



Asylum and Forced Displacement in the EU Enlargement Process

**Contributions to inform the European Commission 2026
Enlargement Package in the area of asylum**

Albania, Kosovo, Moldova, North Macedonia, Serbia, Ukraine

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INTRODUCTION

In response to geopolitical challenges, including the 2022 Russian war of aggression against Ukraine, the European Union (EU) Enlargement process has acquired new and growing relevance as a promise of “long-term stability, peace and prosperity across the continent”.

To provide an assessment of the state of play and progress made by the countries with regard to their integration into the EU, each year the European Commission adopts its "Enlargement Package", which includes country reports taking stock of the implementation of reforms and providing guidance on the respective priorities.

To inform the country reports in the framework of the upcoming 2026 Enlargement Package, the European Council on Refugees and Exiles (ECRE) continues a strand of work launched in 2024 analysing asylum and forced displacement in the Enlargement process. Civil society experts in the area of asylum have provided their assessment of certain questions related to asylum and forced displacement in the Enlargement process, which ECRE is publishing here. The contributions are intended to influence the Country Reports on Albania, Kosovo, Moldova, North Macedonia, Serbia, and Ukraine. ECRE is pleased to collate and disseminate these expert contributions in order to reach a wider audience.

The contributions in this report seek to fill the gap in the area of the provision of information by civil society organisations about the situation on asylum and forced displacement in relation to the process of EU integration in accession countries. Expert contributions provide analysis of both asylum in the fundamental pillars of the accession process, as well as a more detailed overview of the specific challenges in certain chapters of the EU acquis, specifically the area of judiciary, fundamental rights, justice, freedom and security.

Part I of the country contributions covers the fundamental pillars of the accession process – the alignment with the Copenhagen criteria, which include:

- Political criterion: the functioning of democratic institutions and public administration reform (stable institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities);
- Economic criterion: the existence of a functioning market economy and the capacity to cope with competition and market forces in the EU;
- The ability to take on and implement effectively the obligations of membership, including adherence to the aims of political, economic (and monetary) union.

Unpacking the alignment with the Copenhagen criteria with regard to law and policies concerning asylum seekers and other migrants, the first part of the contributions cover inter alia such questions as the level of civil society participation in asylum- and migration-related policy-making, the state's policies on naturalisation, the situation pertaining to the right to work and access to education for asylum applicants and protection holders, the independence and capacity of administrative bodies responsible for examining applications for international protection, the functioning of oversight/monitoring bodies to safeguard the quality of the related decision-making process, and the capacity of national monitoring bodies to oversee the use of EU financial assistance for integration.

Further, Part II focuses on the state of play regarding the countries' alignment with the EU legislation related to certain aspects of asylum and migration. It comprises the questions related to the three relevant Chapters of the EU acquis:

- Chapter 23 – Judiciary and fundamental rights;
- Chapter 24 – Justice, freedom and security;
- Chapter 18 – Statistics.

The analysis of the situation in these three areas includes questions related to the independence of the judiciary and access to judicial remedy for asylum seekers and other migrants, the management of return processes, the implementation of the judgments of the European Court of Human Rights, certain aspects related to access to the asylum procedure and rights of applicants for protection, the use of safe country concepts, and the mechanisms for collecting, sharing and analysing statistics on migration.

The contributions also offer recommendations for improvement of the standards and practices related to the management of asylum systems and wider migration policies of the respective countries.

Disclaimer

While efforts have been made to ensure accuracy, the content of the country contributions is the responsibility of their respective authors.

About ECRE

ECRE is an alliance of 125 NGOs across 40 European countries, dedicated to protecting and advancing the rights of refugees, asylum-seekers and other forcibly displaced persons in Europe and in Europe's external policies. ECRE provides legal support, advocacy and communication on asylum issues and policies. Among other tools, ECRE manages its Asylum Information Database (AIDA), which contains information on asylum procedures, reception conditions, detention and content of international protection across 25 countries.

ALBANIA

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Part I: The fundamentals of the accession process (the Copenhagen criteria)

1. Political criterion: functioning of democratic institutions and public administration reform (stable institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities)

1.1. What is your assessment of the level of civil society participation in migration- and asylum-related policy-making?

The Albanian Helsinki Committee (AHC) observes that the consultation process for legislative acts remains largely formalistic. Consultations typically occur only after the full draft of an act has been finalized, limiting civil society's role to the final phase of policy-making. While platforms for engagement exist, such as the electronic public consultation portal, Parliamentary sessions, and the Executive's electronic register, they are often utilized as a procedural box-ticking exercise rather than a substantive dialogue through which organizations are being heard and provided with feedback with regard to their comments and suggestions.

Furthermore, a significant challenge persists regarding the technical capacity of civil society organizations to provide specialized input on migration and asylum. The limited number of organizations with long-term expertise in these specific areas weakens the overall impact of CSOs on the legislative process. Meanwhile the global shrinking space of civic society organizations the latest years weakens further their contribution in this process due to the lack of sustainability, both in terms of financial and human resources.

AHC assesses that involving interest groups during the initial drafting stage of legislation, rather than only at the final stage, is essential for a truly effective and inclusive consultation process.

1.2. What are the regularisation options available for third-country nationals?

The main route for regularization in Albania is through Law no. 79/2021 "On Foreigners", which allows third-country nationals to get legal status based on humanitarian grounds or specific cases ¹. Specifically, Article 52 of the law foresees that for humanitarian cases the foreigner is provided with a temporary residence permit and if he does not meet the criteria provided for in the law, in the event that the foreigner:

- a) submitted to the asylum authorities a request to be recognized as a refugee;
- b) has been subject to exploitative work conditions in the Republic of Albania and cooperates in a criminal process against the employer until the process is completed, and the foreigner receives the amount of his compensation determined by the process;
- c) has cooperated or agrees to cooperate with the justice bodies, at the proposal of the state or national security bodies;
- d) it has been determined by the responsible authorities that he is a stateless person;
- e) is an abandoned minor or has been left without parental protection, guardian or companion for other reasons;
- f) is a pregnant woman over 6 months;

¹ Law no. 79/2021, 18 October 2026, available [here](#).

- g) seriously ill persons who cannot be treated in the place of return, persons who seek to stay because they left their country due to natural disasters/events;
- h) in other cases, defined as such in international agreements.

Once a foreigner gets this temporary permit, they have the right to stay and move freely within Albania, just like anyone else with a regular residence permit. They also get access to basic rights like healthcare, financial aid, and free legal help. They are also entitled to translation services, psychological support, and the right to work if the specific permit allows it. The law also makes sure that victims of human trafficking are guaranteed a residence permit to ensure their protection.

1.3. What are the state's policies on naturalisation?

The process for acquiring citizenship through naturalization is governed by Article 8 of Law no. 113/2020 "On Citizenship". According to this framework, a foreign national may be granted Albanian citizenship upon request, provided they fulfil the following criteria:

- a) has reached the age of 18 (eighteen) years;
- b) has the legal capacity to act;
- c) resides legally and has resided for a continuous period of not less than 7 (seven) years in the territory of the Republic of Albania, as well as has obtained a permanent residence permit, valid at the time of submission of the request, according to the law on foreigners;
- d) has a residence in accordance with the approved housing standards in the Republic of Albania;
- e) has legal income and financial resources, sufficient for living in the Republic of Albania, which coincides with the minimum standard of living, indexed every year in relation to the price index of some selected goods, provided for in the Institute's regulations of Social Security;
- f) has not been convicted by a final court decision in his country, in the Republic of Albania or in any third country for criminal offenses, for which Albanian law provides sentences of not less than 3 (three) years imprisonment. An exception to this rule is made only in those cases where it is proven that the punishment was given for political motives;
- g) possesses knowledge of the Albanian language, spoken and written, certified by the relevant educational institution, as well as basic knowledge of the history of the Republic of Albania, according to the rules determined by higher education institutions;
- h) does not pose a threat to public order and national security of the Republic of Albania.

The law also provides for specific exemptions from these criteria for certain categories, such as stateless persons, individuals married to Albanian citizens, or parents of minor children who hold Albanian citizenship.

Furthermore, the Albanian Helsinki Committee (AHC) continues to monitor the application of "special cases" for acquiring citizenship under Article 9 of the law. AHC has expressed consistent concerns regarding the risks associated with "golden passport" schemes, particularly their potential impact on organized crime, money laundering, and Albania's EU integration process. These concerns are detailed in our position paper.²

1.4. What is the situation in the area of access to justice for non-citizens?

In Albania, access to justice for non-citizens is primarily governed by Law no. 11/2017 "On legal aid guaranteed by the state". This law specifies the categories of foreign nationals and stateless persons who are entitled to state-funded legal assistance. Specifically, the beneficiaries of legal aid include:

² Albanian Helsinki Committee (AHC), Position Paper, "Analysis in the context of obligations deriving from Albania's EU integration process, on the threat of golden passports for security, organised crime, and corruption", June 2023, available [here](#).

1. Foreign citizens or stateless persons who stay in the territory of the Republic of Albania for a temporary or permanent period and are equipped with a residence permit, in accordance with the legislation in force for foreigners;
2. Foreign citizens, or stateless persons, who regularly enter the territory of the Republic of Albania and who benefit on the basis of international agreements ratified by the Republic of Albania or based on the principle of reciprocity;
3. Asylum seekers, persons who enjoy refugee status and persons who are in the process of appealing administrative and/or judicial decisions for the rejection of the asylum application or the revocation of the refugee status decision, according to the legislation in force on asylum in the Republic of Albania.

Despite these legal provisions, the Albanian Helsinki Committee (AHC) considers that these categories are somewhat restrictive, creating a significant burden for other foreigners who are in need of assistance, do not fall under the specified categories but still are vulnerable due to choosing irregular routes of migration and the lack the financial means for private legal representation.

This concern is further evidenced by recent data from the Department for Border and Migration (April 2026) which confirms that 17 foreign nationals are currently held at the Closed Center for Foreigners in Kareç (Kareç Closed Center). The authorities explicitly state that for cases under criminal investigation, the detention period can be extended up to one year. Earlier to such correspondence, on 4 September 2025 AHC conducted a monitoring visit to the Kareç Closed Center, where several migrants coming from third countries were being held in detention solely due to the initiation of criminal proceedings against them. In AHC's assessment, the deprivation of liberty of migrants in the Kareç Closed Center on this basis constituted a violation of personal liberty guarantees. Following institutional referrals from AHC, the prosecution office assessed that the criminal proceedings no longer served an investigative interest, and the individuals concerned were awaiting departure from the Republic of Albania.

AHC notes that the lack of mandatory, proactive legal aid for all categories of detainees, coupled with documented language barriers, often leaves these individuals without effective means to challenge the length or legality of their detention.

Any other information relevant to the criterion and key recommendations:

The Albanian Helsinki Committee (AHC) emphasizes the need for more proactive involvement from state authorities to bridge the information gap for non-citizens. Based on our continuous monitoring and field observations, we propose the following key recommendations:

The Ministry of Justice, through the Directorate of Free Legal Aid and the General Directorate of Prisons, should implement specific measures to promote the availability of free legal aid among foreign nationals. Priority should be given to those held in closed institutions such as Kareç Closed Center or pre-trial detention institutions. This institution shall strengthen the cooperation with the prosecution offices in order not to detain beyond a reasonable time the migrants that entered illegally in the territory of Albania, coming from third countries.

The Ministry of Internal Affairs and its subordinate directories should ensure that foreigners are informed of their right to legal representation and state-guaranteed legal aid immediately upon their first contact with authorities.

Information regarding legal rights and aid mechanisms should be made available in multiple languages and in a format that is easily accessible to third-country nationals, regardless of their legal status.

There is a need for better cooperation between state institutions and authorized civil society organizations to ensure that the feedback from monitoring activities is effectively used to improve the legal aid system.

2. Economic criterion: the existence of a functioning market economy and the capacity to cope with competition and market forces in the EU.

2.1. What is the situation pertaining to the right to work and access to education for asylum applicants and protection holders?

In the Republic of Albania, the legal framework ensures that individuals seeking international protection have access to both the labour market and the educational system. Regarding employment, the law recognizes the right to employment for all persons who have submitted a request for international protection regardless of whether they have access to the labour market. This right also encompasses the realisation of professional training.

According to Article 61 of Law no. 10/2020 "On asylum in the Republic of Albania", applicants have the right to be employed no later than 9 (nine) months from the date of submission of the application, if the authority responsible for asylum and refugees has not yet made a decision and this delay does not can be attributed to the petitioner. It should be noted, however, that the Republic of Albania, for reasons of labour market policies, may give priority to the labour market for its citizens. In terms of education, the state guarantees integration for minors. Based on Article 59 of the same law, child applicants are granted the right to attend pre-university education under the same conditions as for children with Albanian citizenship. They benefit from this right within 3 months from the date of submission of the application for international protection.

2.2. What is the number of non-citizens working in the informal economy? Of them, what is the number in precarious or exploitative situations?

According to the State Inspectorate of Labor and Social Services³, 2,484 foreign workers were identified in 2025, only 83 of whom were found to be working without a residence and work permit. Compared to 2024, when 1,536 foreign workers were identified and 93 were without permits, these figures show a significant increase in the registered foreign workforce alongside a decrease in undocumented labour.

2.3. Do asylum applicants and protection holders have access to education?

According to the official data provided to the Albanian Helsinki Committee from the General Directorate of Public Safety and Migration Policies, this legal guarantee is actively implemented in practice. Currently, 6 children residing at the National Center for Reception of Asylum Seekers are enrolled in and attend local schools and kindergartens in the vicinity of the centre.

Any other information relevant to the criterion and key recommendations

We recommend that the Ministry of Economy and Finance publish regular statistics on the number of foreign employees in Albania, specifically categorizing asylum applicants and protection holders. Similarly, the Ministry of Education and Sport should provide accurate data regarding the enrolment of foreign children in the national education system.

3. The ability to take on and implement effectively the obligations of membership, including adherence to the aims of political, economic (and monetary) union.

3.1. What is your assessment of the independence and capacity of administrative bodies responsible for examining applications for international protection?

While the law allows for asylum decisions to be appealed first to the National Commission for Asylum and Refugees and then to the Administrative Court⁴, there are concerns regarding the independence of these bodies. Currently, both the initial authority and the National Commission fall under the Ministry of

³ State Inspectorate of Labor and Social Services, Raporti Vjetor 2025, available [here](#).

⁴ An appeal may be filed against the decision of the National Commission for Asylum and Refugees to the competent administrative court, in accordance with the provisions of the relevant legislation in force. (according to point 3 of article 76 of law no. 10/2021 "On asylum in the Republic of Albania").

the Internal Affairs, and their members are appointed directly by the government (the executive branch). Because these institutions are part of the same ministry that manages border control and security, they lack the necessary independence to review cases impartially, as they remain structurally and administratively tied to the state's executive decisions.

This structural concern is reflected in recent administrative outcomes (March 2025 – February 2026), where out of 4 appeals registered with the National Commission, 3 initial decisions were upheld and only 1 was overturned, resulting in the individual being granted subsidiary protection.

AHC was part of this National Commission until 2021, when by a government decision (VKM no. 669, dated 10.11.2021), its composition changed and we were excluded. Another concern is the requirement for members to have a "secret" level security certificate, which may become an obstacle to the involvement of civil society in this process. AHC also emphasizes that administrative staff needs continuous training on legal procedures and case management. Although the National Strategy for Migration (2024-2030) aims to increase staff capacities, frequent employee movements and job vacancies make it difficult to maintain good practices.

In AHC's assessment, greater efforts are needed in providing information and assistance to ensure that appeal mechanisms serve as a real and effective solution for asylum seekers.

3.2. Are there oversight/monitoring bodies to safeguard the quality of the related decision-making process?

To ensure the quality of decision-making, Law no. 10/2021 "On Asylum" obligates local authorities to cooperate with UNHCR through information sharing and by following their recommendations. Additionally, IOM (International Organization for Migration) plays a significant role in providing technical support and expertise to state authorities regarding migration management and the treatment of non-citizens. The Ombudsman also monitors the living conditions of asylum seekers in Reception Centres and issues recommendations for improvements. However, neither the Ombudsman nor international organizations like IOM are directly involved in the legal review of individual asylum decisions. Furthermore, we believe that the heavy bureaucracy required for agreements between state institutions and civil society continues to hinder and delay effective and independent monitoring.

3.3. Are there national monitoring bodies to oversee the use of EU financial assistance (e.g. IPA and NDICI-Global Europe) for integration, aimed to improve overall conditions, including promoting the rights of displaced persons, vulnerable groups and national minorities? If so, is civil society engaged in their functioning?

AHC does not have information if there are national monitoring bodies to oversee the use of EU financial assistance for integration.

Any other information relevant to the criterion and key recommendations:

The effectiveness of the asylum procedure is severely hindered by the lack of qualified interpreters for specific languages. AHC has recently documented a case involving a citizen from Sri Lanka whose application for international protection was rejected, allegedly due to communication barriers. The applicant reported that because he could not speak or understand English sufficiently, and the authorities failed to provide an interpreter in his native language, he was unable to accurately explain his situation and grounds for protection. This case highlights a critical gap in the system: without professional translation services for all applicants, the right to an individual and fair assessment remains formal rather than effective. AHC emphasizes that the absence of language support leads to misinterpreted facts and potentially unfair rejections, undermining the integrity of the entire decision-making process.

Part II: Alignment with EU acquis

Chapter 23: Judiciary and fundamental rights

1. What is the ranking of the independence of the judiciary?

According to the 2025 Rule of Law Report by the European Commission⁵, Albania's judicial independence is assessed as having made some progress, yet it remains at an average level overall. While the comprehensive justice reform and the vetting process have significantly strengthened the structural independence of the courts, public perception of judicial independence remains relatively low. The report highlights that while the High Judicial Council and the High Prosecutorial Council have improved their capacities to protect judges and prosecutors from external pressure, concerns persist regarding political interference and the efficiency of the system.

