary Protection	1
2015					
14.	26-5266/15	26.03.2015	Iraq	Refugee Status	2
15.	26-1342/14	28.04.2015	Syria	Refugee Status	1
16.	26-3516/15	25.06.2015	Syria	Refugee Status	1

431 Article 32 Asylum Act.

432 IDEAS database (formed throughout the years for advocacy and reporting purposes and consisted of files collected from lawyers, NGOs, IDEAS's practice and FoI requests).

17.	26-1296/14	01.07.2015	Ukraine	Refugee Status	1
18.	26-986/14	06.07.2015	Ukraine	Refugee Status	1
19.	26-67/11	06.07.2015	Ukraine	Refugee Status	1
20.	26-66/11	06.07.2015	Ukraine	Refugee Status	1
21.	26-65/11	06.07.2015	Ukraine	Refugee Status	1
22.	26-5615-14	06.07.2015	Iraq	Refugee Status	1
23.	26-3599-14	07.07.2015	Ukraine	Refugee Status	1
24.	26-3777/15	09.07.2015	Syria	Refugee Status	1
25.	26-5751/14	13.07.2015	South Sudan	Refugee Status	1
26.	X	15.07.2015	Syria	Refugee Status	1
27.	26-71/15	15.07.2015	Syria	Refugee Status	1
28.	X	31.07.2015	Sudan	Refugee Status	1
29.	26-151/15	31.12.2015	Syria	Subsidiary Protection	1
30.	26-5792/14	03.08.2015	Libya	Subsidiary Protection	1
31.	26-5794/14	03.08.2015	Libya	Subsidiary Protection	1
32.	26-5793/14	05.08.2015	Libya	Subsidiary Protection	1
33.	26-4099/15	07.08.2015	Libya	Subsidiary Protection	4
34.	26-3886/15	09.09.2015	Lebanon	Refugee Status	1
35.	26-2879/15	11.09.2015	Iraq	Subsidiary Protection	1
36.	26-4099/15	07.10.2015	Libya	Subsidiary Protection	1
37.	26-4906/5	09.12.2015	Kazakhstan	Refugee Status	1
38.	X.	31.12.2015	Syria	Subsidiary Protection	1
2016					
39.	26-4062/15	08.01.2016	Syria	Subsidiary Protection	1
40.	26-4747/15	10.02.2016	Ukraine	Subsidiary Protection	1
41.	26-5626/15	01.03.2016	Sudan	Refugee Status	1
42.	26-5413/15	02.03.2016	Syria	Refugee Status	1
43.	26-223/16	08.03.2016	Afghanistan	Refugee Status	1
44.	26-5629/15	08.03.2016	Sudan	Refugee Status	1
45.	26-5625/15	14.03.2016	Sudan	Refugee Status	1
46.	26-4133/15	22.03.2016	Ukraine	Subsidiary Protection	3
47.	26-5047/15	11.04.2016	Sudan	Refugee Status	1
48.	AŽ-06/16	12.04.2015	Libya	Subsidiary Protection	2
49.	26-652/16	17.06.2016	Afghanistan	Subsidiary Protection	5
50.	26-423/16	27.06.2016	Cuba	Refugee Status	1
51.	26-425/16	04.07.2016	Cuba	Refugee Status	1
52.	26-424/16	04.07.2016	Cuba	Refugee Status	1
53.	26-4568/16	12.07.2016	Libya	Subsidiary Protection	1
54.	26-11/16	04.08.2016	Cuba	Refugee Status	1
55.	26-1051/16	13.09.2016	Iran	Refugee Status	1
56.	26-812/16	29.09.2016	Libya	Refugee Status	5
57.	26-5618/15	01.12.2016	Libya	Subsidiary Protection	5
58.	26-536/16	16.12.2016	Cameroon	Refugee Status	2
59.	26-2149/16	26.12.2016	Iraq	Subsidiary Protection	1
2017					

60.	26-926/16	21.07.2017	Syria	Refugee Status	1
61.	26-77/17	01.08.2017	Afghanistan	Refugee Status	1
62.	26-2434/16	20.09.2017	Burundi	Refugee Status	1
63.	26-331/15	21.09.2017	Ukraine	Subsidiary Protection	1
64.	26-5489/15	21.09.2017	Libya	Subsidiary Protection	9
65.	26-5044/15	25.12.2017	Bangladesh	Subsidiary Protection	1
66.	26-4370/15	27.12.2017	Nigeria	Subsidiary Protection	1
2018					
67.	26-1239/17	10.01.2018	Afghanistan	Refugee Status	1
68.	26-78/17	10.01.2018	Afghanistan	Refugee Status	1
69.	26-1083/18	26.01.2018	Iran	Refugee Status	1
70.	26-4568/15	11.02.2018	Somalia	Subsidiary Protection	1
71.	26-881/17	10.04.2018	Afghanistan	Refugee Status	1
72.	26-81/17	16.04.2018	Afghanistan	Refugee Status	1
73.	26-2152/17	16.04.2018	Afghanistan	Refugee Status	1
74.	26-1223/17	20.04.2018	Pakistan	Subsidiary Protection	1
75.	26-430/17	23.04.2018	Iran	Refugee Status	1
76.	26-2489/17	01.06.2018	Syria	Subsidiary Protection	1
77.	26-222/15	15.06.2018	Libya	Subsidiary Protection	5
78.	26-1695/17	15.06.2018	Libya	Subsidiary Protection	5
79.	26-1081/17	04.07.2018	Iran	Refugee Status	1
80.	26-2554/17	19.07.2018	Iran	Refugee Status	1
81.	26-187/18	01.11.2018	Iran	Refugee Status	1
82.	26-329/18	28.12.2018	Nigeria	Refugee Status	1
2019					
83.	26-1351/18	14.01.2019	Libya	Subsidiary Protection	1
84.	26-1352/18	14.01.2019	Libya	Subsidiary Protection	1
85.	26-2348/17	28.01.2019	Iraq	Refugee Status	1
86.	26-2643/17	30.01.2019	Afghanistan	Subsidiary Protection	1
87.	26-1395/18	05.02.2019	Iran	Refugee Status	3
88.	26-1216/18	12.02.2019	Russia	Refugee Status	1
89.	26-1217/18	12.02.2019	Russia	Refugee Status	1
90.	26-1218/18	12.02.2019	Russia	Refugee Status	1
91.	26-1260/18	13.03.2019	Cuba	Refugee Status	3
92.	26-176/18	15.03.2019	Syria	Subsidiary Protection	3
93.	26-1605/18	15.03.2019	Iran	Refugee Status	1
94.	26-2047/17	21.03.2019	Iraq	Subsidiary Protection	4
95.	26-1141/18	05.04.2019	Iran	Refugee Status	1
96.	26-1731/18	08.05.2019	Syria	Subsidiary Protection	1
97.	26-787/19	29.05.2019	Afghanistan	Refugee Status	1
98.	AŽ X	02.09.2019	Iran	Subsidiary Protection	1
99.	26-2050/17	12.09.2019	China	Refugee Status	1
100.	26-3638/15	16.09.2019	Syria	Subsidiary Protection	1
101.	26-784/18	20.11.2019	Afghanistan	Refugee Status	1
102.	26-1403/19	11.12.2019	Afghanistan	Refugee Status	1

103.	26-1719/18	11.12.2019	Syria	Subsidiary Protection	1
104.	X	2019	Libya	Subsidiary Protection	1
105.	X	2019	Pakistan	Subsidiary Protection	1
106.	X	2019	Pakistan	Subsidiary Protection	1
107.	X	2019	Syria	Subsidiary Protection	1
108.	X	2019	Afghanistan	Refugee Status	1
2020					
109.	26-2467/17	15.01.2020	Iran	Refugee Status	1
110.	26-1437/17	13.02.2020	Afghanistan	Refugee Status	1
111.	26-218/19	20.02.2020	Stateless	Refugee Status	1
112.	26-2328/19	20.02.2020	Burundi	Refugee Status	2
113.	X	February	Iran	Refugee Status	3
114.	26-1435/18	16.06.2020	Iran	Refugee Status	1
115.	26-1615/19	18.06.2020	Burundi	Refugee Status	2
116.	X	June	Somalia	Subsidiary Protection	1
117.	26-1451/12	June	Syria	Subsidiary Protection	1
118.	26-2063/17	10.08.2020	Stateless	Refugee Status	1
119	X	August	Mali	Subsidiary Protection	1
120.	X	August	Somali	Subsidiary Protection	1
121.	26-1516/19	15.10.2020	Afghanistan	Refugee Status	1
122.	26-2474/19	15.10.2020	Afghanistan	Subsidiary Protection	1
123.	26-1271/19	15.10.2020	Iran	Subsidiary Protection	1
124.	26-57/20	23.10.2020	Syria	Subsidiary Protection	3
125.	X	2019	Afghanistan	Refugee Status	5
126.	26-1433/12	x.11.2020	Syria	Refugee Status	1
127.	X.	x.12.2020	Iraq	Refugee Status	1
2021					
128.	X.	x.04.2021	Iraq	Refugee Status	1
129.	X.	x.04.2021	Libya	Subsidiary Protection	1
130.	26-536/19	14.05.2021	Burundi	Subsidiary Protection	1
131.	26-1357/20	21.05.2021	Somalia	Subsidiary Protection	1
132.	26-1084/20	07.06.2021	Afghanistan	Subsidiary Protection	1
133.	26-1337/20	29.06.2021	Burundi	Refugee Status	1
134.	26-103/20	30.06.2021	Burundi	Refugee Status	1
135.	26-1376/20	12.07.2021	Syria	Subsidiary Protection	2
136.	26-108/20	27.08.2021	Iran	Refugee Status	1
137.	26-1601/20	30.08.2021	Iraq	Refugee Status	2
138.	3064/19	14.09.2021	Pakistan	Refugee Status	1
139.	26–2964/21	x.12.2021	Syria	Subsidiary Protection	1
2022					
140.	26–1389/17	02.02.2022	Libya	Refugee Status	1
141.	26–1437/21	31.03.2022	Niger	Subsidiary Protection	1
142.	26-462/22	15.06.2022	Ukraine	Subsidiary Protection	3
143.	26-1569/21	24.06.2022	Syria	Subsidiary Protection	3
144.	26-2296/22	29.06.2022	Burundi	Refugee Status	1

145.	26-346/21	29.06.2022	Cameron	Subsidiary Protection	1
146.	26-277/21	13.07.2022	Afghanistan	Subsidiary Protection	1
147.	26-532/21	15.08.2022	DR Congo	Subsidiary Protection	2
148.	26-1635/21	17.08.2022	Afghanistan	Refugee Status	3
149.	26-463/22	22.08.2022	Ukraine	Refugee Status	1
150.	26-730/22	31.08.2022	Afghanistan	Subsidiary Protection	1
151.	26-688/22	15.09.2022	Cuba	Subsidiary Protection	1
152.	26-1591/22	19.09.2022	Syria	Subsidiary Protection	1
153.	26-1607/18	14.10.2022	Iran	Refugee Status	3
154.	26-1947/21	28.10.2022	Syria	Subsidiary Protection	1
155.	26-281/11	10.11.2022	Afghanistan	Refugee Status	1
156.	26-1177/22	01.12.2022	Syria	Subsidiary Protection	2
157.	26-1236/21	05.12.2022	Syria	Subsidiary Protection	1
158.	26-2135/22	13.12.2022	Syria	Subsidiary Protection	1
159.	26–1593/22	13.12.2022	Syria	Subsidiary Protection	1
2023					
160.	26–1959/21	05.01.2023	Syria	Subsidiary Protection	1
161.	26-1043/22	06.02.2023	Cuba	Refugee Status	1
162.	26-132/22	20.02.2023	Cuba	Refugee Status	4
163.	26-532/21	05.07.2023	DRC	Subsidiary Protection	1
164.	26-103/21	24.07.2023	Burundi	Refugee Status	1
165.	26-1562/22	14.12.2023	India	Refugee Status	1
2024					
166.	26-334/23	09.01.2024	Syria	Subsidiary Protection	1
167.	26-2126/22	23.08.2024	Iran	Refugee Status	1
168.	26-10-24/23	26.08.2024	Burundi	Refugee Status	1
169.	26-238/23	16.09.2024	Syria	Subsidiary Protection	1
170.	26-1969/24	10.10.2024	Congo	Refugee Status	1
171.	26-853/24	15.10.2024	Syria	Subsidiary Protection	1
172.	26-296/24	29.10.2024	Ukraine	Refugee Status	1
2025					
173.	26-1615/19	29.04.2025	Burundi	Subsidiary Protection	1
174.	26-454/24	23.06.2025	Syria	Subsidiary Protection	1
175.	26-297/24	23.06.2025	Syria	Subsidiary Protection	1
176.	26-1546/24	30.06.2025	Afghanistan	Refugee Status	1
177.	26-854/24	01.07.2025	Afghanistan	Subsidiary Protection	1
178.	26-1285/24	18.07.2025	Syria	Subsidiary Protection	1
179.	26-614/25	23.07.2025	Cameroon	Refugee Status	1

In the period from 1 April 2008 to 31 December 2024, the asylum authorities in Serbia rendered 179 decisions granting asylum (refugee status or subsidiary protection) to 250 persons from 29 different

countries.[433] A total of 82 decisions was rendered in relation to 126 applicants who received subsidiary protection, while 97 decisions were rendered in relation to 124 applicants who were granted refugee status.

The highest number of decisions was rendered in 2019 (26), and then in the following order: 2015 (25), 2016 (21), 2022 (20), 2020 (19), 2018 (16), 2021 (12), 2017 (7), 2024 (7), 2025 (7), 2023 (6), 2014 (4), 2009 (4), 2012 (3), 2013 (1) and 2010 (1). In 2008 and 2011, not a single positive decision was rendered. Top 5 nationalities which received international protection in Serbia are: Libya (47), Syria (46), Afghanistan (34), Iran (23) and Iraq (16).

Libya

The highest number of applicants who were granted international protection in Serbia originate from Libya – **47 persons** through **19 decisions**. A total of 4 decisions were issued granting refugee status to 8 Libyans. On the other hand, 15 decisions granting subsidiary protection were issued in relation to 39 applicants. Decisions on subsidiary protection were based on the state of general insecurity and widespread violence which implied the risk of suffering serious harm. The main source, in terms of the CoI, were different updates of UNHCR position papers on returns to Libya and a moratorium on returns which remains valid as of March 2022.[434] The remaining 4 decisions referred to the risk of persecution on ethnic and political grounds for applicants belonging to the same tribe as Muammar Gaddafi[435] or a 5-member family belonging to the ethnic group of Berbers which was particularly targeted during the civil war and in post-conflict period in Libya.[436]

In the history of the Serbian asylum system, a total of 66 Libyans applied for asylum, even though 664 were issued a registration certificate, as most of them never applied for asylum. There were no instances known to the author of this report, in which the applicant from Libya was rejected up to the final decision of the Administrative Court, except in one case where a 5-member family then addressed the ECtHR and was later on granted subsidiary protection.[437] This case, as well as another which was positively resolved in 2022, were initially rejected on the basis of negative security assessment from BIA.[438] Still, it can be safely assumed that, if provided with adequate legal support, applicants from Libya used to have decent chances to obtain international protection in Serbia during the peak of the civil war.

Syria

A total of **45 Syrians** were granted international protection in Serbia through **38 decisions**. Eight were granted refugee status via 8 decisions while 38 were granted subsidiary protection through 31 decisions. However, a total of 321,137 Syrians was registered in Serbia since 2008, while only 605 lodged asylum application.

433 The author of this Report has collected 155 out of 165 decisions. The number of decisions and applicants was counted by the author of this Report and on the basis of a unique database which is established in IDEAS. Namely, official number of persons who received international protection in Serbia is 245 or even more according to some CSOs. However, this number includes the cases which were not final in the given year. For instance, there is at least 7 asylum procedures in which legal representatives appealed the decision on subsidiary protection claiming that their clients deserve refugee status. Asylum Commission or Administrative Court upheld appeals and onward appeals respectively and sent the case back to the Asylum Office. However, Asylum Office rendered the same decision (subsidiary protection) with regards to the same person again. The lawyers were then complaining again. There were instances in which 1 person received 3 decisions on subsidiary protection in the period of 7 years and was granted refugee status in the end. However, it is possible that the statistics provided by the author of this Report are not 100% accurate. Still, the author believes that this is the most accurate statistics which can be provided for now and potential variations cannot be higher than maximum 5 decisions regarding 5 applicants.

434 E.g., UNHCR, UNHCR Position on Returns to Libya - Update II, September 2018, available at: http://bit.ly/39VMQNz.

435 Asylum Office, Decisions Nos. 26-2324/11, 19 December 2012 and 26-2326/11, 20 December 2012.

436 Asylum Office, Decision No. 26-812/16, 29 September 2016.

437 Asylum Office, Decision No. 26-222/15, 16 June 2018; ECtHR, *A. and Others v. Serbia*, Application No 37478/16, Communicated on 12 December 2017.

438 Asylum Office, Decision No. 26–1389/17, February 2022.

The vast majority of Syrians absconded before the first instance decision was issued, while at least several dozens were subjected to the automatic application of the safe third country concept (STCC), which plagued the Serbian asylum system in the period 2008-2018.[439] The vast majority of the applicants whose asylum application were dismissed absconded the asylum procedure.

On 23 December 2025, the Asylum Office rejected a first asylum application in merits,[440] but this decision is still not final. There were two more cases which were rejected in the first instance, in 2021 and 2022, but author of this report was not able to obtain data of these two cases, but the practice of the Administrative Court and Asylum Commission from later years does not indicate that these decisions became final. So, the potential outcome in these cases is either that applicants absconded, or their cases were referred back to the Asylum Office after which they received subsidiary protection. Still, there were several more decisions in which Syrian were rejected in merits, but mostly on national security grounds and in 2023, 2024 and 2025.

Decisions in which Syrians were granted subsidiary protection in Serbia were based on the state of general insecurity and widespread violence which implied the risk of suffering serious harm. The main sources in terms of CoI which were cited in such decisions were UNHCR position papers on returns to Syria[441] and EUAA reports on Syria.[442] Decisions granting refugee status were mainly based on the risk of persecution due to political opinion or draft evasion.[443] When it comes to draft evasion, the practice has been contradictory, meaning that some applicants were granted refugee status, others subsidiary protection. This practice continued in 2022. In 2023, the applications of 2 Syrian nationals were rejected, one of them on the basis of being considered as the national security risk.[444] In 2024, 3 Syrians were granted subsidiary protection,[445] 3 were rejected on the basis of arbitrary national security assessment,[446] while in 1 case subsequent asylum application was dismissed.[447] In 2025, 3 Syrians were granted subsidiary protection, 3 were rejected on the national security grounds and 1 was rejected in merits.

Afghanistan

Persons in need of international protection from Afghanistan are the second biggest group of persons registered in Serbia (190,205) and the largest group that actually lodged asylum application (982). However, only **34 Afghans** were granted asylum through 24 decisions. The vast majority of Afghan applicants absconded the asylum procedure, as it has been the case with Syrians and Iraqis.

The Asylum Office issued 17 decisions granting refugee status to 23 Afghanis on the basis of the risk of persecution which they faced as: interpreters,[448] artists,[449] members of police and other security forces,[450] persons who worked for US companies,[451] SGBV survivors who were subjected to harmful traditional practices (honour killing, consequences of having children out of wedlock)[452] or persons who faced risks of Taliban recruitment.[453]

439 AIDA, Country Report Serbia, Update March 2018, 41-53.
440 Asylum Office, Decision No. 26-353/24, 23 December 2025.
441 E.g., UNHCR, International Protection Considerations with regard to people fleeing the Syrian Arab Republic, Update VI, March 2021, HCR/PC/SYR/2021/06, available at: https://bit.ly/3HO7C1B.
442 E.g., EASO, EASO Country of Origin Information Report: Syria Security situation (July 2021), available at: https://bit.ly/3HKwasb.
443 Asylum Office, Decision No. 26-5413/15, 2 March 2016.
444 Asylum Office, Decision No. 1441/17, 20 March 2024.
445 Asylum Office, Decisions Nos. 26-334/23, 9 January 2024; 26-238/23, 5 October 2023 and 26-853/24, 15 October 2023.
446 Asylum Office, Decisions Nos. 26-295/23, 24 February 2024; 26-2996/23, 11 July 2024 and 26-172/23, 12 July 2024.
447 Asylum Office, Decisions No. 26-2984/22, 18 January 2024.
448 Asylum Office, Decision No. 26-77/17, 1 August 2017.
449 Asylum Office, Decision No. 26-78/17, 10 January 2018 and 26-1546/24, 30 June 2025.
450 Asylum Office, Decision No. 26-81/17, 16 April 2018.
451 Asylum Office, Decision No. 26-1239/17, 10 January 2018.
452 Asylum Office, Decision No. 26-1635/21, 17 August 2022.
453 Asylum Office Decisions Nos. 26-784/18, 20 November 2019 and 26-1403/19, 11 December 2019.

Also, a total of 7 decisions granting subsidiary protection was issued in relation to 11 applicants. Subsidiary protection was granted to individuals who belonged to vulnerable categories such as UASC or families with young children who faced the state of general insecurity and arbitrary violence from Taliban.[454]

The recognition rate of Afghan applicants varied throughout the years, but it is clear that the Taliban rule has not triggered higher recognition rates, which can be seen from the analysis of the practice bellow. There was only 1 decision in 2021 in which the Taliban rule and general situation in Afghanistan was declared as grounds for subsidiary protection.[455] In 2022, there were 3 such decisions issued in relation 3 three UASC (2 subsidiary protections and 1 refugee status), as well as two decisions granting refugee status to a three-member family from Afghanistan due to SGBV grounds and further risk of SGBV, but in which the Taliban rule was also taken into account.[456] However, in 2023, three asylum applications were rejected in merits and no positive decisions were taken.[457] The first applicant was rejected on the national security grounds, while the other two were rejected in merits. One applicant from Afghanistan was rejected on the merits in 2024,[458] while in 2025 2 applicants claiming Taliban persecution were rejected (1 person twice),[459] while 1 applicant and 1 UaSC were granted refugee status and subsidiary protection respectively.

Iraq

A total of 11 decisions granting international protection was rendered in relation to **16 Iraqi nationals.** Through 5 decisions 8 persons were granted subsidiary protection as Sunni Muslims who faced arbitrary violence in post US invasion Iraq,[460] during the Islamic State of Iraq and Syria (ISIS) control of area around Mosul[461] and in post-ISIS period.[462] Iraqis granted refugee status faced risk of forcible military recruitment,[463] were directly targeted as Sunni Muslims[464] or were victims of sexual and gender-based violence (SGBV).[465]

It is noteworthy to say that 82,897 Iraqi were registered in Serbia since 2008 and that only 304 lodged an asylum application. As it was the case with Syrians, the vast majority of them absconded before the first instance decision was issued, or afterwards, after they were subjected to the practice of the STCC. In one instance, the STCC was applied through a final decision of the Administrative Court, and this person was later on granted humanitarian residency due to his integration into Serbian society. In this particular case, the legal representatives failed to challenge the automatic application of the STCC before the ECtHR which would potentially have provided a durable solution for the applicant.[466] There were probably several more instances in which the STCC was confirmed with the final decision in relation to Iraqi applicants. The author of this Report is not aware of any decisions in which an Iraqi asylum application was rejected on the merits with the final decision.

454 Asylum Office Decisions Nos. 26-652/16, 17 June 2016, 26-2643/17, 30 January 2019, 26-2474/19, 15 October 2020,26-1084/20, 7 June 2021, 26-277/21, 13 July 2022,26-730/22, 31 August 2022 and 26-281/11, 10 November 2022 and 26-854/24, 1 July 2025.
455 Asylum Office, Decision No. 26-1084/20, 7 June 2021.
456 Asylum Office, Decisions Nos. 26-277/21, 13 July 2022,26-730/22, 31 August 2022 and 26-281/11, 10 November 2022 and 26-1635/21, 17 August 2022.
457 Asylum Office, Decision Nos. 26-2276/21, 27 January 2023, 26–50/22, 3 February 2023 and 26-1922/21, 8 February 2023.
458 Asylum Office, Decision No. 26-2349/19, 22 July 2024.
459 Asylum Office, Decision No. 26-584/24, 30 April 2025 and 18 December 2025, and 26-3435/24, 20 November 2025.
460 Asylum Office, Decision No. 26-766/08, 4 February 2009.
461 Asylum Office, Decisions Nos. 26-2879/15, 11 September 2015 and 26-2149/16, 26 December 2016.
462 Asylum Office, Decision No. 26-2047/17, 21 March 2019.
463 Asylum Office, Decision No. 26-2348/17, 28 January 2019.
464 Asylum Office, Decision No. 26-5266/15, 26 March 2015.
465 Asylum Office, Decision No. 26-1601/20, 30 August 2021.
466 Administrative Court, Judgment U 6060/18, 4 October 2018.

Iran

Iranian asylum seekers were granted asylum through 17 decisions encompassing **23 persons**. A total of 21 applicants received refugee status through 14 decisions and the grounds were mainly of religious nature – conversion from Islam to Christianity.[467] There were instances in which victims of torture who opposed the Iranian political system received refugee status,[468] as well as LGBTQI+ persons[469] and social activists.[470] One human rights activist[471] and 1 UASC received subsidiary protection.[472] Since 2008, a total of 14,788 Iranians were registered, while only 361 lodged an asylum application.

The vast majority of asylum applications based on religious reasons (conversion) were rejected on the merits and became final and executive. These decisions represent a shift in practice which from the outset was in almost all instances positive, but due to the increased number of applicants who converted from Islam to Christianity, the Asylum Office raised the bar of credibility which produced an inconsistent practice. In 2025, a two-member family with strong claim on political persecution which could lead to prison sentence and capital punishment was rejected in merits.[473]

Ukraine

Only 29 Ukrainians were registered in the period 2014-2025 and 28 of them lodged an asylum application and **16 were granted asylum**. Eight Ukrainian applicants received subsidiary protection through 4 decisions, and 8 were granted refugee status through the same number of decisions. Most of their claims were based on their Russian ethnicity or pro-Russian orientation, or they had previous family or other connections with Serbia. See Annex on Temporary Protection.

In March 2022, 4 Ukrainian applicants lodged asylum applications with the Asylum Office (1 family of 3 and 1 journalist) and were all granted asylum – subsidiary protection to the family due to the state of general insecurity[474] and 1 refugee status to the journalist who reported on war crimes allegedly committed by Ukrainian authorities.[475] In 2023, only 1 Ukrainian national applied for asylum and he was rejected on the basis of the national security grounds.[476] In 2024, 1 survivor of SGBV and trafficking in human beings was granted refugee status,[477] while one Ukrainian national was rejected on the basis of national security grounds.[478] In 2025, 1 Ukrainian national was rejected in merits.[479]

Burundi

A total of 1,225 Burundians were registered in line with the Asylum Act, and 314 of them lodged an asylum application in the period 2017-2025. The increase in the number of Burundian applicants can be connected with the free visa regime that Serbia has introduced for Burundian citizens, and which was cancelled in December 2022 after pressure from the EU.

Still, only **12 Burundians** were granted protection through 10 decisions. A total of 10 Burundians were granted refugee status through 8 decisions and 2 Burundian was granted subsidiary protection. Refugee status was granted to women victims of SGBV, LGBTQI+ persons, torture survivors and political opponents. All of them are ethnic Tutsi. Still, the inconsistent and flawed practice with regards to this

467 Asylum Office, Decisions Nos. 26-1051/16, 13 September 2016, 26-1083/18, 26 January 2018, 26-430/17, 23 April 2018, 26-1081/17, 4 July 2018, 26-1395/18, 5 February 2019 and 26-2126/22, 23 August 2024.
468 Asylum Office, Decision No. 26-108/20, 27 August 2021.
469 Asylum Office, Decisions Nos. 26-1605/18, 15 March 2019 and 26-2467/17, 15 January 2020.
470 Asylum Office, Decision No. 26-1607/18, 14 August 2022.
471 Asylum Commission, Decision No. AŽ 16/19, 2. September 2019.
472 Asylum Office, Decision No. 26-1271/19, 15 October 2020.
473 Asylum Office, Decision No. 26-1519/24, 5 August 2025.
474 Asylum Office, Decision No. 26-462/22, 15 June 2022.
475 Asylum Office, Decision No. 26-463/22, 22 August 2022.
476 Asylum Office, Decision No. 26-2736/22, 29 June 2023.
477 Asylum Office, Decision No. 26-296/24, 29 October 2024.
478 Asylum Office, Decision No. 26-1830/22, 22 March 2024.
479 Asylum Office, Decision No. 26-2628/23, 30 June 2025.

population of asylum seekers remains a serious concern which is analysed in more details in the ensuing parts of the report.

Cuba

A total of 323 Cubans were registered in line with the Asylum Act, while 158 of them lodged an asylum application since the onset of the Serbian asylum system. Only **12** of them received refugee status through 7 decisions and on the basis of the political persecution which they faced as political activists opposed to the Government, while 1 Cuban LGBTQI+ applicant with serious medical condition received subsidiary protection in 2022.[480] In 2023, two high profile political activists from Cuba, involved in the protests in the period November 2021 - 11 July 2022, were granted refugee status, one of them with the rest of his family.[481] In 2024, a total of 19 Cubans were rejected on the merits through 15 decisions, while in 2025 17 decisions regarding 26 applicants were negative.

Somalia

A total of 66,489 Somalis were registered in line with the Asylum Act, while only 338 of them lodged asylum applications. Subsidiary protection was granted to **5 individuals**, on the basis of the state of general insecurity in Somaliland.

Other nationalities

A total of **5 Sudanese from Darfur** were granted refugee status in the period 2015-2016 (5 decisions), 4 **Pakistanis** were granted asylum out of which 3 subsidiary protection and 1 UASC refugee status and as a survivor of human trafficking. A total of **3** athletes from **Ethiopia** were granted subsidiary protection in 2009 due to political reasons, as well as **3** women from **Chechnya-Russia**, who had LGBT claims. An **LGBT couple from Türkiye** received refugee status in 2013. A woman from **Cameroon** and her daughter were granted refugee status as survivors of SGBV, as well as Cameroonian persons with a disability[482] and UaSC girls who survived SGBV and trafficking in human beings.[483] One underage girl from **Nigeria** was granted refugee status as a survivor of human trafficking. Another Nigerian man with sever disability received subsidiary protection. Two **Palestinians** were recognised as refugees and victims of forced military recruitment in Syria. One applicant from **Bangladesh** who is quadriplegic was granted subsidiary protection. The same protection was granted to an applicant from **Mali** in 2020.[484] Refugee status was granted to a **Coptic Christians from Egypt** on the basis of religious persecution, as well as to **Chinese Uyghurs, Kazakh Christians** and **Tunisian Christians** on the same grounds**.** A man from **Lebanon** escaped political persecution from Hezbollah and received refugee status, as well as a **South Sudanese** who belonged to the opposition. In 2022, a boy from Niger was granted subsidiary protection after he fled the state of general insecurity caused by the Boko Haram movement,[485] as well as a mother and her daughter from **DR Congo,** who escaped the situation of arbitrary violence in her village and whose later born daughter (in Serbia), was also granted refugee status.[486] In 2023, a survivor of trafficking in human beings belonging to the specific social groups Hijras in India, was granted refugee status in the decision, which also outlines her vulnerability as transgender woman and survivor of SGBV and this decision should be considered as landmark.[487] In 2024, a survivor of SGBV and trafficking in human beings from Congo was granted refugee status.[488]

480 Asylum Office, Decision No. 26-688/22, 15 September 2022.
481 Asylum Office, Decisions Nos. 26-1043/22, 6 February 2023 and 26-132/22, 20 February 2023.
482 Asylum Office, Decision No. 26-346/21, 29 June 2022.
483 Asylum Office, Decision No. 26-614/25, 23 July 2025.
484 Child-soldier case.
485 Asylum Office, Decision No. 26–1437/21, 31 March 2022.
486 Asylum Office, Decisions Nos. 26-532/21, 15 August 2022 and 26-532/21, 5 July 2023.
487 Asylum Office, Decision No. 26-1562/22, 14 December 2023.
488 Asylum Office, Decision No. 26-1969/24, 10 October 2024.

Breakdown of positive decisions, nationalities of applicants and type of protection for the period 2008-2025

Country of origin		Subsidiary Protection		Refugee Status		Total	
		No. of Decisions	No. of Persons	No. of Decisions	No. of Persons	No. of Decisions	No. of Persons
1.	Libya	15	39	4	8	19	47
2.	Syria	31	38	8	8	39	46
3.	Afghanistan	7	11	17	23	24	34
4.	Iran	2	2	15	21	17	23
5.	Iraq	4	7	6	8	10	15
6.	Ukraine	4	8	8	8	12	16
7.	Cuba	1	1	7	12	8	13
8.	Burundi	2	2	8	10	10	12
9.	Somalia	5	5	0	0	5	5
10.	Sudan	0	0	5	5	5	5
11.	Pakistan	3	3	1	1	4	4
12.	Russia	0	0	3	3	3	3
13.	Ethiopia	3	3	0	0	3	3
14.	Türkiye	0	0	1	2	1	2
15.	Cameroon	1	1	2	3	3	4
16.	DR Congo	2	3	0	0	2	3
17.	Nigeria	1	1	1	1	2	2
18.	Stateless	0	0	2	2	2	2
19.	Mali	1	1	0	0	1	1
20.	Egypt	0	0	1	1	1	1
21.	Tunisia	0	0	1	1	1	1
22.	Lebanon	0	0	1	1	1	1
23.	Kazakhstan	0	0	1	1	1	1
24.	Bangladesh	1	1	0	0	1	1
25.	China	0	0	1	1	1	1
26.	South Sudan	0	0	1	1	1	1
27.	Niger	0	0	1	1	1	1
28.	India	0	0	1	1	1	1
29.	Congo	0	0	1	1	1	1
Total		82	126	97	124	179	250

Particular grounds for international protection, contradicting practices and different trends

On other hand, among 179 decisions, excellent examples of good practice can be observed. In the history of the Serbian asylum system, asylum authorities have granted asylum on almost all grounds envisaged in Article 1 of the 1951 Refugee Convention. However, there are numerous examples in which the practice of the Asylum Office has been inconsistent and especially in the following type of cases:

- LGBTQI+ applicants
- SGBV survivors
- UASCs
- draft evaders
- converts from Islam to Christianity

LGBTQI+

When it comes to LGBTQI+ applicants, the first ever-positive decision was granted to a Turkish gay couple in 2013.[489] Several other decisions, which represent an example of good practice, ensued in the following years. Among those are decisions granting refugee status to two gay men from Iran[490] and 3 lesbians from Chechnya.[491]

However, in the same period, several contentious decisions highlight the inconsistency in assessing LGBTQI+ claims by asylum authorities in Serbia. One decision referred to a transgender man from Bosnia whose asylum application was also rejected in the Netherlands.[492] In two other separate decisions, which related to a gay couple from Tunisia, the first instance authority outlined that the state of human rights of LGBTQI+ in Tunisia has been significantly improving throughout the years, highlighting the fact that even one of the presidential candidates openly declared to be gay. However, the Asylum Office disregarded the fact that the Tunisian legal framework still stipulates 'forced anal examination' of people 'suspected to be gay' and criminalises homosexuality in its Criminal Code, prescribing a prison sentence of up to 5 years.[493] Another contentious decision referred to a transgender woman from Iran who was rejected even though the UNHCR office in Serbia eventually granted her the mandate status and resettled her to another country.[494] In 2021, there were two decisions in which application from a gay men, respectively from Iran[495] and Bangladesh,[496] were rejected as unfounded. The threshold set in these two cases represents a dangerous precedent when it comes to LGBTQI+ claims.[497] In both decisions, the Asylum Office considered that the applicants would not have been subjected to persecution if they had acted discretely with regards to their sexual orientation. Also, the acts of violence and threats to which both applicants were subjected were not of sufficient level of seriousness according to the Asylum Office. In 2022, there were several more decisions rejecting LGBTQI+-related asylum claims applicants, whose cases continued from 2021 (applicants from Tunisia, Bangladesh and Iran) and 1 case in 2022 of an applicant from Morocco.[498]

One Cuban citizen was granted subsidiary protection as an LGBTQI+ applicant in 2022, but the positive outcome was not solely based on the discrimination which he had encountered in Cuba, but also on the basis of his serious illness.[499] However, 3 other applicants from Cuba who had identical claims and medical expert opinions on their deteriorating medical state were rejected, providing once again examples on different approaches that the Asylum Office takes in similar or identical cases.[500] All cases were related to a combination of circumstances which implied lack of medicine for HIV and discrimination of LGBTQI+ people committed at the hands of society and state institutions.

In 2023, the Asylum Office rendered the landmark decision on LGBTQI+, SGBV and survivor of trafficking in human beings on the member of the hijra movement from India.[501] An example of good practice was recorded in 2024 when a bisexual man from Burundi was granted refugee status due to the persecution he was submitted to by his family.[502] In 2025, two LGBTQI+ applicants were rejected from China[503] and Russian Federation.[504]

489 Asylum Office, Decision No.26-1280/13, 25 December 2013.
490 Asylum Office, Decisions No. 26-1605-18, 15 March 2019 and 26-2467/17, 15 January 2020.
491 Asylum Office, Decisions Nos. 26-1216/18, 26-1217/18 and 26-1218/18, 12 February 2019.
492 Asylum Office, Decision No. 26-2347/19, 8 June 2020.
493 Asylum Office, Decision No. 26-2038/19, 30 July 2020 and 26-2039/19, 17 August 2020.
494 Asylum Office, Decision No. 26-1592/18, 20 November 2019 and see also, AIDA, Country Report Serbia, Update March 2019, 37.
495 Asylum Office, Decision No. 26-1284/20, 1 December 2021.
496 Asylum Office, Decision No. 26-404/12, 4 November 2021.
497 See more in the Chapter on the 2021 practice of the Asylum Office.
498 The author did not manage to see the copy of this decision.
499 Asylum Office, Decision No. 26-688/22, 15 September 2022.
500 Asylum Office, Decisions Nos. 26-1222/22, 9 January 2024; 26-1223/22, 10 January 2024 and 26-3283/22, 18 April 2024.
501 Asylum Office, Decision No. 26-1562/22, 14 December 2023.
502 Asylum Office, Decision No. 26-10-24/23, 26 August 2024.
503 Asylum Office, Decision No. 26-352/24, 29 May 2025.
504 Asylum Office, Decision No. 26-2506/24, 6 August 2025.

Victims of SGBV

The practice of the asylum authorities when it comes to the survivors of SGBV, but also persons at risk of SGBV has also been inconsistent. The first notable case goes back to 2016, when a woman from Chechnya was rejected on the merits. Namely, during the interview, M.G. unequivocally expressed her well-founded fear of persecution by Chechens (including her family members), who threatened her because she 'lost her virginity out of wedlock' and because she was pregnant at the time of leaving Russia. In addition, the mere fact that the asylum seeker had left Russia and her family may be a reason for retaliation by her father and other Chechens. She specifically stated that she received threats from her father that he would kill her if she had sexual relations before marriage, and described how Chechens treat girls in such cases, i.e., that those girls are often victims of honour killing. The applicant stated that her mother once told her about a case where a brother killed a sister who had sex before marriage, then killing her mother because she did not take good care of her daughter.[505]

Another contentious case was recorded in December 2017, when an application by a woman who was a victim of SGBV in Afghanistan was dismissed on the basis that Bulgaria was a safe third country. The Asylum Office disregarded the fact that Z.F. was also raped in Bulgaria, manifesting in that way the Office's lack of capacity to establish a gender-sensitive approach in the admissibility procedure.[506] The Asylum Office's decision was also confirmed by the Asylum Commission and the woman eventually was resettled by UNHCR office in Serbia and received refugee status in France.[507]

A case which represents an example of good practice is that of N., a woman with a young child from Cameroon who escaped an arranged marriage and whose asylum application was assessed as credible through individual circumstances which she put forward and relevant CoI.[508] This was the first ever case in which an applicant was qualified as a member of a particular social group – persons at risk of SGBV, which manifested though the risk of forced marriage. On the contrary, a case of another women from Cameroon was not examined with the same rigorous scrutiny as the case of N., even though it referred to the practice of forced marriage when she was underage. Her case was dismissed even though she never had the opportunity to apply for asylum at one of the airports in Italy which Serbia considered as the safe third country.[509]

A very high burden of proof for the risk of gender-based violence was established in the case of Ms. Y from Iran,[510] and Ms. Z from Burundi in 2021.[511] Ms. Y is a women rights activist whose asylum application was rejected on multiple occasions on the grounds that she allegedly failed to provide evidence that the threats that she has received would materialise. Even the 2022 events in Iran were disregarded by asylum authorities. On the other hand, a high quality decision was issued in relation to an Iraqi woman and her daughter who received refugee status as a SGBV survivor who was forcibly married to her cousin when she was only 15 years old.[512] A very good decision was issued in 2022 to a survivor of SGBV from Burundi, in which the Asylum Office for the first time took into consideration the Istanbul Protocol Report lodged by legal representatives with the findings of the multidisciplinary team comprised of a forensic medical expert, a psychiatrist and a gynaecologist.[513] Moreover, this woman eventually fled Serbia and was granted refugee status in Belgium. There were two more good decisions in 2024 where a combination of SGBV grounds and human trafficking resulted in decisions granting refugee status to women from Congo and Ukraine.[514]

505 Asylum Office, Decision No. 26-286/16, 26 October 2016.
506 Asylum Office, Decision No. 26-1667/17, 25 December 2017.
507 Asylum Commission, Decision No. AŽ 2/18, 25 January 2018.
508 Asylum Office, Decision No. 26-536/16, 16 December 2016.
509 Asylum Office, Decision No. 3109/16, 18 December 2017.
510 Asylum Office, Decision No. 26-1672/19, 29 January 2021.
511 Asylum Office, Decision No. 26-3136/19, 26 November 2020.
512 Asylum Office, Decision No. 26-1601/20, 30 August 2021
513 Asylum Office, Decision No. 26-2296/22, 29 June 2022.
514 Asylum Office, Decision No. 26-1969/24, 10 October 2024 and 26-296/24, 29 October 2024.

In 2023, the practice with regards to SGBV survivors deteriorated to the extent that all female applicants who claimed sexual violence and provided medical documentation, forensic medical opinions drafted in line with the Istanbul protocol and other evidence which imply automatic application of the *in dubio pro reo* principle were rejected. All applicants were from Burundi.[515] Several examples from 2024 corroborate this practice, including a survivor of incest who provided expert opinion from a certified psychologist for incest trauma, but also women who provided medical documentation (both from Burundi).[516] Her application was again rejected in 2025 after the case was referred back by the Asylum Commission.[517]

What can be concluded when it comes to the burden of proof in SGBV applications, but also many other types of cases, is that the Asylum Office has shifted its practice in 2023 and refuses to grant international protection to those individuals who had already survived acts of persecution (attacks, rape, detention, judicial persecution), which was not the case in the past. The practice remained unchanged in 2024 in several cases, but there were applicants who were forced to leave their countries of origin due to risks of persecution which had not materialised, where the requirements were set insurmountably high. In other words, it appears that the asylum authorities have raised the burden of proof to such a level that applicants who to experienced and survived the act of persecution in order to cannot prove the credibility of their claims even with medical and psychosocial evidence. What is also typical for these kinds of decisions is selective citations of the relevant CoI in which only parts of these sources which indicate positive developments (with for example gay people in Iran or women's rights in other country) are outlined in the negative decision, while those sources which corroborate alleged risks are neglected. This also reflects the lack of capacity of the asylum authorities to apply the standard of *in dubio pro reo*.

UASC

Since the establishment of the Serbian asylum system, only 16 UASC received international protection in Serbia. The first child was a girl from Nigeria who was also recognised as a survivor of human trafficking which occurred in her country of origin and which was assessed as an act of persecution.[518] The second UASC who received subsidiary protection was a boy from Afghanistan who fled forced recruitment by the Taliban.[519] The same decision was issued in relation to a Kurdish boy who fled forcible military recruitment by Peshmergas in Iraq and who was granted refugee status in the same year (2019).[520] In both of these cases the Asylum Office applied the standard of a 'buffer age period,' which is a remarkable example of good practice and which is related to children who turned 18 during the course of the asylum procedure.[521]

An identical case of forced recruitment of UASC by Taliban forces was positively resolved at the end of 2019 in the case of an Afghan boy who was granted refugee status.[522] A child soldier from Palestine (proclaimed as stateless), received refugee status after it was determined that he had been forcibly recruited in the conflict in Syria.[523] A similar case was resolved for an UASC from Afghanistan who fled Taliban recruitment as well.[524] A boy from Iran who converted from Islam to Christianity was granted subsidiary protection, even though all other Iranian converts were granted refugee status.[525]

Another boy from Afghanistan who fled customary family disputes and revenge killing was granted subsidiary protection in 2020.[526] An Afghan boy who suffered severe injuries in a car accident in Serbia and remained in an induced coma was granted subsidiary protection in 2021.[527] And finally, the last UASC from 2021 who was granted a refugee status was a boy from Pakistan who was recognised as a victim of

515 Asylum Office, Decisions Nos. 26-1632/22, 13 April 2023 and 14 July 2024 (rejected twice), 26-1119/22, 10 August 2023, 26-1682/21 2 August 2023 and 26-2985/22, 19 December 2023.
516 Asylum Office, Decision No. 26-2028/22, 2 February 2024 and 26-2985/24, 23 April 2024.
517 Asylum Office, Decision No. 26-2028/22, 28 April 2025.
518 Asylum Office, Decision No. 26-329/18, 28 December 2018.
519 Asylum Office, Decision No. 26-2643/17, 30 January 2019.
520 Asylum Office, Decision No. 26- 2348/17, 28 January 2019.
521 UNGA, *Guidelines for the Alternative Care of Children*, 24 February 2010, A/RES/64/142, para. 28.
522 Asylum Office, Decision No. 26-784/18, 20 November 2019.
523 Asylum Office, Decision No. 26-218/19, 20 February 2020.
524 Asylum Office, Decision No. 26-2573/19, 15 October 2020.
525 Asylum Office, Decision No. 26-1271/19, 15 October 2020.
526 Asylum Office, Decision No. 26-2474/19, 15 October 2020.
527 Asylum Office, Decision No. 26-1084/20, 7 June 2021.

human trafficking and who was granted refugee status in 2021 on the basis of labour and sexual exploitation.[528]

In 2022, 2 boys from Afghanistan were granted subsidiary protection[529] due to the risks of arbitrary violence originating from the acts of the Taliban, while 1 boy from Afghanistan received refugee status for the same reasons.[530] Siblings from Syria (brother and sister) were also granted subsidiary protection,[531] as well as a boy from Niger who fled the situation of arbitrary violence connected to the operations conducted by the Boko Haram group.[532]

Apart from these positive decisions, there have been a handful of cases in which UASC's applications were rejected on the merits even though their asylum claims were similar or identical to the above-described. In all these cases, the boys, mainly from Afghanistan, had a positive best interest assessment decision issued by CSW which contained a recommendation for protection in Serbia. This indicates that practice in the field of UASC also varies, which can be also seen in the past AIDA reports.[533]

In 2023 and 2024, there were no decisions related to UASC applicants, while in 2025, 1 UaSC from Afghanistan was granted subsidiary protection due to the risk of Taliban recruitment[534] and 1 Cameroonian girl who survived human trafficking and SGBV.

