

L A W
ON ASYLUM AND TEMPORARY PROTECTION

I. FUNDAMENTAL PROVISIONS

Subject matter of the Law

Article 1

This Law shall prescribe the status, rights and obligations of asylum seekers and persons who have been granted the right to asylum or temporary protection, the principles, conditions, and procedure for the approval and cessation of the right to asylum or temporary protection, as well as other issues relevant for asylum or temporary protection.

Definitions of terms

Article 2

The basic terms used in the text of this Law shall mean the following:

1) Asylum shall be understood to mean the right to residence and protection accorded to a foreigner who has been granted refuge or subsidiary protection, on the basis of a decision by the competent authority;

2) The asylum procedure shall be understood to mean a procedure, governed by this Law, for the acquisition and cessation of the right to asylum and other rights of asylum seekers and persons granted the right to asylum;

3) A foreigner shall be understood to mean any person who is not a citizen of the Republic of Serbia, irrespective of whether he/she is a foreign national or a stateless person;

4) An asylum seeker (hereinafter: the Applicant) shall be understood to mean a foreigner who has filed an application for asylum in the territory of the Republic of Serbia, and where no final decision has yet been taken;

5) A subsequent asylum application shall be understood to mean an asylum application filed after the final and unappealable decision on refusing the asylum application, approving the asylum application, or granting subsidiary protection, or after a decision on discontinuation of the procedure due to withdrawal of the application;

6) A refugee shall be understood to mean a foreigner who, owing to well-founded fear of being persecuted for reasons of race, sex, language, religion, nationality, or membership of a particular social group, or political opinion, is outside the country of his/her origin, and is unable or, owing to such fear, is unwilling to avail

himself/herself of the protection of that country, as well as a stateless person who is outside the country of his/her habitual residence, and who is unable or, owing to such fear, unwilling to return to that country;

7) The right to refuge shall be understood to mean the right to residence and protection granted to a refugee in the territory of the Republic of Serbia, with respect to whom the competent authority has determined that his/her fear of persecution in the country of his/her origin or the country of his/her habitual residence is well-founded;

8) Subsidiary protection shall be understood to mean a form of protection granted by the Republic of Serbia to a foreigner who would be, if returned to the country of his/her origin or habitual residence, subjected to serious harm, and who is unable or unwilling to avail himself/herself of the protection of that country, in accordance with Article 25 of this Law;

9) Temporary protection shall be understood to mean a form of protection granted by a decision of the Government of the Republic of Serbia in the case of a mass influx of displaced persons who cannot be returned to their country of origin or habitual residence, in accordance with Article 74 of this Law;

10) A country of origin shall be understood to mean a foreigner's country of nationality or a stateless person's country of former habitual residence. If a foreigner has multiple nationality, a country of origin shall be understood to mean any country of his/her nationality;

11) Habitual residence shall be understood to mean a place where a foreigner stayed in such circumstances based on which it could be concluded that his/her stay in that place or area was not only temporary;

12) A family member shall be understood to mean 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 a 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;

13) A minor shall be understood to mean a foreigner under 18 years of age.

14) An unaccompanied minor shall be understood to mean a foreigner under 18 years of age who was not accompanied by his/her parents or guardians, nor an adult who is responsible for him/her, on his/her arrival to the Republic of Serbia, or who found himself/herself without the company of his/her parents or guardians, or an adult who is responsible for him/her, after having arrived to the Republic of Serbia;

15) A separated minor shall be understood to mean a foreigner under 18 years of age who was not accompanied by his/her parents or guardians, nor an adult who is responsible for him/her, on his/her arrival to the Republic of Serbia, or who found himself/herself without the company of his/her parents or guardians, or an adult who is responsible for him/her, after having arrived to the Republic of Serbia but not necessarily without the company of his/her other relatives, who are subject to the provisions of this Law where it refers to unaccompanied minors.

The terms used in this Law shall be gender-neutral and shall apply equally to males and females.

Application of the Law

Article 3

The regulations governing general administrative procedure shall apply to the issues related to the asylum procedure that are not regulated by this Law.

The regulations governing the legal status of foreigners and migration management shall apply to the issues relating to the scope, content and type of the rights and obligations of the Applicants and persons granted asylum or temporary protection that are not regulated by this Law.

The provisions of this Law shall be interpreted in accordance with the Convention and Protocol relating to the Status of Refugees and the generally recognised rules of international humanitarian law

The provisions of this Law shall not apply to refugees who were granted refugee status under the Law on Refugees (“Official Gazette of the Republic of Serbia”, No. 18/92; “Official Gazette of the Federal Republic of Yugoslavia”, No. 42/02, and “Official Gazette of the Republic of Serbia”, No. 30/10).

Right to submit asylum application

Article 4

A foreigner who is in the territory of the Republic of Serbia shall have the right to express his/her intention to submit an asylum application in the Republic of Serbia, in accordance with law.

If a foreigner referred to in paragraph 1 of this Article does not qualify for refuge, it shall be considered *ex officio* whether he/she qualifies for subsidiary protection.

Cooperation with United Nations High Commissariat for Refugees

Article 5

The competent authorities shall cooperate with United Nations High Commissariat for Refugees (hereinafter: UNHCR) in the performance of the activities in conformity with its mandate.

UNHCR shall have free access to all persons, in conformity with its mandate.

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 the Republic of Serbia, including statistical data, and specific information on individual cases, provided that the person to whom the asylum procedure refers has given his/her 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.

Non-refoulement

Article 6

No person shall be *refouled* to a territory where his/her life or freedom would be threatened for reasons of race, sex, language, religion, nationality, membership of a particular social group, or political opinions.

Paragraph 1 of this Article shall not apply to a person for whom there are reasonable grounds to believe that he/she constitutes a security threat to the Republic of Serbia, or who has been convicted by a final judgment of a serious crime punishable in accordance with the legislation of the Republic of Serbia by imprisonment of five years or longer in duration, which is why he/she poses a threat to public order.

Notwithstanding Paragraph 2 of this Article, no person shall be *refouled* to a territory where there is a risk that he/she would be subjected to torture, inhumane or degrading treatment, or punishment.

Principle of prohibition of discrimination

Article 7

In the course of the implementation of the provisions of this Law, any discrimination on any grounds shall be prohibited, in accordance with separate regulations governing the issues relating to the prohibition of discrimination, and in particular for reasons of race, skin colour, sex, gender, gender identity, sexual orientation, nationality, social background or a similar status, birth, religion, political or other opinions, financial status, culture, language, age, or intellectual, sensory, or physical disability.

Principle of non-punishment for unlawful entry or stay

Article 8

A foreigner shall not be punished for unlawful entry or stay in the Republic of Serbia, provided that he/she expresses the intention to submit an asylum application without any delay and offers a reasonable explanation for his/her unlawful entry or stay.

Principle of family unity

Article 9

The competent authorities shall take all the measures at their disposal to maintain family unity during the procedure, as well as upon granting asylum or temporary protection.

All persons who have been granted asylum or temporary protection shall be entitled to family reunification, in accordance with the provisions of this Law.

Principle of the best interest of the minor

Article 10

In the course of the implementation of the provisions of this Law, the principle of the best interest of the minor shall be respected.

In assessing the best interest of the minor, due attention shall be given to the minor's well-being, social development and background; the minor's opinion, depending on his/her age and maturity; the principle of family unity; and the protection and security of the minor, especially if it is suspected that the minor might be a victim of trafficking or a victim of family violence or other forms of gender-based violence.

Article 11

The intention to seek asylum on behalf of a minor shall be expressed by his/her parent or guardian.

The asylum application on behalf of a minor shall be submitted by his/her parent or guardian.

Notwithstanding paragraphs 1 and 2 of this Article, a minor over 16 years of age who is married may participate in the asylum procedure independently.

Article 12

An unaccompanied minor shall have a temporary guardian appointed by the guardianship authority, in accordance with law, immediately after it has been established that he/she is an unaccompanied minor and, in any case, before the submission of his/her asylum application.

An unaccompanied minor referred to in paragraph 1 of this Article shall be informed promptly about the appointment of the temporary guardian.

The temporary guardian shall inform the unaccompanied minor promptly about the asylum procedure, and his/her rights and obligations.

Notwithstanding paragraph 1 of this Article, an unaccompanied minor over 16 years of age who is married shall not have a temporary guardian appointed.

An unaccompanied minor shall express the intention to seek asylum exclusively in the presence of his/her temporary guardian.

An unaccompanied minor shall submit his/her asylum application personally, and exclusively in the presence of his/her temporary guardian.

The asylum application on behalf of an unaccompanied minor may also be submitted by his/her temporary guardian, when that is in the best interest of the minor.

An unaccompanied minor shall be interviewed in the presence of his/her temporary guardian.

The processings relating to asylum applications by unaccompanied minors, as well as other proceedings relating to the rights of unaccompanied minors, shall have priority over other procedures.

Principle of free interpretation

Article 13

The Applicant who does not understand the official language of the asylum procedure shall be provided free interpretation services into his/her native language, or a language that he/she can understand.

The obligation to provide free interpretation services referred to in paragraph 1 of this Article shall include the use of sign language and the availability of Braille materials.

Principle of free access to UNHCR

Article 14

The Applicant shall have the right to contact authorised UNHCR staff at any stage of the asylum procedure.

Principle of personal delivery

Article 15

Any written official communication in the asylum procedure shall be delivered personally to the Applicant or to his/her legal representative or attorney. A written official communication shall be considered delivered when any of the above persons has received it.

Principle of gender equality and gender sensitization

Article 16

The provision of this Law shall be interpreted in the gender-sensitive manner.

It shall be ensured that the Applicant, based on his/her request, submits his/her asylum application, and that he/she is interviewed by a person of the same sex, or that he/she is interviewed through a translator or an interpreter of the same sex, unless when that is not possible, or is associated with disproportionate difficulties for the authority conducting the asylum procedure.