AHC notes that the fact that investigative actions and judicial decisions do not consistently align with political expectations and are often met with public disagreement constitutes an indicator of a progressively consolidating institutional independence. It is concerning and a harmful precedent that high-level public officials that are being investigated are putting the legitimacy of the prosecutors and judges in charge of their cases into questions.

EC noted that the high case backlog and the length of proceedings continue to affect the quality of justice, leading to a ranking that reflects a "moderate level of preparation" in the area of the judiciary and fundamental rights. AHC notes that although the legal framework is largely aligned with EU standards, the practical transition toward a fully independent and trusted judiciary is still ongoing, requiring more consistency in the implementation of the reform. In this regard, AHC during 2025 noted that the justice system in Albania continued to face significant challenges in ensuring the right to a fair trial and the timely delivery of justice, as guaranteed under Article 6 of the European Convention on Human Rights. At the AHC Legal Clinic, AHC has documented repeated complaints concerning violations of fair trial guarantees. Individuals deprived of their liberty consistently report lengthy adjournments of court hearings, delayed reasoning and communication of judicial decisions, and protracted execution of judgments. These procedural delays often result in detainees remaining in custody for days beyond statutory time limits and hinder the timely exercise of rights afforded under domestic law and international standards. Such systemic delays undermine the efficiency and credibility of the judicial process and worsen the vulnerability of persons subject to criminal proceedings.

2. What is the situation pertaining to access to judicial remedy for asylum seekers and other migrants?

Access to effective judicial remedy is constrained by several structural and procedural barriers:

- Restrictive eligibility criteria exclude many vulnerable migrants—especially those in irregular situations—from benefiting from free legal aid, limiting their ability to initiate or pursue legal challenges.
- Lack of proactive legal assistance means that detained migrants are often not systematically provided with a lawyer, reducing their capacity to contest the legality or duration of their detention.
- Language barriers and insufficient information further hinder migrants' understanding of their rights and available remedies, making judicial recourse largely theoretical in many cases.
- Use of detention linked to criminal proceedings—as observed in the Kareç Closed Center—can result in prolonged deprivation of liberty, sometimes without a clear ongoing investigative necessity, raising concerns about the effectiveness of legal safeguards and remedies.

⁵ European Council, 2025 Rule of Law Report Country Chapter on the rule of law situation in Albania, 8 July 2025, available [here](#).

3. What is your assessment of the management of return processes?

Regarding the management of return processes, while the Department of Border and Migration provided specific data upon AHC's official request in April 2026, there is still a lack of proactive and publicly accessible transparency. The official figures indicate that during 2025, 1,927 irregular migrants were identified, with 186 individuals being readmitted through specific border points such as Hani i Hotit and Muriqan. This trend continues in the first quarter of 2026, with 426 irregular migrants identified and 90 readmissions recorded so far. The discrepancy between the high number of irregular migrants identified and the significantly lower number of recorded readmissions raises concerns regarding the transparency and the regularity of screening process made within border procedures. In the absence of all comprehensive disaggregated data on screening outcomes, asylum requests, or returns, there is a risk that some migrants may not be systematically registered or may be subject to informal returns (pushbacks), without full access to procedural safeguards and individual assessment.

While authorities formally claim to uphold the principle of *non-refoulement*, the reliance on ad-hoc information requests rather than systematic public reporting makes it difficult to independently verify these claims. Furthermore, due to significant funding gaps that prioritize international agencies over local NGOs, the AHC has been unable to conduct independent field monitoring at border points. Consequently, the limited nature of state-provided data, which focuses on raw numbers rather than the procedural safeguards applied during return, combined with the lack of independent watchdog oversight, creates a transparency vacuum. This makes it difficult to assess whether return procedures and readmission agreements are being implemented in full compliance with international human rights standards.

The management of return processes is shaped by an extensive network of readmission agreements. Beyond active agreements with the EU, UK, and Western Balkans, official data in the late reply of April 2026 from the Department of Border and Migration confirms that Albania is currently negotiating new protocols with countries such as Armenia, Georgia, Azerbaijan, Kazakhstan, Bangladesh, Sri Lanka, and Ukraine. Furthermore, long-standing draft proposals with Afghanistan, Iraq, Iran, Morocco, Egypt, and Tunisia remain pending since 2017. The push for these new agreements, while formalizing returns, raises significant concerns regarding procedural safeguards and the principle of *non-refoulement*, particularly for countries of origins facing political instability.

4. To what extent are judgements of the European Court of Human Rights and of other relevant international bodies implemented in general, as well as specific to asylum matters?

AHC has not judicially represented cases related to asylum procedures before the ECHR and is not aware about any case, in the past or now, regarding this category.

For cases represented by AHC before this court or other cases, we note with concern the delays in the execution or the incomplete execution of Court decisions, which have taken final form, issued by both domestic courts and the ECHR. This problem extends over both the procedural aspect and the material part of the courts' issuance of decisions. As a result, the protection that the ECHR provides has not been fully effective, thus infringing upon the highest level of protection at the Strasbourg Court, the right to due legal process.

The extradition of Russian national Igor Kokunov from Albania to Russia in the beginning of 2025 raised serious concerns regarding due process, asylum process and respect for judicial safeguards. Despite a request by his lawyers to the Albanian Constitutional Court to suspend the extradition, the decision on suspension was issued very closely to the deadline set by the Ministry of Justice, effectively allowing the extradition to proceed. AHC monitored the case, identified multiple violations and submitted an *amicus curiae* highlighting concerns over the execution of the extradition while a constitutional review and his asylum request was pending. Notably, the extradition also took place while the European Court of Human Rights (ECtHR) had suspended its consideration of an interim measure, awaiting the

Constitutional Court's decision—raising concerns that both domestic and international procedural safeguards were not fully respected. Following the extradition, Kokunov's lawyers filed a second request to the Constitutional Court seeking to declare the extradition unconstitutional and to annul the decisions of all involved authorities, including courts and the Ministry of Justice. AHC again intervened with an *amicus curia* in May 2025, emphasizing that the case reflects broader rule of law concerns, particularly the obligation of authorities to respect pending judicial proceedings and ensure full procedural guarantees. Additional violations include the failure of Albanian authorities to examine Kokunov's asylum request and to provide him an opportunity to be heard before extradition, despite prior ECtHR findings against Russia concerning risks of ill-treatment and unlawful detention.

In substance, the Constitutional Court partially uphold the application, noting a violation of the applicant's right not to be subjected to inhuman and/or degrading treatment, as provided in Article 25 of the Albanian Constitution, in connection with the standard of reasoning of judicial decisions as well as finding a violation of the applicant's right not to be expelled, as provided in Article 39 of the Constitution, in connection with the obligation of public authorities to execute decisions of the Constitutional Court.

Chapter 24: Justice, freedom and security

1. What is the situation pertaining to access to the asylum procedure (access to the territory, registration, etc.)?

Under Albanian law, authorities must refer international protection requests to the competent body within 72 hours. However, practical challenges persist. Official data for March 2025 – February 2026 shows that 156 asylum requests were registered, primarily from citizens of Afghanistan, Egypt, and Palestine. Structural hurdles, including the lack of qualified interpreters and the prolonged negotiation of readmission agreements with several countries of origin, directly impact the efficiency of the screening process. Based on formal data, this is evidenced by the fact that the average examination period now reaches 6 months, with some applicants remaining in reception centers for up to 251 days. These delays, coupled with the pending status of readmission protocols with countries like Pakistan, India, and Iraq, create significant bottlenecks during the initial registration phase.

2. What is the practice related to the use of the Safe Country concepts?

Law no. 10/2021 "On Asylum" incorporates the concepts of "Safe Third Country" and "Safe Country of Origin" as part of the accelerated asylum procedures. A Safe Third Country is defined as a nation where the applicant resided before arriving in Albania and can be safely returned, provided their fundamental rights are guaranteed. The official list of these countries is established by a Decision of the Council of Ministers. Similarly, a Safe Country of Origin applies to citizens or former residents of countries deemed safe by Albanian authorities, unless the applicant provides specific evidence that their personal circumstances warrant international protection. In practice, these concepts allow for the fast-tracking of applications, though AHC emphasizes that their application must always involve an individual assessment to ensure the principle of *non-refoulement* is not compromised.

3. How are the cases of vulnerable applicants treated? What are the guarantees for vulnerable groups?

Law no. 10/2021 "On Asylum" includes a dedicated chapter for the protection of vulnerable groups, mandating tailored support, medical and psychological care, and the appointment of guardians or representatives for unaccompanied minors and persons with mental health needs. While the law requires psychologists to be involved throughout the evaluation process, significant gaps exist in practice. Currently, Albania lacks dedicated long-term facilities for unaccompanied minors, with the temporary center in Erseka being the only social reception option. Case management for these children remains fragmented rather than integrated. Also, according to official data for March 2025 – February 2026, authorities identified 58 unaccompanied minors, 1 LGBT+ individual, 2 single parents, and 2 pregnant women. Despite these identifications, support remains limited. Currently, only 6 children from the reception center are enrolled in nearby schools or kindergartens. Furthermore, no cases of victims

of torture or sexual violence were identified during this period. These figures show that while identification is happening, there is still a big gap in providing social and educational integration for these individuals.

4. What is the situation pertaining to the use of detention in the asylum procedure?

Monitoring findings by the Albanian Helsinki Committee (AHC) at the Kareç Closed Center reveal critical systemic failures regarding the detention of foreign nationals. Detainees that are in this centre generally do not apply for asylum and whether people who are held in the center have access to asylum is not clear. In a recent case involving seven Nepalese citizens, AHC documented that individuals were held beyond the maximum 6-month period stipulated in Law No. 79/2021 "On Foreigners," due to prosecutorial delays and jurisdictional conflicts. This is further corroborated by recent official data (April 2026), where authorities confirm that detention is frequently extended up to one year if individuals are under criminal investigation. AHC emphasizes that keeping foreign nationals, currently including 17 individuals from 11 different nationalities in a state of restricted liberty due to administrative delays constitutes a violation of Articles 5 and 6 of the ECHR. Furthermore, these individuals face severe language barriers and a lack of information, highlighting that detention is often used disproportionately and without the necessary legal safeguards for vulnerable groups.

5. What is your assessment of the reception capacities and conditions?

Monitoring conducted by AHC in September 2025 at the Kareç Closed Center highlights significant concerns regarding the living conditions and the fundamental rights of detainees. Although the facility is designed for administrative detention, the practical environment closely resembles a high-security prison, which is inappropriate for individuals who have not committed criminal offenses. AHC's findings from a mission in September 2025 to the centre that detainees face severe psychological distress due to the lack of clear communication regarding their legal status and the duration of their stay. Basic services, including access to adequate medical care and specialized psychological support, remain insufficient to meet the needs of a vulnerable and diverse population. Furthermore, the persistent language barriers continue to deprive detainees of their right to information and effective legal defense. These conditions, combined with the excessive length of stay documented during the monitoring, create a high risk of "inhuman or degrading treatment," in violation of Article 3 of the ECHR. In addition, the reception conditions at the National Center for Asylum Seekers in Babrru continue to face challenges related to the duration of stay and fluctuating occupancy. According to official data for the period March 2025 – February 2026, the number of accommodated persons varied significantly, peaking at 25 individuals in September 2025. While some stays were as short as 6 days, the maximum duration reached 251 days, indicating that for many, the center becomes a long-term residence rather than a temporary transit facility.

6. Can asylum seekers enjoy freedom of movement?

Yes, asylum seekers can enjoy freedom of movement.

As foreseen in article 47 of the law no. 10/2021 "On asylum in the Republic of Albania", the applicant's freedom of movement may be limited only by the following measures:

- a) prohibition of movement outside the Reception Center for Asylum;
- b) prohibition of movement outside the space designated by the responsible authority;
- c) the obligation to appear before the competent body at the appointed time;
- d) submission of travel documents to the competent body;
- e) accommodation in the Closed Center for Foreigners.

In accordance with the determinations made in point 1 of this article, the authority responsible for asylum and refugees makes a decision in written form deciding:

- a) alternative measures to restrict the applicant's freedom of movement;
- b) keeping the applicant in the Asylum Reception Center;
- c) the duration of the restriction in relation to the purpose of the decision.

In cases where, according to point 1 of this article, there are conditions for restricting the freedom of movement of applicants by keeping them in the Asylum Reception Center, the authority responsible for asylum and refugees takes a decision to keep the applicant in the Center for up to 8 (eight) days and this decision is notified to the applicant. The applicant may be kept in this Center for more than 8 (eight) days only by decision of the competent administrative court. The request in this court is presented by the ministry.

The applicant can appeal the decision of the authority responsible for asylum and refugees to the competent administrative court. The appeal, which needs to be decided on within 72 hours, has automatic suspensive effect.

7. Do applicants for protection have access to free legal assistance?

Based on the state-guaranteed legal aid system implemented in the Republic of Albania, applicants are offered this aid only in relation to:

- a) information about their rights and obligations;
- b) drawing up appeals for the decisions taken during the request review procedure;
- c) drafting acts and representation in administrative procedures before the authority responsible for asylum and refugees, as well as before the court for appealing the decisions taken during the review of the request.

However, official data for March 2025 – February 2026 indicates a significant gap between the number of applicants and those who effectively access legal remedies. Out of 156 asylum applications registered during this period, only 4 appeal cases reached the National Commission for Asylum and Refugees. This suggests that while free legal assistance is legally mandated, its practical reach remains limited, as only a very small fraction of applicants manage to navigate the complexities of the appeal process.

Chapter 18: Statistics

1. What is the state of mechanisms for collecting, sharing and analysing statistics on migration in general, as well as on asylum applications and decisions?

The key data and statistics are provided by the Ministry of the Interior, specifically the Department for Border and Migration within the State Police, General Directorate of Public Security and Migration Policies, as well as INSTAT, which is the responsible institution for publishing statistics.

KOSOVO

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Part I: The fundamentals of the accession process (the Copenhagen criteria)

1. Political criterion: functioning of democratic institutions and public administration reform (stable institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities)

1.1. What is your assessment of the level of civil society participation in migration- and asylum-related policy-making?

Although there is a very limited number of civil society organizations working on migration and asylum-related issues, their level of participation in policy-making processes is considered satisfactory. However, a reduction in available funding, including cuts in U.S. funding programs and UNHCR, has been observed, which has had an impact on civil society activities in the field of migration and asylum in Kosovo.

1.2. What are the regularisation options available for third-country nationals?

Below is an overview of International Protection Statuses in Kosovo:

In Kosovo, the legal framework (LAW NO. 06/L-026 ON ASYLUM) governing asylum and international protection provides several forms of protection for individuals in need, in line with international standards and the EU acquis. These include refugee status, subsidiary protection, and a framework for the protection of stateless persons.

- Refugee Status:

Refugee status is granted to individuals who meet the criteria set out in the Law on Asylum, which is aligned with the 1951 Refugee Convention. A person qualifies as a refugee if they have a well-founded fear of persecution based on race, religion, nationality, membership of a particular social group, or political opinion, and are unable or unwilling to avail themselves of the protection of their country of origin.

Persons granted refugee status are issued a refugee identification document and a travel document. They are provided with adequate housing, the costs of which are covered by the Ministry of Internal Affairs for up to two years, with the possibility of extension. In addition, refugees benefit from integration support, including language courses, vocational training, and other activities aimed at facilitating their integration into Kosovar society. It is important to note that refugees may acquire Kosovo citizenship after five years of legal residence in Kosovo, in accordance with applicable legislation.

- Subsidiary Protection:

Subsidiary protection is granted to individuals who do not qualify as refugees but who would face a real risk of serious harm if returned to their country of origin. This includes risks such as the death penalty, torture or inhuman or degrading treatment, or serious and individual threats due to indiscriminate violence in situations of armed conflict.

Beneficiaries of subsidiary protection are issued an identification document; however, they are not entitled to a travel document, except in specific cases where a temporary travel document may be issued. This is based on the assumption that they may be able to obtain a passport from their country's diplomatic representation.

Similarly to refugees, beneficiaries of subsidiary protection are provided with accommodation, with costs covered by the Ministry of Internal Affairs for up to two years, with the possibility of extension. They also have access to integration support measures, including language courses, training, and other relevant activities.

- Temporary Protection:

Temporary protection may be applied in cases of a mass influx of displaced persons. It is designed as an emergency mechanism to provide immediate and short-term protection on a group basis, ensuring access to basic rights and services until conditions allow for return or another durable solution.

So far, temporary protection has been granted to approximately 30 Ukrainian journalists, as well as to a group of individuals from Afghanistan under a specific agreement, primarily as a transit arrangement until they were issued visas to the United States.

- Stateless Persons:

Kosovo provides a legal framework for the identification and protection of stateless persons. Individuals recognized as stateless are granted legal status, residence rights, and access to basic services. This category remains particularly relevant in Kosovo due to historical and administrative challenges related to civil registration, particularly among certain communities.

- Note on Humanitarian Protection:

Under the current legal framework in Kosovo, a separate form of humanitarian protection (outside refugee and subsidiary protection) is not formally granted. However, it should be noted that the draft Law on Foreigners foresees the introduction of additional forms of protection on humanitarian grounds, although this has not yet entered into force.

It should also be noted that beneficiaries of other forms of protection, apart from refugees, are granted temporary residence permits. In order to acquire Kosovo citizenship, they must first legally reside in Kosovo under temporary residence for at least five years, after which they may apply for permanent residence.

Only upon obtaining permanent residence, and after an additional period of five years, are they eligible to apply for citizenship. This means that, in practice, beneficiaries of subsidiary or other forms of protection may acquire Kosovo citizenship after a minimum of ten years of legal residence.

During 2024, the new Law on Foreigners was drafted and the working group finalized the new law, but it has not entered into force yet. One of the proposed provisions was the so called “tolerated status”, to third country nationals who are not fit for return but also do not meet the criteria for legal stay in the country.

1.3. What are the state's policies on naturalisation?

The acquisition of citizenship in Kosovo is regulated by the Law on Citizenship, LAW NO. 04/L-215 ON CITIZENSHIP OF KOSOVO, which provides for naturalization of foreign nationals under specific conditions. The law distinguishes between general naturalization requirements and facilitated access for certain categories, including refugees.

