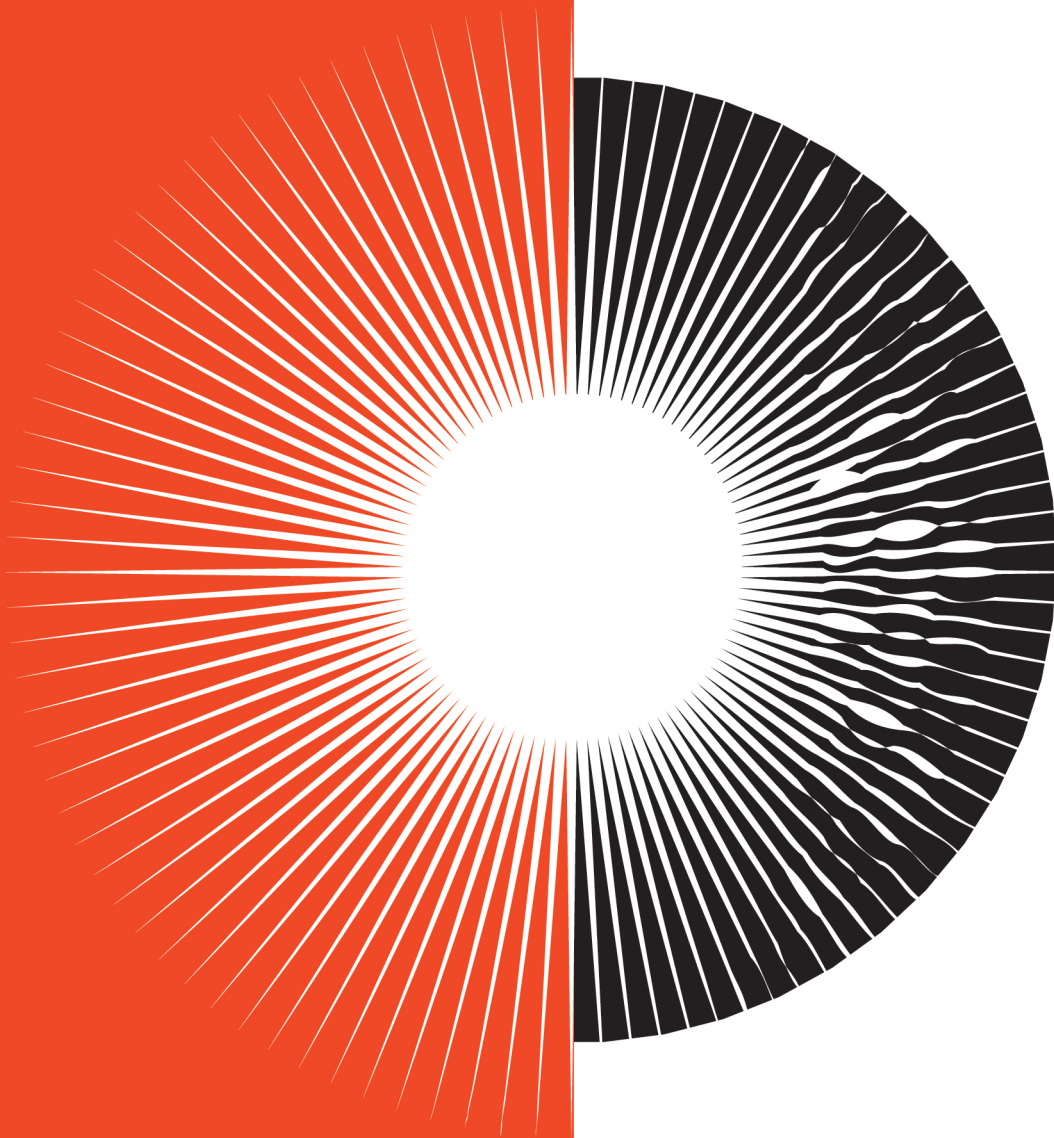


# Precondition For Integration



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The right to work of  
refugees and asylum  
seekers in the  
Republic of Serbia





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# Table of Contents

<b>8</b>	<b>I. Standards of international human rights law and international refugees law relating the right to work</b>
<b>8</b>	<b>I.1 International human rights law</b>
<b>11</b>	<b>I.2 International refugee law</b>
<b>12</b>	<b>II. National legal framework</b>
<b>12</b>	<b>II.1 Constitutional framework</b>
<b>14</b>	<b>II.2 Legislative framework</b>
	<b>II.2.1 Introductory remarks</b>
	<b>II.2.2 Establishing a legal framework relating to the right to work of refugees and asylum seekers</b>
<b>16</b>	<b>II.2.3 Law on Migration Management</b>
<b>17</b>	<b>II.2.4 Law on Employment of Foreigners</b>
<b>26</b>	<b>II.2.5 Decree on the manner of inclusion in the social, cultural and economic life of persons who have been granted asylum</b>
<b>29</b>	<b>II.2.6 Law on Asylum and Temporary Protection and Decree on the Manner of Inclusion in the Social, Cultural and Economic Life of Persons Who Have Been Granted Asylum</b>
<b>30</b>	<b>III. Exercising the right to work for refugees and asylum seekers in practice</b>
<b>30</b>	<b>III.1 Statistical presentation of decisions granting asylum in the Republic of Serbia</b>
<b>32</b>	<b>III.2 Statistical presentation of issued personal work permits</b>
<b>34</b>	<b>III.3 Application of positive legal framework</b>
<b>39</b>	<b>IV. Concluding remarks and recommendations</b>
<b>41</b>	<b>Annex no. 1</b>
<b>46</b>	<b>Annex no. 2</b>
<b>48</b>	<b>Annex no. 3</b>
<b>52</b>	<b>Annex no. 4</b>
<b>55</b>	<b>Annex no. 5</b>

# The list of regulations and other national and international sources

Universal Declaration of Human Rights	UNGA, <i>Universal Declaration of Human Rights</i> (UDHR), 10 December 1948, 217 A (III), available at: <a href="https://bit.ly/2TP5JLx">https://bit.ly/2TP5JLx</a> .
International Covenant on Economic, Social and Cultural Rights	UNGA, <i>International Covenant on Economic, Social and Cultural Rights</i> (ICESCR), 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3, available at: <a href="https://bit.ly/3mRV4fy">https://bit.ly/3mRV4fy</a> .
General comment No. 3: The nature of States parties' obligations (art. 2, para. 1, of the Covenant)	CESCR, <i>General comment No. 3: The nature of States parties' obligations (art. 2, para. 1, of the Covenant)</i> , 14 December 1990, E/1991/23, available at: <a href="https://bit.ly/35EWRI5">https://bit.ly/35EWRI5</a> .
General Comment No. 9: The domestic application of the Covenant	<i>General Comment No. 9: The domestic application of the Covenant</i> , 3 December 1998, E/C.12/1998/24, available at: <a href="https://bit.ly/3lI1wp7">https://bit.ly/3lI1wp7</a> .
General Comment No. 18: The Right to Work (Art. 6 of the Covenant)	CESCR, <i>General Comment No. 18: The Right to Work (Art. 6 of the Covenant)</i> , 6 February 2006, E/C.12/GC/18, para. 1, available at: <a href="https://bit.ly/3oUBvVw">https://bit.ly/3oUBvVw</a> .
Convention Relating to the Status of Refugees	UNGA, <i>Convention Relating to the Status of Refugees</i> , 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137, available at: <a href="https://bit.ly/2GCMu4R">https://bit.ly/2GCMu4R</a> .
Protocol Relating to the Status of Refugees	<i>Protocol Relating to the Status of Refugees</i> , 31 January 1967, United Nations, Treaty Series, vol. 606, p. 267, available at: <a href="https://bit.ly/3kbPLpf">https://bit.ly/3kbPLpf</a> .
The Constitution of the Republic of Serbia	<i>The Official Gazette of RS</i> , no. 98/2006, available at: <a href="https://bit.ly/3fxuFk9">https://bit.ly/3fxuFk9</a> .
Law on Asylum and Temporary Protection	<i>The Official Gazette of RS</i> , no. 24/2018, available at: <a href="https://bit.ly/2WESxK4">https://bit.ly/2WESxK4</a> .

Law on Asylum	<i>The Official Gazette of RS</i> , no. 109/2007, available at: <a href="https://bit.ly/3esbHtS">https://bit.ly/3esbHtS</a> .
Law on Conditions for Establishing Employment Relationship with Foreigners	<i>The Official Gazette of SFRY</i> , no. 11/78 and 64/89, <i>The Official Gazette of FRY</i> , no. 42/92, 24/94 and 28/96 and <i>The Official Gazette of RS</i> , no. 101/2005 – other law, available at: <a href="https://bit.ly/3lklF3u">https://bit.ly/3lklF3u</a> .
Law on Employment and Unemployment Insurance	<i>The Official Gazette of RS</i> , no. 36/2009, 88/2010, 38/2015, 113/2017 and 113/2017 – other law, available at: <a href="https://bit.ly/339nnP6">https://bit.ly/339nnP6</a> .
Law on Employment of Foreigners	<i>The Official Gazette of RS</i> , no. 128/2014, 113/2017, 50/2018 and 31/2019, available at: <a href="https://bit.ly/35bggXD">https://bit.ly/35bggXD</a> .
Law on Migration Management	<i>The Official Gazette of RS</i> , no. 107/2012, available at: <a href="https://bit.ly/3l998Rg">https://bit.ly/3l998Rg</a> .
Law on Foreigners	<i>The Official Gazette of RS</i> , br. 24/2018 and 31/2019, available at: <a href="https://bit.ly/2SUJlee">https://bit.ly/2SUJlee</a> .
Law on General Administrative Procedure	<i>The Official Gazette of RS</i> , br. 18/2016 and 95/2018 – authentic interpretation, available at: <a href="http://bit.ly/2NTqGCF">http://bit.ly/2NTqGCF</a> .
Law on Republic Administrative Fees	<i>The Official Gazette of RS</i> , br. 43/2003, 51/2003, 61/2005, 5/2009 (Art. 29. not in revised text), 54/2009 (Art. 18. and 19. not in revised text), 50/2011 (Art. 70. 71, 72. And 73. not in revised text), 93/2012, 65/2013 – other law, 83/2015 (Art. 24 and 25. not in revised text), 112/2015, 113/2017 (Art. 77. and 78. not in revised text), 3/2018 – correction, 86/2019 (Art. 70. not in revised text) and 90/2019 – correction: See: Adjusted dinar amounts of republic administrative fees - 53/2004, 42/2005, 101/2005, 42/2006, 47/2007, 54/2008, 35/2010, 70/2011, 55/2012, 47/2013, 57/2014, 45/2015, 50/2016, 61/2017, 50/2018, 95/2018, 38/2019 and 98/2020, available at: <a href="https://bit.ly/3kXBe0P">https://bit.ly/3kXBe0P</a> .
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Rulebook on work permits	<i>The Official Gazette of RS</i> , no. 63/18, 56/19, available at: <a href="https://bit.ly/339LeOC">https://bit.ly/339LeOC</a> .

# List of abbreviations

The A 11 – A 11 – Initiative for Economic and Social Rights

BCHR – Belgrade Centre for Human Rights

CESCR – Committee on Economic, Social and Cultural Rights

EU – European Union

ICESCR – International Committee on Economic, Cultural and Social Rights

CRM – Commissariat for Refugees and Migrations

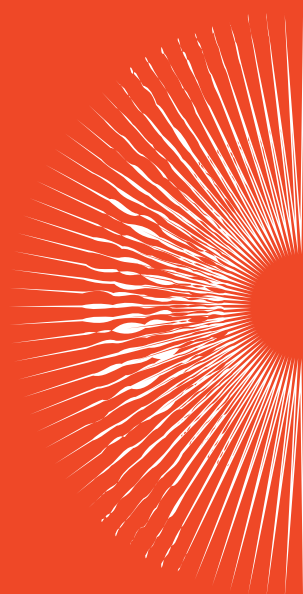
Convention on Refugee Status – 1951 Convention Relating to the Status of Refugees

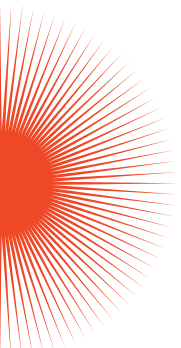
Mol – Ministry of Interior

NES – National Employment Service

General comment 3 – General Comment No. 3 - The nature of States parties' obligations (art. 2, para. 1, of the Covenant)

General comment 9 - General Comment No. 9: The domestic application of the Covenant





General comment 18 - General Comment No. 18: The Right to Work (Art. 6 of the Covenant)

Registration certificate – certificate on registering the intention to apply for asylum

Protocol – Protocol to 1951 Convention Relating to the Status of Refugees Serbia – Republic of Serbia

UDHR – Universal Declaration on Human Rights

UNHCR – United Nations High Commissioner for Refugees

UNGA – General Assembly of the United States

LATP – Law on Asylum and Temporary Protection

LEUI – Law on Employment and Unemployment Insurance

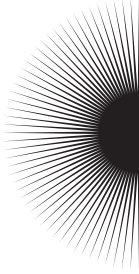
LEF – Law on Employment of Foreigners

LF – Law on Foreigners

LMM – Law on Migration Management

LGAP – Law on General Administrative Procedure

# I. Standards of international human rights law and international refugees law relating the right to work



## I.1. international human rights law

The right to work is one of the basic economic rights. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.<sup>1</sup> It means that every state is obliged to recognize the right to work to an individual.<sup>2</sup> The core of the right to work implies the right of everyone to the opportunity to gain his/her living by work which he/she freely chooses or accepts,<sup>3</sup> which also guarantees him/her a decent life.<sup>4</sup>

Measures that each state should take in order to fully realize this right include various programmes of technical and professional orientation and training, establishment of policies and methods for achieving permanent economic, social and cultural development and full productive employment in conditions that guarantee a person enjoyment of basic political and economic freedoms.<sup>5</sup>

International Covenant of Economic, Social and Cultural Rights stipulates that everyone has the right to just and favourable conditions of work which ensure: 1) a minimum wage; 2) fair wages and equal remuneration for work of equal value without distinction of any kind;<sup>6</sup> 3) a decent living for

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1 UNGA, *Universal Declaration of Human Rights* (UDHR), 10 December 1948, 217 A (III), Art. 23, available at: <https://bit.ly/2TP5JLx>.