The principle referred to in paragraph 1 of this Article shall always be applied when conducting searches, body checks, and other actions in the course of the procedure that presuppose physical contact with the Applicant.

Female asylum seekers accompanied by men shall submit an asylum application and be interviewed separately from their male companions.

Principle of providing special procedural and reception guarantees

Article 17

In the course of the asylum procedure, one should take into account the specific circumstances of the persons requiring special procedural or reception guarantees, such as 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.

Special procedural and reception guarantees shall serve to provide the appropriate assistance to the Applicant who, due to his/her personal circumstances, is not able to benefit from the rights and obligations under this Law without appropriate assistance.

The procedure for identifying the personal circumstances of a person referred to in paragraph 1 of this Article shall be 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.

Principle of directness

Article 18

In the course of the asylum procedure, the Applicant shall have the right to present directly, in front of the official conducting the procedure, all the facts relevant to the granting and termination of the right to asylum.

Principle of confidentiality

Article 19

The information about the Applicant, as well as a foreigner who has expressed his/her intention to seek asylum, obtained in the course of the asylum procedure may be accessed only by the persons authorised by law.

The information referred to in paragraph 1 of this Article shall not be disclosed to the country of origin of the Applicant, unless he/she has to be forcibly returned to the country of origin upon the completion of the procedure. In that event, the following information may be disclosed:

- 1) identification details;
- 2) information about family members;
- 3) information about personal documents issued by the country of origin;
- 4) address of permanent residence;
- 5) fingerprints, and
- 6) photographs.

The collection, processing and keeping of the information referred to in paragraph 1 of this Article shall be conducted in accordance with the regulations on the protection of personal information.

II. COMPETENT AUTHORITIES

Ministry of the Interior - Asylum Office

Article 20

In the course of the procedures for granting and cessation of the right to asylum, the procedure shall be conducted, and all decisions shall be taken by the Asylum Office, which is the organisational unit of the Ministry of the Interior (hereinafter: the Ministry) competent for the asylum issues.

The Asylum Office staff does not belong to the uniformed personnel of the Ministry.

Asylum Commission

Article 21

The Asylum Commission shall decide on appeals against decisions of the Asylum Office.

The Commission shall comprise the 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 the Republic of Serbia and must have a university degree in law and minimum five years of working experience and must have an understanding of the human rights legislation.

The Chairperson or members of the Asylum Commission shall have a right to receive remuneration for their work in the Asylum Commission.

The amount of remuneration referred to in paragraph 1 of this Article shall be specified by the Government.

The funding for the operations of the Asylum Commission shall be provided in the budget of the Republic of Serbia.

The Asylum Commission shall operate independently and shall pass decisions with a majority of the entire membership votes.

Within 30 days after the appointment of its members, the Asylum Commission shall pass its Rules of Procedure. The Rules of Procedure shall regulate more specifically the procedures for decision-making, calling meetings, and other issues relevant to the activities of the Asylum Commission.

Administrative Court

Article 22

The final decisions of the Asylum Commission may be challenged in an administrative dispute.

Commissariat for Refugees and Migrations

Article 23

Commissariat for Refugees and Migration (hereinafter: the Commissariat) shall provide material reception conditions to the Applicants in accordance with this Law.

The Commissariat shall provide temporary accommodation to persons who have been granted asylum in accordance with the regulation governing migration management.

The Commissariat shall implement programmes of voluntary return of a foreigner whose application was refused or rejected by a decision of the competent authority, or if the asylum procedure has been discontinued; a foreigner who has been granted temporary protection; a foreigner who has been issued a decision pursuant to Article 75, paragraphs 3 and 4, or a decision pursuant to Articles 83 and 84 of this Law; and a foreigner whose asylum status has ceased, as well as programmes of integration of persons who have been granted asylum in accordance with the regulation governing migration management.

III. CONDITIONS FOR GRANTING ASYLUM

Right to refuge

Article 24

The right to refuge, or refugee status, shall be granted to the Applicant who is outside his/her country of origin or habitual residence, and who has a well-founded fear of being persecuted for reasons of race, sex, language, religion, nationality, membership to a specific social group or political opinion, and who is unable or, owing to such fear, or unwilling to avail himself/herself of the protection of that country.

Subsidiary protection

Article 25

Subsidiary protection shall be granted to the Applicant who fails to meet the conditions for granting the right to refugee referred to in Article 24 of this Law if there are justified reasons indicating that if he/she is returned to his/her country of origin or habitual residence he/she would face a real risk of suffering serious harm, and who is unable, or, owing to such risk, unwilling to avail himself/herself of the protection of that country.

Serious harm shall consist of the threat of death by penalty or execution, torture, inhuman or degrading treatment or punishment, as well as serious and individual threat to life by reason of indiscriminate violence in situations of international or internal armed conflict.

Grounds of persecution

Article 26

The grounds of persecution referred to in Article 24 of this Law shall be assessed taking into account the following:

1) Race, referring to skin colour, descent, and membership of a specific ethnic group.

2) Religion, referring to theistic and atheistic beliefs, the participation, in or abstention from, formal worship in private or in public, either alone or in community with others, other religious acts or expressions of faith, or forms of personal or communal conduct based on or arising from religious beliefs;

3) Nationality, referring to membership of a specific group determined by its cultural, ethnic or linguistic identity, common geographical or political origins, or its relationship with the population of another state, and may also include citizenship.

4) Political opinion, referring to holding of an opinion, thought or belief on a matter related to the potential actors of persecution referred to in Article 29 of this Law, and to their policies or methods, whether or not that opinion, thought or belief has been acted upon by the Applicant.

5) A particular social group, referring to a particular social group where members of that group share an innate characteristic, or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to their identity or conscience that a person must not be forced to renounce them, and that group has a distinct identity in the relevant country of origin, because it is perceived as being different from the surrounding society.

Depending on the circumstances in the country of origin, a particular social group might include a group based on a common characteristic of sex, gender, gender identity or sexual orientation.

In assessing if an Applicant has a well-founded fear of being persecuted, it shall be immaterial whether the Applicant actually possesses the racial, religious, national, social or political characteristics that are the grounds of persecution, provided that such characteristics have been attributed to the Applicant by the actor of persecution.

“*Sur place*” principle

Article 27

A well-founded fear of being persecuted or a real risk of suffering serious harm may be based on:

1) the events that took place after the Applicant had left the country of origin or habitual residence;

2) the activities the Applicant has engaged in after he/she had left the country of origin or habitual residence, in particular where it has been established that they constitute the expression and continuation of the Applicant’s beliefs and/or orientation he/she held in the country of origin or habitual residence.

If the Applicant has submitted a subsequent application, material facts and evidence produced after the effectiveness of the decision, and relating to the assessment of the eligibility to be granted asylum, cannot be founded exclusively on the circumstances that the Applicant created by his/her personal actions aimed at meeting the conditions to be granted asylum.

Acts of persecution

Article 28

The acts regarded as persecution in accordance with Article 24 of this Law must be:

1) sufficiently serious in nature or repetition that they constitute a serious violation of fundamental human rights, in particular the non-derogable rights specified under Article 15, paragraph 2 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, or

2) an accumulation of various measures, including violations of human rights, which are sufficiently severe as to affect an individual in a similar manner as referred to in sub-paragraph 1 above.

The acts of persecution referred to in paragraph 1 of this Article may be in particular:

1) physical or mental violence, including sex and gender-based violence;

2) legal, administrative, police or judicial measures that are discriminatory or that are applied in a discriminatory manner;

3) judicial prosecution or punishment that is disproportionate or discriminatory;

4) denial of judicial redress that leads to disproportionate or discriminatory sanctions;

5) judicial prosecution or punishment for refusal to perform military service in a conflict, where performing military service would include crimes or acts falling under the exclusion clauses as set out in Articles 33 and 34 of this Law;

6) acts of a gender-specific or child-specific nature.

There must be a connection between the grounds of persecution and the acts of persecution or the absence of protection against such acts.

Actors of persecution or serious harm

Article 29

The actors of the persecution referred to in Article 24 or the serious harm referred to in Article 25 of this Law may be:

1) the state authorities;

2) parties or organisations that control the state or a large area within the territory of the state;

3) non-state actors, if it has been demonstrated that the state authorities or parties, or organisations, that control a large area within the territory of the state, including international organisations, are unable or unwilling to provide protection against persecution or serious harm.

Providers of protection in the country of origin

Article 30

Protection from persecution and serious harm in the country of origin or in the country of habitual residence, within the meaning of Articles 24 and 25 of this Law, may be provided by the following actors, provided they are able and willing to offer protection:

- 1) the state authorities, or
- 2) parties or organisations or international organisations that control the state of a large area within the territory of the state.

The protection referred to in paragraph 1 of this Article must be effective and of a non-temporary nature.

The protection referred to in paragraph 1 of this Article shall imply an effective legal system for the detection, prosecution, and punishment of acts constituting persecution or serious harm, as well as effective access to such protection.

Internal protection

Article 31

As part of the assessment of the asylum application in substance, one shall also assess the possibility for the protection of the Applicant by relocating him/her to a specific part of the country of origin or habitual residence where:

- 1) there are no grounds for a well-founded fear of persecution or suffering serious harm, or
- 2) the Applicant is able to receive effective protection from persecution or from serious harm.

The internal relocation referred to in paragraph 1 of this Article shall be considered possible provided that the Applicant:

- 1) can safely and legally travel to that part of the country;
- 2) can gain admittance to that part of the country, and
- 3) can reasonably be expected to settle there.

In examining whether the Applicant has a well-founded fear of being persecuted or is at real risk of suffering harm, whether the Applicant has access to protection against persecution or serious harm in a part of the country of origin, one shall take into account the general circumstances prevailing in that part of the country and to the personal circumstances of the Applicant.