Draft evaders and forcible recruitment

A significant number of male Syrian applicants who received international protection outlined in their applications that one of the main reasons why they had to flee their country was the risk of being recruited by either fighting sides. The reasoning of the Asylum Office decisions always outlined such individual circumstances, but in the end granted different forms of international protection – mainly subsidiary protection and rarely refugee status. Moreover, draft evasions and rejection in general to take part in the armed conflict, was outlined by the UNHCR in its position papers as a reason for protection arising from 1951 Refugee Convention.[535] Thus, there were instances in which draft evaders were granted refugee status[536] and instances in which the same category received subsidiary protection.[537] The same examples can be seen in the practice towards UASC who fled Taliban recruitments described above.

In 2023, there were two decisions[538] related to Russian citizens whose claim was based on the risk of forcible recruitment and who were rejected in merits and through decisions which have completely failed to take into account relevant COI such as the one published by the EUAA.[539] In 2024 and 2025, more of such decisions were issued, including in relation to the people who received official invitations to report to their local military headquarters.[540]

Converts from Islam to Christianity

The vast majority of Iranian claims were based on the alleged risk of religious persecution, frequently due to a conversion from Islam to Christianity. However, even before the mass arrival of Iranian citizens in

528 Asylum Office, Decision No. 26–3064/19, 14 September 2019.
529 Asylum Office, Decision Nos. 26-277/21, 13 July 2022 and 26-730/22, 31 August 2022.
530 Asylum Office, Decision No. 26-281/11, 10 November 2022.
531 Asylum Office, Decision No. 26-1177/22, 1 December 2022.
532 Asylum Office, Decision No. 26–1437/21, 31 March 2022.
533 Asylum Office, Decision No. 26-378/19, 11 February 2020 and 26-1437/18, 13 February 2020, and see also: AIDA, Country Report Serbia, Update March 2020, p.43.
534 Asylum Office, Decision No. 26-854/24, 1 July 2025.
535 UNHCR, International Protection Considerations with regard to people fleeing the Syrian Arab Republic, Update VI, March 2021, HCR/PC/SYR/2021/06, available at: https://bit.ly/3HO7C1B.
536 Asylum Office, Decision No. 26-5413/15, 2 March 2016.
537 Asylum Office, Decisions Nos. 26-4062/15, 8 January 2016, 26-2489/17, 1 June 2018 and 26-1731/18, 16 September 2019.
538 Asylum Office, Decision Nos. 26-2862/22, 4 December 2023 and 26-2882/22, 28 November 2023.
539 EUAA, *The Russian Federation-Military Service*, December 2022, available at: https://bit.ly/3Y7E7nb.
540 Asylum Office, Decision No. 26-624/23, 18 April 2024.

2017-2018,[541] the fist refugee status was granted in 2015 to a man from Kazakhstan, who converted to Christianity.[542] The second person was a man from Iran who was granted refugee status in 2016 for the same reasons.[543] In the period 2018-2020, the Asylum Office granted refugee status on said ground on at least 7 occasions.[544] There were no decisions related to Iranian converts in 2023, while in 2024 there was one such decision in which an Iranian man was granted refugee status.[545]

However, in the same period, dozens of other Iranian applicants who put forward the same claims with identical or similar evidence, were rejected on the merits. The number of persons who received international protection on these grounds slowly decreased and, in 2021 and 2022, not a single Iranian was granted refugee status on religious grounds. Thus, it is clear that the threshold for Iranian converts has significantly increased and that it is not reasonable to expect that in the future these claims will have prospect of success.[546]

Since 2017, the Asylum Office has issued the following decisions:[547]

First instance decisions by the Asylum Office: 2017-2025									
Type of decision	2017	2018	2019	2020	2021	2022	2023	2024	2025
Grant of asylum	6	17	26	19	12	20	6	7	7
Rejection on the merits	11	23	54	51	39	46	36	53	79
Dismissal as inadmissible	47	38	10	2	4	0	0	0	1
Rejected subsequent applications	0	0	0	0	6	2	2	5	0
Rejected the request for age assessment	0	0	0	0	2	0	0	0	0
Discontinuation	112	128	133	89	51	180[548]	67[549]	87	83
Total	**176**	**206**	**223**	**161**	**114**	**248**	**111**	**152**[550]	**170**[551]

541 See more in AIDA, Country Report Serbia, Update March 2018, p. 18.
542 Asylum Office, Decision No. 26-4906/5, 9 December 2015.
543 Asylum Office, Decision No. 26-1051/16, 13 September 2016.
544 Asylum Office, Decision Nos. 26-1083/18, 26 January 2018, 26-430/17, 23 April 2018, 26-1081/17, 4 July 2018, 26-187/18, 1 November 2018, 26-1395/18, 5 February 2019, 26-1435/18, 16 June 2020.
545 Asylum Office, Decision No. 26-2126/22, 23 August 2024.
546 See more in AIDA, *Country Report Serbia*, Update March 2020, p. 44.
547 The statistical data in the table reflect the number of people granted international protection, not the number of positive decisions. One decision can cover more than one person.
548 It is important to note that this number is not 100% accurate because of the way in which the Asylum Office keeps the statistics. Namely, available data shows that there were 100 decisions discontinuing the asylum procedure of 100 applicants. This is simply not possible because one decision, and especially in relation to Burundian applicants who arrived to Serbia as families, encompasses 2, 3, 4 or even 5 persons. The method that the author of this report applied is the deduction of 30% of the total number of applicants and in relation to decisions. Thus, this number should be observed as the highest possible, even though it is most likely lower.
549 *Ibid*.
550 *Ibid*.
551 *Ibid*.

Asylum Office practice in 2025

Protection was granted to citizens of the following countries in 2025:

Countries of origin of persons granted refugee status / subsidiary protection: 2025		
Country	Granted refugee status	Granted subsidiary protection
Syria	0	3
Afghanistan	1	1
Burundi	0	1
Cameroon	1	0
Total	**2**	**5**

Source: Ministry of Interior - Border Police Department's Response to the request for the information of public importance no. 07-25/26-2, 10 March 2026 (received on 23 March 2026).

In 2025, the Asylum Office rendered 172 decisions regarding 228 asylum seekers. Out of that number, 79 decisions regarding 118 asylum seekers were rejected in merits, while 7 decisions granting asylum to 7 asylum seekers were delivered in the same period. The asylum procedure was discontinued in 83 cases regarding 100 applicants, due to their absconding, while in 1 instance subsequent asylum application was declined in relation to 1 applicant. There was 1 inadmissibility decision.[552]

The first conclusion that can be drawn from these figures is that the total number of decisions in 2025 has increased in comparison to 2024. The total number of decisions increased by 12% in comparison to 2024.[553] Still, the trend from previous years has continued and the vast majority of applicants decided to abscond from the asylum procedure before the decision in the first instance was issued. This represents a total of 48% of all decisions rendered in 2025.

In 2025, it can be said that 86 merits decisions, issued in relation to 118 asylum seekers can be considered as relevant for analysis and better understanding of the quality and effectiveness of the asylum procedure, the practice with regards to certain nationalities, the grounds for persecution and the origin of the applicants. These 86 decisions were rendered in relation to asylum seekers from: Cuba (26), Russian Federation (21), Türkiye (16) Burundi (11), Syria (7), Belarus (6), Romania (5), Afghanistan (4), Kyrgizstan (4), Pakistan (4), Nigeria (2), China (2), Croatia (2), Armenia (2) and 1 from Iran, Cameroon, Tunis, Iraq, Kazakhstan, BiH, Sweden, Egypt, Algeria, Slovakia, Ukraine and Ireland.[554]

When it comes to decisions issued on the merits, it can be concluded that the rejection rate in 2025 was 92%, while the recognition rate was 8%. This represents a 4% decrease in recognition in comparison to 2024.[555] In total, international protection was granted through 7 decisions (12%) encompassing 7 persons. Of these, refugee status was granted through 4 decisions and to citizens of Congo, Burundi, Iran and Ukraine (1 each), while the remaining 3 decisions were related to subsidiary protection granted to citizens of Syria (3).[556]

Most of the decisions were issued in 2024 in relation to citizens of **Cuba** – 17 regarding 26 applicants and of the Russian Federation - 16 regarding 22 applicants. Not a single positive decision was issued in relation to these two nationalities, including several political dissident from Cuba, genuine draft evaders from Russian Federation and LGBTQI+ activist from the same country.

552 Source: Ministry of Interior - Border Police Department's Response to the request for the information of public importance no. 07-25/26-2, 10 March 2026 (received on 23 March 2026).
553 See AIDA, *Country Report Serbia*, 2024 Update, p. 109, available here.
554 Source: Ministry of Interior - Border Police Department's Response to the request for the information of public importance no. 07-25/26-2, 10 March 2026 (received on 23 March 2026).
555 AIDA, *Country Report Serbia*, 2024 Update, pp. 109-110, available here.
556 *Ibid*.

The third highest number of decisions was issued in relation to 11 citizens of Burundi who were rejected on the merits through 8 decisions, except for one who was granted subsidiary prtection on the basis of family reunification. The fourth highest number of decisions was issued to citizens of Türkiye – 8 decisions issued in relation to 16 applicants and they were all negative and most of them were connected to members of religious minority group Ahmadi named *Peace and Light*.

According to the assessment of the author of this report, what is common for almost all Burundian and Cuban applications is that they were mainly based on vague allegations on the risks arising from political turmoil in their respective States. However, many Cubans simply claimed poor economical situation and destitute, while some of them referred to the opposition to the Cuban Government and the 2021 protests. Still, one political activist with genuine claim was rejected as a national security threat. The vast majority of Burundians claimed ethnic persecution as Tutsi minority and affiliation with opposition parties, but there were also claims which were solely based on economic reasons. Russian applicants mostly claimed opposition to the war, while several of them claimed staged criminal prosecution for non-political criminal offences. In general, most of the Burundian, Cuban and Russian Federation applicants had claims with extremely low level of credibility. Stil, at least 2 decisions were related to Russian draft evaders who had highly credible claims and who provided relevant evidence on invitation to serve in the military or to return to combat where they used to take part and were wounded.

Another significant group of applicants were from Syria - 7 decisions in relation to 7 applicants. Three of them were granted subsidiary protection on the basis of general insecurity and wide-spread violence, 3 were declared as national security risk, while 1 was rejected in merits due to the assessment of the Asylum Office that Latakia is not unsafe anymore and that there is no risk of military recruitment due to the end of the civil war.

A total of 6 decisions was issued in relation to 5 applicants from Afghanistan who all claimed risk of persecution by theTaliban. One artist was granted refugee status, one UaSC subsidiary protection, while two applicants were rejected in merits (one of them twice) and 1 was rejected as a threat to national security.

As for other nationalities, all of them were rejected except for 1 UaSC survivors of SGBV and human trafficking from Cameroon. Thus, asylum applications were rejected in relation to *prima facie* non-credible applicants from Germany, Croatia, Algeria, Pakistan, Sweden, Romania, Bosnia and Hercegovina, Tunisia, Egypt, Nigeria, etc.

In a total of 10 decisions, the Asylum Office arbitrarily applied the national security grounds as a reason to reject asylum application, including in 3 extradition cases. A family of 6 from Belarus was rejected on these grounds, as well as 3 nationals of Syria, 2 applicants from Pakistan and 1 from Cuba, Russian Federation, Kyrgizstan and Afghanistan were rejected on national security grounds.[557]

[557] Source: Ministry of Interior - Border Police Department's Response to the request for the information of public importance no. 07-25/26-2, 10 March 2026 (received on 23 March 2026).

Overview of the Asylum Office decisions in 2025

No.	No. of Decision	Country of Origin	Date of decision	No. of persons	Outcome	Remark	Length (months)	Legal representative
1.	26-1/24	Cuba	28.04.2026	1	Rejected	Alleged political persecution	28	Private lawyer
2.	26-2028/22	Burundi	28.04.2026	2	Rejected	SGBV survivor	N/A	IDEAS
3.	26-2759/23	Nigeria	28.04.2026	1	Rejected	Alleged religious persecution	17	Supported by IDEAS
4.	26-2791/23	Burundi	28.04.2025	1	Rejected	Alleged political persecution	18	Supported by IDEAS
5.	26-1292/23	Burundi	28.04.2025	1	Rejected	Alleged religious persecution	21	Supported by IDEAS
6.	26-444/24	Kyrgizstan	28.04.2025	1	Rejected	Alleged political persecution	14	Supported by IDEAS
7.	26-1766/23	Bosnia and Hercegovina	28.04.2025	1	Rejected	Alleged political persecution	19	Supported by IDEAS
8.	26-3/24	Cuba	28.04.2025	1	Rejected	Economic issues	16	Private lawyer
9.	26-884/23	Romania	28.04.2025	5	Rejected	Alleged political persecution	23	N/A
10.	26-3449/25	China	28.04.2025	1	Rejected	Extradition for the crime of lower type of embezzlement	26	Private lawyer
11.	26-185/25	Russian Federation	28.04.2025	1	Rejected (Exclusion)	Extradition to USA	26	Private lawyer
12.	26-44/25	Russian Federation	28.04.2025		Rejected	Alleged political persecution manifested through staged criminal procedure	3	Private lawyer
13.	26-1157/23	Türkiye	28.04.2025	1	Rejected	Political and religious persecution of member of the Gulan movement	22	BCHR
14.	26-1576/24	Tunis	28.04.2025	1	Rejected	Economic issues	11	Private lawyer
15.	26-96/25	Nigeria	28.04.2025	1	Rejected	Alleged persecution from non-state actors	16	Supported by IDEAS

16.	26-1340/24	Cuba	29.04.2025	1	Rejected	Economic issues	12	Private lawyer
17.	26-1615/19	Burundi	29.04.2025	1	Subsidiary protection	Family reunification	N/A	BCHR
18.	26-584/24	Afghanistan	30.04.2025	1	Rejected	Persecution by Taliban	14	IDEAS
19.	26-624/23	Russian Federation	30.04.2025	6	Rejected	Genuine draft evader	N/A	IDEAS
20.	26-2655/23	Syria	27.05.2025	1	Rejected	National security grounds	18	N/A
21.	26-2/24	Cuba	28.05.2025	1	Rejected	Economic issues	17	Private lawyer
22.	26-352/24	China	29.05.2025	1	Rejected	Alleged persecution on the basis of sexual orientation	16	BCHR
23.	26-178/24	Kyrgyzstan	05.06.2025	1	Rejected (exclusion)	Genuine political persecution of torture survivor	17	IDEAS
24.	26-3239/23	Cuba	09.06.2025	1	Rejected	Alleged political persecution	17	Private lawyer
25.	26-1286/24	Cuba	16.06.2025	2	Rejected	Alleged political persecution	14	Private lawyer
26.	26-297/24	Syria	23.06.2025	1	Subsidiary Protection	State of general insecurity and wide-spread violence	18	IDEAS
27.	26-1183/24	Burundi	24.06.2025	1	Rejected	SGBV survivor	14	IDEAS
28.	26-454/24	Syria	23.06.2025	1	Subsidiary Protection	State of general insecurity and wide-spread violence	17	IDEAS
29.	26-3134/23	Syria	24.06.2025	1	Rejected	National security grounds	19,5	IDEAS
30.	26-1302/23	Cuba	25.06.2025	1	Rejected	Alleged political persecution	14	Private lawyer
31.	26-2628/23	Russian Federation (3) and Ukraine (1)	30.06.2025	4	Rejected	Draft evasion	19,5	IDEAS
32.	26-1968/24	Cuba	30.06.2025	1	Rejected	Alleged political persecution	13	Private lawyer

33.	26-1546/24	Afghanistan	30.06.2025	1	Refugee Status	Artist as a member of particular social group	13	BCHR
34.	26-854/24	Afghanistan	01.07.2025	1	Subsidiary protection	UaSC at risk of forced recruitment by Taliban	16	IDEAS
35.	26-247/24	Cuba	01.07.2025	1	Rejected	Genuine political persecution - National security grounds	16	APC
36.	26-2173/24	Türkiye	17.07.2025	1	Rejected	Alleged religious and ethnic persecution	13	APC
37.	26-2174/24	Türkiye	17.07.2025	6	Rejected	Alleged religious and ethnic persecution	12	APC
38.	26-1183/25	Russian Federation	18.07.2025	1	Rejected	Extradition - alleged staged criminal proceeding	3	Private lawyer
39.	26-1285/24	Syria	18.07.2025	1	Subsidiary protection	State of general insecurity and wide-spread violence	16	BCHR
40.	26-3624/24	Cuva	21.07.2025	1	Rejected	Alleged political persecution	8	Private lawyer
41.	26-3133/24	Belarus	21.07.2025	6	Rejected - National security grounds	Genuine risk of political persecution	20	IDEAS
42.	26-614/25	Cameroon	23.07.2025	1	Refugee Status	UaSC, SGBV and survivor of trafficking in human beings	3,5	IDEAS
43.	26-1730/24	Burundi	04.08.2025	2	Rejected	Political persecution	14	IDEAS
44.	26-1519/24	Iran	05.08.2025	2	Rejected	Genuine risk of political persecution	18	IDEAS
45.	26-2506/24	Russian Federation	06.08.2025	1	Rejected	Genuine risk of political persecution and LGBTQI+	12	IDEAS
46.	26-2239/24	Cuba	07.08.2025	1	Rejected	Alleged religious persecution	13	Private lawyer

47.	26-2281/25	Sweden-Somalia	07.08.2025	1	Rejected	Extradition	1	Private lawyer
48.	26-1314/25	Kazakhstan	08.08.2025	1	Rejected	Extradition - National security grounds	2	Private lawyer
49.	26-2275/24	Cuba	08.08.2025	1	Rejected	Alleged political persecution	13	Private lawyer
50.	26-1181/24	Russian Federation	11.08.2025	1	Rejected	Genuine risk of persecution due to draft evasion	16	IDEAS
51.	26-2454/25	Iraq	14.08.2025	1	Rejected	Extradition - national security grounds	10	IDEAS
52.	26-817/24	Cuba	15.08.2025	2	Rejected	Economic issues	16,5	Supported IDEAS
53.	26-193/25	Pakistan	21.08.2025	1	Rejected	National security grounds	20	Supported IDEAS
54.	26-2924/24	Russian Federation	21.08.2025	1	Rejected	Alleged political persecution	11	Supported IDEAS
55.	26-2171/24	Türkiye	02.09.2025	1	Rejected	Alleged political persecution	14	APC
56.	26-1284/24	Algeria	04.09.2025	1	Rejected	Alleged religious persecution	16	Private lawyer
57.	26-2332/24	Cuba	15.09.2025	1	Rejected	Alleged political persecution	14	Private lawyer
58.	26-3771/24	Slovakia	23.09.2025	1	Rejected	Alleged political persecution	8	Private lawyer
59.	26-1575/24	Russian Federation	29.09.2025	2	Rejected	Draft evasion	14	Supported by IDEAS
60.	26-2227/25	Kyrgyzstan	01.10.2025	1	Rejected	Extradition - national security grounds	1,5	Private lawyer
61.	26-3449/25	China	02.10.2025	1	Rejected	Alleged political persecution	1	Private lawyer
62.	26-804/25	Burundi	13.10.2025	1	Rejected	Alleged political persecution	6,5	Supported by IDEAS
63.	26-2834/24	Türkiye	23.10.2025	1	Rejected	Alleged religious and ethnic persecution	13	APC

64.	26-1689/25	Pakistan	23.10.2025	1	Rejected	National security grounds	5	Supported by IDEAS
65.	26-2170/24	Türkiye	27.10.2025	1	Rejected	Alleged religious persecution	16	APC
66.	26-3489/24	Egypt	30.10.2025	1	Rejected	Economic issues	11	Supported by IDEAS
67.	26-867/23	Russian Federation	30.10.2025	1	Rejected	Draft evasion	N/A	Supported by IDEAS
68.	26-843/24	Syria	03.11.2025	1	Rejected	National security grounds	6,5	IDEAS
69.	26-2682/24	Burundi	14.11.2025	1	Rejected	Alleged political persecution	14,5	Supported by IDEAS
70.	26-2386/24	Cuba	14.11.2025	1	Rejected	Alleged political persecution	16	Private lawyer
71.	26-2175/24	Türkiye	18.11.2025	4	Rejected	Alleged religious persecution	16,5	APC
72.	26-3435/24	Afghanistan	20.11.2025	1	Rejected	Persecution by Taliban	12	IDEAS
73.	26-271/25	Ireland	26.11.2025	1	Rejected	Alleged political persecution	16	N/A
74.	26-3056/24	Armenia	27.11.2025	1	Rejected	National security grounds	13	IDEAS
75.	26-3054/23	Croatia	01.12.2025	1	Rejected	Alleged political persecution	23	Supported by IDEAS
76.	26-2835/24	Türkiye	03.12.2025	1	Rejected	Alleged religious persecution	12	APC
77.	26-3432/24	Afghanistan	09.12.2025	1	Rejected	National security grounds	12,5	IDEAS
78.	26-3655/24	Pakistan	11.12.2025	1	Rejected	Alleged political persecution	12	Supported by IDEAS
79.	26-3044/24	Cuba	12.12.2025	1	Rejected	Economic issues	14	Private lawyer
80.	26-584/24	Afghanistan	18.12.2025	1	Rejected	Persecution by Taliban	N/A	IDEAS
81.	26-2689/24	Cuba	18.12.2025	2	Rejected	Economic issues	16	Supported by IDEAS
82.	26-3134/24	Burundi	19.12.2025	1	Rejected	Economic issues	14	N/A
83.	26-353/24	Syria	23.12.2025	1	Rejected	Draft evasion	8	BCHR
84.	26-282/25	Croatia	23.12.2025	1	Rejected	Alleged political persecution	20	Supported by IDEAS

85.	26-2642/24	Belarus	23.12.2025	1	Dismissed	Safe country of asylum	16	IDEAS
86.	26-3055/24	Armenia	24.12.2025	1	Rejected	Ethnic persecution	14	IDEAS
87.	26-181/25	Pakistan	25.12.2025	1	Rejected	Alleged risk of honour and tribal killing	11	Supported by IDEAS

Source: Ministry of Interior - Border Police Department's Response to the request for the information of public importance no. 07-25/26-2, 10 March 2026 (received on 23 March 2026).

Even though a significant number of the first instance decisions in 2025 were related to applicants with low credibility, the quality of the decision-making process still suffers from deficiencies which were reported in previous years, but with several examples of good practices.[558] The major problem remains the excessive and unnecessary length of the first instance procedure, but also examples which manifest the contradicting practice in similar or identical cases. The Asylum Office rendered only 7 decisions in relation to 7 applicants, granting them asylum. Still, in those cases where the Asylum Office granted refugee status or subsidiary protection, the following can be observed:

- The Asylum Office was, in the reasoning of its decisions, clearly took into consideration the fact that legal representatives submitted written CoI submissions indicating individual and general risks of persecution or other serious harm in countries of origin or third countries. These submissions contained data on individual circumstances and facts, but also findings compiled in credible reports published by UNHCR, EUAA, UN Treaty bodies, UN Special Procedures, Amnesty International and others (CoI);
- The reasoning of decisions contains the citations of credible reports taken into consideration by the Asylum Office *proprio motu* and occasional reliance on the general principles of the ECtHR, and in some cases even more concrete cases which correspond to individual circumstances of the applicant;
- The safe third country concept was not applied in any of decisions rendered in 2025;
- It also took into account the decision of the Centre for the Protection of the Survivors of Trafficking (CHTV) in human beings on granting refugee status to a human trafficking survivor in one case.

What is common for most of the cases in which the Asylum Office granted refugee or subsidiary protection to the applicants is the fact that first instance procedure lasted more than 1 year on average. This is completely unacceptable for the most vulnerable applicants such as UASC, SGBV survivors and survivors of human trafficking. At the same time, the excessive length of the asylum procedure for applicants coming from Syria or Afghanistan also lacks proper justification, taking into consideration the clarity of the situation in these countries as well as the position of UNHCR on returns to these countries, or EUAA Guidelines. Still, one UaSC and SGBV and survivor of trafficking in human beings from Cameroon was granted refugee status within 3,5 months, which should be considered as positive.[559] In this decision, the Asylum Office took into consideration the report of the CHTV which recognised that the applicant was a survivor of sexual exploitation which was also recognised as an act of persecution. In the same decision, the Asylum Office took into account BID from the CSW.

As outlined above, the Asylum Office granted subsidiary protection to three applicants from Syria on the basis of the state of general insecurity, which can be observed in the above Table. The reasoning of said decisions was more or less the same indicating the state of general insecurity and widespread violence around the country. On the other hand, as it was the case in 2023, three Syrian nationals were rejected on national security grounds and through decisions which did not contain a description of the facts leading to such a decision and which would allow the applicants to dispute this assessment.[560]

558 See more in AIDA, *Country Report: Serbia - 2024 Update*, available here, pp. 115-116..
559 Asylum Office, Decision No. 26-1969/24, 23 July 2025.
560 Asylum Office, Decisions Nos. 26-2655/23, 27 May 2025, 26-3134/23, 24 June 2025 and 26-843/24, 3 November 2025.

Until 2021, all Syrian applicants examined on the merits were granted asylum, but this kind of practice stopped since then due to an arbitrary application of security assessments. In December 2025, the Asylum Office issued for the first time decision in which a Syrian applicant was rejected on the basis of the assessment that his return to Syria would be safe.[561] In all positive cases where mostly subsidiary protection was granted, it can be seen that the practice of the Asylum Office still largely reflects, for instance, UNHCR moratorium on returns to Syria,[562] or the current stance of the ECtHR when it comes to the risks of treatment contrary to Article 2 and 3 of ECHR in case of removal to Syria.[563] Nevertheless, the number of Syrian applicants in Serbia remains low. It remains to be seen if the December 2025 decision represents the new standing of the Asylum Office and with regards to safety in Syria.

The refugee status granted to an Afghani artist represents a good sign, recognizing the category of persons who disagree with strict interpterion of the Sharia laws imposed by Taliban,[564] as well as the decision on granting subsidiary protection to an Afghan UASC.[565] Still, other Afghani applicants were rejected despite the fact that they also expressed dissatisfaction with the Taliban regime, outline evidence on connection with prior State structures and proving that they were outside Afghanistan for more than 10 years, as it was the case in the ECtHR judgment *D.M. v. Sweden*.[566]

Regardless of the above stated examples of good practice, the 2025 practice indicates that the quality of the credibility assessment remained on more or less the same level as in 2024. Thus, there are many serious concerns which indicate that the Serbian asylum procedure should not be considered as fair and efficient, and in most of the cases with sufficient level of credibility for international protection from 2024, the following problems have been identified:

- the contradicting practice in similar or identical cases;
- reluctance to grant refugee status (but rather granting subsidiary protection status), even though from the reasoning of the decision it is clear that the first instance authority has acknowledged and accepted the facts which indicate the existence of one of the 5 grounds for persecution;
- extensive length of the first instance asylum procedure which has a discouraging effect on applicant's will to remain in Serbia;
- the inconsistent quality of the decision-making process between different asylum officers;
- not all the facts and evidence (individual or general) submitted by the applicant and the legal representative are taken into consideration, and the substance of the decision lacks an explanation as why these arguments are not deemed as credible, especially in decisions on rejection.
- the burden of proof for certain applicants, especially those coming from Burundi and Russian Federation, but also SGBV survivors and LGBTQI+ applicants has been established too high, undermining the principle of *in dubio pro reo*;
- disregarding of psychosocial reports, medical evidence but also Istanbul Protocol reports drafted in some of the cases.
- the national security grounds were invoked on 10 occasions depriving applicants of the possibility to challenge the negative decisions due to the lack of access to the facts which allegedly indicate that their presence on the Serbian soil represents a security threat.

In 2025, the Asylum Office issued 79 decisions rejecting 118 persons on the merits. First of all, it is important to outline that each year the Asylum Office delivers decisions in relation to applicants whose claims are *prima facie* not founded. That was the case with at least 45 decisions which were analysed by the author of this report and which were mainly related to citizens of Cuba and Burundi, but also citizens of Germany, Romania, Algeria, Egypt, Pakistan, Tunis, Croatia, Slovakia, Sweden, and Ireland, and

561 Asylum Office, Decision No. 26-353/24, 23 December 2025.
562 UNHCR, International Protection Considerations with regard to people fleeing the Syrian Arab Republic, Update V, 3 November 2017, available at: http://bit.ly/3or74Vq, p. 70.
563 ECtHR, *L.M. and Others v. Russia*, Application Nos. 40081/14 40088/14 40127/14, Judgment of 15 December 2015, EDAL available at: http://bit.ly/3psdOE7 and *S.K. v. Russia*, Application No. 52722/15, Judgment of 14 February 2017, EDAL, available at: http://bit.ly/3oqsouq.
564 Asylum Office, Decision No. 26-1546/24, 30 June 2025.
565 Asylum Office, Decision No. 26-854/24, 1 July 2025.
566 Application No. 32694/23, Judgment of 26 March 2026, available here.

several applications lodged by the citizens of Russian Federation (see the Table above). Also, a total of 10 rejection decisions were based on the arbitrary and negative security assessment, which will be analysed separately.

Another category of decisions belonged to applicants who invoked risks which cannot be excluded as realistic, but their individual circumstances and lack of any evidence apart from their statement which in general way indicates to issues available in publicly available reports, was objectively not sufficient for granting of international protection. That was the case with several decisions in which applicants from the Russian Federation were rejected even though they claimed their disagreement with the ongoing aggression against Ukraine or vague risks of forced recruitment[567] or they lodged their asylum application during an extradition procedure even though the grounds were weak.[568]

There were more cases of Armenian citizens who fled Nagorno Karabagh and who claimed currently the non-existing risk of military mobilizations and dispatchment to this area to take part in armed conflict.[569]

In 2025, the practice with regards to Burundian applicants, who continued to be represent a significant number of decisions rendered on the merits, continue to indicate to serious problems related to the credibility assessment of the Asylum Office. It should be repeated that the free-visa regime has triggered mixed migration influx of Burundians, coming directly to Belgrade airport. This also means that a significant number of Burundian applicants made unfounded claims which were aimed at legalising their stay in Serbia. However, Burundi is a country which has an extremely poor human rights record and in which the Tutsi ethnic minority has been persecuted in numerous ways, including through enforced disappearances, torture and other forms of ill-treatment, arbitrary detentions, *incommunicado*, killings, different acts of sexual violence, etc.[570] One of the vulnerable groups are also members of opposition parties, but also their family members, journalists, NGO workers, etc. The existence of risks of these categories has been determined in many positive decisions, first one dating back to 2017.[571] The reasoning and evidence taken as credible in these decisions serves as an example of good practice, but in many other cases that was not the case and there was an almost completely contradictory interpretation of risks. For that reason, an overview of the practice for the period 2022-2025 can better reflect the author's standing.

In January 2022, a family composed of five people (mother and 4 children) who did not have a legal representative was rejected on the merits. The claim was based on the mother's risk of political persecution linked to the alleged disappearance of her husband. Her claims were assessed as not credible.[572] In June 2022, Mr. E.X. was rejected one the merits even though he had provided an entire set of individual evidence to the Asylum Office which testified to his political and ethnic persecution (member of the opposition party and ethnic Tutsi). He submitted his opposition party membership card, letters from his former employer, letter from several members of political party to which he belonged, as well as a witness letter from his neighbour on problems that he has faced with the paramilitary group Imbonerakure and official authorities. Without trying to question any of the witnesses, and without providing substantive reasoning why this individual evidence was not declared as credible, the Asylum Office rejected E.X. on the merits.[573] A similar case was reported in September 2022, when the Asylum Office rejected to take into consideration the possibility of testimony of distinguished human rights activist from Burundi who offered to corroborate allegations made by the applicants on the risks of persecution which arose from his actions as journalist.[574] In both of these decisions the Asylum Office selectively cited CoI which outline positive developments in Burundi, while CoI lodged by legal representatives was summarily disregarded

567 Asylum Office, Decisions Nos. 26-867/23, 30 October 2025 and 26-2924/24, 21 August 2025.
568 Asylum Office, Decision Nos. 26-185/25, 28 April 2025 and 26-1183/25, 18 July 2025.
569 Asylum Office, Decisions Nos. 26-1134/23, 26-1133/23, 26 August 2024 and 26-3055/24, 24 December 2025.
570 See for example: Human Rights Watch, We Will Beat You to Correct You – Abuses Ahead of Burundi's Constitutional Referendum, 18 May 2022, available at: https://bit.ly/3yxa4bT or OHCHR, Oral briefing of the Commission of Inquiry on Burundi, 23 September 2021, available at: https://bit.ly/3QLcNUs.
571 Asylum Office, Decisions Nos. 26-2434/16, 20 September 2017; 26-218/19, 20 February 2020; 26-1615/19, 18 June 2022 and 26-536/19, 14 May 2022.
572 Asylum Office, Decision No. 26-896/21, 14 January 2022.
573 Asylum Office, Decision No. 26-1197/2021, 7 June 2022.
574 Asylum Office, Decision No. 26–73/22, 29 September 2022.

without any detailed reasoning. In other words, these two decisions are typical examples of the unacceptably high burden of proof set out by the Asylum Office, selective citation of relevant CoI and attitude which implies that asylum seekers from certain country will be assessed as credible only if they have suffered and survived serious act of persecution, while the genuine and substantiated risk of such act will be declared non-credible. This also represents an example of cases in which asylum officers have not correctly applied the principle of *in-dubio pro reo*.

A similar decision was issued in relation to a young woman from Burundi who was diagnosed with several psychological disorders which, according to her testimony, were results of serious forms of ill-treatment (including sexual) which prompted her fleeing her country of origin. The psychologist following her case did not exclude that the symptoms displayed could have arisen from such treatment. However, and due to unclear claims during the course of asylum interview, her application was rejected. Despite the lack of individual evidence to substantiate her claim, the applicant repeatedly provided specific details of the alleged ill-treatment. In other words, there was no physical evidence which could either prove or rebut the alleged ill-treatment, except for a psychological report indicating that such possibility was quite high. The described acts of ill-treatment correspond to numerous COI reports, but once again, the opportunity to grant international protection in cases where there is doubt was missed again.[575] This also means that lack of in *dubio pro reo* application is dangerous and could have irreparable consequences on applicants who, due to circumstances of their case, cannot offer individual evidence. This woman was granted refugee status in Austria.[576]

If we compare the above-described decisions with several others, in which the Asylum Office granted asylum to citizens of Burundi, it can be easily seen that the practice has shifted and is inconsistent. In other instances, the Asylum Office granted refugee status to nationals from Burundi who had faced serious human rights violations or recognised there was a risk of persecution even if it had not materialised through concrete acts, based on available COI and on an assessment regarding the personal characteristics of the asylum seeker, even when evidence was lacking. This is not the case anymore.

In 2023, 14 decisions rejecting asylum applications concerning 22 applicants originating from Burundi were delivered. What is important to note is that credibility assessment in these decisions was conducted to a very limited extent. All these decisions cited identical COI such as UNHCR factsheets on repatriation to Burundi which are not CoI. This kind of approach indicates the clear pattern of complete disregarding of the responsibility to individually assess each and every asylum claim. *S*uch decisions continued to be rendered in 2024, and were related to members of civil society,[577] FNL opposition party,[578] MSD opposition party[579] and individuals who were allegedly persecuted due to political activities of their family members.[580] In none of the said cases the Asylum Office was simply not able to dispute allegations of the applicants who provided membership cards, witness statements, pictures and other individual evidence. In combination with available CoI and the previous practice in later years, it was hardly possible to reject these applications if the principle of the benefit of the doubt was properly applied.

It is important to reiterate that the practice with regards to SGBV survivors from Burundi where the Asylum Office flagrantly failed apply the principle *in dubio pro reo*: 1) a rape survivor who arrived with her family to Serbia and who was rejected twice even though she provided medical evidence from Burundi;[581] 2) a rape survivor who provided medical documentation from her country of origin, together with a psychological and Istanbul Protocol report which corroborated her claim (she was later on granted refugee status in Belgium);[582] 3) a rape survivor who provided medical documentation from Burundi and whose lawyers also provided psychiatric and psychological reports which also corroborated her claim.[583] Another woman from Burundi also claimed SGBV and provided evidence of imprisonment. The most striking

575 Asylum Office, Decision No. 26-75/22, 22 November 2022.
576 Legal representatives of IDEAS remained in touch with the applicant.
577 Asylum Office, Decision No. 26-3102/22, 13 February 2024.
578 Asylum Office, Decision No. 26-504/23, 17 July 2023.
579 Asylum Office, Decision No. 26-266/23, 20 August 2024.
580 Asylum Office, Decision No. 26-1531/23, 8 November 2024.
581 Asylum Office, Decision No. 26-1632/22, 13 April 2023 and 14 July 2023.
582 Asylum Office, Decision No. 26-1119/22, 10 August 2023
583 Asylum Office, Decision No. 26-2985/22, 19 December 2023.

circumstance in this case was the fact that she gave a birth to a baby boy who was granted refugee status on the basis of his father's status, but she was not included in this decision. This represents the flagrant violation of the principle of family unity.[584] Regardless, by citing the above-outlined UNHCR factsheets, Asylum Office resorted to unusual practice which implies citation of the Home Office Guidance which is related to UK travellers to Burundi and instruction what they should do if they become victims of rape or sexual assault.[585] This source describes the legal framework of Burundi but does not provide any information on its effectiveness, which is the fact that must be taken into account in line with Article 30 and 32 of the Asylum Act. This source cannot be considered as CoI and the fact that Asylum Office simply cites this source indicate the aspiration of this body to reject Burundian applicants at any cost. On the other hand, the latest CoI on Burundi contained in three credible UN sources published in 2023 are simply disregarded - Human Rights Committee,[586] Committee against Torture[587] and the Special Rapporteur on the Human Rights situation in Burundi.[588] Thus, these 5 decisions represent extremely bad examples of practice which clearly indicates the poor credibility assessment of the Asylum Office and poor work of the CoI department within this body.

In 2024, and with regards to two SGBV applicants from Burundi, the Asylum Office continued with the above-described practice rejecting applications of women who provided an entire set of individual evidence, including in one case expert opinion of a psychosocial expert on incest (who was rejected again in 2025 after the case was referred back by the Asylum Commission),[589] but also women who provided medical documentation which describes therapy and treatment which is universally provided to rape survivors.[590] Alongside a copy paste citation of UNHCR factsheets on repatriation to Burundi and the Home Office Guidance (disregarding the above enlisted CoI provided by legal representatives), these two decisions continue to indicate the automatic approach towards Burundian applicants, lack of individualized assessment of evidence provided and practice which represents more of a pattern of behaviour with identical formulations, then rigorous and genuine assessment of individual facts of the case.[591] Two more Burundian women who claimed milder forms of SGBV were rejected in 2025.[592]

While discussing the evaluation of cases of SGBV survivors, it is important to also mention relevant cases from previous years and in order to depict the continuation of the negative practice. In April 2022, for the second time, the Asylum Office rejected a social activist for women rights from Iran.[593] In her application, she explained, inter alia, that she refused to wear the hijab, that she wanted to work in the modelling business and that she was arrested on several occasions. Even if the 2021 decisions can be taken as justified due to the insufficient lack of individual evidence, although highly unlikely in this case, the recent events which took place in Iran undoubtedly qualify these kind of applications as founded.[594] This decision represents a negative continuation of the practice regarding SGBV cases from Iran. In January 2020, the Asylum Office rejected an application on the merits concerning a mother and daughter from **Iran**, who were obvious victims of gender-based violence and whose serious psychological state, confirmed in PIN's report, accompanied by other evidence compiled in CoI submissions created a strong and credible asylum claim.[595] Before this decision, the Asylum Office applied on two occasions the safe third country concept in relation to **Türkiye**. After both decisions were overturned by the Asylum Commission, the Asylum Office decided to reject application on the merits. The mother and daughter eventually decided to leave **Serbia**.

584 Asylum Office, Decision No. 1682/21, 2 August 2023.
585 UK Home Office, Burundi: information for victims of rape and sexual assault, 23 November 2022, available at: https://bit.ly/3zLdrOQ.
586 HRC, *Concluding observations on the third periodic report of Burundi**, CCPR/C/BDI/CO/3, 29 August 2023, available at: https://bit.ly/46hLFpC.
587 CAT, *Concluding observations on the third periodic report of Burundi**, CAT/C/BDI/CO/3, 11 December 2023, available at: https://bit.ly/3LwYtPa.
588 Special Rapporteur on the situation of human rights in Burundi, *Situation of human rights in Burundi - Report of the Special Rapporteur on the situation of human rights in Burundi, Fortuné Gaetan Zongo*, A/HRC/54/56, 11 August 2023, available at: https://bit.ly/4d76bv9.
589 Asylum Office, Decision No. 26-2028/22, 2 February 2024 and again rejected on 28 April 2025.
590 Asylum Office, Decision No. 26-2985/22, 22 April 2024.
591 See also, Asylum Office, Decision No. 26-828/23, 26 July 2024.
592 Asylum Office, Decisions Nos. 26-1183/24, 24 June 2025 and 26-1730/24, 4 August 2025.
593 Asylum Office, Decision No. 1672/19, 1 April 2023.
594 Olga Korobova, Žene u Iranu-Kada marama postane oružije, available at: http://bit.ly/40kSGSx.
595 Asylum Office, Decision No. 26-148/18, 27 December 2019.

This case lasted for more than two years, several hearings took place, and several lawyers changed. Without any doubt, this case was permeated with acts which caused secondary traumatisation. Even though the mother had visible injuries and scars from the alleged violence, forensic medical examination was never conducted by either the Asylum Office or one of several legal representatives.

One decision from the end of 2020 which concerned an SGBV survivor and her two children from Türkiye also goes in favour of the general assessment that practice with regards to SGBV applicants varies and is unpredictable.[596] What represents an additional aggravating circumstance is the fact that the lawyer in the case of Somali applicant failed to lodge a complaint within the 15-day deadline. This has led to the dismissal of the lawyer's appeal by the Asylum Commission and the applicant is now facing potentially several years of procedural struggle to have her case re-examined in merits.[597]

Several more decisions related to applicants from Burundi deserve special attention. In one of the cases, the applicant provided clear and individual evidence on his involvement in the CSO *Focode* who started the campaign *Ndondenza* dealing with enforced disappearances, several witness statements and relevant reports, but was rejected alongside the rest of his family and despite CoI which went into his favour.[598] Similar cases were recorded with regards to the members of opposition parties CNL and MSD, but also activists and journalists.[599]

When it comes nationals of the Russian Federation, two cases deserve special attention and not necessarily because the applicants have highly credible claims, but mainly due to the fact that the CoI assessment has been inadequate. Namely, in both cases, applicants claimed risk of military recruitment. The most credible CoI report was published by the EUAA, but the Asylum Office failed to even mention the report in its reasoning, citing only several media reports which do not even discuss the legal framework, but also the practice of military recruitment.[600] Still, one case deserves a special attention because it is related to a man who fled with his family after he received an invitation to report to military headquarters in the area where he lived. The applicant's fear is based on the fact that Russian Federation made amendments to its legal framework in order to increase penalties for draft evasion. During his interview, the applicant provided a detailed statement of the risks to which people who received a summon such as his face in terms of recruitment and his legal representatives provided detailed CoI which also reflects EUAA report. Still, their asylum application was rejected in the same manner as 2023 applications without any reflection on EUAA report which recognises the applicants as a persons eligible for mobilisation.[601] This decisions again highlights high evidentiary threshold.

In 2022, apart from one LGBTQI+ applicant from Cuba who received subsidiary protection, but who also has a serious medical condition, all other LGBTQI+ applicants were rejected on the merits. Thus, and even though the Asylum Office rendered positive decisions in relation to LGBTQI applicants in the past, the past five years have shown that LGBTQI+ asylum seekers fleeing from a country in which they are criminalised or discriminated against have no prospect of success, unless they survived serious acts of persecution. In other words, the risk of persecution is solely assessed from the perspective of past experience which, if it is not based on actual physical attack, arrest, detention or any other harmful practice, would most likely lead to negative decisions.