2 UNGA, *International Covenant on Economic, Social and Cultural Rights* (ICESCR), 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3, Art. 6, available at: <https://bit.ly/3mRV4fy>.

3 *Ibid.*

4 UDHR, Art. 23 (2)

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5 *Ibid.*, Art. 6 (2).

6 Particularly, women need to be guaranteed that their working conditions are not worse than those of men and that they receive the same reward as those for the same work.



workers and their families; 4) hygienic and technical protection at work; 5) equal opportunity for everyone to be promoted in their employment to an appropriate higher level and 6) rest, leisure, reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.<sup>7</sup>

It is also important to emphasize that the right to work is essential for realizing of other human rights because, as stated, it is an inseparable and inherent part of human dignity<sup>8</sup>, and that every individual has the right to be able to work, allowing him/her to live in dignity.<sup>9</sup> This right should also be understood as an individual's absolute and unconditional right to find employment.<sup>10</sup> The Committee on Economic, Social and Cultural Rights constantly emphasizes that unemployment "pushes" workers into the informal sector and that states are obliged to create the conditions for workers to be in the formal economy as much as possible.<sup>11</sup> This is especially important when it comes to **migrants** who are in a vulnerable and unfavourable position which by its nature takes them into an informal system for the sake of mere survival.<sup>12</sup>

The essential and interdependent elements of the right to work are availability, accessibility, acceptability and quality. **Availability** implies the obligation of the state to establish specialized services to find employment to individuals,<sup>13</sup> while **accessibility** include equal treatment in the labour market and the opportunity to seek, obtain and impart information related to the labour market.<sup>14</sup> **Acceptability and quality** include "the right of the worker to just and favourable conditions of work, in particular to safe working conditions, the right to form trade unions and the right freely to choose and accept work".<sup>15</sup>

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7 ICESCR, Art. 7.

8 CESP, *General Comment No. 18: The Right to Work* (Art. 6 of the Covenant) (General Comment18), 6 February 2006, E/C.12/GC/18, para. 1, available at: <https://bit.ly/3oUBvVw>.

9 *Ibid.*

10 *Ibid.*, para. 6.

11 *Ibid.*, para. 10.

12 *Ibid.*

13 *Ibid.*, para. 12 (a).

14 *Ibid.*, para. 12 (b).

15 *Ibid.*, para. 12 (c).

When it comes to general obligations relating to all economic, social and cultural rights, it is clear that every state must ensure their **progressive realization**, and thus the progressive realization of the right to work.<sup>16</sup> It has to be done by **taking step continuously**<sup>17</sup> in accordance with **maximum available resources towards full realization**<sup>18</sup> of the right to work, without discrimination of any **kind**.<sup>19</sup> One of the essential “steps” is certainly to recognize the right to work in a clear way in the domestic legal system,<sup>20</sup> but also to ensure that an adequate legal system is accompanied by other measures such as administrative, financial, educational and social measures.<sup>21</sup>

In a broader context, as with all other human rights, there is a so-called a tripartite typology of obligations of states, which is **to 1) respect, 2) protect and 3) fulfil conditions for the realization** of this right.

**The obligation to respect the right to work** implies that the state has to prohibit forced work and refrain from denying or limiting equal access to decent work for all persons, especially disadvantaged and marginalized individuals and groups, including prisoners, migrants, etc.<sup>22</sup>

**Obligation to protect the right to work** include the duties of States parties to adopt legislation or to take other measures ensuring equal access to work and training and to prohibit forced labour by non-State actors.<sup>23</sup>

**Obligation to fulfil conditions for progressive realization of the right to work** is divided into the obligation to **provide, facilitate** and **promote** the right to work. **The obligation to provide** particularly applies to

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16 ICESCR, Art. 2 (1)

17 *General Comment*18, para. 20.

18 *Ibid.*, para. 19.

19 ICESCR., Art. 2 (2) and *General Comment*18, para. 31.

20 CESR, *General comment No. 3: The nature of States parties' obligations (art. 2, para. 1, of the Covenant)* (General Comment3), 14 December 1990, E/1991/23, available at: <https://bit.ly/35EWri5>, para. 3 and *General Comment No. 9: The domestic application of the Covenant* (General Comment 9), 3 December 1998, E/C.12/1998/24, available at: <https://bit.ly/3l1wp7>.

21 *Ibid.*, para. 7.

22 *General Comment*18, para. 23.

23 *Ibid.*, para. 25.

individuals and groups that are unable, for reasons beyond their control, to realize the right to work. This obligation includes adopting national policies on the right to work, which need to be applied particularly to the marginalized groups.<sup>24</sup> **The obligation to facilitate** includes positive measures to enable and assist individuals to enjoy the right to work and to implement technical and vocational education plans to facilitate access to employment.<sup>25</sup> And finally, **the obligation to promote** the right to work implies educational and informative programmes to raise awareness of the public on the significance of the right to work.<sup>26</sup>

When all these obligations are “lowered” at the national level, CESCR emphasizes that first of all the legal framework must be tailored in such a way as to ensure that **“everyone is protected from unemployment and insecurity in employment, and can begin to enjoy the right to work as soon as possible”**.<sup>27</sup> Legislative solutions must be accompanied by **adequate strategies and action plans that would include indicators for monitoring their fulfilment**.<sup>28</sup>

## I.2. International refugee law

In addition to ICESCR, which explicitly provides for the right to work, the enjoyment of this right is guaranteed by the 1951 Convention Relating to the Status of Refugees,<sup>29</sup> which extends to refugees coming from outside Europe and the 1967 Protocol.<sup>30</sup> The Convention Relating to the Status of Refugees provides that Contracting States Parties shall accord to refugees

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<sup>24</sup> *Ibid*, para. 26.

<sup>25</sup> *Ibid*, para. 27.

<sup>26</sup> *Ibid*, para. 28.

<sup>27</sup> *Ibid*, para. 37.

<sup>28</sup> *Ibid*, paras. 38-47.

<sup>29</sup> UNGA, *Convention Relating to the Status of Refugees*, 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137, available at: <https://bit.ly/2GCMu4R>, Art. 17-19; hereinafter: *Convention Relating to the Status of Refugees*.

<sup>30</sup> UNGA, *Protocol Relating to the Status of Refugees*, 31 January 1967, United Nations, Treaty Series, vol. 606, p. 267, available at: <https://bit.ly/3kbPLpf>.

## II. National legal framework



### II.1. Constitutional framework

lawfully residing in their territory the most favourable treatment accorded to nationals of a foreign country in the same circumstances, as regards the right to engage in wage-earning employment.<sup>31</sup> In addition, Contracting States should consider adopting measures aimed at equating the rights of all refugees with regard to the exercise of paid professions with the rights of their nationals.<sup>32</sup> The Convention further prescribes equal treatment of refugees with regard to rules on wages, family allowance, duration of work, overtime work, paid annual leave and so on.<sup>33</sup> The same applies to the rules concerning legal provisions in the field of social security.<sup>34</sup>

The Constitution of the Republic of Serbia<sup>35</sup> guarantees the right to work in accordance with the law, i.e. stipulates that everyone shall have the right to choose his/her occupation freely, and that all work places shall be available to all, under equal conditions.<sup>36</sup> Like the ICESCR, the Constitution stipulates that everyone has the right of preserving human dignity,<sup>37</sup> safe and healthy working conditions, necessary protection at work, limited working hours, daily and weekly interval for rest, paid annual leave, fair remuneration for work done and legal protection in case of termination of working relations. No person may forgo these rights.<sup>38</sup>

What is also important to point out is that foreign nationals, in accordance with international treaties, have

31 Convention Relating to the Status of Refugees, Art. 17 (1).

32 *Ibid.*, Art. 17 (2).

33 *Ibid.*, Art. 19 (a).

34 *Ibid.*, Art. 19 (b).

35 *The Official Gazette of RS*, no. 98/2006, available at: <https://bit.ly/3fxuFk9>, hereinafter: Constitution.

36 Constitution, Art. 60.

37 *Ibid.*, Art. 19.

38 *Ibid.*, Art. 60, para. 4.



all the rights guaranteed by the Constitution and the law in Serbia, with the exception of the rights to which only citizens of the Republic of Serbia are entitled under the Constitution and the law.<sup>39</sup> The Constitution further provides that human and minority rights guaranteed by the Constitution shall be implemented directly,<sup>40</sup> and the same applies to human and minority rights guaranteed by generally accepted rules of international law, ratified international treaties and laws.<sup>41</sup> The laws of Serbia shall in no case affect the essence of the guaranteed right.<sup>42</sup> Also, the provisions on human and minority rights shall be interpreted to the benefit of promoting values of a democratic society, pursuant to the applicable international standards in human and minority rights, as well as the practices of international institutions which supervise their implementation.<sup>43</sup>

And finally, the Constitution also stipulates the prohibition of discrimination based on any grounds and that everyone shall have the right to equal legal protection, without discrimination.<sup>44</sup> All direct or indirect discrimination based on any grounds, particularly on race, sex, national origin, social origin, birth, religion, political or other opinion, property status, culture, language, age, mental or physical disability, is prohibited.<sup>45</sup>

Pursuant to the above stated provisions, and taking into account the fact that Serbia has ratified both the Convention Relating to the Status of Refugees and the 1967 Protocol, as well as the ICESCR, it is clear that the content of the right to work of refugees and asylum seekers must be interpreted in accordance with these instruments. In other words, Serbia is obliged to:

1. recognize the right to work of refugees and asylum seekers within the domestic legal framework;
2. designate a competent institution (specialized service) that will provide support to refugees and

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39 *Ibid.*, Art. 17.

40 *Ibid.*, Art. 18. para. 1.

41 *Ibid.*, Art. 18. para. 2.

42 *Ibid.*

43 *Ibid.*, Art. 18. Para. 3.

44 *Ibid.*, Art. 21. Para. 1. and Item 2.

45 *Ibid.*, Art. 21. Para 3.

asylum seekers in accessing the labour market;

3. define the procedure and conditions for acquiring the right to work in a manner that takes into account the vulnerable and disadvantaged position of refugees and asylum seekers;

4. organize, through a specialized service, educational, technical and oral trainings and professional orientations.

## II.2. Legislative framework

### II.2.1. Introductory remarks

When it comes to the right to work of refugees, i.e. persons who have been granted the right to asylum in terms of asylum or subsidiary protection, the umbrella regulation governing their rights and obligations is certainly the **Law on Asylum and Temporary Protection**.<sup>46</sup> Article 59 of the LATP stipulates that persons who have been granted asylum<sup>47</sup> or subsidiary protection<sup>48</sup> have the right to access the labour market,<sup>49</sup> and that the conditions under which this right is regulated are specified in more detail by the law governing the employment of foreigners.<sup>50</sup> The regulation to which the LATP refers

is actually the **Law on Employment of Foreigners**<sup>51</sup>, which entered into force in December 2014. The same scenario applies to asylum seekers<sup>52</sup> who are recognized as a category of foreigners who have the right to access the labour market and who exercise the right to work in accordance with the conditions of the Law on Employment of Foreigners.

However, in order to measure the progressive realization of the right to work for refugees and asylum seekers in Serbia, it will be necessary to briefly refer to the development of the legislative framework<sup>53</sup> that was initially established on 1 April 2008 with the entry into force of the **Law on Asylum**.<sup>54</sup> It is important to state that the right to work is mainly defined through a comprehensive integration process, i.e. as part of the state's obligations to enable refugees and asylum seekers to get involved in social, economic and cultural life in Serbia.

### II.2.2. Establishing a legal framework relating to the right to work of refugees and asylum seekers

With the entry into force of the Law on Asylum on 1 April 2008, the Serbian asylum system was established.

46 *The Official Gazette of RS*, no. 24/2018, available at: <https://bit.ly/2WESxK4>, hereinafter LATP.

47 LATP, Art. 24.

48 *Ibid.*, Art. 25.

49 *Ibid.*, Art. 59. Para. 1. Item 8.

50 *Ibid.*, Art. 65. Para. 2.

51 *The Official Gazette of RS*, no. 128/2014, 113/2017, 50/2018 and 31/2019, available at: <https://bit.ly/35bggXD>; hereinafter LEF.

52 LATP, Art. 57.

53 For more information, see Annex no. 5 to the Analysis.

54 Law on Asylum, *The Official Gazette of RS*, no. 109/2007, available at: <https://bit.ly/3esbHtS>, hereinafter: LA.

Article 46 of the LA simply determined the scope of refugee integration by stipulating that Serbia would, within its capabilities, provide conditions for the inclusion of refugees in social, cultural and **economic life**. So, integration, and thus support to inclusion in economic life, applied only to **refugees**, in terms of persons with granted asylum,<sup>55</sup> but not to persons with granted subsidiary protection.<sup>56</sup> The same scenario occurred in the case of asylum seekers. The right to work was defined in Article 43, which provided as follows:

“Persons who have been granted the right to asylum in the Republic of Serbia have **equal rights as permanent residents in terms of the right to work and rights based on work, entrepreneurship**, the right to permanent residence and freedom of movement, the right to movable and immovable property, and the right to association.”

Once again, interpreting this provision, **the right to work** was granted only to persons who were granted asylum, but not to persons who were granted subsidiary protection or who enjoyed the status of asylum seekers, i.e. who applied for asylum.<sup>57</sup> Refugees whose right to asylum was recognized were able to exercise their right to work under the same conditions as foreign nationals who were granted permanent residence, in terms of regulations governing the status of foreigners.

The regulation based on which persons who have been granted the right to asylum could alone try to exercise the right to work was the **Law on Conditions for Establishing an Employment Relationship with Foreign Citizens**.<sup>58</sup> This law stipulated that a foreign national may establish an employment relationship if he/she has a permanent residence permit and if he/she obtains an employment permit.<sup>59</sup> A foreigner who has a

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55 LA, Art. 28.

