



ANNEX C1: Twinning Fiche

Project title: Support to strengthening migration management and asylum system in Serbia

Beneficiary administration: Commissariat for Refugees and Migration of the Republic of Serbia

Twining Reference: SR 16 IPA JH 02 18

Publication notice reference: EuropeAid/163489/DD/ACT/RS

EU funded project

TWINNING INSTRUMENT

List of Abbreviations, Acronyms and Explanations

BC	Beneficiary Country
CFCU	Department for Contracting and Financing of EU Funded Programmes
EASO	European asylum support office
EC	European Commission
EEC	European Economic Community
EU	European Union
GDISC	General Directors' Immigration Services Conference
ICMPD	International Centre for Migration Policy Development
IPA	Instrument for Pre-accession Assistance
MOI	Ministry of Interior
MS	Member State
NPAA	National Plan for the Adoption of the <i>Union Acquis</i>
PAO	Programme Administration Office
RTA	Resident Twinning Adviser
SAA	Stabilisation and Association Agreement
SCRM	Commissariat for Refugees and Migration
STE	Short – term expert
TAIEX	Technical Assistance and Information Exchange instrument

1. Basic Information

1.1 Programme: Country Action Programme for Serbia for the year 2016

IPA 2016 AP Serbia 2016/039-802/3/Twinning Facility

Indirect management with ex-ante control

For British applicants: Please be aware that eligibility criteria must be complied with for the entire duration of the grant. If the United Kingdom withdraws from the EU during the grant period without concluding an agreement with the EU ensuring in particular that British applicants continue to be eligible, you will cease to receive EU funding (while continuing, where possible, to participate) or be required to leave the project on the basis of Article 12.2 of the General Conditions to the grant agreement.

1.2 Twinning Sector: Democracy and Governance

1.3 EU funded budget: *1 000 000 EUR*

2. Objectives

2.1 Overall Objective(s):

The overall objective is to contribute to strengthening the capacities of the Commissariat for Refugees and Migration and other relevant institutions for implementation of migration and asylum policy and procedures in line with the Union acquis.

2.2 Specific objective:

To contribute to strengthening the capacity for implementation of asylum and migration policies in line with international and EU standards concerning both, procedure and reception condition.

2.3 The elements targeted in strategic documents i.e. National Development Plan/Cooperation agreement/Association Agreement/Sector reform strategy and related Action Plans

Accession negotiations

The Republic of Serbia signed the Stabilization and Association Agreement with the EU on 29 April 2008 which, upon completion of the ratification process in the National Assembly of the Republic of Serbia, the Parliaments of EU Member States and the European Parliament, entered into force on 1 September 2013. The European Council granted the status of candidate country to Serbia in March 2012 and decided to open accession negotiations in June 2013. Following the adoption of the framework for accession negotiations with Serbia by the European Council in December 2013, the first Intergovernmental Conference with Serbia was held in January 2014. The analytical examination of the Union acquis (screening process) started in September 2013 and it was completed in March 2015. Serbia remained committed to its strategic goal of EU accession and continued to build track record in implementing the obligations of the SAA and to implement an ambitious political and economic reform agenda. In April 2016 it successfully finalized the action plans required for the opening of the rule of law negotiating chapters (opening benchmarks).

The Action Plan for Chapter 24, as well as the Negotiating Position of the Republic of Serbia for this Chapter, were adopted at the Government session on April 27, 2016 and on May 24, 2017, after which at the Intergovernmental Conference held in Brussels, on the 18th of July of the same year officially opened negotiations under this chapter. The opening of the Chapter 24 represents an important milestone in the accession negotiations with Serbia.

By opening negotiations, the Ministry of the Interior received the so-called "interim benchmarks", i.e. a set of activities that will be followed in more detail and based on whose implementation the further tempo of EU integration in this Chapter will depend on. For the Republic of Serbia, a total of 91 interim benchmarks were prepared, of which 41 interim benchmarks are for Chapter 24.

1. Interim benchmarks

Serbia enhances its efforts to ensure compliance with EU requirements in the field of legal and irregular migration. In particular, Serbia conducts a comprehensive gap analysis of its legal, institutional, technical and training needs in the field of legal and irregular migration. Based on this, Serbia clearly identifies steps for implementing an EU compliant migration policy, including: amendments to the Law on Employment of Foreigners and brings its legislation in line with the Union *acquis* in the field of legal and irregular migration. Serbia effectively monitors and reports on the implementation of this legislation and takes corrective measures where needed.

Serbia enhances its efforts to ensure compliance with EU requirements in the field of asylum. In particular, Serbia develops a robust mechanism for early warning, preparedness and crisis management and correctly implements it in crisis situations. *Serbia establishes an adequate capacity to register and determine whether displaced persons are in need of international protection or not.* Serbia adopts and implements a new Law on Asylum and Temporary Protection which is to the maximum extent aligned with the relevant Union *acquis* and which provides the basis for establishing an initial track record on implementing an EU compliant asylum procedure. Serbia substantially strengthens its institutional capacity to effectively handle asylum claims and ensures the financial sustainability of institutions concerned, including relevant administrative and judicial authorities at local and national level. In particular: the capacity of the Asylum Office to adequately and timely handle asylum requests is strengthened through hiring extra staff and ensuring their comprehensive training, development and regular assessment; the capacity of the Commissariat for Refugees is further upgraded in line with identified requirements, including through regular training; *judicial authorities in charge of handling asylum and immigration appeals receive relevant training.*

Action Plan for Chapter 24. This project is also linked to the Action Plan for Chapter 24 (Migration and Asylum). It is planned to utilize resources allocated through this project to implement some of the activities that will be included in the revised Action Plan aimed at full alignment of Serbia with the requirements of Chapter 24. It is expected that most of the project activities will further adjust the national legislation with directly applicable EU legislation, increase capacity of relevant institutions to fulfil obligations arising by EU accession and improve national coordination mechanisms and cooperation with EASO and other relevant EU agencies and networks.

The Non-Paper on the State of Play regarding Chapters 23 and 24 for Serbia published in November 2018, indicates that Serbia is continuing its efforts in the areas of migration, asylum, border management and judicial cooperation.

A Law on Foreigners was adopted in March with a view to alignment with the Union *acquis*, and entered into force in October 2018. Implementing legislation is being prepared. As a transit country, Serbia continued to significantly contribute to the management of the mixed

migration flows to the EU by playing an active and constructive role and cooperating effectively with neighbouring countries and EU member states. In view of establishing an early warning, preparedness and crisis management mechanism in alignment with the acquis, the MOI and the Commissariat for Refugees and Migration signed and started to implement a protocol on the collection and exchange of information. The relevant institutions meet regularly on an operational and technical level for an improved coordination of day-to-day migration management. Staff working in asylum and reception centres received trainings in areas such as protection, working with vulnerable categories of migrants, identification of potential victims of trafficking and of gender based violence.