General Conditions for Naturalization

Foreign nationals may acquire Kosovo citizenship through naturalization if they meet the following criteria:

- They are at least 18 years of age;
- They have legally resided in Kosovo for at least five (5) consecutive years with a valid residence permit prior to the application;

- They possess permanent residence status in Kosovo;
- They have sufficient knowledge of one of the official languages (Albanian or Serbian) of Kosovo;
- They have no serious criminal record and do not pose a threat to public security;
- They have regular income or sufficient financial means to support themselves;
- They respect the constitutional and legal order of Kosovo.

Naturalization of Refugees - Recognized refugees benefit from facilitated conditions for naturalization. In particular:

- Refugees may apply for Kosovo citizenship after five (5) years of legal residence in Kosovo;
- Periods spent under refugee status are counted towards the residence requirement;
- Certain requirements, such as documentation from the country of origin, may be relaxed due to the nature of their status.

Other Categories (Subsidiary Protection and Foreign Nationals) - Beneficiaries of subsidiary protection and other foreign nationals are generally subject to the standard naturalization procedure:

- They must first accumulate five (5) years of temporary residence to become eligible for permanent residence;
- After obtaining permanent residence, they must reside for an additional five (5) years before applying for citizenship;
- In total, this results in a minimum of ten (10) years of legal residence before eligibility for naturalization.

1.4. What is the situation in the area of access to justice for non-citizens?

Access to justice for non-citizens in Kosovo is guaranteed by the Constitution, as well as by specific laws regulating asylum, legal aid, and judicial procedures.

Constitutional Framework - The Constitution of Kosovo guarantees fundamental rights and freedoms to all persons, not only citizens. This includes:

- Equality before the law and prohibition of discrimination;
- The right to a fair and impartial trial;
- The right to legal remedies;
- The right to legal representation and defence.

These guarantees apply equally to non-citizens, including asylum seekers, refugees, stateless persons, and other foreign nationals.

Legal Framework and Practical Access - Access to justice is further regulated through several laws, including:

- The Law on Asylum, which ensures that asylum seekers have the right to be informed, to be heard, and to appeal decisions related to their status;
- The Law on Free Legal Aid, which provides access to state-funded legal assistance for individuals who meet certain criteria, including vulnerable non-citizens;
- The Law on Foreigners, which regulates the rights and procedures applicable to foreign nationals, including access to administrative and judicial remedies.

In practice, non-citizens have the right to challenge administrative decisions before competent authorities and courts. They are also entitled to interpretation and translation during proceedings, ensuring effective participation in the process.

2. Economic criterion: the existence of a functioning market economy and the capacity to cope with competition and market forces in the EU.

2.1. What is the situation pertaining to the right to work and access to education for asylum applicants and protection holders?

Asylum applicants are entitled to access the labor market once nine (9) months have elapsed from the date of submitting their asylum application, provided that a final decision has not yet been issued by the asylum authorities.

Beneficiaries of international protection are eligible to work without the requirement of a work permit and also have access to education. However, language barriers and reliance on government support due to low-income levels may hinder their opportunities for self-reliance and full labour market integration.

Primary and secondary education is mandatory to Kosovo citizens. Same is applied to asylum seekers and protection holders in Kosovo. University education is available to protection holders, same as to Kosovo citizens.

2.2. What is the number of non-citizens working in the informal economy? Of them, what is the number in precarious or exploitative situations?

At present, there is no reliable or comprehensive data available on the number of non-citizens working in the informal economy in Kosovo, nor on those in precarious or exploitative situations. This is mainly due to gaps in institutional coordination and monitoring mechanisms.

The legal framework foresees that the Ministry of Finance, Labour and Transfers, in cooperation with the Ministry of Economy and in coordination with the private sector, should establish quotas determining the number of foreign nationals who may be granted residence permits, as well as the sectors and professions in which they may be employed.

However, in practice, such inter-institutional coordination has not yet been effectively implemented. As a result, residence permits for foreign nationals are being issued without a clear quota system or labour market assessment criteria.

According to the Law on Foreigners, applicants for residence permits are required to meet several conditions, including:

- A valid employment contract;
- A housing (rental) contract;
- Health insurance coverage;
- Proof of no criminal record from the country of origin;
- Confirmation that they are not under investigation.

In practice, these criteria are not always thoroughly verified, which may increase the risk of informal employment and potential exploitation.

Currently, most applications for residence permits come from nationals of Turkey, followed by a smaller number from other Asian countries.

Due to the lack of systematic data collection and inspection mechanisms, it is difficult to quantify the extent to which non-citizens are engaged in informal or exploitative work arrangements. However, the existing gaps in implementation suggest a potential exposure to precarious working conditions.

3. The ability to take on and implement effectively the obligations of membership, including adherence to the aims of political, economic (and monetary) union.

3.1. What is your assessment of the independence and capacity of administrative bodies responsible for examining applications for international protection?

The administrative body responsible for examining applications for international protection is the Department for Citizenship, Asylum and Migration (DCAM) within the Ministry of Internal Affairs. The capacity of DCAM is considered satisfactory; however, further capacity-building, particularly through enhanced training on international protection standards, country of origin information (COI), and human rights, could improve the quality of decision-making.

3.2. Are there oversight/monitoring bodies to safeguard the quality of the related decision-making process?

The quality of decision-making is monitored by several national and international stakeholders. At the national level, the Institution of the Ombudsperson, within its mandate, monitors and protects the rights and freedoms of individuals. In addition, UNHCR and CRP/K as its partner maintain a strong presence and play a key role in monitoring asylum decision-making processes.

The asylum procedure in Kosovo is a multi-instance process, comprising two administrative and three judicial levels, which contributes to ensuring the quality and oversight of decision-making. The first-instance decision is taken by the assigned case officer. This decision may be appealed before the National Commission for Refugees, composed of experienced legal professionals from various government institutions. Subsequent appeals are then reviewed through three judicial.

3.3. Are there national monitoring bodies to oversee the use of EU financial assistance (e.g. IPA and NDICI-Global Europe) for integration, aimed to improve overall conditions, including promoting the rights of displaced persons, vulnerable groups and national minorities? If so, is civil society engaged in their functioning?

In Kosovo, the monitoring of EU financial assistance, including IPA and NDICI–Global Europe funds, is carried out through a combination of institutional mechanisms and externally contracted monitoring bodies.

While there is no single national body exclusively mandated to oversee all EU-funded integration-related assistance, the implementation and monitoring framework involves several actors. The EU Office in Kosovo plays a central role in supervising implementation and ensuring compliance with contractual and policy objectives. In addition, specialised independent organisations are often contracted to conduct external monitoring and evaluation of projects funded by the EU.

These monitoring organisations are responsible for engaging with all relevant stakeholders, including implementing partners, beneficiaries, and institutions. They collect data, assess project performance, and produce independent reports which are submitted to the EU Office in Pristina.

Civil society organisations are generally involved in the implementation phase of EU-funded projects and may also be consulted during monitoring and evaluation processes, depending on the project design. However, their role is primarily indirect and not part of formal monitoring structures.

In the case of CRP/K, the organisation is engaged through UNHCR-funded projects, where EU funding is channelled indirectly via UNHCR. In this framework, CRP/K contributes not only through the provision of legal assistance but also through field-level monitoring of cases and implementation processes.

Financial monitoring, however, is conducted by specialised external entities contracted by the EU Office in Kosovo, which ensure independent oversight of project expenditures and compliance. These entities also consult with implementing partners and other stakeholders and prepare comprehensive reports that are shared with the EU Office in Pristina.

Part II: Alignment with EU acquis

Chapter 23: Judiciary and fundamental rights

1. What is the ranking of the independence of the judiciary?

The independence of the judiciary in Kosovo is assessed by several international indices rather than a single official ranking.

According to the World Justice Project Rule of Law Index, Kosovo performs at a moderate level in the area of civil and criminal justice, with judicial independence identified as a continuing area of concern. Similarly, Freedom House (Nations in Transit) highlights that while the legal framework guarantees judicial independence, challenges remain in practice, particularly regarding political influence and institutional efficiency.

The European Commission Kosovo Progress Reports consistently note that the judiciary is formally independent under the Constitution, but continues to face issues related to perceived political interference, limited accountability mechanisms, and inefficiency in case management.

Overall, while the constitutional and legal framework ensures judicial independence, international assessments indicate that its practical implementation remains a work in progress, and further reforms are needed to strengthen transparency, accountability, and public trust in the justice system.

2. What is the situation pertaining to access to judicial remedy for asylum seekers and other migrants?

Access to judicial remedy for asylum seekers and other migrants in Kosovo is formally guaranteed by the legal framework and is aligned with international standards, including the principle of effective remedy.

In law, asylum seekers have the right to challenge decisions related to their asylum applications before competent courts. They are also entitled to legal representation and interpretation services during administrative and judicial procedures. Similarly, other foreign nationals have access to administrative and judicial remedies against decisions affecting their residence status, detention, or removal.

In practice, access to judicial remedies is generally available. Courts in Kosovo are formally accessible, and procedures exist to review administrative decisions taken by the Ministry of Internal Affairs and relevant bodies.

UNHCR partner CRP/K plays an important role in facilitating access to justice and ensuring that individuals are informed about and able to exercise their rights effectively.

3. What is your assessment of the management of return processes?

The return process is managed by the Ministry of Internal Affairs, specifically the Department for Readmission and Return. Overall, there is sufficient institutional capacity in terms of staffing, and at the municipal level there are relevant local structures that address cases immediately upon arrival. However, there is a notable gap in longer-term support, as returnees generally receive material assistance for only up to six months, and this support is not always adequately tailored to their individual needs.

4. To what extent are judgements of the European Court of Human Rights and of other relevant international bodies implemented in general, as well as specific to asylum matters?

There are limited national judgments that reference case law of the European Court of Human Rights, and such references are not consistently applied in specific asylum-related cases.

Chapter 24: Justice, freedom and security

1. What is the situation pertaining to access to the asylum procedure (access to the territory, registration, etc.)?

Access to the asylum procedure is guaranteed under domestic legislation. According to the Law on Asylum of Kosovo, an application for international protection may be submitted by a foreign national or a stateless person. In practice, all foreign or stateless persons who express an intention to seek asylum are transferred to the Asylum Centre, where they undergo the registration process.

Number of asylum applications in 2025: 190

Number of asylum applications until end of March 2026: 37

2. What is the practice related to the use of the Safe Country concepts?

Kosovo does not have its own list of Safe Countries of Origin. The assessment of whether a country is a safe country of origin is based on a range of sources of information, including in particular information from other Member States of EU, EUAA, UNHCR, the Council of Europe, and other relevant organizations.

3. How are the cases of vulnerable applicants treated? What are the guarantees for vulnerable groups?

Kosovo has legal obligations and international commitments to protect the rights and dignity of vulnerable applicants and to provide them with additional support during the asylum process. The assessment of vulnerability is conducted upon arrival and where applicable, they do enjoy the legal and psychosocial support. However, some delays in the appointment of legal guardians have been noticed particularly for unaccompanied minors' categories.

4. What is the situation pertaining to the use of detention in the asylum procedure?

The use of detention within the asylum procedure is applied as a measure of last resort. Asylum applicants who commit criminal offences are subject to the same procedures as regular citizens of Kosovo. In cases of offences such as illegal border crossing, individuals are not held in detention centres; however, they retain the right to apply for international protection if they express the intention to do so.

5. What is your assessment of the reception capacities and conditions?

The reception capacities and conditions are assessed as satisfactory in relation to the current number of applicants in Kosovo. Two reception centres are operational and are equipped with the necessary facilities to accommodate asylum seekers during their stay.

Separate accommodation spaces are designated for families, ensuring adequate privacy and comfort. Sanitary facilities are in place, meals are provided three times per day, and healthcare services are available. Legal assistance is also provided by UNHCR partner organization CRP/K, which are present in the facilities on a daily basis. In addition, training and educational activities for both children and adults are continuously conducted.

6. Can asylum seekers enjoy freedom of movement?

Asylum seekers enjoy the freedom of movement within the territory of Kosovo. Apart from applicants that reside in the Asylum centre they have to report back to the Centre before 22:00Hrs. However, applicants who do have financial means to cover their expenses do not have to report back at the above-mentioned time, but they can reside in their own arrangements following permission granted from asylum authorities.

7. Do applicants for protection have access to free legal assistance?

Yes, free legal assistance and counselling are provided throughout the asylum procedure by CRP/K in partnership with the Agency for Free Legal Aid of Kosovo⁶.

Chapter 18: Statistics

1. What is the state of mechanisms for collecting, sharing and analysing statistics on migration in general, as well as on asylum applications and decisions?

Department for Citizenship, Asylum and Migration within Ministry of Internal Affairs has appointed officers in charge of statistics. On its web page⁷, MIA shares DCAM quarterly statistical reports as well as Annual Migration Profile reports.

⁶ Agency for Free Legal Aid of Kosovo official website available [here](#).

⁷ Kosovo Ministry of Internal Affairs official website available [here](#).

MOLDOVA

Name of contributing organization: Law Center of Advocates (CDA)

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Part I: The fundamentals of the accession process (the Copenhagen criteria)

1. Political criterion: functioning of democratic institutions and public administration reform (stable institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities)

1.1. What is your assessment of the level of civil society participation in migration- and asylum-related policy-making?

The participation of civil society in the development of policies in the field of migration and asylum is carried out, in principle, through the general public consultation mechanisms provided for by *Law no. 239/2008 on transparency in the decision-making process* and *Government Decision no. 967/2016 on the mechanism of public consultation with civil society in the decision-making process*. The draft normative acts of the executive and of the central and local public authorities are placed on the websites of the issuing authorities and on the <https://particip.gov.md> platform, which is the main tool for ensuring decision-making transparency. This platform offers the public, including non-governmental organizations, the opportunity to submit comments and express their points of view, and is also used for the publication of announcements regarding the initiation of the process of drafting normative acts.

Although the formal framework for public consultations is functional, its implementation in practice has significant gaps. Not all public authorities fully comply with decision-making transparency obligations; discrepancies between the number of drafts published for consultation and those actually adopted indicate a decision-making practice outside the formal consultation circuit; Contributions and recommendations made by civil society organisations are taken into account selectively and without giving reasons for refusing to accept them.

A significant structural deficit in this participation framework lies in the differentiated regime applied to parliamentary legislative initiatives. The decision-making process in Parliament is not integrated into the <https://particip.gov.md> platform. The draft legislative acts and legislative proposals submitted by the Members of Parliament are not placed on the <https://particip.gov.md> platform but are placed on the Parliament's website. The Parliamentary Committee will ensure public consultation by organizing public debates and hearings or through other consultation procedures provided by law. In practice, the consultation of civil society in these cases takes place at the discretion of the parliamentary committee in this field. Given that some legislative initiatives with a direct impact on the rights of asylum seekers and other categories of foreigners have been adopted without public consultations, risks are emerging for the quality of regulations and their alignment with international standards.

A relevant example in this regard is *the Law on Citizenship of the Republic of Moldova no. 253*, adopted on July 10, 2025 and entered into force on December 24, 2025. It has not been subject to public consultation and contains provisions that generate an increased risk of statelessness. Currently (March 25, 2026), 3 legislative initiatives of deputies are registered in Parliament, aimed at amending this law, in order to remedy the deficiencies found in the application process, but these drafts have not been submitted to public consultation either.

At the same time, positive developments are also noted. In February 2025, by order of the Secretary of State of the Government, a working group was established to amend the regulatory framework on transparency in the decision-making process, which includes representatives of public authorities, civil society and interested individuals. On February 12, 2026, the State Chancellery held public hearings on the draft law on public participation in decision-making⁸, which is a positive signal for strengthening consultation and decision-making mechanisms, both at central and local level.

CDA is one of the few organizations in the Republic of Moldova with recognized activity and experience in the field of migration and asylum and maintains a constructive collaboration with the Ministry of Internal Affairs (MIA) and the General Inspectorate for Migration (IGM)⁹ in the process of drafting proposals on the normative-legal regulation of the fields of migration, asylum, statelessness and integration of foreigners. As a rule, the MIA and IGM involve CDA from the early stages of the elaboration of draft normative acts and consider the proposals and recommendations formulated, which is an example of good practice in institutionalized cooperation with civil society.

1.2. What are the regularisation options available for third-country nationals?

Law no. 200/2010 on the regime of foreigners in the Republic of Moldova regulates several options for legalizing the stay of third-country nationals on the territory of the Republic of Moldova.

- a) Certain categories of foreigners (professional sellers, contractual service providers, self-employed professionals) may be temporarily on the territory of the state for a cumulative period of more than 90 calendar days, but not exceeding one calendar year, without holding a residence card or provisional residence permit.
- b) Temporary stay under the long-stay visa is accessible for a wide range of categories and situations, including immigration for work, study, family reunification, humanitarian, voluntary or religious activities, long-term medical treatment, protection of victims of trafficking in human beings and victims of domestic violence; activities in the field of information technology; foreign investors, digital nomads, etc. The right of temporary residence for victims of trafficking in human beings and domestic violence, as well as the residence card, is issued free of charge.
- c) Permanent residence is granted on the basis of the decision granting the right of permanent residence.

On February 18, 2026, the Government approved the draft law on the admission, residence and supervision of foreigners in the Republic of Moldova, which is to be voted in Parliament, to enter into force on June 1, 2027 and to replace *Law no. 200/2010 on the regime of foreigners in the Republic of Moldova*.

Citizens of the European Union and their family members benefit from a separate regime, regulated by *Law no. 200 of 10.07.2025 on the free movement and residence on the territory of the Republic of Moldova of citizens of the European Union and their family members*. They have the right to legally stay on the territory of the state for a period of up to 90 days without holding a visa, and if they intend to stay in the Republic of Moldova for a longer period, they have the obligation to apply for the issuance of a residence card.