The case of Mr. X. from Bangladesh, who left his country of origin because of his sexual orientation, but also religious beliefs (atheist) was rejected again in February 2022.[602] The case was referred back from the Administrative Court to the first instance authority. The applicant was targeted by an extremist student organisation, which further led to him being forced to quit his studies. He was not able to address the Bangladeshi authorities for protection due to a discriminatory legal framework which penalises LGBTQI+

596 Asylum Office, Decision No. 26-1073/20, 1 December 2020.
597 Asylum Commission, Decision No. AŽ 51/20, 24 December 2020.
598 Asylum Office, Decision No. 26-1245/22, 17 February 2023.
599 Asylum Office, Decisions Nos. 26-1245/22, 17 February 2023; 26-546/22, 8 December 2023 and 26-2165/22, 13 December 2023.
600 Asylum Office, Decisions Nos. 26-2862/22, 4 December 2023 and 26-2882/22, 28 November 2023.
601 Asylum Office, Decision No. 26-624/23, 18 April 2024.
602 AIDA, Country Report: Serbia, 2021 Update, p. 82.

people. He was also raped, and his boyfriend committed suicide,[603] but it is not clear from the available sources if he was subjected to expert assessments for the purpose of the asylum procedure. Another decision is related to another long-lasting case of a gay man from Burundi, whose asylum claim was initially dismissed on the basis that Uganda was the first asylum country.[604] After his case was referred back to the first instance, his asylum application was rejected in merits.[605] It is important to note that Burundi also criminalises same sex partnerships.[606] And finally, in December 2022, a Moroccan gay man was rejected on the merits, but since the author of the report did not have access to a copy of the decision, it is not possible to elaborate more on its reasoning. What can be safely said is that same-sex sexual activity is prohibited under the Moroccan Penal Code of 1962, which criminalises 'lewd or unnatural acts'.[607]

It is also worth mentioning again the case of the gay man from Congo who escaped his former partner's family who wanted to kill him, but also abuse from his own family. His boyfriend was killed, and his mother provided a letter of testimony confirming said incidents.[608] This, as well as numerous CoI reports were declined as relevant evidence by the Asylum Office. The case of a gay man from Iran who was raped, abused and who was questioned by the police as a suspect for committing a criminal offence which implies sexual acts between men is also noteworthy, especially because his asylum claim was rejected with a final decision of the Administrative Court in 2023.[609] The applicant, in his procedure, provided an entire set of evidence, including the court summon which ensued after the arrest during which he was questioned about his sexual orientation. The reasoning of the Asylum Office from 2021 gives serious reasons for concern taking into consideration the Criminal Code of Iran, individual problems that the applicants faced and relevant CoI. This decision is still a perfect example of how the first instance authority in some cases can cite CoI which goes in favour of negative decisions but completely disregards CoI which clearly indicates the risks of persecution of LGBTQI+ applicants from Iran. Moreover, even though the Asylum Office failed to take relevant CoI into consideration *proprio motu*, the applicant's legal representatives provided an entire set of relevant reports which confirm the existence of the events and incidents which were experienced by the applicant.[610]

In two other, separate decisions from 2020,[611] which concerned a gay couple from **Tunisia**, the first instance authority rejected their applications as unfounded, considering that the state of human rights of LGBTQI+ in Tunisia has been significantly improving throughout the years, emphasising the fact that even one of the presidential candidates openly declared to be gay. However, the Asylum Office disregarded the fact that the Tunisian legal framework still allows 'forced anal examination' of people 'suspected to be gay' and criminalises homosexuality in its Criminal Code, prescribing a prison sentence of up to 5 years. The fact that both applicants were detained by the Tunisian police on several occasions on suspicion that they were gay was not disputed by the Asylum Office but was assessed as 'not serious enough' since both applicants avoided anal examination and were afforded lawyers. This interpretation gives serious reasons for concern since the threshold for persecution was set too high, and the Asylum Office failed to acknowledge that the very fact that someone who is suspected to be a gay can be taken in police custody, in combination with the risk of anal examination and criminal charges, undoubtedly amounts to persecution. Both of these cases were taken to the Strasbourg Court by applicant's legal representatives and they are yet to be communicated.[612]

In 2024, the Asylum Office decided to deviate from its practice established in the case of a Cuban gay man who had serious medical conditions and who was granted subsidiary protection in 2022.[613] In three identical cases, but which contained expert opinions of medica specialist for immunology Asylum Office,

603 Asylum Office, Decision No. 26- 26–404/21, 4 November 2021.
604 Asylum Office, Decision No. 26–1515/19, 13 August 2020.
605 Asylum Office, Decision No. 26–1515/19, 25 May 2022.
606 Human Dignity Trust, Burundi, available at: http://bit.ly/40Aydc4.
607 Human Dignity Trust, Morocco, available at: http://bit.ly/40oPKUK.
608 Asylum Office, Decision No. 26-81/20, 13 January 2021.
609 Administrative Court Judgment U 16351/22, 11 May 2023.
610 Asylum Office, Decision No. 26-1284/20, 1 December 2021.
611 Asylum Office, Decision No. 26-2038/19, 30 July 2020 and 26-2039/19, 17 August 2020.
612 BCHR, Right to Asylum in the Republic of Serbia 2022, available at: https://bit.ly/3F4yJXE, pp. 64-66.
613 Asylum Office, Decision No. 26-699, 15 September 2022.

without providing why it has changed its standing, rejected in merits all three applications.[614] These three decisions contradict the well-established practice which implied that persons with serious medical conditions who cannot receive treatment in their countries of origin and which can lead to lead to a severe, rapid and irreversible deterioration of health[615] and would further cause intense suffering, significantly shorten life expectancy and lead to death that would occur under horrific circumstances.[616]

Finally, in 2024, there were two contradicting decisions with regards to Burundian LGBTQI+ applicants. In one case described above, the applicant was granted refugee status and his family was marked as actor of persecution which could not have been prevented due to Burundian legal framework which criminalises same sex partnerships.[617] An almost identical case resulted in rejection, highlighting once again the lack of consistency and predictability of the practice.[618]

In 2025, the Asylum Office rejected a gay activist from the Russian Federation who also criticized the aggression against Ukraine and other segments of work of the current Government. He was posting poems and texts online and distributed widely his views, falling in that way under several provision of the Criminal Code which are incriminating LGBQTI+ persons and views, as well as criticism of the Government and of the war in Ukraine.[619] Another LGBQTI+ Chinese applicant was rejected in 2025.[620]

Thus, the decisions issued in 2020, 2021, 2022,.2023, 2024 and 2025 indicated that the Asylum Office has been departing from a very decent practice with regards to LGBTIQI+ applicants established back in 2013, when a Turkish gay couple was granted refugee status due to systemic discrimination and violence faced in different places of residency.[621] The Turkish legal framework is far more favourable than the Tunisian, Iranian, Russian or Bangladeshi, but the interpretation of the Asylum Office from 8 years ago appears to be much more progressive than in several more recent decisions. In combination with another contentious decision regarding a transgender applicant from Iran rendered in 2019,[622] the practice of the first instance authority regarding LGBTQI+ claims appear to have seriously deteriorated in the past few years. Thus, the recognition rate of LGBTQI+ applicants in 2022 was 25%, and one positive decision is primarily based on medical grounds (serious illness) and then on LGBTQI+ part of the claim which was taken into consideration.

It is also important to note that rejection rate of Afghan nationals who claimed that they were working or were affiliated with family members who used to work for State authorities before Taliban return to power was of 100% in 2023, but also 2025.[623] Two applications were rejected due to lack of credibility indicating that Asylum Office deterred from previous practice but also from the UNHCR moratorium on returns to Afghanistan.[624] In 2024, for the third time, an Afghan UASC (at the moment of applying for asylum), was rejected on the grounds that Pakistan was country of habitual residence, even though he has spent most of his life without ID, access to social and economic human rights and in constant risk of expulsion to Afghanistan where he could be recruited by the Taliban.[625]
In 2025, an Afghan man, who left his country of origin as an unaccompanied boy in 2015 was rejected in merits. He left his country because of the Taliban and is afraid to go back because he disagrees with the way of life which is carved by stricket interpretations of Shari Law.[626]

614 Asylum Office, Decisions Nos. 26-1222/22, 9 January 2024; 26-1223/22, 10 January 2024 and 26-3283/22, 18 April 2024.
615 ECtHR, *Paposhvili v. Belgium*, Application No. 41738/10, Judgment of 13 December 2016, EDAL, available here
616 ECtHR, *D. v. UK*, D, Application No. 30240/96, Judgment of 2 May 1997, EDAL, available here.
617 Asylum Office, Decision No. 26-10-24/23, 26 August 2024.
618 Asylum Office, Decision No. 26-41/23, 22 July 2024.
619 Asylum Office, Decision No. 26-2506/24, 6 August 2025.
620 Asylum Office, Decision No. 26-352/24, 29 May 2025.
621 Asylum Office, Decision No. 26-1280/13, 25 December 2013.
622 Asylum Office, Decision No. 26-1592/18, 20 November 2019.
623 Asylum Office, Decision No. 26-584/24, 30 April 2025 and rejected again on 18 December 2025.
624 Asylum Office, Decision Nos. 26-1922/21, 8 February 2023 and 26-50/22, 25 January 2023.
625 Asylum Office, Decision No. 26-2349/19, 22 July 2024.
626 Asylum Office, Decision No. 26-3435/24, 20 November 2025.

In 2023, national security grounds were invoked in the cases of 2 Syrian nationals,[627] 1 Afghan applicant[628] and applicant from Ukraine,[629] as well as applicants from Brazil.[630] The common feature of all decisions is that reasoning of such decisions does not contain any elements of facts which could potentially indicate reasons why the BIA declared the applicants to be a national security threat. When it comes to applicants from Ukraine and Brazil, they were both in extradition procedure as well. In 2024, the number of such decisions increased to 9 (see the above Table). This practice is concerning, as it undermines the possibility to access an effective remedy for applicants who receive a negative security assessment, while the number of decisions (5) in comparison to previous years has increased. In 2025, 10 applications were rejected in relation to citizen of Belarus (6), Syria (3), Pakistan (2), Afghanistan (1), Cuba (1), Russian Federation (1), Kirgizstan (1) and Kazakhstan (1). Particularly worrying are cases of a Cuban political activist who has a similar profile as his compatriots who were granted international protection in 2023,[631] and a Belarus family which has clear political stand against the current regime in their country or origin.

A particularly worrying decision concerns a Ukrainian-Russian Federation couple with two children who were rejected in merits. The reasoning of the decision is impossible to explain, since it provides that the husband, who is Ukrainian, will not face any risks in his country or origin (despite Serbia granting temporary protection to thousands of Ukrainians), but also in the Russian Federation where he used to live with his family, even though he is against the war and belongs to the category of able-bodied man. This decision clearly indicates that Russian Federation citizens cannot obtain international protection at any cost in Serbia, even if they meet the requirements for family reunification with a Ukrainian citizen. In other words, asylum authorities of Serbia would rather reject a Ukrainian applicant, then grant international protection to a Russian citizen.[632] Two more decisions related to Russian Federation applicants who fall under the category of draft evaders corroborate this standing. The first one received an invitation to register for military conscription and fled his country with family,[633] while the other one was recruited, took part in the war, was wounded and fled when he was supposed to go back.[634] The later one provided complete military and medical documentation, but of no avail. If all these decisions, in combination with the LGBTQI+ applicant from Russia (see above), are observed cumulatively, it is clear that Russian asylum applicants do not have any prospect of obtaining international protection in Serbia and this stance is rather political than based on refugee and asylum framework.

In 2022, the Asylum Office rejected 3 Turkish applicants on the merits, confirming that it is basically impossible to obtain international protection for nationals fleeing this country. However, a decision issued in February related to a person who wanted to avoid extradition for a petty crime, as opposed to a political offence or other reasons which could indicate the risk of persecution. Thus, according to the author of this report, it is safe to say that one of these three decisions is justified and that the conclusion of the Asylum Office was correct – avoiding or procrastinating extradition.[635] One of the cases was related to the member of the Gulenist movement, while the other one on the case of Ecevit Piroglu. Both cases resulted in procedures before CAT and both applicants are facing extradition to Türkiye.[636] In 2023, Asylum Office rejected the asylum application of a member of HDP party, contributing further to the practice which indicates that Turkish nationals who claim asylum for reasons of political persecution cannot obtain international protection in Serbia.[637] In 2025, all Turkish asylum applications were rejected, mostly in relation to members of the religious minority group Ahmadi. Thus, recognition rate for Turkish citizens remains 0%.

627 Asylum Office, Decision No. 26-1441/17, 20 March 2023, while the other decision related to Syrian national is the only one which was not delivered.
628 Asylum Office, Decision No. 2276/21, 27 January 2023.
629 Asylum Office, Decision No. 26-2736/22, 29 June 2023.
630 Asylum Office, Decision No. 26-1045/23, 5 October 2023.
631 See the above Chapter on applicants from Cuba.
632 The strong wording in this paragraph is derived from the fact that author is also the representative of the family who rejected to apply for temporary residency and decided to apply for asylum, against the advice of asylum authorities, which led to Decision No. 26-2628/23, 30 June 2025.
633 Asylum Office, Decision No. 26-624/23, 30 April 2025.
634 Asylum Office, Decision No. 26-1181/24, 11 August 2025.
635 Asylum Office, Decision No. 26-1359/21, 4 February 2022.
636 See more in the following parts of the Report.
637 Asylum Office, Decision No. 26-545/22, 7 November 2023.

1.2 Prioritised examination and fast-track processing

No caseloads are prioritised as a matter of law or practice.

1.3 Personal interview

Indicators: Regular Procedure: Personal Interview

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the regular procedure? ☒ Yes ☐ No
   - ❖ If so, are interpreters available in practice, for interviews? ☒ Yes ☐ No
2. In the regular procedure, is the interview conducted by the authority responsible for taking the decision? ☒ Yes ☐ No
3. Are interviews conducted through video conferencing? ☐ Frequently ☐ Rarely ☒ Never
4. Can the asylum seeker request the interviewer and the interpreter to be of a specific gender? ☒ Yes ☐ No
   - ❖ If so, is this applied in practice, for interviews? ☒ Yes ☐ No

The interview in the regular procedure is regulated by Article 37 of the Asylum Act. The interview should take place at the earliest time possible. More specifically, the interview must be conducted within the period of 3 months during which the Asylum Office has to issue and deliver to the applicant and their legal representatives the first instance decision. The applicant is interviewed about all the facts and circumstances relevant to deciding on their application and particularly to establish their identity, the grounds for their asylum application, and their travel routes after leaving the country of origin or habitual residence, and whether the asylum seeker had previously sought asylum in any other country.[638]

An authorised officer of the Asylum Office may interview the applicant on more than one occasion in order to establish the facts.[639] In the situation where a large number of asylum applications has been lodged to the extent that the authorised officers of the Asylum Office are not able to interview all the applicants in due time, the Asylum Act provides that the Government may, at the request of the competent authority, decide on temporary involvement in the interviewing process of officers from other departments of the competent authority or officers from other authorities.[640] However, although prescribed that they must undergo the necessary training before engaging in the process, it remains unclear whether this training can provide such officers with the sufficient level of knowledge as required for interviewing applicants given the specific characteristics of the asylum procedure. This possibility has never been applied in practice.

All interviews are conducted individually (especially in cases of families) by a person of same the gender as the applicant, and excluding young children who are formally included in their parents' applications. During the interviews with UASC, social workers or temporary guardians are always present.

In practice, asylum officers are rarely prepared for the interviews, including in relation to relevant CoI (which is later on displayed in the reasoning of decisions), failing first of all to properly identify and address vulnerabilities. This means that legal representation at first instance is still crucial, as lawyers usually inform asylum officers of existing vulnerabilities and of potential traumatic reactions during the interview are announced. There were also instances in which asylum interviews were postponed due to poor mental health state affecting some of the most vulnerable applicants.[641]

The Asylum Act also specifies three situations in which the asylum interview may be omitted:[642]

638 Article 37(1) Asylum Act.
639 Article 37(2) Asylum Act.
640 Article 37(12) Asylum Act.
641 Information provided by IDEAS.
642 Article 37(10) Asylum Act.

1. A decision may be adopted upholding the application and granting the right to asylum on the basis of the available evidence;
2. The applicant is unable to give a statement due to circumstances of non-temporary nature beyond their control. In this case, it is possible for the applicant or a member of their family to adduce evidence and give statements relevant to deciding on their asylum application.[643] This option was applied for the first time in 2021 in relation to an Afghan UASC who was not able to take part in the interview procedure due to his health condition which implies that he is immobile and not able to talk.[644] He was granted subsidiary protection;
3. The admissibility of a Subsequent Application is being assessed.

As previously mentioned, an applicant is entitled to request that an interview be conducted by a person of a specific gender. The same rule applies to interpreters.[645] In practice, asylum seekers often wait from several weeks to several months following the lodging of their application for an interview to be scheduled. A 4-member Afghan family who lodged their asylum applications on 30 August 2021 had their asylum interview in 7 July 2022. A single mother with two children from Syria lodged their asylum application in August 2021, and were interviewed in February 2022. There were also examples of good practice in which Burundian SGBV survivor lodged an asylum application on 15 March, was interviewed on 27 April and was granted refugee status 29 June 2022.[646] In 2023, asylum interviews rarely took place before the expiry of three-months deadline, unless it is clear that asylum application is *prima facie* not credible (see the Table above on the overview of the Asylum Office practice in 2023). In 2024, the extensive length between the interview and the asylum application remained the rule. For instance, a Russian family was questioned on 17 November 2023, and they lodged asylum application on 29 March 2023.[647] A Burundian SGBV survivor had lodged her asylum application on 26 April 2023, and had her asylum interview on 3 April 2024, almost a year after.[648] The examples in which the interview took place soon after the asylum application was made was mostly in relation to national security cases. For instance, a Turkish political activist lodged his asylum application on 10 July 2024, had his asylum interview on 31 July 2024 and was rejected on the basis of the national security grounds on 16 September 2024.

In 2025, Asylum Office facilitated the record 152 asylum interviews: Russian Federation (26), Türkiye (22), Cuba (18), Pakistan (13), Syria (11), Burundi (9), Belarus (7), Iraq (6), Palestine (3), Siera Leona (3), Egypt (3), China (3), Armenia (3), Ukraine (2), Germany (2), Gambia (2), Iran (2), Jamaica (2) and 1 from Bulgaria, India, Ireland, Cameroon, Kyrgizstan, Kazakhstan, Kenya, DR Congo, Nigeria, Slovakia, Swaziland and Sweden.

There were no instances in which asylum interviews were conducted through video conferencing, including during the COVID-19 preventive measures in 2020. There were at least two instances in which witnesses of applicants in the asylum procedure were interviewed via the Skype application, in line with Article 111 of GAPA which provides for such a possibility. One case has been concluded due to the applicant's absconding,[649] while the other one resulted in a positive decision regarding a UASC from Iran.[650] No major problems were recorded with regards to video conferencing, but it is clear that this practice is rarely applied and it is yet to be seen whether problems will arise in the future. As outlined, there were no video questioning in 2024.

643 Article 37(11) Asylum Act.
644 Asylum Office, Decision No. 26-1084-20, 7 June 2021.
645 Article 16 (2) Asylum Act.
646 Asylum Office, Decision No. 26-246/21, 29 June 2022.
647 Asylum Office, Decision No. 26-624/23, 18 April 2024
648 Asylum Office, Decision No. 26-828/23, 26 July 2024.
649 Asylum Office, Case File No. 26-2534/17, 7 May 2021.
650 Asylum Office, Decision No. 26-1271/19, 15 October 2020.

The total number of asylum interviews in the period 2020-2025

Month	Number of interviews in 2020	Number of interviews in 2021	Number of interviews in 2022	Number of interviews in 2022	Number of interviews in 2023	Number of interviews in 2024	Number of interviews in 2025
January	5	8	6	2	2	4	9
February	20	7	9	7	7	11	19
March	9	2	10	14	14	19	24
April	0	5	14	6	6	22	14
May	0	15	6	6	6	8	18
June	3	14	5	2	2	4	6
July	1	11	8	4	4	2	11
August	1	0	4	2	2	2	11
September	8	0	18	15	15	5	14
October	23	9	1	6	6	13	6
November	7	1	22	15	15	6	9
December	7	13	4	9	9	11	11
Total	**84**	**85**	**106**	**88**	**88**	**107**	**152**

1.3.1 Interpretation

An applicant who does not understand the official language of the asylum procedure shall be provided free interpretation services into their native language, or a language that they can understand, including the use of sign language and Braille materials.[651]

The costs of interpretation are covered by UNHCR, and the interpreters are hired from their list which covers the following languages: English (19), Farsi (10), French (10), Arabic (8), Russian (7), Turkish (5), Spanish (4), Kurdish (3), Bulgarian (2), Chinese (2), Urdu (2), German (2), Greek (2), Georgian (2), Bulgarian (2) and Kirundi (2) and Ukrainian (2). One interpreter is also available for each of the following languages: Armenian, Hindu, Hungarian, Italian, Macedonian, Portuguese, Pashto, Polish, Romanian and Swahili.

When it comes to the practice, there were several instances in which CSO lawyers decided to halt the interview because of the interpreters' incompetence and inability to establish effective communication with the applicants. Afterwards, the CSO requested their removal from the list, which was done by the UNHCR. There were several other instances in which lawyers failed to react and which had damaging consequences for the applicant. Such was the case of an Afghan boy who, according to his testimony given to his legal guardian, did not understand an interpreter for Farsi. His asylum application was rejected in the first instance,[652] and the decision was upheld by the Asylum Commission.[653] It remains to be seen if flaws in interpretation will be taken into consideration by the Administrative Court. One interpreter for Kirundi was removed from the list because of his affiliation with the Burundian Government. In 2022, an incompetent interpreter for Spanish was removed after a series of inadequate and imprecise interpretations in Cuban applications.[654] There were no instances in which interpreters were removed from the list in 2024 and 2025, even though there were complaints by asylum seekers that they were not able to communicate properly or to understand them.

651 Article 13 Asylum Act.
652 Asylum Office, Decision No. 932/19, 30 September 2019.
653 Asylum Commission, Decision No. AŽ 38/19, 3 December 2019.
654 Asylum hearing in the case 26-688/22, 24 June 2022.

1.3.2 Recording and report

At the end of the interview, the records are signed by the asylum seeker, their legal representative, the interpreter and the official leading the interview.[655] The asylum seekers' legal representatives are entitled to ask additional questions to ensure comprehensive establishment of the facts of the case.

The minutes are read by the legal representative and asylum seeker before they are printed out and signed jointly with the acting asylum officer. It is also possible to make clarifications and corrections, but also to raise issues of disagreement and complaint on the acting asylum officer.

The original copies of the minutes are surrendered to the applicant and their legal representative upon conclusion of the interview. There were no instances in which it was reported that minutes from the asylum interview were inconsistent with the content of the interview.

The interview is not electronically recorded by either audio or video means.

1.4 Appeal

Indicators: Regular Procedure: Appeal

1. Does the law provide for an appeal against the first instance decision in the regular procedure? ☒ Yes ☐ No
   - ❖ If yes, is it ☐ Judicial ☒ Administrative
   - ❖ If yes, is it automatically suspensive ☒ Yes ☐ Some grounds ☐ No
2. Average processing time for the appeal body to make a decision: N/A

1.4.1 Appeal before the Asylum Commission

Appeals against Asylum Office decisions are reviewed by the Asylum Commission, a body comprising nine members appointed to four-year terms in office by the Government.[656] Asylum Commission members must be a citizen of the Republic of Serbia, have a university degree in law, a minimum of five years of work experience, and must have an 'understanding' of human rights law.[657] The last requirement gives a lot of reasons for concern, since none of the members fulfil this criterion. The only person who met this criterion was a professor of International Human Rights Law at the Faculty of Law of the University of Belgrade who resigned in 2019 and was later replaced by the professor of Constitutional Law from the Criminal-Police Academy for whom it can be assumed that he possesses knowledge on human rights. Still, it is clear, and the practice of this body since the beginning of the asylum system in Serbia has shown, that members of the Asylum Commission are simply not qualified to apply international refugee law and international human rights law and that their knowledge mainly lies in the field of Administrative Law. Although the asylum procedure is administrative by nature, it requires the capacity of decision makers to conduct assessments of the risks of *refoulement ex nunc*, *proprio motu* and with rigorous scrutiny, to conduct interviews with vulnerable applicants and to apply the principle of *in dubio pro reo*. None of these features have been reflected in the 15 year-practice of the Asylum Commission.

655 Article 63 GAPA.
656 Article 21(1)-(2) Asylum Act.
657 Article 21(3) Asylum Act.

An appeal to the Asylum Commission automatically suspends the enforcement of the first instance decision and it must be submitted within 15 days from the delivery of the decision.[658] The first instance decision may be challenged for the following reasons which are relevant for the asylum procedure:

1) lack or flawed application of the Law, other regulation or general act in the first instance decision;
2) incompetent authority in charge of the first instance decision;
3) incorrectly or incompletely established factual grounds;
4) flawed conclusion derived from the established factual grounds;
5) violation of the rules of the administrative procedure.[659]

New facts and evidence may be presented in the appeal, but the appellant is obliged to explain why they did not present them in the first instance procedure.[660] This provision is often relied on in second instance decisions when applicants, mainly due to poor quality work by their legal representatives, invoke or provide new evidence which they had failed to provide in the course of the first instance procedure. The Asylum Commission appears to be very rigorous in examining new facts and evidence in the appeal stage and limits the scope of its work to the framework established in the asylum application and during the asylum interview before the Asylum Office. This is especially unfavourable for legally incompetent applicants who initiate the asylum procedure by themselves. However, it is important to note that many evidence and facts should be gathered by the asylum authorities *proprio motu*, especially CoI reports and other general circumstances, and regardless of the efforts of legal representatives and the quality of their work. The practice has shown that this is rarely the case.

The appeal must be submitted to the Asylum Office in a sufficient number of copies for the Asylum Commission and the opposing party.[661] The Asylum Office then examines if an appeal is timely, allowed in accordance with the GAPA rules of procedure and if it is lodged by an authorised person. If the Asylum Office determines any of the above-enlisted deficiencies, an appeal will be dismissed.[662] Against such decision, appeal is also possible, but the practice has shown little prospect of success.

According to the author's knowledge, there were two instances in which appeal against the first instance decisions were not timely lodged, which was the reason why the appeal was dismissed by the Asylum Office. Later on, legal representatives tried to justify their untimely lodging of the appeal before the Asylum Commission,[663] and also Administrative Court,[664] but without a success. Both decisions became final and the SGBV survivor from Somalia and the applicant from Burundi were denied the possibility to have their cases examined on the merits.

Also, the GAPA envisages that the Asylum Office might uphold the appeal without referring the case to the Asylum Commission if it determines that arguments from the appeal are founded[665] and issue a new decision which annuls the initial decisions and contains a new one. It is also possible that the Asylum Office supplements the procedure with additional asylum interviews or other evidentiary activity which it deems necessary.[666] However, there was not a single case in the practice of the Asylum Office in which this legal avenue has been used.

If an appeal is not dismissed, the Asylum Office will refer the case files to the second instance body within 15 days from the receipt of the appeal and will also provide its response to the arguments, facts and evidence outlined in the appeal.[667] What is important to note is that the response of the Asylum Office is

658 Article 95 Asylum Act and Articles 151 and 153 GAPA.
659 Article 158 GAPA.
660 Article 159 (2).
661 Article 160 GAPA.
662 This was the case with the application of an alleged SGBV survivor from Somalia who claimed that she had been subjected to the practice of genital mutilation. The legal representative in this case failed to lodge an appeal in time. Asylum Office, Decision No. 26-1599/19, 13 October 2020.
663 Asylum Commission, Decisions Nos. AŽ 51/20, 24 December 2020 and AŽ 32/21, 7 February 2022.
664 Administrative Court, Judgments Nos. U 3775/21, 3 March 2022 and U 19541/22, 14 October 2022.
665 Article 165 (1) GAPA.
666 Article 165 (2) GAPA.
667 Article 166 GAPA.

not delivered to the applicant and/or his legal representatives, but the summary of response is only outlined in the reasoning of the Asylum Commission. In this way, the applicant is not able to provide additional views and arguments vis-à-vis the Asylum Office's response.

The Asylum Act does not specify the duration of the second instance procedure. However, the GAPA stipulates that the second instance decision must be issued within 60 days.[668] Under the Administrative Disputes Act, a claim against 'administrative silence' may be filed with the Administrative Court in the event the Asylum Commission fails to issue a decision on the appeal within 60 days of the day of its receipt, upon the expiry of 8 days from the day a reminder was sent to the second-instance authority.[669] In other words, the time limit for the second instance decision and its delivery to the applicant is two months after the appeal was lodged. In practice, however, it takes at least three to four months for the Asylum Commission to issue and deliver the second instance decision.

During the state of emergency in 2020, the Asylum Commission delivered more decisions than in 2019. The main reason for this is because the Asylum Commission did not hold hearings in order to directly determine the facts during this period.[670] However, it is welcome that, in the vast majority of cases, the Commission issued its decisions within two to three months in 2021 and 2022. It was not possible to make an accurate assessment of the average length of the procedure before the Commission in 2023 due to the anonymisation of delivered decisions, but in many cases in which IDEAS lawyers acted as legal representatives the decision was rendered within 2 to 3 months. In 2024, it was possible to determine from the case files the length of each and every procedure - 45 decisions in total. An average length was 3 months, which is reasonable and acceptable. In 2025, it was not possible to determine such data since in copies of decisions where IDEAS lawyers were not representatives, it was not possible to determine the date when the appeal was lodged.

When the Asylum Commission receives the appeal, it may issue a different decision on the matter and substitute the impugned ruling with a new one, should it find the appeal well-founded and that it is unnecessary to conduct the procedure again.[671] Should the Asylum Office find that the procedure it had implemented was incomplete, it may perform the requisite supplementary actions and render a new decision, which is also subject to appeal by the asylum applicant.[672] In the event it does not reject the appeal,[673] the Asylum Commission may itself decide on the administrative matter.[674] It may also set aside the impugned ruling and order the first instance authority to re-examine the matter, when it finds that the shortcomings of the first instance procedure will be eliminated more rapidly and economically by the Asylum Office.[675] The last possibility is the usual scenario, and since the establishment of the Serbian asylum system, the second instance body has rendered only three decisions granting asylum to applicants from **Somalia**,[676] **Libya,**[677] and **Iran**.[678]

Statistical Overview of Asylum Commission practice 2009-2025

Year	Decision rejecting an appeal	Decision upholding an appeal	Decision dismissing an appeal	Decision on discontinuing of asylum procedure	Other decisions	Total
2009	28	14	1	0	0	43
2010	6	16	0	1	9	32

668 Article 174 GAPA.
669 Article 19 Administrative Disputes Act.
670 IDEAS, *Hod po žici* - uticaj epidemije zarazne bolesti COVID-19 na sistem azila u Republici Srbiji - U susret „drugom talasu' - preliminiarni nalazi, March 2020, available in Serbian at: https://bit.ly/46kqDF3, p. 53.
671 Article 165 GAPA.
672 Article 165(2)-(3) GAPA.
673 Article 170 GAPA.
674 Article 171(5) GAPA.
675 Article 173(3) GAPA.
676 Asylum Commission, Decision AŽ 25/09, 23 April 2010.
677 Asylum Commission, Decision AŽ 06/16, 12 April 2016.
678 Asylum Commission, Decision AŽ X, 2 September 2019.

2011	29	7	2	1	0	39
2012	16	4	0	0	2	22
2013	10	2	0	0	0	12
2014	10	3	0	0	6	19
2015	8	24	1	0	1	34
2016	6	6	0	0	0	12
2017	11	15	0	0	0	26
2018	6	10	0	0	0	16
2019	28	14	1	0	0	43
2020	52	10	0	0	0	62
2021	51	19	0	4	0	74
2022	36	5	0	0	3	44
2023	30	4	0	2	0	36
2024	41	4	0	0	0	45
2025	62	2	2	2	0	68
Total	**302**	**150**	**8**	**10**	**18**	**547**

Asylum Commission Response to the request for the information of public importance no. 01/26, 29 January 2026, delivered on 10 April 2026.

Asylum Commission Practice in 2025

No.	No. of Decision	Country of Origin	Date of decision	No. of persons	Outcome	Remark	Length (months)	Legal representative
1.	AŽ 25/24	Russian Federation	27.01. 2025	6	Upheld	Draft evasion	9	IDEAS
2.	AŽ 03/24	Burundi	27.01. 2025	1	Rejected	Political persecution	13	IDEAS
3.	AŽ 65/24	Burundi	27.01. 2025	1	Rejected	Political persecution	N/A	Supported by IDEAS
4.	AŽ 40/24	Afghanistan	27.01. 2025	1	Rejected	Persecution by Taliban	10	APC
5.	AŽ 54/24	Cuba	28.01. 2025	1	Rejected	Alleged political persecution	N/A	Private lawyer
6.	AŽ 61/24	Burundi	29.01. 2025	3	Dismissed as untimely	N/A	N/A	N/A
7.	AŽ 27/24	Cuba	13.02. 2025	1	Rejected	Alleged SGBV	N/A	Supported by IDEAS
8.	AŽ 01/25	Croatia	13.02. 2025	1	Rejected	Alleged political persecution	1	Supported by IDEAS
9.	AŽ 39/24	Burundi	13.02. 2025	1	Rejected	Alleged political persecution	N/A	N/A
10.	AŽ 50/24	Cuba	21.02. 2025	1	Rejected	Alleged political persecution	N/A	N/A
11.	AŽ 37/24	India	11.03. 2025	1	Rejected	Economic issues	N/A	Private lawyer
12.	AŽ 63/24	Cuba	25.04. 2025	2	Rejected	Alleged political persecution	N/A	Private lawyer

13.	AŽ 64/24	Burundi	30.04. 2025	1	Rejected	Alleged political persecution	N/A	Supported by IDEAS
14.	AŽ 24/24	Burundi	30.04. 2025	1	Rejected	Alleged political persecution	N/A	Supported by IDEAS
15.	AŽ 29/24	Burundi	30.04. 2025	1	Rejected	Alleged political persecution	N/A	Supported by IDEAS
16.	AŽ 38/24	Burundi	30.04. 2025	1	Rejected	Alleged political persecution	N/A	APC
17.	AŽ 45/24	Russian Federation	30.04. 2025	1	Rejected	Draft evasion	N/A	Supported by IDEAS
18.	AŽ 48/24	Russian Federation	30.04. 2025	1	Rejected	Draft evasion	N/A	BCHR
19.	AŽ 67/24	Cuba	07.05. 2025	1	Rejected	Economic issues	N/A	Private lawyer
20.	AŽ 46/24	Syria	13.05. 2025	1	Rejected	Revocation of subsidiary protection on NSG	N/A	Private lawyer
21.	AŽ 66/24	Cuba	30.05. 2025	1	Rejected	Economic issues	N/A	Private lawyer
22.	AŽ 62/24	Russian Federation	05.06. 2025	1	Rejected	Alleged political persecution	N/A	Supported by IDEAS
23.	AŽ 68/24	Cuba	05.06. 2025	1	Rejected	Alleged political persecution	N/A	Private lawyer
24.	AŽ 07/25	Cuba	10.06. 2025	1	Rejected	Alleged political persecution	N/A	Private lawyer
25.	AŽ 59/24	Syria	13.06. 2026	1	Rejected	Discontinuation	N/A	IDEAS
26.	AŽ 03/25	Afghanistan	13.06. 2026	1	Upheld	Persecution by Taliban	1	IDEAS
27.	AŽ 53/24	Armenia	13.06. 2025	1	Rejected	Draft evasion	N/A	BCHR
28.	AŽ 23/24	Croatia	02.07. 2025	1	Rejected	Alleged political persecution	N/A	Supported by IDEAS
29.	AŽ 04/25	Russian Federation	04.07. 2025	1	Rejected	Extradition to US	N/A	Private lawyer
30.	AŽ 11/25	Cuba	07.07. 2025	1	Rejected	Economic issues	N/A	Private lawyer
31.	AŽ 06/25	Cuba	16.07. 2025	1	Rejected	Alleged political persecution	N/A	Private lawyer
32.	AŽ 13/25	Cuba	16.07. 2025	1	Rejected	Alleged political persecution	N/A	Private lawyer
33.	AŽ 09/25	BiH	23.07. 2025	1	Rejected	Alleged political persecution	N/A	Supported by IDEAS

34.	AŽ 46/20	Afghanistan	23.07.2025	1	Rejected	Persecution by Taliban	12	IDEAS
35.	AŽ 15/24	Burundi	25.07.2025	2	Rejected	SGBV survivor	2	IDEAS
36.	AŽ 17/25	China	31.07.2025	1	Rejected	LGBTQI+	N/A	N/A
37.	AŽ 10/25	Türkiye	01.09.2025	1	Rejected	Political persecution - Gulen movement	N/A	BCHR
38.	AŽ 14/25	Nigeria	09.09.2025	1	Rejected	Tribal persecution	N/A	Supported by IDEAS
39.	AŽ 22/25	Cuba	09.09.2025	2	Rejected	Alleged political persecution	N/A	Supported by IDEAS
40.	AŽ 49/24	Burundi	09.09.2025	1	Rejected	Alleged political persecution	N/A	Supported by IDEAS
41.	AŽ 24/25	Ukraine/Russian Federation	09.09.2025	4	Rejected	Draft evasion	1,5	IDEAS
42.	AŽ 12/25	Russian Federation	09.09.2025	1	Rejected	Alleged political persecution	N/A	Private lawyer
43.	AŽ 31/25	Cuba	09.09.2025	1	Rejected	Alleged political persecution	N/A	Private lawyer
44.	AŽ 27/25	Belarus	23.09.2025	6	Rejected	Political persecution - national security grounds	1	IDEAS
45.	AŽ 33/25	Iraq	30.09.2025	1	Rejected	Extradition - national security grounds	1,5	IDEAS
46.	AŽ 32/25	Russian Federation	02.10.2025	1	Rejected	Genuine LGBTQI+ claim and political persecution	1,5	IDEAS
47.	AŽ 02/25	Cuba	03.10.2025	1	Rejected	Genuine political persecution and national security grounds	N/A	APC
48.	AŽ19/25	Syria	08.10.2025	1	Rejected	National security grounds	3	IDEAS
49.	AŽ 15/25	Russian Federation	08.10.2025	1	Rejected	Discontinuation	N/A	IDEAS
50.	AŽ 25/25	Burundi	08.10.2025	1	Rejected	Alleged political persecution	N/A	Supported by IDEAS

51.	AŽ 37/25	Moldova	09.10. 2025	1	Rejected	N/A	N/A	Private lawyer
52.	AŽ 43/25	Kazakhsta n	15.10. 2025	1	Rejected	Extradition - Alleged political persecution	N/A	Private lawyer
53.	AŽ 05/25	Kyrgizstan	20.10. 2025	1	Discontinue d	Alleged political persecution	N/A	Supported by IDEAS
54.	AŽ 42/25	Pakistan	20.10. 2025	1	Rejected	National security grounds	3	IDEAS
55.	AŽ 36/25	Iran	20.10. 2025	2	Rejected	Genuine risk of political persecution	2	IDEAS
56.	AŽ 26/25	Cuba	03.11. 2025	1	Rejected	Alleged political persecution	N/A	Supported by IDEAS
57.	AŽ 38/25	Sweden	03.11. 2025	1	Rejected	Extradition	N/A	Private laweyr
58.	AŽ 28/25	Türkiye	03.11. 2025	6	Rejected	Alleged religious persecution	N/A	APC
59.	AŽ 21/25	Cuba	03.11. 2025	1	Rejected	Alleged political persecution	N/A	Private lawyer
60.	AŽ 29/25	Türkiye	03.11. 2025	1	Rejected	Alleged religious persecution	N/A	APC
61.	AŽ 41/25	Russian Federation	05.11. 2025	1	Dismissed as untimely	Alleged political persecution	N/A	N/A
62.	AŽ 23/25	Burundi	05.11. 2025	1	Rejected	Alleged political persecution	3,5	IDEAS
63.	AŽ 16/25	Cuba	14.11. 2025	1	Rejected	Alleged political persecution	N/A	Private lawyer
64.	AŽ 51/25	China	24.11. 2025	2	Rejected	Extradition	N/A	Private lawyer
65.	AŽ 57/25	Pakistan	28.11. 2025	1	Rejected	Discontinuati on	N/A	N/A
66.	AŽ 18/25	Kyrgizstan	01.12. 2025	1	Rejected	Exclusion	5	IDEAS
67.	AŽ 35/25	Russian Federation	01.12. 2025	1	Rejected	Genuine draft evader	3	IDEAS
68.	AŽ 46/25	Cuba	15.12. 2025	2	Discontinue d	N/A	N/!	Supported by IDEAS

Asylum Commission Response to the request for the information of public importance no. 01/26, 29 January 2026, delivered on 10 April 2026.

In 2025, Asylum Commission rendered 68 decisions in relation to 94 persons from: Cuba (21), Russian Federation (18), Burundi (15), Türkiye (8), Belarus (6), Afghanistan (3), Syria (3), China (3), Kyrgizstan (2), Croatia (2), Iran (2), Pakistan (2) and 1 from Kazakhstan, Nigeria, Iraq, Sweden, Moldova, Bosnia

and Hercegovina, Armenia, Ukraine and India. Still, the number of decisions in comparison to 2024 increased. As was the case in 2021, 2022, 2023 and 2024, the Asylum Commission did not issue any positive decisions in 2024, i.e., it did not grant international protection.

In 2024, the Asylum Commission rendered 45 decisions in relation to 59 persons originating from: Burundi (16), Cuba (12), Russian Federation (10), Syria (5), Iran (4), Armenia (3), Türkiye (2), Ukraine (1), Sweden (1), Egypt (1), Germany (1), Kazakhstan (1), Afghanistan (1) and Croatia (1). Only 2 appeals were upheld and in relation to the 2 SGBV survivors from Burundi,[679] while two more cases were referred back to the Asylum Office after the complaints lodged to the Administrative Court (third instance) were upheld but not on substantive, on procedural grounds. All other appeals were rejected (41 in total). In 2023 the Asylum Commission took 36 decisions regarding 43 persons: Burundi (15),[680] Cuba (6), Unknown (4), Afghanistan (3), Iraq (2), Iran (2), Syria (2), Russia (1), Morocco (1), Tunisia (1), Germany (1), North Macedonia (1), Pakistan (1), Bosnia and Herzegovina (1), Bangladesh (1) and Ukraine (1).

One of the major concerns regarding the Asylum Commission's practice relates to the failure to individually and separately assess all allegations included in the applicant's appeal. In many of the analysed decisions, the Commission summarily rejected the applicant's arguments, but also failed to examine the applicants' cases in line with the Asylum Office's positions which were taken in previous cases of identical or similar nature.[681] There are no traces of CoI assessment in second instance decisions. Instead, the Asylum Commission relies on the CoI assessment of the Asylum Office, which has proved to be contentious in many cases, especially in relation to nationals of Burundi. Moreover, reasonings of Asylum Commission decisions mostly do not contain clear reflection of each and every argument and grounds outlined in the appeal, but simple reference in bullet points and then summary and cumulative rejection of all arguments.

Out of 69 decisions, 2 were related to dismissal due to the failure of applicants to timely lodge an appeal (1 Russian Federation and 1 Burundi). Also, in two instances, cases were discontinued (Kyrgizstan and Cuba). Also, in three decisions the issue was discontinuation of the asylum procedure in first instance due to the absence from the camp and failure to report to the Asylum Office, and the cases were not related to the merits of the claim (Syria, Russian Federation and Pakistan). For that reason, these decisions are irrelevant for the analysis in this report. Also, it is safe to say that rejection of the appeals of the citizens of Croatia (2), India (1), Armenia (1), Bosnia and Hercegovina (1), Nigeria (1), Moldova (1) and Sweden (1) were also justified.

Only 2 appeals were upheld in relation to 1 Afghan national who claimed persecution by the Taliban and 1 Russian applicant who fled from his country of origin with his family due to the risk of forced recruitment. The Asylum Office rejected both applications again and the cases are currently pending before the Asylum Commission for the second time.

A total of 16 decisions were related to *prima facie* uncredible claims of citizens of Cuba mainly alleging vague arguments on political persecution but also economic or other struggles which do not represent grounds for international protection. Another 9 decisions related to citizens of Burundi are also related to applicants whose credibility of the claim is low.

In 2024, there were two decisions in which the appeals were upheld by the Asylum Commission. Both cases were related to SGBV survivors who were rejected on the merits despite a range of evidence provided to the Asylum Office, as well as CoI submissions which completely reflected the individual circumstances of the applicants. [682] Unfortunately, one of the applicants absconded, while the other case was again rejected by the Asylum Office and this time, the Asylum Commission confirmed that the mother

679 Asylum Commission, Decision No. AŽ, 06/24, 12 February 2024 and AŽ 15/25, 7 October 2024.
680 Officially, the number of persons from Burundi whose case was decided in 2023 is 20, but Asylum Commission decided twice in relation to a 5-members family (AŽ 15/23, upheld on 10 July 2023, and then rejected on 17 November 2023).
681 Article 5 (3) GAPA.
682 Asylum Commission, Decision No. AŽ, 06/24, 12 February 2024 and AŽ 15/25, 7 October 2024.

and child (survivor of incest) do not meet the requirements for international protection.[683] In the decision from 2024 the Asylum Commission indicated to the Asylum Office that they should take into account relevant and up to date CoI and to provide explanation why the CoI cited as grounds for rejection should have advantage over the CoI which clearly goes in favour of the applicants (CAT, CCPR and SR on human rights in Burundi findings from 2023 and 2024). Moreover, the Asylum Commission has asked the Asylum Office to provide the data which is not related to the legal framework which should provide protection to SGBV survivors, but which indicates that such legal framework is effectively applied. The Asylum Office failed to provide such data, and it remains unclear why the second instance body has confirmed identical decision instead of resolving the matter in merits.

This outcome further corroborates the analysis from 2024 which is worth of reiterating. Namely, on the same day and probably on the same meeting of the members of the Commission, on 12 February 2024, the Asylum Commission rendered a completely opposite decision in a case of another SGBV survivor from Burundi, whose credibility was even higher than the above-described cases. She provided the Istanbul Protocol Report issued by three medical specialists: forensic doctor, gynaecologist and psychiatrist. The findings from the Report indicate that the applicant survived rape and attempted murder, and the reasoning of the Asylum Office again implied citation of CoI which is related to the repatriation of Burundians from Uganda and the description of the legal framework which was outlined of the website on the UK Foreign Office (cannot be considered as CoI), but without providing a single data on how the framework is applied in practice. Thus, it is impossible to explain why this appeal was not upheld as well, and the case, at least, referred to the Asylum Office. Two more SGBV survivors were rejected by the Asylum Commission in May[684] and October 2024.[685]

This practice depicts the contradicting practice of the Asylum Commission and lack of capacity of this body to have a corrective influence over the Asylum Office. It also corroborates the findings which indicate the pattern of automatic rejection of Burundian applicants. For that reason, it should be reiterated that in 2023 there were many cases related to Burundian applicants who suffered the same flawed practice and that practice continued in 2024 and 2025 in which 1 highly credible case of political persecution from Burundi was rejected.[686] This case adds to other such as the one related to the family which based their asylum claim on an act of SGBV to which the mother was subjected, and provided evidence to the Asylum Office, but the reason why the appeal was upheld was because another child was born in Serbia after the family lodged asylum application. After the newborn child was included in another but identical decision of the Asylum Office, Asylum Commission rejected the appeal.[687] In February and March 2024,[688] the appeals of two more Burundian nationals were rejected by the Asylum Commission, contributing to the impression that the practice of the Asylum Office in relation to Burundian citizens, and which was described above as inadequate and lacking individualised assessment, has been supported by the Asylum Commission, including in highly credible cases of political activists, CSO workers and members of the opposition parties.[689]

The Asylum Commission unfortunately confirmed the Asylum Office decision related to a draft evader from the Russian Federation who fled after he was injured in Ukraine during the armed clashes.[690] It also confirmed a decision in which a Ukrainian national married to a Russian citizen was rejected.[691] This corroborated the opinion of the author of this report that Russian citizens simply cannot obtain international protection in Serbia. It is important to highlight again two decisions of the Commission from 2024 which were related to alleged Russian draft evaders and in which it can be seen that the second instance body confirmed the practice of the Asylum Office in which poor CoI assessment has been

683 Asylum Commission, Decision No. AŽ 15/24, 25 July 2025.
684 Asylum Commission, AŽ 26/23, 27 May 2024.
685 Asylum Commission, AŽ 41/24, 21 October 2024.
686 Asylum Commission, Decision No. AŽ 03/24, 27 January 2025.
687 Asylum Commission, Decisions Nos AŽ 15/23, upheld on 10 July 2023, and then rejected on 17 November 2023.
688 Asylum Commission, Decisions Nos. AŽ 01/23, 29 February 2024 and AŽ 05/24, 8 March 2024.
689 Asylum Commission, Decision Nos. AŽ 11/23, 5 May 2023 and AŽ 11/23, 5 May 2023.
690 Asylum Commission, Decision No. AŽ 35/25, 1 December 2025.
691 Asylum Commission, Decision No. 24/25, 9 September 2025.

performed, leaving out for instance EUAA report on Russian draft evaders and the risks they might face.[692] Despite of the fact that these two applications cannot be considered as highly credible, the corrective influence of the Asylum Commission also implies the responsibility to influence the thoroughness of the assessment of both individual and general circumstances by the Asylum Office, which also implies reflection on the credible CoI. Several more decisions with lower level of credibility were issued in 2025 and were confirmed by the Asylum Commission. This influence has been a longstanding problem of the second instance body.

