



**APC**  
Asylum Protection Center

**ASYLUM PROTECTION CENTER**

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**ASYLUM PROTECTION CENTER**

**ASYLUM IN SERBIA, ACTIVITIES, OBSERVATIONS**  
(1.4.2008.-1.11.2008.)

**APC**

Asylum Protection Center (APC) is the organization that is founded in last quarter of the year 2007. by the former members of the UNHCR's Asylum Clinic at the Belgrade Law faculty - lawyers that passed necessary UNHCR trainings, lectures and got practical experience either in Serbia or in EU in the field of the asylum law and legal protection .

Beside lawyers, organization is getting around persons from different fields of interest – doctors of physics, doctors of medicine, linguists, managers, journalists and others that recognized need of securing free legal and other aid to asylum seekers and refugees in our country.

Today APC is also developing a law students and political sciences students volunteering network that aims to be proper introduction in developing new kind of engaged individuals equipped to improve asylum situation and effectively participate in the field of asylum in Serbia, not only as individuals engaged in the nongovernmental sector but also engaged at the various positions in the asylum mechanism in Serbia.(from the state organs involved in asylum matter to medias that are following asylum situation in the country).

**APC- Activities**

From the foundation of APC , the Center has been observing Serbian asylum situation and development of Serbian asylum legislature.

Since 1.april 2008. (when new Serbian Asylum Law officially began to implement) APC has begun actively to operate in the field of providing free legal aid to asylum seekers. Free legal aid activities are consist of: informing asylum seekers about their rights guaranteed by the Serbian law regulations, giving legal advices to asylum seekers, composing country of origin reports and interviewing asylum seekers in the order to prepare appropriate position for the representation in the later stages of the asylum procedure(in the first and in the second instance of asylum procedure ), and representing asylum seekers in the first and in the second instance of asylum procedure.Until now there hasn't been cases that demanded legal representation in the second instance of asylum procedure having in mind that decisions in first instance haven't been brought yet.

In the coordination with UNCHR Serbia, APC has got permission for free access and undisturbed entrance to the Asylum Center in Banja Koviljaca since 1 April 2008. (Asylum Center is under the Serbian Republic Commission for refugees jurisdiction), and got permission for entering Center for foreigners in Padinska Skela (Center for foreigners is under the jurisdiction of the Ministry of Interior) in August 2008. In that manner APC became first and until now only nongovernmental organization that is effectively providing legal aid to asylum seekers and that is realizing visits to these institutions in Serbia. Due to these permissions and due to activities within the scope of providing legal aid APC is in the position to observe work, behavior, training of the members of the state organs involved in asylum matter (police forces, members of the Asylum Office, members of the Republic Commission for refugees) and also human rights conditions in the mentioned Centers.

Although relatively young organization, APC established contact with similar nongovernmental organizations in region and is trying to establish proper regional ngo network that would operate in the field of exchange information, knowledge and experience in asylum matter.

### **Legal conditions concerning asylum in Serbia**

Before new Serbian Asylum Law has been brought (October 24, 2007), precisely before the beginning of its implementation (1.4.2008) it was not possible for one to apply for asylum in the Republic of Serbia. Lack of procedural provisions disabled implementation of former (SRJ) Asylum Law. Only and exclusively UNHCR was authorized to receive asylum applications of those persons that applied on the territory of Republic of Serbia. In the cases of positive decision UNHCR was obliged to provide future countries of residence for these mandatory refugees. In that manner it was impossible for asylum seeker to remain in the Republic of Serbia after the positive decision upon their asylum applications.

Since 1 April 2008, new Serbian Asylum law has begun to implement and with its implementation asylum system began to develop. New Asylum Law contains procedural provisions and since 1 April 2008 it has been possible for to apply for asylum in Serbia. The Asylum Office (as a part of the Section for the foreigners under Department of border police in the Ministry of Interior), is deciding upon asylum application in first instance and Commission for asylum (independent body elected by the Government) is deciding in second and final instance.