Assessment of facts and circumstances

Article 32

The Applicant shall cooperate with the Asylum Office and shall deliver to the Asylum Office all available documentation, and present true and accurate information relating to his/her identity, age, nationality, family members, country and address of previous residence, previous asylum applications, travel routes after leaving the country

of origin, identification and travel documents, and reasons for submitting an asylum application.

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/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 Asylum Support Office (hereinafter: EASO), and other human rights organisations;

3) the position and personal circumstances of the Applicant, including his/her sex and age, in order to assess on those bases whether the procedures and acts to which he/she has been or could be exposed would amount to persecution or serious harm;

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;

5) whether the Applicant could avail himself/herself of the protection of another country where he/she can assert citizenship.

The fact that an Applicant has already been subject to persecution or serious harm, or to threats of such persecution or such serious harm, is an indication of the Applicant's well-founded fear of persecution or risk of suffering serious harm, unless there are good reasons to consider that such persecution or serious harm will not be repeated.

The Applicant's statement shall be considered credible in the part where a certain fact or circumstance is not supported by evidence if:

1) the Applicant has made a genuine effort to substantiate his/her statements with evidence;

2) all relevant elements at his/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/she can demonstrate good reason for not having done so;

5) the general credibility of the Applicant's statement has been established.

Grounds for exclusion of the right to refuge

Article 33

The right to refuge shall not be granted to the Applicant if there are serious reasons for considering that he/she has committed, incited or in some other way participated in committing:

1) a crime against peace, a war crime or a crime against humanity as defined by the provisions of international conventions drawn up to make provision in respect of such crimes;

2) a serious non-political crime committed outside the Republic of Serbia, before his/her arrival to the territory of the Republic of Serbia;

3) acts contrary to the purposes and principles of the United Nations as set out in the Preamble, and in Articles 1 and 2 of the Charter of the United Nations.

The right to refuge shall not be granted to the Applicant who poses a threat to national security or public order in the Republic of Serbia.

The right to refuge shall not be granted to the Applicant who is recognised by the competent authorities of the country in which he or she has taken up residence as having the rights and obligations that are equivalent to those of the nationals of that country.

The right to refuge shall not be granted to the Applicant who enjoys the protection or receives assistance by a UN body or agency other than UNHCR.

In the event that the protection or assistance referred to in paragraph 4 of this Article cease for any reason that is outside the Applicant's control, without the position of the Applicant being definitely settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, he/she shall be granted the right to asylum.

Grounds for exclusion of subsidiary protection

Article 34

Subsidiary protection shall not be granted to the Applicant if there are serious reasons for considering that he/she has committed, incited or in some other way participated in committing:

1) a crime against peace, a war crime or a crime against humanity as defined by the provisions of international conventions drawn up to make provision in respect of such crimes;

2) a serious crime;

3) acts contrary to the purposes and principles of the United Nations as set out in the Preamble, and in Articles 1 and 2 of the Charter of the United Nations.

Subsidiary protection shall not be granted to the Applicant who constitutes a threat to the national security or public order of the Republic of Serbia.

A serious crime referred to in paragraph 1, sub-paragraph 2, of this Article shall be understood to mean a crime which, in accordance with the legislation of the Republic of Serbia, is punishable by imprisonment of five years or longer in duration.

IV. ASYLUM PROCEDURE

Registration

Article 35

A foreigner may express his/her intention to seek asylum to an authorised police officer of the Ministry of the Interior, verbally or in writing, during a border check when entering the Republic of Serbia, or inside its territory.

Exceptionally, a foreigner may express his/her intention to seek asylum also at the Asylum Centre or other designated accommodation facility for the Applicants referred to in Article 51 of this Law, or at the Reception Centre for foreigners.

A foreigner who has expressed the intention to seek asylum in accordance with paragraph 1 of this Article shall be registered immediately after such intention has been expressed and referred to the Asylum Centre or to another facility designated for the accommodation of the Applicants and shall be obliged to report there within 72 hours from the issuance of the registration certificate.

When that is necessary, or if any of the grounds referred to in Article 77 have been fulfilled, as well as in other cases when that is necessary for security reasons, a foreigner whose intention to seek asylum has been registered shall be escorted to the Asylum Centre or to another facility that is designated for the accommodation of the applicants.

As part of the registration of a foreigner, an authorised police officer shall take his/her photograph and fingerprint him/her.

Minors for whom it can be determined reliably and unambiguously that they are under 14 years of age shall not be fingerprinted.

An authorised police officer shall have the right to search a foreigner with full respect of his/her physical and psychological integrity and human dignity and to search his/her personal belongings for the purpose of finding identification papers and documents required to establish his/her identity.

An authorised police officer shall have the right of temporary seizure of all identification papers and documents that may be relevant to the asylum procedure, if that is necessary, whereby the foreigner shall be issued a certificate thereof.

A foreigner who possesses a passport, an identity card or some other identification document, a residence permit, a visa, a birth certificate, a travel ticket, or another document or an official communication of relevance to the asylum procedure, shall be obliged to submit them during the registration.

A foreigner who deliberately obstructs, avoids or fails to consent to the registration referred to in paragraph 5 of this Article shall be subject to regulations governing the legal status of foreigners.

The authorised police officer of the Ministry shall issue to a foreigner who expressed his/her intention to seek asylum a registration certificate certifying that he/she has been registered (hereinafter: the Registration Certificate).

At the point of reception of a foreigner who has been issued the Registration Certificate to the Asylum Centre or to another facility designated for the accommodation of the Applicants, the Commissariat shall confirm the fact of reception by indicating it in the Registration Certificate.

If a foreigner, after he/she has been registered, fails to report to the Asylum Centre or other facility designated for the accommodation of the Applicants within 72 hours without a justified reason, the regulations on the legal status of foreigners shall apply.

If a foreigner arbitrarily, without authorisation or a justifiable reason, leaves the Asylum Centre or other facility designated for the accommodation of the Applicants before the statutory time limit for submitting an asylum application the regulations on the legal status of foreigners shall apply.

The terms and procedures for registration, and the form and contents of the Registration Certificate shall be prescribed more specifically by the Minister of the Interior (hereinafter: the Minister).

Initiating asylum procedure

Article 36

Asylum procedure shall be initiated by submitting the Application to an authorised officer of the Asylum Office on the prescribed form, at the latest within 15 days of the date of registration.

If the authorised officer of the Asylum Office does not enable a foreigner who has been issued the Asylum Seekers' Certificate to submit his/her asylum application within the time limit specified in the paragraph 1 of this Article, the Applicant may do so by filling in the asylum application form within 8 days after the expiry of the time limit specified in paragraph 1 of this Article.

The asylum procedure shall be consider initiated after the asylum application form has been submitted to the Asylum Office.

The asylum application shall be submitted personally, except in the events stipulated by this Law. If the asylum application is submitted through another person authorised in accordance with the provisions of this Law, the Applicant must be present personally.

Before the Applicant submits his/her asylum application, the acting competent authority shall inform the Applicant about his/her rights and obligations, in particularly the right to residence, the right to be provided an interpreter free of charge during the procedure, the right to legal aid, and the right of access to UNHCR.

The contents and the form of the asylum application form and other forms specified by this Law shall be prescribed by the Minister.

Interview

Article 37

An authorised officer of the Asylum Office, who has undergone the necessary training, shall interview the Applicant at the earliest possible time to establish all the facts and circumstances of relevance to decision-making on the submitted asylum application, and particularly to establishing:

- 1) the identity of the Applicant;
- 2) the grounds of his/her asylum application;

3) the Applicant's travel routes after leaving the country of origin or habitual residence, and

4) whether the asylum seeker has previously sought asylum in any other country.

An authorised officer of the Asylum Office may interview the Applicant on more than one occasion in order to establish the factual situation.

During the interview, the Applicant shall fully cooperate with the authorised officer of the Asylum Office and give credible and persuasive explanations of the grounds of his/her asylum application, he/she shall present all the available evidence to support his/her asylum application and shall reply truthfully to all questions asked.

The Applicant shall attend the interview personally, and shall participate in the interview, irrespective of whether he/she has a legal representative or attorney.

The interview with the Applicant shall be conducted even in the absence of his/her duly summoned attorney if the attorney has failed to justify his/her absence.

The Applicant's family members shall be interviewed separately, except when that is necessary, according to the opinion of the officer conducting the interview, to ascertain essential facts underlying the asylum application.

The interview with the Applicant shall be closed to public.

Notwithstanding paragraph 7 of this Article, a UNHCR representative may be present during the interview, provided that the Applicant does not object to that.

An audio or audio-video recording of the interview with the Applicant may be made, provided that the Applicant has been informed about it.

The interview with the Applicant may be omitted:

1) if, on the basis of the available evidence, a decision may be adopted upholding the application and granting the right to refuge or subsidiary protection;

2) if the Applicant is unable to give a statement due to circumstances of non-temporary nature that are outside of his/her influence;

3) if the admissibility of the subsequent asylum application is being assessed in accordance with Article 46, paragraphs 2 and 3, of this Law.

If the interview has been omitted in accordance with paragraph 10, subparagraph 2, of this Article, it shall be made possible to the Applicant or a member of his/her family to present evidence and/or give statements relevant to the decision-making on the his/her asylum application.

In the case of a large number of asylum applications has been submitted to the extent that the competent authority is not able to interview timely all the Applicants, upon request of the competent authority, the Government may bring decision on temporary involvement in the interviewing process of officers from other departments of the competent authority or officers from other authorities, who shall receive the relevant training before their involvement in the interviewing process.