A new Law on Asylum and Temporary Protection was adopted in March 2018 aligning it further to Union asylum acquis. Harmonisation needs however to continue in order to achieve a functional, efficient, holistic and fair asylum system in line with EU standards. A rulebook on travel documents is being prepared. Implementation started in June. It needs to be ensured that the asylum appeal system (second instance) is further amended or applied in line with the Union acquis, as appropriate. A number of bylaws has been adopted. Serbia cooperates well with the European Asylum Support Office (EASO). Serbia and EASO agreed upon a national roadmap towards an asylum system in line with the Union acquis, to be implemented through a regional project. Serbia joined the EASO Network of Reception Authorities and the European Integrated Return Management Initiative (EURINT) as observer, and it participates in the meetings of the European Reintegration Network (ERIN).

Stabilisation and Association Agreement (SAA). The Stabilization and Association Agreement (Article 82 Visa, border management, asylum and migration), states that Serbia and EU MS shall cooperate in the areas of visa, border control, asylum and migration and shall set up a framework for the cooperation, including at a regional level, in these fields, taking into account and making full use of other existing initiatives in this area as appropriate. Cooperation in the matters above shall be based on mutual consultations and close coordination and should include technical and administrative assistance for: (a) the exchange of statistics and information on legislation and practices; (b) the drafting of legislation; (c) enhancing the capacity and efficiency of the institutions; (d) the training of staff; (e) the security of travel documents and detection of false documents; (f) border management. Cooperation shall focus in particular: (a) on the area of asylum on the implementation of national legislation to meet the standards of the Convention relating to the Status of Refugees done at Geneva on 28 July 1951 and the Protocol relating to the Status of Refugees done at New York on 31 January 1967 thereby to ensure that the principle of "non-refoulement" is respected as well as other rights of asylum seekers and refugees; (b) on the field of legal migration, on admission rules and rights and status of the person admitted. In relation to migration, the Parties agree to the fair treatment of nationals of other countries who reside legally on their territories and to promote an integration policy aiming at making their rights and obligations comparable to those of their citizens.

The EC Progress Report 2018 indicates that despite a marked decrease in the migratory influx compared to 2015, Serbia remains the country most affected by the movements along the Western Balkans route. It significantly contributed to the management of the mixed migration flows by playing an active and constructive role and by cooperating effectively with neighbouring countries and Member States. Serbia adopted a new law on asylum and temporary protection, a law on foreigners, and a law on border control, as well as amendments to the law on police. Responsibilities for migration management are divided between various state authorities: the Ministry of the Interior, the Commissariat for Refugees and Migration, the Ministry of Foreign Affairs, the Ministry of Justice and the Ministry of Labour, Employment, Veteran and Social Policy. There is a need for enhanced coordination between these government and state institutions and the international and national

organisations active in this field, including nongovernmental organisations. Uncertainty over the respective responsibilities of the various institutions has led to protection gaps. A robust return mechanism, in line with EU requirements, still needs to be put in place. A basic procedure for an early warning, preparedness and crisis management strategy is in place. Furthermore, the accommodation facilities need enough adequately trained staff. Coordination between all institutions involved in tackling irregular migration should be stepped up. Serbia's legal framework is partially in line with the Union acquis and in the coming period, Serbia should implement the new law on asylum and temporary protection, the law on foreigners, and the law on border control.

The Indicative Strategy Paper 2014-2020 for Serbia (the Strategy Paper) indicates that IPA II assistance in the Home Affairs sector will focus on harmonising with the Union acquis on Chapter 24 and building capacity for efficient implementation and enforcement, especially concerning the fight against organised crime, border management, migration and asylum.

The National Plan for the Adoption of the Union Acquis (NPAA). An important benchmark in this process was the adoption of the National Plan for the Adoption of the Union Acquis (NPAA) for the period 2014-2018 by the Government. The NPAA indicates the Republic of Serbia will continue to strengthen administrative capacities in order to effectively implement new legal solutions and staff training, especially with regard to interview techniques, treatment of vulnerable groups, analysis of information on countries of origin and training of staff directly or indirectly in contact with asylum seekers and states that the Action Plan for Chapter 24 foresees a number of legislative activities that will gradually harmonize Serbian legislation with the Union acquis and the final result will be full compliance with the EU Directives.

3. Description

3.1 Background and justification:

Serbia has faced tumultuous migration flows in the last two decades as a source, transit and destination country for both irregular and regular migration, and continues to face challenges to achieve accepted migration management standards for the EU accession process. In large part owing to its strategic and geopolitical location, the Western Balkans has become an important point on one of the main migratory routes towards the EU. In 2015 the Republic of Serbia registered, accepted and accommodated some 600,000 migrants, 35 times the number it had in 2014.

Aiming at establishing a broad and all-encompassing migration policy, the Republic of Serbia has developed a strategic, legal and institutional framework for joint migration management and the establishment of conditions for the integration and social inclusion of migrants. The Law on Migration Management (2012) regulate the management of migration, the principles, establishes the coordination system for migration management as also horizontal (both at the central and local level) and vertical coordination between central and local levels of government. Responsibilities for migration management are divided between various state authorities: the Ministry of the Interior, the Commissariat for Refugees and Migration, the Ministry of Foreign Affairs, the Ministry of Justice and the Ministry of Labour, Employment, Veteran and Social Policy. There is a need for enhanced coordination between these government and state institutions and the international and national organisations active in this field. Commissariat for Refugees and Migration is the central authority in the area of migration management.

The Law on asylum and temporary protection has been adopted in March 2018 and entered into force in June 2018. The Law prescribe the status, rights and obligations of asylum seekers

and persons who have been granted the right to asylum or temporary protection, the principles, conditions, and procedure for the approval and cessation of the right to asylum or temporary protection, as well as other issues relevant for asylum or temporary protection. In the course of the procedures for granting and cessation of the right to asylum, the procedure is conducted, and all decisions are taken by the Asylum Office, which is the organisational unit of the Ministry of the Interior competent for the asylum issues. The Asylum Commission decides on appeals against decisions of the Asylum Office. The Commission comprises the Chairperson and eight members, appointed by the Government for a four-year term. In the event of an unsatisfactory decision being brought by the Commission, the possibility exists for the commencement of appeal proceedings before the Administrative Court as a final judicial instances. Commissariat for Refugees and Migration provide material reception conditions to the asylum seekers. The Commissariat provides temporary accommodation to persons who have been granted asylum in accordance with the regulation governing migration management. The Commissariat shall implement programmes of voluntary return of a foreigner whose application was refused or rejected by a decision of the competent authority, or if the asylum procedure has been discontinued; a foreigner who has been granted temporary protection; and a foreigner whose asylum status has ceased, as well as programmes of integration of persons who have been granted asylum in accordance with the regulation governing migration management. Material conditions concerning reception include: accommodation, food, clothing, footwear, financial resources for persons needs. Accommodation of asylum seekers is provided within asylum centers and/or other facilities intended for the accommodation of asylum seekers (hotel, rest areas, other adequate facilities). Persons accommodated in asylum centre enjoy freedom of movement, information and legal aid, health protection, right on elementary and secondary education, the right of labour market access in accordance with the regulations governing the employment of foreigners etc.

