

RAS

REFUGEE AID SERBIA

FIELD

Report on the Effectiveness of Procedures Regulating the Legality of Migrants'/Refugees' Stay in Serbia

RAS Field Report #10 / December 2018.

Migration-Related Context and Background

Registration Procedure

The only police station in Serbia involved in registration process¹ on regular, daily basis is police station in Savska street in Belgrade – the Department for Foreigners. Several other police stations throughout Serbia get involved in registration process occasionally.

Due to its limited capacities, Department for Foreigners usually imposes quotas on how many registration procedures can be conducted per day – which often results in creation of priority lists and prolonged waiting times for those willing to register but not qualify as a priority case. Furthermore, those not being ranked highly on priority list one day can also fall below the set quota for the next day (and the day after, and so on) if there is a high number of those belonging to vulnerable groups among the new arrivals, such as unaccompanied minors or families.

Informal Residence in Belgrade

Migrants/refugees unable to get registered on the day of arrival to Belgrade are not provided with any accommodation or necessities, except for a limited amount of meals² and possibility to stay overnight³ in Miksaliste community centre for the most vulnerable. Single adult males are thereby forced to find shelter elsewhere, usually sleeping in abandoned buildings in the area or building sites.

Development of the Belgrade Waterfront project in the area has resulted in demolition of several abandoned objects used by migrants/refugees as temporary shelter which has further compromised their safety. Without large squats which can serve as, at least partially effective, protection from the elements, migrants/refugees waiting to get registered are not only forced to search for shelter further away from the areas with the NGO and INGO presence, but also congregate in smaller groups which further puts them at risk.

These developments, exacerbated with worsening weather conditions, have led to the strengthening of informal inter-communal networks of support on the territory of Belgrade, usually ran by smugglers and centred on provision of irregular ac-

1 Process of issuing of the certificate of the expressed intention to seek asylum. This document requires that the person in question needs to obtain accommodation in a determined asylum facility in no more than 72 hours in order to secure legal residence in Serbia.

2 Distributed by Info Park NGO.

3 As no beds are available, migrants/refugees are using sleeping mats and sleeping bags.

accommodation for those in need. Increasing number of migrants/refugees reported residing irregularly in private accommodation throughout the city upon arrival to Belgrade or while waiting to get registered.

Frustration from prolonged waiting times spent in inadequate conditions and/or exposure to smugglers and inaccurate information on the legal framework, can result in giving up from the registration process and, in some cases, getting involved and/or becoming a victim of criminal activities, while at the same time being removed from the context where adequate and timely assistance can be offered.

During the past months, state institutions' response to prolonged waiting times related to registration process and high numbers of those residing informally in the Savamala area was to **increasingly allow accommodation of those without registration documents in reception facilities throughout Serbia.**

This approach leaves those transferred or referred to camps without registration in a very vulnerable position because it is unclear whether they are aware and informed that the legality of their residence in Serbia is still not regulated. Furthermore, those residing in governmental centres without registration are usually the first ones to be asked to leave the centre in order to ensure accommodation of persons belonging to vulnerable groups or those who have managed to get registered.

Effectiveness of the Registration Procedure

During the previous month, RAS has conducted a survey among 221 migrants/refugees in Belgrade and monitored their involvement in the registration process.

Out of the total number of 221, 169 (76%) individuals decided to initiate the registration procedure,

while 52 (24%) decided not to get registered. Among those not wanting to get registered most (28 or 54%) were not willing to elaborate on their decision, while 14 (27%) claimed not to be interested in registration as they plan to attempt to reach territories of neighbouring countries in the next days⁴. Other explanations included *wanting, but not being able to go to a certain camp* (5), *waiting for relatives to arrive to Belgrade* (4) and *fear of religious discrimination in centres* (1).

Out of 169 individuals who decided to get registered, only 86 (51%) managed to get registered, while 83 (49%) were either transferred or went to the reception facility without registration (or have been offered to do so and declined)⁵. Furthermore, out of 86 registered individuals, 26 (30%) were registered after being rounded up by the police.

