

# INFORMATION FOR PERSONS SEEKING PROTECTION IN SERBIA

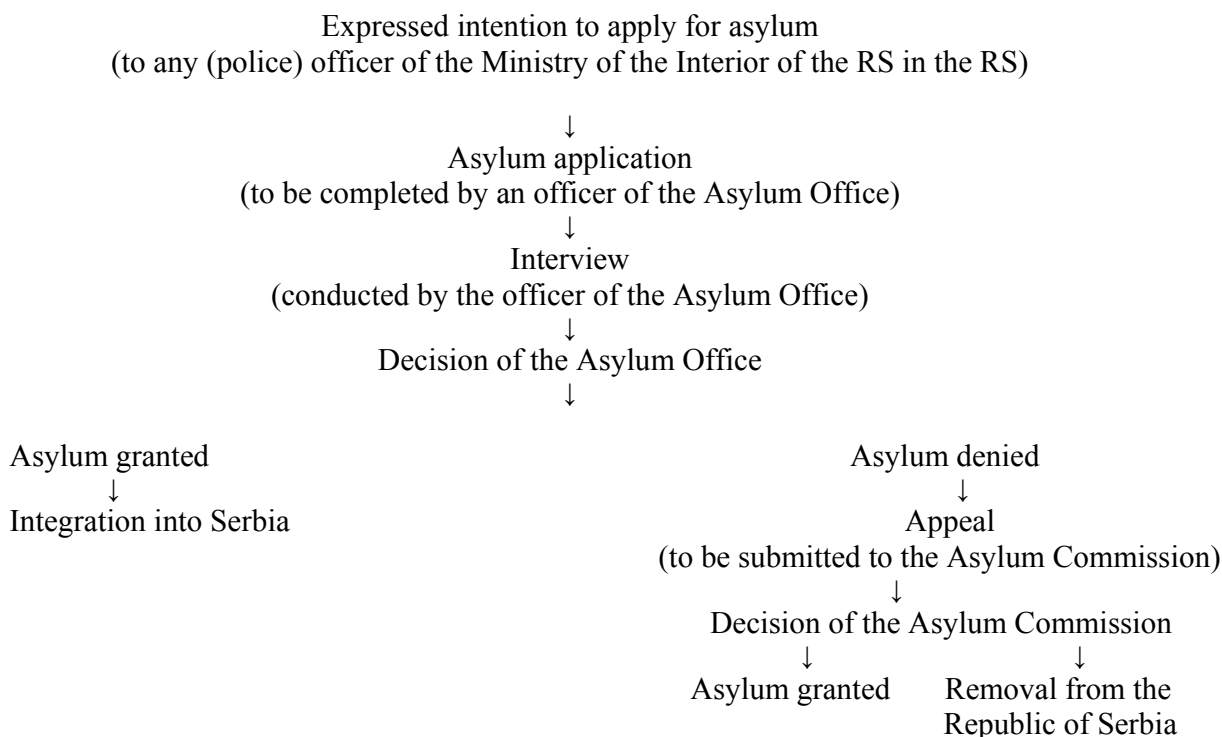
-APCCZA -  
CENTAR ZA ZAŠTITU I  
POMOĆ TRAŽIOCIMA  
AZILA/ASYLUM  
PROTECTION CENTER



**APC**

Asylum Protection Center

**INFORMATION FOR PERSONS SEEKING PROTECTION  
IN AND FROM THE REPUBLIC OF SERBIA**



**Do you fear returning to your country of origin because of persecution based on your religion, race, ethnicity, membership of a political group or another social group, and will your life because of that be in danger or will you be subjected to torture and inhuman treatment if you return to your country of origin?**

**Do you fear returning to your country of origin because of war, generalized violence?**

Serbia offers two levels of protections:

**Refugee protection** to persons whose life is threatened because of persecution based on religion, race, ethnicity, membership of a political group or any other social group.

**Subsidiary protection** to persons, who if returned to the country of origin would be subjected to torture, inhuman or humiliating treatment, or their lives, safety or freedom would be threatened by generalized violence caused by external aggression or internal armed conflict or massive violation of human rights.