In 2017, the number of asylum seekers fell considerably compared with 2016, while cases processed and protection status granted increased in relative terms. In 2017, out of 6 195 (2016: 12 821) people who expressed an intention to seek asylum, 235 (2016: 574) people lodged an application, 3 (2016: 19) people received refugee status, 11 (2016: 23) people 37 received subsidiary protection and 42 (2016: 40) people received a negative decision. In most cases the procedure was suspended because the applicant absconded.

Serbia recognizes the need for further efforts to ensure compatibility with the EU standards. The attainment of results proposed under this project will contribute to the fulfilment of multiple priorities defined in the strategic documents.

With the recent adoption of legislation in the field of asylum and migration, the first phase of harmonization of national legislation with the Union *acquis* was carried out. The national legislation has to be further aligned. Second phase of harmonization will result in further alignment with the Union *acquis*. Apart from the transposition process, the national legislation should be further adjusted with directly applicable EU legislation not foreseen to be transposed into the national legal system (i.e. regulation and decisions). While directives in the field of immigration and asylum are thoroughly analyzed other type of legislative acts (with exception of Dublin Regulation) is not asses and compare with existing national framework. This can cause collision between national legislation and EU legislation and subsequently problems in its implementation. In the context of significant changes in the field of Union *acquis* on asylum and migration, it is necessary to continuously conduct analysis of EUR LEX directories related to asylum and immigration, list directly applicable Union *acquis* and establish monitoring system. In addition, although the area of asylum and migration is to

a large extent harmonized with Union *acquis*, there is still need for improving knowledge and gaining experience in the application of EU standards.

As stated in "Interim benchmarks" Serbia should amend the Criminal Code, the Law on Employment of Foreigners and the Law on Foreigners and bring its legislation in line with the Union *acquis* in the field of legal and irregular migration. Serbia effectively monitors and reports on the implementation of this legislation and takes corrective measures where needed. Law on the Employment of Foreigners is in line with Directive 2009/52/EC, Directive 2004/38/EC, Directive 2001/55/EC, Directive 2013/33/EC, Directive 2003/109/EC, Directive 2004/81/EC, Directive 2011/95/EC, Directive 2004/114/EC, Directive 2014/36/EU and Directive 2011/51/EU. Through the second phase of harmonization of legislation in the field of legal and irregular migration (amendments to the Law on Foreigners), harmonization with the provisions of the Directive 2011/98/EU will be carried out, i.e. the introduction of a unique residence and work permit (single permit). In accordance with the above, the provisions relating to the issuance of residence and work permits to foreign nationals (third-country nationals) should be read out in the current Law on the Employment of Foreigners by future amendments and supplements to the Law on Foreigners, all in accordance with the EU Directive this area. Also, the entire legislative matter regulating the employment of foreigners in the Republic of Serbia should be analysed in the context of the Law on Foreigners.

Activities mentioned above could be addressed through Component 1 related to the further adjustment of the national legislation with directly applicable EU legislation.

With accession, Serbia will have the opportunity to benefit from EU funds dedicated to refugees and migration. Serbia will strive to develop relevant mechanisms and instruments already before accession. One of the recommendations in the Screening report for Chapter 24 – Justice, freedom and security¹ is that Serbia should “with the support of external experts, conduct a comprehensive assessment of administrative capacity, training needs and infrastructure. Particular focus should be put on: putting in place the structures necessary to cooperate with the European Asylum Support Office and to benefit from the Asylum, Migration and Integration Fund, if needed, by the date of accession.”

In accordance with the aforementioned, the Project should assist in developing capacities of relevant institutions to fulfil obligations arising by EU accession regarding the absorption of EU Funds dedicated to refugees and migration and capacity building activities for civil servants in this regard.

The EC Progress Report states, that a basic procedure for an early warning, preparedness and crisis management strategy is in place. As stipulated in "Interim benchmarks" Serbia should develop a robust mechanism for early warning, preparedness and crisis management and to correctly implement it in crisis situations. In this regard, early warning and preparedness system and reporting should be further improved.

It is necessary to further strengthen cooperation with EU agencies and networks. The joint work under this project will assist further international cooperation, as well as alignment of national regulations with the Union *acquis*.

¹ <http://www.europa.rs/upload/2014/Screening-report-chapter-24-serbia.pdf>

Abovementioned could be addressed through Components 2 and 3 related to the increasing capacity of relevant institutions to fulfil obligations arising by EU accession and improving national coordination mechanisms and cooperation with EASO and other relevant EU agencies and networks.

The Project will further facilitate and support Serbia in reaching commitments taken in the accession negotiations and will be fully aligned to the measures and activities of the revised Action Plan for Chapter 24.

Further alignment of legal framework with Union *acquis* and improving the process governing the access to rights will be covered, especially in the context of significant changes in the field of Union *acquis* on asylum and migration which are ongoing. Capacity development of all relevant institutions be part of the institutional development activities.

Serbia will continue the process of alignment with the Union *acquis* and its effective implementation and enforcement, and in general will strive to develop already before accession, policies and instruments as close as possible to those of the EU.

Serbia has adopted a new law on foreigners, aiming to align its national legislation with the Union *acquis* in areas such as family reunification, the status of third country nationals with long-term residence, the conditions for admission of third-country nationals for, inter alia, scientific research, and residence permits issued to third-country nationals who are victims of trafficking in human beings. The new law also aims at alignment with the Return Directive. Amendments to the Criminal Code were adopted, leading to increased penalties for smuggling and trafficking in human beings.

The Project will further facilitate and support Serbia in reaching commitments taken in the accession negotiations and will be fully aligned to the measures and activities of the revised Action Plan for Chapter 24.

Implementation of the project will further support improvement of the migration and asylum system within the Republic of Serbia by increasing the accessibility, quality and number of services available to beneficiaries as to achievement of the migrant and asylum seekers rights. Further alignment of legal framework with Union *acquis* and improving the process governing the access to rights will be covered, especially in the context of significant changes in the field of Union *acquis* on asylum and migration. Capacity development of all relevant institutions will be part of the institutional development activities.

Serbia will continue the process of alignment with the Union *acquis* and its effective implementation and enforcement, and in general will strive to develop already before accession, policies and instruments as close as possible to those of the European Union.