In 2024, the Asylum Commission confirmed two negative decisions of the Asylum Office in which applicants from Cuba and Burundi who had LGBTQI+ claims were rejected. In the case of Cuban applicants, the Commission failed to at least indicate to the Asylum Office why it deviated from the previously established practice in which Cuban LGBTQI+ applicants who are HIV+ were granted subsidiary protection.[693] As for the Burundian gay man whose appeal was rejected,[694] it can be safely said that such decisions simply contributes to the continuation of the negative practice towards this category of vulnerable applicants. These two decisions justify the reflection on the practice of the Asylum Commission in previous years made above. In 2025, the appeal of an LGBTQI+ activist from the Russian Federation was also rejected by the Asylum Commission contributing to already recorded negative practice with regards to this social group, but also further confirming that Russian citizens cannot obtain international protection in Serbia.

A LGBTQI+ applicant's appeal was rejected in 2023 and with regards to the risk of persecution in Morocco. This represents a continuation of the practice from previous years. On 8 March 2021, the Asylum Commission rejected the appeal of gay man from Congo whose case was rejected in merits by the Asylum Office which took a standing that applicant failed to prove the risk of persecution as a member of a particular social group. A letter from the applicant's mother, as well as relevant CoI were not found to be sufficient for granting of asylum.[695] In 2021, the Commission rejected the appeal of the transgender applicant from **Iran**, whose asylum application was rejected in November 2019,[696] and confirmed the stance of the first instance authority that the fact that Iranian state authorities formally acknowledged her gender transition implies that she would be safe in Iran.[697] However, the Asylum Commission, in the same manner as the Asylum Office, disregarded the threats and attacks she received from her family, but also from members of Iranian society and her former employer. The applicant was granted mandate status by UNHCR and was resettled to another country.[698]

In 2025, a total of 6 decisions in which the appeal was rejected were related to the arbitrary application of national security grounds. The common feature, as it is the case with decisions of the Asylum Office, is that not a single Asylum Commission decisions contain facts on why someone was declared as the national security risk. Thus, the Asylum Commission simply confirmed the standing of the Asylum Office and confirmed the flawed manner in which security assessments are performed, depriving applicants of any possibility to challenge such assessments.

The Asylum Commission rejected an appeal of a Turkish political activist who is a member of HDP, confirming once again that Turkish political activists and in general Turkish people who have fled political persecution, stand no chance to obtain international protection in Serbia.[699] This was confirmed by the additional three decisions from 2025 in which applicants who claimed religious persecution were rejected by the second instance body.

692 Asylum Commission, Decision Nos. AŽ 38/23, 19 February 2024 and AŽ 02/24, 29 February 2024.
693 Asylum Commission, Decision No. AŽ 26/24, 8 October 2024.
694 Asylum Commission, Decision No. AŽ 42/44, 23 October 2024.
695 Asylum Commission, Decision No. AŽ 04/21, 8 March 2021.
696 Asylum Office, Decision No. 26-1592/18, 20 November 2019.
697 Asylum Commission, Decision No. AŽ 44/19, 30 January 2020.
698 *Ibid*.
699 Asylum Commission, Decision No. AŽ 31/23, 12 Febryar 2024.

1.4.2 Onward appeal ('complaint') before the Administrative Court

The Administrative Court does not have a department or panel specialised in reviewing asylum cases and it rules on the lawfulness of a final administrative act in three-member judicial panels. Moreover, only a few judges are tasked to decide upon asylum complaints, but the case files have shown that all judges of the Administrative Court can find themselves seized of asylum cases.

At several conferences and roundtables that took place in in the past several years, judges from the Administrative Court have been highlighting the problem of understaffing, lack of knowledge of international refugee law and international human rights law (mainly the relevant jurisprudence of the ECtHR) and have repeatedly outlined the need for relevant national and international organisations (NGOs and UNHCR) to facilitate more training and workshops regarding asylum and migration law.[700] The first training was facilitated by the UNHCR in 2019, but the training planned for 2020 was postponed due to COVID-19. In December 2021, the UNHCR facilitated a training on credibility assessment which included judges from the Administrative Court, while in 2022 judges were taken for study visits to Italy. It is also reasonable to assume that judges are also invited to take part in trainings organised under the auspices of EU accession. In 2023, there were several trainings organised by the UNHCR in the second half of the year.

The lawfulness of an administrative act may be challenged by a claim in an administrative dispute:

- In the event it was adopted by an authority lacking jurisdiction;
- At the authority's discretion, in the event the authority had exceeded its legal powers or the decision had not been adopted in accordance with the objective for which the authority had been granted specific powers;
- In the event the law or another general act had not been enforced properly;
- In the event the procedural rules have been violated during the procedure;
- In the event the facts were established in a manner that was incomplete or inaccurate, or an incorrect conclusion was drawn from the facts.

According to the Asylum Act, the initiation of an administrative dispute has an automatic suspensive effect.[701]

In practice, the Administrative Court has not itself held any hearings on asylum claims to date. Its decisions so far have merely confirmed the lawfulness of the asylum authorities' practice of automatically applying the safe third country concept despite the fact that it had not first been established that the third countries were actually safe for the asylum seekers *in casu*. Also, to this date, the Administrative Court has never decided on a complaint on the merits.

It can be concluded with certainty that the corrective role of the Administrative Court in relation to the first and second instance authorities is basically non-existing. In 2024, as it was the case in 2023, and 2022, the Court failed to deliver a judgment which could have positively affected the practice of lower instances (see below).

700 Roundtables were organised through the project 'Novelties in the Asylum and Migration System in the Republic of Serbia and Challenges in their Application', implemented by the AIRE Centre, IOM and the British Embassy in Serbia.

701 Article 96 Asylum Act.

Statistical Overview of the Administrative Court Practice 2009-2025

Year	Decision rejecting a complaint	Decision upholding a complaint	Decision dismissing a complaint	Decision on discontinuing of asylum procedure	Total
2009	11	2	0	0	13
2010	1	1	0	1	3
2011	10	1	0	0	11
2012	9	0	1	0	10
2013	9	0	0	0	9
2014	5	4	0	0	9
2015	1	6	0	1	8
2016	8	1	0	0	9
2017	20	5	0	3	28
2018	15	9	2	0	26
2019	14	4	1	1	20
2020	22	0	3	2	27
2021	10	9	1	2	22
2022	20	1	0	2	23
2023	18	3	0	1	22
2024	14	2	0	0	16
2025	12	0	6	4	22
Total	**177**	**48**	**14**	**17**	**256**

Administrative Court Practice in 2025

No.	Case file No.	Date of judgment	Country of origin	No. of persons	Outcome	Type of issue	Length of procedure (months)
1.	U 7391/24	21.01.2025	Croatia	1	Rejected	Political persecution	4
2.	U 7443/24	23.01.2025	Unknown	1	Rejected	Unknown	5
3.	U 21431/20	20.02.2025	Unknown	1	Rejected	Unknown	53
4.	U 13500/22	28.02.2025	Unknown	1	Rejected	Unknown	6
5.	U 8017/18	13.03.2025	Unknown	1	Rejected	Procedural issues	70
6.	U 11036/24	02.04.2025	Burundi	1	Dismissed	Procedural issues	N/A
7.	U 3951/23	25.04.2025	Unknown	1	Rejected	National security grounds	24
8.	U 4368/24	06.05.2025	Burundi	1	Dismissed	Procedural issues	N/A
9.	U 10543/24	16.05.2025	Unknown	1	Dismissed	Procedural issues	N/A
10.	U 5898/23	06.06.2025	Cuba	**1**	Dismissed	Procedural issues	N/A
11.	U 9743/24	18.06.2025	Burundi	4	Dismissed	Procedural issues	N/A
12.	U 1516/25	18.06.2025	Unknown	1	Rejected	Health care issues	4

13.	U 696/25	18.08.2025	Türkiye	1	Discontinued	Extradition	N/A
14.	U 5614/25	04.09.2025	Unknown	1	Discontinued	Unknown	N/A
15.	U 12184/20	05.09.2025	Iraq	1	Rejected	General insecurity	62
16.	U 8776/20	05.09.2025	Unknown	1	Rejected	Unknown	64
17.	U 1060/20	05.09.2025	Unknown	1	Rejected	Unknown	67
18.	U 5649/22	16.09.2025	Unknown	1	Rejected	Unknown	41
19.	U 1817/25	17.09.2025	Iran	4	Discontinued	Alleged political persecution	N/A
20.	U 6828/24	25.09.2025	Syria	1	Discontinued	Exclusion	N/A
21.	U 16138/22	15.10.2025	Unknown	1	Rejected	Unknown	40
22.	U 5165/21	25.11.2025	Unknown	1	Dismissed	Procedural issues	N/A
TOTAL	**DECISIONS: 22**		**PERSONS: 25**				

Source: Administrative Court, response to the request for the information of public importance no. 4726 of 13 March 2026.

In 2024, the Administrative Court delivered 16 decisions regarding 19 persons from the following countries: Iran (7), Unknown (3), Afghanistan (3), Burundi (2), Türkiye (1), Cuba (1), Syria (1) and Ghana (1). Only three complaints were upheld, but two of them for procedural reasons related to family unity and inclusion of a newborn baby in the procedure and silence of administration. Only one complaint was upheld on the basis of substantive grounds, and in relation to the applicant who claimed religious persecution and who was also in extradition procedure. Still, and due to excessive anonymisation, it was not possible to determine the country of origin of the applicant.[702]

In 2025, the Administrative Court delivered 22 decisions regarding 28 persons most of which were of unknown nationality due to once again excessive anonymization: Unknown (13), Burundi (3) Iran (4), and 1 from Syria, Iraq, Cuba and Croatia. Out of these, 6 decisions related to dismissal due to procedural reasons, and 4 were discontinued. In relation to 12 decisions on rejection of complaint, the author has managed to determine nationality in only two - Iraq and Croatia - both cases seeming to be of low credibility. For the rest, it is impossible to provide more a detailed analysis except in one case where arbitrary application of national security grounds was confirmed, meaning that the Administrative Court has validated such practice.[703] Thus, it is clear that the resolution of this flawed practice will have to be addressed before the Constitutional Court and international bodies for the protection of human rights since this is the second decision in the past two years.[704]

It was also possible to determine the length of cases decided in merits which is still extremely long and averaging in 2025 36,6 months.

What can be safely reiterated is that there is still no adequate corrective influence of the Administrative Court in relation to the poor credibility assessment conducted by the Asylum Office and the Asylum Commission.[705]

[702] Administrative Court, Judgment U 7899/20, 22 February 2024.
[703] Administrative Court, Judgment, U U 3951/23, 25 April 2025.
[704] Administrative Court, Judgment U U 6662/24 30 October 2024
[705] Detailed analysis of the Administartive Court practive is available in AIDA, *Country Report: Serbia*, 2024 update, available here, pp. 137-139.

1.5 Legal assistance

Indicators: Regular Procedure: Legal Assistance

1. Do asylum seekers have access to free legal assistance at first instance in practice?
   ☐ Yes ☐ With difficulty ☒ No
   - ❖ Does free legal assistance cover: ☒ Representation in interview ☒ Legal advice

2. Do asylum seekers have access to free legal assistance on appeal against a negative decision in practice?
   ☐ Yes ☐ With difficulty ☒ No
   - ❖ Does free legal assistance cover ☒ Representation in courts ☒ Legal advice

On 1 October 2019, the Free Legal Aid Act (FLA) came into force. The right to free legal aid is explicitly guaranteed to asylum seekers,[706] refugees and persons granted subsidiary protection.[707] However, the Free Legal Aid Fee Schedule Regulation (FLA Regulation)[708] envisages free legal aid only for administrative dispute procedures conducted before the Administrative Court. This means that asylum seekers could apply for the 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,[709] but in the course of 2022, 2023, 2024 and 2025 several attorneys at law provided legal representation to asylum seekers who had their own financial means. In total 25 out of 87 first instance procedures which resulted in the decision of the Asylum Office, asylum seekers had private lawyers. They were mostly from Cuba and were represented by two lawyers practising in Belgrade and Novi Sad. Also, in 20 out of 68 cases before the Asylum Commission, applicants had private lawyers. It was impossible to determine how many private lawyers acted before the Administrative Court.

The fact that free legal aid is only guaranteed in the third instance can be considered as an extremely bad solution, taking into account the level of development of the Serbian asylum system in general, but also the quality of the decision-making process of the first and the second instance authority. In more than 90% of the cases which reached the Administrative Court, the negative decision will most likely be confirmed.

Additionally, the quality of legal aid provided by CSOs who are recognised through the Asylum Act is also highly questionable, taking in consideration the fluctuation of lawyers in different CSOs, lack of clear recruitment criteria, lack of experience and necessary training. However, it is fair to say that asylum seekers who enjoy CSO's legal support from the beginning of the asylum procedure have more chance for a positive outcome, than those who do not have such support. Still, it is clear that a migration lawyer profile does not exist in Serbia as it is the case in EU countries in which asylum systems have been established several decades ago. This means that most of the expertise comes from persons who act as legal representatives on behalf of CSOs, while attorneys at law are rarely interested to provide legal assistance in asylum procedure. Unfortunately, there are no signs that such profile will be established in the near future taking in consideration that practising other branches of law is more lucrative and attractive to attorneys at law.

The right to free legal aid is also guaranteed by the Asylum Act, as well as the right to receive information concerning asylum.[710] 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

706 Article 4 (2-6) FLA.
707 Article 4 (2-7) FLA.
708 Free Legal Aid Fee Schedule Regulation (*Uredba o tarifi za pružanje besplatne pravne pomoći*), Official Gazette of the RS No. 74/2019.
709 This conclusion is drawn from the fact that legal representatives in all Administrative Court judgments were CSOs.
710 Article 56(3)-(4) Asylum Act.

assistance is not a public service, 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.

It is important to highlight that not all persons who wish to apply for asylum have the possibility to have effective legal representation. The first reason is that in 2025 only 3 civil society organisations (CSO) were providing legal aid in Serbia: APC, BCHR, and IDEAS. The total number of active lawyers in these CSOs is between 5and 10 out of which many are also tasked with other project activities or are hired part-time.[711] Other, non-CSOs lawyers, occasionally provide legal aid. All of these CSOs are based in **Belgrade**. Thus, their presence in asylum and reception centres located outside Belgrade is rare,[712] and refugees and asylum seekers are not only forced to wait longer to have assistance in lodging of asylum applications, but also to wait for initial legal advice by a competent lawyer.

Given that, in 2024, the approximate number of persons likely in need of international protection was at least 65% of the total foreign national population who entered Serbia and received registration certificates (a total of 850), it is clear that current number of CSOs is still not sufficient. CSOs still deny legal assistance to applicants whose asylum claim has less prospect of success due to the lack of capacity to handle higher number of cases. Still, from the total number of applications (219), it can be safely said that IDEAS assisted 111, while other CSOs probably assisted several dozen more. With the decrease in arrivals in general, it can be said that the ratio of asylum seekers who received at least basic support (drafting and lodging of asylum applications) improved in comparison to previous years.

However, most legal representatives from respective CSOs have between 1 to 3 years of experience,[713] which is usually the period after which many of them decide to leave the field of asylum and migration. This trend continued in 2024 and 2025 and one of the reason was also funding cuts.[714] Still, it is positive to outline that there were not major flaws in the work of legal representatives observed by the author.[715]

Still, the improvement of the quality of the work of legal representatives employed in different CSOs and private lawyers remain a priority. Furthermore, it is also important to facilitate training on CoE and UN standards regarding International Refugee and International Human Rights Law. The recruitment procedures should be designed, but also volunteer and internship systems should be established so all potential asylum seekers can have at least technical assistance when lodging asylum applications. And finally, the system of free legal aid must be reformed so that it allows attorneys at law to provide legal assistance from the first instance procedure. This would mean that FLA and FLA Regulation have to be amended, and that extensive trainings of attorneys at law should be facilitated so that each person who expresses the wish to apply for asylum is provided with assistance.

2. Dublin

Serbia does not participate in the Dublin system. For information related to persons sent back to Serbia as a result of pushbacks or readmission agreements, please see Access to asylum procedure for persons expelled/returned from neighbouring States.

711 IDEAS had 4, APC had at least 3 and BCHR at least 3 lawyers who were solely providing legal aid to asylum seekers. Klikaktiv has at least 1, but who is also tasked with other activities.
712 IDEAS visits all facilities at least two times per month.
713 Some of them less than a year and without previous training and experience in the field of asylum and migration.
714 For instance, IDEAS had to reduce legal team from 6 to 3 lawyers at the end of 2025,
715 For flaws in work of lawyers, see more in AIDA, *Country Report: Serbia*, 2024 update, available here, pp. 139-142.

3. Admissibility procedure

There is no admissibility procedure in **Serbia**. However, the Asylum Office may dismiss an application without examining the merits when one of the following grounds applies:[716]

1. The applicant comes from a First Country of Asylum;
2. The applicant comes from a Safe Third Country;
3. The applicant makes a Subsequent Application with no new elements.

Rules on interview, appeal and legal assistance are the same as in the Regular Procedure, with the exception of appeals against the inadmissibility of a subsequent application which must be lodged within 8 days before the Asylum Commission.[717]

In practice, the admissibility of an application is examined during the asylum interview.

The Asylum Office dismissed 4 asylum applications as inadmissible in 2021 and in relation to 4 persons. There were no such cases in 2022, 2023 and 2024. In 2025, the application of a Belarus applicant was dismissed on the basis of the first country of asylum - Sweden.[718]

4. Border procedure (border and transit zones)

The Asylum Act foresees a border procedure which is regulated by Article 41. This provision states that the asylum procedure can be conducted 'at a border crossing point, or in a transit zone of an airport or an inland port', but only if the applicant is provided with adequate accommodation and subsistence and:

1. The application can be rejected as unfounded for the grounds set out in the Accelerated Procedure;[719]
2. The application is a Subsequent Application.[720]

The representatives of the organisations providing legal aid, as well as UNHCR, are guaranteed effective access to border crossings points, or transit zones in airports or inland ports in accordance with the state border protection regulations.[721] However, for reasons of national security and public order, an attorney at law or a representative of an organisation providing legal aid could be temporarily restricted access to an asylum seeker.[722] This has not happened in practice so far.

The deadline for the Asylum Office to take a decision is 28 days from the lodging of the asylum application.[723] In case the deadline is not met, the asylum seeker shall be allowed to enter the territory of Serbia in order for the regular procedure to be conducted.[724]

The border procedure foresees different rules for appeals compared to the Regular Procedure: Appeal. The deadline for the appeal to the Asylum Commission is 5 days from the notification of the decision.[725]

The border procedure was not used in the course of 2022, 2023, 2024 and 2025 and it is unlikely that this will change in the near future since there are no adequate facilities for that purpose within the transit zone

716 Article 42(1) and (3) Asylum Act.
717 Article 42(4) Asylum Act.
718 Asylum Office, Decision No. 26-2642/24, 23 December 2025.
719 *Ibid*, citing Article 38(1)(5) which refers *inter alia* to Article 40.
720 Article 41(1) Asylum Act.
721 Article 41(2) Asylum Act.
722 Article 41(3) Asylum Act.
723 Article 41(5) Asylum Act.
724 Article 41(6) Asylum Act.
725 Article 41(7) Asylum Act.

of **Nikola Tesla Airport** or any other border-crossing point. The planned reconstruction of Belgrade Airport has been finalised, but the premises provided still do not meet the criteria for the longer stay.[726]

5. Accelerated procedure

The Asylum Act provides an accelerated procedure, which can be conducted where the applicant:[727]

- Has presented only facts that are irrelevant to the merits of the application;
- Has consciously misled the Asylum Office by presenting false information or forged documents, or by failing to present relevant information or by concealing documents that could have had a negative effect on the decision;
- Has destroyed or concealed documents that establish his or her identity and/or nationality in bad faith so as to provide false information about his or her identity and/or nationality;
- Has presented manifestly inconsistent, contradictory, inaccurate, or unconvincing statements, contrary to the verified information about the country of origin, rendering his or her application non-credible;
- Has lodged a Subsequent Application that is admissible;
- Has lodged an asylum application for the clear purpose of postponing or preventing the enforcement of a decision that would result in his or her removal from the Republic of Serbia;
- Presents a threat to national security or public order; or
- Comes from a Safe Country of Origin.

The decision on the asylum application in the accelerated procedure shall be made within 30 days from the date of the asylum application or the admissibility of the subsequent application.[728] The Asylum Office shall inform the applicant that the application is to be processed in the accelerated procedure.[729] In practice, this means that a decision to apply the accelerated procedure is made by the asylum officer during the course of the personal interview.

Rules on appeals differ from the Regular Procedure: Appeal. The deadline for an appeal to the Asylum Commission is 8 days from the notification of the decision.[730]

In 2022, the Asylum Office applied an accelerated procedure on three occasions. It was not applied in 2023, 2024 and 2025.

6. National protection statuses and return procedure

6.1 National forms of protection

The Foreigners Act envisages different types of temporary residency which asylum seekers who were rejected with the final decision are eligible to apply for in most of the cases. Firs of all, it is important to highlight that temporary residence is a permit granted to a foreign national who intends to stay in Serbia for over 90 days.[731]

The grounds for temporary residency in Serbia are the following:

1) Employment;
2) Education or learning of the Serbian language;
3) Studies;
4) Participation in international exchange programmes for pupils or students;

726 The Ombudsman, *Представници компаније Belgrade Airport у посети Заштитнику грађана*, 16 December 2020, no longer available as of 30 June 2024.
727 Article 40(1) Asylum Act.
728 Article 40(2) Asylum Act.
729 Article 40(3) Asylum Act.
730 Article 40(5) Asylum Act.
731 Article 40 (1) Foreigners Act.

5) Specialist, professional training and practice;
6) Scientific research or other scientific or educational activity;
7) Family reunification;
8) Performing religious service;
9) Treatment or care;
10) Ownership of immovable property;
11) Humanitarian grounds;
12) Status of presumed victim of trafficking in human beings;
13) Status of victim of trafficking in human beings;
14) Other legitimate reasons in accordance with the law or an international treaty.[732]

The general requirements for almost any type of temporary residency is that the foreign national has entered into Serbia regularly and does not require a visa for entry or has entered into Serbia with a Long-Term Visa. [733] Alongside the application for approval or extension of a temporary residence permit, the foreigner should also provide evidence of meeting the additional general requirements:

1) Valid personal or service passport;
2) Evidence of means of subsistence during the planned stay;
3) Registered address of residence in the Republic of Serbia;
4) Evidence of health insurance during the planned stay;
5) Evidence that the application for temporary residence permit is justified;
6) Proof of payment of the prescribed administrative fee.[734]

From the above outlined criteria, it can be safely assumed that asylum seekers who arrived regularly to Serbia and applied for asylum before applying for temporary residency can apply for most of the types of temporary residency. Those asylum seekers who arrived irregularly but possess a valid travel document can also apply for different types of temporary residency but, in practice, the issue of their irregular entry can be raised by an acting immigration officer.

However, temporary residency on humanitarian grounds (TRHG) is one of the rare types of residencies in Serbia which does not require for the applicant to meet the general requirements. One of the common issues shared by most asylum seekers in Serbia is that they do not possess a valid passport or their passport has expired and they cannot renew it.[735]

Since the introduction of the TRHG into the Serbian legal framework, this type of residency has been granted to 444 persons. Most people who might be in need of international protection and who were granted TRHG in the period from 2019 - 2024 were from Palestine (53), Afghanistan (34), Ukraine (31), Libya (19), Iraq (11) and Iran (8). In 2025, the following nationalities were granted TRHG : Palestine (26), Ukraine (5), DR Congo (4), Nepal (4), Croatia (4), Burundi (4), Nigeria (3), Cuba (3), North Macedonia (2), Swaziland (2), Montenegro (2), and from Slovenia, Pakistan, Sri Lanka, Cote D'Ivoire, Canada, Cambodia, Iraq, Haiti, Philippines, Afghanistan, Cameroon, Russian Federation, Germany, Holland, Tunis, Jordan, UK, Italy and Tanzania

After the decisions on rejecting or dismissing an asylum request becomes final, the foreign national has a voluntary return period to leave Serbia (up to 30 days). In case that they fail to leave, their stay in Serbia will be considered unlawful in terms of the Article 74, paragraph 1, point 8 of the Foreigners Act and they will be served with the expulsion order in line with the Article 74, paragraph 2.

732 Article 40 (1) Foreigners Act.
733 Article 41 (2) Foreigners Act.
734 Article 43 Foreigners Act.
735 Article 61 Foreigners Act.

Year	2019	2020	2021	2022	2023	2024	2025	Total
Palestine	0	0	0	2	2	23	**26**	**53**
Afghanistan	2	2	29	0	0	0	**1**	**34**
Ukraine	0	0	0	15	8	3	**5**	**31**
Libya	4	5	4	0	6	0	**0**	**19**
Iraq	2	2	0	4	2	0	**1**	**11**
Iran	1	1	2	3	1	0	**0**	**8**
Syria	0	0	2	0	0	0	**0**	**2**
Others	10	14	37	87	64	29	**45**	**286**
Total	**19**	**24**	**74**	**111**	**83**	**55**	**78**	**444**

Source: Ministry of Interior - Border Police Department's Response to the request for the information of public importance no. 07-25/26-2, 10 March 2026 (received on 23 March 2026).

6.2 Return procedure

In case of a negative decision (in-merits or inadmissible) to an asylum application, the asylum seeker has 15 days to lodge an appeal to the Asylum Commission. This appeal has an automatic suspensive effect, as also a complaint to the Administrative Court. A negative decision also contains an order to leave the country and a deadline to do so, which can be up to 30 days. However, when the rejection decision becomes final (i.e., it is confirmed by the Administrative Court), the relevant MoI unit for foreigners renders an additional expulsion decision in cases where the applicant has failed to voluntarily leave the territory of Serbia within the given deadline.[736] Only the expulsion decision creates grounds for forcible removal and potential immigration detention imposed for the purpose of forced removal, in line with the Foreigners Act. An expulsion decision can be challenged, but this appeal does not have an automatic suspensive effect.[737]

In 2024, a total of 13 asylum seekers were rejected with a final decision of the Administrative Court,[738] while that number in 2025 was 8. The author of this Report is familiar with only one case in which the applicant was served with an expulsion order but was not removed to Türkiye due to risks of ill-treatment.[739] As for the other persons, it remains unclear if they were served with and expulsion order or they regulated their stay in line with Foreigners Act.

D. Guarantees for vulnerable groups

1. Identification

Indicators: Special Procedural Guarantees

1. Is there a specific identification mechanism in place to systematically identify vulnerable asylum seekers? ☐ Yes ☒ For certain categories ☐ No
   - ❖ If for certain categories, specify which: unaccompanied and separated children and victims of human trafficking

2. Does the law provide for an identification mechanism for unaccompanied children? ☐ Yes ☒ No

The Asylum Act explicitly envisages that, in the course of the asylum procedure the specific circumstances of certain categories of applicants 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,

736 Article 74 (1-8) Foreigners Act.
737 Article 80 Foreigners Act.
738 See above the Table of the practice of the Administrative Court in 2024 and 2025.
739 Administrative Court, Judgment No. U 80/23, 12 January 2024

rape, or other serious forms of psychological, physical or sexual violence, such as women who were victims of female genital mutilation.[740]

However, it remains unclear how in practice and in which kind of specific procedure relevant asylum authorities are conducting vulnerability assessments, what kind of decision do they issue and how they design special and individualised programmes for meeting the special needs of the above-listed categories in different contexts (accommodation, provision of psycho-social support, provision of medical support, in asylum or integration procedure, etc.).

1.1 Screening of vulnerability

Article 17 of the Asylum Act envisages that the procedure for identifying the personal circumstances of a person is carried out by the 'competent authorities on a continuous basis and at the earliest reasonable time after the initiation of the asylum procedure, or the expression of the intention to submit an asylum application at the border or in the transit zone'.[741]

However, the registration of foreign nationals who are willing to lodge their asylum application is usually conducted in differed police units around Serbia (rarely in border or transit zones), and this process is deprived of any type of vulnerability assessment. It is conducted without interpreters and acting police officers simply take biometric data from foreigners and issue them with registration certificates. They do not use any kind of screening tools (e.g. questionnaires specially designed for specific vulnerable groups) and do not indicate in the registration certificate observations which can potentially indicate to some type of vulnerability. Thus, it can be safely said that there is no vulnerability assessment during 'the expression of the intention to submit an asylum application at the border or in the transit zone', or in other police departments within the mainland.

The admission process into asylum and reception centres also is deprived of any systemic screening except for the basic health care assessment which, if a medical condition is discovered, can further lead to more complex and specialist examinations and adequate support. However, there are no screening tools which CRM workers are applying for other categories, such as survivors of trafficking in human beings, LGBTQI+ persons, SGBV or torture survivors. HRC recommended to Serbia to *enhance efforts to systematically identify, prevent and combat trafficking in migrants, refugees and asylum-seekers, especially those at heightened risk, such as unaccompanied and separated children*.[742] An entire set of recommendations was also issued by GRETA.

In 2024, IDEAS published two assessment which clearly showed that vulnerable asylum seekers who belonged to LGBTQI+ community or who are SGBV survivors[743] do not undergo any type of screening when arriving to asylum centre or during their stay. Both Analysis have clearly shown that refugees and asylum seekers who belong to this category experience challenges in all stages of their stay in Serbia. '' The situation remained unchanged in 2025.

As already outlined, it is still not entirely clear in which form the Asylum Office, Asylum Commission or Administrative Court determines that an asylum seeker is in need of special procedural guarantees. Most of the vulnerabilities are flagged by legal representatives in the asylum procedure, or during the in-depth legal counselling which implies in depth interviews which are usually conducted prior to the initiation of the asylum procedure. Thus, the CSOs are the ones who flag vulnerabilities prior and during the asylum procedure.

740 Article 17(1) and (2) Asylum Act.
741 Article 17(3) Asylum Act.
742 HRC, Concluding observations on the fourth periodic report of Serbia*, CCPR/C/SRB/CO/4, 3 May 2024, available here.
743 Marko Milanović, *Assessment of LGBTIQ+ Asylum Seeker Experiences in Serbia: Analysis of Reception Conditions, Support Services, and Recommendations for Policy Reform*, IDEAS 2024, available here and Marko Milanović, *Bridging the Gap: Enhancing Support for GBV Survivors in Serbia's Asylum System*, IDEAS 2024, available here.

Accordingly, the practice has shown that vulnerability assessments for the purpose of procedural or reception guarantees have never been conducted through a special procedure or through a separate decision which is issued in some sort of procedure. It is also not clear if the CRM has any role in that regards, and in relation to reception guarantees, but the practice has shown that many vulnerable applicants have never benefitted from special reception guarantees.

The Asylum Office has been so far the only asylum authority which highlighted vulnerabilities of certain applicants in the reasoning of its decisions. In almost all decisions related to UASCs, the first instance authority explicitly stated that special procedural and reception guarantees were secured in UASC's cases since they were appointed a legal guardian, a legal representative and were accommodated in social care institution designated for children.[744] This practice has remained unchanged in all of the UASC cases which were positively decided in 2022. In 2023 and 2024, there were no decisions related to UASCs, but there was a BID assessment in the case of an Afghan minor whose case resulted in subsidiary protection in 2025,[745] as well as a BID for unaccompanied girl from Cameroon who was granted subsidiary protection.[746]

And indeed, accommodation of children in specialised social care institutions reflects special reception guarantees, while the appointment of the temporary legal guardian provides for the additional procedural security in asylum, but also other procedures. In all of these decisions, the Asylum Office invoked Article 10 of the Asylum Act (best interest of a child principle) and Article 17 (special procedural guarantees).

Also, it has become undisputable since 2020, and in some of the cases even earlier,[747] that certain types of vulnerabilities should be, and in practice are, identified by other state institutions, but also CSOs. Identification of such vulnerabilities is done through different forms such as decisions, reports, findings or expert opinions. Asylum authorities have been taking these into consideration during the decision-making process, which so far has been the case predominately with regards to UASCs, but also other vulnerable applicants:

1. UASC - the best interest determination assessment (BID) which is accompanied by a BID decision is conducted by the Social Welfare Centres (under the supervision of IDEAS - implementing partner of UNHCR). This decision contains description of different vulnerabilities which the temporary legal guardian, but also the case worker within the competent Social Welfare Centre, have determined and which are relevant for granting international protection;
2. Survivors of trafficking in human beings - decision on granting the status of the survivor of the trafficking in human beings which is conducted by the Government's Centre for Human Trafficking Victims' Protection (CHTV) and which contains relevant segments of applicants' vulnerability, but also description of different forms of exploitation, some of which can be qualified as acts of persecution;
3. Sexual and gender-based violence report (SGBV report) – is only drafted and provided by the SGBV officer at the Dutch Refugee Council, Ms. Bojana Balević, which basically means that this kind of vulnerability assessment is conducted by one of the CSOs, not a state institution. In 2024, DRC was not providing SGBV reports due to the lack of funding and thus, asylum seekers who had SGBV component were deprived of this type of evidence;
4. Psychological reports – drafted and provided by CSOs PIN and IAN and which are frequently cited in positive decisions. This also means that psychological reports are provided mainly by CSOs who are contacted by legal representatives;
5. Psychiatric reports – drafted and provided by psychiatrists hired by PIN or IAN, and in rare situations by the State psychiatrist. The later one are usually provided in a form which is not suitable for the asylum authorities because very often they only contain the diagnosis and therapy, but not the causal link between the traumatic event which could amount to persecution and the

744 Asylum Office, Decision No. 2573/19, 15 October 2020, Decision No. 26-374/19, 14 February 2020 and Decision No. 26-1946/18, 9 October 2020.
745 Asylum Office, Decision No. 854/24. 1 July 2025.
746 Asylum Office, Decision No. 26-614/25, 23 July.
747 For instance, Asylum Office, Decisions No. 4329/18, 26 December 2017 – person with the status of the victim of trafficking in human beings.

symptoms which are being displayed or determined by the psychiatrist. This is not the case if the CSO providing legal aid have funds for psychiatrists who are trained to provide reports in line with the Istanbul Protocol. Still, there are many problems in practice to obtain a proper Istanbul Protocol report;

6. Medical reports – provided by different medical institutions and professionals which can also be used to flag the vulnerability of applicants to the asylum authorities and which was the case in several positive decisions;
7. Forensic medical reports – usually drafted and provided by forensic experts with extensive experience with torture survivors, but also the practice has shown that medical experts opinion were provided by psychiatrists, gynaecologists (for rape survivors) and infectious disease specialist (for HIV+ applicants) also upon the request of CSOs.

However, due to funding cuts, and unlike the previous years, SGBV and psychological reports have become quite rare due to complete lack or significant reduction of capacities of IAN and PIN, and closure of DRC office in Serbia.

To reiterate, it is safe to say that vulnerability screening within reception facilities does not exist. Even when the vulnerability is determined, special reception conditions are not provided for anyone except potentially for survivors of human trafficking and women at the imminent risk of SGBV (placed in CSO Atina's safe house), and also UASC who decided to apply for asylum. For all other categories, they are provided with regular accommodation unless they are not suffering from medical conditions that are so serious that their health can significantly deteriorate of life can be threatened if not accommodated in a medical institution.

Regardless of the type of vulnerability, the common feature of all kinds of screening mechanisms is that they largely depend on the work of and referrals made by different CSOs, but are in many cases conducted in cooperation with different state institutions. Thus, the State support system can be described as partially effective with regards to UASCs and survivors of human trafficking, and strongly dependant on the limited resources of CSOs who assist UASC, survivors of trafficking in human beings, victims of SGBV, persons with health and mental issues, torture survivors, etc.

It should be also borne in mind that the capacities of CSOs are also limited and not always of the highest quality, especially after the fundings cuts which impacted both international organizations such as UNHCR and CSOs For that reason, it is safe to say that only small numbers of vulnerable persons that may be in need of international protection receive the comprehensive support and mainly after they are channelled through the asylum procedure. For persons who are in need of international protection but are not registered as asylum seekers, the limited support is almost exclusively provided by CSOs, or not at all. However, the past several years has shown some improvements in the joint work of state institutions and CSOs. The biggest problem are the so called front line workers who are getting in first contact with persons that might be in need of international protection and who are employed in asylum and reception centres, CSOs, but also international organisations, and who are providing first information to potential asylum seekers. There is no screening tools systematically applied and the practice has shown that identified cases are usually the one which are most flagrant or most oblivious, while for many other cases where survivors and vulnerable beneficiaries are not obviously displaying sings of vulnerability remain under the radar and leave Serbia without getting specific information relevant for their problem. The following several cases corroborate this statement and reflect the recommendations of international bodies for the protection of human rights such as HRC and GRETA:

1. In 2022, a woman from Cameroon was qualified by most of the state and non-state front line workers as an economic migrant who resided in the Asylum Centre in Krnjača for months. After an in-depth interview with a qualified lawyer and SGBV officer from DRC, it was determined that she is a survivor of trafficking in human beings who escaped her traffickers after she was pushed back from Hungary, that she had a GPS tracker placed in her thigh and that she was receiving continuous threats;
2. An Indian transgender woman was qualified as non-credible individual, not in need of international protection who resided for more than 6 months in RC Preševo, AC Sjenica and AC Krnjača where

she was assessed by state and non-state (national and international) as a non-credible case. After she was assessed by qualified lawyer, she was granted refugee status as a survivor of trafficking in human beings.

3. The most striking case from 2024 is a case of an unaccompanied girl from Cameroon who arrived to AC Krnjača in July, registered in September as adult and referred at the of October to legal representative as a single woman without any other data that might indicate addition2025al layers of vulnerability. After the assessment, it turned out that she was underage, that she survived different types of gander-based exploitation and that she was a SGBV survivor. For three months she went under the radar of all CRM employees, CSOs and international organisations front-line workers and resided in the facility for adults. After all the facts had been determined by a competent lawyer, she was transferred to the ATINA safe house, provided with specialised services and was registered as a child, and obtained the status of survivor of trafficking in human beings. Her asylum procedure is ongoing.
4. In 2025, an asylum applicant from Kyrgizstan, who suffers from serious medical and psychological disorders was transferred from one facility to another, prosecuted for violent acts which she committed due to her condition and eventually, due to the lack of care, her asylum procedure was discontinued since she left the camp. There was no understating by the Asylum Office that her condition was the reason she left the camp, and not her genuine wish to exit the asylum procedure. IDEAS is currently litigating her return to the asylum procedure, invoking vulnerabilities as the reason for her absence from the asylum centre.

Unaccompanied and separated children

UASCs who decide to apply for asylum undergo a detailed vulnerability assessment through the Best Interest Determination Procedure (BID) conducted by the CSW. BID is requested either by the Asylum Office or by legal representatives and then are used, processed and cited in the decision-making process. In the past two years, CSOs were the only ones who were requesting BID from CSW.

The Family Law provides that everyone is obliged to be guided by the best interests of the child in all activities concerning the child.[748] The Social Protection Act (SPA), as one of the principles of social protection, prescribes the best interest of beneficiaries, as well as the right of beneficiaries to participate in decision-making.[749] The legislative framework also explicitly stipulates that the UASC case manager and the supervisor from the CSW must respect the best interests of the beneficiaries in all proceedings.[750] Also, the Asylum Act provides that all activities carried out with the child must be in accordance with the best interests of the child.[751]

The relevant framework does not define the procedure for assessing the best interests of the child, but the Centre for Social Work, as a guardianship authority, is responsible for making decisions on protection of children's rights and best interests. All professional and legal decisions are rendered in the process which is called **the case management method**. When CSW identifies a UASC, the caseworker shall instantly initiate **the procedure of the case management** which starts with the official activity which is called **initial assessment**.[752] The initial assessment is performed in order to determine the further content of support to the child and the facts collected during the initial assessment are the basis for future decision-making, including decision on BID.[753] In this sense, the case management process is established as a basis for assessing the best interest of a child, including for the purpose of asylum procedure. Finally, the relevant CSW provides a BID which is drafted in the form of an Expert Opinion on an individual applicant.

Thus, in practice, only UASC who have a genuine desire to apply for asylum in Serbia undergo a detailed vulnerability and needs assessment, which in the best-case scenario is concluded with the best interest

748 Article 6 (1) Family Law.
749 Article 26 and 35 Social Protection Act.
750 Article 30 and 32 Rulebook on the Work of Centre for Social Work
751 Article 10 Asylum Act.
752 Article 48 Rulebook on the Work of Centre for Social Work.
753 Only 20 in 2019, and for the purpose of asylum procedure.

determination assessment (BID).[754] According to the UNHCR, 973 UASC were recorded entering Serbian territory in 2022, but only 82 of them were issued with the registration certificate, and only 4 effectively lodged an application for international protection.[755] Out of the 82 children with a registration certificate, almost all received a more detailed support, and at least 25 underwent best interest assessments (BIA).[756] Thus, substantial support was provided to less than 3% of all recorded UASC. BID decisions were issued in 8 instances, and in relation to UASC who applied for asylum or temporary residence on humanitarian grounds. The situation remained unchanged in 2023, when 761 UASC entered Serbia and resided mainly in RC Šid, while only 30 was registered and not a single UASC lodged asylum application in 2023. Thus, there were no BID decisions in 2023.

In 2024, a total of 2,637 children were recorded in asylum and reception centres, as well as social care institutions, out of which 1,829 were put under the care of SCWs.[757] This means that some children remain only for several days and are not put under the custody of social care worker. It takes 2 to 5 days for the decisions on guardianship to be rendered. As for the number of children who was registered in line with the Article 36 of the Asylum Act, the data obtained from the MoI and MoLEVSA differs. According to the MoI, only 17 UASCs were registered in 2024, while MoLEVSA outlined that 40 UASC were issued with the registration certificates. In 2025, a total of 14 UASC was registered in terms of the Asylum Act: 11 Egypt, 2 Syria and 1 DR Congo. As for other children, a total of 70 boys was registered in line with Article 35 of the Asylum Act and 19 girls. Only 1 BID from Cameroonian UaSC who survived human trafficking and SGBV was produced. The data on arrival of UaSC was not delivered for 2025.

Survivors of human trafficking or persons at risk of human trafficking

Also, CHTV can be considered as an authority that can contribute to the effective implementation of Article 17 of the Asylum Act. In 2022, CHTV identified only 3 persons who belonged to the refugee population as survivors of human trafficking – 3 women from Uganda, Cameroon and Burundi.[758] Still, in the majority of cases, CSOs are the ones who report alleged cases of human trafficking. In 2023, CHTV identified 6 foreign nationals as survivors of trafficking in human beings originating from: India (3), Ukraine (1), Iran (1) and Pakistan (1).[759] In 2024, CHTV identified 16 foreign nationals as survivors of human trafficking: Nigeria (5), Ukraine (2), Burundi (2), Colombia (2), China (2), Brazil (1), Congo (1) and Russian Federation (1).[760] In 2025, CHTV identified 26 foreign nationals who survived trafficking in human beings: Zimbabwe (8), India (5), Philippines (4), China (2), Bangladesh (2), Kenya (2), Belarus (1), Uzbekistan (1), Pakistan (1), Indonesia (1) and Cameroon (1). Out of these 26 foreign nationals, three of them applied for asylum since exploitation in their country of origin amounted to persecution and these persons were identified by ATINA and IDEAS (Camerron, Indonesia and Pakistan).[761] Moreover, most of the other survivors were also identified by these two NGOs, but they were mostly survivors of labour and, in some instances, sexual exploitation, which occurred in Serbia. The vast majority of them were identified by IDEAS and ATINA: Zimbabwe (8), Kenya (2) and China (2). They were all granted temporary residency for survivors of trafficking in human beings and in line with the Article 63 of the Foreigners Act with the assistance provided by IDEAS and funded by the IOM.

If a police officer, CSO, or any other entity assumes that a person in need of international protection is a survivor of human trafficking, they are obliged to immediately inform the CSW and the CHTV, who then take measures to care for the alleged victim. The CHTV will then start the process of identifying the victim and, at the same time, inform the Ministry of the Interior about the initiation of the identification

754 Only 20 in 2019, and for the purpose of asylum procedure.
755 UNHCR statistics are available at: https://bit.ly/2LklrZY.
756 The difference between BIA and BID can be found in UNHCR, *Guidelines on Assessing and Determining the Best Interests of the Child*, November 2018, available at: https://bit.ly/2WaByiA, pp 30 and 44-45.
757 MoLEVSA, Response to the request for the infomration of public importance no. 003611250 2024 13400 009 001 041 001, 8 January 2025.
758 CHTV, *Annual Statistical Report*, available at: https://bit.ly/3xCcp4D.
759 CHTV, *Annual Statistical Report for 2023*, available at: https://bit.ly/4cOcFPD.
760 CHTV, *Током 2024. године идентификован највећи број жртава трговине људима*, 3 January 2024, available here.
761 CHTV, *Annual Statistical Report for 2025*, available here.

procedure.[762] The CHTV then issues a **decision on the recognised status of the victim of human trafficking** which is then used during the course of asylum procedure. In 2023, one person belonging to Hijra community in India was recognised as survivor of human trafficking and was granted refugee status of those grounds, as well as on the grounds of sexual orientation and SGBV.[763] In 2024, out of 16 recognised survivors, Congolese[764] and Ukrainian[765] women were granted refugee status, acts of exploitation were recognised as acts of persecution. In 2025, out of 2026 recognized survivors, 1 Cameroonian girl was granted refugee status.[766]

In 2023, GRETA recommended that the Serbian authorities take further measures to strengthen prevention of human trafficking through social, economic and other measures for vulnerable groups, including members of the Roma community, migrants and asylum seekers.[767] GRETA also highlighted that the Serbian authorities should take further steps to ensure that all victims of trafficking are identified as such and can benefit from the assistance and protection measures contained in the Convention, in particular by:

- encouraging law enforcement officials, social workers, asylum officials, and other relevant actors to adopt a more proactive approach and increase their outreach work to detect victims of human trafficking for different forms of exploitation;
- increasing the involvement of specialised NGOs in the identification of victims of trafficking and strengthening multi-disciplinary co-operation between all relevant partners;
- paying increased attention to detecting and identifying victims of trafficking among migrants and asylum seekers;
- providing sufficient staff and resources to the Centre for the Protection of Victims of Trafficking to enable it to carry out timely identification of victims of trafficking.[768]

Asylum seekers with mental health issues and survivors of torture and other forms of ill-treatment

The psychological assessment for the purpose of the asylum procedure is usually conducted by the Psychosocial Innovation Network (PIN) and IAN. In 2024, PIN and IAN identified, were occasionally present in asylum centres. Only few psychological assessments were lodged with the Asylum Office for the purpose of asylum procedure, and upon the request of legal representatives.

