

APC/CZA-ASYLUM PROTECTION CENTER/ CENTAR
ZA ZAŠTITU I POMOĆ TRAŽIOCI MA AZILA

MIGRANT INFO FLAYER

Project: Enhancing asylum system in Serbia

Photography: Merlin Nad Torma



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APC
Asylum Protection Center

INFORMATION ON RIGHTS AND OBLIGATIONS OF MIGRANTS IN SERBIA

If you crossed the border of the Republic of Serbia illegally, you are a foreigner who is illegally factually residing in the territory of the Republic of Serbia. Therefore, you could be prosecuted before the magistrate court for illegal entering and residing in the Republic of Serbia.

YOU ARE ILLEGAL MIGRANT IN THE REPUBLIC OF SERBIA:

1. Once you have crossed the border illegally, outside the border crossing, without legal documents or visas. It means you do not have regulated residence (lawful) in the Republic of Serbia and you are residing illegally in Serbia;
2. When you are residing in the territory of the Republic of Serbia without a proper visa or without a residence permit or other legal ground that you may have had before but it has expired;

There is significant difference between the position of ILLEGAL MIGRANT and ASYLUM SEEKER in the Republic of Serbia:

ILLEGAL MIGRANT is a person who has illegally crossed the border and who is staying illegally in the territory of the Republic of Serbia.

ASYLUM SEEKER is a person who has contacted any police officer in the Republic of Serbia and has expressed intention to seek asylum. Such person is legally residing in Serbia and receives the police paper that confirms asylum intention no matter whether person entered Serbia illegally or not.

THE RIGHTS YOU HAVE AS AN ILLEGAL MIGRANT IN SERBIA

Although you illegally reside in the Republic of Serbia, you have rights on:

- ✓ respect of your basic human rights (the right to life, freedom from torture and inhuman or degrading treatment, the right to freedom and security, right to a fair trial, the right to freedom of thought, conscience and religion, etc.);
- ✓ emergency medical care (if your life is in danger, you can always call an ambulance or police).
- ✓ right to seek asylum in the Republic of Serbia at any time if you fear that you will be exposed to persecution if you return to your country of origin (which gives you a legal basis for residence in the Republic of Serbia).

THE OBLIGATIONS YOU HAVE AS AN ILLEGAL MIGRANT IN SERBIA

- ✓ to leave the territory of the Republic of Serbia, or
- ✓ to try to regulate your status (obtaining visas, seeking asylum, etc.)

FORCED REMOVAL OF ILLEGAL MIGRANTS FROM SERBIA

- ✓ If you do not have valid documents or legal ground for staying in the Republic of Serbia, and you have been stopped or legitimized by police, you can be arrested and taken before the magistrate court, then sentenced (fines or imprisonment) and given a time limit to leave the Republic of Serbia.

If you do not leave the Republic of Serbia in the period given, you will be forcibly removed (deported) out of Serbia

If it is not possible to immediately carry out your deportation, you will be ordered to stay in the Center for Foreigners under close police surveillance until the deportation.

Center for Foreigners is a police facility in which foreign nationals who have no legal grounds for staying in the territory of Serbia or who are waiting to be removed by force (deported) from Serbia are accommodated.

Center for Foreigners is located in Padinska Skela (about 15 km from Belgrade). Persons who are accommodated in Center for Foreigners do not have a freedom of movement.

You will be accommodated in Center for Foreigners up to your deportation, no longer than 90 days. During that period police and Center for Foreigners will try to determine your identity and citizenship and will contact the embassy of your country of origin in order to obtain travel paper and approval for your return to the country of origin.

After 90 days spent in Center for Foreigners your stay in the same center could be extended if:

- 1) Police have still not determined your identity;
- 2) If you intentionally disturb forced removal (deportation);
- 3) If in the course of deportation you apply for asylum in order to avoid deportation.

In case of extension of staying in Center for Foreigners, you can not stay there more than 180 days in total upon any ground.