56 *Ibid.*

57 LA, Art. 25.

58 *The Official Gazette of the SFRY*, no. 11/78 and 64/89, *The Official Gazette of FRY*, no. 42/92, 24/94 and 28/96 and *The Official Gazette of RS*, no. 101/2005 – other law, available at: <https://bit.ly/3klF3u>, hereinafter: LCEERFC

59 *Ibid.*, Art. 2.

permanent residence permit, i.e. who has been granted the right to asylum,<sup>60</sup> had to submit a request for the issuance of an employment permit to the republic or provincial organization in charge of employment,<sup>61</sup> which then had to issue a permit<sup>62</sup> for the period of validity of the permanent residence.<sup>63</sup> The competent institution for this approval at that time, as well as today, was the National Employment Service,<sup>64</sup> which is entrusted with so-called employment tasks.<sup>65</sup>

However, what was lacking in both the LA and LCEERFC is that neither regulation provided for which public authority was responsible for the integration of persons who were granted asylum, nor did they refer to another regulation that could contain that provision. Therefore, support in access to the labour market for persons who were granted asylum remained unregulated, and access to the labour market itself was theoretical and illusory, and no case was recorded in which a person who was granted asylum was granted employment permit.

## II.2.3. Law on Migration Management

Only on 16 November 2013, when the **Law on Migration Management**<sup>66</sup> came into force, a state body was determined with the obligation to provide support to foreigners who had been granted the right to asylum in access to the labour market. Article 10 of this Law stipulates that the **Commissariat for Refugees and Migration**<sup>67</sup> performs activities related to determining, proposing and taking measures for the integration of persons who have been granted the **right to asylum**. Furthermore, Article 16 of the LMM stipulates that the manner of inclusion in the social, cultural and economic life of persons who have been granted the right to asylum is regulated by the Government, at the proposal of CRM. Article 21 of the same law states that the regulations for the implementation of this law will be adopted within 12 months from the day of its enforcement. Therefore, the bylaw that regulates the issue of integration of refugees should have been adopted by November 2014.

Interpreting the above stated provisions of the LMM, it is possible to draw the following conclusions. CRM was appointed as a **“specialized service”** that should provide support to persons who have been granted asylum in Serbia to access the labour market. The stated support should be provided

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60 LA, Art. 43.

61 *Ibid.*, Art. 3.

62 *Ibid.*, Art. 5.

63 Which would be a period of 5 years, as long as the validity of an ID card issued to a person who has been granted asylum, as envisaged by the LA, Art. 61, para. 1.

64 Hereinafter: NES.

65 Law on Employment and Unemployment Insurance, *The Official Gazette of RS*, no. 36/2009, 88/2010, 38/2015, 113/2017 and 113/2017 – other law, available at:

<https://bit.ly/339nnP6>, Art. 6. para. 1. item 6. and Art. 8, para. 1, hereinafter: LEUI.

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66 *The Official Gazette of RS*, no. 107/2012, available at: <https://bit.ly/3l998Rg>, hereinafter: LMM.

67 Hereinafter: CRM.



in the manner and under the conditions regulated by the bylaw which was to be adopted by the Government upon the proposal of CRM by November 2014 at latest. The LMM does not mention in any provision persons who have been granted subsidiary protection or who enjoy the status of asylum seekers. Therefore, the right to work was still denied to these categories of persons during that period.

Regardless of the positive provisions of the LMM, it is clear that it was impossible for a foreign national who was granted the right to asylum to apply for a work permit because he did not speak the language, nor was there a competent body by the end of 2013 to provide him/her support in the process. However, even when the competence of CRM was established, there was no by-law that would more precisely regulate the manner and procedure of support in accessing the labour market. Once again, that bylaw should have been adopted in November 2014 at the latest.

## II.2.4. Law on Employment of Foreigners

A positive legislative change regarding the right to work of persons in need of international protection occurred on **3 December 2014**, when the LEF entered into force. This law formally recognized the right to work to persons who were granted subsidiary protection, as well as to persons who applied for asylum. This also meant that LEF was in conflict with LA and ZUS because it recognized the right to work to a wider range of foreigners.

The right to work under the LEF is conditioned by obtaining a **personal work permit** which enables that person free employment, self-employment and exercising rights in case of unemployment.<sup>68</sup> A personal work permit also allows a foreigner to register as unemployed. Persons who have been granted subsidiary protection and asylum seekers are classified in a special category

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<sup>68</sup> LEF, Art. 11.

of foreigners<sup>69</sup> together with persons who have been granted temporary protection,<sup>70</sup> as well as persons who have been granted the status of a victim of human trafficking.

The LEF stipulates that a personal work permit is issued at the request of a foreigner, as follows:

- if he/she has refugee status (asylum) for the validity period of the identity card for the person who has been granted asylum, which in practice means 5 years;<sup>71</sup>
- if he/she enjoys subsidiary protection for the period of the stated protection, i.e. it must be renewed every year to the extent that the protection itself is reviewed;<sup>72</sup>
- if he/she has the status of an asylum seeker, for a period of 6 months;<sup>73</sup>
- if he/she enjoys temporary protection, for the period of that protection.<sup>74</sup>

However, the LEF did not fill all the legal gaps, i.e. it was still not envisaged which specialized institution would provide support to asylum seekers and foreigners enjoying subsidiary protection, nor was a bylaw adopted to specify the conditions and manner in which this support would be provided.

Therefore, the support was still formally and legally guaranteed to the persons who were granted asylum, in accordance with the LA and the LMM, but also without the bylaw regulating the procedure and manner of providing support.

When it comes to the effects of the LEF, it is important to point out that their beginnings could only be seen during 2015. Specifically, the first personal work permit was issued only in 2015,<sup>75</sup> to a Tunisian citizen who was granted asylum<sup>76</sup> by the Asylum Office in May 2014.<sup>77</sup> It is also the only personal work permit issued during 2015. Therefore, the right to access the labour market was first granted in practice in 2015, and only to one person. Other refugees and asylum seekers gradually began to enjoy this right only from 2016 onwards.

### **II.2.4.1. Consequences of inadequate legal framework in the first years of the asylum system**

The consequences of the inadequate legal framework governing the integration of refugees, and thus access to the labour market, can be illustrated through the analysis of the statistical presentation of AO practice for the first 6 years of the asylum system. i.e. for the period 2008-2014.

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69 Art. 2, para. 1, item 9.  
 70 LA, Art. 36.  
 71 *Ibid.*, Art. 13, para. 2.  
 72 *Ibid.*, Art. 13, para. 6.  
 73 *Ibid.*, Art. 13, para. 3.  
 74 *Ibid.*, Art. 13, para. 4.

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75 Data received on 29 October 2020 from the National Employment Service by responding to the request for information of public importance.

76 Hereinafter: Asylum Office.

77 Decision of the Asylum Office no. 26-2429/13.

Table of asylum seekers and person who were granted asylum in the period from 2008 – 2014

Year	Applications	Asylum (decisions)	Asylum (decisions)	SP <sup>78</sup> (decisions)	SP (persons)	Suspension of procedure
2008	N/A	0	0	0	0	N/A
2009	181	0	0	4	4	208 (234)
2010	215	0	0	1	1	315 (370)
2011	248	0	0	0	0	152 (197)
2012	336	3	3	0	0	240 (363)
2013	153	1	2	2	2	139 (176)
2014	388	1	1	3	3	307 (323)
Total	1,521	5	6	10	10	1,361 (1,663) <sup>79</sup>

If you look carefully at the table that depicts the practice of Asylum Office in the first 6 years, it can be seen that a total of 1,521 foreigners applied for asylum. Of that number, the Asylum Office issued only 15 decisions recognizing the right to asylum for 16 persons. Of those 16 persons, 6 were granted asylum, while the remaining 10 were granted subsidiary protection. Also, in the same period, the AO issued 1,361 decisions to suspend the procedure<sup>80</sup> in relation to 1,663 asylum seekers.<sup>81</sup> Therefore, almost all asylum seekers left Serbia and it is clear that one of the main reasons lay in the fact that there was no possibility of integration into Serbian society with adequate support, including access to the labour market.

Out of 6 persons who were granted asylum in the first six years of the Serbian asylum system, two Turkish citizens<sup>82</sup> left Serbia, as well as one Egyptian citizen.<sup>83</sup> The already mentioned citizen of Tunisia still lives in Serbia, while it is not known whether the citizens of Libya

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78 Subsidiary protection.

79 Number of persons decisions refer to.

80 Because asylum seekers left Serbia.

81 Number of persons in relation to whom a decision on suspension has been reached in higher than the number of submitted request for the stated period, because it included asylum seekers from 2008 for which no statistical data is available.

82 Decision of the Asylum Office no. 26-1280/13 as of 25 December 2014.

83 Decision of the Asylum Office no. 26-17/12 as of 6 December 2012.

(brother and sister)<sup>84</sup>, who were also granted asylum, are still residing in Serbia.<sup>85</sup> However, it is important to note that these are persons who are *sur place* refugees and who have resided in Serbia before the reasons for obtaining international protection occurred (since 2009). One person studied medicine in Belgrade, while another worked at the embassy. Therefore, it is clear that in that period they themselves reached a certain level of integration into Serbian society, and with certain means of subsistence they could compensate for the lack of support of the system in access to the labour market, but also in other spheres of life.

As for the persons who received subsidiary protection, out of 10 them the citizens of Ethiopia (3) can be said with certainty to have left the country,<sup>86</sup> while the citizen of Iraq<sup>87</sup> who was the first to be granted asylum in Serbia, as well as the citizen of Somalia<sup>88</sup> are still there. They live in the Asylum Centre in Banja Koviljača and both had experience of living and working in Serbia before receiving international protection. The citizen of Somalia has lived in Serbia since 1984 and knows the language and customs well, while the citizen of Iraq has stayed in Serbia several

times, where his brother still lives. It is the same case with the three Syrian citizens who lived, worked and started a family in Serbia years before the outbreak of the conflict in Syria.<sup>89</sup> So, these are people who are fluent in Serbian, who have strong family ties with Serbia and are practically integrated into Serbian society. It is not known whether the remaining two Syrian citizens who received subsidiary protection in 2014 are still in Serbia.<sup>90</sup>

So, in the first 6 years of the asylum system in Serbia, a total of 6 people were granted asylum and thus the right to work, i.e. the right to obtain a personal work permit. Out of 6 of them, only three remained in Serbia, and they received work permits only from 2015 onwards. Of those who were granted subsidiary protection, only those who had strong ties to Serbia and the opportunity to enjoy family support and live outside the asylum centre have remained. One of the main reasons for this negative balance lies in the fact that refugees and asylum seekers were completely denied support in integration, and thus support in accessing the labour market. This fact was stated in 2014 by the Committee for Economic, Social and Cultural Rights.<sup>91</sup>

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84 Decisions of the Asylum Office nos. 26-2324/11 and 26-2326/11 as of 19 and 20 December 2012.

85 Author of this report was on contact with the above stated persons in 2019.

86 Decisions of the Asylum Office nos. 26-754, 754, 755/08 as of 11 March 2009.

87 Decision of the Asylum Office no. 26-766/08 as of 4 February 2009.

88 Decision of the Asylum Commission no. AŽ-25/09 as of 23 April 2010.

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89 Decision of the Asylum Office no. 26-1433/12 as of 13 June 2013, 26-1451/12 as of 5 July 2013 and 26-1445/14 as of 14 August 2014.

90 Decisions of the Asylum Office nos. 26-1762/13 and 26-304/13 as of 23.05. 2014.

91 CESCR, *Concluding observations on the second periodic report of Serbia* \*, 10 July 2014, E/C.12/SRB/CO/2, available at: <https://bit.ly/2UFZRVM>.

## II.2.4.2. Access to the labour market for asylum seekers pursuant to the LEF

Although the LEF envisages asylum seekers as a category entitled to work, the conditions under which they can be issued a personal work permit are extremely unfavourable and can have a strong deterrent effect on a foreigner's desire to perceive Serbia as a destination country where he can enjoy all rights envisaged by the Convention Relating to the Status of Refugees, and thus the right to work. Specifically, the LEF stipulates that a person seeking asylum may be issued a personal work permit *nine months after submitting the asylum application*, if the decision on that application is not made without his fault and for a period of six months with the possibility of extension, while the status of the asylum seeker lasts.<sup>92</sup> This legal solution is problematic for several, formal and practical reasons.

First of all, the period of 9 months is unjustifiably long and puts asylum seekers in a position where they are sentenced to leisure in asylum centres and reception centres, without the possibility to try to earn income and to try to find accommodation outside collective institutions. This position is also represented by the Committee on Economic, Social and Cultural Rights, which has criticized the same legal solutions in the Slovak Asylum Law<sup>93</sup> as solutions that are in conflict with Article 7 of the Covenant.<sup>94</sup> As the third periodic review of the fulfilment of obligations from the CESCR is planned for 2021, it is reasonable to assume that the same recommendation will be sent to Serbia if there are no changes to the said article.<sup>95</sup> However, in addition to the fact that the period of 9 months is too long, there are a number of other formal and practical problems.

92 ZZAS, Art. 13. para. 3.

93 Slovakia: Act 480/2002, on Asylum and Amendment of Some Acts, 1 January 2003, available at: <https://bit.ly/3fdDZtD>, Section 22 (6).

94 CESCR, *Concluding observations on the third periodic report of Slovakia*\*\*, 14 November 2019, E/C.12/SVK/CO/3\*, available at: <https://bit.ly/32TR1aM>, para. 20 and 21.

95 See more at: <https://bit.ly/2KxkYr4>.

The LATP envisages that a foreign national acquires the status of an asylum seeker only when he/she submits an asylum application to an authorized official in the Asylum Office on the prescribed form, and no later than within 15 days from the day of registration<sup>96</sup> i.e. from obtaining a certificate of registration of intent to apply for asylum<sup>97</sup> If the authorized AO officer does not allow the foreigner to whom the certificate was issued to submit an application for asylum within the specified period, the foreigner may do so himself within 8 days. The asylum procedure is considered initiated by submitting the asylum application form to AO, and this is practically the moment when the foreigner acquires the status of an asylum seeker<sup>98</sup> and when the period of 9 months for obtaining a personal work permit begins to run. By taking into account only the stated provisions, an asylum seeker in Serbia could get a personal work permit in 9 months at the earliest, and after 9 months and 23 days at the latest. However, it should be borne in mind that the circumstances prevailing in Serbia make this deadline much longer in practice for the following reasons:

- 1. Foreign nationals are usually unable to complete an asylum application on their own and assistance from CSOs providing free legal aid is generally necessary. However, the number of lawyers working on these issues in CSOs does not exceed 10, while in Serbia there

are 5 asylum centres and 13 reception centres.<sup>99</sup> The existing capacities of CSOs are simply not enough for all foreigners considering staying in Serbia and seeking asylum to receive timely and professional assistance that would accelerate their access to the asylum procedure and thus access to the labour market.