When it comes to the vulnerability assessment of survivors of torture, it is usually conducted by CSOs who have funds for forensic medical or psychiatric examinations. These reports are then delivered to the Asylum Office. In 2023, only 1 Istanbul Protocol Report was drafted and submitted to the Asylum Office in relation to an individual from Burundi who was subjected to different forms sexual violence, but also reports from more narrowly specialised psychosocial workers. According to the content of first instance decisions, in several cases legal representatives lodged psychological reports, while Asylum Office did not request any assessment. In 2024 and 2025, there were no Istanbul Protocol Reports lodged to the Asylum Office.

Persons at risk of SGBV, SGBV survivors and LGBTQI+ persons

In 2022, DRC implemented projects which aimed to provide assistance to SGBV survivors in refugee and asylum seekers' populations. This organisation was the only one who provided legal assistance to the refugees and asylum seekers in cases of SGBV in 2022 outside the asylum procedure. Additionally, DRC established the first Women Safe Space inside the Asylum Centre in **Krnjača**. The space was used by 3 organisations (DRC, ADRA and Atina) where they conducted activities raising awareness on women rights and provided direct assistance to the beneficiaries. Community-based protection has been an integral part of DRC field activities and therefore DRC trained three female asylum seekers to be gender

762 Article 62 Social Protection Act.
763 Asylum Office, Decision No. 26-1562/22, 14 December 2023.
764 Asylum Office, Decision No. 26-1969/24, 10 June 2024.
765 Asylum Office, decision No. 26-296/24, 29 October 2024.
766 Asylum Office, Decision No. 26-614/25, 23 July 2025.
767 GRETA, *Evaluation Report Serbia*, 16 June 2023, available at: https://bit.ly/4ciaeE5, para. 198.
768 *Ibid*, para. 210.

focal points in AC Krnjača. In 2022, DRC has identified 23 survivors of SGBV who had the status of asylum seekers, produced 7 SGBV reports and contributed to the positive decision of two applicants – 1 from Burundi and 1 from Afghanistan. There is no available data for 2023 and in 2024, DRC stopped providing assistance to SGBV survivors and thus, in 2025, there were no SGBV reports provided in asylum procedure.

CRM who is in charge of asylum and reception centres does not provide any kind of vulnerability assessment upon arrival, including in relation to SGBV survivors and LGBTQI+ persons. Accordingly, CSOs who provide legal and other assistance to asylum seekers are the ones who usually provide care to vulnerable applicants in terms of referral to appropriate accommodation, medical care, psychological or other needs assessment. Also, the fact that the asylum authorities have recognised an asylum seeker's vulnerability (age, state of health or other vulnerability) can mainly be found in positive decisions of the Asylum Office, while rejection decisions usually disregard the vulnerabilities of the minor applicants put forward by their legal representatives.

There is a reported the lack of screening of SGBV survivors upon their arrival to the camp and the lack of any kind of reception guarantees.'[769]

LGBTQI+ Persons

In the same way, LGBTQI+ applicants have outlined the lack of information and their challenges in reception facilities.[770]

1.2 Identification and age assessment of unaccompanied children

Serbia considers as an unaccompanied child 'a foreigner who has not yet reached eighteen years of age and who, at the time of entry into the Republic of Serbia or upon having entered it, is not accompanied by their parents or guardians.'[771]

Although the Asylum Act prescribes that children for whom it can be determined reliably and unambiguously that they are under 14 years of age shall not be fingerprinted at registration,[772] it is not prescribed how the age is to be established, leaving it up to the competent authorities to arbitrarily ascertain the age of persons lacking personal documents form their country of origin. On 16 September 2020, IDEAS received a legal opinion from the Ministry of Justice, as per which Serbia does not have an age assessment procedure in its legal framework.[773]

According to the current legal framework, the MoI and the social protection system are primarily responsible for protecting the rights of unaccompanied and separated children in the Serbian asylum system, but the health care system also plays a significant role. In line with the MoI Instruction on Standard Operating Procedures for Profiling, Search and Registration of Irregular Migrants (SoP), during the first contact with the child (at the border or within the mainland), the police officer is obliged to determine whether there is an urgent need for provision of health care[774] and if so, the police officer is obliged to contact the competent health-care services.[775] Also, a UASC identified at the border shall not be served with a decision on refusal of entry but will receive a decision granting them entry.[776]

769 *Bridging the Gap: Enhancing Support for GBV Survivors in Serbia's Asylum System*, available here, pp 23-25.
770 *Assessment of LGBTIQ+ Asylum Seeker Experiences in Serbia: Analysis of Reception Conditions, Support Services, and Recommendations for Policy Reform*, available here, pp 20-21, 32-33.
771 Article 2 Asylum Act.
772 Article 35(6) Asylum Act.
773 Ministry of Justice, Legal Opinion No. 011-00-125/2020-05, 16 September 2020.
774 Page 20 SoP.
775 *Ibid*.
776 Article 15 Foreigners Act.

The identification of UASC, which includes the assessment of the child's age, is done through the procedure of verification and identification, which is performed by a police officer. Identity verification is performed through inspection of an identification document which contains a photograph, or exceptionally, based on the statement of the person whose identity is being verified.[777] Regarding UASC who do not have identification documents, and if the identity cannot be verified in another way, the identity will be determined using data from forensic records, applying methods and using means of 'criminal tactics' and forensics, medical or other appropriate expertise.[778] It is not clear what kind of tests and forensic analysis is implied through this provision because that kind of age assessment has never been performed. In order to establish their identity, the child can be brought to the official premises of the police.[779] The police officer is obliged to inform the child about the reasons for their presence at the police premises, their right to inform family or other persons of their choice and other rights of persons deprived of liberty and in a language that the child understands.[780]

When a police officer determines that an individual is a UASC, they are obliged to compile a report which also contains the identity determined in line with the above-described methods, which in practice is only the statement of a child, unless they have a document.[781] This report should be then submitted to the competent Centre for Social Work (CSW) in order for a child to be taken over by the social-care system.[782] A police officer shall contact a representative of the CSW without delay, if there is a reasonable suspicion that the person concerned is a child and in order to gather additional information important to establish facts from their life and provide adequate protection.

On the basis of the Memorandum of Understanding signed with the Ministry for Social Affairs, IDEAS has been conducting supervision of all social care workers in Serbia working with UASC. This assistance implies counselling on individual cases, providing general guidelines and assistance in conducting BID. Thus, out of 973 children recorded in 2022, only 82 were registered, 4 lodged asylum application, while the rest remained in legal limbo, being at risk of being issued with expulsion order or penalised in the misdemeanour proceeding. Moreover, since the registration certificate does not provide for any legal status, even the children issued with this document were in the same situation as those children who were not registered at all. In 2024, a total of 40 children were issued with registration certificate according to MoLEVSA, and according to the MoI, 11 UASCs were registered in line with the Article 35 of the Asylum Act. In 2025, a total of 14 children were registered in asylum procedure according to the MoI.[783]

The screening of UASC vulnerability is conducted by the temporary legal guardians funded by IOM and who were deployed from IDEAS in 2020. However, this is not done in line with Article 17 of the Asylum Act, but in line with the Family Act and social care professional standards. The Asylum Office did not submit any request for BID in 2022[784] and in general, in 2022, only 4 UASC applied for asylum. Thus, the age is determined on the basis of the statement of a child. What is also a concerning practice is that MoI officers who are tasked with issuing the registration certificates usually ask children how old they are. When a child says the number of years, the police officer then subtracts that number from the number of the given year (e.g., 2021) and puts 1 January as a date of birth. This practice is not in line with the principle of *in dubio pro reo*, i.e., the principle of the benefit of the doubt established by the CRC.[785] Thus, if a child who is 17 arrives in Serbia in 2021, his date of birth would be set at 1 January 2004. This means that a person under the age of 18 could be treated as adult before coming of age, which is contrary to the Asylum Act, the Constitution and international standards. The benefit of the doubt criterion would be respected only if the registration certificate mentioned 31 December of the given year as birth date.

777 Article 76 Police Act.
778 Article 77 Police Act.
779 Article 12 (2) Rulebook on Police Powers.
780 Article 85 Police Act.
781 Which is usually not the case taking in consideration that the vast majority of children are UASC.
782 Article 12 (2) Rulebook on Police Powers.
783 MoI and UNHCR monthly reports.
784 All the information was obtained from IDEAS.
785 CRC, *General comment No. 6 (2005): Treatment of Unaccompanied and Separated Children Outside their Country of Origin*, 1 September 2005, CRC/GC/2005/6, available at: https://bit.ly/2KIs2S5.

To reiterate, there is no proper or developed method for ascertaining an asylum seeker's age, meaning that the asylum seeker's word and the official's personal observations are the only criteria for identifying minors in the greatest number of cases.[786] On 4 April 2018, the Ministry of Labour, Employment, veteran and Social Affairs adopted the Instruction on Procedures of Social Work Centres[787] which envisages that the field social worker is in charge for identifying and coordinating support to UASC as long as the child is not put under the care of a professional social worker.[788]

Still, the identification of unaccompanied minors continues to be done on the spot by officials (most often police officers) and CSO employees, establishing first contact with potential asylum seekers. The SWC are understaffed and they usually react when the MoI or CSO inform them of a UASC's presence within the territory of Serbia. Thus, it is clear that a large number of children residing in Serbia have never been recorded and that the numbers published by different state authorities, but also non-state entities (CSOs, UNHCR, IOM) significantly differ.[789] The Committee on the Rights of the Child,[790] and the Human Rights Committee,[791] underlined these problems as well.

2. Special procedural guarantees

Indicators: Special Procedural Guarantees

1. Are there special procedural arrangements/guarantees for vulnerable people?
☐ Yes ☐ For certain categories ☒ No

None of the bodies tasked with conducting the asylum procedure (Asylum Office, Asylum Commission and Administrative Court) have specialised subdivisions responsible for asylum claims of vulnerable applicants. As it was already outlined, the Asylum Act foresees that care will be taken during the asylum procedure of asylum seekers with specific needs, including minors, persons lacking or having limited legal capacity, children separated from their parents or guardians, persons with disabilities, the elderly, pregnant women, single parents with underage children and persons who had been subjected to torture, rape or other forms of grave psychological, physical or sexual violence.[792]

In 2022, there were 10 decisions in which members of particularly vulnerable groups were granted asylum. However, in most of the cases their asylum procedure did not differ from any other procedure. Moreover, the length of the procedure can be described as extensive. However, it is important to note that in these decisions the Asylum Office took into consideration the vulnerability of the applicants' in terms of their age, state of health, gender or psychological state.[793] Also, there were several procedures which lasted between 3 to 8 months, which is more acceptable than the cases which lasted for more than 1 year. In 2023, there was only one case – previously mentioned – related to an Indian national who was granted refugee status. In 2024, there were two decisions in which vulnerable applicants were granted refugee status (see the table below), while in 2025, one applicant was granted subsidiary protection and the other was granted refugee status.

786 There is no record that an age assessment procedure has ever been conducted in line with the Family Act.
787 Instruction on Procedures of Social Work Centres – Guardianship Authorities for the Accommodation of Unaccompanied Migrant/Refugee Children, Ministry of Labour, Employment, Veteran and Social Affairs, No. 019–00–19/2018–05.
788 Section II, para. 2 of the Instruction on Procedure of Social Work Centres.
789 BCHR, *Right to Asylum in the Republic of Serbia 2019*, 97-98.
790 CRC, *Concluding observations on the combined second and third periodic reports of Serbia*, 7 March 2017, CRC/C/SRB/CO/2-3, pp. 56-57.
791 HRC, *Concluding observations on the third periodic report of Serbia*, 10 April 2017, CCPR/C/SRB/CO/3, available at: https://bit.ly/3T8zneH, paras. 32-33.
792 Article 15 Asylum Act.
793 The most important decisions regarding vulnerable applicants are analysed in the Chapter C.1. – Asylum Practice in 2021.

Overview of the cases in which vulnerability was taken into account in positive decisions of the Asylum Office in the period 2021-2025

No.	Case No.	Date of Asylum Application	Date of Decision	Country of Origin	Type of protection	Length of procedure	Vulnerability
1.	26–1437/21	April 2021	31.03.2022	Niger	Subsidiary Protection	11 months	UASC
2.	26-1569/21	23.08.2021	24.06.2022	Syria	Subsidiary Protection	10 months	Single mother with children at risk of SGBV
3.	26-2296/22	15.03.2021	29.06.2022	Burundi	Refugee Status	3,5 months	Survivor of SGBV
4.	26-346/21	24.02.2021	29.06.2022	Cameron	Subsidiary Protection	14 months	Serious physical disability
5.	26-277/21	12.02.2021	13.07.2022	Afghanistan	Subsidiary Protection	15	UASC
6.	26-1635/21	31.08.2021	17.08.2022	Afghanistan	Refugee Status	11,5 months	Survivor of SGBV and her family
7.	26-730/22	28.02.2022	31.08.2022	Afghanistan	Subsidiary Protection	6 months	UASC
8.	26-688/22	24.03.2022	15.09.2022	Cuba	Subsidiary Protection	7 months13 months	LGBTQI+ and HIV+
9.	26-281/11	20.10.2021	10.11.2022	Afghanistan	Refugee Status	13 months	UASC
10.	26-1177/22	April 2022	01.12.2022	Syria	Subsidiary Protection	8 months	UASC
11.	26-1562/22	10 June 2022	14 December 2023	India	Refugee Status	18 months	Survivor of SGBV and human trafficking and LGBTQI+
12.	26-1969/24	10 October 2024	10 June 2024	Congo	Refugee Status	4 months	Survivor of SGBV and human trafficking
13.	26-296/24	29 October 2024	14 February 2024	Ukraine	Refugee Status	7,5 months	Survivor of SGBV and human trafficking
14.	26-854/24	01.03.2024	01.07.2025	Afghanistan	Subsidiary Protection	16 months	UASC
15.	26-614/25	06.03.2025	23.07.2025	Cameroon	Refugee Status	3,5 months	Survivor of SGBV and human trafficking

National law further foresees the exemption of unaccompanied children from accelerated and border procedures.[794]

[794] Articles 40(4) and 41(4) Asylum Act.

3. Use of medical reports

Indicators: Use of medical reports

1. Does the law provide for the possibility of a medical report in support of the applicant's statements regarding past persecution or serious harm? ☒ Yes ☐ In some cases ☐ No

2. Are medical reports taken into account when assessing the credibility of the applicant's statements? ☒ Yes ☐ No

Medical or psychological reports may be used in order to substantiate asylum claims; as is prescribed by the General Administrative Procedure Act.[795] The number of decisions in which Asylum Office refers in the reasoning of its decisions to medical and psychological reports has increased. In the vast majority of cases, the legal representatives are the ones who are hiring forensic, psychiatric or psychological experts in order to support their client's claims. Still, since 2022, the Asylum Office has not submitted any request to PIN or IAN, but there were several of cases in which lawyers provided such reports.

The Asylum Office has continued to issue decisions in which medical and/or psychological reports were used with the aim to assess the vulnerability of the applicant but also the credibility of their statement. On the other hand, there were several cases in which the Asylum Office, but also the second and the third instance authorities failed to take into consideration the medical or psychological state of the applicant.

The first time the Asylum Office took into consideration a medical report was in December 2016, in the case of an Iraqi applicant who was granted subsidiary protection. The report that was examined was issued by the psychiatrist at one of the Belgrade clinics. However, it was the legal representative who provided the Asylum Office with the report.[796]

The second time the Asylum Office directly took into consideration the state of health of an applicant was in December 2017, when one Nigerian[797] and one Bangladeshi[798] nationals were granted subsidiary protection due to paraplegia and quadriplegia, respectively. In both cases, the Asylum Office took into consideration the ECtHR principles established in *D. v. United Kingdom* which were invoked by their legal representative.

Also, in December 2018, the Asylum Office explicitly cited Article 17 of the Asylum Act and took into consideration that an unaccompanied girl from Nigeria was recognised as a victim of human trafficking.[799] The same was done in the decision 26-1719/18 from 11 December 2019, when an asylum seeker from Iraq was granted subsidiary protection. In 2019, a psychological report was taken into consideration in several more decisions,[800] as well as the BID,[801] while the report of the psychiatrist was taken in consideration in the case of Uyghur applicant from China who is a torture victim.[802] This practice continued in 2021 and in cases of Afghan[803] and Pakistani[804] UASC, Iranian torture victim[805] and two torture victims from Burundi.[806] An Afghan applicant received subsidiary protection due to inability to receive medical treatment in his country of origin. Pakistani boy was psychologically assessed and CHTV decision granting him the status of the victim of human trafficking was also taken in consideration. The Asylum

795 Article 128 GAPA. It should be borne in mind that, should the authorities doubt the veracity of such documents, expert witnesses may be summoned in order to examine said veracity.
796 ECtHR, *D. v. UK*, Application No 30240/96, Judgment of 2 May 1997, EDAL, available at: http://bit.ly/37TOAEN.
797 Asylum Office, Decision No. 26-4370/15, 27 December 2017.
798 Asylum Office, Decision No. 26-5044/15, 25 December 2017.
799 Asylum Office, Decision No. 26-329/18, 28 December 2019.
800 Asylum Office, Decisions Nos. 26-2348/17, 28 January 2019; 26-2643/17, 30 January 2019; 26-1605/18, 15 March 2019.
801 Asylum Office, Decision Nos. 26-2348/17, 28 January 2019 and 26-784/18, 20 November 2019.
802 Asylum Office, Decision No. 26-2050/17, 12 September 2019.
803 Asylum Office, Decision No. 26-1084/20, 7 June 2021
804 Asylum Office, Decision No. 26–3064/19, 14 September 2019.
805 Asylum Office, Decision No. 26-108/20, 27 August 2021.
806 Asylum Office, Decisions Nos. 26-1337/20, 29 June 2021 and 26-103/20, 30 June 2021.

Office closely examined forensic medical reports from two Burundian applicants, as well as a psychological report lodged by torture victim from Iran.

In 2022, the Asylum Office took into consideration an Istanbul Protocol report drafted in relation to an SGBV survivor from Burundi,[807] as well as SGBV survivor from Afghanistan.[808] Both of these cases also contained SGBV reports from DRC and psychological reports from PIN or IAN. All reports were provided by legal representatives. Also, every UASC's legal representative lodged BID. A medical report was also used in the case of a Cuban applicant[809] and the Asylum Office made a reference to relevant ECtHR jurisprudence which is related to the risks of inhumane and degrading treatment due to the lack of adequate health care.[810]

In 2024, the Asylum Office took into consideration psycho-social reports in cases of Congolese and Ukrainian SGBV and human trafficking survivors.[811] In the latter, the case report of the psychiatrist was also taken into account. In 2025, even though the Asylum Office granted asylum to UaSC from Afghanistan and Cameroon, psychosocial reports were not produced in these cases due to lack of psycho-social services provided by CSOs.

4. Legal representation of unaccompanied children

Indicators: Unaccompanied Children

1. Does the law provide for the appointment of a representative to all unaccompanied children?
   ☒ Yes ☐ No

A slightly higher number of children, including unaccompanied and separated children in particular, was registered in the course of 2022 and at the same time the number of genuine asylum seekers out of this population remains low. In total, 82 UASC were issued with the registration certificate (compared to 60 in 2019). However, only 4 of them submitted asylum application. In 2023, at least 761 UASCs entered Serbia, but only 27 of them were registered while the others left Serbia: Syria (10), Afghanistan (8), Egypt (3), Tanzania (1), Iraq (1), India (1), Türkiye (1), Pakistan (1) and Sierra Leona (1). None of them lodged asylum application in 2023.

In 2024, a total of 11 UASCs were registered according to the MoI, while MoLEVSA reported 40. Data regarding their nationalities was not provided.

In the history of the Serbian asylum system, only 17 UASC were granted asylum in Serbia:

No.	Decision No.	Date of Decision	Country of Origin	Type of Protection	Grounds for Asylum
1.	26-329/18	28 December 2018	Nigeria	Refugee Status	Human Trafficking – Sexual Exploitation
2.	26- 2348/17	28 January 2019	Iraq	Refugee Status	Forced recruitment by Iraqi Kurdish armed forced Peshmerga
3.	26-2643/17	30 January 2019	Afghanistan	Subsidiary Protection	Forced recruitment by Taliban
4.	26-784/18	20 November 2019	Afghanistan	Refugee Status	Forced recruitment by Taliban
5.	26-218/19	20 February 2020.	Stateless	Refugee Status	Forced recruitment by Syrian armed forces

807 Asylum Office, Decision No. 26-2296/22, 29 June 2022.
808 Asylum Office, Decision No. 26-1635/21, 17 August 2022.
809 Asylum Office, Decision No. 26-688/22, 15 September 2022.
810 E.g., ECtHR, *D. v. UK*, Application No. 30240/96, Judgment of 2 May 1997, EDAL, available at: http://bit.ly/37TOAEN.
811 Asylum Office, Decisions Nos. 26-1969/24, 10 October 2024 and 26-296/24, 29 October 2024.

6.	26-2573/19	15 October 2020	Afghanistan	Refugee Status	Forced recruitment by Taliban
7.	26-1271/19	15 October 2020	Iran	Subsidiary Protection	Conversion from Islam to Christianity
8.	26-2474/19	15 October 2020	Afghanistan	Subsidiary Protection	Honour killing arising from the family dispute
9.	26-1084/20	7 June 2021	Afghanistan	Subsidiary Protection	Medical condition and the lack of medical treatment in country of origin
10.	26–3064/19	14 September 2019	Pakistan	Refugee Status	Human Trafficking – Sexual and Labour Exploitation
11.	26–1437/21	31 March 2022	Niger	Subsidiary Protection	State of general insecurity – Boko Haram
12.	26-277/21	13 July 2022	Afghanistan	Subsidiary Protection	State of general insecurity caused by Taliban
13.	26-1635/21	17 August 2022	Afghanistan	Refugee Status	Ethnic persecution
14.	26-730/22	31 August 2022	Afghanistan	Subsidiary Protection	State of general insecurity caused by Taliban
15.	26-1177/22	1 December 2022	Syria[812]	Subsidiary Protection	State if general insecurity in Syria
16.	26-854/24	1 July 2025	Afghanistan	Subsidiary Protection	Risk of recruitment by Taliban
17.	26-614/25	23.07.2025	Cameroon	Refugee Status	Survivor of SGBV and human trafficking

The legal framework that aims to protect unaccompanied and separated children in the course of the asylum procedure is largely in line with the international standards, however, it is clear that the authorities do not have the capacities to meet the established level of protection.[813]

The Asylum Act explicitly prescribes the principle of the best interests of the child. Accordingly, when assessing the best interests of the child, the competent authorities must take into account the well-being, social development and background, their views depending on their age and maturity, the principle of family unity and the need to provide assistance, particularly it is if suspected that the child might be a victim of human trafficking, a victim of family violence or other forms of gender-based violence.[814]

The guardianship for an unaccompanied child is governed by the Family Act that prescribes conditions and rules for the placement of children without parental care under guardianship. The appointed guardians are persons with personal characteristics and abilities necessary to perform the duties of a guardian and who have agreed to be guardians. In order to establish whether one fulfils the conditions to be a temporary guardian of a child, a procedure defined in the Family Act and the accompanying by-laws must be conducted. This decision may only be taken by a guardianship authority and it includes a guardianship plan.[815]

812 Brother and sister.

813 Committee on the Rights of the Child, *Concluding observations on the combined second and third reports of Serbia*, 7 March 2017, CRC/C/SRB/CO/2–3, available at: https://bit.ly/3T8zneH, paras 12-13, 22-23, 54 (d), 56-57, 62 (a) and 68 (d); Human Rights Committee, *Concluding observations on the third periodic report of Serbia*, 10 April 2017, CCPR/C/SRB/CO/3, available at: https://bit.ly/46njRy9, paras. 32-33.

814 Article 10(2) Asylum Act.

815 Articles 125 and 126 Family Act.

A temporary guardian must be appointed immediately after it has been established that the child is unaccompanied / separated and no later than prior to the lodging of their asylum application.[816] The police cannot register an unaccompanied child who has expressed the wish to seek asylum in the absence of a temporary guardian.[817]

The temporary guardian must be present with the child in all the procedures before the State authorities and represent their interests. It is also prescribed that a temporary guardian must be a person with personal characteristics and abilities necessary to perform the duty of a guardian, and this assessment is made by a competent territorial guardian authority, under the provisions of the Family Act and accompanying by-laws. A guardian may not be, *inter alia*, a person whose interests go against the best interest of a child put under their guardianship, and a person who due to different reasons cannot be expected to properly perform the activities of a guardian.[818]

One of the greatest challenges in practice has been the fact that guardianship authorities lacked sufficient human resources to ensure effective support to each individual child.[819] For instance, it was a frequent situation that one guardian was appointed to dozens of UASC, making it impossible for them to develop a meaningful and trusting relationship with the children notwithstanding their enormous efforts and motivation.[820] Thus, only those children who apply for asylum are provided with the possibility to establish a deeper connection with the multidisciplinary team which involves a legal representative, a temporary legal guardian and a psychologist. The children who do not apply for asylum are mainly provided with accommodation, urgent health care and food, but their other necessary needs are not assessed at all.

It is worth mentioning that a special instruction was issued by the Government which stipulates that field social workers inform the territorially competent guardianship authority immediately upon the information or direct knowledge about an unaccompanied child.[821] The next step is the urgent appointment of a temporary guardian to the child.

In 2022, **IDEAS** did not notice any difference in the treatment of unaccompanied children in comparison to adult asylum seekers in terms of the length of the asylum procedure, (except in one case where the procedure lasted for 6 months), interviews and the behaviour of asylum officers. There were still situations in which the personal interview lasted for hours. However, in several decision standards regarding International Child Law (ICL) were thoroughly taken into consideration during the asylum procedure. On the other hand, there were instances in practice in which child-specific guarantees were entirely neglected (e.g., due to the inadequate BID and the length of asylum interview) in terms of ICL standards. Since there were no decisions in relation to UASCs in 2023 and 2024, it is not possible to provide an updated assessment. In 2025, a UaSC from Afghanistan was granted subsidiary protection after 16 months.

In March 2022, CESCR recommended that Serbia provides all unaccompanied and separated children with alternative care arrangements and guardianship protection and ensure that they continue education with adequate support, including adequate language learning.[822] Similar recommendation was issued by the Human Rights Committee.[823]

816 Article 12 Asylum Act.
817 Article 11 Asylum Act.
818 Article 128 Asylum Act.
819 Human Rights Committee, Human Rights Committee, *Concluding observations on the third periodic report of Serbia*, 10 April 2017, CCPR/C/SRB/CO/3, available at: https://bit.ly/46njRy9, paras 32-33; Committee on the Rights of the Child, *Concluding observations on the combined second and third reports of Serbia*, 7 March 2017, CRC/C/SRB/CO/2–3, paras 56-57.
820 That was the case in AC in Bogovadja, which was designated for the accommodation of UASC in 2020, as well as AC in Sjenica.
821 Instruction of the Ministry of Labour, Employment, Veteran and Social Affairs on procedures of centres for social welfare – guardianship authorities in accommodation of minor migrants /unaccompanied refugees, no. 019–00–19/2010–05 of 12 April 2018, Chapter II.
822 CESCR, *Concluding observations on the third periodic report of Serbia*, 4 March 2022, E/C.12/SRB/CO/3, available at: https://bit.ly/47AhcCo, paras. 32-33.
823 HRC, *Concluding observations on the fourth periodic report of Serbia**, CCPR/C/SRB/CO/4, 3 May 2024, available here, paras. 32-33.

E. Subsequent applications

Indicators: Subsequent Applications

Does the law provide for a specific procedure for subsequent applications? ☒ Yes ☐ No

Is a removal order suspended during the examination of a first subsequent application?
- At first instance ☒ Yes ☐ No
- At the appeal stage ☒ Yes ☐ No

Is a removal order suspended during the examination of a second, third, subsequent application?
- At first instance ☒ Yes ☐ No
- At the appeal stage ☒ Yes ☐ No

The Asylum Act envisages that a foreigner whose asylum application has been rejected on the merits 'may submit a subsequent asylum application if:

- they can provide evidence that the circumstances relevant to recognising their right to asylum have changed substantially or;
- if they can provide any evidence that they did not present in the previous procedure due to justified reasons.'[824]

The precondition for the subsequent application is that the initial application was rejected by a final decision as unfounded or discontinued due to applicant's failure to appear for the asylum interview.[825] The applicant must provide all the above and bring forward evidence in a comprehensible manner.[826] The Asylum Office shall assess the admissibility of subsequent applications in line with the new facts and evidence, and in connection with the facts and evidence already presented in the previous asylum procedure.[827]

If it has been established that the subsequent asylum application is admissible, the competent authority shall revoke the previous decision. On the contrary, the subsequent asylum application shall be rejected if it has been established that it is inadmissible due to a lack of new evidence. The decision on a subsequent application will be issued within 15 days from the date of the application.[828]

What is important to note is that, since the institute of subsequent asylum application has been introduced in the Asylum Act from 2018, not a single applicant successfully lodged it.

In 2018, there was one case where the family A. from **Libya** was allowed to submit the subsequent application, but in line with the old Asylum Act. This was the consequence of the ECtHR communicating their case to the Government of Serbia.[829] In 2020, only 2 subsequent applications were submitted, while in 2021 a total of 11 subsequent asylum applications were lodged: Iran (6), Bulgaria (3), Cameroon (1) and Pakistan (1). All subsequent applications were rejected as unfounded and all applicants were already on the territory of the Serbia. The same practice continued in 2022 when two subsequent asylum applications were rejected as unfounded. In 2023, 3 subsequent asylum applications from applicants from Bulgaria, Afghanistan and Russia were rejected. The Afghan applicant absconded, the Bulgarian applicant was considered as non-credible *prima facie* as she had returned to Bulgaria prior to lodging her subsequent asylum application to obtain a new passport, even though she claimed to face 'risk for her life'.[830] In 2024, a total of 3 subsequent asylum applications were lodged by citizens of Brazil, Algeria and Kazakhstan. In 2025, there were no subsequent applications.

824 Article 46(1) Asylum Act.
825 Ibid.
826 Article 46(2) Asylum Act.
827 Article 46(3) Asylum Act.
828 Article 46(4), (5) and (6) Asylum Act.
829 ECtHR, *A. and Others v. Serbia*, Application No 37478/16, Communicated on 12 December 2017.
830 Asylum Office, Decision No. 26-1637/20, 31 January 2023.

Two decisions from 2021 are worth mentioning because they were both based on subsequent asylum applications which contained new facts and evidence which were not examined in the initial asylum procedure. The applicants' (4-member Iranian family who converted from Islam to Christianity) argument in the first case referred to the fact that they failed to outline new evidence because they were not aware of such possibility. The impugned evidence was a witness statement of an applicant's brother as well as decision on refugee status which the brother received in the Netherlands. The Asylum Office emphasised that it is the applicant's fault that they failed to provide such evidence, and that the fact that they had a legal representative is an additional argument that goes in favour of their position that there is no justification for not bringing that up in the initial procedure.[831] The second case gives serious reasons for concern as it was related to an UASC from Pakistan who lodged his asylum application, but then absconded because his lawyer was not answering his calls. Thus, there was never a decision on his case. After he re-presented himself to the authorities, he expressed the will to apply for asylum a second time. However, his subsequent application was rejected, without taking into account the motivations he presented. The essence of the reasoning behind the reject decision was that he had legal representatives who should have ensured that he outlined all the evidence. Also, the argument that his case has never been examined on the merits, but simply discontinued was completely ignored. This further means that subsequent applications can only be considered as theoretical and illusory in case of absconding, but also in case of inadequate legal representation.[832] The unfortunate outcome is that both the Iranian family and Pakistani UASC left Serbia and it is not possible to assess how the higher instance authorities would have decided in these cases.

In 2022, two similar cases, this time also involving a national security assessment by BIA, were discontinued because they were not provided with adequate legal support in their initial asylum procedure.

In a 2022 case of Turkish Political activist,[833] the applicant failed to underline an entire set of crucial evidence which indicate his political persecution in Türkiye. His lawyer failed to fill out the asylum application form. He did not prepare the applicant for the interview while in extradition detention either, nor did he conduct CoI research and submitted the CoI report. After asylum application and the ensuing appeal were rejected, the lawyer failed to lodge a complaint to the Administrative Court and the case was discontinued.

In another case from 2022, a legal representative cancelled the power of attorney granted to him by a Kyrgyz national who was in extradition detention, before his asylum interview. When realising that he did not have legal representative the distressed applicant refused to take part in his asylum interview, which was conducted in extradition detention. As a result, his asylum procedure was discontinued.[834]

Both applicants, with the help of their new legal representatives, decided to lodge subsequent asylum application outlining now in details with an entire set of facts which were not put forward in their past procedures, but also some new facts which arose in the meantime. As it was the case in subsequent asylum procedure of the Pakistani boy, the Asylum Office outlined the following:

- the facts outlined were not new
- the fact that applicants had legal representatives in previous asylum procedure was taken as a safeguard that applicants were able to outline all the crucial facts, but there was not assessment of their competence and commitment
- the incompetence of legal representatives was not considered at all as the argument for subsequent application.

In the case of the Kyrgyz national, where the first instance procedure was concluded before the first instance decision was issued, it is clear that the Asylum Office never took into consideration a single fact which corroborated his alleged persecution and, instead, declared that the facts set forth in the

831 Asylum Office, Decision No. 26-2404/18, 7 June 2021.
832 Asylum Office, Decision No. 26-3229/19, 21 May 2021.
833 Asylum Office, Decision No. 26-1247/21, 30 August 2022.
834 Asylum Office, Decision No. 26-2052/21, 23 August 2022.

subsequent asylum application were insufficient. In other words, the Asylum Office denied the applicant of the possibility to have his case examined on the merits.

The decisions rejecting their subsequent asylum applications were confirmed by the Asylum Commission[835]. It is worth mentioning that, in both cases, the CAT indicated interim measures to the Government of Serbia. Both measures were lifted after their extraditions were rejected by Serbian Courts. While the complaint presented by the Kyrgyz national to the Administrative Court of is still pending; on 12 January 2024, the complaint from the Turkish national was instead rejected.[836]

As for 2023, it is worth mentioning that the circumstances arising from the Russian aggression on Ukraine were not consider as new circumstances in the subsequent application of Russian national who never claimed his anti-war sentiment and risk of mobilisation in his initial asylum procedure. The Asylum Office claimed that he did not provide any evidence which would corroborate such claims, but the question that remains open is if this assessment was supposed to be done during the examination of the admissibility of subsequent asylum application, or in the newly reopened asylum procedure.[837]

In 2024, one applicant from Brazil outlined an entire set of new facts which he was not able to provide in his initial asylum procedure because of the fact that most of the evidence was placed on his laptop which was taken away from him while he was in extradition detention. As it was the case in previous years and other subsequent asylum applications for other applicants, this subsequent application was also dismissed.[838] In 2025, only 1 subsequent application was rejected and it was lodged by a citizen of Croatia.

There were no instances in which applicants who had been returned to their countries of origin came back to Serbia and lodged subsequent applications. Applicants who lodge subsequent applications are considered to be asylum seekers and are entitled to material reception conditions.

F. The safe country concepts

Indicators: Safe Country Concepts

1.	Does national legislation allow for the use of 'safe country of origin' concept?	☒ Yes ☐ No
	❖ Is there a national list of safe countries of origin?	☐ Yes ☒ No
	❖ Is the safe country of origin concept used in practice?	☐ Yes ☒ No
2.	Does national legislation allow for the use of 'safe third country' concept?	☒ Yes ☐ No
	❖ Is the safe third country concept used in practice?	☐ Yes ☒ No
3.	Does national legislation allow for the use of 'first country of asylum' concept?	☒ Yes ☐ No

The concepts of safe country of origin, first country of asylum and safe third country are set out in the Asylum Act.[839]

The application of the safe third country and the first country of asylum concept may lead to an asylum application being declared as inadmissible by the Asylum Office, although asylum seekers may be able to prove that the country in question is not safe in their individual case. As for the safe country of origin concept, the Asylum Office may reject asylum application in merits and under the Article 40 of the Asylum Act which governs accelerated procedure.

In 2021, the Asylum Office dismissed 4 asylum applications of citizens of Iran (1), Pakistan (1), Libya (1) and Burundi (1). Since the author of this Report could not obtain these decisions, it remains unclear to

835 Asylum Commission, Decision Nos. AŽ 24/22, 12 October 2022 and AŽ 27/21, 7 November 2022.
836 Administrative Court, Judgment U 80/23, 12 January 2024.
837 Asylum Office, Decision No. 26-1529/18, 27 October 2023.
838 Asylum Office, Decision No. 26-10-45, 20 September 2024.
839 Article 43-45 Asylum Act.

which of the below described concepts they referred. In 2022, 2023, 2024 and 2025, there were no such decisions which can be described as positive and having in mind that most of asylum seekers arrive to Serbia from North Macedonia and Bulgaria, often outlining different flawed practices to which they were subjected.

1. Safe country of origin

A country shall be considered as a safe country of origin where, on the basis of the legal situation, the application of the law, and the general political circumstances, it is clear that there are no acts of persecution in the sense of Article 1 of the Refugee Convention, nor any risk of treatment contrary to the absolute prohibition of torture and other cruel, inhumane and degrading treatment or punishment which can be qualified as irreparable and serious harm.[840] The assessment of safety is conducted in line with the following criteria:

- The relevant laws and regulations of the country, and the manner in which they are applied;
- Observance of the rights and freedoms guaranteed by the ECHR, particularly Article 15(2), the ICCPR and the UN CAT;
- Observance of the *non-refoulement* principle;
- Application of effective legal remedies.[841]

The Asylum Act explicitly recognises that the safe country of origin assessment implies the use of information from sources such as EUAA, UNHCR, the Council of Europe, and other relevant international organisations. Also, the fulfilment of the conditions for the application of the safe country of origin concept shall be established on a case-by-case basis.[842]

However, it is prescribed that the Government shall determine a List of Safe Countries of Origin, on the proposal of the Ministry of Foreign Affairs which can be revised as needed, taking into account the above-listed criteria,[843] as well as 'the views of the competent authorities specified by this Law.'[844] A country included in the List of Safe Countries of Origin may be considered a safe country of origin in a specific case only if the applicant holds the nationality of that country or had habitual residence (in case of statelessness) and has failed to explain why the country in question cannot be considered safe in their case.[845] This list is yet to be adopted.

The safe country of origin concept was applied only once in practice so far and in relation to a citizen of **Montenegro**.[846] This decision was confirmed during the course of 2019 by both the Asylum Commission[847] and the Administrative Court.[848] No decisions relying on the safe country of origin concept has been issued since 2020, according to the author's knowledge.

2. Safe third country

The flawed and automatic application of the safe third country concept used to be a major problem of the Serbian asylum system since its very establishment[849] and was severely scrutinised by many relevant international actors and bodies.[850] Throughout the years, the asylum authorities automatically relied on the Safe Countries List denying *prima facie* refugees the possibility for their asylum claim to be decided

840 Article 44 Asylum Act.
841 Article 44 (1) Asylum Act.
842 Article 44 (2) and (5) Asylum Act.
843 Article 44 (3) Asylum Act.
844 Article 44 (4) Asylum Act.
845 Article 44 (6) Asylum Act.
846 Asylum Office, Decision No. 26-1720/18, 21 December 2018.
847 Asylum Commission, Decision AŽ 2/19, 1 March 2019.
848 Administrative Court, Judgment U 5037/19, 12 June 2019.
849 AIDA, *Country Report: Serbia – Update on the year 2020*, March 2021, available here, pp 57-58.
850 Including UNHCR, CAT, CERD, CCPR, Amnesty International and national civil society organisations, see the detailed analysis of this flawed practice in the AIDA, *Country Report: Serbia – Update on the year 2018*, March 2019, available here, pp 41-53.

on the merits.[851] Moreover, this practice was equally damaging for the applicants who did not have *prima facie* claims regarding their country of origin, but had an arguable claim[852] in terms of the risk of torture and other forms of ill-treatment in the third countries through which they had travelled before arriving in Serbia and which were designated as 'safe' in the asylum procedure. In the previous Asylum Act, which has not been in force since 1 October 2018, the safe third country concept was poorly governed and automatically applied on the basis of the list of the said list drafted by the Government.

Although the new law significantly improved the framework of the safe third country concept, there are still ambiguities that may limit its adequate application. Namely, according to Article 45 of the Asylum Act, a 'safe third country' is a country where the applicant is safe from persecution, as well as from the risk of suffering serious harm. Additionally, the safe third country must ensure that the applicant enjoys protection from *refoulement*, which includes access to an efficient asylum procedure.[853] In establishing conditions for the application of the safe third country, each asylum application is assessed individually, examining whether the country fulfils the conditions set by Article 45(1), and whether there is a connection between that country and the applicant on the basis of which it could be reasonably expected that they could seek asylum there.[854] The new approach of the Asylum Act is better than the previous one, as it requires an individual consideration of each case and not the application of the Safe Countries Decision or any other regulation proclaiming a country 'safe' without transparent criteria.

Article 45(3) states that applicants will be informed in due time about the application of the safe third country concept so they can have the possibility to challenge it. It may be reasonable to assume that the information should be provided by the authorities before the interview, when the asylum seeker would outline facts and circumstances which could indicate that safety in the country in which he resided previously. This assumption is supported through the content of Article 37 of Asylum Act, which provides that an officer of the Asylum Office authorised for interviewing shall establish facts related to the travel routes of the applicant after leaving their country of origin or habitual residence, and whether applicants had previously sought asylum in any other country. However, so far it is not possible to make remarks on the implementation of the new norm.

Also, and Interpreting the Asylum Act as a whole, it follows from Article 32 that the Asylum Office collects and considers all the relevant facts, evidence and circumstances when deciding on the merits of the asylum application as well as on the assessment of a certain third country as 'safe'. Under 'facts, evidence and circumstances' it considers 'current reports about the situation in… countries of transit [of the applicant], including the laws and regulations of these countries and the manner in which they are applied – as contained in various sources provided by international organizations including UNHCR and the European Asylum Support Office… and other human rights organisations.'

Another provision which might be relevant for the application of the safe third country concept is Article 17 of the Asylum Act, which refers to specific personal circumstances. These circumstances have to be taken into account during the decision-making process and as a part of vulnerable individual's right to enjoy special procedural and reception guarantees. Specific circumstances exist if the applicant is a child, including unaccompanied or separated children, person with disabilities, elderly person, single parent with underage children, survivors of human trafficking, severely ill person, a person with mental disorder and persons who survived torture and other forms of ill-treatment, survivors of sexual and gender-based violence. By analogy and following a logical interpretation of the above provision, it is evident that a person falling within one of the above categories must be granted equal reception guarantees in the receiving country if subject to application of the safe third country concept. Moreover, the competent authorities

851 ECtHR, *El-Masri v. 'The Former Yugoslav Republic Of Macedonia'*, Application No 39630/09 Judgment of 13 December 2012, para 165; *M.S.S. v. Belgium and Greece*, Application No 30696/09, Judgment of 21 January 2011, EDAL, available at: https://bit.ly/2ErG9VZ, para 296.

852 Council of Europe Committee of Ministers, *Recommendation on the Right of Rejected Asylum Seekers to an Effective Remedy Against Decisions on Expulsion in the Context of Article 3 of the European Convention on Human Rights*, 18 September 1998, Rec(98)13, Rec. 1.

853 Article 45(1) Asylum Act.

854 Article 45(2) Asylum Act.

must consider *proprio motu* the extent to which these special guarantees could be enjoyed in the receiving country.

The issue that remains unclear in the provisions regarding the safe third country concept is the certificate that the Asylum Office issues to the applicant, having ruled on dismissing their application due to application of the concept. Namely, the new Asylum Act only states that the certificate shall include an information for the authorities of a third state that the Republic of Serbia has not examined the asylum application on the merits. Consequently, it is not clear whether applicants will have to go to the border crossing points themselves and present the certificate on the 'safe third country' to the authorities or if the authorities of the safe third country are officially informed that the application of a certain individual had been dismissed as it was concluded that it could and should have been examined on the merits in that country. It is still not clear how this will function in practice.

Practical ambiguities of this provision aside, the issue of major concern is the absence of clear and accurate provisions on individual guarantees, the key issue relating to every forcible removal procedure. The issues that remain after the beginning of the implementation of the Asylum Act are the manner in which the said guarantees would be obtained from the states assessed to be safe, what exactly would these guarantees include, and to what extent would they be personalised to each individual. Based on the above, however, it follows that, before the final evaluation, it is necessary to wait for the first decisions of the Asylum Office that will apply the safe third country concept in line with the Asylum Act.

Finally, the Asylum Act provides that the Republic of Serbia would examine a foreigner's application on the merits if a third country considered safe refuses to admit them.

Since the Asylum Act came into force on 1 October 2018, the safe third country concept has been rarely applied. Since 2020, the Asylum Office almost completely stopped applying this concept, which has led to a significant improvement in practice and the sharp increase of the cases being decided on the merits. Apart from legislative changes, another main reasons for the shift of the Office's attitude towards the safe third country notion is the fact that there are two relevant cases pending before ECtHR at the time of updating of this Report.[855]

The concept was applied in a total of 10 decisions in 2019 concerning 11 persons, and none in 2020. In 2021, maximum of 4 applicants could have been subjected to the STCC decision (Iran, Pakistan, Libya and Burundi), but since the author did not succeed in obtaining these decisions, it is not possible to claim with certainty if this concept was applied. Since 2022, there has been no STC decisions.

3. First country of asylum

The Asylum Act stipulates that the first country of asylum is the country in which the applicant has been granted refugee status and where the applicant is still able to avail him or herself of that protection, or in which the applicant enjoys effective protection, including the guarantees arising from the *non-refoulement* principle.[856]

The applicant is entitled to challenge the application of the concept of first country of asylum in relation to their specific circumstances.[857]

The first country of asylum concept was applied twice in 2020, including in relation to a gay man from **Burundi** who was granted refugee protection in Uganda,[858] but the author of this report cannot say with certainty if this concept was applied in 2021.

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855 ECtHR, *A.K. v. Serbia*, Application No 57188/16, Communicated on 19 November 2018; *M.H. v. Serbia*, Application No 62410/17, Communicated on 26 October 2018.