3.2 Ongoing reforms:

Main challenges in ongoing sector reforms are related to the need to strengthening capacities of individual institutions as well as strengthening inter-institutional cooperation in the field of asylum and migration. The EC Serbia Report 2018 indicates that Serbia continued to manage the effects of the migration and refugee crisis. Serbia has successfully negotiated with the EU the status agreement on actions to be carried out by the European Border and Coast Guard Agency in Serbia. The status agreement will enter into force once both parties will have completed their internal ratification procedures. In addition, Serbia adopted a new Law on asylum and temporary protection, a Law on foreigners, and a Law on border control. A strategy and an action plan for 2017-2020 to counter irregular migration needs to be adopted. In this context, Serbia needs to put in place a robust return mechanism for irregular migrants, which is in line with the Union *acquis*, as well as to align its visa policy progressively with the EU's. Stronger coordination among the various state authorities involved in migration

management has to be ensured. Serbia continued to cooperate with neighbouring countries and Member States, in particular at technical level, and made substantial efforts to provide shelter and humanitarian supplies, primarily with EU support. Serbia needs to increase its capacity to address special reception needs of unaccompanied minors and to address the lack of an effective guardianship system. Additional issues that raise concerns are associated to the lack of special care provided upon UASC arrival in an asylum or reception centre, the lack of age assessment procedure and lack of systematic identification process for vulnerabilities among unaccompanied children.

3.3 Linked activities:

Twinning Project *Support to the National Asylum System of the Republic of Serbia* (IPA 2013) was implemented in the period from September 2015 to February 2018. The overall objective of the Project was to contribute to Serbian efforts to harmonize national policies within the home affairs sector in line with EU standards and the Union *acquis* in the field of asylum. The purpose of the project was to improve capacity for implementation of asylum policies in line with international and EU standards concerning both, procedure and reception condition and to reduce number of unfounded asylum applications from Serbian nationals. Beneficiary institutions were Commissariat for Refugees and Migration and Ministry of Interior. The Project improved capacities of institutions dealing with issues of concern for asylum seekers, especially in the area of advanced interview techniques and advanced country of origin information research; improved capacities of services providers in charge of unaccompanied minor asylum seekers; prepared draft Law on asylum and temporary protection; established timely and adequate integration support mechanisms for persons granted international protection in Serbia; informed public on the rights, obligations and problems of asylum seekers in Serbia as well as Serbian potential asylum seekers in EU MS.

Within IPA 2014 Result 2.2 *Existing capacities to accommodate asylum seekers expanded*, series of activities will be realized for building of the accommodation facility for asylum seekers by projecting and constructing of the accommodation facility, and purchasing equipment and furniture. In the first phase it is envisaged to prepare the main project documentation (including design, tender documents) and to proceed with construction of asylum centre which will be under independent supervision. Once asylum centre is completed it will be adequately equipped.

Commissariat for Refugees and Migration and Ministry of Interior jointly implement the project *Support to Migration Management in Serbia* (2016-2019), funded by the Government of Switzerland through the Swiss State Secretariat for Migration (SEM). The goal of the project is to strengthen the migration management system in the Republic of Serbia in line with the international standards and the Union *acquis*, with special focus on cooperation mechanisms and capacities at the local level in order to ensure protection of the rights of migrants

The TAIEX Expert Mission on contingency planning in the event of a mass influx of displaced persons was organised in May 2015. The Expert Mission contributed to the development of a contingency plan in the event of a mass influx of displaced persons, in particular in relation to EU standards for reception and granting of international protection (Directive 2011/95/EU, Directive 2013/33/EU, Directive 2001/55/EC).

The project *Mainstreaming migration into national development strategies* implemented in the period from 2014 to 2018. It is part of the global IOM project aimed at supporting national governments and their partners in improving the registration, monitoring and processing of migration data, better utilization of human migration potentials and directing migration

management towards increasing national development capacities, while reducing the risk for migrants themselves, their families and communities of origin or destination.

The Republic of Serbia is a participant in the project *Regional Support to Migration Management in the Western Balkans and Turkey (IPA 2014)*, in addition to Albania, Bosnia and Herzegovina, Macedonia, Montenegro and Kosovo². The project is implemented by FRONTEX, EASO, IOM and UNHCR. The objectives of the project are: strengthening capacities for identifying migrants by strengthening techniques for identifying migrants during the first contact at the borders and strengthening testing techniques in the second line of investigation, in order to determine the potential vulnerability and identity of migrants; information exchange; the establishment of regional mechanisms for the return of migrants (mechanisms for regional voluntary and non-voluntary solutions in cases of migrant returns).

The overall objective of the IOM Project *Support to the Information Management, Communication and Planning Capacity in Addressing the Migration Management Challenges in Serbia* is to facilitate a more coordinated response to the protection-sensitive migration management challenges in Serbia, and ensure that foreseen assistance and protection measures for migrants and refugees are standardized, regularly monitored and consistently improved.

IPA 2012, “**Police reform and migration management**” has the aim of putting in place a system for monitoring legal migration by establishing a Central database on foreigners to be used for the purposes of the MoI and Ministry of Foreign Affairs as well as for the external users.

3.4 List of applicable *Union acquis*/standards/norms:

Key Directives are listed below. Complete list can be found on: https://eur-lex.europa.eu/browse/directories/legislation.html?root_default=CC_1_CODED%3D19,CC_2_CODED%3D1910&displayProfile=allRelAllConsDocProfile&classification=in-force

This project is linked to following Union standards/norms/Union Acquis:

Article 78 of the **Treaty on the Functioning of the European Union** states that Union shall develop a common policy on asylum, subsidiary protection and temporary protection with a view to offering appropriate status to any third-country national requiring international protection and ensuring compliance with the principle of non-refoulement. This policy must be in accordance with the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees, and other relevant treaties.

Charter of fundamental rights of the European Union (2000/C 364/01) in Article 18 states that the right to asylum shall be guaranteed with due respect for the rules of the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees and in accordance with the Treaty establishing the European Community.

Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast).

Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast).

² This designation is without prejudice to positions on status, and is in line with UNSCR 1244/99 and the ICJ Opinion on the Kosovo declaration of independence.

Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast).

Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof.

Directive 2011/51/EU of the European Parliament and of the Council of 11 May 2011 amending Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection

Amended by Directive 2011/51/EU of the European Parliament and of the Council of 11 May 2011 amending Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection

Regulation (EU) No 439/2010 of the European Parliament and of the Council of 19 May 2010 establishing a European Asylum Support Office

Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service

Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research

Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities

Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification

Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long term residents

Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State.

Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment.

Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers.

Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer.

Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.

Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals.

Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code)

Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast).

Regulation (EU) No 439/2010 of the European Parliament and of the Council of 19 May 2010 establishing a European Asylum Support Office

As regards EU integration of Serbia, the Ministry of the Interior manages the work of the Negotiation Subgroup for Chapter 24 and the draft of the action plan which will include and thoroughly develop all the activities which should be implemented for the full harmonisation with the EU norms and provision of the capacities for the implementation of the harmonised regulations. **National Strategic documents:**

Migration Management Strategy ("Official Gazette of RS", No. 59/2009) foresees establishment and implementation of mechanisms for comprehensive and continuous monitoring of migration flows in the Republic of Serbia, the completion of the strategic, legal and institutional framework for joint migration management and creation of conditions for integration and social inclusion of migrants. Migration management must be in accordance with the European Union association policy, as well as with specific demographic trends and long-term development needs of the Republic of Serbia.