Examination of asylum applications in substance

Article 38

The Asylum Office shall examine the asylum application in substance and shall render a decision on the substance of the Application:

1) upholding the application and recognising the right to refuge if the Applicant meets the conditions under Article 24 of this Law,

2) upholding the application and granting subsidiary protection, if the Applicant meets the conditions under Article 25 of this Law;

3) refusing the application as unfounded if the Applicant fails to meet the conditions under Articles 24 and 25 of this Law;

4) refusing the application if there are grounds for exclusion in accordance with Articles 33 and 34 of this Law;

5) refusing the application as unfounded if the Applicant fails to meet the conditions under Articles 24 and 25 of this Law, and if the circumstances under Article 40 of this Law exist.

In a decision referred to in paragraph 1, sub-paragraphs 3) through 5), the Asylum Office shall specify the time limit for the foreigner who does not have any other grounds to stay in the Republic of Serbia to leave the territory of the Republic of Serbia.

Time limits

Article 39

A decision on the asylum application in the regular procedure shall be rendered, at the latest, within three months after the date of the asylum application or the date of the admissible subsequent asylum application.

The time limit may be extended for a further three months if:

1) the application includes complex factual and/or legal issues;

2) a large number of foreigners have submitted their asylum applications at the same time;

Notwithstanding paragraph 2 of this Article, the time limit may be extended for a further three months if it is necessary to ensure a proper and complete assessment of the application.

If the decision cannot be rendered within the time limit referred to in paragraph 1 of this Article, the Applicant shall be informed about it, stating when he/she may expect the decision.

If it can be justifiably expected that the decision on the asylum application could not be rendered within the time limits referred to in paragraphs 1 through 3 of this Article, due to a non-lasting unsafe situation in the Applicant's country of origin, the authorised officers of the Asylum Office shall verify the situation in the country of origin every three months, and inform the Applicant in reasonable time about the reasons for the deferral of the decision.

In the case referred to in paragraph 5 of this Article, the decision shall be rendered, at the latest, within 12 months from the date of the asylum application.

Accelerated procedure

Article 40

In the accelerated procedure, a decision on the asylum application shall be rendered if it has been established that:

1) the Applicant has presented only the facts that are irrelevant to the examination of the asylum application in substance;

2) the Applicant 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;

3) the Applicant has destroyed or concealed documents that establish his/her identity and/or nationality in bad faith so as to provide false information about his/her identity and/or nationality;

4) the Applicant has presented manifestly inconsistent, contradictory, inaccurate, or unconvincing statements, contrary to the verified information about the country of origin, rendering his/her application non-genuine;

5) the Applicant has submitted a subsequent asylum application that is admissible in accordance to Article 46, paragraphs 2 and 3, of this Law;

6) the Applicant has submitted this/her asylum application for the clear purpose of postponing or preventing the enforcement of a decision that would result in his/her removal from the Republic of Serbia;

7) the Applicant presents a threat to national security or public order;

8) it is possible to apply the safe country of origin concept, in accordance with Article 44 of this Law;

The decision on the asylum application in the accelerated procedure shall be made, at the latest, within 30 days from the date of the asylum application or the admissible subsequent asylum application, whereby the entire asylum procedure shall be conducted.

The Asylum Office shall inform the Applicant that the decision is to be rendered on his/her asylum application in the accelerated procedure.

The accelerated procedure shall not be applied to asylum application submitted by unaccompanied minors.

The decision of the Asylum Office rendered in the accelerated procedure may be appealed to the Asylum Commission within 8 days after the date of the decision served.

Border/transit zone procedures

Article 41

At a border crossing, or in a transit zone of an airport or an inland port, the entire asylum procedure shall be conducted, complying with the main principles prescribed by this Law, provided that:

1) the Applicant is provided adequate accommodation and subsistence;

2) the asylum application, or the subsequent asylum application, may be refused as inadmissible in accordance with Article 38, paragraph 1, sub-paragraph 5) of this Law;

3) the asylum application, or the subsequent asylum application, may be rejected in accordance with Article 42 of this Law.

The representatives of the organisations providing legal aid to the Applicants and persons who have been granted the right to asylum shall have effective access to border crossings, or transit zones in airports or inland ports in accordance with the state border protection regulations.

An attorney or a representative of an organisation providing legal aid to the Applicants and persons who have been granted asylum, other than UNHCR, may have access to the Applicant temporarily restricted, when that is necessary for protecting national security and ensuring public order in the Republic of Serbia.

Asylum procedures relating to asylum applications submitted by unaccompanied minors shall not be conducted at the border or in transit zones.

The Asylum Office shall render a decision on the asylum application referred to in paragraph 1, at the latest, within 28 days from the date the asylum application.

Should the Asylum Office fail to take a decision in accordance with paragraph 5 of this Article, the Applicant shall be allowed to enter the territory of the Republic of Serbia in order for the procedure relating to his/her submitted asylum application to be conducted.

The decision referred to in paragraph 5 of this Article may be appealed to the Asylum Commission within 5 days from the decision served.

Rejection of applications or subsequent applications

Article 42

A decision rejecting an asylum application without examining it on the merits shall be rendered if:

1) it is possible to apply the first country of asylum concept in accordance with Article 43 of this Law;

2) it is possible to apply the safe third country concept in accordance with Article 45;

The provisions of paragraph 1, sub-paragraph 1), of this Article shall apply under the condition that the Applicant will be allowed to re-enter the first country of asylum.

The Asylum Office shall render a decision rejecting a subsequent asylum application if it assesses that it is inadmissible in accordance with Article 46, paragraphs 2 and 3, of this Law.

A decision rejecting an asylum application or a subsequent asylum application may be appealed to the Asylum Commission within 8 days from the decision served.

First country of asylum

Article 43

A country shall be considered to be a first country of asylum:

1) if the Applicant has been recognised refugee status in that country, and if he/she is still able to avail himself/herself of that protection; or

2) if the Applicant enjoys effective protection in that country, including the guarantees arising from the *non-refoulement* principle;

The Applicant will be allowed to challenge the application of the concept of first country of asylum in relation to his/her specific circumstances.

Safe country of origin

Article 44

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 referred to in Article 24 of this Law or risk of suffering serious harm within the meaning of Article 25, paragraph 2, of this Law, which shall be established on the basis of information relating to:

1) the relevant laws and regulations of the country, and the manner in which they are applied;

2) observance of the rights and freedoms guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms, particularly Article 15, paragraph 2, of the European Convention, the International Covenant for Civil and Political Rights, and the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

3) observance of the *non-refoulement* principle;

4) application of effective legal remedies.

The information referred to in paragraph 1 of this Article shall be obtained from various relevant sources, particularly from EASO, UNHCR, the Council of Europe, and other relevant international organisations.

The Government shall determine a List of Safe Countries of Origin, at the proposal of the Ministry of Foreign Affairs, and shall revise it, as needed, taking into account the provisions of paragraph 1 of this Article.

The Ministry of Foreign Affairs shall prepare a proposal list of safe countries of origin, taking into consideration the views of the competent authorities specified by this Law.

The fulfilment of the conditions for the application of the safe country of origin concept shall be established individually, for each asylum application that is submitted.

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:

1) the Applicant holds the nationality of that country or had habitual residence in that country if he/she is a stateless person; and

2) the Applicant has not explained in a credible manner why that country of origin cannot be considered to be a safe country of origin in his/her case.

The Applicant shall be informed in good time about the application of the safe third country concept, to allow him/her to challenge it, in accordance with paragraph 5. of this Article, in view of his/her personal circumstances.

Safe third country

Article 45

A safe third country shall be a country where the Applicant is safe from persecution, as referred to in Article 24 of this Law, or the risk of suffering serious harm as referred to in Article 25, paragraph 2, of this Law, where he/she enjoys the guarantees prescribed by the *non-refoulement* principle, and where he/she has access to an effective procedure for granting and enjoying protection in accordance with the 1951 Convention relating to the Status of Refugees (hereinafter: the 1951 Convention.)

The fulfilment of the conditions for the application of the safe third country concept shall be established for each application individually, examining whether a country meets the conditions specified in paragraph 1 of this Article, and whether there is a connection between that country and the Applicant on the basis of which it could be reasonably expected that he/she could seek asylum in that country.

The Applicant shall be informed in good time about the application of the safe third country concept, to allow him/her to challenge it in relation to paragraphs 1 and 2 of this Article, in view of his/her personal circumstances.

The Applicant whose asylum application has been rejected in accordance with Article 42, paragraph 1, sub-paragraph 2 of this Law, shall be issued by the Asylum Office a certificate informing the competent state authorities of the safe third country that his/her application has not been examined on the merits in the Republic of Serbia.

If the safe third country refuses to accept the foreigner, a decision shall be rendered on the merits of his/her asylum application in accordance with the provisions of this Law.

Subsequent asylum applications

Article 46

The Applicant may submit a subsequent asylum application if he/she can provide evidence that the circumstances relevant to recognising his/her right to asylum have changed substantially or if he/she can provide any evidence that he/she did not present in the previous procedure due to justified reasons, after the effectiveness of the decision whereby the previous:

- 1) application was refused in accordance with Article 38, paragraph 1, sub-paragraphs 3) through 5), of this Law;
- 2) the procedure was discontinued in accordance with Article 47, paragraph 2, sub-paragraph 1, of this Law.

The subsequent asylum application shall be comprehensible and shall contain relevant facts and evidence that arose after the effectiveness of the decision, or relevant facts that the Applicant did not present for justified reasons during the previous procedure, and which relate to the establishment of his/her eligibility for asylum.

The admissibility of subsequent asylum applications shall be assessed on the basis of new facts and evidence, and in connection with the facts and evidence already presented in the previous asylum procedure.

If it has been established that a subsequent asylum application is admissible, the competent authority shall revoke the previous decision, and shall decide again on the merits of the application.

A subsequent asylum application shall be rejected if it has been established that it is inadmissible in accordance with paragraphs 2 and 3 of this Article.