IMPORTANT: You can not be deported to any territory where you may face persecution based on your race, sex, religion, national and ethnical origin, citizenship, political opinion, membership of a particular social group or where you could be subjected to torture or to inhuman or degrading treatment.

RISKS YOU ARE EXPOSED TO IF YOU ARE ILLEGAL MIGRANT

- ✓ As you are residing illegally in Serbia, you are actually „invisible“ for the state authorities, i.e. you are not registered in any evidence nor your residence in the territory of RS is formally recorded anywhere;

- ✓ Because no one is informed of your residence in the territory of the Republic of Serbia, no governmental body nor institution will look after you. The authority in charge for your removal from the territory of Serbia is Ministry of Interior (MOI)-police.
- ✓ As an illegal migrant you are at the constant risk of being kidnapped, tortured, abused, maltreated, etc., by the smugglers, traffickers, criminals, without the authorities being informed about it;
- ✓ As an illegal migrant you are in the permanent and serious risk of becoming a victim of human trafficking or victim of trafficking in human organs;
- ✓ As an illegal migrant you can not legally stay in Serbia, nor you can ask for actual residence, permanent residence or citizenship of the Republic of Serbia.

ASYLUM SEEKER is a person who has contacted any police officer in the Republic of Serbia and expressed intention to seek asylum. Such person receives paper - confirmation of expressed asylum intention and starts legally to reside in Serbia. During the asylum procedure person retains its asylum seeker status until the final decision on the asylum request is made before the court. Generally asylum procedure lasts between 7 and 12 months.

REASONS FOR SEEKING ASYLUM

The main reason for seeking asylum is fear of being persecuted because of your religion, race, nationality, political opinion or membership to particular social group in your country of origin, combined with your unwillingness to return to your country due to these reasons.

Moreover reason for seeking asylum is fear of returning to your country of origin because you would be subjected to torture, inhuman or humiliating treatment, or your life, safety or freedom would be threatened by armed conflict and generalized violence or massive violation of human rights.

HOW TO BECOME ASYLUM SEEKER

If you decide to claim asylum in Serbia, you should:

- contact as soon as possible any police officer in the Republic of Serbia (at the border or in the nearest police station all over Serbia) to seek asylum by saying words ASYLUM and HELP, orally or in writing;
- know that you will not be prosecuted for the illegal entry or illegal residence in the Republic of Serbia;
- contact the Serbian NGO Asylum Protection Center- APC-CZA (Tel: 011 245 7376) in the case you can't reach police officer and claim asylum.

-On your first meeting with the police you will be asked to hand over your passport or other document that you have with you, or if you do not have documents you will be asked for your basic information (name, country, place of origin, date of birth, etc.).

- Once you claim asylum in Serbia, the police will issue you confirmation paper that you claimed asylum. The same paper will include your basic identity information and instruction to report to one of the centers for asylum in Serbia.

IMPORTANT: You have 72 hours to report to the one of the two asylum centers. If you do not report in prescribed timelimit, you will not be accommodated in the center and will lose asylum seeker status and legal residence in Serbia.

Persons who apply for asylum and enter in the Serbian asylum procedure are in a different legal position than persons staying illegally in the Republic of Serbia. If you seek asylum in Serbia, you can not be deported outside the territory of the Republic of Serbia as long as the asylum procedure is lasting, regardless the fact when you have applied for asylum, immediately upon entering the country or later on.

THE RIGHTS YOU ARE ENTITLED TO AS THE ASYLUM SEEKER

- ✓ the right to legally stay in Serbia during the asylum procedure and judicial administrative dispute procedure
- ✓ the right on free accomodation in the center for asylum or on self paid private accomodation
- ✓ the right on regular meals and basic assistance in clothing and shoes if you are placed in centers for asylum
- ✓ the right to obtain identification document (identity card for asylum seekers)
- ✓ the right to move freely within the territory of Serbia
- ✓ the right on free health care
- ✓ the right on free primary and secondary education
- ✓ the right to receive social assistance if you are not accommodated in the center for asylum but in private accomodation
- ✓ the right on free interpreter and legal assistance during the entire asylum procedure.