Beside Asylum Law, six more regulations are brought by the different ministries and Republic Commission for refugee, as part of Serbian asylum legislature

1. Regulation concerning home order in Asylum Center in Banja Koviljaca-brought by the Republic Commission for refugees, "Sl. glasnik RS", br. 31/2008,

2. Regulation concerning records of persons situated in the Asylum Center in Banja Koviljaca-brought by the Republic Commission for refugees, "Sl. glasnik RS", br. 31/2008,

3. Regulation concerning conditions of residence and conditions for securing basic life needs in the Asylum Center in Banja Koviljaca-brought by the Republic Commission for refugees, "Sl. glasnik RS", br. 31/2008,

4. Regulation concerning the documents issued to the asylum seekers and to the persons that reached asylum or contemporary protection-brought by the Ministry of Interior, "Sl. glasnik RS", br. 53/2008,

5. Regulations concerning social help to asylum seekers and persons that reached asylum or contemporary protection-brought by Ministry of Work and Social Politics, "Sl. glasnik RS", 21/2008,

6. Regulation concerning medical examination of asylum seekers and health aid to asylum seekers-brought by the Ministry of Health, "Sl. glasnik RS", br. 93/2008)

Serbian Administrative Law has remained competent for the legal gaps in the asylum procedure until new concrete regulations.

## **APC- observations during the legal aid activities**

Bearing in mind that new Serbian Asylum Law and other asylum provisions has been brought recently, that whole asylum system is in the process of establishing and that only 3 first instance decisions have been brought since 1.April 2008.year, APC reached further conclusion for the period from 1. 4. 2008. up to 1.11.2008.:

- Police forces in the Center for Foreigners and members of the Asylum Office are conducting properly toward asylum seekers
  - Serbian Ministry of Interior (police forces in the Center for Foreigners and members of the Asylum Office) is providing necessary conditions for the realization of legal assistance to asylum seekers.
  - Serbian Ministry of Interior is open for the communication and cooperation with nongovernmental organizations (as legal representatives of the asylum seekers) within the asylum proceedings .
  - APC has free access to the Center for foreigners in Padinska Skela where most of the asylum seekers are sent immediately after they express intention to apply for the asylum from the whole territory of the Republic of Serbia, and where they remain until the end of identification process.
  - APC has free access to the Asylum Center in Banja Koviljaca where asylum seekers are sent after the end of identification process and where they remain until the end of the asylum procedure.
  - Neither Ministry of Interior nor Republic Commission for refugees are prohibiting APC to be in the constant telephone contact with the asylum seekers during asylum proceedings.
  - Asylum seekers are provided solid food and residence conditions in the Asylum Center in Banja Koviljaca
  - Asylum seekers have right on free movement in the Asylum Center in Banja Koviljaca
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- APC is informed about new asylum seeker cases only by Ministry of Interior. Although there is no reasons to doubt in Ministry of Interiors information system, there is need for the future border monitoring activities in the boundary zone, where the most of asylum seekers are having first contact with state organs
  - There is need for further procedural clarifications and other clarifications regarding Serbian Asylum Law (educational system, subsidiary protection, temporary protection, process of society integration etc.)
  - There is need for clothes and appropriate footwear for asylum seekers in the Center for foreigners in Padinska Skela and in the Asylum Center in Banja Koviljaca. Adequate nongovernmental activities should be developed in this area having in mind secured free and undisturbed access to these institutions as significant advantage in resolving this problem

## **APC- future actions**

- APC will try to continue to provide free legal aid to asylum seekers in Serbia
- APC will continue to compose and present country of origin reports
- APC will try to realize activities related with border monitoring
- APC will continue and improve informing the public about problems and activities in the filed of asylum
- APC will continue and improve state organs observation activities
- APC will continue and improve realization of regional nongovernmental network
- APC will continue to provide aid in clothes, hygiene, and in other needs to asylum seekers and will try to improve and transform such aid to permanent as one of the significant activities in its filed of interest