



## Input by civil society to the EASO Annual Report 2017

EASO has started the production of the 2017 Annual Report on the Situation of Asylum in the European Union, in line with Article 12 (1) of the EASO Regulation. The report aims to provide a comprehensive overview of important asylum-related developments at EU+ and national level, and the functioning of all key aspects of the Common European Asylum System (CEAS). While the final product comes out of an analytical and synthetic process that takes place in-house, a critical part of information is elicited through valuable contributions by a multiplicity of stakeholders from EU+ countries, civil society organizations, UNHCR, and other actors possessing in-depth knowledge on main developments in asylum policies and practices in EU+ countries. Previous reports are [available for review at EASO's website](#).

We would like to kindly invite you to take part in this process, by sharing your observations **on developments in asylum law, policy or practice in 2017 (and early 2018) in the areas listed on page 2**. The topics listed there reflect the structure of Chapter 4 of the EASO report, which focuses on the 'Functioning of the CEAS'. To this end, your observations may concern national practices of specific EU+ countries or the EU as a whole. Overall, the EASO Annual Report is not meant to describe the national asylum systems in detail, but present key developments in 2017, including **improvements and new/remaining concerns**. In terms of format, your contributions would be preferably offered in the form of bullet points, which would facilitate further processing of your input.

Please, bear in mind that the EASO Annual Report is a public document. Accordingly, it would be desirable that your contributions, whenever possible, be supported by references to relevant sources. Providing links to materials such as analytical studies, articles, reports, websites, press releases, position papers/statements, and press releases, would allow for maintaining transparency. For your reference, you may review the [contributions offered by civil society actors for the 2016 Annual Report](#). If you do not consent on EASO making your submission available, please inform us accordingly.

In our effort to provide an inclusive overview of all relevant developments, we strive to incorporate as many contributions as possible. At the same time, the final content of the EASO Annual Report is subject to its set terms of reference and volume limitations. To this end, your submissions, which are gratefully received and acknowledged, may be edited for length and clarity so that the final product concisely serves the objectives of the Annual Report: to improve the quality, consistency, and effectiveness of CEAS. From our side, we can assure you that the valuable insights you offer feed into EASO's work in multiple ways and inform reports and analyses beyond the production of the Annual Report.

Please, kindly provide your input by filling in this document (with attachments, if needed) and returning it to [ids@easo.europa.eu](mailto:ids@easo.europa.eu) **AND** [consultative-forum@easo.europa.eu](mailto:consultative-forum@easo.europa.eu) **by 16 February 2018**.

Within each area, please highlight the following **type of information**:

- NEW positive developments; improvements and NEW or remaining matters of concern;
- Changes in policies or practices; transposition of legislation; institutional changes; relevant national jurisprudence.

*You are kindly requested to make sure that your input falls within each section's scope. Please, refrain from including information that goes beyond the thematic focus of each section or is not related to recent developments. Feel free to use Section 16 to share information on developments you consider important that may have not been covered in previous sections.*

