



COMMENTS

to the Draft Strategy for
Combating Irregular Migration

Group 484

Belgrade, December 2018



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Preface

Comments to the Draft Strategy for Combating Irregular Migration with the Accompanying Action Plan 2018-2020 are part of Group 484's efforts for many years now to support, through its activities, the reform processes in the field of migration in the Republic of Serbia. Group 484 believes that competent authorities have recognised the importance of adopting a strategic document that would define policies and key directions to be taken in combating irregular migration, as one of the most challenging subsystem within the migration management system. In addition, by adopting this strategic document, one more requirement arising from the EU accretion negotiation process will formally be met.

In our opinion, the process of revising strategic documents and accompanying action plans relevant in the field of migration should be continued. Besides the need to meet the requirements arising from the EU accession negotiation process, it is particularly important to recognise that strategic documents need to be revised to achieve horizontal and vertical compliance and complementarity with the newly adopted regulations in the field of public policy and planning system reforms. With regard to the European Integration process, we believe that the venture to draw up such a strategic document is extremely demanding having regard to the fact that this policy, due to increased migration flows, has been the subject of debates in European fora and Member States, and that there are still no clear indications of future policy and standards, although some outlines of the future direction become clearer,

During the process of drawing up the Draft Strategy for Combating Irregular Migration 2018-2020, the Ministry of Interior organised a Public Debate on the Draft Strategy for Combating Irregular Migration 2018-2020. Group 484 participated in the Round Table held on 11 July 2018 where the Draft was presented and debated on, and it has used the possibility to submit comments to the Draft Strategy.

The comments' structure follows the structure of the Draft Strategy. Group 484's comments are indicated in distinctly separated boxes under the Draft text which the comments refers to. The same principle was applied on the Action Plan.

1. INTRODUCTION

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[...] A recommendation was presented within the assessment that in the Republic of Serbia, a holistic and integrated Strategy-related system should be developed in a long-term perspective, which, in relation to migration, should result in the development of only one Draft Strategy for the entire system of migration (migration, asylum and social integration). In accordance with this recommendation, the Strategy for Combating Irregular Migration for the period 2018-2020 of the Republic of Serbia lays down its policy for establishing an efficient system for combating irregular migration as an integral part of the overall migration management system.

We believe that it is necessary to be more specific and additionally explain the purpose of the Strategy, because the current explanation seems to be in contradiction to the assessment of the previously applicable Strategy. If the finding is that it is necessary to adopt a comprehensive document, it seems contradictory that this is an argument on which the adoption of the new Strategy is based. Proposal: Whereas the period to which the Strategy applies is short and entirely covered by the action plan, the possibility of renaming the Strategy into the National Programme for Preventing Irregular Migration, bases of which could be found in the Migration Management Strategy, should be taken into consideration. In this manner, a document that at the strategic level defines the guidelines in the field of irregular migration would be adopted, and at the same time, the effect would be that the recommendation from the assessment could be achieved in a certain period of time.

The second option would be to specify more precisely a long-term period in which the Republic of Serbia would draft a comprehensive document, and indicate that meanwhile, having in mind the migration trends, risks and alike, it is necessary to adopt a strategic document that would define the irregular migration policy. So that this strategy, i.e. methodology, could be the basis for a comprehensive document and alike.

[...]

The main foundation for this Strategy can be found in the Republic of Serbia Constitution, which stipulates that the Republic of Serbia shall protect the rights and interests of its citizens abroad (Art. 13), and guarantee foreigners in the Republic of Serbia the rights provided for in the Constitution and the Law, except for the rights under the Constitution and the Law pertaining exclusively to the citizens of the Republic of Serbia (Art. 17). The general framework of the Strategy is provided in the Universal Declaration of Human Rights, stating that "everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status". Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty." (Art. 2) "Everyone has the right to leave any country, including his own, and to return to his country" (Art. 13, Para. 2). "Everyone has the right to seek and enjoy asylum from persecution, unless they are prosecuted for crimes of non-political nature" (Art. 14). "No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality" (Art. 15).

The general framework of the Strategy should primarily be the Constitution of the Republic of Serbia, having in mind its norms and guarantees. In this regard, relevant provisions are also the ones in Article 16 (2): "Generally-accepted rules of the international law and ratified international treaties are an integral part of the legal system of the Republic of Serbia and shall be directly applied". Relevant international norms are right below the Constitution, and above the laws and by-laws. Article 18 provides for a direct application of human and minority rights guaranteed by the Constitution.

Moreover, the Universal Declaration, in its nature, is a part of customary international law and just one of the instruments among the universal instruments that protect human rights, particularly having in mind the next paragraph addressing the general LEGAL FRAMEWORK.

The second option for the general framework would be the universal protection system.

3. LEGAL AND STRATEGIC FRAMEWORK

3.1. International legal framework

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International legal framework for the adoption of this Strategy consists of various conventions of general type, regulating fundamental human rights of all, [...]

Terminology needs to be changed: Conventions protect and prescribe, they do not regulate. Also, it is not clear to what the 'conventions of general type' term refers. Furthermore, if the universal protection system is the framework, or the Universal Declaration as mentioned above, it should be said that it refers to human rights, and not fundamental human rights because the universal system does not classify rights into fundamental and ancillary rights.

[...] Convention for the Safety of Life at Sea (SOLAS) and Convention on Maritime Search and Rescue. State parties to these instruments have the obligation to report on meeting commitments under the above-mentioned conventions.

Moreover, we believe that the Convention relating to the Status of Refugees and the Additional Protocol have been unjustifiably left out, having in mind the migration flows and that the further text of the Strategy, on the regional protection system and the reforms under the EU accession process, greatly refers to the asylum system and international protection. Furthermore, the possibility of referring to other UN conventions could be taken into consideration, since the Strategy pays great attention to vulnerable groups.

3.2. Harmonization of the Republic of Serbia policy in the area of irregular migration with EU policy

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[...]

A general framework of this policy is presented in the European Convention for the Protection of Human Rights and Fundamental Freedoms, Council of Europe Convention on Action against Trafficking in Human Beings [...]

It is necessary to leave out the European Convention on Human Rights in this segment having in mind that in the continuation of this paragraph, documents of a different regional protection system - the European Union's system, are mentioned, and in this regard the EU general framework could be the EU Charter on Fundamental Rights.

[...] (Action plan for Chapter 24 – Report on the Implementation of Activities, July-December 2016):

Having in mind the time when the public consultation on the Strategy is held, it is necessary to include more recent data and documents in the Strategy. In this regard, all the statistical data should be from approximately the same period of time.

After the above mentioned report, the 2017 reports on the implementation of the Action plan for Chapter 24 were drawn up.

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[...]

» The adoption of the Law on Foreigners is expected by the end of 2018;

It should be mentioned that the Law on Foreigners has been adopted (22 March 2018)

[...]

» New Draft Law on Asylum has been developed, which is [...]

It should be mentioned that the Law on Asylum and Temporary Protection has been adopted (22 March 2018)

[...]

» Draft amendments to the Criminal Code have also been adopted, in accordance with the European Union *acquis communautaire*, by adding Article 350a that provides for more severe punishment for human smuggling.

