



Migration Governance Snapshot: the Republic of Serbia

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In 2015, IOM developed a [Migration Governance Framework \(MiGOF\)](#) to help countries define what “well-managed migration policy” might look like at the national level. The MiGOF was welcomed by IOM’s Member States in the same year. The Migration Governance Indicators (MGI)¹ were developed to assist countries operationalize the MiGOF by using a standard set of approximately 90 indicators which could be applied across six key policy domains.

The MGI is a tool based on policy inputs, which offers insights on policy levers that countries can use to develop their migration governance. The MGI is not intended to function as a measurement of outcomes related to migration policies and institutions, instead it operates as an input-based benchmarking framework that offers insights on policy measures that countries can action to strengthen migration governance. The MGI is not meant to rank countries on the design or implementation of migration policies, but rather to be a framework to help countries in the assessment of the comprehensiveness of their migration policies, as well as to identify gaps and areas that could be strengthened. The MGI aims to assist countries when advancing the conversation on migration governance by clarifying what “well-governed migration” might look like in the context of the [SDG Target 10.7](#).

This country snapshot summarizes the well-governed areas of the Republic of Serbia’s (hereafter referred to as Serbia) migration governance structures, as well as the areas with potential for further development, as assessed by the MGI.

¹ The Migration Governance Indicators (MGI) initiative is a policy-benchmarking programme led by the International Organization for Migration (IOM) and implemented with the support of the Economist Intelligence Unit. Funding is provided by the Government of Sweden.

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Key findings

I. Adherence to international standards and fulfilment of migrants' rights

International conventions ratified

Convention name	Ratified
ILO Migration for Employment Convention (Revised), 1949 (No. 97)	Yes (2000)
Convention relating to the Status of Refugees, 1951	Yes (1959)
Convention relating to the Status of Stateless Persons, 1954	Yes (2001)
Convention on the Reduction of Statelessness, 1961	Yes (2011)
ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)	Yes (2000)
Convention on the Rights of the Child (CRC), 1989	Yes (1991)
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), 1990	No

Migration Governance: examples of well-developed areas

All foreigners, including labour migrants, who hold a residence permit have the right to health protection, according to Article 3 of the [Law on Health Protection](#). Health services, as well as primary and secondary education, are available free of charge. Refugees and individuals with subsidiary protection status, asylum-seekers, refugees from former Yugoslavia and internally displaced persons (IDPs), and non-nationals holding a temporary or permanent residence permit have access to the public health system. Undocumented migrants are only eligible for urgent medical care.

Serbia's [Act on the Employment of Foreigners](#) (2014), enables non-nationals who have been granted temporary or permanent residence in Serbia as well as individuals who have been granted refugee or temporary protection status to apply for work permits. Asylum-seekers can apply for work permits if nine months have passed since they filed their asylum application, when a decision has not been made and the delay cannot be attributed to the applicant. Depending on legal status, foreigners may obtain one of two types of work permit: personal work permit or work permit. A personal work permit is granted to foreign citizens who have a permanent residence permit, refugees, individuals with subsidiary protection status, asylum-seekers and on the grounds of family reunification. A work permit for employment is issued on the employer's request to non-nationals holding a temporary residence permit. Foreigners holding either type of work permit enjoy the same labour and social rights as Serbian national employees.

Permanent residence status may be granted to a foreign national who has continuously resided in Serbia for at least five years; has been married for more than three years to a Serbian citizen or to a foreigner with permanent residence; is of Serbian descent (has family roots in Serbia); or is a minor (below 18 years of age) who is temporarily residing in Serbia, with at least one parent who is either a Serbian national or a permanent resident (with full consent of the other parent).

All foreigners with permanent resident status can apply for Serbian citizenship if they have continuously resided in Serbia for at least three years; have been married to a Serbian national for three or more years and have a permanent residence permit; and if they have been or will be released from foreign citizenship and submit a written statement indicating that they consider Serbia as their country of nationality. Family reunification is available to non-nationals with permanent or temporary resident status or to those who have been granted asylum in the country.

Serbia has ensured the basis for efficient migration governance by acceding to various international conventions on the protection of migrant rights, including the Convention of the Rights of the Child, the Convention Relating to the Status of Refugees, and the Conventions on Statelessness.

Areas with potential for further development

While Serbia has numerous provisions dealing with the fulfilment of migrants' rights, according to the Law on [Public Servants](#) (Article 45), only Serbian nationals are permitted to work as civil servants in the public sector. However, foreign citizens are allowed to work in state-owned or public enterprises.

Serbia has not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW). Additionally, the regulations surrounding participation of non-nationals in political decision-making could be further developed, for instance in elections at the local level.