THE OBLIGATIONS OF ASYLUM SEEKERS IN THE REPUBLIC OF SERBIA:

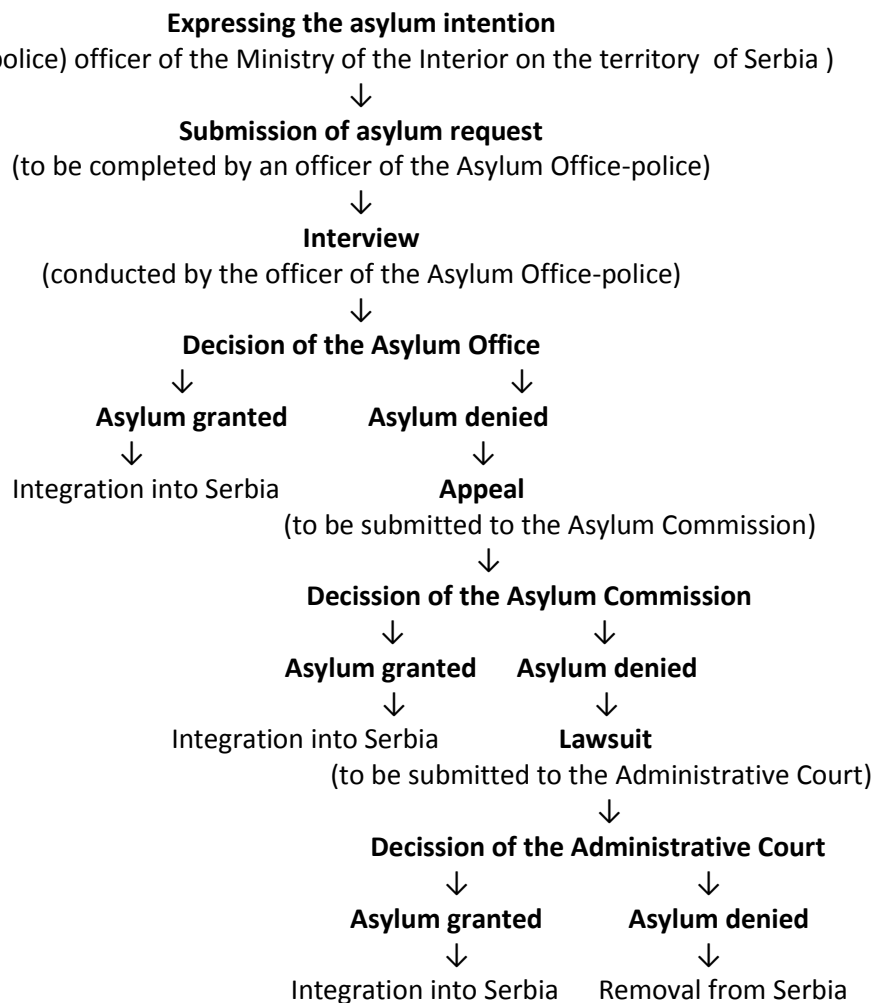
- ✓ to respect the constitutional and legal order and the laws of the Republic of Serbia
- ✓ to respond to the calls of police (Asylum Office) and other state authorities, to be available on a daily basis and to cooperate with police and state authorities
- ✓ to hand over your identity documents, your passport or other document to the authorized police officer (Asylum Office)
- ✓ to respect the house rules of the asylum centers
- ✓ to notify the police (Asylum Office) of any change in home address within three days the change has been made, if the person is not accomodated in center but in private accomodation
- ✓ to stay on the territory of the Republic of Serbia until the completion of the asylum application
- ✓ to leave the center for asylum after receiving a final asylum decision
- ✓ to avoid any kind of violence, criminal behavior or any other type of illegal behavior, otherwise person might be arrested, brought before a judge and punished in the same manner as the citizens of the Republic of Serbia.