Article 350a provides for a new criminal offence: Facilitating asylum abuse in foreign countries. The amendments relating to imposing more severe punishment for smuggling as a criminal offence were made to Article 350, so it is necessary to rephrase this.

3.3. Legal and strategic framework for combating irregular migration in the Republic of Serbia

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3.3.1 Laws

[...]

- » *The Constitution of the Republic of Serbia;*
- » *Law on Migration Management ;*
- » *Law on the Protection of the State Border; - by the time the Strategy is adopted, the Law on Border Control will also have been adopted*
- » *Law on Foreigners;*
- » *Law on Asylum;*
- » *Ordinance on more detailed conditions for refusing entry of foreigners to the Republic of Serbia;*
- » *Criminal Code and*

It is necessary to include newly adopted regulations, having in mind the time period when the public consultation is conducted. Moreover, we believe that the list of the laws is not comprehensive, particularly taking into account the institutional framework envisaged by the Strategy and its contents in general (for instance, the Law on Police, the Law on Employment of Foreigners, a whole set of laws relating to judicial authorities envisaged as subjects (prosecutors' offices, courts), and/or procedural and substantive laws in accordance with which they act, the Law on Social Protection, as well as relevant by-laws are missing).

- » Agreement between the Republic of Serbia and the European Union on the Readmission of Persons Residing without Authorisation and bilateral readmission agreements with other countries

Particularly taking into account the migration flows and the importance of the agreements on the readmission of third-country nationals signed with the countries in the region, it is advisable to mention bilateral readmission agreements that have been signed and applied.

3.3.2. Programmes and strategies

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[...]

The most important relevant public policy documents:

- » National Programme for the Integration of the Republic of Serbia into the European Union (NPI);

The list of the documents is not complete. The Strategy for Prevention and Protection against Discrimination, Strategy for the Prevention and Suppression of Trafficking in Human Beings, Especially Women and Children Victim Protection (for 2017-2022 period), strategies relating to security, organised crime, etc. are missing. It should be specified whether it is the third NPI relating to 2018-2021 period or an earlier one.

[...]

- » Strategy for Combating Illegal Migration in the Republic of Serbia for the 2009-2014 period;

If it is necessary to mention the Strategy for Combating Illegal Migration, it needs to be separately mentioned because it is no longer in force. Moreover, unlike other documents mentioned, the continuity should be demonstrated with regard to the previously applicable strategy in this field (Strategy for Combating Illegal Migration), and compliance, or complementarity with other above mentioned strategic documents.

[...]

- » *Response Plan in the Case of an Increased Influx of Migrants.*

It should be specified which plan exactly, having in mind that this plan has been revised several times, as noted in the Strategy itself.

3.3.3 Institutional framework for migration management and the suppression of irregular migration in the Republic of Serbia

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[...]

In the Ministry of Interior – Police Directorate, specialised units have been formed for combating irregular migration, with the Border Police Directorate, Regional Border Police Centres, Criminal Investigation Police Directorate – SBPOK (Unit for Combating Organised Crime), Belgrade Police Department – Directorate for Foreigners and Regional Police Departments.

This segment should be changed having in mind that the Draft revised Action Plan for Chapter 24 and third NPAA, as more recent documents, provide for a different organisational structure of the services in charge of combating irregular migration and smuggling in human beings.

[...]

Since the summer 2016, Joint Forces of the Serbian Army and the Ministry of Interior have been active on the Serbian state border, with the task to prevent illegal border crossings and migrant smuggling.

The segment on joint forces should either be left out or rephrased having in mind that the joint forces have not been functioning since April. Also, it would be advisable to mention in this segment that there is a possibility of including other MoI and Army organisational units, under Article 29 of the Law on Border Control, because it is the issue of an institutional framework, in wider sense.

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[...]

Since the great influx of refugees during 2014 and 2015, in addition to regular centres for accommodation of asylum seekers, 14 temporary centres for the accommodation of a large number of asylum seekers and migrants have also been under the jurisdiction of the CRM.

The term refugee should be applied restrictively and the practice established during the crisis should be used: using the term migrants or migrants and refugees. Furthermore, we believe that more detailed information is necessary. In 2015 and at the beginning of 2016 there was a great influx. The year of 2014 is characterised as a year with an increased influx.

[...]

In the area of the prevention of irregular migration, the following bodies have a significant role:

- » *Coordination Body for Migration Monitoring and Management is in charge of directing the work of the ministries and special organisations for the purpose of defining migration policy objectives and priorities and monitoring and managing migration;*
- » *Council for Combating Trafficking in Human Beings;*

- » *Commission for monitoring the visa-free travel scheme in the European Union is in charge of reviewing issues related to the increase in the number of 'false asylum seekers' in European Union countries coming from the territory of the Republic of Serbia and proposing to the Government considerations and decisions in relation to the measures directed at the reduction of the number of false asylum applications;*
- » *Council for Integration of Returnees under the Readmission Agreement.*

In regard to the number of measures and activities that overlap, or that complement the IBM Strategy, it is necessary to add the Coordination Body for Border Crossings in the Republic of Serbia, the Decision on establishing it was published in the "Official Gazette of the RS" No. 114, of 20 December 2017. In addition, having in mind the actors of the Strategy, it would be advisable to consider mentioning other coordination bodies in charge of security, organised crime issues and alike.

4. OVERVIEW OF TRENDS AND EFFECTS OF IRREGULAR MIGRATION IN THE REPUBLIC OF SERBIA

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4.1 Irregular migration trends outside Serbian borders

Compared to the record levels of irregular migration in 2015, the number of detections on the outside borders of the EU was reduced by 93% in Q4 2016. The number of illegal border-crossings, primarily from Serbia to Hungary and Croatia, accounted for 75% of what was reported in the previous quarter, and only 1% of the level of Q4 2015." On the other hand, growth was again detected on the Eastern Mediterranean route, and in Q4 2016, the level of irregular migration was more than twice as high as one year before (FRAN Q4, 2016). These findings show that the general migration pressure has significantly declined, but it is higher than could be said based on movements toward Serbian borders, so over the coming period an instable trend can be expected with occasional increase of irregular migration flows toward Serbia. Such a finding points to the need to develop a Resource Mobilization Plan to combat irregular migration both at the border and within Serbian territory in case of mass influx of migrants.

It is necessary to provide more recent data, particularly having in mind the changes related to the movement along the Western Balkan Route and the trends in 2017 and first half of 2018. Therefore, the paragraph providing interpretation of the statistical indicators and forecasts future trends should be changed and adjusted.

4.2. The implementation of Readmission Agreements

If the title of this segment is the implementation of readmission agreements, then it is necessary to also include a part referring to challenges and current state of affairs with regard to reception and return of third-country nationals, or the title should contain reference to the citizens of the Republic of Serbia. In any case, in our opinion, the readmission of third-country nationals should be given more space.

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[...]

With the aim of combating irregular migration, it is particularly important to strengthen the role of the Republic of Serbia as the requesting country in the readmission procedure with neighbouring countries.

In our opinion, this statement should be specified: ... as the requesting country in the readmission procedure with neighbouring countries, with regard to third-country nationals.

[...]