**Name of the contributing stakeholder: Asylum Protection Center (APC)**  
**[Contact Details]**

**1) Access to territory and access to asylum procedure**

- Illegal deportations (“push-backs”) both to the territory of Macedonia and Bulgaria, are still of concern.
- Border controls still repulsing irregular migrants, still no signs that persons are allowed to claim asylum to the border controls, in number of airport cases The European Court of Human Rights has issued interim measures in order to stop the practice.
- Access to asylum procedure is still limited since asylum seekers have to go to police station several times before they would get Asylum Intent Confirmation.
- Access to asylum procedure is limited since all foreigners are not allowed to express their asylum intention and submit asylum application (those whose residence was previously cancelled, those who would like not to reside within state accommodation centres for asylum seekers but in private accommodation they previously resided), the practice of state authorities is arbitrary and defers from case to case.
- Those asylum seekers who missed a short deadline to reach the accommodation centre he/she was assigned to, because did not understand written instructions from police in Serbian Cyrillic or was not informed in their language about their rights and obligation, or because of lack of money for transport, are usually not allowed to submit asylum applications, the practice of state authorities is arbitrary and defers from case to case.
- Access to asylum procedure was limited in the first half of the year since state authorities, even asylum seekers officially expressed their asylum intention, did additional profiling by anonymously given questionnaires, and did not allow those they assume were not genuine asylum seekers, to submit asylum application. Due to APC legal intervention same practice has been changed.
- Access to asylum procedure is limited since state authorities are encouraging asylum seekers to leave or not to enter the asylum procedure, by giving them a chance to continue their way to EU countries by putting them on “the list for Hungary” which is unofficial and unbinding list of those who would like to access the territory of Hungary. Moreover, state authorities (Commissariat for Refugees and Migration and Asylum Office) are conditioning persons to give up expressing of asylum intention if willing to stay assigned to Hungarian list and not to be removed from same lists, promising them safe passage to the Western Europe across Hungary if giving up seeking asylum in Serbia.

**2) Access to information and legal assistance**

- Free Information and Legal assistance to asylum seekers are still provided by NGOs according to the Law, although NGOs staying without finances from the state funds.
- Government agencies (e.g. Commissariat for Refugees and Migration) are still not sharing common and reliable information to asylum seekers.
- The legal representatives of asylum seekers from specialized NGOs, are not allowed to access their beneficiaries in Reception centres, regularly. There were cases where state authorities did not allow legal representatives to access the asylum seekers in Reception centres, at all. (e.g. Presevo, Dimitrovgrad, Subotica, Sombor, Adasevci, etc.)

### 3) Providing interpretation services

- There is still a lack of interpreters in asylum and court procedures, Asylum Office is still missing interpreters for some languages (e.g. Pashtu).
- Violation of the right on translation within the right on fair trial, is highly concerning in Magistrate court procedures, what was confirmed in a number of decisions by appeal courts, when Magistrate courts were not using interpreters, or using wrong speaking interpreters, or conducting proceedings in Serbian language.
- There are no hired interpreters in police stations, NGOs are facilitating state institutions (Police stations, The State Prosecutor Office, Asylum Office, Health care centres, Social Welfare centres, etc.) with interpreters in numerous cases.

### 4) Dublin procedure

N/A

### 5) Specific procedures (border, accelerated, admissibility)

N/A

### 6) Reception of applicants for international protection

- Capacities of all centres (accommodation centres for asylum seekers) are still full. There is still a lack of available accommodation capacities for persons seeking asylum, expressing intention to seek asylum.
- Asylum seekers are still accommodated both in Reception centres and Transit centres (urgent shelter for illegal migrants) because of lack of accommodation capacities for asylum seekers in asylum centres.
- Still not enough food, clothes, hygiene, warm water nor humanitarian aid for all asylum seekers is provided in all accommodating centres.

### 7) Detention of applicants for international protection

- Arbitrary detention of asylum seekers for the purpose of other procedures such as criminal procedures, in their capacity of witnesses or accused persons, as replacement for custody.
- Arbitrary unlawful limitation of movement for asylum seekers from the camp of Presevo against the right on freedom of movement guaranteed in Serbian laws.(same limitation undertaken by Commissariat for Refugees and Migration that is running the same camp together with Border police)