- 2. In practice, the most common case is that the Asylum Office insists on taking asylum applications in person,<sup>100</sup> which means that it can take several months from the issuance of the registration certificate to the submission of the application, especially when it comes to asylum centres that are far away from Belgrade, such as those in Tutin and Sjenica. This practice has been mostly adopted by CSOs and according to some reports, the time that elapses between registration and submission of asylum application is between 3 and 4 months.<sup>101</sup>

- 3. Persons who want to apply for asylum, and stay in reception centres are in an additionally disadvantaged position, because they have to wait for several weeks to be transferred

96 LATP, Art. 36. para. 1.

97 Hereinafter: registration certificate.

98 LATP, Art. 2. para. 1. item 4.

99 Nikola Kovačević, *Country Report: Serbia, 2019 Update*, ECRE, Brussels 2020, available at: <http://bit.ly/2nDIw1M>, p. 45-46, hereinafter: Serbia 2019 Update.

100 *Ibid.*, p. 32.

101 *Ibid.*, p. 71.

to one of the asylum centres where the AO would allow them to apply for asylum.<sup>102</sup>

- 4. Too long a deadline for applying for a personal work permit discourages a large number of foreigners who have been issued a registration certificate to apply for asylum and in a significant number of cases they stay in asylum centres or reception centres for several weeks or months before they decide, due to the impossibility of leaving Serbia, to submit an application for asylum or to go to the competent police administration and receive a certificate of registration.

Due to all above-stated, it is clear that a person who wants to seek international protection in Serbia, both in the formal and practical sense, has problems to achieve the precondition for access to the labour market, i. e. to obtain a personal work permit. Taking into account the existing provisions of the LEF, but also the current situation in practice, it can be said with certainty that the time it takes for an asylum seeker only to obtain a personal work permit is not less than 1 year. This situation has an extremely discouraging effect on asylum seekers to stay in Serbia until the end of the first instance asylum procedure. Inadequate access to the labour market for asylum seekers should undoubtedly be considered one of the main reasons why most asylum seekers decide to leave Serbia during the asylum procedure. And indeed, in the period from 1 January 2015 to 31 October 2020, out of 1,521 people who applied for asylum, 99% of them left Serbia.<sup>103</sup>

Year	Applications	Submission of procedure
2015	N/A	451 (564)
2016	181	267 (491)
2017	215	112 (159)
2018	248	128 (178)
2019	336	133 (162)
2020	153	80 (109)
<b>Total</b>	<b>1,521</b>	<b>1,171 (1,663)</b>

<sup>102</sup> *Ibid.*

<sup>103</sup> Official date of the UNHCR Office in Serbia.

### II.2.4.3. Procedure for issuing a personal work permit

The Rulebook on work permits<sup>104</sup> regulates in more detail the manner of issuing and extending, as well as the manner of proving the fulfilment of conditions and the necessary evidence for issuing, i. e. extending a personal work permit.<sup>105</sup> Persons who have been granted the right to asylum or subsidiary protection, as well as asylum seekers, submit a request for the issuance, i. e. extension, of personal work permits to the competent unit of the NES on whose territory they reside. They are also required to submit a travel document or ID card,<sup>106</sup> which they often do not have,<sup>107</sup> as well as an act recognizing refugee status or an act proving that a foreigner belongs to a special category of foreigners.<sup>108</sup> In addition, it is necessary to enclose evidence on paid administrative fee.<sup>109</sup>

In other works, a person who has been granted asylum or subsidiary protection is obliged to enclose with the application for a personal work permit: 1) a certified copy of the ID card, 2) a certified copy of the decision approving the asylum application and 3) evidence

on paid administrative fee. In case of an asylum seeker, he is obliged to enclose a certified copy of the asylum application instead of the decision. According to some views, the documents that must be submitted with the application for a personal work permit are redundant, and represent a burden for refugees and asylum seekers and make the whole procedure uneconomical from the point of view of the administrative principle of economy and efficiency.<sup>110</sup>

The LGAP stipulates that the competent authority is obliged to enable the parties to successfully and completely realize and protect their rights and legal interests, and that the procedure itself must be conducted without delay and with as few costs as possible for the party and other participants in the procedure.<sup>111</sup> Of course, it is necessary to present all the evidence necessary for the correct and complete determination of the facts, but it is also necessary that the body acts *ex officio*, and in accordance with the law, inspects the data on facts necessary for decision-making on which official records are kept, to procure and process them.<sup>112</sup> Accordingly, the authority may request from the party only those data that are necessary for its identification and documents that confirm the facts about which no official records are kept.<sup>113</sup> According to one of the inter-

104 *The Official Gazette of RS*, no. 63/18, 56/19, available at: <https://bit.ly/339LeOC>, hereinafter: PDR.

105 RWP, Art. 1.

106 RWP, Art. 3. Para. 2. Item 1.

107 What was taken in practice as a common thing relating to refugees and asylum seekers.

108 RWP, Art. 3. Para. 3.

109 *Ibid.*, Art. 3. Para. 2. item 3.

110 Law on General Administrative Procedure, *The Official Gazette of RS*, no. 18/2016 and 95/2018 – authentic interpretation, available at: <http://bit.ly/2NTqGCE>, Art. 9, hereinafter LGAP.

111 *Ibid.*

112 *Ibid.*

113 *Ibid.*



locutors of the A 11 Initiative, an ID card issued by the Ministry of the Interior is sufficient evidence on a person's status and the question arises why the RWP obliges a foreigner to submit a certified copy of the decision approving the asylum application or certificate of asylum seeker status.<sup>114</sup>

In addition, the issue related to the obligation to enclose a certified copy of the ID card is disputable, because foreigners usually submit a request in person. The LGAP prescribes that the submission of documents can be done in an ordinary transcript, and that an authorized official can always request the original document for inspection, and that, if the transcript is true to the original, he draws up an official note.<sup>115</sup>

In addition to the procedure for issuing a personal work permit, the amount that refugees and asylum seekers need to set aside in order to be issued a personal work permit is also very disputable. It is the amount of 13,970.00 dinars,<sup>116</sup> to which the amount of 320.00 dinars should be added as well.<sup>117</sup> So, a total of 14,290.00 dinars or somewhat more than 120 EUR. The LGAP provides for the possibility of exemption from payment of expenses in full or in part, only if a foreigner cannot bear the expenses without any damage to his/her necessary subsistence or necessary support to his/her family or if it is provided by a

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114 In the process of compiling this Analysis, a semi-structured interview was conducted with Bogdan Krasić, an expert on the integration of refugees and asylum seekers, hereinafter: Bogdan Krasić Interview.

115 LGAP, Art. 121. Para. 4.

116 Law on Republic Administrative Fees, *The Official Gazette of RS*, no. 43/2003, 51/2003, 61/2005, 5/2009 (Art. 29. not in the revised text), 54/2009 (Art. 18. and 19. not in the revised text), 50/2011 (Art. 70. 71, 72. and 73. not in the revised text), 93/2012, 65/2013 – other law, 83/2015 (Art. 24 and 25. not in the revised text), 112/2015, 113/2017 (Art. 77. and 78. not in the revised text), 3/2018 – correction, 86/2019 (Art. 70. not in the revised text) and 90/2019 – correction: See: Adjusted dinar amounts of Republic administrative fees - 53/2004, 42/2005, 101/2005, 42/2006, 47/2007, 54/2008, 35/2010, 70/2011, 55/2012, 47/2013, 57/2014, 45/2015, 50/2016, 61/2017, 50/2018, 95/2018, 38/2019 i 98/2020, available at: <https://bit.ly/3kXBe0P>, Tariff number 205, hereinafter: LRAF.

117 LRAF, Tariff number 1.

ratified international treaty.<sup>118</sup> This privilege was usually available to foreigners residing in asylum centres or reception centres, but not to refugees and asylum seekers residing at a private address.<sup>119</sup>

## II.2.5. Decree on the manner of inclusion in the social, cultural and economic life of persons who have been granted asylum

As already mentioned, Article 16 of the LMM stipulates that the manner of implementing the integration of persons who have been granted asylum is regulated by the Government upon the proposal of the CRM, as well as that the bylaw regulating the manner of integration should have been adopted by November 2014. However, the bylaw that regulated the manner in which CRM conducts integration activities entered into force only on 24 December 2016. It is the Decree on the manner of inclusion in the social, cultural and economic life of persons who have been granted asylum.<sup>120</sup> In other words, support for asylum seekers was formally lacking until December 2016,<sup>121</sup> while institutional support for the integration of persons who received subsidiary protection or who enjoyed the status of asylum seekers was completely lacking. However, with the Decree on Integration from 2016, the Serbian asylum

system for the first time received relatively precise provisions that regulate the way in which CRM should provide support to refugees in integration into the social, cultural and economic life of Serbia.<sup>122</sup>

This Decree stipulates that CRM needs to develop an **individual integration plan**, which is updated on an annual basis, for every person who has been granted asylum, as well as for members of his or her family.<sup>123</sup> The competent social welfare centre, educational institution, NES, health institution and, if necessary, taking into account the personal characteristics of the person who has been granted the right to asylum, other bodies and bodies of the local self-government unit where the persons to whom the right to asylum has been granted reside, take part in the development of the integration plan.<sup>124</sup> When developing an integration plan, CRM can be assisted by associations that have experience in providing legal and psychosocial assistance<sup>125</sup> to different categories of migrants.<sup>126</sup>

In the period from 2015 to August 2020 inclusively, integration plans were developed on two occasions. Once in 2017 and once in 2019.<sup>127</sup> How-

118 LGAP, Art. 89.

119 Bogdan Krasić Interview.

120 *The Official Gazette of RS*, 101/2016, available at: <https://bit.ly/3eFmv9k>, hereinafter: Decree on Integration I.

121 Decree on Integration I, Art. 1.

122 *Ibid.*

123 *Ibid.*, Art. 9, Paragraphs 1 to 4.

124 *Ibid.*, Art. 9, para. 9.

125 The CRM announces a public call for the selection of associations that can assist in the development of the integration plan, based on the criteria established by the Commissioner, with the consent of the Asylum Office and the Office for Cooperation with Civil Society (Decree on Integration I, Art. 9, paragraph 10 and paragraph 11).

126 Decree on Integration I, Art. 9, para 10.

127 Bogdan Krasić Interview.

ever, it remains unclear whether adequate monitoring of their implementation has been carried out. During 2019, CRM appointed a person to be exclusively in charge of refugee integration affairs and working closely with UN-HCR in individual communication with refugees. However, it was not possible to inspect the mentioned plans because CRM refused to submit anonymised copies of them upon the request of the A 11 Initiative.<sup>128</sup>

The CRM is obliged to regularly monitor the implementation of the integration plan.<sup>129</sup> The integration plan shall contain information relevant to deciding on the type of assistance to be provided to the person who has been granted asylum, such as information on gender, age, level of education, family status, occupation, work experience and other information relevant to proposing appropriate activities, as well as the type and scope of assistance that needs to be provided.<sup>130</sup>

When it comes to the right to work, it is important to point out that integration in this segment is carried out in such a way that the CRM should do the following to person who has been granted asylum:

1. provide complete and timely information on rights, opportunities and obligations;<sup>131</sup>
2. provide learning of the Serbian language, history, culture and constitutional order<sup>132</sup> and
3. assist in entering the labour market, in accordance with the integration plan<sup>133</sup>

Full and timely information of persons who have been granted asylum about their rights, opportunities and obligations should be provided through informative material in printed or electronic form and in a language understood by the person who has been granted asylum.<sup>134</sup> This material should be prepared by the CRM in

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128 Response to the request for access to information of public importance no. 019-4357/1-2020 as of 30 October 2020.

129 *Ibid.*, Art. 9, para 7.

130 *Ibid.*, Art. 9, para. 5.

131 Decree on Integration I, Art. 2. para 1. item 1.

132 *Ibid.*, item 2. And item 3.

133 *Ibid.*, item 6.

134 *Ibid.*, Art. 3. Para. 1.

cooperation with relevant ministries and institutions<sup>135</sup> and should contain relevant information on rights, duties, employment opportunities, education, personal development, existing programmes and projects intended for inclusion in social, cultural and economic life.<sup>136</sup> However, the CRM has never implemented the aforementioned provision of the Decree on Integration I, and informative leaflets have been developed mainly by CSOs.<sup>137</sup> In fact, the CRM has never managed to reach all asylum seekers in Serbia who are still present, which may be related to the lack of communication with the Asylum Office.<sup>138</sup> In other words, it is still not possible to establish with certainty how many foreigners who have been granted asylum are still present in Serbia.<sup>139</sup>

Unlike not fulfilling the obligation to design and distribute informative material, in 2018 the CRM started organizing Serbian language classes for persons who had been granted asylum seekers, and in accordance with Article 4 of the Decree on Integration I. It is the same scenario in case of two sets of courses on Serbian culture, history and constitutional arrangement that took place twice during 2019<sup>140</sup> and which were designed and implemented by the Belgrade Centre for Human Rights.<sup>141</sup>

What is relevant for this Analysis is that the Decree on Integration I provided in detail that CRM, in cooperation with the NES, should perform the following tasks:

1. assist in obtaining the necessary documents required for registration with the NES and employment agencies;
2. assist in initiating the procedure for recognition of foreign school documents;
3. ensure inclusion in additional education and training in accordance with the needs of the labour market;
4. assist in inclusion in active employment policy measures.<sup>142</sup>

None of the above-stated activities has ever been implemented, nor has any memorandum of cooperation ever been signed between the CRM and the NES, nor is it known whether any cooperation has taken place and if so, what its scope is and how it is implemented. Therefore, at the end of 2016, practically there was no support of the competent state institutions to refugees in accessing the labour market, and the only support provided, albeit modest, came from CSOs.

This is evidenced by the figures on the number of issued personal work permits in 2016. Specifically, in 2016, the NES issued 13 personal work permits for persons who were granted asylum and only 4 personal work permits for persons who were either granted subsidiary protection or had the status of asylum seekers.<sup>143</sup>

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135 *Ibid.*, Art. 3. Para. 3.