A similar arrangement should be made with Kosovo recommending to continue with good implementation of readmission agreements, and for this reason this issue is not the focus of activities in this Strategy. Serbia needs to continue the good trend in the implementation of the Readmission Agreement. Focus should be on its implementation.*

The cited sentence should be rephrased because it is not precise enough, and it remains unclear what issue is not the focus of the Strategy's activities. Also, further elaboration is necessary. The good trend is noted with regard to the reception of our citizens and partially with regard to foreign nationals, with some countries, in cases when Serbia is the receiving country.

[...]

Review of EUROSTAT data shows that over the past several years there have been variations in the number of submitted asylum applications, the number of pending applications, the number of requests for returning Serbian citizens and consent to these requests. It is important that in 2016, there was a considerable drop in the values of all of the above indicators. The number of Serbian citizens seeking asylum for the first time in the EU dropped to below 10,000, which had not happened since 2010. In 2016, this number was 8,890. If we add to this data that the number of cases of asylum seekers from Serbia waiting has been decreasing continuously month by month and that it was only 345 in May 2017, we can conclude that the number of asylum seekers from Serbia in the EU has reduced significantly.

More recent data need to be included. Moreover, a good resource of the claims referring to the decrease in the numbers and the positive view of the European Union could be the European Commission's First Report under the visa suspension mechanism.

This trend has been further strengthened by the 2013 amendments to the Criminal Code, in the sense of extending criminal liability for the offence "enabling abuse of accessing right to asylum in a foreign country" (Art. 350a).

The criminal offence, provided for in Article 350a, was introduced to the Criminal Code in 2013, so more precise data should be included.

[...]

In addition, Migration Profile states that the educational structure of returnees is very unfavourable, and the share of persons with income under 1%.

It should be specified which exactly Migration Profile, having in mind that it is cited as a source of information, and the Profile is issued at an annual level. In this regard, the fact that the 2017 Migration Profile was also adopted should be taken into account.

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[...]

Furthermore, budget funds were earmarked in 11 LSG units for reintegration programmes.

More specific data are necessary because every year, a Regulation under which the support is provided to LSG units is adopted, and therefore the number of LSH supported under the Regulation changes on annual basis.

4.3 Irregular migration trends at the Republic of Serbia border

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[...]

In this respect, a higher quantity of data on migration on the borders and the territory of Serbia is available. It is a well-known fact that there is no unified system in the flow of data on irregular migration, i.e. that a unique method for collecting and presenting data that would be based on one definition and set of indicators used by all stakeholders involved in migration management and monitoring has not been established.

This note needs to be further specified. There are several regulations of the R. of Serbia clearly defining the state authorities in charge of gathering certain types of data on migration. If this claim refers to the global situation, than this needs to be precisely indicated.

[...]

General trends of irregular migrant flows into Serbia and realistic assessment on their intent to stay in Serbia can be assessed through the data on the number of expressed intent to seek asylum and number of actual applications for asylum.

This claim needs to be further elaborated. In regard to the situation and the abuses of the asylum system, it is important to mention that during the crisis a registration system by expressing the intent was established, which was used for all the persons found on the territory of the R. of Serbia, in the absence of another more adequate mechanism. In this regard, the number of the intents expressed cannot be used as a parameter for a real assessment of their intention to stay. With some reservations, a certain assessment can be made if the data on the expressed intents are linked with the number of asylum application filed, and other statistical data in the asylum system (notably, the number of final convictions in legal proceedings, suspended proceedings, etc.), and with the data on the average period of stay of persons whose intent to seek asylum in Serbia was recorded.

The number of persons that expressed intent to seek asylum decreased in 2016 after the closure of the Western Balkan Route but has still not dropped back to the level before the outbreak of the migrant crisis. On the other

hand, the number of those seeking asylum is low, but has grown steadily over the years – with the total number of asylum seekers in 2016 nearly four times as high as in 2013.

See the previous comment.

[...]

In 2016, according to the Ministry of Interior, a total of 6,050 irregular migrants were detected. The number of illegal crossings on the green border dropped suddenly after May 2015, and as of February 2016 when it dropped to under 500 cases per month, and in November and December 2016, to under 100 cases per month.

More recent and more relevant data need to be indicated. In addition, the statistical indicators of the illegal crossings on the green border in the cited period are not adequate indicators, having in mind that in this period, the policy of free crossing was established by the countries on the route.

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[...]

Since they were established in July 2016 until April 2017, Joint Army and Police Forces detected over 20,000 migrants attempting to illegally cross the state border, and prevented 121 attempts of human smuggling, apprehending 139 smugglers. This information is indicating the need to enhance the activities of security forces and judiciary both in approach to smugglers and in the cooperation with the police and public prosecutor's offices of other countries on the route from the migrants' countries of origin to the countries of destination.

This claim should also be rephrased. If we are referring to 20,000 persons who tried to cross the border and who, as cited, were detected by the competent Serbian services, then measures should have been taken against them and proceedings initiated in accordance with the then applicable Law on the Protection of State Border (Art. 65, par. 1, point 1). Moreover, it was pivotal to respect the *non-refoulement* principle with regard to all of them, which evidently was not the case with these persons. In this regard, we believe that the activities of Joint Army and Police Forces should be differently explained, avoiding the explicit mentioning of the illegal border crossing attempts.

In this context, it would be good to add here that in 2016, the perpetrators of this offence were predominantly the citizens of Serbia (80.8%). As for smuggled persons, after the great wave of Syrian refugees decreased, the structure of their share in smuggling changed, so in 2016, most often smuggled persons were the citizens of Afghanistan, Syrians were second, Pakistani third and Iraqis fourth.

It is advisable to indicate more recent and comprehensive data and to add the data on the activities of the Migrant Smuggling Task Force.

The analysis of the trend of identification of irregular migrants at the borders toward neighbouring countries shows that a significant change occurred in 2016 in relation to previous years. The pressure at the borders with Bulgaria, Hungary and Macedonia has dropped distinctively (by over 80%), but the borders with Croatia, Romania and Montenegro have seen an increase in the number of detected irregular migrants.

More specific trends, and/or time periods should be indicated. The pressure at the borders with Bulgaria, Hungary and Macedonia dropped only in 2017. More precisely, in summer 2016 the greatest pressure was at the border with Hungary. If the 80% refers to comparison with 2015, we believe that these data are not comparable due to markedly different policies and practices established and applied in 2015 and 2016.

This finding confirms the conclusion that preventive measures at the borders with Macedonia, Bulgaria and Hungary, through where the main wave came in 2015, were successful, but also that irregular migrants that have been stranded in Serbia are now looking for alternative routes to exit towards the EU.

Related to the previous comment. The preventive measures could have just a limited effect, and the greatest effect stemmed from the change in the policies of the neighbouring and some EU countries, which is recorded in numerous reports.

[...]

"It should be noted here that the Government of the Republic of Serbia has defined policy measures for the situation of a sudden influx of migrants presented in the document 'Response Plan in the Case of an Increased Influx of Migrants', adopted in September 2015.

The latest document that was adopted should be indicated here. Moreover, it seems important that the mechanism or the practice of changing of the plan in line with indicators has been envisaged and established, which is confirmed by the fact that the Plan has been changed for several times now.