On the territory of the Republic of Moldova, pursuant to *Law no. 270 of 18.12.2008 on asylum in the Republic of Moldova*, the following forms of protection are granted:

- a) Refugee status;

⁸ Public hearings on the draft law on public participation in the decision-making process, February 2026, available [here](#)

⁹ The administrative authority subordinated to the Ministry of Internal Affairs, which ensures the implementation of state policies in the field of migration, asylum, statelessness and integration of foreigners; one of the functions of the IGM is to participate in the elaboration and presentation of proposals regarding the normative-legal regulation of the fields of activity.

- b) Humanitarian protection;
- c) Temporary protection;
- d) Political asylum.

Asylum seekers have the right to stay on the territory of the Republic of Moldova for the duration of the asylum application and benefit from a temporary identity document, valid for 30 days, with the possibility of extending it by 30 days, until the final settlement of the application.

In 2024, the Republic of Moldova initiated the process of adapting the national asylum legislation to the European Union standards. Thus, in January 2025 and January 2026, several amendments to *Law no. 270/2008 on asylum in the Republic of Moldova entered into force*, amendments aimed at transposing *Directive 2013/32 on common procedures for granting and withdrawing international protection*, *Directive 2013/33 on setting standards for the reception of applicants for international protection*, and *Directive 2011/95 on standards on the conditions for third-country nationals or stateless persons to be granted international protection, on the uniform status for refugees or persons eligible for subsidiary protection, and on the content of the protection granted*. The amendments to *Law No 270/2008* aimed at strengthening the asylum system, establishing clear rules to prevent abuses of the asylum system by harmonising national regulations on the fast-track procedure for examining asylum applications with EU rules (fast-track examination of unfounded applications and applications submitted by persons who are presumed to pose a danger to national security or public order), as well as the introduction of the concepts of 'safe country of origin' and 'safe third country' into national law. The amendments also aimed to facilitate the access of vulnerable groups and people to the asylum procedure, by including new notions, such as "material reception conditions", "applicant with special needs"; supplementing the national normative framework with provisions regulating the material conditions of reception depending on the means available to the applicant; the extension of the categories of persons with special needs according to the EU asylum acquis; supplementing the law with regulations on the identification and assessment of the special needs of vulnerable asylum seekers. At the same time, amendments were made to the related legislation to regulate the status of unaccompanied foreign children or left on the territory of the state without a legal act; to offer asylum seekers the option of voluntary (optional) health insurance and to integrate asylum seekers who are employed into the system of mandatory health insurance.

For the implementation of the new provisions, in November 2025 the following were approved: Mechanism on granting material reception conditions granted to asylum seekers; Methodology for estimating costs for material reception conditions offered to asylum seekers and Mechanism for establishing and applying the concepts of safe country of origin and safe third country, list of safe countries of origin and safe third countries¹⁰.

Starting with January 1, 2026, a new model of identity document – the residence card – has been put into circulation nationwide, which is issued to foreigners, who have been granted or extended the right of residence, the right to repatriation, the status of refugee or beneficiary of humanitarian protection, as well as to persons who have been recognized as stateless. The residence card has replaced several types of identity documents previously issued to foreigners depending on the legal status of the holder.

1.3. What are the state's policies on naturalisation?

The acquisition of citizenship of the Republic of Moldova through naturalization is regulated by the Law on Citizenship of the Republic of Moldova no. 253/2025. Citizenship may be granted, upon request, to foreign citizens, stateless persons, beneficiaries of international protection or political asylum, over 18 years of age, who at the date of submission of the application have the right of permanent legal residence on the territory of the state, know the Romanian language and the provisions of the

¹⁰ Government Decision no.720 of 12.11.2025, available [here](#).

Constitution, have legal sources of income and do not fall under the grounds for refusal provided by law.

Citizenship cannot be granted to a person who has committed crimes against peace, war crimes or crimes against humanity; who is or has been involved in terrorist activities; who, during the period of examination of the application, is serving or has to serve a criminal custodial sentence, has an unextinguished criminal record or is under criminal investigation or is in the judicial examination phase – until the final and irrevocable sentence of the court; who carries out an activity that endangers the security of the state, public order or poses a danger to society; who has enlisted in illegal military formations, in the armed forces of an unconstitutional entity, or of an aggressor state, declared as such by the United Nations, the European Parliament or the Parliament of the Republic of Moldova, or of a state with which the Republic of Moldova has broken diplomatic relations or with which it is in a state of war; who has presented false or falsified documents, information that does not correspond to the truth or conceals some pertinent data, knowledge of which would constitute grounds for refusal; who are in the category of persons against whom international restrictive measures have been applied to which the Republic of Moldova has aligned itself or which have been applied by the Republic of Moldova.

The basic condition regarding the duration of continuous legal residence on the territory of the Republic of Moldova varies depending on the legal status of the applicant, the person must meet at least one of the following conditions:

- a) Continuous legal residence on the territory of the state for at least the last 10 years;
- b) Is a beneficiary of international protection, political asylum and stateless persons and has been legally and continuously residing on the territory of the state for at least the last 8 years;
- c) Has a continuous legal residence on the territory of the state for the last 5 years before reaching the age of 18;
- d) Has been married to a citizen of the Republic of Moldova for at least 3 years and has been legally residing continuously on the territory of the state for the last 3 years;
- e) Has been legally and continuously resident on the territory of the state for at least the last 3 years, at the domicile or temporary residence of the parents, including the adoptive parents, or of the children, including the adopted children, who are citizens of the Republic of Moldova.

The condition regarding the legal source of income is considered fulfilled if the applicant's monthly net income is at least equivalent to the minimum wage established for the current year, and the income-generating activity was carried out for a period of at least 3 years prior to the submission of the application. The condition of knowledge of the Romanian language and the provisions of the Constitution is not imposed on persons with severe or accentuated disabilities that cause difficulties in the learning process, children under the age of 14 and persons to whom citizenship is granted in the interest of the Republic of Moldova.

1.4. What is the situation in the area of access to justice for non-citizens?

In the Republic of Moldova, any person has the right to go to court to defend his or her violated or contested rights, freedoms and legitimate interests, as well as to claim a right injured by a public authority. The access to justice of non-citizens is guaranteed by the constitutional framework, by the legislation in the field of migration and asylum and by Law no. 198/2007 on state-guaranteed legal aid.

Foreign nationals and stateless persons shall benefit from state-guaranteed legal aid in proceedings or cases falling within the competence of public administration authorities and national courts, under the conditions laid down by law. At the same time, the law guarantees access to qualified legal aid regardless of income level:

- Asylum seekers, within the asylum procedure;
- Foreigners, in proceedings regarding the application or extension of the detention measure;
- Persons in respect of whom there is a risk of applying the sanction of expulsion in the context of contravention proceedings

CDA provides free legal aid to asylum seekers, refugees and other people in difficulty, actively helping to guarantee effective access to justice. In its practical work, CDA found that effective access to justice remains limited due to several factors (e.g. language barriers, insufficient information on available rights).

Access to information on the asylum procedure and legal advice for asylum seekers, including at Chisinau International Airport, to prevent possible cases of refoulement, remain problematic issues. In this regard, the Ombudsman's Office pointed out that the contact details of the Union of Lawyers and the National Legal Aid Council (CNAJGS) and lists of contact details of lawyers are not accessible at the border crossing points. Access to the state-guaranteed lawyer is offered only at the regional subdivisions of the Border Police in case of criminal prosecution or contravention actions¹¹. This situation can seriously affect the ability of individuals to understand and exercise their rights in asylum procedures and to benefit from adequate protection in dignified and safe conditions. According to the same report, *the Instruction on the procedure for receiving asylum applications submitted by foreigners at the state border, approved by the Joint Order of the General Inspectorate of the Border Police and the General Inspectorate for Migration, no. 59/19 of 27.01.2026*, provides that asylum seekers have the right to free legal advice at the CNAJGS (with indication of telephone numbers). However, the document is intended for border police employees and is not public.

2. Economic criterion: the existence of a functioning market economy and the capacity to cope with competition and market forces in the EU

2.1 What is the situation pertaining to the right to work and access to education for asylum applicants and protection holders?

Right to work

According to *Law no. 270/2008 on asylum in the Republic of Moldova*, asylum seekers have the right to work. This right is granted temporarily, upon request, if, for objective reasons, the person is deprived of the necessary means of subsistence.

Beneficiaries of international protection (refugees and beneficiaries of humanitarian protection) have the rights provided by law for foreign nationals and stateless persons, including the right to be employed by physical or legal persons, to exercise liberal professions, to carry out entrepreneurial activities, to be paid and to benefit from other material rights arising from the activities carried out, as well as social security. They benefit from employment measures, including unemployment insurance in accordance with the provisions of *Law no. 105/2018 on employment promotion and unemployment insurance*. *Law no. 274/2011 on the integration of foreigners* provides that beneficiaries of international protection may be included, upon request, in integration programs and benefit from individual integration plans containing, as the case may be, activities related to facilitating access to the labor market. Also, the state offers them free Romanian language courses to facilitate socio-economic integration.

Beneficiaries of temporary protection have the right to work on the territory of the Republic of Moldova during the period of granting temporary protection, as well as the right to register with the National Employment Agency for employment support. Medical workers, beneficiaries of temporary protection, can be employed in medical institutions, and it is only necessary to obtain an approval from the Ministry

¹¹ Avocatul Poporului Ombudsman, Thematic report: Ensuring access for persons in need of international protection at the air border crossing point of the Republic of Moldova (situation in 2024), 9 April 2025, available [here](#).

of Health regarding the permission for employment during the period of temporary protection. Teachers/professors in Ukraine can apply for employment in general education institutions, vocational schools, colleges and universities.

Stateless applicants and stateless persons who have been granted stateless status in the Republic of Moldova have the right to work and labour protection in accordance with the legislation in force.

In practice, although the national regulatory framework ensures formal access to the labour market, the effective integration of asylum seekers and beneficiaries of temporary protection remains limited. The data available from the reports of international organisations (UNHCR^{12,13} IOM¹⁴, HIAS¹⁵) and national studies (Ombudsman's Office¹⁶) indicate a relatively low level of employment among displaced persons from Ukraine, estimated according to the methodology between around 14% and 25%, while about a fifth to a quarter of them are actively looking for a job. The situation is driven by several structural factors, including language barriers and limited access to Romanian language courses, the lack of a mechanism for the automatic recognition of professional qualifications obtained in other countries, limited access to professional networks and information on employment opportunities, as well as the reduced availability of decent wage jobs appropriate to the level of qualification and professional experience.

As far as asylum seekers are concerned, effective access to work is even more restricted in practice, being influenced not only by language barriers, but also by the temporary nature of the right to work, as well as employers' reluctance towards labour relations perceived as unstable. At the same time, there is no officially disaggregated statistical data on the employment of asylum seekers, as the General Inspectorate for Migration does not keep records on this matter. The only information available results from the General Inspectorate for Migration Activity Note for 2025¹⁷, according to which, throughout the year, employees of the General Inspectorate for Migration Accommodation Centre, intended for the temporary accommodation of asylum seekers and beneficiaries of a form of international protection, examined about 375 applications from asylum seekers accommodated for the issuance of leave permits for work or other justified purposes.

National and international reports highlight the existence of indirect barriers, such as duty of care responsibilities for children and dependent persons, especially for women, limited access to support services (e.g. childcare services) and general difficulties in socio-economic integration. Under these circumstances, while institutional mechanisms and employment support programmes exist, their impact on labour market integration remains limited, and interventions need to be strengthened and adapted to the specific needs of asylum seekers and beneficiaries of temporary protection.

According to the National Program on the phased integration of foreigners, including displaced persons in the Republic of Moldova, for the period 2025-2027 (approved by Government Decision no. 285 of 14.05.2025), the Government aims to support the efficient integration of foreigners and displaced persons into the labor market by developing professional skills adapted to the sectoral requirements of the national economy, with a focus on free economic zones, where a significant number of national and

¹² UNHCR, Ukraine Situation - Moldova: Socio-Economic-Insights-Survey (SEIS) 2025 Situation Overview available [here](#).

¹³ UNHCR, Socio-Economic Assessment of Refugees and Host Communities in the Republic of Moldova, 19 December 2025, available [here](#).

¹⁴ International Organisation for Migration, Republic of Moldova Labour Market Integration of Refugees From Ukraine August, December 2024, available [here](#).

¹⁵ Hebrew Immigrant Aid Society (HIAS), Labour Market assessment for Refugees and Asylum Seekers in the Republic of Moldova, 2024, available [here](#).

¹⁶ Avocatul Poporului Ombudsman, Raport privind monitorizarea respectării drepturilor persoanelor refugiate, în contextul conflictului armat din Ucraina pentru perioada ianuarie – iunie 2024, available in Romanian [here](#).

¹⁷ Ministerul Afacerilor Interne al Republicii Moldova, Nota de Activitate a Inspectoratului General pentru Migrație al MAI pe parcursul anului 2025, available in Romanian [here](#).

international companies operate, but also to implement three mechanisms to stimulate economic development for the integration of foreigners on the labor market, until 2027.

Although the Republic of Moldova became a partner of the project "European Qualifications Passport for Refugees" (EQPR) in May 2022, the process of integrating this mechanism into the national regulatory and institutional framework is still in the analysis phase, with discussions and consultations at expert level still taking place.¹⁸

Access to education

The Education Code is the reference normative act of the national education system, establishing in general that citizens of other states, as well as stateless persons, have access to education through the national education system under the conditions of this code. This rule is the general legal basis to which the special provisions of migration and asylum legislation are aligned.

On March 6, 2026, a new provision of *the Education Code* came into force, which establishes the state's obligation to ensure the integration into the educational system and the development of communication skills in Romanian of foreign children on the territory of the country, in order to ensure the flexibility and equity of educational processes, the integration being achieved through linguistic and educational integration programs organized in the manner established by the Ministry Education and Research. This legislative amendment represents a significant step towards the explicit regulation of the educational integration of foreign children, including those in need of protection.

Law no. 270/2008 on asylum in the Republic of Moldova guarantees minors in the asylum procedure the right to access mandatory education under the same conditions as children who are citizens of the Republic of Moldova. The legal norm does not link the exercise of this right to the duration of the asylum procedure or to the applicant's place of residence, treating access to education as an immediate and unconditional right. In relation to *the Education Code*, this provision means that the asylum seeker minor benefits from the same standard package of educational services financed by the state for compulsory education, from the preschool preparatory group to the completion of secondary school, respectively until the age of 16, as any other student enrolled in public educational institutions.

The mechanism on granting the material conditions for the reception of asylum seekers, approved by Government Decision no. 720 of 12.11.2025 and entered into force on January 1, 2026, specifies that all children, regardless of status, benefit from guaranteed access to psychosocial support and inclusion-oriented education, in conditions of equality and non-discrimination.

Law no. 270/2008 on asylum in the Republic of Moldova confers on refugees and beneficiaries of humanitarian protection more extensive educational rights than asylum seekers, by virtue of their enhanced legal status. They have the right to access all forms of education under the conditions established by law for the citizens of the Republic of Moldova. Beneficiaries of temporary protection coming from Ukraine have the opportunity to study online, the lessons being organized by the educational institutions they attended in Ukraine, they have access to the educational platforms and resources created by the Ministry of Education and Research within the educational institutions. At the "Alecu Russo" State University of Balti, there is a bachelor's degree program for the training of Ukrainian language teachers.

Law no. 274/2011 on the integration of foreigners adds a structured support framework for the educational integration of this category. Refugees and beneficiaries of humanitarian protection have access to all integration activities provided by law, and their access to education is achieved under the same conditions as for citizens of the Republic of Moldova. The law expressly mentions their access to

¹⁸ Council of Europe Office in Chisinau, Expert discussion on the integration of the EQPR into the legal and institutional framework of the Republic of Moldova, 18 September 2025, available [here](#).

vocational secondary education, specialized secondary education and higher education, as well as their study documents and academic titles obtained abroad. In addition, minors who have acquired international protection or political asylum benefit, during one school year, from a free introductory course in Romanian in order to integrate into the education system.

The beneficiaries of temporary protection are excluded from the scope of application of *Law no. 274/2011 on the integration of foreigners* and, respectively, do not benefit from free Romanian language courses. Those wishing to study Romanian either bear the costs from their own resources or benefit from the support of non-governmental organizations specialized in providing different types of assistance.

Law no. 200/2010 on the regime of foreigners regulates the legal status of stateless persons who have been granted stateless status in the Republic of Moldova. *The Education Code* expressly includes them in the category of persons with access to the national education system. The legislation places stateless persons recognized in the regime applicable to beneficiaries of international protection, granting them the right of access to education under the same conditions as citizens of the Republic of Moldova.

The legislation does not contain any provision regarding the access to the educational system of applicants for stateless status.

In March 2025, the Ministry of Education and Research approved *the Roadmap for the Integration of Refugee Children in Schools in the Republic of Moldova*¹⁹, which sets out the strategic directions for ensuring the inclusion of refugee children in the national education system. The document is complemented by an extended action plan for the period 2025-2026, which provides for an estimated need for funding. The document refers to both Ukrainian children and children from other states, who have refugee status or humanitarian protection, as well as children seeking asylum.

Although there are no legal barriers to foreigners' access to the national education system, in the 2024/2025 academic year, approximately 61% of displaced children and young people from Ukraine aged between 3 and 24 attended a kindergarten, school or university that is part of the formal education system in Moldova, with the highest frequency among younger children and progressively decreasing with age. Continuing online studies in educational institutions in Ukraine remains the most frequently reported barrier to enrollment in the Moldovan education system (44% of those who did not attend institutions in the Republic of Moldova). In addition to this, the persistent linguistic difficulties play a role, given that about 31% of children aged 12 to 17 can communicate in Romanian.²⁰

At the same time, no information, statistical data or public studies reflecting the number of asylum-seeking children enrolled in national educational institutions have been identified. According to the information presented by the General Inspectorate for Migration, as of April 1, 2026, 45 asylum seekers aged between 0 and 17 are registered in the Republic of Moldova.

2.2. What is the number of non-citizens working in the informal economy? Of them, what is the number in precarious or exploitative situations?