Integrated Border Management Strategy in the Republic of Serbia, for the period 2017-2020 ("Official Gazette of the Republic of Serbia" No. 9/2017) determines the policy regarding establishing a system of integrated border management. It sets a framework for the elaboration of harmonised and synchronised sector strategies and for implementation plans, defines roles and responsibilities of the state authorities and relevant border services, identifies strategic goals, and decides on basic directions for actions during the process of establishing and implementation the long-term sustainability and stability of the established system of integrated boarder management.

The Strategy for Prevention and Suppression the Trafficking in Human Beings, Especially Women and Children, and Protection of the Victims and the Action Plan for its implementation for the period 2017 – 2018 was adopted in August 2017. On the basis of this strategy, Serbia needs to take steps towards pro-active identification and due protection of victims of THB. On 17 October 2017 a Special Work Group was established for implementation and monitoring of the Strategy to Prevent and Suppress the Trafficking in Human Beings, Especially Women and Children, and to Protect the Victims for 2017-2022.3 Civil society organisations which deal with the problem of human trafficking participate equally in the process of monitoring of, reporting on and assessing the implementation of the Strategy.

Legislation

As the supreme law, the Constitution of the Republic of Serbia, („Official Gazette of the Republic of Serbia”, no. 98/06), in its article 57, explicitly guarantees that any foreign national with reasonable fear of prosecution based on his race, gender, language, religion, national origin or association with some other group, political opinions, shall have the right to asylum in the Republic of Serbia.

Laws covering the area of migration and asylum are: Law on Migration Management (Official Gazette of RS, No. 107/12), Law on Asylum and temporary Protection (Official Gazette of RS, No. 24/2018), Law On Foreigners (Official Gazette of RS, No. 24/2018), Law on Border Control (Official Gazette of RS, No. 24/2018), Law on Employment of Foreigners (“Official Gazette RS“ No. 128/2014), Criminal Code (Official Gazette of RS, Nos. 85/05, 88/05-corrigenda 107/05- corrigenda, 72/09, 111/09, 121/12, 104/13 and 108/14).

Provisions of the Law on asylum and temporary protection are in line with Directive 2011/95/EU on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted, Directive 2013/32/EU on common procedures for granting and withdrawing international protection, Directive 2013/33/EU laying down standards for the reception of applicants for international protection and Council Directive 2001/55/EC on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof.

New Law on Foreigners took further steps in order to harmonize national legislation in the area of legal and irregular migration with the EU Directives regulating these areas, in particular Directive 2003/86/EC on the right to family reunification, Directive 2003/109/EC concerning the status of third-country nationals who are long term residents, Directive 2005/71/EC on a specific procedure for admitting third-country nationals for the purposes of scientific research, Council Directive 2004/114/EC on the conditions of admission of third-country nationals for the purposes of studying, student exchange, Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities, Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence, Directive 2008/115/EC on common standards and procedures in Member States for returning illegally staying third-country national and Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code).

By adopting legislation in the field of asylum and migration, the first phase of harmonization of Serbian legislation with Union *acquis* was carried out.

3.5 Results per component

Result 1 – Component 1: The national legislation further adjusted with directly applicable EU legislation

To achieve the aforementioned result, the following intermediary results as a minimum will be achieved: the analysis of EUR LEX directories 19.10.30. and 19.10.40 conducted, in particular against the background of substantial changes of the Union *acquis* in CH 24, and prepared list of relevant acts that should not be transposed into national legislation but should be implemented after the accession (i.e. regulations, decisions, etc.), monitoring system established, especially in the context of significant changes in the field of Union *acquis* on asylum and migration, and recommendations for amendments to the existing legislation proposed in order to ensure its compliance with the Union *acquis*. This will include the gap analysis between national legislation and directly applicable Union *acquis*, analysis of procedures on how to overcome differences and collisions as well as the analysis of capacity necessary for implementation, monitoring and reporting requirements. Special consideration will be given to the legislation in the field of employment of foreigners (unique residence and work permit to foreign

nationals) in order to further harmonize Serbian legislation in the area of legal migration. In addition, comparative analysis on different practices and familiarization with the practice in the EU MS in the field of immigration and asylum will be conducted.

Result 2 – Component 2: Increased capacity of relevant institutions to fulfil obligations arising by EU accession

To achieve the aforementioned result, the following intermediary results as a minimum will be achieved: the existing procedures, staff and equipment necessary for the implementation of the legislation evaluated and recommendations for their improvement provided. This will include capacity building activities for civil servants in charge for law enforcement and implementation of legislation, including recommendations and requirements for the absorption of EU Funds dedicated to refugees and migration. An evaluating mechanism assessing the implementation of the relevant policies will be established and early warning and preparedness system and reporting will be improved.

Result 3 – Component 3: Improved national coordination mechanisms and cooperation with EASO and other relevant EU agencies and networks

To achieve the aforementioned result, the following intermediary results as a minimum will be achieved: An Action plan will contain detailed measures on establishing cooperation with relevant agencies and networks in the field of migration and asylum management including EASO, and EMN, EBCGA, EUROPOL and EUROJUST in line with institutional competencies.

3.6 Means/input from the EU Member State Partner Administration(s)*:

The Project Leader and RTA (Resident Twinning Advisor) shall provide support to the responsible Serbian authorities in strengthening their capacities as well as in implementation of this project. During the implementation of this project RTA will be positioned in the Commissariat for Refugees and Migration.

3.6.1 Profile and tasks of the PL:

The MS Project Leader will manage the project team of selected member state(s) and coordinate the implementation of activities.

Tasks of the Project Leader:

- Overall management and coordination of the project with MS, SCRM, other partners and stakeholders;
- Project reporting;
- Ensuring backstopping and financial management of the project in the MS;
- Ensuring timely, effective and efficient implementation of the project and achievement of results through proposed activities;
- Coordination of deployment of short-term experts;
- Coordination with RTAs, from the Member State side, the Project Steering Committee meetings, which will be held in Serbia every three months;
- Participation at the Steering Committee meetings (every three months);
- Assuring compatibility with EU requirements;

Profile of the Project Leader:

Requirements:

- University degree in the field of Law, or Political Sciences or equivalent professional experience of 8 years in the area of asylum and/or migration management;
- Minimum three years of professional experience in EU MS administration/assimilated body;
- High-ranking official/senior civil servant currently working in the MS administration;
- Fluency in English language;
- Computer literacy;

Assets:

- Experience in EU funded projects;
- Experience in managing or assisting in management in at least 1 1 projects in the area of asylum and/or migration management;
-

3.6.2 Profile and tasks of the RTA:

The Resident Twinning Advisor (RTA) will be based in the Beneficiary Country to provide full-time input and advice to the project for its entire duration. This expert will bear the responsibility to coordinate in the field and on a day to day basis all the activities planned in the Twinning.