5. CHANGES IN THE LEGAL AND INSTITUTIONAL FRAMEWORKS RELEVANT FOR COMBATING IRREGULAR MIGRATION AT THE REPUBLIC OF SERBIA BORDER

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[...]

The overview of the harmonization of laws in the NPAA, second revision (2016) shows that in the area of irregular migration, Republic of Serbia was partially harmonized with the provisions of the Council Directive 2002/90/EC, defining the facilitation of unauthorised entry, transit and residence, and in this respect steps were taken to extend the Criminal Code to include broader criminal liability for the committed offence "unauthorized crossing of the state border and human smuggling" of the person facilitating or enabling illegal entry or stay of a foreigner, without any material gain for self or other (Art. 350), Council Directive 2004/82/EC on the obligation of carriers to communicate passenger data and the European Parliament and Council Directive 2008/115/EC on common standards and procedures in Member States for returning illegally staying third-country nationals. The Criminal Code is partially harmonized with the Council Framework Decision 2002/946/JHA on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence, so it is necessary to broaden the criminal liability to legal entities and persons responsible within the legal entity for the committed offence "unauthorised crossing of the state border and human smuggling, as well as proscribing sanctions for legal entities within the meaning of the provisions of the said act.

This part needs to be further specified. Art. 1 of the above mentioned Directive makes distinction between the statutory punishable activities and, only for the persons who, for financial reasons, intentionally facilitate illegal stay, stipulates the material gain element, while with regard to entry or crossing a state border, the material gain is absent. On the other hand, there has been a debate for some time now on the direction of changes to the 'European norms and standards' with regard to smuggling, and/or unauthorised entry and stay, and therefore it is necessary to consider a possibility to emphasise the need for harmonisation in a more general manner, without going into details.

In the latest report on the implementation of the Action Plan for Chapter 24 Justice, freedom and security (July-December 2016)

Reference needs to be made to a more recent document.

5.2 Vulnerable migrants

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[..]

A conclusion can be drawn from this about additionally increased vulnerability of the category of potentially irregular migrants.

Introduction of the 'potentially irregular migrants' term requires additional explanation.

Although the number of minors among irregular migrants dropped significantly in 2016, the fact should be noted that their relative share in this population increased, which suggests that there is still need to provide protection to this vulnerable category of migrants.

These claims need to be further specified. If it can be concluded from the Strategy, and if it has been explicitly indicated in the Strategy for several times, that monitoring the statistical data on irregular migrants is an issue, it is not clear what the basis is for the indications on the minor population among irregular migrants. The number of persons who have expressed intentions could not be seen as data that would be equal to the category of irregular migrants.

[..]

Data show that in 2015, in relation to 2014, the number of criminal charges brought, the number of resolved criminal cases, the number of perpetrators and the number of smuggled persons increased significantly. In 2016, there was a decrease in the value of all 4 mentioned indicators, but they were higher than in 2014 for all indicators. Therefore, with the great wave of migrants in 2015, the number of cases of human smuggling increased.

Data on smuggling in human beings should be changed so as to indicate more recent data first and to present the data under all four criteria, if there is an intention to use the indicated criteria.

5.3 Changes in the legal and institutional frameworks relevant for combating irregular migration on the territory of the Republic of Serbia

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The Republic of Serbia should adopt a law approving residence to irregular migrants willing to cooperate with competent authorities, in accordance with the Council Directive 2004/81/EU on the residence permit issued to third-country nationals who are victims of trafficking in human beings.

This segment needs to be revised because the new Law on Foreigners includes such a provision. Moreover, it is advisable to mention that the Law also introduces a temporary residence for potential victims, and that it provides for a possibility of approving temporary residence to a foreigner who is a victim of a severe criminal offence, including the persons who have been involved in activities facilitating irregular migration, and who cooperates with the police and judicial authorities, and his/her presence is necessary in the criminal proceedings or participates in the investigation as a witness or as an injured party.

Also, relevant regulations need to be submitted by the Ministry for European Integration, so that the European Commission can determine the level of harmonization with the European Parliament and Council Directive 2008/115/EC on common standards and procedures in Member States for returning illegally staying third-country nationals (the so-called Return Directive).

This also needs to be adjusted in the light of the provisions of the new Law on Foreigners.

[...]

Furthermore, in addition to the fines, the protective measure of ban on business activity of such an employer for a certain period of time is also provided in case of employing irregular migrants.

This part needs to be further elaborated because some of the claims are mutually contradictory. First, it is said that in the legislation of the Republic of Serbia there are no provisions referring to employers who employ irregular migrants, and then, when the contents of the Law on Employment of Foreigners are presented it is said that 'Furthermore, in addition to the fines, the protective measure of ban on business activity of such an employer for a certain period of time is also provided in case of employing irregular migrants.' Also, the definition provided in the Annex 1 of the Strategy should be taken into account as it indicates that an 'Irregular migrant shall mean the person who entered unlawfully a country that he/she is not a citizen of (entry outside of border crossing point, entry with forged or in other way illegal travel document) to stay or permanently reside. Persons that entered the country legally, but after the expiry of the legal stay have not left the country are equal to irregular migrants, which leads to a conclusion that irregular migrants are also considered to be the persons who have not been granted a temporary or permanent residence, or whose temporary or permanent residence has not been extended, and they are staying on the territory of the R. of Serbia on no other legal grounds.

The Law on Employment of Foreigners does not provide for criminal liability of employers in case of employment of irregular migrants.

This claim should also be amended because there have been intentions for quite some time now to codify the criminal law and to reduce as much as possible the application of the so called ancillary or complementary criminal legislation. In this regard, if there is a need to introduce the criminal liability, it should be done by providing for the criminal offences in the Criminal Code.

In the latest report on the implementation of the Action Plan for Chapter 24 - Justice, freedom and security (July-December 2016), the following completed activities are included:

Reference needs to be made to a more recent document.

6. PROBLEM STATEMENT

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[...]

1. *Strengthening regional communication and local institutions contributes to relevance.*

This claim is not entirely clear.

2. *Coordination and faster mobilisation. From the aspect of effectiveness, the policies for combating irregular migration in Serbia can also essentially get a positive mark. This is confirmed primarily by the increased number of deterred irregular migrants at the border, the increase of accommodation capacities and the higher number of migrants in the programme of support and the broader spectrum of services of their social inclusion. However, this issue is still a big one and a considerable burden on the financial and institutional capacities of Serbia, and the main reason is that available resources are insufficient to address the issue of this scope, especially in the periods of 'tidal waves'. For this aspect of irregular migration a particular problem is the weak coordination with external stakeholders, especially numerous NGOs, which often duplicate activities on one objective or approach the problem in a fragmentary manner and a limited reach, which reduces the total effect of implemented activities.*
3. *Efficient use of available resources. The financial and technical assistance of foreign governments and international organisations has been very important, because through the strengthening of technical and human capacities, the efficiency of activities on the prevention of irregular migration, trafficking in human beings and migrant smuggling has been significantly increased, as well as the assistance to vulnerable categories of migrants, passing through or stranded in Serbia, but the level of engagement of national institutions is crucial. This assessment primarily relates to engaged human resources, because many of the results achieved rest on a great enthusiasm and overtime work of police officers, CRM staff, migrant centres staff, professionals in Centres for Social Work, civic activists and volunteers. The situation with financial resources is somewhat less ideal. It could be said that organisational weaknesses of an emerging system lead to a decline in coordination, which result in unplanned allocation of resources, with excess resources in one segment and shortage in others. The lack of coordination with external actors can also be felt here, with frequent duplication of activities and invested resources.*