CDA does not have primary data collected on the number of non-citizens working in the informal economy. Of the total number of contraventions documented by the General Inspectorate for Migration

¹⁹ Ministerul Educației și Cercetării al Republicii Moldova, Foaia de parcurs a MEC pentru integrarea copiilor refugiați în școlile din Republica Moldova, 1 March 2025, available in Romanian [here](#).

²⁰ UNHCR, Ukraine Situation - Moldova: Socio-Economic-Insights-Survey (SEIS) 2025 Situation Overview, available [here](#).

in 2025²¹, about 12% are contraventions related to the undeclared work of foreigners, with an increase of 43.6% compared to 2024.

At the country level, according to data from the National Bureau of Statistics for 2024²², the share of people who had an informal job accounted for 20.6% of the total employed persons (in 2023 – 23.0%), and for the fourth quarter of 2025²³ – 17.6%.

In March 2025, the Ministry of Labour and Social Protection and the State Labour Inspectorate, with the support of the International Labour Organization, launched an online platform²⁴ for reporting violations on undeclared work, through which any person working on the territory of the Republic of Moldova can submit a petition free of charge, through an accessible way, to report the violations they face in the workplace.

3. The ability to take on and effectively implement the obligations of membership, including adherence to the aims of political, economic (and monetary) union

3.1. What is your assessment of the independence and capacity of administrative bodies responsible for examining applications for international protection?

The General Inspectorate for Migration (IGM) is the administrative authority responsible for receiving, processing, examining and settling, at the administrative stage, asylum applications and applications for recognition of stateless status. In the context of the refugee movements generated by the regional crisis, IGM has played a key role in coordinating temporary protection for displaced persons from Ukraine, developing mechanisms for their rapid registration and providing them with the necessary documentation to benefit from the social and economic rights available in the Republic of Moldova. The IGM is subordinated to the Ministry of Internal Affairs (MAI). The head of the IGM is appointed, dismissed or removed from office by the Minister of Internal Affairs. Also, the job descriptions of the head of the IGM and his deputies are approved by the Minister of Internal Affairs. The financing and technical-material assurance of the Inspectorate's activity is carried out from the account and within the limits of the allocations approved annually in the state budget of this ministry.

In 2023, the Bureau for Migration and Asylum was reorganized and transformed from a department within the Ministry of Internal Affairs, into the General Inspectorate for Migration, subordinated to the Ministry of Internal Affairs. An important factor of the reform was the delegation of tasks at territorial level through the regional directorates (North, Center, South), facilitating faster access to services for citizens. The reform of the IGM represents not only an administrative change, but also an essential stage in the institutional consolidation of the Republic of Moldova in the field of migration. The process of modernization of IGM continues to this day and aims to increase the institution's reaction capacity, professionalize the staff, digitize services and align with European Union standards and practices. At the same time, it aims to create a flexible and resilient institutional mechanism, capable of responding both to the day-to-day requirements regarding the management of migration flows and the integration of foreigners, as well as to the challenges generated by crisis situations.

On October 8, 2025, the Government approved *the National Program on Migration and Asylum for 2026-2030*, one of the objectives of which is to strengthen the strategic capacity of the IGM at the central level, as well as the operational capacity at the territorial level, so as to ensure the continuous professionalization of the staff, the implementation of modern strategic and operational management

²¹ Ministerul Afacerilor Interne al Republicii Moldova, Nota de Activitate a Inspectoratului General pentru Migrație al MAI pe parcursul anului 2025, available in Romanian [here](#).

²² National Bureau of Statistics of the Republic of Moldova, Labor force: employment and unemployment in 2024, 1 March 2025, available [here](#).

²³ National Bureau of Statistics of the Republic of Moldova, Labor force: employment and unemployment in the fourth quarter of 2025, 6 March 2026, available [here](#).

²⁴ Official online platform for reporting violations on undeclared work, available [here](#).

tools, as well as the development of the analysis capacity, planning and responding to complex developments in the field of migration and asylum.

However, the administrative capacity of the IGM remains limited for the time being due to insufficient human and financial resources, and the staff responsible for examining asylum applications need continuous training in the application of international standards, interviewing vulnerable people and knowing the situation in the applicants' countries of origin.

According to the Office of the Ombudsman, inter-institutional coordination between the IGM, the Border Police, non-governmental organizations and international institutions should be improved, so as to ensure a more effective response to the needs of refugees²⁵.

In the process of strengthening the capacity of the IGM and adjusting the national legislation to international standards, the authorities take into account the recommendations made in the study "Capacity of the national asylum system in the Republic of Moldova²⁶", developed by CDA.

3.2. Are there oversight/monitoring bodies to safeguard the quality of the related decision-making process?

The framework for monitoring the quality of asylum decision-making includes several institutional actors:

- According to *the Regulation on the organization and functioning of the General Inspectorate for Migration, approved by Government Decision no. 16/2023*, the head of the IGM has the task of organizing and implementing the internal managerial control system, coordinating and controlling the activity of the Inspectorate and its structural subdivisions. The head of the Inspectorate, his deputies, as well as the heads of the subordinate subdivisions, within the limits of their powers, is responsible for the decisions taken and for the activity of the Inspectorate;
- The Office of the Ombudsman (OAP) monitors the treatment of asylum seekers by visiting border crossing points and the Temporary Placement Centre for Asylum Seekers. The OAP reports²⁷ highlight several issues related to human rights violations in the field of asylum and make recommendations to the competent authorities. Although the OAP is not directly involved in monitoring the quality of the decision-making process, its monitoring role is an important element of external control;
- UNHCR Moldova has access to information on individual asylum applications, the conduct of the procedure and the decisions taken, provided that the asylum seeker agrees to this. Cooperation between IGM and UNHCR is expressly provided for by law;
- Civil society organisations, including CDA, monitor asylum procedures, provide legal assistance to asylum seekers and report irregularities found.

3.3. Are there national monitoring bodies to oversee the use of EU financial assistance for integration (e.g., IPA and NDICI), aimed to improve overall conditions, including promoting the rights of displaced persons, vulnerable groups and national minorities? If so, is civil society engaged in their functioning?

The Court of Accounts is the supreme audit institution of the Republic of Moldova, which exercises control over the formation, administration and use of public financial resources and public assets by

²⁵ Avocatul Poporului (Ombudsmanul), *Respectarea drepturilor persoanelor ce au nevoie de protecție internațională la punctele de trecere a frontierei Situația anului 2024*, available in Romanian [here](#).

²⁶ Council of Europe, *Capacitatea sistemului național de azil în Republica Moldova, 2024*, available in Romanian [here](#).

²⁷ Office of the Ombudsman (OAP) reports available [here](#).

conducting external public auditing in accordance with the international standards of supreme audit institutions. The institution has organizational, functional, operational and financial independence. In exercising its mandate, the Court of Accounts has the right to audit the use of public financial resources by any beneficiary, regardless of the type of ownership and legal form of organisation, as well as by political parties. In a context in which a large part of the external assistance is pointed directly to the state budget, the Court carries out the audit of the units implementing the projects financed by external assistance.

The State Financial Control Inspectorate is an administrative authority subordinated to the Ministry of Finance, with the public prerogative of control over the use according to the normative framework of the resources of the national public budget, public patrimony, European funds and foreign assistance, as well as the budgetary surveillance process.

By *Government Decision no. 271 of 07.05.2025*, the National Anti-Fraud System was organized, creating the necessary mechanism for the implementation of the provisions of *Regulation (EU, Euratom) no. 883/2013 of the European Parliament and of the Council of 11 September 2013 on investigations carried out by the European Anti-Fraud Office (OLAF)*, of the *Regulation (EC, Euratom) no. Council Regulation (EC) No 2988/95 of 18 December 1995 on the protection of the European Communities' financial interests (CELEX: 31995R2988)* and *Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission with a view to protecting the European Communities' financial interests against fraud and other misconduct (CELEX: 31996R2185)*.

The National Anti-Fraud System brings together key institutions with responsibilities in preventing and reporting irregularities related to the use of public and external funds. The State Financial Control Inspectorate is designated as an Anti-Fraud Unit in the Republic of Moldova and a national point of contact responsible for cooperation and exchange of information with the European Anti-Fraud Office (OLAF), ensuring collaboration with national and international competent authorities to protect the financial interests of the state, the European Union and foreign partners, by preventing fraud of public funds, coordination, monitoring and control.

The normative framework related to the fight against fraud directed against the financial interests of the European Union was strengthened by amending and supplementing the Criminal Code (June 2025), including in terms of criminal liability for the improper use of funds from internal loans or external funds, the reduction of the resources of the European Union budget, the use or presentation of false, incorrect or incomplete statements or documents, embezzlement of funds from external funds. At the same time, the Code of Criminal Procedure was supplemented by designating the State Financial Control Inspectorate as a finding body for certain crimes provided for by the Criminal Code (improper use, fraudulent obtaining or embezzlement of funds from external funds), if they concern the means allocated by the European Union.

The process of implementing the Reform Agenda related to the Growth Plan of the Republic of Moldova for 2025–2027, as well as the National Program for the Accession of the Republic of Moldova to the European Union for 2025–2029, was initiated. The anti-fraud function was transversally integrated into these strategic processes, reflecting the commitment of the authorities to strengthen the protection of the Union's financial interests and to strengthen the rule of law.

In the context of the implementation of the national medium-term strategic framework on the protection of the financial interests of the European Union, the State Financial Control Inspectorate has started the procedure for the development of an information system for the monitoring and coordination of anti-fraud activities, with external financing and has set as priorities for 2026 the strengthening of inter-institutional cooperation in the segment of the control of European funds and external assistance, but

also the development of the methodological and practical application component of the EU/OLAF Guidelines on the reporting of irregularities and suspicions of financial fraud.

Meanwhile, the Ministry of Finance has developed the draft *of the National Anti-Fraud Program for 2026-2028*, which is based on the pre-established conditionalities to protect the financial interests of the European Union, deriving from the provisions of Article 325 of *the Treaty on the Functioning of the European Union* and which is to be approved by the Government.

The monitoring of the use of external funds in the Republic of Moldova by civil society is carried out through independent reports, policy analyses and assessments of progress in the implementation of reforms undertaken in the context of European integration. Organizations such as Expert-Grup periodically prepare external assistance monitoring reports²⁸ (including the "Euromonitor" series and reports on the implementation of the European Commission's recommendations), which assess both the degree of achievement of the conditionalities related to the European Union's financial support and the efficiency of the use of external resources. At the same time, projects dedicated to strengthening the capacity of non-governmental organizations to monitor the performance of the government and the use of public and external funds contribute to the development of a more robust accountability and transparency framework.

On April 8, 2026, the draft "National Mechanism for the Implementation and Monitoring of the Reform Agenda of the Growth Plan of the Republic of Moldova for 2025-2027 and reporting to the European Commission" was proposed for public consultation.²⁹ According to the document, it is proposed to establish a Monitoring Committee, which will assess the degree of implementation and the quality of implementation of all reforms and investments, in order to achieve the objectives set in the Reform Agenda and the objectives set out in Regulation (EU) 2025/535. The nominal composition of the Committee will be approved by order of the Government, which includes representatives of civil society.

Part II: Alignment with EU acquis

Chapter 23: Judiciary and fundamental rights

1. What is the ranking of the independence of the judiciary?

At the end of 2025, the implementation period of the *Strategy on the Independence and Integrity of the Justice Sector*, approved in 2022, ended. The implementation of the 2022–2025 Strategy has generated some tangible transformations, becoming the main catalyst for the reform: the authorities announce that about 70% of the actions are completed, and over 20% are at an advanced stage. Among the main successes are the launch of extraordinary external evaluation exercises (pre-vetting and vetting) and the reconfiguration of the Superior Council of Magistracy and the Superior Council of Prosecutors on integrity criteria. The reform of the Supreme Court of Justice has enshrined the transition to a modern and efficient court of cassation with a more clearly defined role in unifying judicial practice.

According to the Ministry of Justice's Action Plan for 2026, a new policy document in the justice sector is expected to be developed and adopted.

Although there is no official ranking of the independence of the judiciary, there is timid progress in terms of public perception. According to the second national public opinion survey "Integrity in the Justice Sector", published on February 6, 2026³⁰, 49% of respondents believe that the situation in justice has

²⁸ Expert-Grup reports available [here](#).

²⁹ Particip.gov.md, Announcement on the initiation of the development of the draft Government Decision on the mechanism for implementation, monitoring and reporting of the Reform Agenda related to the Growth Plan of the Republic of Moldova for 2025-202, available [here](#).

³⁰ Institutul pentru Politici și Reforme Europene, Al doilea sondaj național de opinie publică: integritatea în sectorul justiției, 6 February 2026, available in Romanian [here](#).

improved in the last three years, compared to 32% in 2023. The perception of the independence of judges and prosecutors has improved: 54% consider them totally or rather independent, although opinions remain polarized, and corruption is cited as the main structural problem by 48% of respondents.

2. What is the situation pertaining to access to judicial remedy for asylum seekers and other migrants?

The normative framework of the Republic of Moldova establishes, at the formal level, a system of judicial remedies for asylum seekers and other categories of foreigners, generally aligned with the relevant international standards. *Law no. 270/2008 on asylum in the Republic of Moldova* stipulates that the decisions of the General Inspectorate for Migration (IGM) can be challenged directly in the administrative court, without going through a prior administrative procedure. That possibility of direct access to the court is an important procedural guarantee. At the same time, the IGM is obliged to indicate in the decision rejecting the asylum application the right and the deadline within which the asylum seeker can appeal that decision, thus contributing to the formal information of the applicant. The law also obliges all authorities and organisations involved in the asylum procedure to respect the confidentiality of data and information relating to the asylum application.

In August 2024, *Law No. 270/2008 on asylum in the Republic of Moldova* was supplemented with regulations that provide: examination in the fast-track procedure of asylum applications submitted by persons who are in extradition proceedings; interviewing the asylum seeker as soon as possible, but no later than 10 days after the submission of the application or the start of the fast-track procedure, (previously the term was 21 days). Also, the deadlines for examining decisions rejecting the asylum application, which are subject to the fast-track procedure, have been significantly reduced: the decision rejecting the asylum application can be appealed through administrative litigation, without prior procedure, within 5 working days from the date of communication; the court resolves the administrative case within 30 calendar days, and the court's decision on maintaining or annulling the decision rejecting the asylum application, which is subject to the fast-track procedure, may be appealed to the Court of Appeal within 5 working days. Previously, decisions rejecting asylum applications, which are subject to the fast-track procedure, could be appealed within 30 days.

For other categories of foreigners, *Law no. 200/2010 on the regime of foreigners* regulates appeals against all administrative decisions, including the right to challenge return decisions, the exercise of the remedy having suspensive effect on their execution. With the amendments introduced in December 2024, the special judicial procedure for the detention³¹ of foreigners was updated, with the court being obliged to examine the competent authority's request for detention on the same day, guaranteeing access to legal aid in the presence of a lawyer chosen or appointed ex officio.

Available statistical data indicate that, as of 31 December 2025, 1321 persons were registered in the asylum system, of which 587 were asylum seekers, 208 refugees and 526 beneficiaries of humanitarian protection. During 2025, 2552 asylum applications were submitted (–68% compared to 2024), at the same time as a very high number of applications for renunciation (2421) and terminations of the procedure (2590). 161 rejection decisions were issued, compared to a limited number of decisions granting protection (4 refugee status and 70 humanitarian protection). The General Inspectorate for Migration does not publish data on the number of contested decisions, which limits the effective assessment of access to appeals.

³¹ Detention is a measure restricting the freedom of movement on the territory of the Republic of Moldova, ordered by the court against the foreigner who has not executed the return decision or who cannot be returned within the time limits provided by the legislation, who has illegally crossed or attempted to cross the state border, who entered the country during the period of prohibition previously ordered, whose identity could not be established, who was declared undesirable, against whom expulsion was ordered or if there is a risk of absconding.

3. What is your assessment of the management of return processes?

The procedures for the return of foreigners to the Republic of Moldova are regulated by an integrated normative framework, consisting mainly of *Law no. 200/2010 on the regime of foreigners* and *the Regulation on the procedures for return, expulsion and readmission of foreigners from the territory of the Republic of Moldova, approved by Government Decision no. 492/2011*. This framework sets out both the legal bases for the removal of foreigners and the applicable procedural mechanisms.

According to national legislation, return constitutes an individual administrative measure, ordered by the competent authority for foreigners, in situations where the person's stay on the territory of the Republic of Moldova is or becomes illegal.

The return decision is binding and explicitly establishes the obligation of the foreign national to leave the territory of the State within a specified period, calculated from the date of its notification. Enforcement deadlines are differentiated according to the legal status of the person, usually ranging from 15 to 90 days, with the possibility of extension in justified circumstances, including taking into account family ties or the duration of the previous stay.

Government Decision no. 492/2011, amended in September 2025, develops the procedures for return, expulsion and readmission and the procedures for declaring the foreigner an undesirable person and tolerating remaining on the territory of the Republic of Moldova and describes in detail the mechanism for applying these measures, establishing procedural rules on the issuance, communication and execution of decisions. The Regulation requires the authorities to examine each case individually, taking into account the foreigner's personal circumstances, including the state of health, mental capacity, the existence of technical impediments or the temporary impossibility of removal, situations in which cases the execution of the measure may be postponed until these obstacles are removed. The normative act also regulates readmission procedures and coordination with third countries, strengthening the operational dimension of the return policy.

As regards procedural safeguards, the national regulatory framework requires that the return decision be reasoned in fact and in law and that it be brought to the attention of the persons concerned in Romanian and in an international language, together with information on the available remedies. At the request of the foreign national, the competent authority for foreign nationals shall communicate the main elements of the decision in a language that the foreign national understands or is reasonably expected to understand. The foreigner has the right to challenge the decision in court without a prior procedure, and the execution of the appeal has suspensive effect on the exercise of the return decision. At the same time, the legislation provides that return measures must be applied in compliance with the principle of proportionality and the dignity of the person.