Qualifications and skills:

- Be a national of a Member State of the European Union;
- Proven contractual relation to a public administration or mandated body;
- At least a University degree preferably in the field of Law or Political Sciences or equivalent professional experience of at least eight years;
- At least 3 years of relevant professional experience in the field of asylum and migration;
- Solid knowledge of the relevant international and EU legislative and institutional framework in the field of asylum and migration;
- Fluent written and spoken English;
- Computer literacy;
- Previous experience in project management with similar nature will be considered as asset;

Tasks of the RTA:

- Conceive, supervise and coordinate the overall Twinning project;
- Provide strategic advice on high level regarding reforms supported by the Twinning;
- Monitor and steer the project implementation, including coordination and direction of the MS TW partner, and develop corrective measures if and when needed;

- Maintain a close and permanent professional relationship with the Resident Twinning Adviser and the Beneficiary Country's project leadership;
- Co-ordinate MS experts' work and availability;
- Communicate with the beneficiary and EUD;
- Ensure the backstopping functions and financial management;
- Guarantee from the MS administration side, the successful implementation of the project;
- Participate in quarterly meetings of the Project Steering Committee with the BC PL;
- Participate in preparation of the initial and subsequent work plans;
- Participate in preparation of interim and final reports.

3.6.3 Profile and tasks of Component Leaders:

Tasks of Component Leaders:

Component Leaders will provide specialized know-how for the individual tasks in this project. Therefore, the experts should have a relevant professional experience in administration and minimum qualifications required, as well as specific skills needed for individual task. As a general approach, the Component Leaders will take the responsibility for the implementation of the Project and the achievement of the results, each for his/her individual mission tasks, as defined by individual ToR. They will also prepare the required reports and the output described.

Profile of Component Leaders:

Requirements:

- University degree in the field of Law, Political or Social Sciences or equivalent professional experience of at least 6 years;
- At least 3 years of specific working experience in the field of asylum and migration;
- Fluency in English language;
- Computer literacy;

The concrete assignments will be subject to the preparation of the Twinning Contract and the recommendations of the Twinning partner(s).

3.6.4 Profile and tasks of other short-term experts:

In order to achieve the mandatory results and to carry out the activities as per section 3.5 the short-term experts' assistance will be provided on specific aspects of project. Detailed agreement on specific expertise required by short term experts will be agreed at the stage of development of the work plan. MTEs and STEs should be identified by the Project Leader/RTA and have to be agreed with the beneficiary institutions in the course of designing and delivery of the expected project outputs. Selection procedures shall be transparent and based on pre-defined criteria, including detail professional qualifications, and work experience.

Main areas of expertise required by the team of short-term experts should cover:

- Expertise in the area of development of legal framework, including compatibility analysis of domestic legislation with rules, Necessary experience in the adjustment of the national legislation with directly applicable EU legislation in the field of asylum

and migration, standards of EU MS and international standards in regard to asylum and migration management

- Experience in training/capacity building of relevant institutions to fulfil obligations arising by EU accession
- Technical competence and practical experience in improving national coordination mechanisms and cooperation with EASO and other relevant EU agencies and networks in the field of asylum and migration.
- Expertise in the improvement of internal procedures and acts relevant to the field of this project

Requirements:

- University degree in law, social sciences, political sciences or other relevant field depending of the area of expertise
- At least 3 years of professional experience in the field of asylum and migration or relevant field depending of the area of expertise
- Experience in providing assistance in the capacity building initiatives in the relevant field
- Experience in consultancy on EU funded projects
- Experience in organizing and providing trainings
- Fluency in English
- Computer literacy

4. Budget

Maximum Budget available for the Grant

1 000 000 EUR

5. Implementation Arrangements

5.1 Implementing Agency responsible for tendering, contracting and accounting (AO/CFCE/PAO/European Union Delegation/Office):

The Implementing Agency of the project is the Central Finance and Contracting Unit (CFCU). The CFCU will be the Contracting Authority and it will be responsible for publishing tenders, concluding contracts and authorizing the Treasury to make contract related payments.

Ministry of Finance

Department for Contracting and Financing of EU Funded Programmes (CFCU)

Sremska Street, No. 3-5

SRB – 11000 Belgrade 23

Mr. Marko Jovanović, Head of CA

Phone: +381 11 20 21 – 115

E-mail: marko.jovanovic@mfin.gov.rs

Mr. Darko Vasić, Head of Division for Tender Evaluation and Contracting, Twinning
National Contact Point

Phone: + 381 11 2021 412
e-mail: twinning@mfin.gov.rs

5.2 Institutional framework

A Project Steering Committee and modalities are set out in 5.2.4 of the twinning manual.

The main beneficiary institutions will be the Commissariat for Refugees and Migration and the Ministry of Interior (including the Asylum Office).

The Commissariat for Refugees and Migration is a public authority established by the Law on refugees as a special organisation. The adoption of the Law on Migration Management (2012) established a coordinated system for migration management and defined the basic concepts of migration. The concept of migration management is defined to include the processes of: gathering and analysis of data relevant to the migration management; establishing a uniform system for collecting, organizing and sharing information; identifying and proposing objectives and priorities of migration policy; proposing and taking measures for the implementation of migration policy and coordination of state bodies, which perform tasks related to the migration management. According to the Law on Asylum and Temporary Protection (2018) the Commissariat provides material reception conditions to the asylum seekers, temporary accommodation to persons who have been granted asylum, implement programmes of voluntary return as well as programmes of integration of persons who have been granted asylum. In the course of the procedures for granting and cessation of the right to asylum, the procedure is conducted, and all decisions are taken by the Asylum Office, which is the organisational unit of the Border Police Directorate of the Ministry of Interior competent for the asylum issues. The Department for Foreigners as an operational functional part of the Border Police Directorate has the responsibility of controlling the movement and residence of foreigners consisting of regulating visas, residence, permanent residence of foreigners, the work of the Shelter for Foreigners, measures against foreign nationals.

The project is expected to contribute to the strengthening of the capacities of the Commissariat for Refugees and Migration and other relevant institutions for implementation of migration and asylum policy and procedures in line with the Union *acquis*. The project will contribute to strengthening the capacity for implementation of asylum and migration policies in line with international and EU standards concerning both, procedure and reception condition. Project will generate further adjustment of the national legislation with directly applicable EU legislation, increase capacity of relevant institutions to fulfil obligations arising by EU accession and improve the national coordination mechanisms and cooperation with EASO and other relevant EU agencies and networks.

5.3 Counterparts in the Beneficiary administration:

The PL and RTA counterparts will be staff of the Beneficiary administration and will be actively involved in the management and coordination of the project.

5.3.1 Contact person:

Senior Programme Officer (SPO):

Ms Svetlana Velimirović, Deputy Commissioner

Commissariat for Refugees and Migration, Narodnih heroja 4, 11070 Novi Beograd

5.3.2 PL counterpart

The BC Project Leader will manage a project team at the Serbian side and will assure that the decision makers at the national level will be informed properly on the implementation of the project. He will ensure close co-operation and overall steering and coordination of the project.