856 Article 43(1) Asylum Act.

857 Article 43(2) Asylum Act.

858 Asylum Office Decision No. 26-1515/19 of 13 August 2020.

In the first case, according to the BCHR legal representatives, the Asylum Office failed to assess the risk and problems that the applicant faced as a gay man in Uganda and the persecution that he was subjected to by Ugandan security forces. Another problem that was flagged by BCHR lawyers is the fact that the applicant was left only one day to provide evidence and challenge the application of the first country of asylum concept.[859] The Asylum Commission rejected BCHR's appeal, but the Administrative Court upheld it stating in essence that the time which was left to the applicant to dispute the safety in the first country of asylum was insufficient.[860]

The second case concerns a client of APC, whose asylum application was dismissed because he was granted UNHCR refugee mandate status in Türkiye. All three instances held that Türkiye should be considered as first country of asylum, even though the protection was granted by UNHCR.[861]

In 2022, 2023 and 2024 there were no decisions in which asylum authorities invoked first country of asylum concept. In 2025, 1 application of one Belarus citizen was dismissed on the basis of the first country of asylum concept - Sweden.[862]

G. Information for asylum seekers and access to NGOs and UNHCR

Indicators: Information on the Procedure

1. Is sufficient information provided to asylum seekers on the procedures, their rights and obligations in practice? ☐ Yes ☒ With difficulty ☐ No

   ❖ Is tailored information provided to unaccompanied children? ☒ Yes ☐ No

A foreigner who has expressed their intention to seek asylum in Serbia, as well as a person who lodged their asylum application shall have the right to be informed about their rights and obligations throughout the asylum procedure.[863]

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

The main entry points to Serbia are from North Macedonia on the southern and Bulgaria on the eastern border. For that reason, and especially with regards to people coming from North Macedonia, the first place where persons in need of international protection can receive information is the RC in Preševo. However, and taking into consideration the fact that Serbia is facilitating pushback operations, it would be highly unlikely that refugees and asylum seekers would consider border police departments as places where they could obtain information on the asylum procedure in Serbia.

Another reality in practice is that most of the foreigners go directly to reception facilities in Belgrade or in border areas with EU countries (at least until November 2023). Thus, in most instances, they tend to avoid initial reception facilities, but also police departments in which they could be registered and potentially provided with legal information.

Thus, most of the information is provided in reception facilities in Belgrade, although many CSOs and international organisations also distribute information leaflets in all other reception facilities and outside

859 BCHR, *Right to Asylum in the Republic of Serbia - Periodic Report for July-September 2020*, available at: https://bit.ly/46pjYtd, pp 22-23.
860 See more in, BCHR, *Right to Asylum in the Republic of Serbia 2021*, available at: https://bit.ly/3Gdazu0, p. 60.
861 Administrative Court, Judgment U 13967/20, 13 November 2020.
862 Asylum Office, Decision No. 26-2642/24, 23 December 2025.
863 Article 56(1) Asylum Act.

official reception facilities. Basically, UNHCR, IOM and around 5 CSOs have designed their own leaflets and posters, which are multilingual, adapted to the special needs of children or other vulnerable categories and others.

However, the fact that only 193 out of 108,808[864] foreigners recorded entering Serbia decided to apply might also be in part due to issues regarding the quality of information provision and legal orientation. A similar situation was recorded in 2024 when 219 foreign nationals lodged an asylum application out of 19,603 arrivals. Out of 9,567 recorded arrivals in 2025, only 130 lodged an asylum application. Nevertheless, most people on the route through Serbia already have their migratory project, with a country of destination in mind, which might be one of the main drivers not to stay. All information sessions came down to the distribution to technical information and leaflets and group counselling which apparently yielded no results.

Police departments around Serbia tasked with issuing the registration certificates have started to provide information through State-developed leaflets. According to the information provided by the members of the Asylum Office, these leaflets were distributed to all police departments in January 2023. However, these leaflets have also yielded limited results having in mind that the number of asylum applicants in 2023, 2024 and 2025 was on very low.

As for persons in need of international protection who are detained by police forces on the grounds of their irregular stay in border areas, if not pushed back, it is unclear to which extent they are provided with access to rights of persons deprived of their liberty. CSOs, as well as UNHCR do not have access to these people, nor these people in practice are provided with the information on their right to apply for asylum. This conclusion is drawn from the relevant legal framework and the Rulebook on Police Powers which governs the provision of information to persons deprived of their liberty and which does not explicitly prescribe the responsibility of acting police officers to inform detained foreign nationals of their right to apply for asylum.[865]

H. Differential treatment of specific nationalities in the procedure

Indicators: Treatment of Specific Nationalities

1. Are applications from specific nationalities considered manifestly well-founded? ☐ Yes ☒ No
2. Are applications from specific nationalities considered manifestly unfounded?[866] ☐ Yes ☒ No

In principle, there is no differential treatment of asylum seekers coming from different countries and the challenges of the national asylum system equally affects almost all foreign nationals who seek international protection in Serbia. In general, the quality of the credibility assessments realised in 2023, 2024 and 2025 has been constantly deteriorating to the point of risking affecting the overall effectiveness of the asylum system.

However, in the past there have been several cases in which certain nationalities or persons claiming specific grounds were easily recognised as refugees by the Asylum Office. More recently, however, it became impossible to obtain international protection on identical or similar grounds. These trends have been observed in the past 17 years, and were characterised by large groups of nationals from the same countries who had been applying for asylum due to flexible visa regimes with their countries of origin (Iran and Burundi) or close ties which implied cooperation in the field of education (e.g. Libyans).

For instance, Iranian converts from Islam to Christianity were granted refugee protection without major problems in the period 2016-2019, while afterwards it became almost impossible to be recognised on those grounds. To put it in more simple words, the same people who were granted refugee status on the

864 Information obtained from CRM.
865 Rulebook on Police Powers, Official Gazette no. 41/2019 i 93/2022, available in Serbian at: https://bit.ly/2JOilh1.
866 Whether under the 'safe country of origin' concept or otherwise.

basis of their conversion from Islam to Christianity in the period 2016-2019, would likely see their asylum applications rejected as unfounded in the present.

Something similar can be outlined in relation to Tutsi political activists from Burundi or people perceived to be politically active against the major ruling party in this country. They were able to obtain international protection quite easily in the period 2017-2019, after which the restrictive approach was gradually increasing (as the number of applicants was increasing), to the moment in which in 2023, it was impossible to obtain asylum for people claiming political (political opposition) and ethnic persecution (Tutsi) in Burundi. Regardless of the quality of evidence provided (which sometimes includes forensic medical examinations, witness statements, corroborative CoI), Burundian nationals are currently rejected when seeking asylum in Serbia, which is a shift in practice, the reason for which is not evident when taking into account the previous practice. It should be highlighted that this shift occurred at the same time as Serbia introduced a visa regime for Burundian nationals, in April 2023. The practice continued in 2025.

It is also important to note that based on the current practice, Turkish nationals, who could be political activists, journalists, academics, members of Fetullah Gulen movement, activists of Kurdish origin and others have no prospect of receiving international protection. The same can be said for applicants from the Russian Federation, regardless of the nature of their claims - political persecution, LGBQTI+ claims, draft evaders, etc.

In 2022, and for the first time in the history of the Serbian asylum system, temporary protection was introduced as a form of international protection for refugees fleeing Ukraine (see Annex on Temporary Protection). This can only be described as differential treatment and in relation to more then million Syrians who transited through Serbia in 2015/2016, when the temporary protection system was not triggered.

Since the entry into force of the Asylum Act in 2008, the asylum authorities in Serbia have issued 179 decisions granting asylum (refugee status of subsidiary protection) to 250 persons from 29 different countries,[867] including from Libya (47), Syria (46), Afghanistan (34), Iran (23), Ukraine (16), Iraq (15), Cuba (13), Burundi (12), Sudan (5), Somalia (5), Pakistan (4), Cameroon (4), Ethiopia (3), Russian Federation (3), DR Congo (3), Nigeria (2), Türkiye (2), Stateless (2), Egypt (1), Tunisia (1), South Sudan (1), Lebanon (1), Kazakhstan (1), Bangladesh (1), China (1), Mali (1), Congo (1), Niger (1) and India (1)

For detailed information on the practice regarding each nationality, please see Regular Procedure – General.

[867] The author of this Report has collected 175 out of 179 decisions. The number of decisions and applicants was counted by the author of this Report and on the basis of a unique database which is established in IDEAS. Namely, the official number of persons who received international protection in Serbia is 261. However, this number includes the cases which were not final in the given year. For instance, there is at least 7 asylum procedures in which legal representatives appealed the decision on subsidiary protection claiming that their clients are entitled to a refugee status. The Asylum Commission or Administrative Court upheld appeals and onward appeals respectively and sent the case back to the Asylum Office. However, the Asylum Office issued the same decision, granting subsidiary protection, with regards to the same persons. The lawyers appealed again. There were instances in which 1 person received 3 decisions on subsidiary protection in the period of 7 years and was eventually granted refugee status. However, it is possible that the statistics provided by the author of this Report are not 100% accurate. Still, the author believes that this is the most accurate statistics which can be provided for now and potential variations cannot be higher than maximum 3 decisions regarding 3 applicants.

Reception Conditions

Short overview of the reception system

The Commissariat for Refugees and Migration (CRM) is in charge of governing asylum and reception centres in Serbia.[868] There are 5 Asylum Centres (AC) and 7 Reception Centres (RC) which can be put in use for accommodation of refugees, asylum seekers and other categories of people on the move. What is important to note is that most of these facilities were established in 2015/2016 with significant financial support provided to Serbia from the EU, but also by international organisations such as the UNHCR and IOM, individual countries/embassies and agencies. The main purpose of these facilities was temporary accommodation of hundreds of thousands of persons who transited through Serbia in 2015/2016. For those reasons, the structure and materials available in the reception facilities are mostly designed for a short-term stay.

In 2023, a total of 17 asylum and reception centres were operational for entire or at least the part of the year. Asylum Centre in Bogovađa and Reception Centre in Bela Palanka - Divljana were not operational at all.[869]

In 2024, a total of 12 asylum and reception centres were operational for at least part of the year. RC Principovci was designated for accommodation of UASC after RC Šid had been closed. RC Šid was in operation only during the first half of the year, and that was also the case with RCs Pirot, Dimitrovgrad and Bosilegrad. On the other hand, RCs Bujanovac and Preševo were active throughout the year. As for asylum centres, AC Tutin was closed in the second half of the year, while ACs Krnjača, Obrenovac, Sjenica and Vranje were operational throughout the entire year. At the end of 2024, ACs Krnjača, Obrenovac, Vranje and Sjenica, as well as RCs Preševo, Bujanovac and Principovci were opeartional.[870] The reception Centre in Bela Palanka - Divljana was permanently closed.

In 2025, a total of 6 asylum and reception centres were operational for the entire year, while AC Krnjača was permanently closed in June 2025. Also, AC Bogovađa, RC Šid, RC Bela Palanka, RC Dimitrovgrad and RC Adaševci were permanently closed in the past two years. Thus, at the end of 2025, a total of 12 reception facilities were at disposal of CRM and only 6 operational

Even though the official data of the CRM indicated that total capacities of all reception facilities were 8,155 in 2022, in 2023 and 2024, the capacities outlined show more realistic picture - 5,625, plus additional 500 beds which can be secured in AC Bogovađa and RC Divljana. Thus, around 6,125 beds could have been secured if needed in 2023.[871] In 2024, this number was 6,846. In 2025, this number was 5,046, and after the closure of AC Krnjača in June 2025, the number was 4,216. In saying that, the reception capacity is mostly measured in terms of available beds and not in accordance with certain standards, for instance, EUAA Guidelines,[872] or other standards developed by other bodies such as CPT,[873] or the CESCR.[874]

It remains unclear why capacity fluctuates every year, but it is important to outline that no entity has ever performed an independent, non-biased, impartial, thorough and objective assessment of reception conditions in Serbia and in relation to various human rights criteria which imply adequate housing, safety, privacy, hygiene, food, medical assistance, safeguards for vulnerable groups, access to other services, etc. Only after this assessment realistic and human rights-based capacities can be determined and they are significantly lower the official one.

868 Article 23 Asylum Act; Chapters II and III Migration Management Act.
869 Data obtained from UNHCR office in Serbia and practice-informed observation by IDEAS.
870 Data obtained from UNHCR office in Serbia and practice-informed observation by IDEAS.
871 Dana obtained by the UNHCR office in Serbia.
872 EASO, *EASO Guidance on reception conditions: operational standards and indicators*, September 2016, available at: http://bit.ly/3j1XabQ.
873 See for example CPT, *Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 19 April 2018*, 19 February 2019, CPT/Inf (2019) 4, available at: https://bit.ly/3gbcH7y, paras. 103-105.
874 CESCR, *General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant)*, 13 December 1991, E/1992/23, available at: http://bit.ly/2KyNBRC.

Year	Asylum Centres	Reception Centres	Total
2021	3,050	3,155	6,205
2022	3,050	5,105	8,155
2023	3,050	3,075	6,125
2024	3,050	3,075	6,125
2025 (without AC Krnjača)	2,006	2,210	4,216

In 2024, **AC Krnjača** was mostly accommodating vulnerable applicants: families with small children, persons with disabilities, persons with health and psychosocial needs, LGBTQI+ applicants, SGBV survivors and others. **AC Obrenovac**[875] and **AC Sjenica** accommodate single males, but most of them were not willing to apply for asylum. After AC Krnjača was permanently closed, AC Obrenovac was designated for vulnerable applicants, while AC Sjenica for single male applicants. As of 20 April 2022, **AC Vranje**[876] accommodated on average 40 to 70 refugees from Ukraine and this has remained the case in 2025.

It is also worth reiterating that the asylum procedure was mainly conducted in asylum centres **Krnjača**, **Obrenovac**, but also Sjenica which was visited regularly by Asylum Office.

RCs **Bujanovac** and Preševo, located closer to border with **North Macedonia** and RC Principovci located close to the border with Croatia were operational in 2024 (accomodating UaSCs). Accommodation in these facilities did not require registration certificates and these were usually large-scale facilities designed for a short-term stay in tents or other improvised shelters. [877]

Asylum seekers who are granted asylum are entitled to stay in asylum centres up to one year after their decision on asylum became final or if they are provided with financial support they have to leave from the moment the support is granted.[878] In practice, most of these people already live at a private address when they receive a positive decision.

Finally, and taking into consideration that there is no vulnerability assessment upon admission to reception facilities of the newly arrived foreigners, many vulnerable foreign nationals remain unidentified. Even when they are identified, in most cases they are not granted additional support or different conditions than other less vulnerable categories of people on the move.

875 Decision of the Government of the Republic of Serbia, no. 02–5650/2021, available at: https://bit.ly/3nqLK4Z.
876 *Ibid*.
877 On general trends with regards to reception facilites which are relevant for previous years see more in AIDA, *Country Report: Serbia - 2024 Update*, available here, pp. 171-172
878 Article 61 Asylum Act.

A. Access and forms of reception conditions

1. Criteria and restrictions to access reception conditions

Indicators: Criteria and Restrictions to Reception Conditions

1. Does the law make material reception conditions to asylum seekers in the following stages of the asylum procedure?

❖ Regular procedure	☒ Yes	☐ Reduced material conditions	☐ No
❖ Dublin procedure	☒ Yes	☐ Reduced material conditions	☐ No
❖ Admissibility procedure	☒ Yes	☐ Reduced material conditions	☐ No
❖ Border procedure	☒ Yes	☐ Reduced material conditions	☐ No
❖ Accelerated procedure	☒ Yes	☐ Reduced material conditions	☐ No
❖ First appeal	☒ Yes	☐ Reduced material conditions	☐ No
❖ Onward appeal	☒ Yes	☐ Reduced material conditions	☐ No
❖ Subsequent application	☐ Yes	☐ Reduced material conditions	☒ No

2. Is there a requirement in the law that only asylum seekers who lack resources are entitled to material reception conditions?

❖ Accommodation	☐ Yes	☒ No
❖ Social assistance and emergency aid	☒ Yes	☐ No

The CRM is mandated to provide material reception conditions to asylum seekers and persons granted asylum in Serbia.[879]

In the course of the asylum procedure, asylum seekers are entitled to be accommodated in one of the 5 Asylum Centres or other designated facility established for that purpose,[880] which consist of 7 Reception Centres.

Persons issued with a registration certificate by the MoI are expected to present themselves at the reception facility indicated in the certificate (the name of the facility is introduced in the registration certificate) from where they can lodge their asylum application. The CRM shall confirm reception of the applicant with a mention to that end in the registration certificate.[881] In 2025, persons issued with registration certificates were solely referred to AC Sjenica or AC Obrenovac, and all of them were required to lodge an asylum application as a condition to remain there. Thus, these two facilitates accommodated solely genuine asylum seekers.

It can be said with certainty that 111 foreign nationals lodged asylum application with the assistance of IDEAS in 2024 and 79 in 2025.[882]

As already outlined, the majority of reception centres accommodate foreigners who were not issued registration certificates, and who do not enjoy any other status in line with the Foreigners Act or other legislation - RC Preševo, RC Bujanovac and RC Principovac in 2025. For that reason, they can be subject to different arbitrary practices such as denial of access to the reception centre during the night or denial of access to food or even medical care. In practice, almost every foreigner has the possibility to be accommodated in one of the reception facilities.

If the asylum seeker has the financial means to do so, they may stay outside the reception facilities bearing the cost of accommodation, and exclusively upon prior consent of the Asylum Office, which shall be given after the asylum application has been lodged. The current legal framework does not contain any provision on the obligation of asylum seekers to disclose their resources to the asylum authorities. Exceptionally, consent may also be given beforehand, if that is required for reasons of security of a foreigner whose intention to seek asylum has been registered.[883] Thus, in practice, the asylum seeker usually has to wait

879 Article 23 Asylum Act; Chapters II and III Migration Management Act.
880 Article 51(1) Asylum Act.
881 Article 35(12) Asylum Act.
882 Information obtained through the field work of IDEAS legal officers.
883 Article 50(8) Asylum Act.

to lodge an asylum application and then submit the request to stay at a private address, which will be included in their ID card as their place of residence.

2. Forms and levels of material reception conditions

Indicators: Forms and Levels of Material Reception Conditions

1. Amount of the monthly financial allowance/vouchers granted to asylum seekers as of 31 December 2025 (in original currency and in €): 11,919.00 RSD / 101 € for a single adult

Asylum seekers staying in centres have the right to material reception conditions including accommodation, food, clothing and a cash allowance.[884] Since 2018, the new Asylum Act provides for the possibility of a cash allowance for personal needs.[885] However, cash allowances have rarely been granted according to the author's knowledge, and such practice was reported by beneficiaries of AC in **Krnjača** in 2022 only few times, while in 2023, 2024 and 2025 no allowance was granted.[886] They explained that cash assistance of around 4,000 dinars (EUR 34) was monthly provided to families and vulnerable applicants, usually those with serious medical conditions, but the funding cuts apparently reduced this practice to 0.

Persons seeking asylum and accommodated at an Asylum or a Reception Centre do not have the right to access social welfare. This remains a possibility for persons staying in private accommodation.[887] Social assistance in these cases shall take the form of a monthly cash allowance provided that the person is not accommodated in an Asylum or Reception Centre and that they and the members of their family have no other income, or that this income is below the legally prescribed threshold for the establishment of the amount of social allowance. The Decision on Social Assistance sets out the following monthly amounts:[888]

- Single adult: RSD 11,919.00 (€101)
- Family member: RSD 5,960.00 (€50)
- Minor child: RSD 3,576.00 (€30)

The decision on the request to exercise the right to monthly allowance is made by the SWC in the municipality of residence of that person. The request is to be supplemented by an ID of the asylum seeker or a person granted asylum and other supporting evidence which mainly revolves around the monthly incomes and the fact that the applicant has to prove that he does not have any income, or their income is lower than the available social allowance. Additional requirement is the certificate of unemployment issued by NES. The procedure itself is conducted in line with the GAPA provisions.

The conditions for exercise of the right to monthly allowance are reviewed *ex officio* once a year. However, the monthly amount received from the SWC is very limited and generally insufficient to ensure a dignified existence. There have not been instances in which social allowances were granted to asylum seekers accommodated at private address and it is not clear how many persons granted asylum enjoyed this right since the beginning of the Serbian asylum system.

There have not been any reports regarding difficulties in accessing public funds (local, national or EU funds) which could have hampered on limited the provision of reception conditions.

884 Article 50(1) Asylum Act and the Rulebook on social allowances for persons seeking or granted asylum, Official Gazette, no. 12/2020, available at: https://bit.ly/3MNLElk.
885 Article 50(2) Asylum Act.
886 Information received through the CRM response on IDEAS request for the information of public importance no. 019-827/1-2024 on 25 April 2024.
887 Article 53 Asylum Act.
888 Decision on nominal amounts of social assistance, Official Gazette, no. 42/22025, available in Serbian here.

3. Reduction or withdrawal of reception conditions

Indicators: Reduction or Withdrawal of Reception Conditions	
1. Does the law provide for the possibility to reduce material reception conditions?	☒ Yes ☐ No
2. Does the law provide for the possibility to withdraw material reception conditions?	☒ Yes ☐ No

Material reception conditions may be reduced or withdrawn if the asylum seeker possesses their own financial assets or if they start to receive income from employment and which is sufficient to cover material reception conditions, as well as if they misuse the allowance received.[889]

A decision on reduction or withdrawal of material reception conditions shall be issued by the CRM and can be challenged before the Asylum Office.[890] If a decision has been made to reduce or withdraw the cash allowance, the appeal will not have a suspensive effect.[891] In practice, CRM has never applied this possibility.

4. Freedom of movement

Indicators: Freedom of Movement		
1. Is there a mechanism for the dispersal of applicants across the territory of the country?	☐ Yes	☒ No
2. Does the law provide for restrictions on freedom of movement?	☒ Yes	☐ No

All asylum seekers have right to move freely on the territory of the Republic of Serbia, regardless of the reception facility to which they are referred.[892] There is no official scheme on where asylum seekers would be referred, but it is clear that MoI and CRM communicate on the availability of spaces in different asylum centres. Still, since the end of 2023, all registered persons are referred to AC Sjenica, while AC Obrenovac and AC Krnjača which are the closest to the headquarters of the Asylum Office remain almost completely empty.

Provision of material conditions is not subject to actual residence in a specific place and there are no individual decisions in that regards and thus no possibility to appeal the placement in a specific asylum centre. Still, it is clear that referral to AC Sjenica limits the possibility of asylum seekers to find employment taking in consideration that the most developed area in Serbia is Belgrade area. This kind of practice further discourages asylum seekers from remaining in Serbia.

889 Article 50(4) Asylum Act.
890 Article 50(5) and (6) Asylum Act.
891 Article 50(7) Asylum Act.
892 Article 48 (1)(8) Asylum Act.

B. Housing

1. Types of accommodation

Indicators: Types of Accommodation

1. Number of reception centres:[893] 7
   - ❖ Asylum Centres 5
   - ❖ Reception Centres 7
2. Total number of places in the reception centres: 4,216
   - ❖ Asylum Centres 2,006
   - ❖ Reception Centres 2,210
3. Total number of places in private accommodation: There is no private accommodation funded by the Government.
4. Type of accommodation most frequently used in a regular procedure:

   ☒ Reception centre ☐ Hotel or hostel ☐ Emergency shelter ☐ Private housing ☐ Other
5. Type of accommodation most frequently used in an accelerated procedure:
   ☒ Reception centre ☐ Hotel or hostel ☐ Emergency shelter ☐ Private housing ☐ Other

Both Asylum Centres and Reception Centres are established by Government decision.[894] The work of Asylum Centres and Reception Centres is managed by the CRM.[895]

Persons entering the asylum procedure in Serbia are usually accommodated at one of the 7 asylum centres spread out across the country, but those asylum seekers who can afford to stay at a private residence may do so, should they so desire. These facilities should not be confused with the temporary reception centres that had been set up by the Government throughout 2015 in response to the mass influx of refugees and migrants transiting through Serbia, as they were not foreseen for the housing of persons seeking asylum in Serbia.

One of the issues that remained in 2025 continued to be a lack of profiling and differentiation between those persons with a genuine interest in applying for asylum in Serbia, and those who were in need of a temporary shelter where they would stay before leaving to one of the EU countries. Still, in 2025, most of the registered persons were referred to AC Sjenica and AC Obrenovac.

1.1 Asylum Centres

There were 3 active Asylum Centres in Serbia in 2025 and 2 inactive:

Asylum Centre.	Capacity
Banja Koviljača	120
Tutin	380
Sjenica	350
Vranje	156
Obrenovac	1,000
Total	**2,006**

Source: Migration Profile of CRM[896]

893 Both permanent and for first arrivals.
894 Article 51(2) and (3) Asylum Act.
895 Article 51(4) Asylum Act.
896 Available in Serbian here.

Only the Asylum Centre in **Banja Koviljača** is a permanent centre *per se*; the other centres are 'temporary' locations for the housing of asylum seekers. The overall reception capacity of the Asylum Centres according to the CRM was 2,006 at the end of 2025 and the permanent closure of AC Krnjača. However, the capacity of the centres is estimated only by the number of available beds, rather than their overall facilities, including toilets, bathrooms and kitchens.

1.2 Temporary reception centres

In the second half of 2015, the Government opened 12 temporary receptions centres in order to provide emergency reception conditions for persons who were irregularly entering Serbia and transiting towards their preferred destination countries in the European Union. The one in Bela Palanka was permanently closed in 2024, while in 2025, the same happened in relation to Dimitrovgrad, Adaševci, Šid and Kikinda.

Thus, 7 centres remained at CRM disposal: **Preševo**, **Bujanovac**, **Pirot**, **Bosilegrad**, **Principovac**, **Sombor** and **Subotica.**

In 2025, the respective capacities of the temporary reception centres were as follows:

Temporary reception centre	Border location	Capacity
Preševo	North Macedonia	950
Bujanovac	North Macedonia	230
Sombor	Croatia	300
Principovac	Croatia	200
Subotica	Hungary	220
Bosilegrad	Bulgaria	110
Pirot	Bulgaria	200
Total		**2,210**

Source: Migration Profile of CRM[897]

2. Conditions in reception facilities

Indicators: Conditions in Reception Facilities

1. Are there instances of asylum seekers not having access to reception accommodation because of a shortage of places? ☐ Yes ☒ No
2. What is the average length of stay of asylum seekers in the reception centres? Unknown
3. Are unaccompanied children ever accommodated with adults in practice? ☒ Yes ☐ No
4. Are single women and men accommodated separately? ☐ Yes ☐ No ☒ In some occasions

Overcrowding, lack of privacy and poor hygiene have been just some of the reported issues in the previous years. These deficiencies were already highlighted in the 2017 report of the Council of Europe Special Representative of the Secretary General on migration and refugees who emphasised that standards of accommodation in both Asylum and Reception Centres could potentially raise issues under Article 3 ECHR.[898] However, and due to the significant reduction in arrivals, the reception facilities which were

[897] Available in Serbian here.

[898] Council of Europe, *Report of the fact-finding mission by Ambassador Tomáš Boček, Special Representative of the Secretary General on migration and refugees to Serbia and two transit zones in Hungary*, 12-16 June 2017, available at: http://bit.ly/2DwCnI2.

operational in 2025 were not overcrowded. Still, the dilapidated and worn-out state of most of the facilities, accompanied with poor hygiene, remained a problem.[899]

2.1 Conditions in asylum centres[900]

Asylum Centre in Sjenica

AC **Sjenica** was set up as a temporary centre in the former Hotel Berlin, in the town of Sjenica, to accommodate an increased number of asylum-seekers in Serbia in August 2013. In March 2017, the former textile factory Vesna was added to the Asylum Centre. The old Hotel Berlin, with inadequate conditions and collective dormitories in the hall, was closed in July 2018. The centre in Sjenica is now located only in the former factory Vesna, downtown Sjenica. Its reception capacity is of 440 persons, accommodated in 27 rooms. It is approximately 250 km away from Belgrade and the underdeveloped road infrastructure poses particular difficulties for the NGOs and the Asylum Office.

Within the AC, there is a children's area, a TV room, and a playground in front of the building. Meals are provided to asylum seekers three times a day and are specially adjusted to their religious and health needs. There is also a designated room for the social workers from the local SWC.

Mandatory examinations on admission into the AC for assessment of health status or identification of potential contagious diseases are conducted at the local Health Centre. A doctor is present in the AC from 8:30 a.m. to 4:30 p.m. on workdays. The asylum-seekers in need of specialised examinations and stationary treatment are transported to the hospitals in Novi Pazar or Užice.

In 2020, AC **Sjenica** was mainly used to accommodate UASCs but was mostly empty in 2021, with the exception of between 10 and 20 beneficiaries who required medical attention. In 2022, AC Sjenica hosted less than 80 residents on average and the turnover was high. The living conditions could be described as inadequate in the old part of the factory, while significant improvements were made during 2019 when the entrance, kitchen and a certain number of bedrooms were refurbished. The new part of the building provides more privacy and plenty of accommodation space. The children who used to be accommodated at the AC are satisfied with the organised activities. Between January and August 2023, AC Sjenica hosted between 40 and 200 residents on average. Since July 2024, AC Sjenica has been designated as the main facility for accommodation of single male adult asylum seekers. It accommodated around 60 persons on average in 2025

Asylum Centre in Vranje

In May 2017, the Reception Centre in **Vranje** (220 places) opened, in a motel at the entrance of the town. The conditions in Vranje may be described as very positive bearing in mind their provisional nature, but the realistic capacities that would guarantee human dignity and a 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, AC in Vranje accommodated 83 refugees from Ukraine, while this number at the end of the year was around 50. In 2023, the official capacity according also to the CRM data, was reduced to 150, which is more reasonable. However, in 2024, the official capacity was once again 220 even though no major refurbishments or extensions were performed. In 2025, official capacities were 156 and it accommodated around 60 persons per day on average.

899 Information obtained from IDEAS field officers.

900 For those instances where a source is not provided, the information was obtained from IDEAS field officers. Also, for ACs which were permanently closed or were not operational in 2025, see more in AIDA, *Country Report: Serbia - 2024 Update*, available here, pp. 177-184

Asylum Centre in Obrenovac

Another reception centre for the accommodation of a larger number of refugees and asylum seekers was opened in a military barracks in **Obrenovac** (1,000 places) in January 2017 - the capacities are assessed in relation to available beds. The capacity in 2020 and 2021 was estimated to be of 650 persons by the CRM. Still, this number was not realistic and it is clear that RC Obrenovac should not have hosted more than 400 persons at that time. The idea behind the opening of the centre was to provide accommodation for persons in need of international protection who used to stay in unhygienic and unsafe conditions in Belgrade. However, at the outset of its functioning, it started to suffer from overcrowding, which led to a number of violent incidents among its population. The presence of organised criminal groups involved in smuggling is evident

In June 2021, this facility was turned into an Asylum Centre but no official activities of the Asylum Office were reported in 2022 and 2023. However, at the end 2021, detailed reconstruction of the facility started and in the last quarter of 2022, the capacities of this AC had extended to 1,000 beds officially. As previously mentioned, the capacity of the centres should be lower, but newly refurbished areas are clean, provide privacy and smaller rooms, in combination with old bigger dormitories with 10 to 15 beds. The conditions in most of the areas in the AC are satisfactory. In 2023, AC Obrenovac hosted between 340 and 950 residents, while that number in 2025 was around 60. This fact clearly indicates that CRM's policy to refer people to AC Sjenica cannot be justified and that it further undermines the effectives of the Serbian asylum system. AC Obrenovac had sufficient capacity to host all persons who genuinely wanted to apply for asylum and who could have had their asylum interviews facilitated in a more timely manner due to the vicinity of this facility to the headquarters of the Asylum Office.

The number of foreigners accommodated in asylum centres and reception centres on 31 December 2025 were the following:

Asylum Centre	Capacity	Number of residents 30 June 2025	Number of residents on 31 December 2025	Overcrowding rate
Banja Koviljača	120	N/A	N/A	N/A
Tutin	380	N/A	N/A	N/A
Sjenica	350	71	44	0%
Obrenovac	1,000	74	65	0%
Vranje	220	64	55	0%
Total	**2,006**	**209**	**164**	**0%**

Source: Migration Profile of the CRM[901]

2.2. Conditions in temporary reception facilities

As already outlined, the number of refugees and migrants arriving in Serbia was significantly higher in 2022 in comparison to 2021, but the last quarter of 2022 saw a significant drop in arrivals, and thus in the number of people accommodated in RCs.[902] In 2023, the number of arrivals was 108,808, while in 2024 the sharp decrease was detected leading to 19,603 arrivals. The decrease continued in 2025, with 9,567 arrivals.

The authorities started opening temporary reception facilities in 2015 in order to provide basic accommodation and humanitarian support to persons who were likely in need of international protection but were not interested in seeking asylum in Serbia. These are not Asylum Centres and are not meant for long-term stay, even though the Asylum Act provides for the possibility for the asylum procedure to be

901 Available in Serbian here.

902 An average number of refugees and migrants residing in Serbia was between 7,000 to 8,500 on a daily basis in the first 9 months of 2022, after which this number dropped to 3500 to 5,000 persons, inside and outside reception facilities.

facilitated there. Persons in need of international protection and other categories of migrants were placed in the majority of these centres throughout the year.

Reception centres on the South of the country

The reception ('one-stop') centre in **Preševo** (950 places), close to the border with North Macedonia, was opened during the summer of 2015. Emergency support was initially provided by Red Cross Serbia and the local municipality, but the Government soon decided to have a local tobacco factory adapted and turned into a registration and accommodation facility. The centre has a reception capacity for several hundred persons at any given moment.

On 3 January 2023, 768 persons were accommodated there, while that number in April 2022 was 1,511. In the period from 5 November 2023 until 31 December 2023 the number of residents varied from 727 to 290. In January 2024 it accommodated 279 persons, while that number at the end of the year was 233. In June 2025 it accommodated 99 persons, while on 31 December 2025, this number was 59.

It is important to highlight that RC **Preševo** is mainly built for short-term stays and is comprised of collective sleeping premises, with several dozen bunk beds and without the possibility to enjoy the right to privacy. In general, RC Preševo cannot be considered as suitable accommodation for persons in need of international protection and its realistic capacities that could meet relevant housing standards are significantly lower than 950, which is the 2024 official number. The official capacity remained unchanged in 2025.

Also, it is important to note that the geographical location of RC in Preševo is easy for identification, registration and vulnerability assessment of newly arrived foreign nationals because is located close to the border with North Macedonia, a main entry point into Serbia. However, vulnerability assessments are not conducted in practice, leaving this facility to be the place where people would spend several days and would move on with their journey.

RC **Bujanovac** (230 places) in Southern Serbia opened in October 2016, in a former automotive battery factory lying along the Belgrade-Skopje highway. The reception conditions may be described as satisfying, especially when the number of residents is lower than the official capacity. RC Bujanovac was not operational for most of 2021 and 2022, but was fully operational in 2023. Its occupation varied from 100 in January to 452 in November 2023 and remained overcrowded until the end of the year. In 2024, the occupancy varied from 82 to 116 maximum in February. In January 2025, occupation was 48, compared to 59 at the end of the year.

Reception Centres on the north of the country

RC **Principovac** (200 places) accommodated UaSC. In 2022 at RC **Principovci** did not reach more than 250 people, while that number in 2023 varied from several dozen to 316. In January 2025 it accomodated 6 children, while in December 2025 it accommodated only 9 UASC.
In general, the majority of Reception Centres lack adequate living conditions due to their nature and purpose. Namely, the Reception Centres were established and designed during the 2015/2016 mass influx of refugees with the aim to provide a short-term stay not exceeding several days. However, as the border policies of neighbouring countries changed, and the time of stay in Serbia increased from several days to several weeks or months, the living conditions in the RCs deteriorated. For that reason, arguably the living conditions in the majority of RCs are inadequate and the main features are the following: overcrowding, poor hygiene, lack of privacy and safety, poor sanitation and lack of basic psycho-social services.

What is also important to note is the fact that every year capacities of different reception facilities are officially changed, even though major reconstructions were not undertaken. The criteria used by CRM when officially increasing or decreasing the official capacities are not clear, except for the one relating to the number of beds available.

Reception centre	Official Capacity	Number of residents on 1 January 2025	Overcrowding rate	Number of residents on 31 December 2025	Overcrowding rate
Preševo	950	99	0%	59	0%
Bujanovac	230	48	0%	15	0%
Sombor	300	N/A	0%	N/A	0%
Principovac	200	6	0%	9	0%
Subotica	220	N/A	0%	N/A	0%
Bosilegrad	110	N/A	0%	N/A	0%
Pirot	200	N/A	0%	N/A	0%
Total	**2,210**	**153**	**0%**	**83**	**0%**

Source: Migration Profile of CRM[903]

C. Employment and education

1. Access to the labour market

Indicators: Access to the Labour Market

1. Does the law allow for access to the labour market for asylum seekers?	☒ Yes ☐ No
❖ If yes, when do asylum seekers have access the labour market?	9 months
2. Does the law allow access to employment only following a labour market test?	☐ Yes ☒ No
3. Does the law only allow asylum seekers to work in specific sectors?	☐ Yes ☒ No
❖ If yes, specify which sectors:	N/A
4. Does the law limit asylum seekers' employment to a maximum working time?	☐ Yes ☒ No
❖ If yes, specify the number of days per year	N/A
5. Are there restrictions to accessing employment in practice?	☒ Yes ☐ No

Asylum seekers did not have the right to work when the old Asylum Act was in force.[904] Only after the Employment of Foreigners Act (EFA) was adopted at the end of 2014 were asylum seekers recognised as members of a specific category of foreigners entitled to obtain a work permit.[905] EFA was amended in July 2023, introducing more favourable provisions on access to labour market. The novelties imply that access to labour market to asylum seekers is now allowed after 6 months of lodging of the asylum application. Additionally, it is no longer necessary to request working permit, but the right to work can be automatically enjoyed after the expiry of the 6 months deadline.[906]

Persons entering the asylum procedure in Serbia do not have an *ipso facto* right to access the labour market.[907]

Asylum seekers whose asylum applications have not been decided upon through no fault of their own within 6 months of being lodged have the right to be issued a work permit valid for as long as the asylum

903 Available in Serbian here.
904 A11, *Precondition for Integration*, February 2021, available here, pp 14-16 and 55.
905 Article 2 (1) (9) Employment of Foreigners Act, Official Gazette of the Republic of Serbia, no. 128/2014, 113/2017, 50/2018, 31/2019 and 62/2023.
906 This has been done through the amendments of Article 3 of the EFA.
907 Article 57 Asylum Act.

procedure is ongoing [908] Thus, the entire process is simplified and more favourable for asylum seekers and the only remaining problem remains the time necessary for registration and the 15+8 days deadline to lodge asylum application.[909] Still, it is not necessary to extend the working permit every six months which makes the life of asylum seekers easier.

Another benefit of the 2023 amendments of EFA imply that it is no longer necessary to lodge request to the National Employment Service (NES), to pay the fee and to wait, sometimes extensively for the issuance of the working permit.

The only remaining documents that asylum seekers require, and which are mainly obtained with the help of CSOs who are providing legal assistance and from the Asylum Office are:

1. Certificate of lodging of the asylum application
2. Personal number of a foreigner

In practice, 4 out 7 Asylum Centres are located in remote areas in Serbia, where the unemployment rate in general is quite high (**Tutin**, **Sjenica, Vranje** and **Bogovađa**) and where access to job opportunities is extremely limited. For that reason and bearing in mind that asylum seekers wishing to remain in the country strive to integrate into society as quickly as possible, referring asylum seekers to remote asylum centres or in reception centres has an evident and discouraging effect on their aspiration to stay in Serbia. In 2023, especially in the last quarter, most of the asylum seekers have been referred to AC Sjenica and AC Tutin. In 2024 and 2025, all of the asylum seekers were referred to AC Sjenica and AC Obrenovac

However, as it was noted by A11, asylum seekers in Serbia do not have an effective access to the right to work due to the following reasons:

- There is no specialised State authority providing support to access the labour market.
- There is no regulation governing the manner in which support to access the labour market would be provided,
- The right to work is not exercised in practice with institutional support, but only with the support of the CSOs that are UNHCR partners.[910]

Another issue is the fact that asylum seekers in general are not recognised as persons who are entitled to any kind of support, including the support in learning Serbian language. Thus, language barrier limits the opportunities in the job market.

All asylum seekers are recorded at the NES as unqualified workforce and the condition to register their qualification in the records is validation of their diplomas, which can prove their qualification degree. However, the majority of them do not hold original versions of their diplomas and documentation from their country of origin and most frequently, there is no real possibility to obtain them.[911]

2. Access to education

Indicators: Access to Education		
1.	Does the law provide for access to education for asylum-seeking children?	☒ Yes ☐ No
2.	Are children able to access education in practice?	☒ Yes ☐ No

Pre-school education is not possible for asylum-seeking children, but only for those children who are granted asylum, which will potentially be changed with new amendments to the Asylum Act.[912] These

908 Article 3 EFA.
909 See more in AIDA, *Country Report: Serbia – Update on the year 2022*, May 2023, available here, p. 168.
910 A11, *Precondition for Integration, February 2021*, available at: https://bit.ly/2ZYXZcS, pp. 55-58.
911 BCHR, *Right to Asylum in the Republic of Serbia – Periodic Report July-September 2020*, available at: https://bit.ly/46pjYtd, p. 41.
912 Article 27 of the draft Amendments to the Asylum Act, available at: https://bit.ly/3yepU9U.

amendments were expected in 2024, but the political situation in Serbia implied several elections and resignation of the Government in February 2025. Until the conclusion of 2025 Update, no changes were introduced.

Asylum seekers have the right to free primary and secondary education regardless of their age.[913]

The right to education in Serbia is regulated by a number of legal instruments, primarily the Act on the Basis of the Education System,[914] with relevant issues also regulated by the Primary School Act,[915] the Secondary School Act[916] and the High Education Act.[917] These laws also govern the education of foreign nationals and stateless persons and the recognition of foreign school certificates and diplomas.

As already outlined, asylum seekers are not entitled to receive pre-elementary school education.[918] Also, the Integration Decree does not foresee any kind of support to asylum-seeking children in their preparation for enrolling in elementary school. These children are mainly supported by CSOs and international organisations, but it is also important to note that CRM also provides its assistance, even though they are not legally obliged. Still, several cases from IDEAS practice have shown that it is possible to enrol children in pre-elementary (kindergarten) institutions.

The application process for kindergartens takes place through the electronic portal eUprava (eVrtić). Electronic submission of requests is done by filling out an electronic form on the Portal, where it is not necessary to attach documents that should have been submitted earlier, given that they are obtained *ex officio*. This request can only be submitted by a parent who is a citizen of Serbia, which means that this service is not available to asylum seekers and refugees.

The financial aspect further complicates access to preschool education for the children of asylum seekers, because they are not able to receive subsidies that are available to citizens of Serbia and foreigners with permanent residence.[919] Subsidies for children's stay in kindergartens significantly reduce costs for parents, but the criteria for receiving them are set so that asylum seekers cannot meet them.

In order for a family to be entitled to a subsidy for a private kindergarten, it is necessary for the parent to have Serbian citizenship or permanent residence in Serbia, to be registered in the territory of the municipality where the child is enrolled in the kindergarten, and it was not previously possible for the child to be enrolled in the state kindergarten due to insufficient capacity.[920] It is precisely these conditions that exclude asylum seekers, making it significantly difficult or completely impossible for them to access kindergartens. The way subsidies are paid additionally points to institutional support for domestic families, while asylum seekers do not have access to these benefits at all.

This situation leaves many families of asylum seekers and refugees in a vicious circle - without a kindergarten, parents cannot work or get an education, and without a job they cannot afford a kindergarten, which makes their integration and economic independence difficult.

The Act on the Basis of the Education System foresees that foreign nationals and stateless persons shall enrol in primary and secondary schools and exercise the right to education under the same conditions

913 Article 55(1) Asylum Act.
914 Act on the Basis of the Education System of the Republic of Serbia, Official Gazette of the Republic of Serbia, no. 72/2009 and 52/2011.
915 Primary School Act of the Republic of Serbia, Official Gazette of the Republic of Serbia, no. 50/92, 53/93,67/93,48/94,66/94 – Constitutional Court decision, 22/2002, 62/2009 – other law, 101/2005 – other law and 72/2009 – other law.
916 Secondary School Act of the Republic of Serbia, Official Gazette of the Republic of Serbia, no. 50/92, 53/93, 67/93, 48/94, 24/96, 23/2002, 25/2002 – cor. 62/2003 – other law, 64/2003 – corr. of other law, 101/2005 – other law, 72/2009 – other law and 55/2013 – other law.
917 High Education Act of the Republic of Serbia, Official Gazette of the Republic of Serbia, no. 76/2005, 100/2007 – authentic interpretation, 97/2008 and 44/2010, 93/2012 and 89/2013.
918 Article 48 Asylum Act.
919 Decision on the Right to Compensation for Children's stay in a Preschool Institution whose Founder is Another Legal or Natural person in the Territory of the city of Belgrade, *Official Gazette of the City of Belgrade*, no. 41/2023, available in Serbian here.
920 *Ibid*.

and in the same manner as Serbian nationals. Schools are obliged to organise language, preparatory and additional classes for foreign pupils, including stateless persons and refugees, who do not speak the language used in the schools or are in need of specific instructions in order to continue their education.[921] Access to education for children shall be secured immediately and, at the latest, within three months from the date of their asylum application.[922]

With joint efforts from the Ministry of Education, Science and Technological Development, Save the Children, UNICEF, CRM and other international and non-governmental organisations, all asylum-seeking children were provided with the opportunity to be included in mainstream education in the academic year 2017/2018 in line with the regulations governing mandatory attendance of primary schools for all children irrespective of their status or the status of their parents.

A major practical challenge proved to be regular school attendance by underage asylum seekers. Namely, the language barrier and limited number of interpreters for the languages spoken among the refugees resulted in a lack of interest among the children to attend lessons they do not understand. An additional challenge is the lack of interest of many parents in educational activities, as they are certain their stay in Serbia is only temporary. This trend continued during 2022. According to CRM, only 10 asylum seeking children were introduced in the Serbian educational system.[923] Still, this number probably reflects those children accommodated in ACs, and especially Krnjača camp, but other asylum-seeking children staying in private accommodations have enrolled in schools in the municipalities where they live. In 2023, only 14 asylum seeking children in AC Krnjača were official enrolled into elementary schools, while no UASC was enrolled into school in RC Šid.

It is also important to note that there are no specifically designed programs for the preparation facilitated by the State, but that in AC Krnjača, Save the Children was facilitating preparation for those few children who are willing to attend elementary and secondary schools in 2023. Those asylum seekers who are eligible for the university education can be supported by the UNHCR through the DAFI scholarship. Currently, 6 refugees are enrolled into this program, out of which 2 have the status of an asylum seekers.[924]

In 2021, with the help of the UNHCR office in Serbia, the ENRIC/NARIC Center of the Qualification Agency of the Republic of Serbia joined the Council of Europe project of the European Qualification Passport for Refugees.[925] In 2022, several diplomas were recognised by the ENRIC/NARIC centre for one asylum seekers from Burundi represented by IDEAS. In 2023, 4 asylum seekers had their diplomas recognised, and it is reasonable to assume that this number is higher due to the fact that APC and BCHR are providing this type of support as well.