Point 2 and 3 need to be rephrased in order to make greater distinction. The issue of coordination referred to in point 2 primarily relates to the coordination between competent authorities and in this segment, not a single challenge has been indicated. Only the limitations caused by insufficient available resources are indicated, which resulted in highlighting the problem of coordination with organisations as the only one, and according to numerous reports and meetings organised through various forums this coordination issue seems to be just one level of the problem. It is indicated in the EC 2018 Annual Progress Report which says: that a stronger coordination among the various state authorities involved in migration management has to be ensured, and that there is a need for enhanced coordination between state institutions and the international and national organisations active in this field, including non-governmental organisations. Moreover, it says that uncertainty over the respective responsibilities of the various institutions has led to protection gaps. In this regard, we think that the segment on coordination should contain an overview only on the issues of coordination and mobilisation, while the segment on the efficient use of available resources should, besides the already explained claims, additionally explain and indicate that the result of the lack of coordination or the shortage of a more efficient coordination with external actors indicates an inefficient usage of available resources, etc.



Moreover, in the part that says: *'This is confirmed primarily by the increased number of deterred irregular migrants at the border, the increase of accommodation capacities and the higher number of migrants in the programme of support and the broader spectrum of services of their social inclusion,* it is necessary to see the comment related to the data on the activities of Joint Army and Policy Forces. Finally, we think that the term *stranded* referred to in point 3 should be replaced by a more adequate term - staying in the Republic of Serbia for a longer period of time, or not being able to continue their journey, and alike.

6.1 Main problem, causes and effects

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Based on the data on irregular migration trends in the Republic of Serbia and the legal and institutional response to it, as well as summary evaluation of the policy for combating irregular migration, a number of issues have manifested:

The detected, manifested issues should be grouped for the purpose of easy survey...e.g. by principle, human resources, infrastructure, etc.

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[...]

- » *Unclear status of persons ordered to leave the country, which cannot be done because the situation in the country of origin does not allow it, or it is not possible to determine the identity of the migrant, there is no oversight of the implementation of this measure;*

This challenge needs to be divided into three separate ones:

1. Unclear status of persons
2. Impossibility to determine the identity
3. Oversight of the implementation of applied measures

- » *Unregulated work of some NGOs with migrants – providing services for which they are not licensed and not coordinating their activities with competent government bodies, which in some areas duplicates resources, and in some they are insufficient, which is also making it difficult for the government to fulfil its obligations;*

Work of organisation and/or associations is clearly defined by the Law on Associations, and therefore, this challenge needs to be more clearly defined.

On the other hand, it is also important to separate the issue of licensed services, which refer only to the social protection services under the currently applicable legal framework in the R. of Serbia, particularly taking into account that some organisations provide services beyond the framework of social protection services.

7. AIMS AND OBJECTIVES

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[...]

On the other hand, the presented problem analysis indicates that the issue of irregular migration persists in the Republic of Serbia, which does not lead to a satisfactory degree of orderliness of migration of people and poses risks to migrants' safety.

Including the safety of migrants themselves.

[...]

The establishment of a systemic response to irregular migration would enable consideration of the problem as a whole, more efficient action towards its causes and finding adequate solutions to occasional waves of intensive migration movements.

The strategy doubtlessly indicates in several places that the R. of Serbia cannot affect some causes, and in this regard it is necessary to indicate the exact causes.

[...]

Lack of a systemic response to irregular migration, reflected in insufficiently effective control at border crossings, difficulties in border surveillance, persistence of migrant smugglers, low penalties for offences generated by irregular migration,

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[...]

Migrants should be deterred from irregular movement or efficiently introduced to the regular status depending on their own decisions related to future status.

This claim needs to be further elaborated. Efficient introduction to the regular status does not depend only and exclusively on migrant's own decisions, which should certainly be taken into account (e.g. the return procedure). See next paragraph that elaborates on the 'transitioning migrants to the regular status'.

[...]

This measure will cover all staff working on combating irregular migration, not only police officers combating irregular migration, but the resources in regional centres and border police stations, as well as staff in other relevant entities outside the Ministry of the Interior.

Other organisational units outside the Border Police Directorate should be indicated, particularly having in mind a different scope of competences with regard to smuggling in human beings, and that it is necessary to provide more detailed data and indicate other relevant stakeholders outside the MoI.

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[...]

This objective refers to various social services protecting the human rights of irregular migrants. Since the majority of activities leading to this objective has been planned or already implemented within Action Plan for Chapter 24 Justice, freedom and security, this Strategy places the focus on providing the standard of the service, particularly for vulnerable migrants, as well as to planning the capacities in case of mass influx of irregular migrants. In this way, activities implemented within other action plans are supplemented, thus forming a comprehensive system of protection of irregular migrants in the Republic of Serbia.

If the purpose of the Strategy is to provide for the measures and activities that are not already a part of other strategic documents, then the activities relating to capacity planning in case of mass influx of irregular migrants should be left out because they are already included in the Action Plan and the IBM Action Plan.

Moreover, the term 'social services' should also be left out, keeping just the term 'services protecting the human rights', because social service are colloquially related to the services in the field of social protection, while the scope of services protecting, or enabling the exercise of human rights, is much wider.

[...]

As Objective 1, this Objective is in good part covered by measures and activities provided in the Integrated Border Management Strategy. This Objective primarily relates to the measures of control in the area of the freedom of movement, including the return of individuals. These measures include:

- » *enhancing cross-border cooperation with neighbouring countries;*
- » *enhancing control of movement and stay of foreigners;*
- » *efficient implementation of measures related to readmission (return and re-reception);*
- » *introducing compensatory measures;*
- » *blocking alternative routes, particularly with Bosnia and Herzegovina and Montenegro.*

Measure 3.1.7. should be added - establishing a forced return system, because it includes the implementation of readmission agreements, envisaging additional measures, work arrangements with FRONTEX, establishment of joint teams, trainings related to joint flights for removal from the territory, etc.

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[...]

It should be noted that this issue is also partly covered by existing public policy documents. Namely, Action Plan for Chapter 24 Justice, freedom and security already envisages the adoption of the Draft Law on Asylum and Temporary Protection and Draft Law on Foreigners (the laws are in parliamentary procedure, the discussion was initiated on 6 March 2018), which will provide clearer conditions for implementing the AVR procedure, and this Strategy focuses on motivating irregular migrants for assisted voluntary return and improving cooperation with the countries of origin on this issue.

It is necessary to adapt this to the adopted amendments and more detailed information needs to be provided. The above mentioned laws define more clearly the corpus of rights and obligations, while the procedure itself will be regulated by a by-law.

7.1 Alternative options

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[...]

integration of migrants and using their demographic potentials for development of Serbia, which was assessed as not feasible because they are not interested in staying in Serbia, and our labour market does not demonstrate the need for this type of workforce.