A central element of the legal framework is the linking of return procedures with the international protection regime. Thus, asylum seekers cannot be subject to return measures at the border or from the territory of the State until the procedure for examining the asylum application has been completed, in accordance with the principle of non-refoulement. At the same time, former asylum seekers, in the event of the final rejection of their application, can be subject to the return procedure, benefiting from all procedural safeguards. Likewise, no person may be expelled, extradited or returned to a country or territory where there may be a threat to his or her life or freedom, or where he or she may be subjected to torture, inhuman or degrading treatment.

The effective application of return measures may involve, in certain situations, recourse to detention in order to ensure the execution of the decision. This measure is subject to the conditions of necessity and proportionality and is accompanied by appropriate safeguards, including access to legal aid and the possibility of judicial review.

The amendments made to *Law no. 200/2010 on the regime of foreigners*, which entered into force in January 2025, introduced several legislative innovations:

- a) Introduction of the notion of 'preventive accommodation', which constitutes a transitional measure before detention;
- b) Establishing, in a separate chapter (Chapter VIII) the detention procedure, eliminating the extensive interpretation and uneven application of the legal provisions;
- c) Introduction of mandatory dactyloscopic registration of foreigners taken into custody

Although the legislator established "preventive accommodation", which can be qualified as a form of administrative detention of foreigners for a period of up to 72 hours without the court's decision, at the time of drafting the report there was no clear and operational mechanism for its application by the Temporary Placement Center for Foreigners.

The Ombudsman points out that, despite a relatively well-developed regulatory framework, the practical application of return measures, especially in terms of public custody, is affected by certain deficiencies. The report³² published in January 2026 reveals that although the national legal framework protects persons in detention against ill-treatment and the judicial control of custody is ensured through the intervention of the court, a number of institutional and operational challenges persist: the limited budget of the Temporary Placement Center for Foreigners (CPTS), the insufficiency of staff and its fluctuation, difficulties in adjusting procedures to individual needs of persons taken into public custody, ensuring occupational activities and adequate documentation of injuries. The report also stresses that national legislation contains guarantees that foreigners who have evidence that they will be persecuted or subjected to inhuman, degrading treatment, torture or capital punishment will not be allowed to be expelled, and notes that foreigners in custody receive state-guaranteed legal aid and legal advice from UNHCR partner organisations, in particular the Law Center of Advocates. However, the Ombudsman warns that the state needs to improve the standards, policies and resources allocated to the CPTS to ensure full compliance with international human rights standards.

4. To what extent the implementation of the judgments of the European Court of Human Rights and of other relevant international bodies in general, as well as specific to asylum matters is carried out?

From 1997 to December 31, 2025, the ECtHR registered about 18,168 applications against Moldova. In 2025, the ECtHR received 468 applications against Moldova, and as of December 31, 2025, the Republic of Moldova had 1,141 applications pending before the ECtHR. By the end of 2025, the ECtHR had issued a total of 664 judgments in Moldovan cases, 48 of which were delivered in 2025. In 45 of the 48 judgments, violations of the ECHR were found regarding the Republic of Moldova. Most of the violations found in the 2025 judgments were committed at national level between 2009 and 2015.

The judgments pronounced in 2025 confirm that the profile of violations found against the Republic of Moldova remains a structural one, being dominated by chronic problems related to the functioning of justice. Thus, Article 6 of the ECHR (right to a fair trial) concentrates 33 violations out of the total of 73 violations found in the 45 judgments, representing approximately 45.2%. Those infringements relate mainly to the excessive length of proceedings, the lack of effective access to the court, the failure to comply with the principle of legal certainty and the failure to comply with final judgments. The second major level of violations is Article 1 of Protocol no. 1 of the Convention (right to the protection of property), with 21 violations, representing 28.8% of the total violations. These relate, in particular, to non-execution of court decisions, disproportionate interference with property rights and unjustified property losses. This is followed by Article 8 of the ECHR (right to respect for private and family life),

³² Avocatul Poporului (Ombudsmanul), Thematic report "Respect for human rights at the Temporary Placement Center for Foreigners. Administrative detention of undesirable foreigners, subject to return, expulsion or taken into public custody", January 2026, available in Romanian [here](#).

with 7 violations or about 9.6%, which refer to unjustified interference such as searches, evictions or damage to reputation. The Court found 4 violations of Article 3 of the ECHR, which represents about 5.5% of the total violations. These refer to the prohibition of inhuman or degrading treatment. There were also 3 violations of Article 13 of the ECHR or about 4.1%, which concern the lack of an effective appeal. The Court also found two violations of Article 4 (prohibition of slavery and forced labour), two violations of Article 10 (freedom of expression) and one violation of Article 14 (prohibition of discrimination).

The enforcement of judgments and decisions of the ECtHR is regulated by *Law no. 151/2015 on the Government Agent*, the Republic of Moldova being placed on the list of states that have a specific normative framework that underpins the enforcement process. In addition, *the Regulation on the procedure for the execution of judgments and decisions of the ECtHR, approved by Government Decision no. 889/2016*, establishes the authorities responsible for their execution, the mechanism for the execution of individual and general measures, the preparation and submission of action plans and reports to the Committee of Ministers of the Council of Europe.

The governmental agent contributes to ensuring the enforcement of ECtHR judgments and decisions in cases against the Republic of Moldova by developing measures for the execution of judgments/decisions and coordinating the process of their implementation, but also by monitoring the process of their execution.

The final judgments of the ECtHR on the remedial measures and the monetary compensation granted are enforceable documents. The amounts granted by the ECtHR judgments and decisions are paid unconditionally by the Ministry of Finance, regardless of whether or not means for this purpose are provided for in the state budget law for the current year. In the part related to the execution of general measures, the Government Agent has the obligation to propose general measures to the national authorities and to coordinate and monitor their implementation. The task of implementing general measures lies with the authorities that have an active role in their implementation.

The authorities involved in the execution of ECtHR judgments are obliged to submit to the Government Agent annual reports on the execution of measures of a general and individual nature, as well as to submit the information requested by the Government Agent. At the same time, the Government Agent submits annually to the Government and Parliament a report on the measures taken for the execution of ECtHR judgments, as well as on other important aspects for execution or execution planning.

The resolutions and decisions of the Committee of Ministers of the Council of Europe adopted in the cases against the Republic of Moldova shall be published, translated, publicized and brought to the attention of the public authorities.

In March 2023, Government *Decision no. 353/2016* created the Advisory Council to the Government Agent, which aims to contribute to promoting the good representation of the State before the ECtHR and the execution of the Court's judgments. The Council includes representatives of the Ministry of Justice, the Ministry of Finance, the Ministry of Internal Affairs, the National Anticorruption Center, the Superior Council of Magistracy, the Superior Council of Prosecutors, persons who previously held the position of Government Agent, a university professor and representatives of civil society promoting human rights.

The ECtHR has issued very few judgments/decisions in cases against the Republic of Moldova which concern certain aspects specific to the field of asylum.

The case of *Ozdil and others v. Moldova* (judgment of 11.06.2019) refers to the extradition of five Turkish citizens, at the request of the Turkish authorities, for alleged links with the Fethullah Gülen movement. The extradition took place during the period when the competent authority for foreigners was examining

asylum applications. The Court noted that the Moldovan authorities had not only failed to give the applicants the opportunity to choose the jurisdiction to which they should be expelled, but had deliberately transferred them directly to the Turkish authorities. The Court found, in particular, that the applicants' arrest and extradition to Türkiye constituted an extra-lawful transfer from the territory of the defendant State to Türkiye, which circumvented all the guarantees afforded to the applicants under national and international law. The Court found a violation of Articles 5 § 1 and 8 of the Convention. The case is under the supervision of the Committee of Ministers, with the last date being examined in June 2024³³.

The case of *Minasian and others v. Moldova* (judgment of 17.01.2023), refers to the illegal detention of 3 minor children without any legal basis and their inability to challenge the legality of the detention, in the context in which they accompanied their mother, taken into public custody to ensure her expulsion from the territory of the Republic of Moldova. National courts have failed to examine whether the detention of children is a measure of last resort and whether the detention centre is suitable for accommodating families with minor children. The Court found a violation of Articles 5 § 1 and 5 § 4 of the Convention. The regulations on minors accompanying persons who violate the migration legislation were subsequently analyzed during the meetings of the Advisory Council to the Government Agent. According to the Report of the Ombudsman³⁴'s Office, in the period 2020-2025 no minors were placed in the Temporary Placement Center for Foreigners, the last case being registered in 2019 (the events in the case of *Minasian and others v. Moldova* took place in 2017). Currently, according to the legislation in force, children cannot be taken into public custody and placed in the Placement Center.

By the ECtHR decision of March 20, 2026, it was ordered to suspend the extradition to Tajikistan of the applicant Z.S., detained in the Republic of Moldova, invoking the risk of irremediable consequences for the person concerned. The measure, applied on the basis of the Court's Rule 39, obliges the Moldovan authorities not to execute the extradition until the complaint has been examined. The applicant was detained in June 2025 under INTERPOL's search and detention warrant at the request of the Tajikistanese authorities.

At the end of 2025, the Republic of Moldova had 175 cases monitored by the Committee of Ministers of the CoE.

Chapter 24: Justice, freedom and security

1. What is the situation pertaining to access to asylum procedure (access to the territory, registration, etc.)?

According to the legislation, the competent authorities must ensure access to the territory of the Republic of Moldova to any foreigner at the state border, from the moment of manifesting his will, expressed in writing or orally. No asylum seeker may be expelled or returned from the border or from the territory of the country. Asylum seekers cannot be sanctioned for entering or staying illegally on the territory of the country, and their treatment must comply with international human rights standards.

Asylum applications can be submitted to the regional directorates of the General Inspectorate for Migration, the Border Police, the police bodies, the institutions subordinated to the National Administration of Penitentiaries or the pre-trial detention subdivisions of the law enforcement bodies. Applications submitted to authorities other than the regional directorates of the IGM are sent to the General Inspectorate for Migration. The border police and the police must inform the applicant, in

³³ Council of Europe, H46-22 Ozdil și alții v. Republica Moldova (cererea nr. 42305/18), 13 June 2024, available in Romanian [here](#).

³⁴ Avocatul Poporului (Ombudsmanul), Raport tematic: respectarea drepturilor omului la Centrul de Plasament Temporar al Străinilor. Detenția administrativă a străinilor indezirabili, supuși returnării, expulzării sau luați în custodia publică, 14 January 2026, available in Romanian [here](#).

writing, in a language that he understands, about the obligation to present himself within 24 hours to the General Inspectorate for Migration to follow the asylum procedure.

The Border Police ensures access to the territory of the Republic of Moldova of asylum seekers only after informing the General Inspectorate for Migration and with its permission. The staff of the authorities competent to receive asylum applications are obliged to respect the rights of asylum seekers.

Law no. 270/2008 on asylum in the Republic of Moldova contains distinct regulations on the asylum procedure for unaccompanied children and persons with special needs. In addition, unaccompanied children are subject to measures to protect children at risk and children separated from their parents, in accordance with the legislation in force of the Republic of Moldova. The General Inspectorate for Migration is obliged to take all necessary measures for the rapid registration of unaccompanied children and their immediate referral to the nearest guardianship authority in order to ensure all necessary protection measures.

In order to strengthen the guarantees provided by Law no. 270/2008 in the part related to effective access to international protection procedures and compliance with the principle of non-refoulement, in January 2026, by the joint order of the General Inspectorate of the Border Police and the General Inspectorate for Migration, a new Instruction on the procedure for receiving asylum applications submitted by foreigners at the state border was approved. The instruction addresses issues such as the recognition of potential asylum seekers and the identification of vulnerabilities, access to the territory, the procedure for receiving the asylum application at the border, the submission of the asylum application by unaccompanied children, the record of applications submitted at the border, but also other relevant aspects for the cooperation between the IGM and the IGP in the context of the procedure for access to the territory and the transport of asylum seekers at the border.

After Russia's full-scale invasion of Ukraine, the number of people crossing the state border has increased considerably. There has also been an increase in refusals to authorize the crossing of the state border. From open sources, including daily updated information on the situation at the border published on the official website of the Border Police³⁵, this trend continues. The refusal to cross the state border without assessing individual protection needs, in the context of asylum applications at the border, could be considered a hidden form of the "pushback" phenomenon and contradicts the principle of non-refoulement. The Committee on the Elimination of Racial Discrimination³⁶ recommended that the Republic of Moldova refrain from collective expulsions and returns and provide access to its territory to persons in need of international protection, as well as ensure the investigation of cases of return of asylum seekers by law enforcement officials.

2. What is the practice related to the use of the Safe Country concepts?

On January 1, 2026, amendments to *Law no. 270/2008 on asylum in the Republic of Moldova* entered into force, introducing the concepts of "Safe Country of Origin" and "Safe Third Country".

Safe countries of origin are considered to be the Member States of the European Union, as well as other States, whose list is approved by the Government, based on the following criteria: respect for fundamental human rights; the functioning of democratic principles, political pluralism and free elections, as well as the existence of functioning democratic institutions to ensure the guarantee and respect of fundamental human rights; the existence of effective mechanisms for reporting violations of fundamental human rights and freedoms. Information provided by the UNHCR, the Council of Europe or other international organisations must be taken into account in determining the safe country of origin.

³⁵ Poliția de Frontieră a Republicii Moldova official website, available [here](#).

³⁶ Cerd/c/mda/co/12-14: Concluding observations on the combined twelfth to fourteenth periodic reports of the Republic of Moldova, 23 May 2024, available [here](#).

The list of safe countries of origin should be updated regularly, following a review of the situation in the countries designated as safe countries of origin.

The asylum application of the foreigner from a safe country is examined in a fast-track procedure, unless the facts or evidence presented by the applicant demonstrates the existence of a well-founded fear of persecution or the real risk of being subjected to serious harm. In this case, the asylum application is examined under the ordinary procedure.

Safe third countries are considered to be countries where the rights of the applicant for international protection are respected, the list of which is approved by the Government, based on the following criteria: life and liberty are not threatened on grounds of race, religion, citizenship, membership of a social group or political opinions; there is no risk of being persecuted or a real risk of being subjected to serious harm; the principle of non-refoulement is respected in accordance with the Geneva Convention relating to the Status of Refugees of 28 July 1951; There is the possibility to apply for recognition of refugee status. The concept of a safe third country applies if the country from which the applicant comes, falls within the provisions listed; whether there is a link between the applicant and the third country concerned on the basis of which it would be reasonable for the foreign national to go to that country; whether as a result of the individual examination of the application, it has been determined that the country in question is safe for the applicant.

The applicant has the right to challenge the application of the concept of a safe third country on the grounds that the third country concerned is not secure in his or her personal situation.

3. How are the cases of vulnerable applicants treated? What are the guarantees for vulnerable groups?

In 2025, the regulatory framework in the field of asylum has been significantly strengthened in terms of ensuring guarantees for asylum seekers with special needs. Through the amendments to *Law no. 270/2008 on asylum in the Republic of Moldova*, which entered into force on January 1, 2026, the mechanism for identification, continuous evaluation, intersectoral reference and adaptation of material reception conditions according to individual vulnerabilities was established.

The category of asylum seekers with special needs is broadly defined and includes children, unaccompanied children, single-parent families with children, persons with disabilities, pregnant women, victims of trafficking in human beings, persons with psychosocial and intellectual disabilities, persons with mental and behavioral disorders, as well as persons who have been subjected to torture, rape or other serious forms of psychological violence, victims of domestic violence, persons who have reached retirement age according to the legislation of the Republic of Moldova, whose special needs have been ascertained following the individual assessment of the situation.

Law no. 270/2008 enshrines a set of additional rights, special reception conditions and procedural safeguards tailored to these categories, including a separate protection regime applicable to unaccompanied minors.

The assessment of the situation of asylum seekers with special needs is carried out by the General Inspectorate for Migration, based on the documents attached to the asylum application, and depending on the nature of the identified needs. IGM collaborates with the Ministry of Labour and Social Protection, the Ministry of Health, other competent institutions/authorities and national or international non-commercial organisations, in order to provide the necessary assistance.

The procedure for identifying and ensuring guarantees for asylum seekers with special needs is detailed in *Government Decision no. 720 of 12.11.2025*, which approved *the Mechanism for granting material conditions for receiving asylum seekers*. A key novelty is the introduction of the continuous assessment

of special needs, which is not limited to the time when the asylum application is lodged, but takes place throughout the duration of the asylum procedure. In this regard, the IGM reassesses the situation of the asylum seeker whenever new information emerges, and the result of the continuous assessment constitutes a basis for granting or adjusting material, psychosocial, legal or procedural support measures for the benefit of the applicant.

However, despite the progress made at the regulatory level, the implementation of some provisions generates difficulties. In practice, certain provisions of *Law no. 270/2008 on asylum* are interpreted restrictively by the authorities in the field of health protection. In particular, the introduction of the notion of 'asylum seeker with special needs' had the effect of extending the types of healthcare available to this category of asylum seekers compared to other asylum seekers. At the same time, according to the legislation on asylum and health protection, child asylum seekers have access to health care under the same conditions as children who are citizens of the Republic of Moldova, respectively to the entire spectrum of services covered by the compulsory health insurance system. Given that asylum-seeking children are included in the list of asylum seekers with special needs, the National Health Insurance Company interprets restrictively the right to medical assistance offered to asylum-seeking children, limiting it to urgent medical care and basic treatment of diseases. This practice indicates a discrepancy between the consolidated regulatory framework and its effective application, highlighting the need for further regulatory clarification measures and standardization of the interpretation and implementation of the relevant legislation. The issue was analyzed in detail by CDA³⁷ and brought to the attention of the Ministry of Health, the Ombudsman and the Parliament.

4. What is the situation about the use of detention in asylum procedure?

Law No. 200/2010 on the regime of foreigners establishes the regime of detention, which is a measure restricting the freedom of movement on the territory of the state, ordered by the court against the foreigner who has not executed the return decision or who could not be returned within the time limits provided by the legislation, who has crossed or attempted to cross the state border illegally, who entered the country during the period of prohibition previously ordered, whose identity could not be established, who was declared undesirable, against whom expulsion was ordered or if there is a risk of absconding. Until the foreigner is taken into custody, he or she has procedural rights, including being provided with a lawyer chosen or appointed ex officio and being provided with an interpreter. Foreigners placed in public custody benefit from a number of fundamental rights, except for leaving the institution.