Primary and secondary education is available to all the children residing in **Krnjača**. UASC accommodated in **Šid** do not attend school due to their short-term stay. The conclusion that can be drawn is that the majority of children do not attend schools regularly, due to problems in communication, but also frequent absence from asylum centres and eventual decision to leave Serbia.

There are no limitations in accessing the Serbian education system, and apart from language barrier and lack of institutional support in preparation for enrolment, there have not been any major problems reported. The lack of state support is for now covered by CSOs, UNHCR and Save the Children.

921 Article 100 Law on the Basis of the Education System of the Republic of Serbia.
922 Article 55(2) Asylum Act.
923 CRM, Response to the request for the information of public importance np. 019-27/2-2023, 9 March 2023.
924 See more at: UNHCR Serbia, *Osnaživanje izbeglica kroz visoko obrazovanje - UNHCR Serbia*, YouTube, 31 January 2024, available at: https://bit.ly/3UAtlCB.
925 More on the European Qualification Passport see on the following link: https://bit.ly/3wy8gOC.

D. Health care

Indicators: Health Care			
1. Is access to emergency healthcare for asylum seekers guaranteed in national legislation?	☒ Yes	☐ No	
2. Do asylum seekers have adequate access to health care in practice?	☐ Yes	☒ Limited	☐ No
3. Is specialised treatment for victims of torture or traumatised asylum seekers available in practice?	☐ Yes	☐ Limited	☒ No
4. If material conditions are reduced or withdrawn, are asylum seekers still given access to health care?	n/a		

The Asylum Act foresees that asylum seekers shall have an equal right to health care in relation to Serbian citizens, in accordance with the regulations governing health care for foreign nationals.[926] In exercising the right to health care, adequate health care shall be provided as a priority to severely ill asylum seekers, applicants who have been victims of torture, rape or other serious forms of psychological, physical or sexual violence, or applicants with mental disorders.[927]

Upon their arrival to the reception facility, asylum seekers are obliged to undergo a mandatory medical examination which is conducted in line with the Rulebook on medical examinations of asylum seekers on admission in asylum centres or other facilities designated for accommodation of asylum seekers. The Rulebook on medical examinations envisages that examinations shall be conducted by medical doctors at the healthcare services within ACs and RCs,[928] and in practice, where certain service cannot be provided asylum seekers are transported to the outside medical facilities, usually with the assistance of the CRM and DRC. The examination includes anamnesis (infectious and non-infectious diseases, inoculation status), a general check-up and other diagnostic examinations.[929]

Asylum seekers originating from countries with or other diseases that may pose a threat to public health shall be placed in quarantine or under medical supervision up to the period of maximum incubation for the suspected disease.[930]

In practice, asylum seekers and persons granted asylum have relatively unimpeded access to the national healthcare system in an equal manner to Serbian nationals, including for primary and secondary care, but also referrals to specialist examinations. The costs of healthcare for asylum seekers and persons granted asylum are always covered by the Ministry of Health which also receives financial support from EU.[931] It remains unclear if all the services are solely covered by the EU, especially because there were instances in which medical treatments which were expensive were not covered during the gaps in funding.[932] This was in particularly worrying for the HIV patients and other people with rare diseases which require more expensive and continuous therapy.[933]

However, the Health Care Act (HCA),[934] as well as the Health Insurance Act (HIA),[935] are not harmonised with the Asylum Act. Particularly, the right to healthcare although prescribed to every person, is provided on the basis of the health insurance.[936]

926 Article 54 Asylum Act.
927 Article 54(3) Asylum Act.
928 Article 2 Rulebook on medical examinations.
929 Article 3 Rulebook on medical examinations.
930 Article 4 Rulebook on medical examinations.
931 The Government of the Republic Serbia, Press Statement, *EU to help Serbia prevent illegal migration*, 7 October 2022, available at: https://bit.ly/41w4qli.
932 Practice-informed observation by IDEAS, 2022-2023.
933 Ibid.
934 Official Gazette no. 25/19.
935 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.
936 Ibid. 3

Thus, and in cases in which asylum seekers were not able to obtain more expensive medical assistance, they must be included in the health insurance system which must be paid. The HIA envisages possibility of asylum seekers, qualified as foreigners, to pay healthcare insurance by themselves, and in that way secure adequate therapy.[937]

In reality, not all staff of the Republic Fund of Health Insurance is familiar with this legal possibility and thus, a different approach exists within different organisational units of this institution. Besides, inclusion in the health insurance system requires a monthly contribution from its beneficiaries. That amount in 2025 was 5,283.60 dinars (around 45 Euros).[938] This is an obstacle, since asylum seekers are not able to work in the first 6 months, and they do not receive financial support. Thus, for the inclusion in the health insurance system, they have to rely only on the financial help of international organisations or CSOs who so far have been able to cover the cost due to a low number of asylum seekers in general, and even lower number of persons who require more expensive therapy. This represents a problem especially for people who suffer from chronic diseases and need of constant or expensive therapy.[939]

However, it is important to reiterate that the vast majority of persons accommodated in Asylum or Reception Centres do not enjoy the status of asylum seeker (they did not lodge asylum application) and are thus not entitled to health care, as envisaged in Article 54 of the Asylum Act. However, all persons issued with registration certificates are in practice treated as asylum seekers and are allowed to receive primary medical treatment. Still, even those people who lodged asylum applications can have difficulties in accessing health care services by themselves, especially if they live on the private address, because they are not issued with healthcare cards, nor are they introduced into healthcare records in local medical centres. The health care centres which cover the area where AC Krnjača is located are more familiar with the notion of asylum seekers as beneficiaries of health care. On the other hand, most of other health care centres are not familiar with this and asylum seekers often require to be escorted by lawyer or cultural mediator. There are no indications that this practice will change.

The problems from 2022 were resolved in the same way as in 2023, and all asylum seekers who were seriously ill (e.g., HIV patients) were assisted by IDEAS' legal team in order to access health care insurance, in cooperation with the Republic fund for Health Insurance, and with financial support from UNHCR. In 2023, 6 asylum seekers were enjoying mandatory health care insurance for therapies for AIDS. In 2024, three more asylum seekers accessed mandatory health care insurance and in 2025 two of them.[940]

With regards to mental healthcare problems, in 2018, PIN and WHO developed the *Guidance for protection and improvement of the mental health of refugees, asylum seekers and migrants in Serbia*,[941] which was adopted by the Ministry of Health and the Commissariat for Refugees and Migration. This Guidance provides that mental health protection services should be delivered on four levels – initial screening, prevention activities, psychological interventions, and psychiatric care. It is recommended that these services be available throughout the public healthcare system, while civil society organisations would fill in the gaps in line with identified needs.[942] Still, and in practice, psychological support is provided by CSOs, such as PIN and IAN. Their psychosocial workers regularly visit asylum centres, as well RC in Šid. Psychosocial support is also provided by the IOM. Special assistance to SGBV survivors is provided by DRC, while ATINA supports survivors of trafficking in human beings, and in coordination with local social welfare centres.

In line with Article 17 of the Asylum Act, asylum seekers who fall under vulnerable categories are entitled to special reception guarantees, which also implies health care needs should be properly addressed. In

937 Article 17, HIA.
938 The current amount of fee for the introduction in the mandatory health care insurance can be found on the following link: https://bit.ly/3WDt0A3.
939 As outlined, that was the case with several asylum seekers suffering from AIDS.
940 Information obtained from UNHCR office in Serbia and practice informed observation by IDEAS.
941 Svetozarević, S., Vukčević, Marković, M., Pejušković, B., & Simonović, P. (2019), *Guidance for protection and improvement of mental health of refugees, asylum seekers and migrants in republic of Serbia*, available at: https://bit.ly/3r7wBEZ.
942 Ibid.

general, it is possible to access gender-sensitive health care opportunities, meaning that female doctors provide health care services to female asylum seekers. There were no reports which indicate that pregnant women, children or other vulnerable asylum seekers were deprived of specific health care services.

However, it is important to note that there is no systematically designed vulnerability assessment for vulnerable foreign nationals when they arrive to reception facilities, and thus, it is impossible to determine to which extent vulnerable categories are identified and referred to support networks of state institutions and CSOs. Usually, identification of vulnerable refugees and asylum seekers is conducted in relation to those individuals who are willing to apply for asylum, while those who stay for shorter periods of time in the country go undetected.

E. Special reception needs for vulnerable groups

Indicators: Special Reception Needs

1. Is there an assessment of special reception needs of vulnerable persons in practice?
☐ Yes ☒ No

Due attention shall be given to applicants' sex and age, status as a person requiring special procedural and/or reception guarantees, as well as family unity, upon placement in a reception facility.[943]

The Asylum Act defines the specific guarantees that should be granted during the asylum procedure and in relation to reception conditions of asylum seekers with specific needs, including children, persons lacking or having limited legal capacity, children separated from their parents or guardians, persons with disabilities, the elderly, pregnant women, single parents with underage children and persons who had been subjected to torture, rape or other forms of grave psychological, physical or sexual violence.[944] However, these provisions are only applicable to asylum seekers,[945] and not to all foreign nationals who arrive to reception facilities and whose number, according to the CRM, has reached 9,567 in 2025. Thus, the national legal framework clearly neglects the responsibility of the State to conduct different forms of vulnerability assessment and in line with the indicators which are relevant for survivors of trafficking in human beings, torture survivors, elderly and other above-outlined categories.

On the other hand and in practice, none of the 130 asylum seekers from 2025 underwent any kind of vulnerability assessment nor were reception conditions adapted to their special needs.[946] Even though the representatives of the CRM would claim that every person has an individual vulnerability assessment form, none of IDEAS' vulnerable clients have gone through such assessment, nor the conditions in which seriously vulnerable applicants are being held respond to their special needs.

In 2025, vulnerable foreign nationals were placed in AC Obrenovac: LGBTQI+, SGBV survivors, single women, families with small children and people with healthcare and psychosocial needs.

There is no vulnerability screening of newly arrived foreign nationals in the asylum or reception centres. The vulnerabilities are usually determined in the most obvious cases or when CSOs working in reception facilities flag certain cases to the authorities. Thus, there are no questionnaires nor other instruments which are designed and used for the purpose of vulnerability assessment.

943 Article 50 (3) Asylum Act.
944 Article 17 Asylum Act.
945 Who have to lodge asylum applications in line with Article 36 of the Asylum Act, after which they become entitled to rights of asylum seekers enshrined in Article 48.
946 See more in IDEAS, A*ssessing the reception conditions of LGBTQI+ asylum seekers and refugees in Serbia: Identifying challenges and proposing recommendations and Recognition and Reception: Advancing Support* Source: MOLEVSA response on the request for the information of public importance no. 003611250, 8 January 2025 (received on 16 January 2025).

Additionally, most vulnerabilities are determined in relation to those persons who are willing to apply for asylum and who undergo detailed interviews with their legal representatives and are then referred to different support services. Thus, unless persons are identified in a situation of immediately identifiable vulnerability (e.g. survivors of trafficking in human beings who escaped the traffickers or who were in clear situation of distress), most of the vulnerable people on the move will are not detected as such by CRM employees. Asylum seekers who, due to their vulnerability, are not transferred to a hospital or the safe house for survivors of trafficking in human beings or SGVB, have then only the option to remain in reception facilities in accommodation identical to accommodation provided to non-vulnerable residents.

This means, for example, that LGBTQI+ people in AC Krnjača and in other facilities are accommodated together with homophobic residents who often resort to verbal abuse and sometimes even physical; survivors of SGBV, including rape victims, are accommodated with men in barracks; or seriously injured people are accommodated in barracks which are not designed for their special needs. This practice is an additional reason why vulnerable people also decide to abscond from the asylum procedure and leave Serbia.

The Asylum Act envisages that material conditions of reception of UASC are provided in asylum centres or other facilities designated for the accommodation of asylum seekers until the final decision on the asylum application is taken.[947] In 2020 and 2021, AC **Sjenica** and AC **Bogovađa** were designated for UASC, and from 2022, RC Šid. Since most unaccompanied minors reaching Serbia are not willing to apply for asylum, nor they are registered in line with the Article 35 of the Asylum Act, they are all accommodated in RC Šid since 2022 and there is no assessment of their special needs. In 2025, RC Principovci hosted UASC, but no detailed assessment has been performed.

On the other hand, the few children who are willing to apply for asylum are usually placed in one of the social welfare institutions, such as Institute for Education of Children and Youth in Belgrade and the Institute for Education of Youth in Niš, and the Children Home 'Jovan Jovanović Zmaj' at the Institute for Protection of Infants, Children and Youth in Belgrade, while specialised foster care is also an option.[948] Since the end of 2015, UASC have been accommodated in institutions in **Belgrade** and **Niš.** These facilities are also used to accommodate minors who are Serbian nationals– primarily underage offenders and are therefore neither specifically-tailored to the needs of foreign nationals, nor particularly suitable for their housing. Regardless, UASC in these facilities are kept separated from other groups, and overall reception conditions are considerably better than those in asylum centres, although a chronic lack of interpreters for various languages spoken by children continues to present a considerable challenge to ensuring their proper development and integration. However, all the children placed in Belgrade social institutions regularly attend school and most of them speak Serbian.

F. Information for asylum seekers and access to reception centres

1. Provision of information on reception

Asylum seekers have the right to be informed about their rights and obligations relating to material reception conditions, at the latest within 15 days from the date of submission of their asylum application,[949] as well as about NGOs providing free legal aid[950] (See the section on Information for Asylum Seekers).

The House Rules of Asylum and Reception centres are translated in languages asylum seekers understand. The camp managers in Asylum Centres hold information sessions with every person who arrives in the camp, while the House Rules are clearly displayed on the bulletin board in English, Farsi and Arabic. In all operational reception facilities officers of UNHCR and IOM are providing additional

947 Article 53 Asylum Act.
948 Practice-informed observation by IDEAS, 2022-2023.
949 Article 56(2) Asylum Act.
950 Article 56(3) and (4) Asylum Act.

information on rights and responsibilities, while CSOs who are providing legal aid conduct individual and group legal counselling and orientation.

2. Access to reception centres by third parties

Indicators: Access to Reception Centres

1. Do family members, legal advisers, UNHCR and/or NGOs have access to reception centres?
   ☒ Yes ☐ With limitations ☐ No

The CRM has jurisdiction over access to reception facilities. In spite of the fact that these are open centres and that asylum seekers are not deprived of their liberty, third parties wishing to visit the centres are required to request admission from the Commissariat at least 1 day1 beforehand by e-mail as well as submit scans of their identity documents. There have not been reported problems on access to reception facilities by third parties.

UNHCR has unrestricted access to all reception facilities in Serbia, including both asylum centres and provisional reception centres. National authorities are obliged to cooperate with UNHCR in line with its mandate.[951] Furthermore, persons seeking asylum have the right to contact UNHCR during all phases of the asylum procedure.[952]

G. Differential treatment of specific nationalities in reception

There have been no reports of differential treatment in terms of reception based on asylum seekers' nationality, except in the case of Ukrainian refugees who are granted special reception conditions in AC **Vranje,** which was refurbished solely for the purpose of their accommodation. Even though such response should be praised, it obviously testifies to an unequal treatment of non-European persons in need of international protection (see Annex on Temporary Protection).

951 Article 5 Asylum Act.
952 Article 12 Asylum Act.

Detention of Asylum Seekers

A. General

Indicators: General Information on Detention		
1.	Total number of asylum seekers detained in 2025:	0[953]
2.	Number of asylum seekers in detention at the end of 2025:	0
3.	Number of foreign nationals detained in 2025	499
4.	Number of detention centres:	3
5.	Total capacity of detention centres:	310[954]

The possibility of placing asylum seekers in detention in Serbia is prescribed by the Asylum Act.[955] Detention of asylum seekers represents the form of administrative detention which can also be imposed by the MoI-Border Police Department (BPD) and in relation to foreign nationals who were qualified as irregular migrants, but who can often be in need of international protection (they do not wish to apply for asylum in Serbia).[956] Since Serbia has not been the destination country for most of its refugee population, it is a common practice that, for instance, Afghans or Syrians, who do not wish to apply for asylum, are detained as irregular migrants and for the purpose of their forcible removal to Bulgaria.

On the other hand, asylum seekers are rarely detained, and their detention is frequently short, unless the case has a strong political component and is qualified as a national security case.[957] For that reason, the practice of the Asylum Office, as detaining authority, can be described as positive in the vast majority of cases, and in general, Serbia does not have a problem of detention of asylum seekers. In 2021, the Asylum Office did not resort to such measure, while in 2022 only 5 asylum seekers were detained and they were from Syria (3), Iran and Kyrgyzstan. In 2023, only 1 Afghan national was detained, while one Turkish national was detained by the MoI-BPD, even though he should have been detained by the Asylum Office and in line with the Asylum Act, as he had lodged a subsequent asylum application.[958] In 2024, a total of 8 asylum seekers were detained, namely people from Afghanistan (3), Russian Federation (3) Syria (2), and Sweden (1). In 2025, not a single asylum seeker was detained, which is a practice that is worth praising.

Asylum seekers are detained in Detention Centre for Foreigners in **Padinska Skela (DC Padinska Skela) a municipality in Belgrade**. In addition, in 2021, a new centre was opened in **Dimitrovgrad (DC Dimitrovgrad)**, at the green border with **Bulgaria**, and it became fully operational in 2022. In 2022, another detention centre in Plandište (**DC Plandište**), was opened and is located close to the border with Romania.

The total capacities of DC **Padinska Skela** is 110 places,[959] whereas the capacities of DC **Plandište** and DC **Dimitrovgrad** are of 100 places each.[960] Thus, overall detention capacity is of 310 beds.[961]

To reiterate instances in which asylum seekers are detained are extremely rare, and this attitude of the Serbian asylum authorities should be praised. However, the question that remains open, and which has not been addressed sufficiently by the bodies which have regular access to immigration detention (such as the Ombudsman and NPM) is to which extent are foreign nationals detained under the Foreigners Act

953 Ministry of Interior - Border Police Department's Response to the request for the information of public importance no. 07-25/26-2, 10 March 2026 (received on 23 March 2026).
954 Response on the request for the information of public importance no. 07-34/24 received on 15 April 2024.
955 Article 77 Asylum Act.
956 Article 87 Foreigners Act.
957 Examples will be described in the following parts of this Chapter.
958 Administration for Foreigners, Decision No. 26-13/22, 14 July 2022.
959 It was expanded after the reconstruction which was finalised in 2022.
960 See more in, MoI, *Izveštaj o sprovođenju Strategije suprotstavljanja iregularnim migracijama za period 2018-2020. godina*, available at: https://bit.ly/4dzBxKX, p. 14.
961 Response on the request for the information of public importance no. 07-34/24 received on 15 April 2024.

allowed access to the asylum procedure and in general enjoy their rights as persons deprived of their liberty, which are fundamental safeguards against ill-treatment, including *refoulement*.[962]

It is important to note that the immigration detention of individuals declared as irregular foreigners is based on the existence of an expulsion order, issued in line with Article 74 (2) of the Foreigners Act. The expulsion order is issued by immigration police officers from various police departments in Serbia and who are not trained to assess the risks of *refoulement* within the meaning of Article 83 of the Foreigners Act. Thus, decisions on expulsion are issued without the assessment of the objective and individual circumstances of a foreigners and the assessment of expected treatment in third countries or countries of origin. This practice is contentious considering that more than 71% of all detainees in 2023 were nationals of Afghanistan and Syria and, therefore, have *prima facie* claim, while almost 80% can also be considered to be in need of international protection since detainees originated from Palestine, Somalia, Türkiye, Iraq, etc.[963]

Not a single foreigner detained was issued a registration certificate in 2021. In 2022, only 4 persons were issued a registration certificate at DC **Padinska Skela**, while no foreigners who might be in need of international protection (e.g., from Syria or Afghanistan) were registered as asylum seekers at DC **Plandište** and DC **Dimitrovgrad**. In 2023, 1 foreign national was registered in immigration detention in line with the Article 35 of the Asylum Act. In 2024, a total of 2 foreign nationals were registered in DC Padinska Skela, while that number in 2025 was 3.

In 2018, the MoI stopped providing statistical data on the number of detainees qualified as irregular migrants,[964] but provided the author with the requested data for the purpose of the 2022 Update of this report. This positive practice continued in 2023, 2024 and 2025 and this Report contains comprehensive statistical data for all three detention centres.

And finally, when it comes to the placement of foreign national in immigration detention, 3 reports on the visits to all three facilities published by the NPM in 2023 shed more light on immigration detention practice in Serbia. Namely, in all three reports, the NPM noticed the practice in which immigration detention was ordered on the grounds of facilitation of forcible removal, but in reality, in many of such cases, forcible removal was impossible to execute. For that reason, NPM clearly outlined that immigration detention should not be used in relation to those individuals who are marked as 'unacceptable security risk' and who are suspected of having committed criminal offence or misdemeanour.[965] Detention under these premises was assessed by the NPM as unlawful and arbitrary.[966]

Persons who are likely to be in need of international protection can be detained on various other grounds. These include being convicted for irregular entry or stay in Serbia without having invoked the benefits of Article 8 of the Asylum Act or being held in the airport transit zone in a completely arbitrary manner (see Access to the Territory).

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962 CPT has outlined that detained irregular migrants should, from the very outset of their deprivation of liberty, enjoy three basic rights, in the same way as other categories of detained persons. These rights are: (1) to have access to a lawyer, (2) to have access to a medical doctor, and (3) to be able to inform a relative or third party of one's choice about the detention measure. The right of access to a lawyer should include the right to talk with a lawyer in private, as well as to have access to legal advice for issues related to residence, detention and deportation. This implies that when irregular migrants are not in a position to appoint and pay for a lawyer themselves, they should benefit from access to legal aid. See, CPT, *Immigration detention*, March 2017, CPT/Inf(2017)3, available at: https://bit.ly/3Li4Xzd, p. 2.

963 Response on the request for the information of public importance no. 07-34/24 received on 15 April 2024.

964 However, in its reports, the Ombudsman determined that at least 13 foreigners were forcibly removed to third countries or countries of origin in 2020. The MoI forcibly removed citizens of Türkiye (1), China (1), Afghanistan (1) and Croatia (1) to their countries of origin, and 1 Pakistani to Romania,3 Iranians and 1 Iraqi to Bulgaria.

965 NPM, *Извештај о посети Прихватилишту за странце у Падинској Скели*, no. 22900, 12 September 2023, available at: https://bit.ly/3K0Etnr, p. 12.; *Извештај о посети Прихватилишту за странце у Пландишту*, no. 370, 9 January 2024, available at: https://bit.ly/3wCECu2, p. 13; *Извештај о посети Прихватилишту за странце у Димитровграду*, no. 7681, 31 March 2023, available at: https://bit.ly/4bJCgIR, pp 12-13.

966 Ibid.

B. Legal framework of detention

1. Grounds for detention

Indicators: Grounds for Detention

1. In practice, are most asylum seekers detained
   - ❖ on the territory: ☒ Yes ☐ No
   - ❖ at the border: ☐ Yes ☒ No
2. Are asylum seekers detained during a regular procedure in practice? ☐ Frequently ☒ Rarely ☐ Never
3. Are asylum seekers detained during a Dublin procedure in practice? Not applicable

1.1 Detention of asylum seekers

An asylum seeker can be detained by a decision of the Asylum Office, when it is necessary to:[967]

- ❖ Establish their identity or nationality;
- ❖ Establish material facts and circumstances relevant to their asylum application, which cannot be established without the restriction of movement, particularly if there is a risk of absconding;[968]
- ❖ Ensure their presence in the course of the asylum procedure, if there are reasonable grounds to believe that their asylum application was submitted with a view to avoiding deportation;
- ❖ Ensure the protection of security of the Republic of Serbia and public order in accordance with the law;
- ❖ Decide, in the course of the procedure, whether they have a right to enter the territory of the Republic of Serbia.

Asylum seekers can be also detained in case of non-compliance with the obligations envisaged in Article 58 of the Asylum Act which are related to the respect of the House Rules in Asylum and Reception Centres and inadequate cooperation with the Asylum Office during the asylum procedure.[969]

In practice, the Asylum Office rarely orders the detention of asylum seekers and since there were no 2025 detention cases, there will be no extensive analysis of individual cases in 2025, but analysis of cases of E.P. and A.S. can be found in the 2024 Update of the present report.[970] Also, the case of E.P. as well as one more are currently pending before the Constitutional Court and the applicants claim that their detention was arbitrary because it was based on the national security grounds practice which is identical to the one which was reported in the asylum procedure. This means that challenging of immigration detention imposed on the national security grounds is nothing but *probatio diabolica*.

The practice of arbitrary detention at the airport has already been described in Access to the Territory. However, the Asylum Act introduced a Border Procedure. Thus, the applicant could be detained under these circumstances if adequate accommodation and subsistence can be provided.[971] However, since there are no adequate facilities located in border areas or in the transit zones, the border procedure has not yet been applied.

967 Article 77(1) Asylum Act.
968 Article 77(3) prescribes that the risk of absconding shall be assessed on the basis of all the facts, evidence, and circumstances in a specific case, particularly taking into account all the applicant's previous arbitrary attempts of leaving the Republic of Serbia, his or her failures to consent to identity checks or identity establishment procedures, or concealing information or providing false information about his or her identity and/or nationality.
969 Article 58(1)(3) and (7) Asylum Act.
970 AIDA, *Country Report: Serbia*, 2024 update, available here, pp. 196-197.
971 Article 44(1)(1) Asylum Act.

1.2 Other grounds for the detention of foreign nationals who may be in need of protection

Individuals in need of international protection may be at risk of detention in a number of situations, despite the fact that the Asylum Office rarely resorts to such practices.

Under the Foreigners Act, foreigners who are likely in need of international protection may be detained in the Detention Centre for Foreigners in **Padinska Skela** when they cannot be immediately forcibly expelled, for the purpose of their identification if they do not possess valid travel documents, or 'in other cases prescribed by the law'.[972] However, this concerns persons who do not express the intention to seek asylum in Serbia, as persons who have done so come under the regime foreseen by the Asylum Act explained above.

Article 87 of the Foreigners Act provides that a foreigner who is in a return procedure can be detained for the purpose of preparing the return or executing the forced removal, based on the decision of the competent authority or border police. The detention is ordered where there is a risk that the foreigner will not be available to the competent authority for the execution of the forcible removal or will attempt to avoid or interfere with the preparations of the return or removal.[973] This form of detention may be ordered if a foreigner:

- Does not have documents to establish their identity;
- Does not cooperate in the return procedure and is interfering with their return;
- Has not departed from the Republic of Serbia voluntarily;
- Has not cooperated in the procedure for establishing their identity or citizenship, or has given false or contradictory information;
- Is using or has used false or forged documents;
- Has attempted to enter or has already entered into the Republic of Serbia illegally;
- Has not fulfilled his obligations derived from the order on mandatory stay in a particular place;
- Does not have any relatives or social ties in the Republic of Serbia;
- Does not have any means to provide accommodation or subsistence.

The fact that a person is in need of international protection must not be neglected during the course of a forcible removal procedure. Thus, the individual should have access to procedural safeguards in the context of expulsion,[974] which is not the case at the moment. The current practice entails the stereotypical issuance of a decision on cancellation of residency,[975] or an expulsion decision in case a foreigner does not have any legal grounds to reside in Serbia.[976] In these two procedures, foreigners do not enjoy legal assistance or services of interpretation, neither are they allowed to submit arguments against their expulsion or to effectively enjoy the right to a remedy which has a suspensive effect. Moreover, an appeal against the decision on cancellation of residency,[977] or the expulsion decision,[978] does not have a suspensive effect. The appeal against the expulsion decision could have a suspensive effect if there is a risk of *refoulement*.[979] However, since the guarantees regarding the expulsion are not in place in practice, it remains unclear how will the competent border police authority assess the risk of *refoulement*. The current practice is simply based on the automatic issuance of the expulsion decision in a template where only personal data and the circumstances of the irregular entry are stated, while the reasoning does not contain any assessment on the risk of *refoulement*.

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972 Articles 87 and 88 Foreigners Act.
973 Article 87(4) Foreigners Act envisages that a foreigner is avoiding or interfering with the preparations for return and forced removal if his identity cannot be established, or if the foreigner does not have a travel document.
974 Article 1 Protocol 7 ECHR.
975 Article 39 Foreigners Act.
976 Article 74 Foreigners Act.
977 Article 39(7) Foreigners Act.
978 Article 80(3) Foreigners Act.
979 Articles 80(3) and 83 Foreigners Act.

Total number of detainees in DC Padinska Skela from 1 January to 31 December 2025	
Country of Origin	Number of detainees
China	43
Bangladesh	24
Afghanistan	23
Nepal	15
India	12
Others	73
Total	**190**

Source: Ministry of Interior - Border Police Department's Response to the request for the information of public importance no. 07-25/26-2, 10 March 2026 (received on 23 March 2026).

In 2024, 149 foreign nationals were detained in DC Padinska Skela. The majority of detainees were from Afghanistan (43) and Syria (21). It is reasonable to assume that some of the remaining detainees are still in detention at the time of writing of this report, while some of them were returned to Bulgaria under the readmission agreement or their country of origin. The MoI did not provide data on the number of foreigners who were forcibly removed to third countries or countries of origin from DC Padinska Skela. for their return.

In 2025, 190 foreign nationals was detained in DC Padinska Skela: China (43), Bangladesh (24), Afghanistan (23), Nepal (15), India (12), Shri Lanka (12), Egypt (8), Morocco (7), Syria (5), Türkiye (4), Tunis (3), Bosnia and Hercegovina (3) and 2 from Iraq, Israel, Montenegro and Russian Federation and 1 from Austria, Azerbaijan, Belarus, Georgia, Croatia, Italy, Armenia, Kenya, Libya, Hungary and North Macedonia.

What can be concluded from the above enlisted nationalities is that most of the people detained in general are persons who most likely arrived to Serbia with D visas issued on labour grounds.

Total number of detainees in DC Dimitrovgrad from 1 January to 31 December 2025	
Country of Origin	Number of detainees
Afghanistan	61
China	31
Bangladesh	28
Morroco	26
Syria	17
Others	58
Total	**221**

Source: Ministry of Interior - Border Police Department's Response to the request for the information of public importance no. 07-25/26-2, 10 March 2026 (received on 23 March 2026).

In 2024, 201 persons were detained in DC Dimitrovgrad, most of them originating from Syria (74) and Afghanistan (68). According to the readmission data, a total of 119 foreign nationals were readmitted to Bulgaria, and it is reasonable to assume that most of them were detained in the DC Dimitrovgrad. In 2024, NPM monitored 5 forcible removals of 22 Syrians to Bulgaria, but details of this operation were not published on its website.[980]

In 2025, 221 foreign nationals were detained in DC Dimitrovgrad: Afghanistan (61), China (31), Bangladesh (28), Morroco (26), Syria (17), India (11), Nepal (7), Indonesia (7), Egypt (6), Türkiye (6), Algeria (4), Egypt (3), Iran (3) and 1 from Iraq, Liberia, Togo, Tunis and Shri Lanka.

980 Available in Serbian here, here, here, and here.

Accordingly, and due to its geographical locations (entry point from Bulgaria), at least 40% of detainees in DC Dimitrovgrad could potentially be in need of international protection (Afghanistan, Syria, etc.).

Total number of detainees in DC Plandište from 1 January to 31 December 2025	
Country of Origin	Number of detainees
China	82
Nepal	2
1 from Bangladesh, Indonesia, Nigeria and Shri Lanka	4
Total	**88**

Source: Ministry of Interior - Border Police Department's Response to the request for the information of public importance no. 07-25/26-2, 10 March 2026 (received on 23 March 2026).

In 2024, a total of 79 foreign nationals were detained in DC Plandište, out of which Afghanis (24) and Syrians (17) were the majority. In 2025, the vast majority of DC Plandište detainees were from China (82), 2 from Nepal and 1 from Bangladesh, Indonesia, Nigeria and Shri Lanka. Thus, it can be safely assumed that most of these people arrived to Serbia regularly - Chinese do not require visa, while other nationalities usually arrive to Serbia after they obtain D visa for labour purposes and in line with the Foreigners Act. There is no data on the outcome of such detention, but according to the findings of the Ombudsman, immigration detention in Serbia is frequently applied on persons who are assessed as an 'unacceptable security risk'. NPM notes that such grounds are not envisaged in the Foreigners Act and that immigration detention of those foreigners who are suspected of committing crimes and misdemeanours is unlawful and arbitrary. The MoI did not deliver data on the number of cases in which detainees were released due to inability of forcible removal

In 2025, the MoI for the first time provided partial data on the outcome of immigration detention in terms of forcible removal (Article 81 of Foreigners Act) and readmission to neighbouring countries or countries of origin. According to the available data, a total of 241 foreign nationals was forcibly removed in terms of the Article 81 of the Foreigners Act: China (152), Bangladesh (11), India (11), Shri Lanka (9), Türkiye (9), Indonesia (8), Egypt (3), Afghanistan (3), Israel (2), Pakistan (2), Montenegro (2), Bosnia and Hercegovina (2) and 1 from Austria, Azerbaijan, Georgia, Croatia, Iraq, Italy, Amenia, Kenya, Hungary, Palestine, North Macedonia, Russian Federation, Tunis and Ukraine.[981] It is reasonable to assume that most of these people were returned to their countries of origin except for the people from Afghanistan, Pakistan, Palestine and Ukraine (7 in total). What can be the case with these nationalities is that they were most likely removed to third countries where they enjoy residency or international protection. Still, it is also possible that many of other nationalities were removed to third countries, but since MoI has failed to designate receiving States, the author can only speculate. Also, a total of 70 persons detained in DCs was readmitted to neighbouring countries: Afghanistan (23), Morroco (19), Syria (10), Iran (3), Pakistan (3), Egypt (2), India (2), Nepal (2) and from Algeria, Bosnia and Hercegovina, Iraq, Libya, Palestine and Tunis.[982] A vast majority was readmitted to Bulgaria, and some of them to North Macedonia, Bosnia and Hercegovina and Croatia.

And finally, it is important to note that 29 foreign nationals were introduced in the assisted voluntary return (AVR): Nepal (7), India (7), Bangladesh (6), China (3), Morocco (3), Shri Lanka (2) and Türkiye (1).

As for those discharged foreign nationals who were released due to the impossibility to facilitate their forcible removal, the numbers are the following: Afghanistan (42), Bangladesh (17), Syria (9), Pakistan (5), Morroco (5), Egypt (3), Algeria (2), Tunis (2) and 1 from Belarus, Iraq, Liberia, China, Nepal, Nigeria, Russian Federation and Ukraine - 93 total. Also, 1 Nigerian detainee was referred to the asylum centre

981 Ministry of Interior - Border Police Department's Response to the request for the information of public importance no. 07-25/26-2, 10 March 2026 (received on 23 March 2026).

982 Ministry of Interior - Border Police Department's Response to the request for the information of public importance no. 07-25/26-2, 10 March 2026 (received on 23 March 2026).

(probably registered in terms of the Article 35 of the Asylum Act) and 3 Afghanis were transferred to the competence of the Criminal Police Administration.

For a total of 96 foreign nationals, immigration detention was extended for additional three months in terms of the Article 88 of Foreigners Act: Afghanistan (37), Bangladesh (23), Syria (8), Pakistan (6), Egypt (4), Nepal (4), Algeria (3), Morocco (3), Tunis (2), Shri Lanka (2) and 1 from Belarus, Liberia, Nigeria and Ukraine.

Several approximate conclusions can be drawn from the delivered information. The first one is that around 65% of immigration detainees are forcibly removed either to their countries of origin or mainly to Bulgaria under the readmission agreement, while around 20% of them is discharged due to inability to facilitate forcible removal. This was criticized by the NPM in the two 2025 reports on the follow up visit to DC Padinska Skela and DC Plandište.[983] Around 6% of them are introduced into AVR. Also, according to the MoI response, only 2 foreigners were detained on the national security grounds in 2025, which is positive in comparison to previous years and which was noted in the Ombudsman report.

Additionally, another problematic, widespread, practice consists in convicting persons coming from refugee-producing countries for irregular entry or stay, in contravention with the principle of non-penalisation for illegal entry or stay foreseen by Article 31 of the 1951 Refugee Convention. However, although the majority of misdemeanour proceedings end with the person *in casu* paying a fine before being issued an order to leave Serbia within a certain time limit, it is not uncommon for potential refugees to be sentenced to a short-term in prison as a result of their irregular entry or stay. Bearing in mind that access to an interpreter for languages most refugees speak is extremely limited, it is unlikely that these persons are made aware of their rights and understand the proceedings, including the right to seek asylum in Serbia.[984]

In general, it appears that relevant State authorities rarely resort to measures of deprivation of liberty of persons that are in need of international protection who enjoy the status of asylum seekers, while on the other hand, persons who are likely in need of international protection but who do not wish to apply for asylum could be subjected to immigration detention more frequently.

2. Alternatives to detention

Indicators: Alternatives to Detention	
1. Which alternatives to detention have been laid down in the law?	☒ Reporting duties ☒ Surrendering documents ☐ Financial guarantee ☒ Residence restrictions ☐ Other
2. Are alternatives to detention used in practice?	☐ Yes ☒ No

The Asylum Act foresees several alternatives to detention, which will be imposed based on an individual assessment prior to detention. Alternatives to detention are the following:

- Prohibition on leaving the Asylum Centre, a particular address, or a designated area;[985]
- Obligation to report at specified times to the regional police department, or police station, depending on the place of residence;[986]
- Temporary seizure of a travel document.[987]

983 NPM, *Извештај о посети Прихватилишту за странце у Падинској Скели,* 4 June 2025, available here, p. 16 and NPM, *Извештај о посети Прихватилишту за странце у Пландишту*, 26 August 20245, available here, p. 7.

984 See more in AIDA, *Country Report: Serbia – Update on the year 2021*, May 2022, available here, p. 25.

985 Article 78(1)(1) Asylum Act.

986 Article 78(1)(2) Asylum Act.

987 Article 78(1)(5) Asylum Act.

The above-stated measures can last as long as there are Grounds for Detention under Article 87 of the Asylum Act and for a period not longer than 3 months, which can exceptionally be extended for an additional 3 months. An asylum seeker who has violated residence or reporting obligations can be detained in the Detention Centre for Foreigners.[988] The Asylum Office is the authority in charge of ordering alternatives to detention with regard to asylum seekers.

Such measures, however, have never been taken in practice, including in 2024 and 2025. In general, Serbia can still be considered a country that does not resort to systematic detention of asylum seekers or other foreigners that might be in need of international protection. Still, those detention decisions which were issued in 2024 and 2025 did not motivate the reasons for which alternatives to detention were not applied.[989]

Alternatives to detention can also be applied in line with Article 93 of Foreigners Act. This provision enables the MoI to issue a decision imposing mandatory stay in a particular place (mandatory stay) if the foreign national would hinder to the possibilities for competent authority for to execute the forcible removal. It is also provided that such a measure is to be taken in compliance with the principle of proportionality, taking into consideration whether the mandatory stay is the less intrusive measure for the foreign national concerned.

Mandatory stay may be approved for a period of up to one year and may be extended for an additional year, depending on the persistence of the reasons for which the mandatory stay is ordered. A foreign national under a measure of mandatory stay, must remain at a particular address and report to the competent authority in accordance with the schedule stated in the decision on mandatory stay. When there are valid reasons, the competent authority may issue a decision approving that the foreigner temporarily leaves the place of mandatory stay. If a foreign national obstructs his forced removal or does not respect the schedule of reporting, he can be detained in an immigration detention facility. It is possible to challenge this decision before the MoI as the second instance, and before the Administrative Court as the third instance. A foreigner under the measure of mandatory stay and who has no travel document shall be issued a temporary identity card.

3. Detention of vulnerable applicants

Indicators: Detention of Vulnerable Applicants

1. Are unaccompanied asylum-seeking children detained in practice?
   ☐ Frequently ☒ Rarely ☐ Never
   - ❖ If frequently or rarely, are they only detained in border/transit zones? ☐ Yes ☒ No

2. Are asylum seeking children in families detained in practice?
   ☐ Frequently ☒ Rarely ☐ Never

The Asylum Act envisages that a person with specific circumstances and needs, as prescribed in Article 17, can be detained exclusively if it has been established, based on an individual assessment, that such measure is appropriate, taking into account their personal circumstances and needs, and particularly their health condition.[990] This category includes minors, unaccompanied minors, persons with disabilities, elderly persons, pregnant women, single parents with minor children, victims of trafficking, 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. So far, families and UASC have never been detained during the course of asylum procedure.

In December 2019, two UASC from **Afghanistan** were detained on security grounds,[991] but they were not registered as asylum seekers nor were they willing to apply for asylum. In other words, their detention was based on the Foreigners Act. However, it is rare in practice for children and families to be detained

988 Article 79 Asylum Act.
989 ` Practiced observed information by IDEAS.
990 Article 80 Asylum Act.
991 Information provided by CSO IDEAS.

in the Detention Centre for Foreigners, regardless of their status – asylum seeker or a person in need of international protection who is not willing to apply for asylum. There were no recorded cases of vulnerable applicants, such as UASC, being detained since 2022.

4. Duration of detention

Indicators: Duration of Detention	
1. What is the maximum detention period set in the law (incl. extensions):	6 months
2. In practice, how long in average are asylum seekers detained?	n/a

The Asylum Act foresees that asylum seekers may be detained for up to 3 months. This period may be extended once for another 3-month period by a decision of the Asylum Office[992] and on the same grounds as prescribed in Article 77 (1) of the Asylum Act. The detention order in line with the Foreigners Act can last for 180 days maximum.[993]

C. Detention conditions

1. Place of detention

Indicators: Place of Detention		
1. Does the law allow for asylum seekers to be detained in prisons for the purpose of the asylum procedure (i.e. not as a result of criminal charges)?	☒ Yes	☐ No
2. If so, are asylum seekers ever detained in practice in prisons for the purpose of the asylum procedure?	☒ Yes	☐ No

Persons who seek asylum in Serbia may be detained in the Detention Centre in **Padinska Skela**, Belgrade, which can host up to 110 persons. DC **Plandište** and DC **Dimitrovgrad** can host up to 100 persons.

Foreigners who are sanctioned for the misdemeanour of unlawful border crossing or irregular stay on Serbian territory are detained in 28 different penitentiaries around Serbia. Persons who are detained at **Nikola Tesla Airport** (see Access to the Territory) are placed at premises located in the transit zone, at the far end of the gate corridor. It is not possible to assess the capacity of these premises, as they have never been designed as detention facilities.

2. Conditions in detention facilities

Indicators: Conditions in Detention Facilities		
1. Do detainees have access to health care in practice?	☒ Yes	☐ No
❖ If yes, is it limited to emergency health care?	☒ Yes	☐ No

2.1 Overall conditions

In 2023, the NPM visited all three immigration detention centres and published comprehensive reports which provide detailed description of admission processes, (lack of) health care and vulnerability screening, living conditions, regime of life, access to rights of persons deprived of their liberty and other aspects of foreign nationals' stay in immigration detention. All information from this Chapter is extracted from these Reports, that provide a comprehensive analysis of the conditions of immigration detention facilities in Serbia.[994] It is also important to outline that most of the findings are related to foreign nationals

992 Article 78(2) and (3) Asylum Act.
993 Article 88 Foreigners Act.
994 NPM, *Извештај о посети Прихватилишту за странце у Падинској Скели*, no. 22900, 12 September 2023, available at: https://bit.ly/3K0Etnr; *Извештај о посети Прихватилишту за странце у Пландишту*, no. 370, 9 January 2024, available at: https://bit.ly/3wCECu2; *Извештај о посети Прихватилишту за странце у Димитровграду*, no. 7681, 31 March 2023, available at: https://bit.ly/4bJCgIR.

detained under the Foreigners Act and for the purpose of forcible removal, but who could be in need of international protection and who might face risks of *refoulement* or *chain-refoulement* in third countries or countries of origin and for whom access to asylum should be safeguarded.

In July 2025, NPM published the Report on follow-up visit to DC Padinska Skela,[995] and in August, the Report on follow-up visit to DC Plandište.[996]

Detention Centre in Padinska Skela

Living conditions and regime of life

DC Padinska Skela is a one-story building which comprises the admission part - where police inspection premises are located - and the accommodation part which is divided into two wings of the building. Both wings have five rooms each and each wing has common area which is considered to be the leisure and dining room, which also has toilets and bathrooms. Also, each wing has a small outdoor area. Due to the ongoing reconstruction, only one wing was operational in 2023, while dormitories in the other wing which is under the reconstruction are used only when the number of detainees increases. The situation remained unchanged in 2024 and 2025.

All bedrooms are of the same size, and they measure 21 m^2 and they are intended to accommodate of 5 persons. Each person has at least 4,1 m^2 and if we take that into account, official capacities of the DC Padinska Skela should be maximum 55 persons. All rooms have large windows with metal bars, which are wide enough and suitable for natural ventilation. Both natural and artificial lights are satisfactory. Each dormitory has a separate sanitary area, which is around 1.5 m^2 and which is consisted of a stool and a sink. NPM reported poor conditions of sanitary facilities in dormitories and common areas which remained the same during its 2025 visit as in the past.[997] Also, the issue of bed bugs was reported in 2025.[998]

Each room has 5 beds, a larger closet with shelves for the storage of personal belongings, groceries, as well as a table with several chairs or benches. The beds are equipped with mattresses and sheets, and which are washed once a week. Still, NPM reported the issue of bed bugs.

The hygiene of the dormitories and other rooms is maintained daily and the Shelter provides them with the means to this end. Hot water is available all the time, and foreigners who do not have means for maintaining personal hygiene receive them upon verbal request. Smoking is allowed in the outdoor area and in the common area.

The open-door regime exists during most of the day, except between 14:00 - 17:00. During the evening, all detainees are locked in their rooms. The common area has several larger tables and chairs and a television with cable television. The room has several windows, air conditioning and proper artificial lighting. Still, in 2025, NPM recommended the introduction of an entire set of meaningful activities such as sport, social, cultural and others.[999]

Small outdoor areas are fenced off and consists of two benches and two fountains. A smaller roof can provide protection from the weather precipitation. Still, NPM noted that detainees are not allowed to spend 2 hours in the outdoor area every day and issued a recommendation in which it invited DC Padinska Skela administrations to secure that time as minimum.[1000]

Food is served three times a day. Cooked food is provided, and all three meals are caloric, and are adapted to the religious beliefs. Fresh fruits and vegetables are included in the diet every day, and milk

995 NPM, *Извештај о посети Прихватилишту за странце у Падинској Скели,* 4 June 2025, available here.
996 NPM, *Извештај о посети Прихватилишту за странце у Пландишту*, 26 August 20245, available here.
997 NPM, *Извештај о посети Прихватилишту за странце у Падинској Скели,* 4 June 2025, available here, p. 6.
998 *Ibid*., p. 11.
999 *Ibid*., p. 9.
1000 *Ibid*, p. 14.

and other dairy products at least 3 times a week. Foreigners are also provided with bottled water since the tap water is not potable which was also the subject of an NPM's recommendation in 2025.[1001] Meals are served in the dining room, except for dinner, which is served in the dormitories. The shelter does not have a canteen in its structure, but there is a possibility to order groceries from police officers and with the money they deposit.