The Asylum Office shall decide on a subsequent asylum application, at the latest, within 15 days from the date of the application.

Discontinuation of the procedure and *restitutio in integrum*

Article 47

The procedure for deciding on an asylum application shall be discontinued if the Applicant withdraws the application.

It shall be considered that the Applicant has withdrawn his/her application if:

- 1) he/she withdraws his/her application in a written statement;
- 2) he/she, despite having received a duly served summons, fails to appear for the interview, without providing a valid reason for his/her absence, or declines to make a statement;
- 3) he/she, without providing a valid reason, fails to notify the Asylum Office of any change of address at which he/she resides within three days of the said change, or if he/she otherwise prevents the service of a summons or another written official communication;
- 4) leaves the Republic of Serbia without the Asylum Office being aware of it, without providing a valid reason.

The decision to discontinue the procedure shall indicate the time limit for a foreigner who has no other grounds to stay in the Republic of Serbia to leave the country, and if he/she fails to do so, he/she shall be forcibly removed, in accordance with the law governing the legal status of foreigners.

The Applicant may submit proposal for *restitutio in integrum* in accordance with the law governing general administrative procedure in the case that the decision on discontinuation of the procedure has been taken based on the reasons prescribed in paragraph 2, sub-paragraphs 2, 3 and 4, of this Article.

A decision on a proposal for *restitutio in integrum* shall be rendered by the Asylum Office.

V APPLICANTS' RIGHTS AND OBLIGATIONS

Applicants' rights

Article 48

The Applicant shall have the right to:

- 1) residing and freedom of movement in the Republic of Serbia;
- 2) material reception conditions;
- 3) social assistance;
- 4) healthcare;
- 5) primary and secondary education;
- 6) information and legal aid;
- 7) freedom of religion;
- 8) labour market access;
- 9) personal documents in accordance with Article 90 and 91 of this Law.

Residing and freedom of movement in the Republic of Serbia

Article 49

After he/she is admitted to the Asylum Centre or to another facility designated for the accommodation of the Applicants, the Applicant shall have the right to reside in the Republic of Serbia, and during that time, he/she shall have freedom of movement throughout the country, unless there exist special grounds for the restriction of movement as specified under Article 77 of this Law.

Material reception conditions

Article 50

Material reception conditions shall include: housing accommodation, food, clothing, and cash allowance for personal needs.

The amount of the cash allowance for personal needs referred to in paragraph 1 of this Article shall be equal to the amount of allowance received by adult social welfare beneficiaries with no income, accommodated in social welfare institutions, in accordance with the regulations governing social welfare. The allowance shall be provided for maximum four members of the Applicant's family household, including the Applicant.

In deciding on the accommodation for a foreigner whose intention to seek asylum has been registered, due attention shall be given in particular to his/her sex and age, his/her status of a person requiring special procedural and/or reception guarantees, as well as family unity.

Material reception conditions may be reduced or withdrawn if the Applicant possesses his/her own financial assets or if he/she starts to receive income from

employment sufficient to cover material reception conditions, as well as if he/she misuses received allowance from the paragraph 1 of this Article for personal gain.

A decision on reduction or withdrawal of material reception conditions shall be rendered by Commissariat.

The Applicant may appeal the decision referred to in paragraph 5 of this Article with the Asylum Office.

If a decision has been made to reduce or withdraw the cash allowance, the appeal shall not suspend the enforcement of the decision.

If the Applicant possesses his/her own financial assets, he/she may stay outside the capacities of the Commissariat for Refugees and Migrations at his/her own cost, and exclusively with a prior consent of the Asylum Office, which shall be given after the asylum application has been submitted. Exceptionally, the consent may also be given before that, if that is required for reasons of security of a foreigner whose intent to seek asylum has been registered.

The regulations on the terms for the provision of material reception conditions, the procedure for their reduction or withdrawal, and other issues related to the reduction or withdrawal of material reception conditions, and the regulations on the house rules at the Asylum Centre and other designated accommodation facility for the Applicants, shall be adopted by the head of the Commissariat.

Material reception conditions can be provided at the Asylum Centre or at other facility designated for such purposes (hotels, resorts, other suitable facilities).

Asylum Centre and other accommodation facility for Applicants

Article 51

Pending the adoption of the final decision on their asylum application, the Applicants shall be provided material reception conditions at the Asylum Centre or other designated accommodation facility for the Applicants.

The Government shall pass a decision establishing one or more Asylum Centres.

The Government shall pass decision designating one or more accommodation facility for the Applicants.

The operation of the Asylum Centre or other designated accommodation facility for the Applicants shall be managed by the head of the Commissariat, who shall pass an act regulating the internal organisation and job classification at the Asylum Centres and other designated accommodation facility for the Applicants.

Funds for the operation of the Asylum Centre and other designated accommodation facility for the Applicants shall be provided in the budget of the Republic of Serbia.

Article 52

Pending the adoption of the final decision on their asylum application, unaccompanied minors shall be provided material reception conditions at the Asylum Centre or other designated accommodation facility for the Applicants

Exceptionally, an unaccompanied minor who has submitted an asylum application shall be provided by the Commissariat, based on a decision of the Centre for Social Work, accommodation in a social welfare institution, with another accommodation service provider or in another family, pending the final decision on the application, if the necessary conditions for his/her accommodation cannot be provided at the Asylum Centre or other designated accommodation facility for the Applicants.

Exceptionally, the Applicant who is in a special mental and physical condition, who requires special procedural and/or reception guarantees, and who cannot be provided the necessary accommodation conditions at the Asylum Centre or other designated accommodation facility for the Applicants, shall be provided by the Commissariat, based on a decision of the Centre for Social Work, accommodation in a social welfare institution, with another accommodation service provider or in another family.

Before passing a decision referred to in paragraphs 2 and 3 of this Article, the Centre for Social Work shall conduct the procedure in accordance with the law and shall obtain approval from the Commissariat for covering the accommodation costs.

The funds for the accommodation of the Applicants referred to in paragraphs 2 and 3 of this Article in a social welfare institution, with other accommodation service provider or in another family, shall be provided in the budget of the Republic of Serbia, within the allocation for the provision of accommodation for the Applicants.

Social assistance

Article 53

Unless he/she is accommodated in the accommodation capacities of the Commissariat, a social welfare institution, with other accommodation service provider, or in another family, the Applicant shall have the right to social assistance.

The Minister in charge of social policy shall specify in greater detail the issues relating to social assistance for the Applicants.

Healthcare

Article 54

Upon the admission to the Asylum Centre or to another accommodation facility, all Applicants shall undergo a medical examination. The procedures for medical examinations shall be specified in greater detail by the Minister in charge of health.

The Applicant shall have the right to healthcare, in accordance with the regulations governing healthcare for foreigners.

In exercising the right to healthcare by the Applicants, adequate healthcare shall be provided as a priority to severely ill Applicants, the Applicants who have been

victims of torture, rape or other serious forms of psychological, physical or sexual violence, or the Applicants with mental disorders.

Education

Article 55

The Applicant shall have the right to free primary and secondary education, in accordance with separate regulations.

The access to education referred to in paragraph 1 of this Article shall be provided to the Applicant who is a minor immediately and, at the latest, within three months from the date of his/her asylum application.

Information and legal aid

Article 56

A foreigner who has expressed his/her intention to seek asylum in the Republic of Serbia, as well as the Applicant, shall have the right to be informed about his/her rights and obligations throughout the asylum procedure.

The Applicant shall have the right to be informed about his/her rights and obligations relating to material reception conditions, at the latest, within 15 days from the date of his/her asylum application.

The Applicant shall have the right to be informed about the citizens associations or other organisations providing assistance and information to the Applicants.

A foreigner who has expressed his/her intention to seek asylum in the Republic of Serbia, and the Applicant, may use free legal aid and representation before the competent authorities provided by the organisations whose objectives and activities are aimed at providing legal aid to the Applicants and persons who have been granted asylum, and free legal aid provided by UNHCR.

Applicants' labour market access

Article 57

The Applicant shall have the right of labour market access in accordance with the regulations governing the employment of foreigners.

Applicants' special obligations

Article 58

The Applicant's is obligated:

1) to comply with the measures for restriction of movement referred to in Article 80 of this Law, if imposed;

2) to inform the Asylum Office in writing of any change of address within three days of such change of address;

3) to abide by the House Rules, if he/she is accommodated at the Asylum Centre or in another accommodation facility for the Applicants;

4) to respond to summons and cooperate with the Asylum Office and other competent authorities at all the stages of the asylum procedure;

5) to hand over to an authorised official his/her identification papers, travel document, and other documents that may be relevant to his/her identification;

6) to cooperate with authorised officials during the registration;

7) to cooperate with authorised officials during the medical examination;

8) to stay in the territory of the Republic of Serbia pending the completion of the asylum procedure.

9) to leave the Asylum Centre or another accommodation facility for the Applicants upon the effectiveness of the decision on his/her asylum application.

In the case of non-compliance with the obligations referred to in paragraph 1, sub-paragraphs 3, 7, and 9 of this Article, the authorised official in the Asylum Centre or other designated accommodation facility for the Applicants shall inform the Asylum Office, which shall take the measures referred to in Article 78 of this Law.

VI. RIGHTS AND OBLIGATIONS OF PERSONS GRANTED ASYLUM

Rights and obligations of persons granted asylum

Article 59.

A person who has been granted asylum shall have the right to:

- 1) reside;
- 2) accommodation;
- 3) freedom of movement;
- 4) healthcare;
- 5) education;
- 6) labour market access;
- 7) legal aid;
- 8) social assistance;
- 9) ownership;
- 10) freedom of religion;
- 11) family reunification;
- 12) personal documents in accordance with Article 87 of this Law;
- 13) integration assistance.

A person who has been granted asylum shall respect the Constitution, the law and other regulations and general legal acts of the Republic of Serbia.