This claim should be mitigated to some extent. A comprehensive migrant capacities and competences mapping has not been conducted yet, so it cannot be claimed with certainty that our market does not demonstrate the need for this type of workforce.

Another option is to indicate some sources that support this allegation.

ACTION PLAN FOR THE IMPLEMENTATION OF THE STRATEGY FOR COMBATING IRREGULAR MIGRATION FOR THE PERIOD 2018-2020

General note: measures relating to smuggling in human beings are missing. The same situation is with the Draft Revised Action Plan for Chapter 24, which is particularly worrying having in mind the scope of this criminal offence, and the fact that the new organisational system of the MoI is just developing and besides the positive results achieved in the fight against smuggling, there is a doubtless need for strengthening the capacities of all the stakeholders involved. Moreover, we believe that for the Republic of Serbia's comprehensive response to irregular migration, one of the key aspects is the implementation of relevant provisions of the Law on Foreigners, so we certainly think that it would be useful to envisage some measures that would be related to this issue.

Aim – Systemic response to irregular migration developed with the protection of security and economic interests of the Republic of Serbia and its citizens, as well as the guaranteed rights of migrants.

Outcome indicator: Reduced share of irregular migrant statuses in the total number of irregular migrants

The outcome indicator should be further elaborated with regard to the term 'irregular migrant status' - 'irregular migrant', particularly in the context of applicable legal regulations in the R. of Serbia.

Objective	Expected Result by 2020	Indicator and source of verification
1. Reduced pull factors for irregular migrants on the territory of the Republic of Serbia	<p><i>The proportion of issued sanctions for performing illegal activities involving irregular migrants in the total number of irregular migrants increased by 100%</i></p> <p>The expected result needs to be more specific, taking into account the previous comment. In addition, taking into account that the Strategy mentions several times the challenge relating to the data on irregular migrants, a potential solution could therefore be a total number of identified irregular migrants and/or migrants towards which some actions have been taken.</p>	<p><i>The number of issued sanctions (sentences, administrative measures and measures according to administrative procedure) for illegal actions that include irregular migrants, total number of irregular migrants</i></p> <p>More details are necessary. 'Illegal actions' is a wide term, so it should be explained whether these illegal actions are aimed at facilitating illegal stay, crossing of the border, etc.</p> <p>Judicial statistics, reports from the Ministry of Labour, Employment, Veteran and Social Affairs (MoLEVSA), Tax Administration, Ministry of Interior.</p>

Relevant activities provided in other action plans

Changes of relevant legislative and strategic frameworks

- *Action Plan for Chapter 24 Justice, freedom and security:*
- *Activity 1.1.1. Develop draft amendments to the Law on Foreigners*
- *Activity 1.1.2. Develop draft amendments to the Criminal Code in accordance with the Acquis Communautaire*
- *Activity 1.1.3. Develop draft amendments to the Law on Employment of Foreigners*
- *Activity 4.2.2. Adopt new multi-annual Strategy for Integrated Border Management and Action Plan*
- *Action Plan for the Strategy for Integrated Border Management in the Republic of Serbia for the period 2017-2020*
- *Measure 3.1. 1. Activity Law on Foreigners (employment of illegal migrants and other)*

General comments: It is positive that the action Plan contains a segment relating to the horizontal harmonisation, or the complementarity with the current public migration policy framework. However, the matter of great concern is the lack of consistency with regard to strategic documents that are referred to, or some measures in these documents. This is reflected in the fact that in some segments, the listed measures complement the measures envisaged by the Strategy, in order to achieve the goal, while other segments include measures that overlap, or are identical to the ones from the Strategy (an example in this segment is the measure from the Action Plan 24 relating to the Criminal Code)

Activities on increased border security

Action Plan for Chapter 24 Justice, freedom and security:

Recommendation 4.3. Propose measures for improving the protection of outside borders by improving operational cooperation with neighbouring countries and propose steps for effective prevention of cross-border traffic via alternative routes (activities 4.3.1-4.3.9 on improving the protection of outside borders by improving operational cooperation with neighbouring countries and propose steps for effective prevention of cross-border traffic via alternative routes)

Strategy for integrated border management in the Republic of Serbia for the period 2017-2020:

- Activities under measures 1.2.1.-1.2.3. focusing on state border surveillance
- Activities under measure 2.3. focusing on strengthening capacities for identification
- Activities under measure 3.1.2. Implementing operational measures with the aim to control the legality of stay of foreigners

It is advisable to add measures from the Migration Management Strategy

Specific Objective 3 Measure 6: To ensure the protection of state borders, by promoting the capacities for the prevention and research, the detection and monitoring of illegal migration within the country, creating a mechanism for the effective expulsion of third-country nationals that are unlawfully residing in the territory of the Republic of Serbia and resolving the issues of returnees under the readmission agreements who are not citizens of the Republic of Serbia

Activities on improving cooperation

It is advisable to include measures from the Migration Management Strategy

Strategic Objective 3, Specific Objective 1 Measure 2 To regularly inform the public on the topics of importance for migration

Strategic Objective 2, Specific Objective 2 Measure 2 To coordinate activities of the competent ministries and institutions regarding migration aimed at the efficient implementation of strategies

Strategic Objective 1, Specific Objective 1 Measure 1 To include the civil sector in migration management

Action Plan for Chapter 24 Justice, freedom and security:

- 1.1.4. Improve the mechanism of coordination and monitoring of tasks performed by government authorities implementing legislation in the area of migration
- Strategy for Integrated Border Management in the Republic of Serbia for the period 2017-2020
- Activities under measure 2.2. directed at strengthening inter-agency and international cooperation

Measure/Activity	Competent authority	Due date	Resources/source of funding	Activity indicator	Source of verification
Amend Art. 350 of the Criminal Code to: a) add cumulative effect in sentencing and b) punish aiding human smuggling even without material benefit	Ministry of Justice Partners: Ministry of Interior	6 months after the adoption of the Strategy	No additional funds required	Amendments to the Law adopted and under implementation	Official Gazette of the Republic of Serbia, judicial statistics
Ensure normative framework regulating transport in order to enable punishing legal entities and drivers for transporting irregular migrants	Ministry of Justice Partners: Ministry of Construction, Transport and Infrastructure (MCTI)	12 months after the adoption of the Strategy	No additional funds required	Analysis of existing normative framework conducted and recommendations for changes formulated The indicator should be amended so that it is demonstrated that the regulation(s) has already been adopted. A normative framework can be ensured only through the amendments to the legislation, if the regulations are in place, but the implementation is a matter of concern, so that the activity needs to be defined differently.	Moj report In line with the previous comment, 'Official Gazette' should be added