136 *Ibid.*, Art. 3, Para 2.

137 Bogdan Kراسић Interview.

138 *Ibid.*, see also Annex no. 4 enclosed to this Analysis.

139 See Annex no. 3 and Annex no. 4 enclosed to this Analysis.

140 Decree on Integration I, Art. 5.

141 Belgrade Centre for Human Rights, The right to asylum in the Republic of Serbia 2019, available at: <https://bit.ly/2M3AT0R>, p. 150 and 151.

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142 *Ibid.*, Art. 7.

143 Data received on 29 October 2020

## II.2.6. Law on Asylum and Temporary Protection and Decree on the Manner of Inclusion in the Social, Cultural and Economic Life of Persons Who Have Been Granted Asylum

LATP entered into force on 3 April 2018, and after exactly 10 years, it explicitly foresaw that the integration and related assistance provided by the CRM would be carried out in relation to all persons who were granted asylum.<sup>144</sup> In other words, both persons who have been granted asylum and persons who have been granted subsidiary protection. More specifically, the right to integration assistance to this category was clearly prescribed.<sup>145</sup> Article 71 of the LATP stipulates that Serbia, within its possibilities, shall provide conditions for the inclusion of persons who have been granted the right to asylum in social, cultural and economic life. The new LATP also recognized the right to work for asylum seekers,<sup>146</sup> in accordance with the regulations governing the field of employment of foreigners.<sup>147</sup> Therefore, the new LATP recognizes the right to work to refugees and persons enjoying the status of asylum seekers. However, this regulation also omits the right of asylum seekers to support in accessing the labour market.

The new LATP is accompanied by adequate amendments to the Decree on Integration I, which entered into force on 26 July 2018 under the new name of the Decree on the manner of inclusion in the social, cultural and economic life of persons who have been granted asylum.<sup>148</sup> A novelty that was introduced is the obligation of the Asylum Office to refer verbally and by delivering informative material containing notifications on integration in Serbia persons who have been granted

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from the National Employment Service through the response to request for access to information of public importance.

144 LATP, Art. 23. Para. 3.

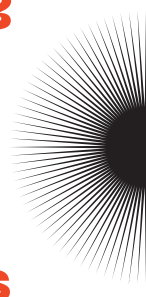
145 *Ibid.*, Art. 59, para. 1. item 13.

146 *Ibid.*, Art. 48, para 1. item 8.

147 *Ibid.*, Art. 57.

148 *The Official Gazette of RS*, no. [101/2016](#) and [56/2018](#), available at: <https://bit.ly/2J5b3rW>, hereinafter: Decree on Integration II.

## III. Exercising the right to work for refugees and asylum seekers in practice



### III.1. Statistical presentation of decisions granting asylum in the Republic of Serbia

asylum to the CRM, as well as to inform the CRM in a timely manner about the adopted asylum applications.

Therefore, only in July 2018, the legal framework was completed, which in a detailed way envisages the right to work for refugees and asylum seekers. This framework also confirms the role of the CRM as a body in charge of supporting refugees in accessing the labour market and regulates in detail the manner in which this should be done.<sup>149</sup> Formally, as well in practice, asylum seekers still do not have institutional support in access to the labour market.

In the period from 1 April 2008 to 30 October 2020, the bodies responsible for conducting the asylum procedure issued a total of 126 decisions recognizing the right to asylum for 180 persons. Out of that, the Asylum Office made 123 decisions in relation to 176 persons, and the Asylum Commission 3 decisions in relation to 4 persons. The Administrative Court never made a positive decision in the asylum procedure.<sup>150</sup>

Of this number, 88 persons were found to meet the conditions for recognition of refugee status in terms of Article 1 of the Convention Relating to the Status of Refugees, i. e. Article

149 *Ibid.*

150 All statistical data were received from the UNHCR Office in Belgrade.



27, Paragraph 1 and Article 28 of the Asylum Law, i. e. Article 24 of the LATP (a total of 70 decisions). In addition, 92 persons received subsidiary protection (a total of 56 decisions)<sup>151</sup> on the basis of Article 27, Paragraph 1, item 1 and Article 28 of the Law on Asylum, i. e. Article 25 of the LATP.

Protection is granted to citizens of 24 countries: Afghanistan, Bangladesh, Burundi, Egypt, Ethiopia, Iraq, Iran, South Sudan, Cameroon, Kazakhstan, China, Cuba, Lebanon, Libya, Mali, Nigeria, Pakistan, Russia, Syria, Somalia, Sudan, Tunisia and Ukraine.

Out of a total of 180 persons who were granted asylum, a minimum of 44 left Serbia, one died (Iraq), while one was granted status in accordance with the provisions of the Law on Foreigners, and based on family ties in Serbia (Lebanon). Therefore, at the time of writing this Analysis, a maximum of 134 refugees were in Serbia. Out of the mentioned 134 refugees, 22 of them are children who cannot yet establish employment, while two persons are unable to work due to their health condition,<sup>152</sup> which brings the total number of persons incapable to work to 24.

Therefore, a maximum of 110 persons who have been granted asylum in Serbia are available to the Serbian labour market and are subject to provisions in which the CRM should enable them to "be included in the economic life of Serbia". Of these, a total of 61 enjoy international protection in the form of asylum, while 49 enjoy subsidiary protection.<sup>153</sup> However, it is reasonable to assume that some of these persons also left Serbia due to various circumstances that may be economic, but also due to the fact that there is no prospect of naturalization<sup>154</sup> and obtaining a travel document in Serbia.<sup>155</sup> For

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<sup>151</sup> Art. 25 of the LATP.

<sup>152</sup> The citizen of Nigeria (Decision of the Asylum Office no. 26-4370/15 as of 27.12.2017.) and citizen of Bangladesh (Decision of the Asylum Office no. 26-5044/15 as of 25.12.2017) residing in Special hospital "Dr. Borivoje Gnjatić" in Slankamen.

<sup>153</sup> See precise statistical data in the Annex no. 1 enclosed to this Analysis.

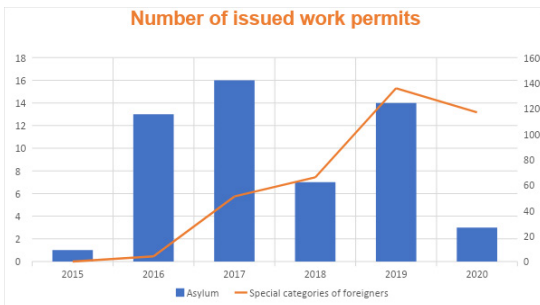
<sup>154</sup> *Serbia 2019 Update*, p. 83-86.

<sup>155</sup> *Ibid.*, p. 85-86.

the purposes of this Analysis, and by 30 August 2020 inclusively, it was possible to determine the status, i. e. the presence of 53 persons capable to work who enjoy international protection in Serbia.

### III.2. Statistical presentation of issued personal work permits

When it comes to issued personal work permits, the NES in Belgrade issued only one in 2015, for a person who was granted asylum. The following year, 13 work permits were issued to persons who were granted asylum and 4 personal work permits to persons belonging to a special category of foreigners. In 2017, there was an increase when 16 work permits were issued for persons who were granted asylum and 51 work permits for persons from a special category of foreigners. Then in 2018, 7 (asylum) and 66 (PKS); 2019 14 (asylum) and 136 (PKS) and until 31 October 2020, 3 (asylum) and 117 (PKS).



As for the NES in Valjevo, from 1 January 2018 to 31 October 2020, a total of 1 personal work permit was issued for a person who was granted asylum and 40 personal work permits for persons from a special category of foreigners.

Finally, from 1 January 2018 to 31 October 2020, the NES in Loznica issued 56 personal work permits for persons from a special category of foreigners. It is to be assumed that several more personal work permits were issued in other cities, such as Novi Pazar,<sup>156</sup> Vranje and Novi Sad, but it is also clear that most asylum seekers and refugees reside in Belgrade at the Krnjača Asylum Centre or at a private address, or in the asylum centres in Banja Koviljača and Bogovađa.<sup>157</sup>

Thus, the total number of personal work permits for persons who were granted asylum in the period from 1 January 2015 to 31 October 2020 is 55, while for persons from a special category of foreigners, 470 personal work permits were issued. The total number of personal work permits is 525 and not more than a few that could be issued in other cities.

From 1 January 2015 until 31 October 2020, a total of 55 persons who were granted refugee status received a personal work permit.

In the same period, a total of 470 personal work permits were issued to persons belonging to a special category

<sup>156</sup> Which started issuing personal work permits only in 2020.

<sup>157</sup> See precise statistical data in the Annex no. 1 enclosed to this Analysis.



of foreigners, but based on the data obtained from the NES it cannot be concluded with certainty which of these persons has subsidiary protection, which has the status of an asylum seeker and which has the status of a victim of human trafficking, but also who is still present in Serbia and who is not. Taking into account nationality, most personal work permits were issued to Iranian citizens (151), followed by: Afghanistan (52), Pakistan (49), Burundi (36) Syria (33), Iraq (26), Cuba (20), Nigeria (17), Libya (12), Somalia (11), Ukraine (7), Palestine (7), Turkey (5), Senegal (5), Tunisia (5), Congo (5), Russia (4), Ghana (4), Cameroon (4), Zimbabwe (4), Sudan (3), Yemen (2), Algeria (2) and one each to Northern Macedonia, Mali, Morocco, China, Guinea and Bosnia and Herzegovina.

The above-stated statistical data refer primarily to the areas of national employment services on whose territory the largest number of asylum seekers are located. This is primarily Belgrade, where a large number of refugees and asylum seekers reside at a private address, but also at the Asylum Centre in Krnjača. In addition, data were collected by the NES Valjevo and the NES Loznica, on whose territories the Asylum Centre in Banja Koviljača and the Asylum Centre in Bogovađa are located. It is assumable that the number of issued personal work permits is higher by a few tens, and that the NES in Vranje, Pirot, Novi Pazar and Novi Sad issued personal work permits to people staying in reception centres where the asylum procedure is not conducted, but also potential refugees and asylum seekers who settled outside Belgrade.

What is the biggest problem for assessing the enjoyment of the right to work of refugees and asylum seekers is the way in which the NES keeps records. Specifically, the NES does not keep records of how many persons to whom personal work permits have been issued have actually established an employment relationship. However, it is to be assumed that some of them succeeded with the help of some of the civil society organizations, but also that many of them did not because asylum seekers are not legally guaranteed support in accessing the labour market at the institutional level, while recent support to refugees in employment that should be provided by the CRM has been lacking.

Also, what can be said with certainty is that the number of issued personal work permits given by years sometimes refers to the same persons. Specifically, personal work permits for asylum seekers must be renewed every 6 months, while personal work permits for persons who have been granted subsidiary protection every year. Also, it is reasonable to assume that a significant number of persons with the status of asylum seekers left the asylum procedure in Serbia as well, but also that some of them were granted asylum and moved to the category of "refugees". Finally, these persons may include persons who have been recognized as victims of human trafficking. Thus, the number of persons who were issued 470 personal work permits, and who fall into the categories that are the subject of this Analysis (asylum seekers and persons who have been granted subsidiary protection) is far smaller.

### **III.3. Application of positive legal framework**

It has been pointed out on several occasions that since its adoption, first the Decree on Integration I, and then its amendments, its adequate application has been lacking. The best assessment of the implementation of these regulations could be given through the analysis of individual integration plans. Based on the insight into these plans, it could be established how many persons who have been granted asylum are currently in the CRM support system, how many are still in Serbia, what the mentioned support consists of and

to what extent it is applied. However, the CRM was not willing to comply with the request for access to information of public importance made by the A 11 Initiative requesting anonymised copies of the plans.<sup>158</sup> For that reason, direct information, which would be accompanied by conclusions on the quality and efficiency of the implementation of individual integration plans, could not be reported in this way. However, when it comes to access to the labour market of persons who are cable to work, the following data were obtained through research.

Out of a total of 110 persons who might still be residing in Serbia and enjoying international protection, 55 of them can be said to have been in contact with UNHCR and its partners as of 31 October 2020 inclusively. Therefore, for 50% of refugees it was possible to check the following:

- whether they have a personal work permit;
- whether the CRM provided them with support in obtaining a personal work permit;
- who bore the costs of obtaining a personal work permit;
- whether they are employed or unemployed;
- whether the CRM or NES provided them with employment support.

Based on the conversation with

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<sup>158</sup> Response to the request for access to information of public importance no. 019-4357/1-2020 as of 30 October 2020.

the integration expert, but also on the basis of the contacts that the author of this Analysis directly made with refugees,<sup>159</sup> the right to work of this category of foreigners in practice implies several different options.

First of all, it can be said with certainty that the largest number of refugees are unemployed, in the sense that they have no permanent income earned on the labour market. As of 31 August 2020, *a total of 24 refugees can be said with certainty to be unemployed*.<sup>160</sup> Some of them do occasional jobs, primarily as interpreters, but it not nearly enough to be able to achieve an existential minimum. This category includes a Somali citizen who was granted asylum in Serbia in 2010.<sup>161</sup> He occasionally performs interpretation jobs for CSOs, UNHCR or CRM, and before he was granted asylum, he had been residing in Serbia since 1989. The same scenario is with a Cuban citizen who started a family in Serbia,<sup>162</sup> as well as with a five-member Libyan family in which the father occasionally works as an interpreter.<sup>163</sup> The same fate is shared by a mother and two daughters who, as unemployed, live exclusively of the UNHCR financial support.<sup>164</sup> There are also 5 unemployed citizens of Burundi,<sup>165</sup> 4 citizens of Syria<sup>166</sup>

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159 The author of this report acted as a legal representative in the case of the 25 persons covered by the survey and many of them are still in contact, although they are supported in their integration by the Belgrade Centre for Human Rights.

160 The author of this report does not leave out the option that some of the above-mentioned persons work in the grey zone, but such a way of income is not considered employment for the purposes of this Analysis in terms of exercising and protecting the right to work.