**I** If you think that in your case there are the reasons, given above, for seeking asylum protection from the Republic of Serbia you must do the following:

- to contact as soon as possible any police officer in the Republic of Serbia, at the border or in the interior of Serbia, by doing this you will be protected from being prosecuted for illegally entering or residing in the territory of the Republic of Serbia.
- to seek asylum, on the same occasion, from the police officer by saying words **ASYLUM** and **HELP** orally or in writing
- to contact, if the contact with the police is impossible, in the same way as mentioned above, the Office of the United Nations High Commissioner for Refugees in Serbia or a Serbian NGO **Asylum Protection Center APCCZA, which provides free legal representation of asylum seekers throughout the asylum procedure (Tel: +381 11 245 7376, +381 11 704 7080)**

Upon taking these actions, you will be contacted by officers of the Asylum Office of the Ministry of the Interior of the RS who will together with you officially fill in the asylum application form and thus initiate the procedure for deciding on the granting of asylum to you. From that moment you become officially an **asylum seeker** in Serbia with the following guaranteed rights:

- the right to follow the procedure in a language you understand
- the right not to be prosecuted for illegal entry or residence on the territory of Serbia
- the right to uninterrupted stay in Serbia during the asylum procedure without fear of being removed (or expelled) from Serbia, and if required, in the Asylum Center in Banja Koviljaca where you will be provided basic living conditions (clothing, footwear, food, etc.)
- the right to secrecy of information; all information and your data presented in the proceedings are kept secret and as such are not available to anyone outside the asylum procedure either in Serbia or abroad.
- the right to free legal assistance (legal representative) during the entire procedure
- the right to free access to the UNHCR

- the right to move freely throughout the territory of Serbia
- the right to basic health care.

Once you fill out the asylum application form, an interviewed (hearing) will be conducted in which you will present to the officer of the Asylum Office your reasons why you have applied for asylum. The Asylum Office will soon after this make a decision about your asylum application, within 2 months upon submission of your formal request for asylum.

**The decision of the Asylum Office** may be:

**AFFIRMATIVE**

When your application for asylum is approved and you are granted refugee or subsidiary protection in Serbia.

**NEGATIVE**

When your application for asylum is denied or rejected as unfounded or not eligible, in such a case you will be able to, within 15 days, appeal by yourself or through your free legal representative to the Asylum Commission of the RS.

**II** If the Asylum Office has made a negative decision on your asylum application, and you do not want to give up your request to seek asylum in Serbia, and necessary protection, you must:

- file an appeal either alone or through your free legal representative to the Asylum Commission within 15 days after receiving negative decision of the Asylum Office
- wait until the Asylum Commission makes a decision on your appeal on negative decision of the Asylum Office, which should be done within 2 months after filing the appeal
- not leave voluntarily, during the asylum procedure, the Asylum Center or the other place of residence you reported and be accessible every day to officers of the Asylum Center, Asylum Office, Ministry of the Interior
- notify the manager of the Asylum Center about any absence longer than 24 hours

During this phase of the asylum procedure (procedure on appeal) you are still guaranteed all rights you gained as an asylum seeker by submitting an application for asylum to the Asylum Office (the rights mentioned at the beginning of the leaflet)

The Asylum Commission is an independent body, contrary to the Asylum Office that is under the Ministry of the Interior of the RS. It consists of nine members, appointed by the Government of the Republic of Serbia, who are all lawyers with experience and knowledge of asylum law and human rights.

**The decision of the Asylum Commission** may be:

### **AFFIRMATIVE**

When your appeal is approved and you are granted a refugee or subsidiary protection in Serbia.

### **NEGATIVE**

When your appeal is rejected as unfounded and you are given some period of time to leave Serbia or the process of your deportation to the country of origin is initiated.

By the Decision of the Asylum Commission your asylum procedure is completed and no appeals against it are possible, but eventually an administrative dispute may be initiated before the Administrative Court of the RS. The administrative dispute, however, will suspend neither the decision, ordering you to leave the country, nor already initiated process of your deportation.