Foreigners taken into custody are placed in the Temporary Placement Centre for Foreigners, managed by the General Inspectorate for Migration. Families (married foreigners) benefit from separate accommodation in the Center, which ensures an appropriate level of privacy. The women are placed in the Center separately from the men, the reception of food and the activities, according to the daily schedule for women, are also carried out separately from those of the men. The Center's staff working with women are of the same sex.

Law 200/2010 does not expressly provide for the accommodation and detention of minors, but stipulates that the examination of the request for the detention of the child is carried out with the participation of the child's legal representative. On the other hand, according to the amendment made to *the Regulation on the procedures for return, expulsion and readmission of foreigners from the territory of the Republic of Moldova*³⁸, which entered into force on 04.10.2025, unaccompanied children and families with children cannot be taken into public custody or in preventive accommodation. At the same time, Chapter

³⁷ Centrul de Drept al Avocailor (CDA), Access of beneficiaries of international protection to the mandatory health insurance system in the Republic of Moldova: the gap between the legal framework and administrative practice, 18 March 2026, available [here](#).

³⁸ The Regulation was adopted by Government Decision no. 492 of 07.07.2011, available [here](#).

VI "Manner and conditions of placement of minors" was repealed in the Regulation of the Temporary Placement Center for Foreigners.

The legislation of the Republic of Moldova does not provide for the placement of asylum seekers in public custody. However, a foreigner who applies for asylum while in detention is not released from detention if the asylum application is examined in a fast-track procedure on grounds of national security, public order or which may prevent the enforcement of a previous or imminent decision which would lead to his expulsion from the territory of the country. At the same time, challenging the decision rejecting the asylum application in the expedited procedure does not constitute grounds for the foreigner's release from public custody until an irrevocable decision on his asylum application has been pronounced.

The national regulatory framework does not contain regulations on alternatives to detention.

5. What is your assessment of the reception capacities and conditions?

On January 1, 2026, amendments to *Law no. 270/2008 on asylum in the Republic of Moldova entered into force*, which introduced the concept of "material conditions of reception". According to the new regulations, asylum seekers who do not have means of maintenance, benefit, upon request, from material reception conditions, granted during the procedure for examining the asylum application. The amounts necessary for granting the material conditions of reception are provided from the annual state budget. The conditions, the manner of granting, limitation, withdrawal and the quantum of the amounts related to ensuring the material conditions for receipt are established by Government Decision no. 720 of 12.11.2005, which approved the mechanisms applicable in the asylum procedure (the mechanism for granting the material conditions of reception granted to asylum seekers and the methodology for estimating the costs for the material conditions of reception). At the time of drafting this document, the Government proposed for public consultation the *Mechanism for access to medical assistance for asylum seekers*.³⁹

In the Republic of Moldova there are several types of institutions that provide accommodation for foreigners, depending on their legal status.

- a) Temporary placement centres for displaced persons from the territory of other states, managed by public or private social service providers;
- b) Accommodation center for asylum seekers, managed by the General Inspectorate for Migration, with accommodation capacity for up to 200 people;
- c) Temporary placement center for foreigners taken into public custody, managed by the General Inspectorate for Migration, with the capacity to accommodate 160 people.

Asylum seekers who do not have means of maintenance shall benefit, upon request, from accommodation in the Accommodation Center of the General Inspectorate for Migration (IGM), food, clothing, as well as other material facilities, including expenses for public transport, expenses for personal hygiene products, within the limits of the amounts calculated by the Methodology for estimating the costs for the material conditions of reception granted to asylum seekers. Upon accommodation in the Center, the asylum seeker benefits from counseling services, recreational spaces, spaces for personal development, facilities for personal hygiene, washing of linen and clothing, as well as conditions for preparing and serving food

The IGM is obliged to inform asylum seekers about the possibility of submitting the application for the granting of material reception conditions and about the availability of the necessary assistance. IGM

³⁹ Particip.gov.md, Ministerul Sănătății anunță inițierea privind elaborării proiectului Hotărârii de Guvern privind mecanismul de acces al solicitanților de azil la serviciile de sănătate, în contextul punerii în aplicare a Legii nr. 270/2008, available in Romanian [here](#).

may limit or withdraw the material conditions of reception in the cases expressly provided for in the legislation.

From the content of *Law no. 270/2008 on asylum* and other related normative acts, it follows that the accommodation in the Accommodation Center is made at the request of the asylum seeker. However, Law no. 270/2008 contains a rule, according to which asylum seekers and family members who are asylum seekers are obliged to stay in accommodation centres during the asylum application procedure. Respectively, it is not sufficiently clear whether accommodation in the accommodation centre is a right or an obligation of the asylum seeker.

6. Can asylum seekers enjoy freedom of movement?

Law no. 270/2008 on asylum establishes that asylum seekers will not be sanctioned for illegal entry or stay on the territory of the Republic of Moldova, and the treatment applied to these persons will comply with international human rights standards. However, the law does not confer an express right to free movement on the national territory. At the same time, according to the law, asylum seekers are obliged to hand over their identity documents and travel documents and to stay, together with the family members requesting asylum, in the accommodation centers during the asylum application procedure. By contrast, beneficiaries of international protection acquire the right to choose their place of residence and to move freely under the conditions laid down by the legislation for foreigners. That express normative difference is a defining feature of the national asylum system.

The Regulation of the Accommodation Center, intended for the temporary accommodation of asylum seekers and beneficiaries of international protection, concretizes at the operational level the limits of the right to movement of the accommodated persons; they can leave and return to the territory of the Center 6.00 - 23.00. This is the only explicit normative provision on physical movement in relation to the Centre – a right to leave and return during the day, with a mandatory night restriction. The mechanism on granting the material reception conditions granted to asylum seekers, approved in November 2025, provides for the limitation or withdrawal of the material reception conditions if the asylum seeker leaves the place of residence established by the competent authority without informing the administration of the Accommodation Centre in advance. Thus, failure to comply with the place of residence is sanctioned by the loss of material benefits.

7. Do applicants for protection have access to free legal assistance?

Law No 270/2008 on asylum establishes procedural safeguards for asylum seekers, including the right to be informed of their rights and obligations, the right to challenge the decisions of the competent authority before the court, and the right to receive legal aid at any stage of the asylum procedure, under the conditions of the law.

Law No 198/2007 on State-Guaranteed Legal Aid expressly provides for the right of asylum seekers to receive qualified legal aid in the asylum procedure.

In order to effectively and efficiently realize this right, the National Council for State-Guaranteed Legal Aid, responsible for administering the process of providing state-guaranteed legal aid, has appointed 16 lawyers specialized in providing state-guaranteed legal aid to asylum seekers, refugees, beneficiaries of humanitarian protection, stateless persons and stateless persons.⁴⁰ This list is updated twice a year by a Council decision. According to statistical data on the volume of state-guaranteed legal

⁴⁰ Consiliul Național pentru Asistența Juridică Garantată de Stat, Avocați specializați, available [here](#).

aid provided during 2025, 321 cases of qualified legal aid to ⁴¹ asylum seekers were registered, 191 cases – refugees, 2670 cases – beneficiaries of temporary protection.

State-guaranteed legal aid on asylum cases is provided on the basis of the "Quality Standards of the Work of Lawyers Providing State-Guaranteed Legal Aid on Asylum Cases", ⁴²which were developed in 2023 with the support of the CDA.

In addition, the CDA, as a non-governmental organisation specialising in the field of asylum, consults and assists asylum seekers at any stage of the asylum procedure. For example, in 2025 the CDA provided legal advice to 155 asylum seekers, of whom 65 were assisted during the refugee status determination procedure.⁴³

Chapter 18: Statistics

1. What is the state of mechanisms for collecting, sharing and analysing statistics on migration in general, as well as on asylum applications and decisions?

The collection, sharing and analysis of statistics in the field of migration and asylum is carried out by the General Inspectorate for Migration, the National Bureau of Statistics and the Public Services Agency, in accordance with institutional attributions.

The General Inspectorate for Migration is responsible for organizing the data collection activity held by the central and local public administration authorities, as well as for keeping, processing, providing and exchanging information on internal and external migration processes, which it makes available for use to the specialized structures of the public order and national security system. IGM collects and annually updates the Extended Migration Profile indicators and annually develops the Statistical Compendium of the Extended Migration Profile.⁴⁴ Every five years, IGM prepares the Analytical Report based on the list of indicators and the template of the extended migration profile of the Republic of Moldova⁴⁵. The list of indicators and the Extended Migration Profile Template are approved by Government Decision no. 634/2012.⁴⁶

In addition, IGM elaborates the Statistical Yearbook "Immigration of foreigners, asylum and statelessness in the Republic of Moldova",⁴⁷ which contains information/data on the legal framework for migration and asylum management; admission, regulation of stay/immigration and documentation of foreigners; combating illegal stay of foreigners; asylum and statelessness.

The National Bureau of Statistics⁴⁸ annually produces the "Statistical Yearbook of the Republic of Moldova", which includes statistical data from various fields, including the "Population" field. Statistical

⁴¹ Qualified legal assistance – providing legal services of consultancy, representation and/or defense in criminal prosecution bodies, in courts of law on criminal, contraventional, civil or administrative litigation cases, representation before the public administration authorities.

⁴² Consiliul Național pentru Asistență Juridică Garantată de Stat, Cu privire la aprobarea standardelor de calitate ale activității avocaților care acordă asistență juridică garantată de stat pe cauze de azil, 1 November 2023, available in Romanian [here](#).

⁴³ Centrul de Drept al Avocaților (CDA), Raportul anual al Centrului de Drept al Avocaților, 2025, available in Romanian [here](#).

⁴⁴ Ministerul Afacerilor Interne: Inspectoratul General pentru Migrație, Compendiul Statistic al Profilului Migrațional Extins al Republicii Moldova pentru anii 2021-2023, Available in Romanian [here](#).

⁴⁵ Ministerul Afacerilor Interne Inspectoratul General pentru Migrație, Profilul Migrațional Extins al Republicii Moldova pentru anii 2020-2024, available in Romanian [here](#).

⁴⁶ Republica Moldova, Guvernul Hotărâre Nr. 634, 24 August 2012, available in Romanian [here](#).

⁴⁷ IGM, Statistical Yearbook "Immigration of foreigners, asylum and statelessness in the Republic of Moldova, available [here](#).

⁴⁸ National Bureau of Statistics of the Republic of Moldova, Statistical Yearbook of the Republic of Moldova, available [here](#).

data on migration are included in the chapter 'Migratory movement of population'⁴⁹ and are disaggregated according to the following criteria:

- socio-demographic characteristic of immigrants - total number (men, women, children up to 16 years old); purpose of arrival; level of education; citizenship;
- refugees, beneficiaries of humanitarian and temporary protection and asylum seekers according to countries of origin, by gender and age groups.

The number and socio-demographic characteristics of immigrants, returnees, refugees, asylum seekers are collected and provided by the General Inspectorate for Migration, and the international migration movement is calculated on the basis of data from the General Inspectorate of the Border Police on the crossings of the state border by persons.

The Public Services Agency (holder of the State Population Register) provides access to statistical data from the State Population Register on individuals with a place to live in the Republic of Moldova in citizenship profile. In addition, information is available on the number of stateless persons (according to Article 1 of the 1954 Convention), the number of persons with indeterminate nationality, the number of beneficiaries of humanitarian protection, the number of refugees according to Article 1 of the 1951 Convention) and the number of refugees (humanitarian protection, political asylum). These data are updated monthly.⁵⁰

The state does not collect disaggregated statistics on the socio-economic situation of asylum seekers, refugees, undocumented persons and stateless persons, on their access to education, employment, healthcare, housing and on their participation in public and political life. The lack of disaggregated data from the perspective of the human rights-based approach does not allow the creation of an empirical basis for assessing the equal exercise of the rights enshrined in international instruments, including identifying the needs of vulnerable and underrepresented groups, ensuring equality and non-discrimination, substantiating public policies, effectively targeting interventions, monitoring progress, strengthening participation and empowerment.

The Committee on the Elimination of Racial Discrimination recommended that the Republic of Moldova collect comprehensive and disaggregated statistics on the socio-economic situation of refugees, asylum seekers, migrants and stateless persons, including their access to education, employment, healthcare and housing⁵¹.

⁴⁹ National Bureau of Statistics of the Republic of Moldova, Populația și structura demografică, 2025, available in Romanian [here](#).

⁵⁰ Agenția Servicii Publice, Date statistice din Registrul de stat al populației referitor la persoanele fizice cu loc de trai în Republica Moldova în profil de cetățenie, available [here](#).

⁵¹ UNHCR, CERD/C/MDA/CO/12-14: Concluding observations on the combined twelfth to fourteenth periodic reports of the Republic of Moldova, 23 May 2024, available [here](#).

NORTH MACEDONIA

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Part I: The fundamentals of the accession process (the Copenhagen criteria)

1. Political criterion: functioning of democratic institutions and public administration reform (stable institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities)

1.1. What is your assessment of the level of civil society participation in migration- and asylum-related policy-making?

Civil society organizations are advised during policy-making, but are excluded from working groups intended to prepare amendment to laws.

1.2. What are the regularisation options available for third-country nationals?

Options mainly include temporary residence permits, humanitarian protection, asylum procedures, and work-related permits, as well as permits related to studies.

1.3. What are the state's policies on naturalisation?

Naturalisation is possible under the Law on Citizenship, but procedures are strict and lengthy, requiring documents from Country of Origin (CoO) even for persons whose protection needs are recognised, long-term residence, language knowledge, security clearance, and other integration criteria. For a recognized refugee, according to the law, there is an exception regarding the necessary documents. However, in practice there are requirements that people are not able to fulfil, such as obtaining documents from CoO. For other foreigners, the 7 years' residence is a condition, but other documents are required as well. The security clearance procedure might last from 6 months to 1 year.

1.4. What is the situation in the area of access to justice for non-citizens?

Non-citizens have formal access to courts and legal remedies, but in practice barriers exist such as language, legal aid limitations, and lack of information. Foreigners with residence permits are able to obtain free legal aid under the state-funded schemes.

Any other information relevant to the criterion and key recommendations:

Institutional capacity is improving but remains dependent on international support; coordination among stakeholders should be improved such as the staff in the Ministry of Interior (Sector for Asylum, Sector for Foreigners, Border Police and others), Center for Social Works within the Ministry of Social Policy Demography and Youth and others. Their systems should be strengthened

2. Economic criterion: the existence of a functioning market economy and the capacity to cope with competition and market forces in the EU.

2.1. What is the situation pertaining to the right to work and access to education for asylum applicants and protection holders?

Asylum seekers cannot access the labour market even though the law provides for this. Recognized refugees have full access. Asylum seekers do not have access because they are not provided with an identification number which will enable them to open a bank account, to register in the Employment Agency etc. Persons under subsidiary protection have access to the labour market but have difficulties

signing employment contracts because they are unable to conclude contracts of indefinite duration due to the limited validity of their identification documents.

Access to education is available, but integration support is limited. According to the Law on Primary Education (LPE) all categories of children have the right to primary education under equal conditions as children who are citizens of the Republic of North Macedonia. No equivalent provision exists in the Law on Secondary Education. Stateless people, asylum seekers and protection beneficiaries are only mentioned in relation to their exemption from the costs of the recognition and equivalence procedure. Some asylum seekers and refugees face challenges because of language barriers, transportation from and to school etc. For both asylum seekers and refugees primary school is more available, compared to secondary school which is almost unreachable. Secondary schools are often reluctant to enrol students who lack formal certificates or diplomas, leading to limited cooperation from educational institutions. The processes for recognition of diplomas are not adapted to persons with a refugee background.

MYLA has no recorded experience with refugees accessing public faculties, but has noted cases of enrolment in private universities.

2.2. What is the number of non-citizens working in the informal economy? Of them, what is the number in precarious or exploitative situations?

Non-citizens, including irregular migrants, may be exposed to informal and precarious work, but there are no precise official statistics. MYLA works in the field of labour exploitation and has referred several cases to the authorities. Some of the asylum seekers have been working in the informal economy without any formal protection.

Any other information relevant to the criterion and key recommendations:

Integration remains weak due to administrative and legal barriers and limited integration programmes. The IDs for asylum seekers are not machine readable and should be biometric.

3. The ability to take on and implement effectively the obligations of membership, including adherence to the aims of political, economic (and monetary) union.

3.1. What is your assessment of the independence and capacity of administrative bodies responsible for examining applications for international protection?

The asylum system is formally established within the Ministry of Interior. Capacity exists but independence and efficiency are still developing. Some of the staff needs training on implementation of Country of Origin Information (COI), Refugee Status Determination (RSD), decision-making process and explanation of the decision, accessibility criteria etc. The Sector is part of the Ministry of Interior and MYLA's perception is that the decisions are based more on the humanitarian situation of the people rather than their actual claim.

3.2. Are there oversight/monitoring bodies to safeguard the quality of the related decision-making process?

There are limited formal independent monitoring mechanisms such as the Ombudsman office. UNHCR is also present in the country, so they are monitoring the conduct of the asylum procedures from the start until the end. Specific request may be submitted for example to the Commission for prevention of discrimination.

Are there national monitoring bodies to oversee the use of EU financial assistance (e.g. IPA and NDICI-Global Europe) for integration, aimed to improve overall conditions, including promoting the rights of displaced persons, vulnerable groups and national minorities? If so, is civil society engaged in their functioning?

MYLA is aware that a monitoring body exists but does not have any further insights on this.

Any other information relevant to the criterion and key recommendations:

Increase the professional capacity of the staff working with people in need of protection, assess properly the eligibility criteria and take into account not only prevalent but also less frequently occurring forms of persecution.

This includes staff in the Sector for Asylum within the Ministry of Interior but also other sectors within the Ministry such as sector for foreigners, border police as well as centers for social work.