161 Decision of the Asylum Commission no. AŽ-25/09 as of 23 April 2010.

162 Decision of the Asylum Office no. 26-11/16 as of 4 August 2016.

163 Decision of the Asylum Office no. 26-812/16 as of 29 September 2016.

164 Decision of the Asylum Office no. 26-222/15 as of 3 July 2018.

165 Decisions of the Asylum Office nos. 26-2434/16 as of 20 September 2017, 26-2328/19 as of 24 February 2020 and 26-1615/19 as of 18 June 2020.

166 Decisions of the Asylum Office nos. 26-176/18 as of 15 March 2019, 26-1731/18 as of 8 May 2019 and 26-3638/15 as of 16 September 2019.

and Afghanistan,<sup>167</sup> and 2 citizens of Iran<sup>168</sup> and Cuba<sup>169</sup> each.

The next category refers to *refugees who have their own means of subsistence*, which in some situations they have used to invest in private business such as a nine-member Libyan family,<sup>170</sup> a three-member Iranian family who opened a catering facility<sup>171</sup> and a four-member Iraqi family who continued their private business, which they had even before receiving international protection.<sup>172</sup>

The next category refers to *refugees working in catering* (2 citizens of Iran,<sup>173</sup> and 1 citizen of Sudan<sup>174</sup> and Iraq<sup>175</sup> each), hotel industry (3 citizens of Russia)<sup>176</sup> and as interpreters and cultural mediators for domestic or international NGOs in Serbia (2 citizens of

Afghanistan)<sup>177</sup> or even for domestic authorities like the CRM.<sup>178</sup> Examples of an Iranian citizen working as a postman<sup>179</sup> and a Cameroonian citizen working in a *call-centre* are also interesting.<sup>180</sup>

Then, there are refugees who are *self-employed*, i. e. who earn income by providing various services such as massage,<sup>181</sup> wall painting<sup>182</sup> and the like, as well as refugees who have completely independently achieved a high degree of integration through the jobs they performed before<sup>183</sup> or jobs that began during the exile.<sup>184</sup>

The three Syrian citizens who received asylum in the period 2013-2014 can be assumed to be still in Serbia because they are *sur place* refugees who started families or studied in Serbia before the conflict in Syria. They are not on UNHCR records and it remains unclear whether the CRM provided them with any support in accessing the labour market<sup>185</sup> or in integration in

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167 Decisions of the Asylum Office nos. 26-1719/18 as of 20 November 2019, 26-1403/19 as of 11 December 2019, 26-1516/19 as of 15 October 2020.

168 Decisions of the Asylum Office nos. 26-2467/17 as of 15 January 2020 and 26-1435/18 as of 16 June 2020.

169 Decision of the Asylum Office no. 26-1260/18 as of 13 March 2019.

170 Decision of the Asylum Office no. 26-5489/15 as of 20 October 2017.

171 Decision of the Asylum Office no. 26-1395/18 as of 5 February 2019.

172 Decision of the Asylum Office no. 26-2047/17 as of 21 March 2019.

173 Decisions of the Asylum Office nos. 26-2554/17 as of 19 July 2018 and 26-1081/17 as of 4 July 2018.

174 Decision of the Asylum Office no. 26-5626/15 as of 1 March 2016.

175 Decision of the Asylum Office no. 26-2348/17 as of 28.01.2019.

176 Decisions of the Asylum Office nos. 26-1216/18, 26-1217/18 and 26-1218/18 as of 12 February 2019.

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177 Decisions of the Asylum Office nos. 26-2643/17 as of 30 January 2019 and 26-787/19 as of 29 May 2019.

178 Decisions of the Asylum Office nos. 26-754, 754, 755/08 as of 11 March 2009.

179 Decision of the Asylum Office no. 26-1083/17 as of 30 January 2018.

180 Decision of the Asylum Office no. 26-536/16 as of 30 December 2016.

181 Decision of the Asylum Office no. 26-4096/15 as of 9 December 2015.

182 Decisions of the Asylum Office nos. 26-26-1352/18 and 26-1351/18 as of 14 January 2019.

183 Decision of the Asylum Office no. 26-1342/14 as of 28 April 2015.

184 Decision of the Asylum Office no. 26-2429/13 as of 23 May 2014.

185 Decisions of the Asylum Office nos. 26-1433/12 as of 13 June 2013, 26-1451/12 as of 5 July 2013 and 26-1445/14 as of 14 August 2014.

general. An Iraqi citizen also has strong family ties, for whom the author of the Analysis failed to establish whether she is active in the labour market or not.<sup>186</sup>

Taking all the above-stated into account, the only conclusion that could be drawn with regard to persons enjoying international protection in Serbia and their access to the labour market is that institutional support has been almost completely lacking. In other words, the extent to which refugees will enjoy their right to work in Serbia largely depends on the support of CSOs, which is also modest and which has not contributed that refugees' access to the labour market is to the extent that they can earn income that is sufficient to achieve an existential minimum.

It is important to point out that asylum seekers are completely dependent on CSOs, and unfavourable legal solutions regarding the terms and conditions for obtaining a personal work permit may have contributed to the large number of them leaving the asylum procedure and Serbia before the asylum procedure ends. The position of asylum seekers residing outside Belgrade is far more difficult due to the generally poor economic situation in Serbia, which, together with the problem of the lack of knowledge of the language and lack of appropriate qualifications, makes access to the labour market impossible. In this way, there is a risk of "pushing" refugees and asylum seekers into the informal sector.

On the other hand, the Article 3 of Law on Simplified Employment in Seasonal Jobs in Certain Activities<sup>187</sup> leaves the possibility for foreign citizens who are engaged in these jobs during their stay in the territory of the Republic of Serbia, not to be subject to special conditions for employment of foreigners determined by the Law on Employment of Foreigners. This means that refugees and asylum seekers can be engaged in jobs related to seasonal jobs in the agriculture, forestry and fisheries sectors.

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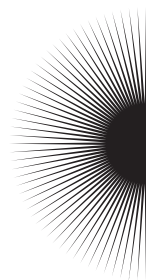
186 Decision of the Asylum Office no. 26-1719/18 as of 11 December 2019.

187 "The Official Gazette of RS", no. 50/2018.

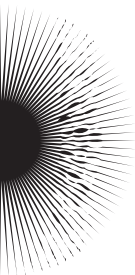
However, according to the legal provisions, this type of engagement is work outside the employment relationship, and a person who is engaged in seasonal work concludes with his employer *an oral contract on performing seasonal work*. Although the employer is obliged to issue a written confirmation to the seasonal worker with data on the employer, seasonal worker and working conditions, including the duration of work, the amount of remuneration and other issues important for the protection of seasonal workers rights in that relationship. As a rule, refugees and asylum seekers do not speak Serbian well, and the only possibility for employment in accordance with the laws of the Republic of Serbia is to engage in seasonal jobs where there is no minimum legal certainty because oral contracts are concluded. Therefore, the question remains whether such legal solutions, which to some extent enable the exit from the informal labour sector for refugees and asylum seekers, provide at the same time opportunities for their labour exploitation in these jobs.

In overall, the progress made so far in the area of access to the labour market for refugees and asylum seekers can be attributed primarily to CSOs, UNHCR and some other international entities whose financial support contributes to a small number of people to achieve the existential minimum. However, it is also clear that in the lack of this support, most people would be denied access to the labour market and that only refugees who have already achieved a certain degree of integration into Serbian society (*sur place* refugees) before seeking or being grant-

ed international protection, who have already acquired knowledge and skills that can enable them to find a job or who are in a favourable financial situation, would lead a dignified life.



## IV. Concluding remarks and recommendations



The establishment and development of a legal framework regulating the exercise and protection of the right to work of refugees and asylum seekers has not proceeded in accordance with the obligations arising from the Covenant on Economic, Social and Cultural Rights. In other words, the progressive realization of the right to work, which can be measured in the period from 1 April 2008 to 31 October 2020, showed that the competent state bodies did not take steps in accordance with the maximum available resources, neither legislatively nor practically.

Although the legislative framework is far more favourable today than it was during most of the existence of the asylum system in Serbia, the fact that it was completed for persons who were granted asylum only in the second half of 2018 is worrying. When said “completed”, it refers to the fact that only when the Decree and Integration II entered into force was the right to support in access to the labour market and persons granted subsidiary protection recognized. On the other hand, asylum seekers are not recognized as a category eligible for institutional support and their position in the Serbian asylum system deviates from the standards of **accessibility and approachability**.

In practical terms, it is clear that the achieved level of realization of the right to work of refugees and asylum seekers was largely conditioned by the work of CSOs and international donors. However, apart from support in obtaining and paying the costs of issuing personal work permits, it is clear that most people enjoying

international protection still find it difficult to access the labour market. The vast majority of them are either unemployed or doing jobs that are precarious and poorly paid. An additional aggravating circumstance is the pandemic of coronavirus, which, according to some reports, has led to the loss of jobs among refugees.<sup>188</sup>

Therefore, it is clear that in practice the labour market is not adjusted to the profile of refugees and asylum seekers and that, at the institutional level, no administrative, financial, educational and social measures have been taken to address this problem. This data is even more worrying when you take into account the fact that at the time of concluding this analysis, there were no more than 110 refugees in Serbia, which is not a number that should burden either the competent institutions or the budget of Serbia. In fact, that number is probably smaller, but it is still not possible to determine it due to the fact that Asylum Office and the CRM failed to establish a database of asylum seekers who are still residing in Serbia. Only this data indicates that in the field of integration in general, but especially in terms of including persons in need of international protection in the labour market, not much has been done for 13 years, as long as Serbian asylum system is in place.

Due to all above-stated, it is necessary to take the following steps, in order to create conditions for the full

realization and protection of the right to work of refugees and asylum seekers:

- 1. Amend the LATP, ZUM and the Decree on Integration I so that CRM is delegated the obligation to provide support in access to the labour market and asylum seekers;
- 2. Amend the LEF so that asylum seekers are allowed to apply immediately upon submitted asylum application in Serbia;
- 3. Amend the LEF and accompanying bylaws so that it is explicitly prescribed that refugees and asylum seekers are exempt from paying all fees for issuing a personal work permit;
- 4. The CRM and Asylum Office should create a single database of persons who have been recognized the right to asylum in the Republic of Serbia and their presence in the country;
- 5. The CRM and NES should establish official cooperation in creating individual integration plans, in terms of access to the labour market of refugees and asylum seekers;
- 6. The CRM and NES should fully take over the process of collecting the necessary documentation for refugees and asylum seekers;

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<sup>188</sup> Belgrade Centre for Human Rights, *The right to asylum in the Republic of Serbia for the period July-September 2020*, available at: <https://bit.ly/3qjmj5h>, p. 36-39.



7. The CRM and NES must establish cooperation in developing additional education and training programmes focused on the needs that are in the Serbian labour market;

8. Learning the Serbian language should be available to persons in need of international protection from the moment of applying for asylum, and this right should be explicitly provided for in the LATP and the Decree on Integration II;

9. The Government of the Republic of Serbia should adopt a new or amend the existing National Employment Strategy in order to identify refugees and asylum seekers as a particularly vulnerable category that needs a clear and systematic incentive to access the labour market.

## Annex no. 1

Positive decisions in the asylum procedure in the period 2008-2020<sup>189</sup>

No.	Number of decision	Decision-making date	Country of origin	Type of protection	Number of persons	Status in Serbia
1.	26-766/08	04.02.2009	Iraq	Subsidiary protection	1	PRESENT IN RS
2.	26-753/08	11.05.2009	Ethiopia	Subsidiary protection	1	LEFT RS
3.	26-754/08	11.05.2009	Ethiopia	Subsidiary protection	1	LEFT RS
4.	26-755/08	11.05.2009	Ethiopia	Subsidiary protection	1	LEFT RS
5.	AŽ 25/09	23.04.2010	Somalia	Subsidiary protection	1	PRESENT IN RS
6.	26-17/12	06.12.2012	Egypt	Asylum	1	LEFT RS
7.	26-2324/11	19.12.2012	Libya	Asylum	1	UNKNOWN
8.	26-2326/11	19.12.2012	Libya	Asylum	1	UNKNOWN
9.	26-1451/12	05.07.2013	Syria	Subsidiary protection	1	UNKNOWN
10.	26-1433/13	13.06.2013	Syria	Subsidiary protection	1	UNKNOWN
11.	26-1280/13	25.12.2013	Turkey	Asylum	2	LEFT RS
12.	26-2429/13	23.05.2014	Tunis	Asylum	1	PRESENT IN RS

13.	26-1762/13	23.05.2014	Syria	Subsidiary protection	1	UNKNOWN
14.	26-304/13	23.05.2014	Syria	Subsidiary protection	1	UNKNOWN
15.	26-1445/14	04.08.2014	Syria	Subsidiary protection	1	UNKNOWN
16.	26-5266/15	26.03.2015	Iraq	Asylum	2	LEFT RS
17.	26-1342/14	28.04.2015	Syria	Asylum	1	PRESENT IN RS
18.	26-3516/15	25.06.2015	Syria	Asylum	1	UNKNOWN
19.	26-1296/14	01.07.2015	Ukraine	Asylum	1	UNKNOWN
20.	26-986/14	06.07.2015	Ukraine	Asylum	1	UNKNOWN
21.	26-67/11	06.07.2015	Ukraine	Asylum	1	UNKNOWN
22.	26-66/11	06.07.2015	Ukraine	Asylum	1	UNKNOWN
23.	26-65/11	06.07.2015	Ukraine	Asylum	1	UNKNOWN
24.	26-5615/14	06.07.2015	Iraq	Asylum	1	UNKNOWN
25.	26-3599/14	07.07.2015	Ukraine	Asylum	1	UNKNOWN
26.	26-3777/15	09.07.2015	Syria	Asylum	1	UNKNOWN
27.	26-5751/14	13.07.2015	South Sudan	Asylum	1	UNKNOWN
28.	X	15.07.2015	Syria	Asylum	1	UNKNOWN
29.	26-71/15	15.07.2015	Syria	Asylum	1	UNKNOWN
30.	26-151/15	31.07.2015	Syria	Subsidiary protection	1	UNKNOWN
31.	X	31.07.2015	Sudan	Asylum	1	UNKNOWN
32.	26-5792/14	03.08.2015	Libya	Subsidiary protection	1	LEFT RS
33.	26-5794/14	03.08.2015	Libya	Subsidiary protection	1	LEFT RS
34.	26-5793/14	05.08.2015	Libya	Subsidiary protection	1	LEFT RS
35.	26-4099/15	07.08.2015	Libya	Subsidiary protection	4	LEFT RS
36.	26-3886/15	09.09.2015	Lebanon	Asylum	1	STATUS DE-NIED
37.	26-2879/15	11.09.2015	Iraq	Subsidiary protection	1	DECEASED
38.	26-4099/15	07.10.2015	Libya	Subsidiary protection	1	LEFT RS
39.	26-4906/15	09.12.2015	Kazakhstan	Asylum	1	PRESENT IN RS
40.	X	2015	Syria	Subsidiary protection	1	UNKNOWN
41.	26-4062/15	08.01.2016	Syria	Subsidiary protection	1	UNKNOWN