### **The obligations of asylum seekers**

During the asylum procedure as an asylum seeker you are required to:

- respect the constitutional and legal order of Serbia
- notify the Asylum Office of any change in home address within three days the change has been made
- respond to calls of the Asylum Office and be accessible every day to officers of the Asylum Center, the Asylum Office, and the Ministry of the Interior
- follow the house rules of the Asylum Center
- avoid any kind of violence, criminal behavior or any other type of illegal behavior

### **PAY ATTENTION TO THE FOLLOWING:**

- If you want to seek residence and protection from the Republic of Serbia, do not give up your intention to apply for asylum. It is important that in contact with any officer of the Ministry of the Interior you say clearly and loudly the word **ASYLUM** to get your procedure for asylum started. **Insist on requesting an interpreter if you are not understood or heard.**
- **You cannot be prosecuted** for illegally entering or residing in the territory of the Republic of Serbia, if you immediately upon entering Serbia seek asylum.
- **You cannot be deported from the Republic of Serbia** as long as the asylum procedure is in progress regardless of whether you have applied for asylum immediately upon entry into the country, or later during your stay in it.
- **You are not obliged to answer any question asked by a state authority or to sign any document if your free legal representative is not present, and persist as long as it is not provided that your representative is present at each step the state authority takes in each concrete case.**
- In case of any problem or misunderstanding immediately contact the Serbian NGO [Asylum Protection Center APCCZA \(Tel: +381 11 245 7376, +381 11 704 7080\) which offers free legal assistance to asylum seekers.](#)

- The first phase of the asylum procedure is carried out by the Asylum Office as part of the Ministry of the Interior, which makes a decision on the request for asylum.
- The Asylum Commission, which is not under the Ministry of the Interior, but an independent body made up of legal experts selected by the RS government has the right to challenge negative Asylum Office decisions. Its decisions on appeals are positive or negative, and by these decisions the asylum procedure is completed.
- In Serbia, an asylum seeker may be granted:
  - refugee protection by which he/she becomes involved in the process of integration into the Serbian society, preparing for a normal independent life in Serbia and eventual gaining of Serbian citizenship,
  - subsidiary protection which includes residence and protection in Serbia, which duration will depend on periodic checks of the Asylum Office if return to a safe country of origin and the security situation there is possible.
- **During the asylum procedure you will not be separated from your immediate family if it is with you in Serbia.**
- **If you are granted asylum, you will have the right to reunite with the members of your immediate family if they are outside Serbia and they will enjoy the same protection as you.**
- **Asylum seekers, refugees, and persons under subsidiary protection are not exempt from liability for any misdemeanor offense (other than the offense of illegal border crossing and illegal residence) or a crime committed in the territory of the Republic of Serbia.**

#### Asylum Center of RS in Banja Koviljaca and in Bogovadja

The Asylum Center of the RS is an institution where an asylum seeker, after having been expressed his/her intention to seek asylum, may, if desired, be accommodated during the entire asylum procedure.

The Center provides basic living conditions: housing, food, footwear and clothing as well as basic health care, to all asylum seekers accommodated in it.

Center is managed by the Center Manager - appointed by the Commissariat for Refugees of the RS (a government agency that looks after the refugees and internally displaced persons), who is responsible for the functioning of the Center and establishing order in the Center.

Asylum Center is open which includes free movement of its residents.

Asylum Center is located in Western Serbia, near the town of Loznica, 170 km away from the Serbian capital, Belgrade.

#### Center for Foreign Nationals in Padiska Skela

The Center for Foreign Nationals is a closed facility in which foreign nationals who have not applied for asylum and who have no legal grounds for staying in the territory

of Serbia are housed. This group includes aliens (foreign citizens or stateless persons) who have not applied for asylum and are facing deportation, as well as rejected asylum seekers who are subject to the deportation procedure

Center for Foreigner Nationals is under of the Ministry of the Interior of the RS

Center for Accommodation of Minor Foreign Nationals - Institute for the Upbringing of Children and Youth, Vozdovac in Belgrade

The Vasa Stajić Home is the center for accommodation of minor foreign nationals who are without legal grounds and without guardians in the territory of Serbia. It is organized as an independent unit within the Institute for the Upbringing of Children and Youth, which is directly under control of the Ministry of Labor and Social Affairs of the RS, and the movement of its residents is limited.

Office of the United Nations High Commissioner for Refugees,

United Nations Office in Belgrade provides protection and assistance to refugees, stateless and internally displaced persons.

Asylum Protection Center in Belgrade APCCZA

The Center is a non-governmental organization that provides free legal and psychological assistance to asylum seekers, refugees, persons granted subsidiary protection, stateless persons, etc.