<p>Ensure more efficient inspection and control of employment, providing accommodation and transport to increase identification of irregular migrants</p> <p>The activity 1.3. should be included in the objective relating to capacities.</p>	<p>Ministry of Public Administration and Local Self-Government Issues</p> <p>Partners: MoLEVSA, MCTI, Ministry of Finance.</p>	2018	<p>No additional funds required</p> <p>Equipment from IPA funds</p>	<p>Analysis and relocation and resource optimisation plan developed for more effective implementation of inspection</p>	MPALSG report
	<p>Inspections by relevant ministries</p> <p>Partners: inspections at the level of LSGs and local migration councils</p>	Continuous	<p>No additional funds required</p>	<p>Project for increased control and number of inspection reports for providing services to irregular migrants developed</p>	MPALSG report
<p>Harmonize the work of CSOs with government policy in the area of migration</p>	<p>Office for the Cooperation with the Civil Society and WG members</p> <p>Partners: CSOs</p>	2018	<p>No additional funds required</p>	<p>Developed plan for CSO engagement in combating irregular migration, Communication Strategy</p>	<p>Office for the Cooperation with the Civil Society Report, Communication Strategy Implementation Report.</p>
<p>Ensure horizontal networking of government agencies</p>	<p>Commissariat for Refugees and Migration</p> <p>Partners: MoI, MoD, MoLEVSA</p>	Continuous	<p>No additional funds required</p>	<p>Government agencies involved in combating irregular migration implement activities in coordination</p>	<p>Reports of the WG for Strategy implementation</p>
<p>Improve communication and increase information sharing with the public and migrants about activities on combating irregular migration</p>	<p>Government authorities WG members</p> <p>Partners: IOM, EU Delegation to the Republic of Serbia</p>	Continuous	<p>No additional funds required</p>	<p>The content and number of implemented WG activities (meetings, analyses, etc.)</p> <p>Increased number of joint releases, uniform messages</p>	<p>Reports of the WG for Strategy implementation</p>

Objective	Expected Result by 2020	Indicator and source of verification			
2. Capacities of human resources in the area of combating irregular migration systemically improved	Improved human resource capacities in the area of irregular migration and ensured competences of staff to respond to the issue	The number of implemented training, study visits and conferences reports, reports on plan implementation and reports on competent authority training programmes, annual reports produced by competent authorities.			
Relevant activities provided in other action plans					
Strategy for Preventing and Combating Discrimination measure 4.1.7. Improve competences of staff working on combating irregular migration					
Migration Management Strategy					
Strategic Objective 2, Specific Objective 2 Measure 5 To strengthen the capacities of institutions in charge of implementing the strategies					
Action Plan for Chapter 24 Justice, freedom and security: Activity 1.2.2. Develop and implement Training Plan and an Action Programme in the field of legal and irregular migration Improve competences of staff working on combating irregular migration					
Integrated Border Management Strategy Action Plan					
<ul style="list-style-type: none"> Measure 1.1.2. Strengthen administrative capacities, activity: add human resources to the Directorate for Veterinary Medicine and Directorate for Plant Protection; Measure 1.1.3. Harmonize with FRONTEX (Common Core Curriculum), activity: training needs assessment; train border police officers in accordance with the Frontex Common Core Curriculum; train border police on treatment of asylum seekers; improve the evaluation system of implemented training; Measure 1.4.1. Strengthen the risk analysis system, activity: add human resources to the Risk Analysis Unit, Measure 1.4.2. Strengthen the customs risk management system, activity: training for customs officers on the topic of risk indicators and modalities for perpetration of cross-border crime; Measure 1.4.4. Establish training system for risk analysis, activity: develop training curricula and plans, train trainers, systematically train risk analysis officers; Measure 2.1. Strengthen the capacities of competent agencies preventing cross-border crime, activity: train officers and exchange knowledge and best practices (national and international conferences, seminars, workshops, trainings), implement joint training for the Ministry of the Interior, Ministry of Finance, Customs Administration, Ministry of Agriculture and Environmental Protection; Measure 3.3.1. Implement the Police Cooperation Convention for South-East Europe, activity: implement joint training Measure 3.4.3. Train consular staff, activity: establish cooperation with the Ministry of Interior and train diplomatic and consular representation staff to identify false and fake travel documents and identify risk indicators among visa applicants; Measure 4.4. Implement joint and specialized training, activity: analyse and update joint training programmes through training exchange, joint training in accordance with updated training programme; Measure 4.7. Measure 4.7 Develop Annual Training Programme for phytosanitary inspectors, continuous training and refreshment training (Ministry of Agriculture and Environmental Protection); Measure 5.2. Cooperation with OLAF, activity: develop training plan in accordance with the amended IT Strategy related to full access to the EU Anti-Fraud Information System (AFIS) after accession to the EU. 					
Improve competences of staff working on combating irregular migration					
The Strategy for the Prevention and Suppression of Trafficking in Human Beings, Especially Women and Children Victim Protection 2017-2022 GOAL 3, activity: improve the capacities to strengthen partners' competences, task 3. training implementation					
Measure/Activity	Competent authority	Due date	Resources/source of funding	Activity indicator	Source of verification
2.1. Ensure optimum structure of staff in line with the set maximum number of staff for the Ministry of the Interior	Ministry of Interior	Continuous	MoI budget approved by the MoF	Rulebook on internal organisation and job classification in the Ministry of the Interior.	SAP human resources application
2.2. Fill the vacancies (new employment/redistribution) according to classified jobs	Ministry of Interior Commissariat for Refugees and Migration	Continuous	No additional funds required	Increased number of staff working on irregular migration	Rulebook on internal organisation and job classification in the Ministry of the Interior.
		Q4 2018	CRM budget approved by the MoF	Increased number of staff working on migrant reception and assisted voluntary return	CRM Report

2.3. Improve competences of staff working on irregular migration	Mol, CRM, MoLEVSA The other actors of the Strategy should be included. Primarily, the judicial bodies are missing	Continuous	No additional funds required	Developed Mol Training Plan	Report on implemented trainings
		Continuous	No additional funds required	Developed CRM Training Plan	Report on implemented trainings
		Continuous	No additional funds required	Number of staff attending planned trainings	Report on implemented trainings
		Continuous	No additional funds required	Training evaluation reports	Evaluation Report
		2019	No additional funds required	External training needs analysis prepared	Report on analysis conducted
		2020	Additional donor funds required through different projects	Number of implemented external trainings in accordance with analysis recommendations Number of staff attending external training	Report on implemented project activities

Objective	Expected Result by 2020	Indicator and source of verification
3. Support provided in the system of protection, particularly for vulnerable groups of migrants	Ensured level of protection of human rights in accordance with EC minimal standards Does this refer to the EU?	Positive evaluation in the report of the Ombudsman Positive evaluation in the European Commission progress report on Serbia
Relevant activities provided in other action plans		
It is advisable to include the measure 3.2.11 of the Strategy for Prevention and Protection against Discrimination		
Measure 3.2.11.determine a detailed procedure in the form of a by-law for a comprehensive and coordinated protection of the rights of unaccompanied migrant minors		
Changes of relevant legislative and strategic frameworks		
Action Plan for Chapter 24 Justice, freedom and security:		
<ul style="list-style-type: none"> Activity 2.1.4.3. Adopt a new Law on Asylum Activity 2.1.4.4. Develop by-laws in accordance with the new Law on Asylum Activity 2.1.5.1. Develop a by-law regulating the accommodation of beneficiaries of several types of international assistance Improved accommodation and integration 		
This segment should also contain a link to strategic documents that contain measures relating to institutions for the execution of criminal sanctions, and/or introduce an activity that would refer to the institutions for the execution of criminal sanctions		
Strategy for Preventing and Combating Discrimination measure 4.4.6.		
Migration Management Strategy Strategic Objective 3, Specific Objective 2 Measure 5 To create the conditions for the integration of foreigners into society		
IBM Strategy - 3.1.3. - Implementation of the response plan in case of an influx of migrants, as 3.1.5 - relating to cooperation with NGOs, as 3.1.6 - ensuring accommodation capacities		
Action Plan for Chapter 24 Justice, freedom and security:		
<ul style="list-style-type: none"> Activities 1.3.1.-1.4.3., 2.1.3.1.-2.1.3.5. and 2.1.5.1.-2.1.5.3. on addressing accommodation needs and integration issues, with special focus on minors and other vulnerable groups 		
Whereas this segment includes the measure 2.1.3.2. from the Action Plan relating to the campaigns in receiving environments, it is advisable to add a measure 3.2.1 from the Anti-Discrimination Strategy		