2. Formulates policy using evidence and whole of government approach

Migration Governance: examples of well-developed areas

The goals and priorities of Serbia's overall migration policy are managed by the [Commissariat for Refugees and Migration](#). Besides the Commissariat there are several other ministries involved in migration management, including the Ministry of Interior, the Ministry of Foreign Affairs, the Ministry of Justice and the Ministry of Labour, Employment, Veteran and Social Policy.

At the central level, coordination between state institutions is ensured through several inter-ministerial bodies. The Coordination Body for Migration Monitoring and Management is responsible for providing guidance on the operations of ministries and special organizations, defining goals and priorities of the migration policy, as well as monitoring and managing migration at the national level. The Council for the Reintegration of Returnees proposes policies, measures and activities for the admission, care and integration of returnees in line with multiple readmission agreements. Other relevant coordination mechanisms include the Commission for Coordination of the Permanent Integration Process of Refugees from Bosnia and Herzegovina and Croatia, the ad hoc Working group on Mixed Migration Flows, and the Technical Working Group for Development of the Migration Profile.

At the local level, vertical coordination is ensured through local Migration Councils, who report to the national Commissariat for Refugees and Migration on migration issues in the territory of the local self-government units and the autonomous provinces. Additionally, local Trustees for Refugees and Migration can be approached by migrants for help, and will refer them to the competent authorities or non-governmental organizations (NGOs) that provide various types of assistance. Policy planning at the local level is ensured through Local Action Plans, which are strategy and action documents that determine the needs of refugees, IDPs, returnees, migrants without legal status and asylum-seekers, and envisage appropriate measures, activities and financial resources to improve their position. These plans are implemented by the local migration council.

The migration strategic framework is regulated through several strategies, including the [Migration Management Strategy](#), the [Strategy for Combating Illegal Migration in the Republic of Serbia for the period 2009–2014](#), the [Strategy for Reintegration of Returnees under the Readmission Agreement](#), the [Integrated Border Management Strategy](#), the [Strategy for Combating Trafficking in Human Beings](#), the [National Strategy for Resolving the Issues of Refugees and Internally Displaced Persons](#), the [Strategy on Preserving and Strengthening the Relations with the Diaspora and Serbs in the Region](#), and the [Strategy for Sustainable Survival and Return to UNSC resolution 1244-administered Kosovo and Metohija](#). Migration issues are also regulated through multi-sector and sectoral strategies (such as the [National Employment Strategy](#) and the [Education Development Strategy](#)).

The [Law on Migration Management](#), which includes emigration within its remit, regulates the authorities responsible for migration management, and establishes a data collection system facilitating data exchange in this field. Other relevant laws, such as the [Law on Foreigners](#) (2008), the [Law on Asylum](#) (2007), and the [Law on Refugees](#) (2002) regulate specific areas of rights and assistance relating to access to accommodation, health

protection, education and employment. All rules and regulations pertaining to migration are transparent, easy to consult and available [online](#).

The Commissariat for Refugees and Migration has collected and published migration data on an annual basis since 2010 in the [Migration Profile](#) of the Republic of Serbia. The last national census, conducted in 2011, contained a section on migration.

3. Engages with partners to address migration and related issues

Migration Governance: examples of well-developed areas

Serbia is actively involved in international and regional cooperation. It is a member of the International Organization for Migration, the United Nations High Commissioner for Refugees, the Global Forum on Migration and Development, the Budapest Process, the Prague Process, the Regional Cooperation Council and the Migration, Asylum, Refugees Regional Initiative. Specific migration issues between Serbia and other countries are regulated through bilateral agreements, such as those concerning readmission with each European Union (EU) Member State. In line with the [Stabilization and Association Agreement](#), signed between Serbia and EU Member States in 2008, Serbia is working on harmonizing its national legislation with the EU in order to facilitate implementation of international obligations and standards.

Serbian authorities include civil society organizations (CSOs) in activities related to legislative development and coordination. In particular, the Office for Cooperation with Civil Society was established in 2011 by the Government to facilitate CSO participation in legislative processes. Furthermore, the Government, through the Chamber of Commerce, also engages the private sector in the implementation of migration policy. For example, a centre for coordination of the actions related to assistance to migrants has been established in the Serbian Chamber of Commerce.

4. Advances the socioeconomic well-being of migrants and society

Migration Governance: examples of well-developed areas

According to Article 97 of the [Law on Higher Education](#), foreign citizens may enrol in education programmes under the same conditions as nationals. Furthermore, international students can work during their studies for a maximum of 20 hours per week or 80 hours per month, according to [Serbia's Law on the Employment of Foreigners](#).

Serbia is a member of the European Network of Information Centres (ENIC)/ National Academic Recognition Information Centres (NARIC) [network](#); NARIC –, and its procedures are harmonized with international good practices recognized by these bodies. The Ministry of Education (Sector for Recognition and Validation of Education Certificates) is the authority responsible for validating elementary and high school certificates and university qualifications.