PHASES OF ASYLUM PROCEDURE IN THE REPUBLIC OF SERBIA

The asylum procedure in the Republic of Serbia is a two-phase(instance) procedure.

- In the first instance the asylum procedure is conducted by the Ministry of Interior – Asylum Office (ie. police) which decides upon the asylum request.
- In the second instance, Asylum Commission - an independent government body, is deciding upon the asylum appeal. Asylum Commission is second instance body consisted of independent members and is not part of the police.
- After the decision of the Asylum Commission, if the decision is negative, judicial proceedings can be initiated before the Administrative Court, which lasts for at least 3 months.

PHASES OF ASYLUM PROCEDURE:



1. **The first step in the asylum procedure is the expression of asylum intention.** The intention to seek asylum can be expressed while crossing the border or later on at any time of your legal or illegal residence (illegal residence needs to be explained to the police) in the Republic of Serbia. **The asylum intention needs to be expressed to the police officer.**

After the asylum intention is expressed, police officer will record your intention.

Recording involves issuing of the paper of expression of the asylum intention which contains personal information you gave of yourself, or data from your documents you have with yourself. This paper serves as proof that you have expressed your intention to seek asylum in the Republic of Serbia, and that you have the right to stay in the territory of the Republic of Serbia for 72 hours, during which you need to report to one of two centres for asylum (Bogovađa or Banja Koviljaca).

2. The asylum procedure in the Republic of Serbia formally begins with filling out asylum application as the official submission of asylum request

This procedure is performed by the officers of Asylum Office (police), usually in the centers for asylum. They will help you to fill out an official application for asylum and thus initiate the asylum procedure in your case. From that moment you officially become an asylum seeker.

After the application for asylum is submitted, you will be issued an identity card (temporary ID card) for asylum seekers.

3. After the submission of asylum request (in approximately 1 month period) an interview (hearing) will be conducted in which you will be able to present your reasons for seeking asylum and leaving your country of origin.

This interview with the police is lasting much longer than submission of the asylum request (approximately 3 hours) and all questions you will need to respond in details to the police (Asylum Office).

4. Asylum Office (police) is taking the first instance decision upon your asylum request in the period of 2 months since the official submission of asylum request.

The decision of the Assylum Office can be: POSITIVE - When your application for asylum is approved and you are granted protection in Serbia.

The decision of the Assylum Office can be: NEGATIVE - When your application for asylum is rejected as unfounded (when the police estimates that there are no grounds for asylum), or refused as not eligible.

5. In the case if the Assylum Office has made a negative decision on your asylum application, you have the option to lodge an appeal by yourself or over your free legal representative within 15 days.

6. Asylum Commission is taking decision on your appeal in 2 months period since the day you lodged the appeal.

The decision of the Asylum Commission can be: POSITIVE - When your appeal is approved and you are granted protection in Serbia.

The decision of the Asylum Commission can be: NEGATIVE- When your appeal is rejected as unfounded and you are given certain period of time to leave Serbia.

With the decision of the Asylum Commission your asylum procedure is terminated.

7. However, even after the asylum procedure is terminated there is a possibility of **raising a lawsuit and starting an administrative dispute before the Administrative Court**. The administrative dispute will suspend decision for asylum seeker to leave the country.

At the end of asylum procedure Serbia provides 2 types of protection for asylum seekers :

1. REFUGEE PROTECTION - in the case when your life is in danger in your country of origin due to persecution upon the religion, race, nationality, political opinion, membership to the particular social group.

2. SUBSIDIARY PROTECTION – in the case when you would be exposed to the torture, inhuman or degrading treatment after you return to your country of origin, or your life, security and freedom would be endangered by violence, armed conflicts or massive violations of human rights in the country of origin.

If your asylum application is finally rejected or refused you will be obliged to leave the Republic of Serbia in the period which may not exceed 15 days from the day you receive the final decision.

If you fail to leave Serbia voluntarily in the time limit prescribed, you will be enrolled in the process of forced removal (deportation) from Serbia to your country of origin. Until the final act of deportation you will be placed in the Reception Centre for Foreigners in Padinska Skela.