Measure/Activity	Competent authority	Due date	Resources/source of funding	Activity indicator	Source of verification
3.1 Harmonize existing capacities for accommodation of migrants in asylum centres and reception centres with European Asylum Support Office (EASO) standards Migration Management Strategy Specific Objective 2 Measure 1 To provide for a humane approach and a clear procedure in the treatment of irregular migrants and to improve capacities for the admission of irregular migrants	Commissariat for Refugees and Migration	Q4 2018 for asylum centres 2020 for reception centres	Service funded from the budget for asylum centres and by the European Commission for reception centres Infrastructure funded through projects	Infrastructure adapted, services provided, in accordance with EASO standards	CRM Report
		Q4 2018	No additional funds required	Funds for infrastructure available through projects, in accordance with needs	CRM Report
		Continuous	No additional funds required	Regular training and monitoring	CRM Report
		Continuous	No additional funds required	Needs of vulnerable categories identified	CRM Report
3.2. Enhance the capacities for response in case of mass influx of irregular migrants	Commissariat for Refugees and Migration Partners: MoI, MoLEVSA, MPALSG, MoD, MoH, MoESTD and local migration councils	Q4 2018	IPA funds Regional Support to Protection-Sensitive Migration Management in the Western Balkans and Turkey - Instrument for Pre-Accession Assistance (IPA II)	Training delivered for the development of the contingency plan	CRM Report
		Q4 2018	IPA funds Regional Support to Protection-Sensitive Migration Management in the Western Balkans and Turkey - Instrument for Pre-Accession Assistance (IPA II)	Contingency plan developed in accordance with EASO standards	CRM Report
3.3. Improve services for vulnerable categories of irregular migrants	CRM and each government body in its area of competence, with agreement of the WG for Strategy implementation	2018	IPA funds Support to the National Asylum System Regional Support to Protection-Sensitive Migration Management in the Western Balkans and Turkey - Instrument for Pre-Accession Assistance (IPA II)	Inter-sectoral procedures for identification and referral to adequate service providers for all vulnerable categories of irregular migrants	Printed handbook The procedures adopted by competent authorities should be added
		2018	IPA funds Regional Support to Protection-Sensitive Migration Management in the Western Balkans and Turkey - Instrument for Pre-Accession Assistance (IPA II)	All who have first contact with irregular migrants trained on the implementation of the procedure	CRM and MoI reports on project implementation
		2018	No additional funds required	Service providers in the system trained for working with vulnerable migrant categories	Report of the WG for Strategy implementation

Objective	Expected Result by 2020	Indicator and source of verification			
<p>4. Irregular migrants returned to the country of origin and country of transit</p> <p>The objective defined like this includes both forced and voluntary returns, so the indicator relating to the MoI reports should be included</p>	Share of irregular migrant returns to safe countries continuously growing	Number of returns CRM Report			
<p>Relevant activities provided in other action plans</p> <p>Strengthening readmission mechanisms</p> <p>Migration Management Strategy, Strategic Objective 2, Specific Objective 3 Measure 5 To conclude the agreements on readmission and harmonize stances with the other neighbouring countries of the Republic of Serbia, as well as with countries of high migration risk</p> <p>Action Plan for Chapter 24 Justice, freedom and security: Activities 1.5.1.-1.5.9. on increasing the number of readmission agreements and improving the implementation of agreements</p> <p>1.5.6. and 1.5.7. refer to capacity building</p> <p>In addition, having in mind the fact that the Strategy contains a segment relating to the readmission of the Serbian citizens, a link should be made to the Strategy for the Reintegration of Returnees.</p> <p>Cooperation in return programmes</p> <p>Migration Management Strategy, Strategic Objective 2, Specific Objective 2 Measure 8 To intensify the cooperation with FRONTEX, the forces of the international community in the territory of the AP Kosovo and Metohija, the countries in the region, and other countries receiving migrants and the countries of origin</p> <p>Action Plan of the Strategy for Integrated Border Management Measure 5.1 Strengthening cooperation with FRONTEX agency, activity Cooperation on return programmes</p>					
Measure/Activity	Competent authority	Due date	Resources/ source of funding	Activity indicator	Source of verification
4.1. Ensure availability of the role of consular representations of COs that are not present in the Republic of Serbia	MFA Partners: Commissariat for Refugees and Migration Ministry of Interior	Continuous	No additional funds required	Statistics on persons (number and citizenship) provided with availability of consular representation services of the countries of origin	MFA report
<p>4.2. The implementation of Readmission Agreements (The Activity is implemented under Action Plan for Chapter 24 Justice, freedom and security, recommendation 1.5)</p> <p>If the logic behind this was to include measures implemented through other documents, then, due to the objective defined in such a way, it is necessary to include other measures from the IBM Strategy - 3.1.7</p>	Ministry of Interior Partners: MFA	Continuous	Republic of Serbia Budget 2018 397,440 EUR for 2018	<p>The number of received requests for readmission of citizens of the Republic of Serbia, third-country nationals and stateless persons.</p> <p>The number of responses to requests reviewed for readmission of citizens of the Republic of Serbia, third country nationals and stateless persons.</p> <p>The number of readmission requests sent</p> <p>It is pivotal to add as an indicator the number of accepted requests for each of the categories. With this indicator it is possible to monitor how efficiently the agreements are really implemented.</p>	<p>Statistical data on the number of requests received to take over Republic of Serbia citizens, third country nationals and stateless persons and</p> <p>number of responses to requests and number of requests for readmission sent by the Republic of Serbia. (Source: CRM report and report of the Directorate for Administrative Affairs - Department for the implementation of Readmission Agreements).</p>

4.3. Motivate migrants to enter AVR programme	Commissariat for Refugees and Migration	2018 and on in accordance with the results	IOM Project	Number of reintegration assistance packages awarded	CRM Report
		2018	No additional funds required	Developed project plan for further financing of reintegration assistance packages	Project plan
		2018 and onward	Regular budget funds and funds from MADAD funded project implemented by IOM	Continuously available information on AVR in reception centres and asylum centres in migrants' languages	Printed promotional material on display in the centres
4.4. Analysis of the situation in the countries of origin of irregular migrants	MoI – Asylum Office Partners: MFA, CRM	Continuous	No additional funds required	Number of reports on the situation in the country of origin	Report of the Asylum Office



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