A person who has been granted the right to asylum shall have the right to attend Serbian language and alphabet courses in the Republic of Serbia.

If the person referred to in paragraph 3 of this Article, without a justified reason, fails to report to the Commissariat for Refugees and Migration to attend Serbian language and alphabet courses within 15 days from the date of the effectiveness of the decision granting him/her the right to asylum or stops attending such courses, he/she 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.

A family member of the person who has been granted the right to asylum shall have, under equal conditions, all the rights and obligations referred to in paragraph 1 and 2 of this Article, with the exception of the right to family reunification referred to in sub-paragraph 11) of paragraph 1 of this Article.

The Asylum Office shall inform a person who has been granted the right to asylum at the earliest possible time about the rights and obligations that arise from that status, in a language he/she can understand.

Right to reside

Article 60

The right to reside in the Republic of Serbia shall be approved under a decision on granting the right to refuge, or subsidiary protection, and shall be proved by an identity card for persons who have been granted the right to asylum.

The right to reside in the Republic of Serbia shall be enjoyed by the family members of a person who has been granted the right to asylum, in accordance with the provisions of this Law.

Right to accommodation

Article 61

A person who has been granted asylum shall be provided with accommodation commensurately with the capacities of the Republic of Serbia, and not longer than for one year from the final decision granting his/her right to asylum, if he/she does not possess financial means in accordance with the special regulation governing accommodation of the persons who have been granted asylum.

For the purposes of paragraph 1 of this Article, accommodation shall mean a habitable space for provided for temporary use, or f financial assistance necessary for temporary accommodation.

Freedom of movement

Article 62

A person who has been granted the right to asylum shall have the right of move freely throughout the territory of the Republic of Serbia, and outside the territory of the Republic of Serbia, in accordance with the provisions of this Law.

Right to healthcare

Article 63

A person who has been granted the right to asylum shall have the right to healthcare in accordance with the regulations governing healthcare for foreigners.

The cost of healthcare for the person referred to in paragraph 1 of this Article shall be financed from the budget of the Republic of Serbia.

Right to education

Article 64

A person who has been granted the right to asylum shall have the right to preschool, primary, secondary, and higher education under equal conditions as the nationals of the Republic of Serbia, in accordance with separate regulations governing education.

Right to labour market access

Article 65

A person who has been granted the right to asylum shall have the right to labour market access.

The conditions for enjoying the right referred to in paragraph 1 of this Article are specified in greater detail by the law governing the employment of foreigners.

Right to legal aid

Article 66

A person who has been granted the right to asylum shall have equal rights as the nationals of the Republic of Serbia in terms of free access to courts, legal aid, exemptions from payment of legal fees and other costs payable to the state authorities.

Right to social assistance

Article 67

A person who has been granted the right to asylum shall have the right to social assistance.

The Minister in charge of social policy shall specify in greater detail the issues relating to social assistance for persons who have been granted the right to asylum.

Right of ownership

Article 68

A person who has been granted the right to asylum shall have the right to own movable and/or immovable property under equal conditions as permanently residing

foreigners in the Republic of Serbia, as well as the right to the protection of intellectual property equal to that of the nationals of the Republic of Serbia.

Freedom of religion

Article 69

A person who has been granted the right to asylum shall have the right to life and upbringing of his/her children in accordance with his/her religious beliefs.

Right to family reunification

Article 70

A person who has been granted the right to asylum shall have the right to reunification with his/her family members.

A minor child born in legal or in common-law marriage, a minor adopted child or a minor stepchild of a person who has been granted the right to asylum, who has not founded his/her own family, shall have equal legal status to that of his/her parent who has been granted the right to asylum, as confirmed in a decisions passed by the Asylum Office.

The family members of a person who has been granted the right to asylum who are not referred to in paragraph 2 of this Article shall regularise their residence in accordance with the regulations governing the legal status of foreigners.

A family member for whom there exist grounds to be excluded from the right to refuge shall not have the right to family reunification.

Integration assistance

Article 71

The Republic of Serbia shall, commensurately with its capacities, ensure the conditions for the inclusion of persons who have been granted the right to asylum in the social, cultural, and economic life, and shall enable the naturalisation of refugees.

The terms and conditions, procedure, and other issues of relevance to the inclusion of persons who have been granted the right to asylum into the social, cultural, and economic life in the Republic of Serbia, as well as for their naturalisation, shall be specified by the Government, at the proposal of the Commissariat.

Exemption from reciprocity

Article 72

A person shall be exempt from any potential reciprocity measures in respect of the rights that are due to him/her according to the law after he/she has resided in the Republic of Serbia for three years from the date of the recognition of the right to refuge.

Unaccompanied minors' special rights

Article 73

An unaccompanied minor who has been granted the right to asylum shall have a guardian, or a legal representative, appointed by the guardianship authority at the earliest possible time.

The person referred to in paragraph 1 of this Article shall be accommodated primarily together with his/her adult relatives or with persons with whom he/she has particularly close bonds.

An unaccompanied minor who has been granted the right to asylum may be placed in a foster family or a social welfare institution under the conditions and in the procedure specified in Article 52 of this Law.

In deciding on the accommodation for an unaccompanied minor, whenever it is possible, brothers and sisters shall be accommodated together, in accordance with their best interest, taking into account their age and maturity.

Whenever it is necessary, the competent authorities shall initiate the search for the family members of an unaccompanied minor, protecting the best interests of the minor. If the life or integrity of the minor or his/her close relatives may be threatened, particularly if they remained in the country of origin, it shall be ensured that the collection, processing, and exchange of information is in accordance with the principle of confidentiality.

VII. TEMPORARY PROTECTION

Temporary protection

Article 74

Temporary protection shall mean a form of protection that is provided in the extraordinary procedure, in the case of a mass influx of displaced persons who cannot be returned to their country of origin or habitual residence if there is a risk that, due to such mass influx, it will not be possible to carry out effectively individual asylum procedures, in order to protect the interests of displaced persons and other persons seeking protection.

A decision on the provision of temporary protection shall be taken by the Government of the Republic of Serbia.

The displaced persons referred to in paragraph 1 of this Article shall be understood to mean foreigners who have been forced to leave the area or country of their origin or habitual residence, or who have been evacuated, and who are unable to return to durable and safe living conditions due to the situation that is prevalent in that country, in particular:

- 1) persons who have left the area of armed conflict or localised violence;
- 2) persons who face a serious threat of mass violations of human rights or who have been victims of such violations.

Temporary protection may be granted also to persons who had resided legally in the Republic of Serbia at the time of the adoption of the decision referred to in paragraph

1 of this Article, whose right of residence had expired before the decision on temporary protection was revoked.

In accordance with the decision of the Government referred to in paragraph 2 of this Article, persons who have been granted temporary protection shall be registered in accordance with this law, and a decision granting temporary protection shall be rendered for each person individually.

Temporary protection duration and cessation

Article 76

Temporary protection may be granted for a period of maximum one year.

If the grounds for providing temporary protection continue to exist, temporary protection may be extended for a further six months, and for a maximum of one year.

Temporary protection shall cease upon the expiry of the period for which it was granted, or when the grounds based on which it was granted have ceased to exist, as specified in a decision taken by the Government.

Notwithstanding paragraph 3 of this Article, a person's temporary protection may cease on the basis of a decision taken by the Asylum Office, if it has been established that in his/her case there are grounds for exclusion from the right to refuge.

Rights and obligations of persons granted temporary protection

Article 76

A person who has been granted temporary protection shall have the right to:

- 1) residence during the period of the validity of temporary protection;
- 2) a personal document confirming his/her status and the right of residence;
- 3) healthcare, in accordance with the regulations governing healthcare for foreigners;
- 4) labour market access during the period of the validity of temporary protection, in accordance with the regulations governing the employment of foreigners;
- 5) free primary and secondary education in state schools, in accordance with separate regulations;
- 6) legal aid, under the conditions prescribed for the Applicants;
- 7) freedom of religion, under equal conditions that apply to the nationals of the Republic of Serbia;
- 8) collective accommodation in facilities designated for such purposes;
- 9) appropriate accommodation for persons who need special reception guarantees, in accordance with Article 17 of this Law.

A person who has been granted temporary protection shall have the right to submit an asylum application.

In justified cases, the competent authority may approve family reunification and grant temporary protection to the family members of a person who has been granted temporary protection in the Republic of Serbia.

Persons who have been granted temporary protection shall respect the Constitution, laws and other regulations, and general legal acts of the Republic of Serbia.

A decision on accommodation of persons who have been granted temporary protection shall be made by the Government, upon the proposal of the Commissariat.

VIII. RESTRICTION OF MOVEMENT

Grounds for restriction of movement

Article 77

The Applicant may have his/her movement restricted by a decision of the Asylum Office when that is necessary to:

- 1) establish his/her identity or nationality,
- 2) establish material facts and circumstances underlying his/her asylum application, which cannot be established without the restriction of movement, particularly if there is a risk of absconding;
- 3) ensure the Applicant's presence in the course of the asylum procedure, if there are reasonable grounds to believe that his/her asylum application was submitted with a view to avoiding deportation;
- 4) ensure the protection of security of the Republic of Serbia and public order in accordance with law;
- 5) decide, in the course of the procedure, whether the Applicant has a right to enter the territory of the Republic of Serbia.

Movement of the Applicant or a foreigner whose intention to seek asylum has been registered, may be restricted by a decision of the Asylum Office in the case of non-compliance with the obligations from Article 58, Paragraph 1, sub-paragraphs 3) and 7) of this Law.

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/her failures to consent to identity checks or identity establishment procedures, or concealing information or providing false information about his/her identity and/or nationality.