Average waiting time for those who managed to get registered was 33 hours⁶. Those who didn't manage to get registered waited 72 hours on average, or 3 days.

Informal Residence During the Waiting Period

RAS also focused on types of accommodation or shelter migrants/refugees were using while waiting to get registered.

Among those able to obtain the registration document, 38 (44%) were registered on the day of the arrival⁷. Out of remaining 48 (56%), 24 (28%) slept in Miksaliste community centre and waited for more than 2 days on average, 19 (22%) slept rough in Savamala area and waited for close to 3 days, 4 (5%) resided in private accommodation and waited for one day, and 1 person stayed in hostel and waited 2 days to get registered.

Out of 83 individuals who either obtained ac-

4 Listing Bosnia, Croatia and generally EU as intended destination.

5 Being offered to go to a certain reception facility without registration and declining is effectively considered a refusal to cooperate with the state and leaves an individual in question without option to regulate his/her status. That being said, none of the migrants/refugees interviewed claimed that he/she refused to go to a centre without registration because of potential legal consequences of such act.

6 Unit of measurement used was one day (or more precisely, number of nights spent waiting), which was later converted to hours.

7 Out of these 38, 11 (29%) were registered after being arrested or rounded up by the police.

accommodation in the reception facilities without the registration document, or were offered to do so but declined, 9 (11%) were offered to go to reception centre without registration on the day of arrival. Among the rest, 33 (40%) slept in Miksaliste and waited for more than 2 days on average, 19 (23%) slept rough and waited for more than 8 days, 12 (14%) resided in hotel/hostel and waited for close to 6 days, and 10 (12%) resided in private accommodation and waited for more than 10 days.

Drastically longer waiting times for those sleeping rough, or residing either in private or commercial accommodation should not exclusively indicate towards ineffectiveness of registration procedure. As mentioned before, the lack of accommodation and basic necessities for most of those waiting to get registered, in combination with the lack of improvised shelters in the area is causing migrants/refugees to look for alternatives - either by venturing further away from Savamala neighbourhood, approaching smugglers for accommodation, or, in rare cases, staying in hotels/hostels. This usually means losing the frequent contact with NGO teams and/or being provided with inaccurate information by the smugglers or other migrants/refugees. This is how 3 days of waiting for registration can turn into 7 or more, as the appointments are being missed and doubts about the process grow, resulting in indecisiveness.

Another factor is the fact that indecisiveness about registration procedure is prevalent among migrants/refugees staying in relatively satisfactory living conditions, such as private or commercial accommodation, as registering and going to the reception facility is perceived rather as strategic⁸ than the choice made out of necessity.

Acquiring Accommodation

According to the collected data, 169 migrants/refugees were offered to go to reception facilities either with or without registration.

Out of those, 59 (35%) did not go. The main reason given (27 or 46%) was the lack of financial resources to reach the reception facility - currently, Serbian Commissariat for Refugees and Migration (SCRM) is organizing regular transport only to Asylum centre in Sjenica; in order to reach most other reception facilities, migrants/refugees are forced to rely either to the limited funds at disposal of NGOs or their own money. Significant number of migrants/refugees 17 (29%) did not show up at the scheduled time to travel to the centre (or in subsequent 2 days), while 11 (19%) were not willing to explain their decision. Among the remaining four, 3 (5%) found camp in question not desirable, while 1 person decided to stay in Belgrade in order to wait for relatives to arrive.

Among 110 (65%) who obtained accommodation in reception facilities, 51 (46%) were registered, while 59 (54%) were not.

SCRM-organised transport was provided to 22 (20%) individuals⁹, NGOs provided transport to 37 (34%), while 51 (46%) went to the reception centres in their own arrangement.

During the past 45 days, RAS has received claims from 5 groups (22 individuals), previously residing without registration in reception centres, that they have been asked to leave the center in order to allow for the accommodation of those who have registered or those deemed more vulnerable, such as families returning from Bosnia and Herzegovina.

8 Waiting until accommodation is being offered in a camp close to the borders one intends to try to cross.
9 Exclusively to Asylum centre in Sjenica.