## 8) Procedures at First instance

- Asylum seekers still have to wait for a long time before submitting asylum application, waiting for Asylum Office representatives to visit concrete accommodation centre. In average it takes 4 months, but there were cases where it took even 11 months. Having in mind the fact that Asylum Office is conditioning submission of asylum requests, registration, and asylum interviews, as body whose presence and confirmation is needed for each of mentioned activities, asylum procedure is still significantly prolonged depending on its concrete work and intensity of its visits to the all centres where asylum seekers are accommodated.
- Asylum seekers from accommodation reception centres further from the capital, had less chances to submit asylum application and to have interview, since Asylum office is rarely visiting centres far from Belgrade. (Asylum Office representatives visited some remoted centres only twice in 2017- Sjenica, Tutin)
- Asylum procedure in first instance is slow and it takes additionally in average 6 months, form the submission of asylum application to get the first instance decision.
- Decisions of Asylum Office are usually without detailed explanation and majority of decisions are based on automatic application of the safe third country concept, where Macedonia, Bulgaria, Greece and Turkey are listed as safe countries in official Government List of safe third countries.
- Asylum office did not respect Constitutional court decision where it was stated that the right on fair trial of an asylum seeker was violated, and repeated the same decision which had already been determined as unconstitutional.

## 9) Procedures at Second Instance

- Mandate of the members of the second instance asylum authority, The Commission for Asylum, expired in September of 2016, and the new Commission for Asylum was formed in April 2017. In that manner the asylum procedure was interrupted by that fact during the first quarter of 2017.
- Commission for Asylum usually does not decide in merits but returns cases to the first instance for renewal even in circumstances when the case has already been returned to the first instance several times before, causing some cases lasting for years.

## 10) Availability and use of Country of Origin Information

- Asylum Office begun using Country of Origin Information while deciding upon asylum application, but in very limited scope i.e. consulting one or two reports per case, in many cases out of date and not relevant.

## 11) Vulnerable applicants

- Vulnerable applicant are still not provided with the necessary support, there are no special accommodation facilities for vulnerable applicants, as e.g. for unaccompanied minors, injured persons, persons with disabilities.
- The efficiency of local social welfare centres relating to unaccompanied minors is concerning, lacking human and technical capacities and interpretation, no systematic solutions for human capacities. The most of the

staff engaged is dependable on projects and direct finances from international organizations instead of state funding (outsourced to projects of UNICEF).

## 12) Content of protection – situation of beneficiaries of protection

- No systematic and efficient integration process, although there are some improvements such as Serbian lessons that were paid by Commissariat for Refugees and Migration and outsourced to private language schools in Belgrade.
- Although registered at National service for unemployment, persons granted protection are mainly left on their own to find a job or any vocational training.
- Travel documents for refugees are still not being issued to persons granted protection. Explanation of the MOI and Asylum Office provided relied to the excuse of absence of specific bylaw that would regulate a form of passport for persons granted asylum in Serbia (in spite of UN Refugee Con. 1951 provisions and available templates for travel documents).
- No legislative solutions for family reunifications nor for obtaining Serbian citizenship

## 13) Return of former applicants for international protection

N/A

## 14) Resettlement and humanitarian admission programmes

- Resettlement is still done only by UNHCR

## 15) Relocation

N/A

## 16) Other relevant developments

- Anonymous measures and measures that are not prescribed by law, taken toward asylum seekers are highly concerning such as eye scan and fingerprinting in accommodation centres, by unknown state officers. Upon request for clarification and intervention against same practices and perpetrators, Asylum Office stated it was not familiar with same practices and was unable to respond.
- Violation of non-refoulement principle where number of asylum seekers were illegally deported to Macedonia, by police and army, from Transit centre Presevo (one asylum seeker was illegally deported to Macedonia even 4 time in one week). Violation of the non-refoulement principle in extradition cases, where asylum seekers were extradited directly to the country of origin, before final decision in their asylum case (e.g. Ethnical Dagestani, asylum seeker calling upon political persecution in Russian Federation deported to Russia, ethnical Kurd, asylum seeker calling upon political persecution in Turkey deported to Turkey)
- Illegal deportations (“push-backs”) of migrants from the territory of Croatia and Hungary are constant practice, followed by beatings and violence of Croatian and Hungarian border police in spite of people expressing intention to seek asylum in same countries to same police officers. Sometimes, same practices are leading to the death outcomes (e.g. Death of six years old girl Madina Hossin, from Afghanistan, that died in traffic accident, when train hit her while whole family, with six small children, was pushed back by Croatian police to Serbia.