Due to the harmonization of national legislation with the EU, protecting the rights of emigrant workers is largely in line with international standards. According to Article 5 of the [Law on Foreign Affairs](#), the Ministry of Foreign Affairs is responsible for protecting the interests of Serbia, its citizens and legal entities abroad.

Areas with potential for further development

Serbia is primarily a transit and migrant-sending country, and there is no defined programme for managing labour immigration. There are no specific visa schemes in place for managing labour immigration to meet demand for skills. The [Law on Foreigners](#) (2008) elaborates conditions for issuance of visa type D (temporary residence visa) and approval of temporary and permanent residence permits based on the applicant's intention to work and contribute to improvement of social conditions in Serbia.

Remittance flows take place outside the financial system and a series of practical recommendations could be developed to record incoming and outflowing remittances, promote the use of formal financial institutions to transfer money, reduce fees and encourage greater competition.

5. Effectively addresses the mobility dimensions of crises

Migration Governance: examples of well-developed areas

Serbian authorities promote the protection of the rights of migrants (including refugees), as well as their safe return to Serbia upon cessation of circumstances that resulted in their displacement. The [Regional Housing Programme](#), a joint initiative by Bosnia and Herzegovina, Croatia, Montenegro and Serbia, is a multi-donor effort to provide durable housing solutions to the most vulnerable refugees and displaced persons following the 1991–1995 conflicts in the territory of former Yugoslavia.

In the event of disasters, State authorities can use several types of communication systems to reach the population, including television channels, national radio, and SMS. For example, during heavy floods in Obrenovac (a city close to Belgrade) in 2015, all migrants based in the city received timely information about the emergency situation. Humanitarian assistance is provided to all migrants regardless of their legal status, and it is coordinated by the Commissariat for Refugees and Migration. NGOs are generally directly involved in the distribution of humanitarian assistance, while international organizations are involved in their monitoring and take an active role in providing and funding humanitarian support.

Serbia has 69 embassies and 23 consulates abroad, and consular assistance is guaranteed to all nationals living abroad. A Serbian citizen is obliged to notify the relevant international mission when moving abroad.

In the second half of 2015, Serbia had a rapid increase in the number of migrants and asylum-seekers entering the country. In order to prepare an adequate response, the Government adopted a response plan identifying responsible bodies, institutions and organizations, and their area of work in the event of rapid increases in the number of migrants and asylum-seekers. The plan includes measures and activities to be implemented, as well as human, financial and other resources necessary for providing urgent accommodation and unhindered access to rights. The response plan is regularly updated according to need.

Areas with potential for further development

Serbia does not have a strategy for dealing with environmental challenges and climate change. However, a draft strategy is being prepared with support from the EU-funded project "[Climate Change Strategy and Action Plan](#)". Serbia's [Migration Management Strategy](#) does not refer to migratory movements caused by the adverse effects of environmental degradation and climate change.

The National Strategy for Protection and Rescue in Emergency Situations was adopted by the Government in 2011. However, there are no specific provisions for addressing the displacement impacts of disasters. Serbia does not have a contingency plan to manage large-scale population movements in times of crisis, even though such a need is recognized in the [Strategy of National Security](#) (2009).

6. Ensures that migration takes place in a safe, orderly and dignified manner

Migration Governance: examples of well-developed areas

A dedicated body, the Ministry of Interior's Border Police Directorate, is tasked with integrated border control and security. The Border Police exercises its functions through its different departments: the Department of Borders, the Aliens Department, the Office for Asylum, the Department to Fight Cross-Border Crime and Criminal Intelligence Affairs, the Department for International Cooperation and the Duty Centre. At the local level, the Border Police controls the border at 40 border police stations, located at regular border crossings.

Information about visa options and general visa requirements is available on the website of the [Ministry of Foreign Affairs](#).

Serbia has developed measures to combat trafficking in human beings by establishing the [Centre for Human Trafficking Victims Protection](#), appointing a National Coordinator for combating human trafficking, and by adopting a strategy to counter and prevent human trafficking for the period 2017–2022. The Centre for Human Trafficking Victims Protection is an institution of social protection and publishes monthly statistical data and annual work reports. Inter-ministerial cooperation and collaboration between state actors (various judiciary, police and social protection institutions) and NGOs is promoted and supported.

There are currently 18 centres for reception of asylum-seekers and migrants. Detailed information is available on the [website](#) of the Commissariat for Refugee and Migration.

Areas with potential for further development

There is currently no comprehensive system to ensure that immigration authorities are alerted when individuals overstay their visas. However, police officers may determine on a case-by-case basis whether a migrant has actually overstayed their authorized admission period by analysing any relevant records (such as travel documents or any biometrics obtained before or during entry to the country).

Visa applications must be submitted in hard copy to Serbian embassies or consulates prior to arrival. More efforts could be undertaken to develop an online visa application process.

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