Measures for restriction of movement

Article 78

Movement shall be restricted by:

- 1) imposing a ban on leaving the Asylum Centre, a particular address, or a designated area;

2) imposing obligation to report at specified times to the regional police department, or police station, depending on the place of residence;

3) ordering accommodation at the Reception Centre for Foreigners, established in accordance with the law governing the residence of foreigners, under intensified police supervision;

4) ordering accommodation in a social welfare institution for minors, under intensified supervision;

5) temporary seizure of a travel document

The measure referred to in paragraph 1, sub-paragraph 3, of this Article may be imposed if it has been established, based on an individual assessment, that the other measures could not achieve the effect of the restriction of movement.

The restriction of movement shall last for as long as the grounds referred to in Article 77 of this Law apply, and maximum for three months.

Exceptionally, when the restriction of movement has been imposed on the grounds referred to in Article 77, paragraph 1, sub-paragraphs 2) thought 4), of this Law, the restriction of movement may be extended for a further three months.

A decision on restriction of movement may be appealed to the competent higher court within 8 days from the day the decision served.

The appeal shall suspend the enforcement of the decision.

Non-compliance with restriction of movement

Article 79

The Applicant who has violated the obligations from Article 78, paragraph 1, sub-paragraphs 1 and 2, of this Law may be ordered to stay at the Reception Centre for Foreigners.

Restriction of movement of persons requiring special procedural and/or reception guarantees

Article 80

A person referred to in Article 17 of this Law may be ordered to stay at the Reception Centre for Foreigners exclusively if it has been established, based on an individual assessment, that such accommodation is appropriate, taking into account his/her personal circumstances and needs, and particularly his/her health condition.

An unaccompanied minor may be ordered to stay in a social welfare institution for minors under intensified supervision in case the alternative measures cannot be applied effectively.

IX. CESSATION OF THE RIGHT TO ASYLUM AND REMOVAL OF FOREIGNERS

Cessation of the right to refuge

Article 81

The right to refuge shall cease on the following grounds:

- 1) if a person has voluntarily re-availed him/herself of the protection of his/her country of origin;
- 2) if a person, having lost his/her nationality, has re-acquired it;
- 3) if a person has acquired a new nationality, and thus enjoys the protection of the country of his/her new nationality;
- 4) if a person voluntarily re-established himself/herself in the country which he or she left or outside which he or she remained owing to fear of persecution or harassment;
- 5) if a person can no longer continue to refuse to avail him/herself of the protection of his/her country of origin, because the circumstances in connection with which he/she has been granted protection have ceased to exist;
- 6) if a stateless person is able to return to the country of his/her habitual residence, because the circumstances in connection with which he/she has been granted protection have ceased to exist.

In considering the grounds referred to in paragraph 1, sub-paragraphs 5 and 6, of this Article, it shall be taken into account 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 cessation of protection in accordance with the provisions of paragraph 1, sub-paragraphs 5) and 6), of this Article shall not apply to a person who is able to invoke compelling reasons arising out of previous persecution or harassment for refusing to avail himself/herself of the protection of the country of origin or the country of former habitual residence.

Before passing a decision on cessation of the right to refuge, the Asylum Office shall inform the person about the grounds for cessation and allow him/her to make statement regarding the facts relevant for the cessation of protection.

Cessation of subsidiary protection

Article 82

Subsidiary protection shall cease 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 cessation of subsidiary protection in accordance with paragraph 1 shall not apply to a person who is able to invoke compelling reasons arising out of previous serious harm for refusing to avail himself/herself of the protection of the country of origin or the country of former residence.

Before passing a decision on cessation of the right to subsidiary protection, the Asylum Office shall inform the person about the grounds for cessation and allow him/her to make statement regarding the facts relevant for the cessation of protection.

Revocation of decisions upholding asylum application

Article 83

The Asylum Office shall *ex officio* revoke a decision upholding the asylum application if it has been established that the grounds referred to in Articles 81 and 82 of this Law exist.

Cessation of asylum by annulment of a decision upholding asylum application

Article 84

The Asylum Office shall annul *ex officio* a decision upholding an asylum application if it has been subsequently established:

1) that the decision upholding the asylum application was rendered on the basis of falsely presented facts or concealment of facts by the Applicant and that, due to the above, at the time of the submission of the asylum application, he/she did not qualify for asylum, and

2) that there are grounds that, had they been known at the time of the submission of the asylum application, would have excluded him/her, in accordance with the law, from the right to refuge, or subsidiary protection.

3) that a person who has been granted the right to asylum poses a threat to the national security or public order in the Republic of Serbia.

Voluntary return

Article 85

At the request of a person referred to in Article 23, paragraph 3, of this Law, the Commissariat shall undertake appropriate measures to enable his/her voluntary return to the country of origin, with due regard to human dignity.

In the case referred to in paragraph 1 of this Article, the Commissariat shall consider the relevant reports on the situation in the person's country of origin, inform him/her accordingly, and enable him/her to reach a decision to return in full knowledge of the facts.

Until the date of his/her return to the country of origin, the person referred to in paragraph 1 of this Article shall have the right to:

- 1) reside and have freedom of movement in the Republic of Serbia;
- 2) accommodation, food, clothing and footwear;
- 3) healthcare;
- 4) preschool, primary and secondary education;

- 5) information and legal aid;
- 6) freedom of religion.

The Government shall adopt a voluntary return support programme, at the proposal of the Commissariat.

Removal of foreigners

Article 86

A foreigner whose asylum application has been refused or rejected by a decision of the competent authority, or whose procedure has been discontinued, as well as a foreigner who has been issued the decision referred to in Article 75, paragraphs 3 and 4, and Articles 83 and 84 of this Law, and who has no other grounds to stay in the country, shall leave the Republic of Serbia within the time limit specified in that decision.

The time limit in which the foreigner is obliged to leave the Republic of Serbia shall be minimum seven and maximum 30 days from the date of receipt of the final and unappealable decision referred to in paragraph 1 of this Article.

If the foreigner does not leave the Republic of Serbia voluntarily within the specified time limit, he/she will be forcibly removed in accordance with the regulation governing the legal status of foreigners.

Until the removal from the Republic of Serbia, the foreigner referred to in paragraph 3 of this Article may be accommodated at the Reception Centre for Foreigners.

X. PERSONAL DOCUMENTS

Types of personal documents

Article 87

The Ministry shall issue to a person who has been registered in the records of the Ministry, a person who has submitted an asylum application, or a person who has been granted asylum the following personal documents:

- 1) the Registration Certificate for persons who have expressed the intention to seek asylum;
- 2) an identity card for asylum seekers;
- 3) an identity card for persons who have been granted the right to refuge;
- 4) an identity card for persons who have been granted subsidiary protection;
- 5) an identity card for persons who have been granted temporary protection;
- 6) a travel document for refugees.

A person who has been issued a personal document referred to in paragraph 1 of this Article shall be obliged to carry it with him/her at all times and to produce it at the request of an authorised public officer.

The contents and the form of the forms for the personal documents referred to in paragraph 1 of this Article shall be specified by the Minister.

Registration Certificate

Article 88

The Registration Certificate for persons who have expressed the intention to seek asylum shall be issued in a prescribed form and shall not serve as an identification document.

Identity card for asylum seekers

Article 89

Within three days from the date of the Applicant's asylum application, the Asylum Office shall issue to the Applicant an identity card for asylum seekers in a prescribed form, which shall serve as his/her identification document until the completion of the asylum procedure, and as his/her residence permit in the Republic of Serbia, pending the completion of the asylum procedure.

The identity card referred to in paragraph 1 of this Article shall also be issued to a family member accompanying the Applicant, who has also submitted his/her asylum application.

The identity card referred to in paragraph 1 of this Article shall be issued to a person over 16 years of age, or to a person over 10 years of age at the request of his/her parent, or the guardian.

Identity card for persons who have been granted asylum or temporary protection

Article 90

A person who has been granted asylum or temporary protection in the Republic of Serbia shall be issued by the Asylum Office an identity card in a prescribed form.

A request for issuance of the identity card referred to in paragraph 1 shall be submitted by a person over 16 years of age, and for a person under 16 years of age, the request shall be submitted by his/her parent, or the guardian.

A person who has been granted the right to refuge shall be issued an identity card valid for 5 years; a person who has been granted subsidiary protection shall be issued an identity card valid for one year; and a person who has been granted temporary protection shall be issued an identity card valid for the duration of temporary protection he/she has been granted.

Travel document for refugees

Article 91

At the request of a person who has been granted the right to refuge in the Republic of Serbia, the Asylum Office shall issue a travel document in a prescribed form, valid for 5 years.

For a person under 16 years of age, the request shall be submitted by his/her parent, or the guardian.

In the exceptional cases of a humanitarian nature, the travel document referred to in paragraph 1 of this Article shall 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.

Restitution of personal documents

Article 92

The personal documents referred to in Article 87, paragraph 1, sub-paragraphs 2)-6), of this Law shall be restituted to the Asylum Office upon the completion of the procedure or revocation of status, or in the case of the replacement of worn-out or full damaged personal documents.

Invalid identity card

Article 93

An identity card referred to in Article 87, paragraph 1, sub-paragraphs 3)-5) of this Law that has been lost shall be declared invalid by a decision adopted by the competent authority.

The decision referred to in paragraph 1 of this Article cannot be appealed.

An identity card that has been declared invalid shall be announced in "Official Gazette of the Republic of Serbia" at the expense of the person whose identity card is being announced invalid.

The competent authority shall issue a new identity card after the decision on declaring the identity card invalid has been passed and forwarded to "Official Gazette of the Republic of Serbia".

Invalid travel document

Article 94

A travel document referred to in Article 87, paragraph 1, sub-paragraph 6), that has been lost shall be declared invalid by a decision adopted by the authority competent to issue travel documents.

The decision referred to in paragraph 1 of this Article cannot be appealed.

A travel document that has been declared invalid shall be announced in "Official Gazette of the Republic of Serbia" at the expense of the person whose travel document is being announced invalid.