WHAT YOU SHOULD DO IN THE FOLLOWING SITUATION:

1. You can't understand the police officer?

-Try to find someone who speaks English and ask him to assist you by interpreting. It can be someone traveling with you as well.

-Call immediately our organisation: Asylum Protection Center/Centar za zaštitu i pomoć tražiocima azila– APC-CZA (011/245-7376; 063/704-7080).

2. Police doesn't want to issue you paper confirming expressed intention to seek asylum?

You can try to get paper confirming your asylum intention in some other police station on the territory of Serbia. If police doesn't want to issue you the paper even after you tried in the other police station call immediately our organisation: Asylum Protection Center/Centar za zaštitu i pomoć tražiocima azila– APC-CZA (011/245-7376; 063/704-7080) our come directly to our office in Belgrade, from where we will direct you to the Belgrade police station.

3. You have been arrested by the police?

If the police arrests you for illegal entry into Serbia or because you do not have legal documents, you will be taken before a magistrate court, which can fine you (100-500 EUR) or sentence you on the prison for 10-15 days. The court will order you to leave the territory of Serbia and will usually leave you within 3 days (72 hours) to do so after you serve your sentence or pay your fine.

If after this time limit you do not leave Serbia, the police can arrest you again, and the court can impose you a new sentence.

IMPORTANT: If you express intention to seek asylum before the judge, the judge will inform our organization "Asylum Protection Center/Centar za zaštitu i pomoć tražiocima azila" or the police. In this case, you will be directed to one of the centers for asylum and you will be able to formally seek asylum and enter the asylum procedure.

4. You have paper confirmation of the expressed asylum intention, but there is no free places in the center for asylum?

The best option is to wait until the free place appears. Always try to be in the vicinity or in front of the center for asylum. You can try to find a place in another center for asylum as well. If you have your own financial sources you can take private accommodation (rent a flat or the room) but you need to inform the Asylum Office- police or the center for asylum in the period of 72 hours about your private accommodation. The same you can achieve by informing our organization "Asylum Protection Center/Centar za zaštitu i pomoć tražiocima azila" and we will ask Asylum Office (police) for the private accommodation permission.

5. You have some of your family members in Serbia?

If you get paper confirmation on the asylum intention you can always ask to be in the asylum center where your family is accommodated. In that case you will have priority in accommodation.

There are two centers for asylum in Serbia, where asylum seekers are accommodated- in Bogovadja and in Banja Koviljača (these places are marked in red at the map of Serbia)



IMPORTANT TELEPHONE NUMBERS:

- Emergency194
- Police.....192
- Police station Valjevo 014/294-300
- Police station Šabac015/220-200
- Police station Loznica..... 015/874-060
- Police station Vranje 017/401-801
017/421-151
- Police station Niš
(Odeljenje za strance).....018/503-117
- Police station Novi Pazar.....020/366-000
- Police station Novi Sad021/4885-000
021/4884-000
- Police station Subotica024/630-200
- Police station Beograd
(Uprava za strance)011/3618-964
- Commissariat for refugees and migration
(In Belgrade).....011/311-7272
- Asylum Centre Bogovadja.....014/78035
- Asylum Centre Banja Koviljaca.015/820267
- Red Cross Bogovadja 014/78-006
- Red Cross Belgrade.....011/2620-616
011/3032-115
- Organisation "Istocno-Evropska misija"
(Subotica)..... 024/781-787
- **Organisation "Asylum Protection Center/Centar za zaštitu i pomoć tražiocima azila APC/CZA" (Belgrade).....011/245-7376
063/704-7080**

“The European Union is made up of 28 Member States who have decided to gradually link together their know-how, resources and destinies. Together, during a period of enlargement of 50 years, they have built a zone of stability, democracy and sustainable development whilst maintaining cultural diversity, tolerance and individual freedoms.

The European Union is committed to sharing its achievements and its values with countries and peoples beyond its borders”



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