42.	26-4747/15	10.02.2016	Ukraine	Subsidiary protection	1	LEFT RS
43.	26-5413/15	02.03.2016	Syria	Asylum	1	LEFT RS
44.	26-5626/15	01.03.2016	Sudan	Asylum	1	PRESENT IN RS
45.	26-223/16	08.03.2016	Afghanistan	Asylum	1	LEFT RS
46.	26-5629/15	08.03.2016	Sudan	Asylum	1	UNKNOWN
47.	26-5625/15	14.03.2016	Sudan	Asylum	1	UNKNOWN
48.	26-4133/15	22.03.2016	Ukraine	Subsidiary protection	3	UNKNOWN
49.	26-5047/15	11.04.2016	Sudan	Asylum	1	UNKNOWN
50.	AŽ 06/16	12.04.2016	Libya	Subsidiary protection	2	PRESENT IN RS
51.	26-652/16	17.06.2016	Afghanistan	Subsidiary protection	5	LEFT RS
52.	26-423/16	27.06.2016	Cuba	Asylum	1	LEFT RS
53.	26-425/16	04.07.2016	Cuba	Asylum	1	LEFT RS
54.	26-424/16	04.07.2016	Cuba	Asylum	1	LEFT RS
55.	26-4568/16	12.07.2016	Libya	Subsidiary protection	1	PRESENT IN RS
56.	26-11/16	04.08.2016	Cuba	Asylum	1	PRESENT IN RS
57.	26-1051/16	13.09.2016	Iran	Asylum	1	LEFT RS
58.	26-812/16	29.09.2016	Libya	Asylum	5	PRESENT IN RS
59.	26-5618/15	01.12.2016	Libya	Subsidiary protection	5	UNKNOWN
60.	26-536/16	16.12.2016	Kameron	Asylum	2	PRESENT IN RS
61.	26-2149/16	26.12.2016	Iraq	Subsidiary protection	1	LEFT RS
62.	26-926/16	21.07.2017	Syria	Asylum	1	UNKNOWN
63.	26-77/17	01.08.2017	Afghanistan	Asylum	1	LEFT RS
64.	26-2434/16	20.09.2017	Burundi	Asylum	1	PRESENT IN RS
65.	26-331/15	21.09.2017	Ukraine	Subsidiary protection	1	UNKNOWN
66.	26-5489/15	20.10.2017	Libya	Subsidiary protection	9	PRESENT IN RS
67.	26-5044/15	25.12.2017	Bangladesh	Subsidiary protection	1	PRESENT IN RS
68.	26-4370/15	17.12.2017	Nigeria	Subsidiary protection	1	PRESENT IN RS
69.	26-1239/17	10.01.2018	Afghanistan	Asylum	1	LEFT RS
70.	26-78/17	10.01.2018	Afghanistan	Asylum	1	LEFT RS

71.	26-1083/18	26.01.2018	Iran	Asylum	1	PRESENT IN RS
72.	26-4568/18	11.02.2018	Somalia	Subsidiary protection	1	UNKNOWN
73.	26-881/17	10.04.2018	Afghanistan	Asylum	1	UNKNOWN
74.	26-81/17	16.04.2018	Afghanistan	Asylum	1	LEFT RS
75.	26-2152/17	16.04.2018	Afghanistan	Asylum	1	UNKNOWN
76.	26-1223/17	20.04.2018	Pakistan	Subsidiary protection	1	LEFT RS
77.	26-2489/17	01.06.2018	Syria	Subsidiary protection	1	UNKNOWN
78.	26-1697/17	15.06.2018	Libya	Subsidiary protection	5	UNKNOWN
79.	26-222/15	03.07.2018	Libya	Subsidiary protection	5	PRESENT IN RS
80.	26-1081/17	04.07.2018	Iran	Asylum	1	PRESENT IN RS
81.	26-2554/17	19.07.2018	Iran	Asylum	1	PRESENT IN RS
82.	26-329/18	28.12.2018	Nigeria	Asylum	1	LEFT RS
83.	X	2018	Iran	Asylum	1	UNKNOWN
84.	X	2018	Iran	Asylum	1	UNKNOWN
85.	26-1352/18	14.01.2019	Libya	Subsidiary protection	1	PRESENT IN RS
86.	26-1351/18	14.01.2019	Libya	Subsidiary protection	1	PRESENT IN RS
87.	26-2348/17	28.01.2019	Iraq	Asylum	1	PRESENT IN RS
88.	26-2643/17	30.01.2019	Afghanistan	Subsidiary protection	1	PRESENT IN RS
89.	26-1395/18	05.02.2019	Iran	Asylum	3	PRESENT IN RS
90.	26-1216/18	12.02.2019	Russia	Asylum	1	PRESENT IN RS
91.	26-1217/18	12.02.2019	Russia	Asylum	1	PRESENT IN RS
92.	26-1218/18	12.02.2019	Russia	Asylum	1	PRESENT IN RS
93.	26-1260/18	13.03.2019	Cuba	Asylum	3	PRESENT IN RS
94.	26-176/18	15.03.2019	Syria	Subsidiary protection	3	PRESENT IN RS
95.	26-1605/18	15.03.2019	Iran	Asylum	1	PRESENT IN RS
96.	26-2047/17	21.03.2019	Iraq	Subsidiary protection	4	PRESENT IN RS
97.	26-1731/18	08.05.2019	Syria	Subsidiary protection	1	PRESENT IN RS
98.	26-787/19	29.05.2019	Afghanistan	Asylum	1	PRESENT IN RS
99.	26-2050/17	12.09.2019	Kina	Asylum	1	LEFT RS
100.	26-3638/15	16.09.2019	Syria	Subsidiary protection	1	PRESENT IN RS
101.	AZ	02.09.2019	Iran	Subsidiary protection	1	UNKNOWN
102.	26-784/18	20.11.2019	Afghanistan	Asylum	1	PRESENT IN RS
103.	26-1403/19	11.12.2019	Afghanistan	Asylum	1	PRESENT IN RS

104.	26-1719/18	11.12.2019	Iraq	Subsidiary protection	1	PRESENT IN RS
105.	X.	2019	Libya	Subsidiary protection	1	UNKNOWN
106.	X.	2019	Syria	Subsidiary protection	1	UNKNOWN
107.	X.	2019	Pakistan	Subsidiary protection	1	UNKNOWN
108.	X.	2019	Pakistan	Subsidiary protection	1	UNKNOWN
109.	X.	2019	Afghanistan	Asylum	1	UNKNOWN
110.	X.	2019	Iran	Asylum	1	UNKNOWN
111.	26-2467/17	15.01.2020	Iran	Asylum	1	PRESENT IN RS
112.	26-1437/18	13.02.2020	Afghanistan	Subsidiary protection	1	PRESENT IN RS
113.	26-218/19	20.02.2020	Stateless	Asylum	1	LEFT RS
114.	26-2328/19	20.02.2020	Burundi	Asylum	2	PRESENT IN RS
115.	X	February 2020	Iran	Asylum	3	UNKNOWN
116.	26-1435/18	16.06.2020	Iran	Asylum	1	PRESENT IN RS
117.	26-1615/19	18.06.2020	Burundi	Subsidiary protection	2	PRESENT IN RS
118.	X	June 2020	Syria	Subsidiary protection	1	UNKNOWN
119.	X	June 2020	Somalia	Subsidiary protection	1	UNKNOWN
120.	X	August 2020	Stateless	Asylum	1	UNKNOWN
121.	X	August 2020	Mali	Subsidiary protection	1	UNKNOWN
122.	X	August 2020	Somalia	Subsidiary protection	1	UNKNOWN
123.	26-1271/19	15.10.2020	Iran	Subsidiary protection	1	LEFT RS
124.	26-1516/19	15.10.2020	Afghanistan	Asylum	1	LEFT RS
125.	X	October 2020	Afghanistan	Subsidiary protection	1	PRESENT IN RS
126.	X	October 2020	Afghanistan	Asylum	5	UNKNOWN

## Annex no. 2

Table of issued personal work permits for refugees in the period 2015-2020 Belgrade

Country	2015		2016		2017		2018		2019		2020 <sup>190</sup>		Total	
U/PKS	U	PKS	U	PKS	U	PKS	U	PKS	U	PKS	U	PKS	U	PKS
Afghanistan	0	0	0	0	1	16	4	8	3	14	1	12	9	50
Algeria	0	0	0	0	0	0	0	1	0	0	0	0	0	1
Burundi	0	0	0	0	1	0	0	0	0	1	0	19	1	20
BiH	0	0	0	0	0	0	0	0	0	0	0	1	0	1
Kameron	0	0	0	0	1	0	0	2	0	1	0	0	1	3
Cuba	0	0	4	0	0	3	0	5	0	6	0	4	4	18
Ghana	0	0	0	0	0	1	0	1	0	2	0	0	0	4
Guinea	0	0	0	0	0	1	0	0	0	0	0	0	0	1
Iraq	0	0	0	0	3	3	0	7	1	5	0	7	4	22
Iran	0	0	0	0	0	0	3	3	5	62	0	41	8	106
Yemen	0	0	0	0	0	0	0	0	0	0	0	2	0	2
Kazakhstan	0	0	0	0	1	0	0	0	0	0	0	0	1	0
China	0	0	0	0	0	0	0	0	0	0	0	1	0	1
Kongo	0	0	0	0	0	0	0	0	0	1	0	0	0	1
Lebanon	0	0	0	0	0	0	0	0	1	0	0	0	1	0
Libya	0	0	5	2	1	1	0	1	0	4	0	3	6	11
Morocco	0	0	0	0	0	0	0	1	0	0	0	0	0	1
Mali	0	0	0	0	0	0	0	0	0	0	0	1	0	1
Nigeria	0	0	0	0	0	0	0	5	1	4	0	3	1	12
Pakistan	0	0	0	0	0	7	0	17	0	13	0	5	0	42
Palestine	0	0	0	0	0	0	0	1	0	3	0	3	0	7
Russia	0	0	0	0	0	3	0	1	3	0	0	0	3	4
Senegal	0	0	0	1	0	1	0	2	0	1	0	0	0	5
Somalia	0	0	0	0	0	4	0	1	0	3	0	2	0	10
Sudan	0	0	1	0	3	1	0	0	0	1	0	1	4	3
Turkey	0	0	0	0	0	0	0	2	0	2	0	1	0	5
South Sudan	0	0	1	0	0	0	0	0	0	0	0	0	1	0
Syria	0	0	1	0	0	8	0	6	0	10	1	6	2	30
Ukraine	0	0	1	1	5	1	0	2	0	1	1	2	7	7
North Macedonia	0	0	0	0	0	1	0	0	0	0	0	0	0	1

Zimbabwe	0	0	0	0	0	0	0	0	0	2	0	0	0	2
Tunis	1	0	0	0	0	0	0	0	0	0	0	3	1	3
<b>Total</b>	<b>1</b>	<b>0</b>	<b>13</b>	<b>4</b>	<b>16</b>	<b>51</b>	<b>7</b>	<b>66</b>	<b>14</b>	<b>136</b>	<b>3</b>	<b>117</b>	<b>54</b>	<b>374</b>

Table of issued personal work permits Valjevo (Asylum Centre in Bogovadja)

Country	2018		2019		2020 <sup>191</sup>		Total	
U/PKS	U	PKS	U	PKS	U	PKS	U	PKS
Afghanistan	0	0	0	1	0	1	0	2
Algeria	0	1	0	0	0	0	0	1
Burundi	0	0	0	1	0	0	0	1
Kameron	0	0	0	1	0	0	0	1
Cuba	0	0	0	2	0	0	0	2
Iraq	0	1	0	1	0	0	0	2
Iran	1	1	0	14	0	3	1	18
Nigeria	0	3	0	0	0	0	0	3
Pakistan	0	5	0	2	0	0	0	7
Syria	0	0	0	3	0	0	0	3
<b>Total</b>	<b>1</b>	<b>11</b>	<b>0</b>	<b>25</b>	<b>0</b>	<b>4</b>	<b>1</b>	<b>40</b>

Table of issues personal work permits for period 2018-2020 Loznica (Asylum Centre in Banja Koviljača)

Country	2018		2019		2020 <sup>192</sup>		Total	
U/PKS	U	PKS	U	PKS	U	PKS	U	PKS
Burundi	0	0	0	0	0	15	0	15
Iraq	0	0	0	0	0	2	0	2
Iran	0	0	0	17	0	10	0	27
Kongo	0	2	0	1	0	1	0	4
Libya	0	0	0	0	0	1	0	1
Nigeria	0	0	0	0	0	2	0	2
Somalia	0	0	0	0	0	1	0	1
Zimbabwe	0	0	0	2	0	0	0	2
Tunis	0	0	0	0	0	2	0	2
<b>Total</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>20</b>	<b>0</b>	<b>34</b>	<b>0</b>	<b>56</b>

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191 The first 9 months in 2020.