The authority competent to issue travel documents shall issue a new travel document after the decision on declaring the travel document invalid has been passed.

XI. PROTECTION OF RIGHTS

Right of appeal

Article 95

The first-instance decision rendered in the asylum procedure may be appealed within 15 days from the receipt of the first-instance decision, unless this Law provides otherwise.

The appeal shall suspend the enforcement of the decision.

Judicial protection

Article 96

The final decisions rendered in the asylum procedure may be challenged in an administrative dispute.

The application shall suspend the enforcement of the decision.

XII. RECORDS

Article 97

All issues related to personal data processing and records kept by the Ministry, as well as all issues related to the contents of such records, their updating and deletion, data retention periods, and data protection measures, shall be subject to the provisions of the law governing records and data processing in the field internal affairs.

The provisions governing records and data processing in the field of the internal affairs shall also apply to all data processed by the Asylum Commission for the purpose of conducting the appeals proceedings in accordance with the provisions of this Law.

Article 98

In order to perform the duties specified in this Law, and in accordance with the law governing the protection of personal information, the Commissariat for Refugees and Migrations may collect and process personal information relating to foreigners or their related natural and legal persons, and keep records including the following information:

1) the records of foreigners who are asylum seekers and who have been provided with material reception conditions (the foreigner's name and surname; foreigner's date of birth; foreigner's sex; country of birth; nationality; name and surname of one parent; native language; religion; marital status; professional qualifications and level of professional qualifications; occupation; photograph; type, number and validity of travel document and/or other identity document; name and surname, date of birth, address, and unique personal identification number (JMBG) of the foreigner's spouse or common-law partner, children and other immediate family members; last known residence in the country of origin; medical condition of special relevance to accommodation; languages used by the foreigner; date, place and manner of entry to

the Republic of Serbia; date of reception to and departure from the Asylum Centre or another designated accommodation facility for the Applicants; personal information relating to persons accompanying the foreigner; the fact of the appointed guardian; name, surname and telephone number of the unaccompanied minor's guardian; name and seat of the preschool, school or higher education institution attended by the foreigner; name and seat of the health or social institution in which the foreigner receives treatment or care; date of asylum application; date of reception to and departure from the Asylum Centre or another designated accommodation facility for the Applicants; name, seat, registration number and tax identification number of the legal entity with which the foreigner is employed; number, date of issue and validity of personal work permit; number, date of issue, and validity of identity card for the Applicants; type and extent of material reception conditions granted; number and date of the decision on reduction or withholding of the Applicant's material reception conditions; number and date of the appeal against the decision on reduction or withholding of material reception conditions; number and date of the second-instance decision on appeal against the decision on reduction or withholding of material reception conditions; number and date of a decision relating to secondary issues during the asylum procedure; the fact of restricted freedom of movement; number and date of the decision on restricting the foreigner's freedom of movement; reasons for restriction of movement; measures and duration of restriction of movement);

2) the records of foreigners who have been granted the right to asylum or temporary protection and who have been provided some form of support in the integration process (name and surname of the foreigner; date of birth; the foreigner's sex; country of birth; nationality; name and surname of one parent: number and date of the decision granting the right to asylum or temporary protection; date of validity of the decision granting the right to asylum; native language; religion; religious affiliation; marital status: professional qualifications and degree of professional qualifications; occupation; photography; type, number and validity of foreign travel and/or other identification document; registration or record number of the foreigner's related persons: name and surname, date of birth, address, and registration number of the foreigner's spouse or common-law partner, children and other immediate family members; last known residence resident in the country of origin; medical condition of special relevance to accommodation; languages used by the foreigner, date of departure from the Asylum Centre another designated accommodation facility for the Applicants; the fact of attendance of Serbian language classes; date of enrolment in and the date of completion of attendance of Serbian language classes; the fact and the date of successful exam in Serbian language and date of issuance of certificate; the fact of attendance of additional classes and number of hours of additional classes attended by the foreigner; name, seat and address of the school in which the foreigner attended Serbian language classes; the fact of attendance of Serbian culture, history and constitutional order classes, date of registration and completion; name, seat and address of the provider of Serbian culture, history and constitutional order classes; name and seat of preschool, school or higher education institution attended by the foreigner; date of initiation of the procedure for recognition of qualifications acquired abroad; number and date of the decision on recognition of qualifications acquired abroad; number and date of the decision approving the foreigner the costs of procedure for recognition of qualifications acquired abroad; the fact of registration of the foreigner with the National Employment Service; the fact of participation in labour market position improvement programmes; address and seat of the Centre for Social Work with which the foreigner is registered; number and date of the decision granting the request for financial social assistance; duration of

granted financial social assistance; number and date of the request for one-time financial assistance; number and date of the decision granting one-time financial assistance; amount of one-time financial assistance granted and reasons for granting one-time financial assistance; name and seat of health or social institution in which the foreigner receives treatment or care; cost of transport and number and date of the decision authorising the payment of travel expenses to the foreigner; name, seat, registration number and tax identification number of the legal entity or entrepreneur providing accommodation services to the foreigner; name and surname, registration number and telephone number of responsible person in legal entity; name and surname, address and registration number of natural person providing accommodation services to the foreigner; change of address and date of change of address; the fact and date of development of integration plan for the foreigner; name, surname and telephone number of integration consultant; the foreigner's telephone number; the foreigner's account number and bank's name; name, seat, registration number and tax identification number of the legal entity with which the foreigner is employed; number, date of issue and validity of personal work permit; number, date of issue and validity of identity card for persons who have been granted asylum or temporary protection; foreigner registration number);

3) the records of foreigners participating in programmes for voluntary return to the country of origin (the foreigner's name and surname; date of birth; the foreigner's sex; country of birth; nationality; name and surname of one parent; native language; religion; religious affiliation; marital status; occupation; photograph; type, number and validity of the foreign travel document; date and registration number of the application for voluntary return; date and place of the foreigner's voluntary departure from the Republic of Serbia; the foreigner's address in the country of voluntary return; value of the returnee assistance package granted to the foreigner; number and date of the decision on the basis of which the foreigner's stay in the Republic of Serbia has ceased; name and surname, date of birth, address and registration number of the foreigner's spouse or common-law partner, children or other immediate family members voluntarily departing from the Republic of Serbia in the company of with the foreigner; type, number and validity of the travel documents of the foreigner's spouse or common-law partner, children or other immediate family members voluntarily departing from the Republic of Serbia in the company of the foreigner; medical condition of special relevance to return; personal information relating to persons accompanying the foreigner; the fact of the appointed guardian; name, surname and telephone number of the unaccompanied minor's guardian; name and seat of the preschool or school institution attended by the foreigner; name and seat of the health or social institution in which the foreigner receives treatment or care; name, seat, registration number and tax identification number of the legal entity or entrepreneur providing accommodation services to the foreigner; name and surname, registration number and telephone number of responsible person in legal entity; name and surname, address and registration number of natural person providing accommodation services to the foreigner; number, date of issue and validity of identification document; type and extent of material reception conditions granted; number and date of the decision on reduction or withholding of the foreigner's material reception conditions; number and date of the appeal against the decision on reduction or withholding of material reception conditions; number and date of the second-instance decision on appeal against the decision on reduction or withholding of material reception conditions; the fact of restricted freedom of movement; number and date of the decision on restricting the

foreigner's freedom of movement; reasons for restriction of movement; measures and duration of restriction of movement).

The information referred to in paragraph 1 of this Article shall be kept for five years from the date of the last data processing, with the exception of the information relating to a foreigner (and his/her related persons) who has been granted asylum (refuge or subsidiary protection) or temporary protection in the Republic of Serbia, which shall be kept permanently.

XIII. OVERSIGHT

Article 99

The oversight over the implementation of this Law and the regulations adopted pursuant to this Law shall be performed by the Ministry, the ministry in charge of social policy, and the Commissariat, in the parts relating to the jurisdiction of the respective authorities.

XIV. TRANSITIONAL AND FINAL PROVISIONS

Article 100

Within 60 days of the coming into effect of this Law, the Government shall appoint the Chairperson and members of the Asylum Commission referred to in Article 21 of this Law.

Within 60 days of the coming into effect of this Law, the Government shall establish the List of Safe Countries referred to in Article 44, paragraph 3, of this Law.

Article 101

Within 60 days of the coming into effect of this Law:

1) the Minister shall issue regulations on the procedure for registration of persons who have expressed the intention to seek asylum, the format and contents of the Registration Certificate, the contents and format of the asylum application and personal documents referred to in Article 87 of this Law,

2) the head of the Commissariat shall issue an act on the internal organisation and job classification in the asylum centres and other designated accommodation facilities for the Applicants, the regulations governing material reception conditions, House Rules, record keeping procedures, and the contents of the records maintained by the Commissariat;

3) the minister in charge of social policy shall issue regulations on social assistance for the Applicants and persons who have been granted asylum;

4) the minister in charge of health shall issue regulations on medical examinations referred to in Article 54 of this Law, performed upon admission to the Asylum Centre.

Article 102

As of the date of coming into effect of this Law, the Law on Asylum (“Official Gazette of the Republic of Serbia,” No. 109/07) shall cease to have effect.

The regulations adopted pursuant to the Law on Asylum (“Official Gazette of RS,” No. 109/07) shall remain effective until the adoption of the regulations that will repeal them, unless they are contrary to the provisions of this Law.

Article 103

All asylum procedures initiated before the coming into effect of this Law shall be completed in accordance with provisions of the Law on Asylum (“Official Gazette of RS,” No. 109/07), unless the provisions of this Law are more favourable for the Applicants.

Article 104

This Law shall come into effect on the eighth day from the date of its publication in the “Official Gazette of the Republic of Serbia”, and its implementation shall commence after 60 days from the coming into effect of this Law.