He will be also responsible for drafting reports and other documents, related to project management at the Serbian side and will chair Steering Committee meetings.

PL counterpart:

Mr. Vladimir Cucić, Commissioner, Commissariat for Refugees and Migration, Narodnih heroja 4, 11070 Novi Beograd

5.3.3 RTA counterpart

Ms. Svetlana Velimirović, Deputy Commissioner

Commissariat for Refugees and Migration, Narodnih heroja 4, 11070 Novi Beograd

6. Duration of the project

Duration of the execution period: 12 + 3 months

7.1. Language

The official language of the project is the one used as contract language under the instrument (English / French). All formal communications regarding the project, including interim and final reports, shall be produced in the language of the contract.

7.2 Project Steering Committee

A project steering committee (PSC) shall oversee the implementation of the project. The main duties of the PSC include verification of the progress and achievements *via-à-vis* the mandatory results/outputs chain (from mandatory results/outputs per component to impact), ensuring good coordination among the actors, finalising the interim reports and discuss the updated work plan. Other details concerning the establishment and functioning of the PSC are described in the Twinning Manual.

7.3 Reporting

All reports shall have a narrative section and a financial section. They shall include as a minimum the information detailed in section 5.5.2 (interim reports) and 5.5.3 (final report) of the Twinning Manual. Reports need to go beyond activities and inputs. Two types of reports are foreseen in the framework of Twinning: interim quarterly reports and final report. An interim quarterly report shall be presented for discussion at each meeting of the PSC. The narrative part shall primarily take stock of the progress and achievements *via-à-vis* the mandatory results and provide precise recommendations and corrective measures to be decided by in order to ensure the further progress.

8. Sustainability

Project will produce sustainable results in the short term since it is designed to support the already existing beneficiary institutions and structures that are already in place, but which require additional assistance in the complex process of the harmonisation with Union *acquis* and for the preparation for negotiations. All of the capacities developed through this project will be used in the future period for the further alignment as part of the accession, and they will be a crucial resource for the EU integration. Sustainability is also envisaged in the fact that the support for legislative alignment results in adoption of the laws, by-laws, plans and

policy documents by the Parliament, Government or governmental bodies, ensuring that these are part of the system, and not ad hoc interventions. Finally, this project will ensure that all policies that are produced as its result will be developed according to the better regulation approach, which ensures inclusive and evidence-based policy and legislative development. The increased focus on the quality of the legislative and policy-making process will help to ensure that adopted policies and laws can be better implemented. Also, institution-building under this project will respect effective lines of accountability between institutions (agencies and parent institutions), therefore avoiding any possible fragmentation of administration. Twinning has been chosen for the support because it is expected that twinning will enable exchange of experience with MS and maintain further cooperation between the beneficiary institutions and the twinning partner.

9. Crosscutting issues (*equal opportunity, environment, climate etc...*)

Cross-cutting issues will be addressed in the project so as to comply with the best EU standards and practice in that area and in a way which demonstrates how they will be dealt with within the project's framework, its activities and outputs.

Equal Opportunities and non-discrimination

Policy of equal opportunities and non-discrimination will be taken as one of the overall principles in strengthening the asylum system in the Republic of Serbia. The project will promote high standards of equality and gender mainstreaming both in strengthening the relevant legislative framework in line with international and EU standards as well as in its training component, especially encouraging active participation of the female staff in all activities. In the reporting, a gender disaggregated data will be kept and followed. The Project will be implemented in a non-discriminatory manner with equal opportunities observed and firm guarantees that distinctions will not be drawn on the basis of sex, race, ethnicity, religion or other possible grounds in any regard. Gender equity principles will be respected in the implementation of all Project activities. Equal opportunities will be also secured through appropriate information and publicity material, in the design of activities and accessibility to the opportunities they offer. The different project implementation structures will ensure the observance of the principles of equal opportunities and non-discrimination. Enforcement of those principles is likewise ensured through specific administrative procedures applied in accordance with the Law on non-discrimination.

Environment and climate change

The environmental issues will be addressed throughout the project implementation, which will have no harmful effect on the environment. The staff will be trained in handling and disposal techniques in line with EU standards, and efforts shall be made to avoid negative effects on the environment. Also, the project team will use electronic method of communication, the printing will be reduced and recycled paper will be used.

Minorities and vulnerable groups

The Project targets vulnerable groups. The activities under project aim to improve the conditions in Serbia for migrants and asylum seekers. The application of the national policy and strategic documents and the best EU standards and practices in the promotion and protection of the rights of the minority and vulnerable groups will be ensured in all aspects of

the preparation and implementation of this project. Migrants and asylum seekers themselves represent particularly vulnerable group.

Civil Society/Stakeholders involvement

In the Republic of Serbia, cooperation has been developed with civil society organizations dealing with asylum and migration issues, and during the past few years cooperation has been extended to new organizations that can contribute to more efficient response to the increased number of migrants on the territory of the Republic of Serbia.

During implementation, the civil society will be invited for meetings, and they may suggest improvement of implementation, within the framework of EU project implementation regulations.

10. Conditionality and sequencing

The underlying assumption for this project is the Serbian political will and ability to prepare for future EU membership. So far there has been no reason to doubt this assumption. Projects to be implemented through Twinning require the full commitment and participation of the senior management of the beneficiary institution. In addition to providing the Twinning partner with adequate resources to operate effectively, the senior management must be fully involved in the development and implementation of the project results.

11. Indicators for performance measurement

Indicators related to Result 1:

- 1.1 Current legislation in the field of asylum and migration (EU regulations and decisions directly applicable after the accession) assessed and developed mechanism for their smoothly implementation, monitoring and reporting; Particular attention to be paid to UASC in terms of addressing lack of procedures and special care provided in line with EU requirements.
- 1.2 Current legislation in the field of employment of foreigners analyzed with focus on issuing a unique residence and work permit to foreign nationals in order to further harmonize Serbian legislation in the area of legal migration and proposals for further harmonization developed; Police officers of the Department of Foreigners familiarized with EU MS practices in the field of legal migration, especially in regards to procedures on issuing residence permits for the purpose of employment of foreigners, and proposals developed for both legislative and implementation activities;
- 1.3 Conducted comparative analysis on different practices and familiarization with the practice in the EU MS with similar institutional set-up, developed Manuals and organized trainings on: applicability in Serbia regarding the procedure in the transit zone, restriction of the movement of asylum seekers, practical application of the safe 3rd country concept (especially in the part relating to the provision of guarantees for the reception of persons who do not meet the requirements for asylum in the Republic of Serbia), regulation of residence of refugees and their family members, naturalization;

Indicators related to Result 2:

- 2.1 Conducted GAP Analysis between national legislation and Union *acquis* and developed recommendations for the absorption of EU Funds dedicated to refugees and migration;
- 2.2 Established mechanism and developed Action Plan for resource planning and use of EU funds dedicated to refugees and migration;
- 2.3 Civil servants in charge for law enforcement and implementation of legislation familiarized with the practice of the absorption of EU Funds dedicated to refugees and migration;
- 2.4 Established mechanism for monitoring and assessing the implementation of the relevant policies (Union *acquis*) in the field of asylum and migration;
- 2.5 Improved early warning and preparedness system and reporting in accordance with EU standards;

Indicators related to Result 3:

- 3.1 Identified relevant networks in the field of migration and asylum;
- 3.2 Developed Action plan with detailed measures on establishing cooperation with relevant agencies and networks in the field of migration and asylum management including EASO, EMN, EBCGA, EUROPOL and EUROJUST;
- 3.3 Ensured regular participation in (at least 12) relevant events (conferences, seminars) with the aim of networking with relevant EU MS institutions and agencies (EASO, ICMPD, GDISC, etc.);

At least two major visibility events will be organized in the course of the implementation of the project: Kick-off meeting at the start of the implementation process and the Final meeting at the end of project implementation activities.

12. Facilities available

One Office with work station for RTA for his/her daily work and assistant(s) will be provided in accordance with the Twinning Manual in kind. A meeting room will be available for the project as well as other facilities necessary for organisation of trainings, seminars, conferences, etc.

ANNEXES TO PROJECT FICHE

1. Logical framework matrix in standard format

ANNEX 1: Logical framework matrix in standard format

LOGFRAME PLANNING MATRIX FOR Project Fiche		Programme name and number: IPA 2016	
Support to strengthening migration management and asylum system in Serbia		Contracting period expires 3 years after the signing of the FA	
		Execution period expires 6 years after the signing of the FA	
		Total budget	1.000.000 EUR
Commissariat for refugees and migration			
Overall objective	Objectively verifiable indicators (OVI)	Sources of Verification	
The overall objective is to contribute to strengthening of the capacities of the Commissariat for Refugees and Migration and other relevant institutions for implementation of migration and asylum policy and procedures in line with the Union <i>acquis</i> .	<ul style="list-style-type: none"> • <i>Degree of alignment with EU requirements of the Serbian reporting mechanisms in the field of migration and asylum</i> • <i>Structures necessary for utilization of EU Funds dedicated to refugees and migration in place</i> 	Annual Report of the SCRM to the Government of the Republic of Serbia EC Progress Report Report on implementation of AP for Chapter 24	
Specific objective	Objectively verifiable indicators (OVI)	Sources of Verification	Assumptions

<p>To contribute to strengthening the capacity for implementation of asylum and migration policies in line with international and EU standards concerning both, procedure and reception condition.</p>	<ul style="list-style-type: none"> • <i>All legislative acts that remained to be adopted analyzed and recommendations for amendments to the existing legislation in order to ensure its compliance with the Union acquis proposed</i> • <i>Existing procedures, staff and equipment necessary for the implementation of the legislation evaluated and recommendation for their improvement provided</i> • <i>Coordination and cooperation between different stakeholders relevant for various aspects of migration management further strengthened by proposing concrete mechanisms for improvement of coordination and the data exchange mechanism upgraded</i> 	<p>Annual Report of the SCRM to the Government of the Republic of Serbia</p> <p>Annual Report of the Ministry of Interior</p> <p>EC Progress Report</p>	<ul style="list-style-type: none"> • Serbia`s EU integration orientation • Awareness of the Government of Serbia of the importance of continuous improvement of the migration management and asylum system • Close collaboration of SCRM, MOI and other stakeholders • Adequate staff availability and continuity of the staff
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Results	Objectively verifiable indicators (OVI)	Sources of Verification	Assumptions
<p>Result 1. The national legislation further adjusted with directly applicable EU legislation</p>	<p>1.1 Current legislation in the field of asylum and migration (EU regulations and decisions directly applicable after the accession) assessed and developed mechanism for their smoothly implementation, monitoring and reporting; Particular attention to be paid to UASC in terms of addressing lack of procedures and special care provided in line with EU requirements.</p> <p>1.2 Current legislation in the field of employment of foreigners analyzed with focus on issuing a unique residence and work permit to foreign nationals in order to further harmonize Serbian legislation in the area of legal migration and proposals for further harmonization developed; Police officers of the Department of Foreigners familiarized with EU MS practices in the field of legal migration, especially in regards to procedures on issuing residence permits for the purpose of employment of foreigners, and proposals developed for both legislative and implementation activities;</p> <p>1.3 Conducted comparative analysis on different practices and familiarization with the practice in the EU MS with similar institutional set-up, developed Manuals and organized trainings on: applicability in Serbia regarding the procedure in the transit zone, restriction of the movement of asylum seekers, practical application of the safe 3rd country concept (especially in the part relating to the provision of guarantees for the reception of persons who do not meet the requirements for asylum in the Republic of Serbia), regulation of residence of refugees and their family members, naturalization;</p>	<ul style="list-style-type: none"> • Project Reports • SCRM Reports • MoI Reports • Reports on implementation of Migration Management Strategy 	

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<p>Result 2. Increased capacity of relevant institutions to fulfil obligations arising by EU accession</p>	<p>2.1 Conducted GAP Analysis between national legislation and Union acquis and developed recommendations for the absorption of EU Funds dedicated to refugees and migration;</p> <p>2.2 Established mechanism and developed Action Plan for resource planning and use of EU funds dedicated to refugees and migration;</p> <p>2.3 Civil servants in charge for law enforcement and implementation of legislation familiarized with the practice of the absorption of EU Funds dedicated to refugees and migration;</p> <p>2.4 Established mechanism for monitoring and assessing the implementation of the relevant policies (Union acquis) in the field of asylum and migration;</p> <p>2.5 Improved early warning and preparedness system and reporting in accordance with EU standards;</p>	<ul style="list-style-type: none"> • Project Reports • SCRM Reports • MoI Reports • Reports on implementation of Migration Management Strategy 	
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<p>Result 3. Improved national coordination mechanisms and cooperation with EASO and other relevant EU agencies and networks</p>	<p>3.1. Identified relevant networks in the field of migration and asylum;</p> <p>3.2. Developed Action plan with detailed measures on establishing cooperation with relevant agencies and networks in the field of migration and asylum management including EASO, EMN, EBCGA, EUROPOL and EUROJUST;</p> <p>3.3. Ensured regular participation in (at least 12) relevant events (conferences, seminars) with the aim of networking with relevant EU MS institutions and agencies (EASO, ICMPD, GDISC, etc.);</p>	<ul style="list-style-type: none"> • Project Reports • SCRM Reports • MoI Reports • Reports on implementation of Migration Management Strategy 	
<p>Activities to achieve results</p>	<p>Means / contracts</p> <p>One Twinning Contract</p>	<p>Total Costs</p> <p>1.000.000 EUR</p>	<p>Assumptions</p>