192 The first 9 months in 2020.

## Annex no. 3

List of refugees capable to work who can be claimed with certainty to be in Serbia

No.	Number of decision	Decision-making date	Country of origin	Type of protection	Number of persons	Employment status	Type of employment
1.	26-766/08	04.02.2009	Iraq	Subsidiary protection	1	<b>Employed</b>	Employed in the CRM as an interpreter and cultural mediator in the Asylum Centre in Banja Koviljača
-2.	AŽ 25/09	23.04.2010	Somalia	Subsidiary protection	1	Unemployed	Works occasionally as an interpreter for CSOs, UNCHR and the CRM in the Asylum Centre in Banja Koviljača
3.	26-1451/12	05.07.2013	Syria	Subsidiary protection	1	UNKNOWN	Since 1989 has been living with the family in Serbia
4.	26-1433/13	13.06.2013	Syria	Subsidiary protection	1	UNKNOWN	Since 2003, has lived with a spouse in Serbia
5.	26-2429/13	23.05.2014	Tunis	Asylum	1	<b>Employed</b>	Found all employments on his own independently of institutional or extra-institutional support
6.	26-1445/14	04.08.2014	Syria	Subsidiary protection	1	UNKNOWN	Lives with family (all Serbian citizens) in Serbia
7.	26-1342/14	28.04.2015	Syria	Asylum	1	<b>Employed</b>	Found all jobs on his own as an engineer
8.	26-4906/15	09.12.2015	Kazakhstan	Asylum	1	UNKNOWN	Worked as a massager



9.	26-5626/15	01.03.2016	Sudan	Asylum	1	<b>Employed</b>	Employed in a catering facility
10.	26-11/16	04.08.2016	Cuba	Asylum	1	Unemployed	Has been living in Serbia for more than 10 years with a spouse and children who are Serbian citizens
11.	26-812/16	29.09.2016	Libya	Asylum	2	Unemployed	They live in Serbia, the father is occasionally hired as the interpreter for the Arabic language
12.	26-536/16	16.12.2016	Kameron	Asylum	1	<b>Employed</b>	Works in the <i>call-centre</i>
13.	26-2434/16	20.09.2017	Burundi	Asylum	1	Unemployed	Lived and studied in Belgrade before applying for asylum
14.	26-5489/15	20.10.2017	Libya	Subsidiary protection	3	UNKNOWN	Live of their own money which they invest in private business
15.	26-1083/18	26.01.2018	Iran	Asylum	1	<b>Employed</b>	Works as a postman, and he used to do other jobs which he found on his own
16.	26-222/15	03.07.2018	Libya	Subsidiary protection	3	Unemployed	Mother is a psychologist, one daughter a doctor, another a student
17.	26-1081/17	04.07.2018	Iran	Asylum	1	<b>Employed</b>	Found job on his own in a catering facility

18.	26-2554/17	19.07.2018	Iran	Asylum	1	Employed	Employed in a catering facility. Found the job on his own
19.	26-1352/18	14.01.2019	Libya	Subsidiary protection	1	UNKNOWN	Works as a painter and find all jobs on his own
20.	26-1351/18	14.01.2019	Libya	Subsidiary protection	1	UNKNOWN	Lives of his own money and finds alone all his jobs
21.	26-2348/17	28.01.2019	Iraq	Asylum	1	<b>Employed</b>	Employed in a catering facility, works occasionally for various CSOS
22.	26-2643/17	30.01.2019	Afghanistan	Subsidiary protection	1	<b>Employed</b>	Works as in interpreter, got employed upon the recommendation of the CRM
23.	26-1395/18	05.02.2019	Iran	Asylum	3	<b>Employed</b>	Opened a catering facility with their own money
24.	26-1216/18	12.02.2019	Russia	Asylum	1	<b>Employed</b>	She found a job on her own as a support staff in a catering facility and enjoys the support of the CSO
25.	26-1217/18	12.02.2019	Russia	Asylum	1	<b>Employed</b>	She found a job on her own as a support staff in a catering facility and enjoys the support of the CSO

26.	26-1218/18	12.02.2019	Russia	Asylum	1	<b>Employed</b>	She found a job on her own as a support staff in a catering facility and enjoys the support of the CSO
27.	26-1260/18	13.03.2019	Cuba	Asylum	2	Unemployed	/
28.	26-176/18	15.03.2019	Syria	Subsidiary protection	2	Unemployed	/
29.	26-1605/18	15.03.2019	Iran	Asylum	1	UNKNOWN	/
30.	26-2047/17	21.03.2019	Iraq	Subsidiary protection	3	UNKNOWN	Live on their own money and private business and have been living in Serbia for years and speak Serbian
31.	26-1731/18	08.05.2019	Syria	Subsidiary protection	1	Unemployed	/
32.	26-787/19	29.05.2019	Afghanistan	Asylum	1	<b>Employed</b>	Employed as an interpreter
33.	26-3638/15	16.09.2019	Syria	Subsidiary protection	1	Unemployed	Works occasionally as an interpreter or on CSOs' projects
34.	26-784/18	20.11.2019	Afghanistan	Asylum	1	Unemployed	/
35.	26-1403/19	11.12.2019	Afghanistan	Asylum	1	Unemployed	/
36.	26-1719/18	11.12.2019	Iraq	Subsidiary protection	1	UNKNOWN	/
37.	26-2467/17	15.01.2020	Iran	Asylum	1	Unemployed	/
38.	26-1437/18	13.02.2020	Afghanistan	Subsidiary protection	1	Unemployed	/
39.	26-2328/19	20.02.2020	Burundi	Asylum	2	Unemployed	/

40.	26-1435/18	16.06.2020	Iran	Asylum	1	Unemployed	/
41.	26-1615/19	18.06.2020	Burundi	Subsidiary protection	2	Unemployed	/
42.	X.	October 2020	Afghanistan	Subsidiary protection	1	Unemployed	/
					55		

## Annex no. 4

List of refugees capable to work who cannot be claimed with certainty to be residing in Serbia

No.	Number of decision	Decision-making date	Country of origin	Type of protection	Number of persons	Serbia	Data on potential presence
1.	26-2324/11	19.12.2012	Libya	Asylum	1	UNKNOWN	Has previous ties with Serbia
2.	26-2326/11	19.12.2012	Libya	Asylum	1	UNKNOWN	Has previous ties with Serbia
3.	26-1762/13	23.05.2014	Syria	Subsidiary protection	1	UNKNOWN	/
4.	26-304/13	23.05.2014	Syria	Subsidiary protection	1	UNKNOWN	/
5.	26-3516/15	25.06.2015	Syria	Asylum (SO)	1	UNKNOWN	/
6.	26-1296/14	01.07.2015	Ukraine	Asylum (SO)	1	UNKNOWN	/
7.	26-986/14	06.07.2015	Ukraine	Asylum (SO)	1	UNKNOWN	/
8.	26-67/11	06.07.2015	Ukraine	Asylum (SO)	1	UNKNOWN	/
9.	26-66/11	06.07.2015	Ukraine	Asylum (SO)	1	UNKNOWN	/
10.	26-65/11	06.07.2015	Ukraine	Asylum (SO)	1	UNKNOWN	/
11.	26-5615/14	06.07.2015	Iraq	Asylum (SO)	1	UNKNOWN	/
12.	26-3599/14	07.07.2015	Ukraine	Asylum (SO)	1	UNKNOWN	/

13.	26-3777/15	09.07.2015	Syria	Asylum (SO)	1	UNKNOWN	/
14.	26-5751/14	13.07.2015	South Sudan	Asylum (SO)	1	UNKNOWN	/
15.	X	15.07.2015	Syria	Asylum (SO)	1	UNKNOWN	/
16.	26-71/15	15.07.2015	Syria	Asylum (SO)	1	UNKNOWN	/
17.	26-151/15	31.07.2015	Syria	Subsidiary protection	1	UNKNOWN	/
18.	X	31.07.2015	Sudan	Asylum (SO)	1	UNKNOWN	/
19.	X	2015	Syria	Subsidiary protection	1	UNKNOWN	/
20.	26-4062/15	08.01.2016	Syria	Subsidiary protection	1	UNKNOWN	/
21.	26-5629/15	08.03.2016	Sudan	Asylum	1	UNKNOWN	/
22.	26-5625/15	14.03.2016	Sudan	Asylum	1	UNKNOWN	/
23.	26-4133/15	22.03.2016	Ukraine	Subsidiary protection	3	UNKNOWN	Has previous ties with Serbia
24.	26-5047/15	11.04.2016	Sudan	Asylum	1	UNKNOWN	/
25.	26-5618/15	01.12.2016	Libya	Subsidiary protection	3	UNKNOWN	Has previous ties with Serbia
26.	26-926/16	21.07.2017	Syria	Asylum	1	UNKNOWN	Has previous ties with Serbia
27.	26-331/15	21.09.2017	Ukraine	Subsidiary protection	1	UNKNOWN	Has previous ties with Serbia
28.	26-4568/18	11.02.2018	Somalia	Subsidiary protection	1	UNKNOWN	Has previous ties with Serbia
29.	26-881/17	10.04.2018	Afghanistan	Asylum	1	UNKNOWN	/
30.	26-2152/17	16.04.2018	Afghanistan	Asylum	1	UNKNOWN	/
31.	26-2489/17	01.06.2018	Syria	Subsidiary protection	1	UNKNOWN	/
32.	26-1697/17	15.06.2018	Libya	Subsidiary protection	2	UNKNOWN	Has previous ties with Serbia

33.	X	2018	Iran	Asylum	1	UNKNOWN	/
34.	X	2018	Iran	Asylum	1	UNKNOWN	/
35.	AZ	02.09.2019	Iran	Subsidiary protection	1	UNKNOWN	/
36.	X.	2019	Libya	Subsidiary protection	1	UNKNOWN	/
37.	X.	2019	Syria	Subsidiary protection	1	UNKNOWN	/
38.	X.	2019	Pakistan	Subsidiary protection	1	UNKNOWN	/
39.	X.	2019	Pakistan	Subsidiary protection	1	UNKNOWN	/
40.	X.	2019	Afghani- stan	Asylum	1	UNKNOWN	/
41.	X.	2019	Iran	Asylum	1	UNKNOWN	/
42.	X	February 2020	Iran	Asylum	3	UNKNOWN	/
43.	X	June 2020	Syria	Subsidiary protection	1	UNKNOWN	/
44.	X	June 2020	Somalia	Subsidiary protection	1	UNKNOWN	/
45.	X	August 2020	Stateless	Asylum	1	UNKNOWN	/
46.	X	August 2020	Mali	Subsidiary protection	1	UNKNOWN	/
47.	X	August 2020	Somalia	Subsidiary protection	1	UNKNOWN	/
48.	X	October 2020	Afghani- stan	Asylum	2	UNKNOWN	/

## Annex no. 5

<p>Law on Asylum entered into force on 1 April 2008</p>	<p><b>Persons who were granted asylum</b></p> <ul style="list-style-type: none"> <li>Recognized right to work.</li> <li>There is no specialized state authority which would provide support in access to the labour market.</li> <li>There is no regulation governing the manner in which support in access to labour market would be provided.</li> <li>The right to work is not exercised in practice.</li> </ul> <p><b>Persons who were granted subsidiary protection.</b></p> <ul style="list-style-type: none"> <li>The right to work is not recognized.</li> </ul> <p><b>Asylum seekers</b></p> <ul style="list-style-type: none"> <li>The right to work is not recognized.</li> </ul>
<p>Law on Foreigners entered into force on 16 November 2013</p>	<p><b>Persons who were granted asylum</b></p> <ul style="list-style-type: none"> <li>Recognized right to work.</li> <li>The CRM is a specialized state authority which provides support in access to labour market.</li> <li>There is no regulation governing the manner in which support in access to labour market would be provided.</li> <li>The right to work is not exercised in practice.</li> </ul> <p><b>Persons who were granted subsidiary protection.</b></p> <ul style="list-style-type: none"> <li>The right to work is not recognized.</li> </ul> <p><b>Asylum seekers</b></p> <ul style="list-style-type: none"> <li>The right to work is not recognized.</li> </ul>

<p>LEF entered into force on 3 December 2014</p>	<p><b>Persons who were granted asylum</b></p> <ul style="list-style-type: none"> <li>▪ Recognized right to work.</li> <li>▪ The CRM is a specialized state authority which provides support in access to labour market.</li> <li>▪ There is no regulation governing the manner in which support in access to labour market would be provided.</li> <li>▪ The right to work is not exercised in practice.</li> </ul> <p><b>Persons who were granted subsidiary protection.</b></p> <ul style="list-style-type: none"> <li>▪ Recognized right to work.</li> <li>▪ There is no specialized state authority which would provide support in access to the labour market.</li> <li>▪ There is no regulation governing the manner in which support in access to labour market would be provided.</li> <li>▪ The right to work is not exercised in practice.</li> </ul> <p><b>Asylum seekers</b></p> <ul style="list-style-type: none"> <li>▪ Recognized right to work.</li> <li>▪ There is no specialized state authority which would provide support in access to the labour market.</li> <li>▪ There is no regulation governing the manner in which support in access to labour market would be provided.</li> <li>▪ The right to work is not exercised in practice.</li> </ul>
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Decree on  
Integration I  
entered into  
force on 16  
December 2016

### Persons who were granted asylum

- Recognized right to work.
- The CRM is a specialized state authority which provides support in access to labour market.
- There is a regulation governing the manner in which support in access to labour market would be provided.
- The right to work is not exercised in practice with institutional support, but with support of CSOs that are UNHCR partners.

### Persons who were granted subsidiary protection.

- Recognized right to work.
- There is no specialized state authority which would provide support in access to the labour market.
- There is no regulation governing the manner in which support in access to labour market would be provided.
- The right to work is not exercised in practice with institutional support, but only with support of CSOs that are UNHCR partners.

### Asylum seekers

- Recognized right to work.
- There is no specialized state authority which would provide support in access to the labour market.
- There is no regulation governing the manner in which support in access to labour market would be provided.
- The right to work is not exercised in practice with institutional support, but only with support of CSOs that are UNHCR partners.

LATP entered into force on 3 April 2018

### Persons who were granted asylum

- Recognized right to work.
- The CRM is a specialized state authority which provides support in access to labour market.
- There is a regulation governing the manner in which support in access to labour market would be provided.
- The right to work is not exercised in practice with institutional support, but with support of CSOs that are UNHCR partners.

### Persons who were granted subsidiary protection.

- Recognized right to work.
- The CRM is a specialized state authority which provides support in access to labour market.
- There is no regulation governing the manner in which support in access to labour market would be provided.
- The right to work is not exercised in practice with institutional support, but with support of CSOs that are UNHCR partners.

### Asylum seekers

- Recognized right to work.
- There is no specialized state authority which would provide support in access to the labour market.
- There is no regulation governing the manner in which support in access to labour market would be provided.
- The right to work is not exercised in practice with institutional support, but with support of CSOs that are UNHCR partners.



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