Admission, health care, vulnerably screening and grounds for detention

Upon arrival, all foreign nationals are introduced in the admission record which contains personal data: name, date of birth and citizenship, as well as data related to detention in DC, date and grounds for detention, case file number of the expulsion and detention order and which organisational within the MoI-BDA rendered such decision and transferred the individual to the DC. Every foreigner also has a personal file where the above-outlined decisions are kept.

Immediately after the admission, police officers perform an examination of the foreigner and their personal belongings. The certificate on the personal belongings which are confiscated (mobile phones, money, documents, etc.) is issued to every foreigner. Every newly admitted foreign national is provided with the set of clean sheets. They are then served with the leaflet of rights of persons deprived of their liberty in drafted in line with the Criminal Procedure Code, but not with the leaflet which contains an adequate list of their rights and responsibilities as immigration detainees, as well as the applicable procedures such as expulsion and asylum procedure.

According to the available documentation that NPM has analysed, a significant number of foreign nationals were detained on the grounds of national security reasons and with additional reasoning containing the quote that their stay in Serbia is aimed at 'committing criminal offences'. NPM outlined that this cannot be the grounds for deprivation of liberty, especially because their forcible removal was not realistic. Thus, most of the foreign nationals were arbitrarily deprived of their liberty according to the NPM and the records have shown that most of them have been released after the maximum of 180 days.

Another flagrant example of arbitrary deprivation of liberty was observed by the NPM and related to the detention of a foreign national whose extradition procedure was ongoing and who was imposed with the measure of prohibition of leaving the place of residency, which is a measure related to limitation of the right to freedom of movement, and not limitation of the right to liberty and security. In this way, the person concerned remained in the DC Padinska Skela for more than 8 months.

There is no health care screening nor any vulnerability assessment upon admission which has been a long-lasting recommendation of the NPM, and which was also confirmed during the follow-up visit of the NPM in 2025.[1002]

Detention Centre in Plandište

DC Plandište is a metal container one-story building, which consists of a large central corridor that runs along its entire length, with rooms on both sides. Its total capacity is 12 rooms on 1 side and 10 rooms on the other. Rooms for detained foreign nationals are of the same size and identically equipped - 13 m^2 -, two bunk beds which are equipped with mattresses and sheets. Each room has air conditioners, while during the winter period mobile heaters are provided. In addition, there are lockers for personal belongings.

All bedrooms have large windows, which are with the outer sides fenced with metal bars, allowing for sufficient fresh air inflow and natural light. Artificial lighting is also appropriate. Bed linen is changed weekly. Hygiene in the rooms was at a good level and the rooms are cleaned daily.

1001 *Ibid*., p. 177

1002 NPM, *Извештај о посети Прихватилишту за странце у Падинској Скели,* 4 June 2025, available here, pp. 8 and 13.

There are no toilets or bathrooms in the rooms, but there are four shared ones. Sanitary shower units and rooms are in a very bad condition and hygiene is not satisfactory according to the NPM, which was confirmed again in 2025.[1003] The glass above the sink was broken. One the biggest issues reported are taps and showers that are broken so that they can hardly be used. Detained foreign nationals are allowed to use showers every day and according to the NPM reports, hygienic packages are distributed to everyone who does not have means to afford them. Smoking in the dormitories is not allowed.

DC Plandište also has common area which is around 55 m^2 equipped with tables, chairs and air conditioning, TV and sink with a fountain. This room also serves as dining room and is connected through the window with the room from which they are served meals. Multiple windows enable an adequate flow of natural lighting and fresh air. The room has air conditioners and artificial lighting is appropriate.

The outdoor space available is a concrete area of about 65 m2 and it can be accessed from one room that is not used for the accommodation of foreigners and is fenced off with three sides. This space is accessible to foreigners every day for no less than two hours, but mostly, if the weather conditions allow it, they can stay outside as long as they want during the day. The space is equipped with several benches, there are no props for physical education exercise, nor other facilities. In comparison to previous visit, the canopies for shelter from atmospheric precipitation have been installed, as well as requisites for exercise, which was praised by the NPM.[1004]

Meals for detainees are provided from a local restaurant that delivers them meals three times per day, and on the basis of a pre-arranged weekly menu. Menus are available only in Serbian language. Bottled water is regularly provided. Fruit and vegetables are part of the diet. Bearing in mind that most of the foreigners who are detained are Muslims, care is taken to ensure that meals are in accordance with religious beliefs.

The detention facility has its own kitchen, which is mainly used for sharing meals, as well as for preparing of hot drinks. Dining is in the living room, with the possibility of exception when it is also allowed in rooms, for example during fasting. There is no canteen in the facility but there is a possibility for foreigners to receive packages with the desired food items.

Admission, health care, vulnerably screening and grounds for detention

A record is kept of all detained foreigners (Foreigner's Book), in which they have their personal data: name, date of birth and citizenship, as well as data related to detention and expulsion. Immediately after admission, police officers perform an examination of the foreigner and his personal belongings which are confiscated and deposited in specially designated storage and foreigners are issued certificates. Afterwards, they are provided with clean bed linen and allocated to one of the dormitories. They are also served with the document setting out their rights and responsibilities in line with the Criminal Procedure Code, and thus are not informed on all the rights and obligations which are related to their immigration status, including the right to apply for asylum. House rules are available on all the relevant languages. They are no employed interpreters.

Most foreigners are detained for the purpose of forcible removal. However, in most of the cases, as noted by the NPM, there was no prospect of removal and thus, their detention was assessed as arbitrary. Since DC Plandište has become operational, not a single foreign national was forcibly removed and what happened in the end is that all of them are released after the expiry of the maximum 180 days. NPM criticized the fact that immigration detention was used as a measure against those foreign nationals for whom BIA made a negative security assessment.

1003 NPM, *Извештај о посети Прихватилишту за странце у Пландишту*, 26 August 20245, available here, p. 5.

1004 *Ibid*., p. 7.

There is no medical screening nor any other type of vulnerability assessment which was determined again during the 2025 visit.[1005]

Detention Center in Dimitrovgrad

Living conditions and regime of life

DC Dimitrovgrad is a container one-story building, which consists of a larger central corridor with rooms from both sides. There are 24 dormitories in total which are of the same size with the surface area of about 15.6 m2 and with the capacity for 4 people. Each one has two bunk beds and two larger cupboards for storing personal belongings. Beds are equipped with new mattresses and complete bedding, which was clean during the NPM visit. Each dormitory has large windows with the metal bars, and which allows sufficient flow of fresh air and natural light. Artificial lighting is also suitable, and in each dormitory, there is an air conditioner. The dormitories assessed by the NPM were considered to be in good condition. The common area is around 60m^2 also serves as a dining room and due to the open door policy, it is available to all detainees throughout the day. The area is about 60 m2 and is equipped with tables and chairs, TV and two sinks with water taps. This room also air-condition and has several windows with bars.

The facility also has 4 shared toilets/bathrooms, with a sufficient number of sanitary facilities (a total of 8 shower cabins and toilets and 10 sinks each), which were found to be clean and in good condition. Hot water is available at all times, and personal maintenance is provided. Foreigners also receive hygiene kits for personal hygiene and they are also provided with the powder for manual washing of personal laundry, which can be done in shared toilets. There are no washing machines. Smoking is allowed in the common area.

The outdoor area is made of concrete walls and is fenced off and is around 50 m^2. The area us completely unequipped.

Meals are distributed from the nearby restaurant three times per day and they are in line with religious needs of detainees and contains also vegetables and fruits. Drinking tap water is available, but bottled water is also provided. There is no canteen, but several times per week police officers, with the money deposited to the accounts of detainees purchase from the lists they provide.

Admission, health care, vulnerably screening and grounds for detention

The admission is facilitated in the same manner as in DC Padinska Skela and DC Plandište, meaning that newly arrived foreigners are introduced in the central register which contains personal data and case files related to their expulsion and detention. After they are searched, their personal belongings such as cell phones, money and other prohibited objects are confiscated after which detainees are issued with a certificate. They are also issued with the document in writing detailing the rights of criminal suspects and in line with the Criminal Procedure Code. Rights and responsibilities, as well as the information which is related to expulsion and detention procedure and other applicable procedures, including the asylum, is not provided, which was criticised by the NPM.

NPM again observed that significant number of detainees is arbitrarily detained, meaning that their forcible removal is not possible, and that the grounds are again based on the security assessment of BIA. This was again qualified as unacceptable practice by the NPM.

There is no health care screening or any kind of vulnerability assessment screening, nor there are interpreters available.

[1005] *Ibid*., p. 9.

2.2 Conditions in penitentiary facilities

Conditions in the penitentiaries where asylum seekers and migrants are detained if convicted in misdemeanour proceedings vary depending on the individual facility. The Serbian system for the implementation of criminal sanctions has suffered from overcrowding for many years, while conditions in certain facilities may amount to inhumane and degrading treatment as a result of poor living conditions, a lack of meaningful activities and the lack of communication with the staff and outside world.

The penitentiaries that are located in the border zones are the ones at which persons likely in need of international protection are usually detained, such as the County Prison in **Vranje** (Southern border zone) and the Correctional Facility in **Sremska Mitrovica** (Western border area).

2.3 Conditions in transit zones

The airport transit premises have a size of 80m^2 and are equipped with 25 sofas and some blankets. There are no adequate conditions for sleeping and the ventilation is unsatisfactory. The foreigners are locked up all day long. The toilet is located within the premises and is in an acceptable condition.

In 2019, the UN Special Rapporteur on Torture described material conditions as inadequate for the purposes of detention. The main shortcomings are described as follows:

> 'The material conditions in this room were inadequate for the purposes of detention, the main shortcomings being the absence of beds and heating, deplorable hygienic and sanitary conditions and constant artificial lighting. When tested, the tap water was not running, the premises visibly had not been cleaned for an extended period of time and all seven persons who were held there were obliged to spend the night sitting in armchairs. However, they had all received meals provided by the airport police.'[1006]

The newly established premises at the Nikola Tesla airport are still not considered as suitable for the conduct of the asylum procedure. There are no reports which describe the conditions in the new detention rooms.

3. Access to detention facilities

Indicators: Access to Detention Facilities

1. Is access to detention centres allowed to
   - ❖ Lawyers: ☐ Yes ☒ Limited ☐ No
   - ❖ NGOs: ☐ Yes ☒ Limited ☐ No
   - ❖ UNHCR: ☐ Yes ☒ Limited ☐ No
   - ❖ Family members: ☐ Yes ☒ Limited ☐ No

UNHCR has unimpeded access to all persons under its mandate, including in detention.[1007] NGOs specialised in asylum and migration issues are also entitled to have access to all persons who enjoy the status of asylum seeker.[1008] Access to asylum seekers detained at the airport could be restricted, when that is necessary to protect national security and ensure public order in the Republic of Serbia.[1009] CSOs in general have the possibility to access the Detention Centre in **Padisnka Skela and other detention centres**, but they rarely went since 2022due to lack of interest of detainees to apply for asylum. Usually, the visits are conducted upon invitation of the management, and when a foreigner expresses their intention to apply for asylum. One may wonder whether more detainees would be willing to apply for asylum if the MoI allowed free visits and therefore unhindered access for lawyers able to provide legal

1006 Special Rapporteur on Torture, *Visit to Serbia and Kosovo - Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment*, A/HRC/40/59/Add.1, 25 January 2019, available at: https://bit.ly/47OzTm7, para. 48.
1007 Articles 5(2), 14, 36(5), 41(3) and 56(4) Asylum Act.
1008 Articles 36(5), 41(2), 56(3) and (4) Asylum Act.
1009 Article 41(3) Asylum Act.

information and counselling. IDEAS visited DC Padinska Skela 9 times in 2024 and for the purpose of providing legal assistance to Turkish national who was detained on the national security grounds and who also applied for asylum. In 2025, IDEAS visited DC Padinska Skela 5 times.

According to the NPM,[1010] lawyers and CSOs have unhindered access to immigration detention facilities, a remark that can be corroborated by the author of this Report. Each detention facility has designated area for confidential talk with the possibility for visual monitoring.

NPM noted a positive development in relation to providing access to legal aid for detainees, in particular as detainees are now provided with the list of lawyers drafted by the Bar Chamber. However, unless they applied for asylum (when CSOs can provide free legal aid), foreign nationals have to pay for the services, meaning that those who do not have financial means, are deprived of the possibility to enjoy legal assistance in their expulsion or detention procedure. NPM is of the opinion that Free Legal Aid Act should be amended in that regards.

There is no medical staff in any of the DCs and foreigners who have health care concerns are transported to local clinics. This practice has been criticised by the NPM.

UNHCR and IOM have regular access to detention facilities in line with their mandates.

D. Procedural safeguards

1. Judicial review of the detention order

Indicators: Judicial Review of Detention		
1. Is there an automatic review of the lawfulness of detention?	☐ Yes	☒ No
2. If yes, at what interval is the detention order reviewed?	n/a	

Applicants can challenge their detention before the competent Higher Court within 8 days from the delivery of the detention decision.[1011] The appeal against the Asylum Office's detention decision does not have suspensive effect.[1012]

Since the decision is drafted in Serbian, and foreigners often do not have legal counsel, there is no real possibility to challenge detention decisions.

In 2022, one applicant from Kyrgyzstan tried to challenge his detention on security grounds before the Higher Court of Belgrade, but the court never decided upon the appeal It is unclear why the lawmaker has made Higher Courts competent to examine the lawfulness of administrative detention decisions, instead of the Administrative Court. In 2024 and 2025, one Turkish national detained on the national security grounds challenged the lawfulness of his detention and was rejected both times through decisions which were 1,5 page long. The Higher Court simply confirmed the arbitrary application of the national security grounds. Both decisions were taken to the Constitution Court by IDEAS.

As for the appeals against immigration detention imposed by the MoI and in relation to foreign nationals detained under the Foreigners Act, the competent body is the Administrative Court. Article 90 provides that a complaint against a decision on immigration detention or extension of immigration detention can be lodged within 8 days of the day of delivery of the decision, but the complaint will not have a suspensive

[1010] NPM, *Извештај о посети Прихватилишту за странце у Падинској Скели*, no. 22900, 12 September 2023, available at: https://bit.ly/3K0Etnr; *Извештај о посети Прихватилишту за странце у Пландишту*, no. 370, 9 January 2024, available at: https://bit.ly/3wCECu2; *Извештај о посети Прихватилишту за странце у Димитровграду*, no. 7681, 31 March 2023, available at: https://bit.ly/4bJCgIR.

[1011] Article 78(5) Asylum Act.

[1012] Article 78(6) Asylum Act.

effect. The Administrative Court shall decide on the complaint within 15 days which is not respected in practice, as outlined in the Table below.

The practice of the Administrative Court with regards to the complaints lodged against decisions on immigration detention in the period 1 January 2025 – 31 December 2025							
No.	No. of Judgment	Date of complaint	Date of Judgment	Outcome	Length	Nationality	No. of persons
1.	U 968/25	06.02.2024	21.02.2025	Rejection	12 months	N/A	1
2.	U 996/25	06.02.2025	20.02.2025	Rejection	14 days	N/A	1
3.	U 567/25	22.01.2025	13.03.2025	Rejection	1,5 months	N/A	1
4.	U 3476/25	24.04.2025	29.05.2025	Rejection	1 month	N/A	1
5.	U 3211/25	22.04.2025	28.04.2025	Dismissed	N/A	N/A	1
Total	**5**						**5**

Source: Administrative Court, response to the request for the information of public importance no. 4726 of 13 March 2026.

In 2024, a total of 8 complaints were lodged against decisions on immigration detention or decision on extension of immigration detention. The majority of complains were rejected. What can also be seen from the above listed practice is that less only 8 foreign nationals[1013] detained under the provisions of the Foreigners Act challenged their detention. This basically means that less than 2% of immigration detainees challenged their detention in 2024. In 2025, a total of 4 complaints were rejected and 1 dismissed and in relation to 5 immigration detainees.

Since the refugees detained in the transit zone of **Nikola Tesla Airport** are not considered persons deprived of liberty by the border police officials, they do not have the possibility to challenge their situation before the relevant authority. In other words, the placement of foreigners in the transit zone is not accompanied by a lawful decision depriving them of their liberty, specifying the duration of such deprivation of liberty and their rights, such as the right to have access to a lawyer, the right to notify a third person of one's deprivation of liberty and the right to be examined by a doctor. This issue was confirmed in the judgment of the ECtHR *H.G.D. v. Serbia* (see refusals of entry).[1014]

Foreigners who are sentenced for the misdemeanour of irregular border crossing or stay in Serbia may lodge an appeal against the first-instance decision. However, since the majority of cases are processed in an accelerated manner, where foreigners are deprived of the possibility of challenging the charges against them in a language they understand and with the help of an attorney, appeals in these procedures are quite rare.[1015]

2. Legal assistance for review of detention

Indicators: Legal Assistance for Review of Detention

1. Does the law provide for access to free legal assistance for the review of detention?
   ☐ Yes ☒ No
2. Do asylum seekers have effective access to free legal assistance in practice?
   ☐ Yes ☒ No

Given that there have not been many decisions placing asylum seekers in detention at the Detention Centre for Foreigners, it is impossible to form a clear picture of the current state of affairs in this field. What can be seen from the Administrative Court case files is that detention has been extended in several cases to the maximum of 6 months, but also that only handful of complaints were lodged in general against immigration detention imposed under the Foreigners Act.

1013 In three instances foreign nationals complained twice – once against the decision on detention and the other time against the decision on extension of detention.
1014 Application No. 3158/20, Judgment of 7 October 2025, available here.
1015 CAT, *Concluding observations on the second periodic report of Serbia***, 3 June 2015, CAT/C/SRB/CO/2*, available at: https://bit.ly/3uj15La, para 14.

E. Differential treatment of specific nationalities in detention

There have been no reports of differential treatment in detention on the basis of nationality, such as nationals of certain countries being susceptible to systematic or longer detention than others.

Content of International Protection

A. Status and residence

1. Residence permit

Indicators: Residence Permit

1. What is the duration of residence permits granted to beneficiaries of protection?
   - ❖ Refugee status: 5 years
   - ❖ Subsidiary protection: 1 year

Despite their right to permanent residence under the Asylum Act,[1016] recognised refugees are not issued a separate document certifying this right, as they are considered *ipso facto* to be entitled to reside in the country.

The right to reside in the Republic of Serbia shall be approved per a decision on granting refugee status or subsidiary protection and shall be proved by an identity card for persons who have been granted asylum.[1017]

ID cards for persons granted refugee status are valid for a period of five years, while ID cards for persons granted subsidiary protection are valid for a period of one year.

The content of this document is simple and the ID card is a laminated document containing a photo of the person, its 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 asylum seekers and persons granted asylum create an entire set of everyday obstacles. The first problem is that this document cannot prove the identity and the legal status of refugees. While ID cards issued to Serbian citizens and foreigners granted temporary or permanent residency contain unique personal number of the citizen (JBMG) or 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 asylum seekers and refugees does not directly contain the EBS, which has to be requested to the Asylum Office. This further causes bureaucratic obstacles for enjoying other rights such as obtaining a work permit, opening bank accounts and other every day needs which can be met only with additional documentation issued by the Asylum Office, such as the confirmation on obtaining international protection in Serbia or EBS confirmation document.

Many institutions and the staff of these institutions are not familiar with ID cards which causes problems in local health care institutions, public notaries, sports facilities, educational institutions, supermarkets, and employers on the labour market. There have been instances in which the police officers were questioning the validity of ID cards during the routine checks.

Accordingly, plastic ID cards are the reason why refugees and asylum seekers face discrimination in almost every step of their struggle with the public or private administrations.

2. Civil registration

Currently, there is no data on civil registration for beneficiaries of international protection in Serbia, except for children who are provided with birth certificate upon birth in Serbia.

1016 Article 60 Asylum Act.
1017 Article 90 Asylum Act.

3. Long-term residence

The Long-Term Residence Directive is not applicable in Serbia, and the Serbian legal framework does not recognise the institution of long-term residency.

4. Naturalisation

Indicators: Naturalisation	
1. What is the waiting period for obtaining citizenship?	Not applicable
2. Number of citizenship grants to beneficiaries in 2025:	0

Under the new Asylum Act, the Republic of Serbia shall ensure conditions for naturalisation of refugees, commensurate to its capacity.[1018] The conditions, the procedure and other issues relevant to their naturalisation shall be defined by the Government on a proposal by CRM.[1019] Until 2023, the Citizenship Act[1020] and Foreigners Act were not harmonised with the Asylum Act. For that reason, the issue of naturalisation was one the questions put forward by the Committee on Economic, Social and Cultural Rights in 2019.[1021] Thus, none of these two acts recognised foreigners granted asylum as persons who are entitled to acquire Serbian citizenship. The relevant amendments of the Foreigners Act were adopted in 2023 changing the situation.

The amended Foreigners Act introduced the new provision which allows persons granted asylum to apply for permanent residency which is the final step before the possibility for obtaining citizenship. Namely, the Article 68a of the Foreigners Act prescribes that permanent residence will be granted to a foreigner who has resided in Serbia continuously for more than three years on the basis of the approved right to asylum. The conditions for applying for permanent residency are simple and they are basically related to the expiry of the three year period. General requirements from the Article 70 of the Foreigners Act are not imposed on persons granted asylum. First decisions on permanent residency have been granted in the first quarter of 2024.[1022] In the history of Serbian asylum system, not a single person granted asylum has ever obtained citizenship.

At the end of 2025, there were 45 people with permanent residence in Serbia: Libya (19), Iran (6), Burundi (5), Syria (3), Ukraine (3), Cuba (3) and one citizen each from Afghanistan, Bulgaria, Iraq, South Sudan, Kazakhstan and Pakistan.[1023]

If we take into account the fact that since 2008, only 250 people have been granted asylum, and that on December 31, 2025, only 45 of those people had permanent residence, it is clear that the vast majority of people who have been recognized as in need of international protection have left Serbia. Taking into account that permanent residence can be acquired after 3 years from the recognition of the right to asylum, this means that persons granted asylum from 1 January 2023 until 31 December 2025 can potentially still be in Serbia - 23 persons. Out of these 23 persons, at least 7 of them left Serbia.[1024] This means that 61 out 250 persons remained in Serbia. If we add to that some of the applicants for temporary residency were rejected, that some of them have failed to apply or that for some of them application is still pending, the maximum number of people who are still in Serbia as beneficiaries of international protection cannot be higher than 80. Thus, around 30% of beneficiaries of international protection have remained in Serbia, which perfectly depicts the failure of the integration system which is governed by CRM.

1018 Article 71(1) Asylum Act.
1019 Article 71(2) Asylum Act.
1020 Official Gazette no. 135/04, 90/7 and 24/18.
1021 CESCR, *List of Issues in relation to the third periodic report of Serbia**, 12 November 2019, E/C.12/SRB/Q/3, para. 12.
1022 Practice-informed observation by IDEAS.
1023 Ministry of Interior - Border Police Department's Response to the request for the information of public importance no. 07-25/26-2, 10 March 2026 (received on 23 March 2026).
1024 Practice-informed observation by IDEAS.

5. Cessation and review of protection status

Indicators: Cessation

1. Is a personal interview of the beneficiary in most cases conducted in practice in the cessation procedure? N/A

2. Does the law provide for an appeal against the first instance decision in the cessation procedure? ☐ Yes ☒ No

3. Do beneficiaries have access to free legal assistance at first instance in practice? ☒ Yes ☐ With difficulty ☐ No

Under Article 81 of the Asylum Act, **refugee status** shall cease where the person:

- Has voluntarily re-availed him or herself of the protection of their country of origin;
- Having lost their nationality, has re-acquired it;
- Has acquired a new nationality, and thus enjoys the protection of the country of their new nationality;
- Has voluntarily re-established him or herself in the country which they left or outside which they remained owing to fear of persecution or harassment;
- Can no longer continue to refuse to avail him or herself of the protection of their country of origin or habitual residence, because the circumstances in connection with which they has been granted protection have ceased to exist;

When considering these criteria, the Asylum Office must assess whether the change of circumstances is of such a significant and non-temporary nature that the fear of persecution can no longer be regarded as well-founded. The Asylum Office is obliged to inform the person about the grounds for cessation and allow them to make a statement regarding the facts relevant for the cessation of protection. The beneficiary is entitled to invoke compelling reasons arising out of previous persecution or harassment for refusing to avail themselves of the protection of the country of origin or the country of former habitual residence.[1025] Even though cessation has never been applied, it is reasonable to assume that refugees who could be subjected to such practice in future would have at their disposal free legal aid from CSOs.

The Asylum Act also provides that the Asylum Office will adopt a decision on cessation of **subsidiary protection** when the circumstances in connection with which it has been granted have ceased to exist or have changed to such a degree that the protection is no longer required, or the person no longer faces a risk of serious harm. The beneficiary is entitled, after being informed by the Asylum Office about the grounds for cessation, to invoke compelling reasons arising out of previous serious harm for refusing to avail themselves of the protection of the country of origin or the country of former residence.[1026]

After it has determined that there are reasons for the cessation of refugee status or subsidiary protection, the Asylum Office shall *ex officio* revoke a decision upholding the asylum application.[1027] None of the CSOs providing free legal aid to asylum seekers have reported such practice in 2024.

6. Withdrawal of protection status

To the knowledge of CSOs providing legal assistance, withdrawal was not applied in practice in 2024 and 2025.

1025 Article 81(4), (5) and (6) Asylum Act.
1026 Article 82 Asylum Act.
1027 Article 83 Asylum Act.

B. Family reunification

1. Criteria and conditions

Indicators: Family Reunification

1. Is there a waiting period before a beneficiary can apply for family reunification? ☐ Yes ☒ No
   - ❖ If yes, what is the waiting period? n/a
2. Does the law set a maximum time limit for submitting a family reunification application? ☐ Yes ☒ No
   - ❖ If yes, what is the time limit? n/a
3. Does the law set a minimum income requirement? ☐ Yes ☒ No

A beneficiary of international protection has the right to reunification with their family members.[1028] Family members are the spouse, provided that the marriage was contracted before the arrival to the Republic of Serbia, the common law partner in accordance with the regulations of the Republic 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 be granted also 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.[1029] A family member for whom there exist grounds to be excluded from asylum shall not have the right to family reunification.[1030]

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

The general requirements for the 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 22,700 - around 195 EUR)[1031]

The Foreigners Act prescribes that the 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.

In 2020, a family reunification procedure was carried out for the first time. In July 2020, one of APC's clients from **Afghanistan** was reunited with his wife and 5 children who were transferred from **Afghanistan** to the consulate of Serbia in **New Delhi**, **India**.[1032] The family reunification procedure lasted 10 months, but this case should be observed as a model to learn from for all future cases. Still, when the family arrived to Serbia they applied for asylum and were granted refugee status. In 2024, a Burundian national granted asylum was reunited with his wife. In 2025, there were no other instances of family reunification.

1028 Articles 70(1) and 9(2) Asylum Act.
1029 Article 2(2) and (12) Asylum Act.
1030 Article 70(4) Asylum Act.
1031 Fee No. 37, Law on Republic Administrative Fees.
1032 APC, *Prvi slučaj spajanja porodice izbeglice u Srbiji*, 20 July 2020, available at: http://bit.ly/2YCpEzC.

2. Status and rights of family members

The right to reside in the Republic of Serbia shall be enjoyed by the family members of a person who has been granted asylum. According to the Foreigners Act, this entails the status based on the temporary residency which also entails the possibility to obtain foreigners ID card.[1033]

C. Movement and mobility

1. Freedom of movement

Refugees have equal rights to free movement as foreigners permanently residing in Serbia.[1034]

2. Travel documents

The Asylum Act envisages that the Minister of Interior will adopt a bylaw on the content and design of travel documents for persons granted **refugee status** within 60 days from the date of entry into force of the Act.[1035] However, for more than 15 years this bylaw had not been adopted. Several legal procedures on the domestic level were initiated, including before the Constitutional Court of Serbia.

The Constitutional Court dismissed the appeals on 20 June 2016, stating that the subject of a constitutional appeal cannot be a failure to adopt a general legal act, but only the individual act as it is prescribed by Article 170 of the Constitution.[1036]

Due to this legal vacuum, refugees' freedom of movement was limited even though it is guaranteed by the Serbian Constitution and the ECHR. This means that refugees can leave Serbia only illegally unless they possess a valid travel document issued by their country of origin.

After the ECtHR's landmark judgment, the bylaw has been finally adopted, and after the Strasbourg Court has found a violation of the Article 2 of Protocol 2.[1037] On 17 November 2023, the Minister of Interior adopted the Rulebook on the look and content of the travel document for refugees.[1038] In March 2023, the first travel document was issued to the refugee from Kazakhstan.[1039]

The Asylum Act also envisages that, in exceptional cases of humanitarian nature, a travel document may also be issued to persons who have been granted **subsidiary protection** and who do not possess a national travel document, with a validity of maximum one year.[1040] This provision is yet to be applied. An Afghan refugee with subsidiary protection was issued with the travel document in May 2024.[1041]

From the beginning of the application of the new Rulebook until 31 December 2024, a total of 49 travel documents for refugees were issued. Of that number, 39 documents were issued to men, including 6 children, while 10 documents were issued to women, including 3 girls.[1042] During 2025, 10 travel documents were issued for 2 citizens of Afghanistan (subsidiary protection), 1 Burundi (subsidiary

1033 Article 102 Foreigners Act.
1034 Article 62 Asylum Act.
1035 Article 101 Asylum Act.
1036 Constitutional Court, Decision UŽ 4197/2015, 20 June 2016.
1037 ECtHR, *S.E. v. Serbia*, Application No. 61365/16, Judgment of 11 July 2023.
1038 Official Gazette no. 104/2023, available at: https://bit.ly/4e6rDBI.
1039 Government of Serbia, Уручена прва путна исправа за избеглице, 27 March 2024.
1040 Article 91(3) Asylum Act.
1041 IDEAS acted as a legal representative.
1042 Ministry of Interior - Border Police Administration-Department for Readmission, responses to the information of public importance nos. 07-34/24, 30 August 2024 (delivered on 20 September 2024) and 07-2/25, 11 February 2025 (delivered on 21 February 2025).

protection), 2 Iraq (subsidiary protection), 1 Cameroon (subsidiary protection), 1 Niger (subsidiary protection), 1 Syria (subsidiary protection) and Ukraine (refugee status).[1043]

D. Housing

Indicators: Housing	
1. For how long are beneficiaries entitled to stay in reception centres?	1 year
2. Number of beneficiaries staying in reception centres as of 31 December 2025:	N/A

The Commissariat for Refugees and Migration is responsible for ensuring temporary accommodation for persons who have been granted international protection.[1044] The right to temporary accommodation of persons who have been granted asylum is governed by the Decree on Criteria for Temporary Accommodation of Persons Granted Asylum or Subsidiary Protection and Conditions for Use of Temporary Housing.[1045] The Decree defines the manner of granting accommodation to beneficiaries of asylum, including the conditions that need to be met in order to receive accommodation, the priorities to be respected when doing so, as well as the conditions of housing.

There are no longer stay options or other specialised accommodation for vulnerable groups or young people who have recently turned 18.

Accommodation is granted to individual beneficiaries together with their families if they have a final decision granting asylum which is not older that one year at the time of the request and if they do not possess sufficient financial resources to find accommodation on their own. The CRM may provide them with housing for temporary use or financial assistance which is used to cover the costs of temporary accommodation.[1046] If there is sufficient accommodation available, it may also be provided to persons who do possess the means to find their own lodgings, taking into consideration their particular circumstances. In practice, due to a lack of adequate housing capacities, the Commissariat usually resorts to financial assistance,[1047] which is around 34,000 dinars (around 285 EUR), which is not sufficient to secure accommodation in Belgrade for instance (see below).

In order to apply for the financial assistance, refugees are obliged to attend Serbian language classes. The Asylum Act provides that if a refugee fails to report to the Commissariat to attend Serbian language classes within 15 days from the final decision granting asylum or if they stop attending Serbian classes without a justified reason, they lose the right to temporary accommodation assistance.[1048]

There are several obstacles in obtaining and enjoying State-funded support in practice. The first one refers to the method of determining the amount of financial assistance. If an individual has no income or if their income does not exceed 20% of the minimum Republic of Serbia wage for the previous month, the value of the financial assistance is equal to the established Serbian minimum wage per employee for the previous month. The Accommodation Decree does not provide for progressive assistance levels which would take in consideration the number of family members.[1049] Another challenge identified in practice concerns the necessity of paying a fee to receive a certificate (the signed statement of the beneficiary validated by the Public Notary) that he or she does not receive any income or only receives occasional income from working, a private enterprise, movable property or real estate or from other sources,[1050] and that they are registered as unemployed with the National Employment Service (NES).

1043 Ministry of Interior - Border Police Department's Response to the request for the information of public importance no. 07-25/26-2, 10 March 2026 (received on 23 March 2026).
1044 Article 23 Asylum Act.
1045 Official Gazette no. 63/15 and 56/18, hereinafter: Accommodation Decree.
1046 Article 2 (1) Integration Decree.
1047 Article 9 (1) Integration Decree.
1048 Article 59 (4) Asylum Act.
1049 Article 10 Integration Decree.
1050 Ibid.

There is no data on how many persons granted asylum were provided with financial assistance from the State in 2021, while in 2022, only 4 persons granted asylum were provided with monthly support. This is because the 14 people who were granted asylum in 2022 were either employed or they enjoyed financial assistance from CSOs or UNHCR. In 2023, only 2 persons granted asylum received this kind of support,[1051] while in 2024 only 3 persons did.[1052] In 2025, 5 persons were granted monthly support.[1053]

An additional problem is that more than 200,000 Russian citizens arrived in Serbia after the conflict in Ukraine started, which created a turbulence in the real estate market and a sharp increase in rents. In Belgrade, it is basically impossible to rent an apartment for less than 500 EU (around 57,000 dinars), which basically means that financial support of CRM is insufficient to cover the costs of rent.

E. Employment and education

1. Access to the labour market

The Asylum Act foresees that persons granted asylum in Serbia shall be equal to permanently-residing foreigners with respect to the right to work and rights arising from employment and entrepreneurship.[1054] The Asylum Act guarantees equality in the rights and obligations of persons granted refugee status with those of persons granted subsidiary protection.[1055] The Integration Decree further foresees assistance in accessing the labour market as an integral part of integration.

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' integration plan. In 2023, the CRM designed 53 integration plans in relation to the individuals granted asylum in the period 2019-2023.[1056] In 2024, CRM designed 5 integration plans for persons granted asylum in 2024, while in 2025, 6 integration plans were designed.

A positive legislative development in 2023 was the amendment of the EFA, which simplified access to labour market and abolished the issuance of working permits. The right to work is now guaranteed for every asylum seeker after the expiry of 6 months only with the certificate of asylum request being submitted by the Asylum Office in a simple procedure, alongside EBS number certificate.[1057] The same is valid for people granted asylum who need to obtain EBS number certificate as well as the certificate of being granted asylum. Refugees and asylum seekers do not need to pay for fees anymore.[1058]

In spite of the fact that, under the law, persons granted asylum 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 is important to highlight that the Asylum Act imposes upon beneficiaries an obligation to attend classes in Serbian language and script. If the beneficiary fails to do so without a justified reason 15 days from the date of the effectiveness of the decision granting them the right to asylum or stops attending such courses, they shall lose the right to financial assistance for temporary accommodation, as well as the right to one-time financial assistance provided from the budget of the Republic of Serbia.[1059]

It should also be added that the National Employment Strategy of the Republic of Serbia for 2011-2020 identifies a number of vulnerable groups, the improvement of whose status with regard to the labour

1051 CRM Response to the request for the information on public importance no. 019-827/1-2024 of 29 April 2024.
1052 CRM Response to the request for the information on public importance no. 019-921/1-2025 of 15 March 2025.
1053 Practiced observed information by IDEAS.
1054 Article 65 Asylum Act.
1055 Article 59 Asylum Act.
1056 CRM Response to the request for the information on public importance no. 019-827/1-2024 of 29 April 2024.
1057 Article 3 (3) Employment of Foreigners Act.
1058 See more in AIDA, *Country Report: Serbia – Update on the year 2022*, May 2023, available here, pp 195-196.
1059 Article 59 Asylum Act.

market is to be prioritised in the relevant timeframe.[1060] Unfortunately, refugees and asylum seekers are not specifically mentioned as a group whose increased access to employment is a national objective, which is striking bearing in mind the fact that the Strategy covers refugees from other former Yugoslav republics and internally displaced persons. However, a number of identified groups, including persons with disabilities, persons with a low level of education, the young and elderly, women and unemployed, still remain relevant for the current mixed-migration flow through Serbia.

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, in contravention of the relevant provisions of the Integration Decree.[1061]

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.[1062] Specific degrees of education are regulated by the Law on Primary Education,[1063] the Law on Secondary Education,[1064] and the Law on Higher Education.[1065]

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.[1066] The Asylum Act also guarantees the right to education of asylum seekers and persons granted asylum.[1067] A person granted asylum is entitled to preschool, primary, secondary and higher education under the same conditions as citizens of Serbia.[1068] It is also important to highlight that primary school is free and mandatory, and that underage asylum seekers are to be ensured access to education immediately, and no later than three months from the date of the asylum application.[1069] Secondary education is also free of charge, but is not mandatory.

The Integration Decree foresees assistance by the Commissariat for Refugees and Migrations to persons recognised as refugees to enter the educational system.[1070] The Commissariat is to assist recognised refugees who are children and 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 provision of textbooks and education material, assistance to have foreign degrees recognised, learning support and financial support to engage in extracurricular activities.[1071] However, the Government's Decision failed to recognise persons seeking or granted asylum as a category entitled to free of charge textbooks.[1072] Thus, the Integration Decree is not harmonised with the Government's Decision governing free of charge textbooks.

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.[1073] If refugee children have proof of prior education, enrolment is made according to their age and level of education completed.[1074] On the other hand, if they do not have any proof of prior education, enrolment is based on a test which

1060 National Employment Strategy of the Republic of Serbia for 2011-2020, Official Gazette no. 37/11.
1061 Article 7 of the Integration Decree.
1062 Official Gazette, no. 88/17 and 27/18.
1063 Official Gazette, no. 55/13, 101/17 and 27/18.
1064 Official Gazette, no. 55/13, 101/17 and 27/18.
1065 Official Gazette, no. 88/17, 27/18 – other laws and 73/18.
1066 Article 3(5) Law on Basics of the Education System.
1067 Articles 55 and 64 Asylum Act.
1068 Article 64 Asylum Act.
1069 Article 55 (2) Asylum Act.
1070 Article 2(4) Integration Decree.
1071 Article 6 Integration Decree.
1072 Decision on Financing Procurement of Textbooks from the Budget of the Republic of Serbia for School Year 2019/2020, No. 451–2660/19, RS Government (Belgrade, 21 March 2019), Official Gazette no. 22/19.
1073 Ministry of Education, Science and Technological Development Instruction No. 601-00–00042/17–2018 of May 2017.
1074 Ibid, pp 1-2.

aims to assess their level of knowledge.[1075] 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.[1076]

The alignment of rights to higher education represents a novelty because refugees before could access higher education only under the conditions applicable to all other foreign citizens, including regarding school fees. Although the issue of the validation of foreign diplomas potentially concerns all recognised refugees, still their validation is most wanted in the sectors where employment is conditioned by the possession of an adequate license such as medicine or law practice.[1077] However, the problem regarding validation is that refugees must cover the costs of this process themselves. For now, the costs of validation are covered by NGOs.[1078]

The Integration Decree also foresees Serbian language courses and courses of Serbian history, culture and constitutional order for persons recognised as refugees. The 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 languages 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 with 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 enterprises suggesting a suitable programme and capable of employing the required staff.[1079] 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, which is done in practice.

The Commissariat is to enlist the person in question in a Serbian language course within two months of the decision to grant asylum becoming final. If the person does not attend the courses without good cause, they lose the right to new or additional language classes. In practice, language courses are not always facilitated timely.

Concerning the study of Serbian culture, history and constitutional order, persons recognised as refugees are provided with lessons that may, in total, last up to 30 hours annually. Again, if the person does not attend the classes, the Commissariat is not obliged to arrange new or additional ones.[1080]

The conclusion that can be made is that access to education is more or less adequately guaranteed in the legal framework, but an entire set of problems still exists in practice. The UN Committee on the Elimination of Racial Discrimination (CERD) urged Serbia to facilitate more effective inclusion of children, including migrants, in primary education.[1081]

All children granted asylum regularly attend elementary or secondary school.

In 2021, with the help of the UNHCR office in Serbia, the ENRIC/NARIC Center of the Qualification Agency of the Republic of Serbia joined the Council of Europe project of the European Qualification Passport for Refugees.[1082] The outcomes of this project are yet to be seen in 2022, but there were at least 4 foreign diplomas recognised in 2022. The practice remained unchanged, but only 1 foreign diploma was

1075 Ibid. p. 2.
1076 Ibid, p. 3.
1077 BCHR, *The Right to Asylum in the Republic of Serbia 2018*, available at: https://bit.ly/3SUYj92, pp 87-88.
1078 BCHR, *The Right to Asylum in the Republic of Serbia 2019*, available at: https://bit.ly/3uxBOwX, p. 178.
1079 Article 4 Integration Decree.
1080 Article 5 Integration Decree.
1081 CERD, *Concluding Observations on the Combined Second, Third, Fourth and Fifth Periodic Reports of Serbia*, 3 January 2018, CERD/C/Srb/Co/2–5, para. 27 (c), available at: https://bit.ly/3MXhk7e.
1082 More on the European Qualification Passport see on the following link: https://bit.ly/3wy8gOC.

recognised in 2023.[1083] In 2024 and 2025, not a single foreign diploma was recognised according to the UNHCR, CRM and UNHCR partners.

F. Social welfare

The Asylum Act grants the right to receive welfare benefits to asylum seekers as well as persons who have been granted asylum; persons recognised as refugees and beneficiaries of subsidiary protection are equal in this regard.[1084] The Social Welfare Act (SWA) defines social welfare as an organised social activity in the common interest, which 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.[1085] The Act also 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.[1086] This right is exercised through the provision of social protection services and material support.[1087] 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).[1088]

According to the Rulebook, persons seeking or granted asylum may receive monthly financial aid if they are not housed in an asylum centre and if they and their family members do not receive an income or one lower than the threshold required by the Rulebook.[1089] Therefore, this Rulebook only provides social welfare to persons residing in private accommodation, which is counterintuitive, as persons staying in such accommodation usually those less reliant on social welfare in the first place.

The request for social welfare is examined and decided upon by the social welfare centre with jurisdiction over the municipality in which the beneficiary of asylum resides.[1090] 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.[1091] One of the problems identified in practice is the extensive length of the procedure to be granted social welfare.[1092]

The conclusion that can be drawn is that provisions of the Asylum Act and RSW do not recognise the actual needs of both asylum seekers and persons granted asylum as a member of a particularly underprivileged group. The main reason for this claim lies in the fact that asylum seekers and persons granted asylum who are accommodated in Asylum Centres and who do not have sufficient means of livelihood are not eligible for social allowances.

As of March 2022, the highest possible amount of social welfare benefits that may be received on a monthly basis is around 18,000 RSD / €155. The amount is by no means sufficient to enable recipients to live even a modest existence in Serbia, but it is no less than may otherwise be provided to citizens of Serbia. The amount of money which can be received on these grounds remained unchanged in 2023.

Apart from the housing support by the CRM provided to 1 person granted asylum in 2023, there are no records which indicate that refugees or asylum seekers were granted social welfare support.[1093] In 2024 and 2025, no such cases were reported by the CRM, UNHCR or CSOs.

1083 CRM Response to the request for the information on public importance no. 019-827/1-2024 of 29 April 2024.
1084 Article 52 and 67 Asylum Act.
1085 Article 2 Social Welfare Act, Official Gazette no. 24/2011.
1086 Article 6 SWA.
1087 Article 4 (2) SWA.
1088 Rulebook on Social Welfare for Persons Seeking or Granted Asylum, Official Gazette no. 44/2008.
1089 Ibid, Article 3.
1090 Ibid, Article 8.
1091 Ibid, Article 9.
1092 BCHR, Right to Asylum in the Republic of Serbia 2019, pp. 181-182, available at: https://bit.ly/3uxBOwX.
1093 CRM Response to the request for the information on public importance no. 019-827/1-2024 of 29 April 2024.

G. Health care

The Asylum Act prescribes that the right to healthcare is guaranteed to all persons granted asylum and that all the costs of health care are covered by the State.[1094] Additionally, foreigners' health care is also governed by the Health Care Act (HCA)[1095] and the Health Insurance Act (HIA)[1096] as well as the Rulebook on the Terms and Procedure for Exercising the Right to Compulsory Health Insurance (RHI).[1097] HCA stipulates that refugees and asylum seekers are entitled to health care under equal terms as Serbian nationals.[1098] All persons granted asylum had unhindered access to COVID-19 vaccines and PCR and other forms of testing.

HIA and RHI do not specify further the rights of refugees other than those from former **Yugoslavian** republics. Thus, the HIA does not recognise the refugees and asylum seekers referred to in the Asylum Act as a separate category of beneficiaries for insurance purposes. [1099] The same conclusion can be drawn in relation to the Serbian Health Insurance Fund.[1100] Hence, asylum seekers and persons granted asylum are not entitled to compulsory health insurance nor the issuance of health insurance cards.[1101] They can obtain them only if they pay 5,607 dinars per month (a bit more than 300 EUR on annual basis). Of course, employed persons granted asylum obtain health care insurance from their employers, but the problem arises mainly for those refugees who are unofficially unemployed, but also asylum seekers who are not allowed to work for the first 9 months after they applied for asylum. In practice, they need to rely on CSOs and UNHCR to access health care facilities.

In general, appropriate enjoyment of the right to health care depends on the assistance of relevant CSOs and International Organisations.[1102]

1094 Article 63 Asylum Act.
1095 Official Gazette no. 25/19.
1096 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.
1097 Official Gazette no. 10/10, 18/10 – correction, 46/10, 52/10 – correction, 80/10, 60/11 – Constitutional Court Decision, and 1/13.
1098 Article 236, para. 1, and Article 239 of the Law on Health Care.
1099 Article 11 HIA.
1100 Exercising the Right to Compulsory Health Insurance, Serbian Health Insurance Fund, Belgrade, May 2015, available in Serbian at: http://bit.ly/33amche.
1101 Article 25 HIA; see more in BCHR, Right to Asylum in the Republic of Serbia 2019, available at: https://bit.ly/3uxBOwX, pp 184-185.
1102 BCHR, *Right to Asylum in the Republic of Serbia 2019*, available at: https://bit.ly/3uxBOwX, pp 185-187.