Part II: Alignment with EU acquis

Chapter 23: Judiciary and fundamental rights

1. What is the ranking of the independence of the judiciary?

An independent judiciary has been a problem for many years in North Macedonia, as the European Commission Report flags every year.

2. What is the situation pertaining to access to judicial remedy for asylum seekers and other migrants?

Access to the judicial remedy is ensured for asylum seekers who have received a first-instance decision from the Sector for Asylum. The decision can only be challenged directly before the Administrative Court, and following its ruling, an appeal can be submitted to the Higher Administrative Court.

Until recently, MYLA provided legal representation with the support of UNHCR until the final conclusion of the procedure for all asylum seekers. However, since the end of 2024, the state system of free legal aid for asylum seekers has become formally operational in accordance with the Law on Free Legal Aid. As a result, applicants in appeal proceedings against decisions of the Sector for Asylum can now be assigned a state-funded lawyer. This system is functional, but there is still space for improvement. MYLA monitors its implementation and provides recommendations to the competent institutions.

For other migrants, as reflected in the question, there is a possibility to challenge certain decisions (e.g. detention or expulsion). However, in practice, this right is very limited, as free legal aid is not available. Unless migrants can afford to hire a private lawyer, they remain without legal representation and are not entitled to state-funded legal aid.

3. What is your assessment of the management of return processes?

Return procedures exist and are aligned with EU standards to some extent, but implementation and readmission cooperation can be challenging. North Macedonia usually does not return rejected asylum seekers or other migrants formally. People usually leave on their own or use the IOM Assisted Voluntary Return (AVR) programme. Readmission is rarely implemented with neighbouring countries. People with residence permit on a work related basis trying to leave the country to enter EU Member States irregularly are usually returned to their home country. In most cases the plane tickets are provided by the owner of the company they had been working for.

4. To what extent are judgements of the European Court of Human Rights and of other relevant international bodies implemented in general, as well as specific to asylum matters?

Judgements are sometimes taken into consideration especially when it comes to the security based cases. For instance, judges are using the Ljatif v. North Macedonia case to address the lack of equality of arms in asylum procedures. However, in the last few years this judgement as well as Sanije Bajrami v. North Macedonia (same violation as Ljatif) was not implemented in all procedures properly so MYLA

has submitted a Rule 9.2. submission to the Committee of Ministers to address this issue. Even though MYLA uses a lot of ECtHR caseload, the courts are rarely referring to ECtHR cases in their judgements.

Chapter 24: Justice, freedom and security

1. What is the situation pertaining to access to the asylum procedure (access to the territory, registration, etc.)?

Access to asylum and territory is mostly limited at international airports. Previously it was, in some cases, limited in the Transit centers as well, but especially after Frontex is present from 2023 in the Transit center in the south of the country, every migrant has access to asylum procedure. In some cases, MYLA notices prevention and immediately refer these cases to the state authorities. In the asylum centres, there is no possibility to register persons who intend to seek asylum, but they have to get to the police station on their own in order to register. During registration, there are no translators present.

What is the practice related to the use of the Safe Country concepts?

In the past, the Sector for Asylum used the safe third country concept for decision on the merits in relation to Türkiye and Greece. In 2018, the Ministry introduced a list of safe countries of origin. An overview of related developments can be found in MYLA's State of Asylum report 2018-2019⁵². In the last couple of years they ask questions connected to this concept but do not make decisions based on this basis anymore.

2. How are the cases of vulnerable applicants treated? What are the guarantees for vulnerable groups?

The vulnerable groups are protected according to the Law on International and Temporary Protection. Unaccompanied children are accommodated in the center for asylum seekers but only if they are above 12 years old. The younger children are accommodated in foster families. A guardian is always appointed to the children. Single parents, woman and children, as well as people with disabilities are accommodated in a special unit within the center for asylum seekers. In case of a female asylum seeker, the case manager in the Ministry of Interior, the interpreter and others are also female. The Sector for Asylum usually makes positive decision according to the humanitarian situation of the asylum seeker in the moment. Usually the vulnerability is highly prioritized before the actual fear of persecution so an adult man with disabilities from Morocco will likely be granted protection while an adult man without disabilities from Syria or Afghanistan might not. A single mother would also obtain protection before a single father coming with the same fear of persecution. In practice, in some cases of vulnerable asylum seekers especially with mental disabilities, the law is not properly implemented in practice. Cases of improper implementation have been detected for children as well.

What is the situation pertaining to the use of detention in the asylum procedure?

Asylum seekers can be detained during the asylum procedure, if other, less coercive alternative measures in accordance with the national legislation (confiscation of an identification document, regular reporting) cannot be applied effectively. The exceptions shall include only:

- establishing and check of identity and nationality;
- establishing the facts and circumstances on grounds of which the asylum application has
- been submitted, which cannot be established without limitation of the freedom of movement,
- especially if it is estimated that there is a risk of absconding;
- protection of public order or national security or
- detention of the foreigner for the purposes of a procedure in accordance with the regulations

⁵² Macedonia Young Lawyers Association, The State of Asylum in the Republic of North Macedonia 2018-2019, available [here](#).

- on foreigners on return of foreigners who reside in the country illegally, in order to prepare the return
- or to implement the process of removal, when he/she has already had access to the asylum procedure, and there is reasonable ground to believe that he/she has submitted an application for international protection in order to postpone or obstruct the execution of the decision for return.

Annually around 4 or 5 asylum seekers are detained for one of these reasons and most of the decisions for detention are challenged before the courts. However, the Administrative court is dealing with these cases and they are not so urgent as they should be according to the law.

However, detention was largely used in the previous years for people on the move to serve as witnesses in the criminal procedures against the smugglers (before becoming asylum seekers) and they could not ask for asylum before the procedure before the public prosecutors or courts was finished. From 2025 unaccompanied children are not detained for these reasons which is a great improvement (except in very specific occasion and for a very short time). Also, the number of people detained for this reason is very low and the number of days in detention have decreased significantly in the last years.

3. What is your assessment of the reception capacities and conditions?

There is only one official place for accommodation of asylum seekers in North Macedonia and that is the Reception center for asylum seekers in Skopje. It has a capacity for 150 people. Others can be accommodated on their own expense or in foster families (for unaccompanied children).

For asylum seekers accommodated in the centre, three meals per day are provided throughout the week. All applicants usually had access to a doctor, who was present every working day in shifts. Regular disinfection and cleaning of the premises were carried out.

MYLA had a daily presence in the centre and, through the provision of free legal aid, offered legal counselling and consultations, ensured the protection of applicants' rights, and provided representation throughout their asylum procedures. Through daily communication with the applicants and by referring their needs within the centre, their requests and complaints were addressed and resolved.

At present, there are no activities related to psychosocial support, nor activities for children or language and subject-learning programmes. Such activities were available in the past.

In the past couple of months a doctor was not present in the center. However, asylum seekers in need of medical care were taken to a doctor in a hospital. The absence of a doctor in the center, however, directly influenced the access to reception for new asylum seekers. This is because asylum seekers have to present a medical certificate as a precondition for admission to the Reception Centre, even though such a requirement cannot always be realistically fulfilled. This requirement is included in the Rulebook on the Admission of Asylum Seekers. This issue is only evident in cases where individuals lodge an asylum application independently at a police station. In some instances, instead of being directly transferred to the Reception Centre, the police take them from one healthcare facility to another in order to obtain a medical certificate.

Additionally, not all doctors issue certificates to persons without identity documents, which is often the case for people on the move, further complicating access to the procedure. In practice, in some cases, asylum seekers were turned away from the Reception Centre until such a certificate was obtained, creating an unnecessary barrier to effective access to protection.

Towards the end of the year, some police stations also refused to register asylum applications until applicants obtained this medical certificate, without which they would not be admitted to the centre. In some cases, when there was a doctor in the center, the asylum seekers were admitted to the centre, and the doctor conducted the medical examination immediately, instead of requiring one prior to admission.

4. Can asylum seekers enjoy freedom of movement?

The asylum seekers can freely move within the country. However, if they want to continue their accommodation in the reception center, they should inform and ask the center for a permission to be absent for more than one night. If they are not present in the center for 72 hours, they are losing their right to be accommodated and for this the Sector for Asylum is also informed. Every asylum seeker can be accommodated outside of the center on their own expense.

5. Do applicants for protection have access to free legal assistance?

Applicants have access to free legal aid and assistance in the first instance procedure provided by MYLA and have access to a lawyer in appeal procedures provided by the state, but MYLA as well. The legal assistance is applicable for the asylum procedure, not every other legal procedure they might possibly start. According to the Law on free legal aid, the free legal representation can start from the beginning of the procedure, but through a consultative process with the Ministry of Interior, Ministry of Justice and the Bar Association it was concluded that, for now, to avoid additional expenses, the state legal assistance will be available in appeal procedures only.

Chapter 18: Statistics

1. What is the state of mechanisms for collecting, sharing and analysing statistics on migration in general, as well as on asylum applications and decisions?

The Ministry of Interior operates with these statistics and can provide more information. Through information from requests for access to public information that MYLA obtains every year, it can be concluded that sometimes MYLA's statistics are different that those of the Ministry which is one indicator that maybe this part should be improved. Several years ago, MYLA had clients who obtained protection from the Ministry and when we submitted the annual request for information it was written that no one obtained subsidiary protection, which was not correct.

SERBIA

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Part I: The fundamentals of the accession process (the Copenhagen criteria)

1. Political criterion: functioning of democratic institutions and public administration reform (stable institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities)

1.1. What is your assessment of the level of civil society participation in migration- and asylum-related policy-making?

Civil society organizations (CSOs) in the Republic of Serbia are consistently engaged in the formulation of migration and asylum policies. A notable example is the active involvement of the Belgrade Centre for Human Rights (BCHR) during the 2023 amendments to the Law on Foreigners and the Law on Employment of Foreigners. Their participation contributed to the introduction of significant changes aimed at simplifying procedures for foreign nationals. The new provisions of the Law on Employment of Foreigners, which the National Assembly adopted on 26 July 2023, entered into force on 1 February 2024. They facilitate the refugees' and asylum seekers' access to the right to work in the Republic of Serbia.

The Serbian parliament adopted amendments to the Law on Foreigners in July 2023 as well. The new Article 68a of this law entitles asylees, who have been living in the Republic of Serbia for three years without interruption, to apply for permanent residence. The criteria applicable to refugees and introduced by this amendment are milder than those for other categories of foreigners, which are set out in Article 70 of the law, which the BCHR lobbied for during the public debates given the specific and personal circumstances of the asylees and their families. Furthermore, under the amendments, foreigners granted permanent residence are entitled to IDs for foreigners. The legal possibility provided refugees to obtain permanent residence is a major step forward in Serbia's asylum system. CSOs play a pivotal role in advocating for the rights of migrants and asylum seekers, ensuring that policies are informed by both legal standards and the actual needs of individuals. Their direct engagement in service provision, such as legal aid and humanitarian assistance, grants them unique insights into the disparities between policy and practice, enabling effective advocacy for necessary reforms.

Despite their crucial contributions, CSOs often encounter challenges that hinder full participation in policy-making. While progress has been made in involving civil society in policy discussions through dialogues and consultations, the extent of their influence on final policy decisions remains variable.

1.2. What are the regularisation options available for third-country nationals?

Third-country nationals in Serbia can regularize their stay primarily through the Law on Foreigners, which provides for temporary residence based on various grounds such as employment, self-employment, education, real estate ownership, family reunification or temporary residence based on the humanitarian reasons (such as: assumed victim of human trafficking status, victim of human trafficking status, other humanitarian reasons, SGBV victim, successfully integrated individual with personal connections with Serbia etc.). A temporary residence permit is granted for up to one year, with the possibility of renewal, and after fulfilling the required period of continuous stay, individuals may apply for permanent residency. Recent amendments to the Law on Foreigners introduced a unified permit for

residence and work, which simplifies administrative procedures by allowing foreign nationals to obtain a single permit for both purposes, valid for up to three years.

For individuals in need of international protection, Serbia provides an avenue to apply for asylum under the Law on Asylum and Temporary Protection. The asylum procedure is in line with international refugee protection standards, offering recognized refugees and persons under subsidiary protection certain rights, including access to employment, education, healthcare, and social welfare. Additionally, due to the ongoing crisis in Ukraine, the Serbian Government has enacted a decision on temporary protection, granting displaced persons from Ukraine legal stay and access to basic rights and services in Serbia.

Although Serbia has established a legal framework for the regularization of third-country nationals, challenges remain in practical implementation. Administrative barriers, delays in processing applications, and inconsistencies in decision-making sometimes hinder effective access to residence permits and protection mechanisms. Civil society organizations (CSOs), including the Belgrade Centre for Human Rights, actively support migrants and asylum seekers by providing free legal aid, advocacy, and direct assistance, ensuring that individuals navigating these procedures receive the necessary support.

Additionally, Serbia has recently implemented significant changes to its immigration procedures, notably introducing an online application system for the D Visa (long-term visa) and the permanent residence after securing visa, which combines residence and work authorization. These developments aim to streamline the process for foreign nationals seeking to live and work in Serbia. As of February 1, 2024, Serbia expanded its eGovernment portal to allow online submission of applications for C-Visas, D-Visas, and Single Permits. This initiative simplifies the application process, reducing the need for in-person visits and expediting decision-making. The standard processing time remains 30 days, though applicants should anticipate potential delays due to initial backlogs during the transition. The Single Permit consolidates the residence and work permit applications into a single process. This permit is valid for up to three years and is renewable for the same duration. It simplifies the What are the regularisation options available for third-country nationals?

Third-country nationals in Serbia can regularize their stay primarily through the Law on Foreigners, which provides for temporary residence based on various grounds such as employment, self-employment, education, real estate ownership, family reunification or temporary residence based on the humanitarian reasons (such as: assumed victim of human trafficking status, victim of human trafficking status, other humanitarian reasons, SGBV victim, successfully integrated individual with personal connections with Serbia etc.). A temporary residence permit is granted for up to one year, with the possibility of renewal, and after fulfilling the required period of continuous stay, individuals may apply for permanent residency. Recent amendments to the Law on Foreigners introduced a unified permit for residence and work, which simplifies administrative procedures by allowing foreign nationals to obtain a single permit for both purposes, valid for up to three years.

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Serbia has experienced a notable increase in arrivals from countries such as Türkiye and India and other Asia countries. These trends underscore the need for continuous evaluation and adaptation of Serbia's immigration policies to effectively manage the growing number of third-country nationals seeking residence and employment opportunities within its borders.

1.3. What are the state's policies on naturalisation?

Serbia's policies on naturalization have undergone recent changes, particularly regarding refugees and asylum seekers, as a result of amendments to the Law on Foreigners (LF) in July 2023. The Belgrade Centre for Human Rights (BCHR) actively participated in these legal reforms, advocating for a more accessible path to permanent residence and citizenship for refugees. Under the revised Law on Foreigners in Article 68a the refugees, individual with granted refugee - asylum who have lived in Serbia for more than three years without interruption are now eligible to apply for permanent residence. Importantly, they are no longer required to submit all the supporting documents typically needed for such applications, such as a passport from their country of origin—documents that many refugees cannot or do not wish to obtain due to their specific circumstances. Once granted permanent residence, refugees receive ID cards for foreigners – biometrical ID, which further facilitate their integration into Serbian society. These reforms have already shown practical effects in 2024 and 2025.

While refugees can now apply for permanent residence, their path to citizenship remains uncertain until the Law on Citizenship is amended. Still, there is a legal option for those individuals now with granted permanent residence to apply to citizenship base on their permanent residence status. Under Article 14 of the Law on Citizenship of the Republic of Serbia, a foreigner can apply for Serbian citizenship after obtaining permanent residence, provided they meet the following conditions: they are of legal age and have legal capacity, they have been permanently residing in Serbia for at least three years, they submit a declaration stating that they consider Serbia their country, they provide proof of renouncing their previous citizenship (with exceptions for stateless persons and cases where renunciation is impossible).

Many EU countries grant refugees access to citizenship under more favourable conditions than other foreign nationals with permanent residence, recognizing their vulnerabilities. The BCHR continues to advocate for similar legal provisions in Serbia, ensuring that refugees who have built their lives in the country can fully integrate as Serbian citizens.

1.4. What is the situation in the area of access to justice for non-citizens?

Access to justice for non-citizens in Serbia is marked by several challenges, including prolonged judicial

procedures, language barriers, and limited access to information. While the Law on Asylum and Temporary Protection provides for free legal assistance to asylum seekers, this support is predominantly offered by civil society organizations (CSOs) with backing from international entities. The Free Legal Aid Act (FLA), effective since October 1, 2019, explicitly guarantees free legal aid to asylum seekers, refugees, and individuals granted subsidiary protection. However, the FLA's Fee Schedule Regulation confines this aid to administrative dispute procedures before the Administrative Court, effectively limiting state-funded legal assistance to the third instance of the asylum process. Consequently, asylum seekers often rely on CSOs for legal representation throughout the initial and appellate stages. In 2025, only few CSOs—Asylum Protection Center (APC), Belgrade Centre for Human Rights (BCHR), IDEAS and KlikAktiv—provided such assistance. And since second half of 2025, the majority of the organisations have been subject to funding cuts and funding for interpretation and translation services have been cut as well.

The asylum procedure itself is often protracted, with cases before the Administrative Court—the third instance—typically lasting several years. This delay exacerbates the uncertainty faced by non-citizens seeking justice. Additionally, the quality of legal aid varies, influenced by factors such as high turnover among CSO lawyers and a lack of standardized recruitment and training. While some legal representatives achieve positive outcomes, many do not, leading to inconsistent support for asylum seekers.

In summary, while Serbia has established legal frameworks intended to facilitate access to justice for non-citizens, practical obstacles—such as limited state-funded legal aid, reliance on under-resourced CSOs, and lengthy judicial processes—continue to impede the effective realization of this access.

2. Economic criterion: the existence of a functioning market economy and the capacity to cope with competition and market forces in the EU.

2.1. What is the situation pertaining to the right to work and access to education for asylum applicants and protection holders?

As of February 2024, individuals granted asylum or subsidiary protection in Serbia benefit from open access to the labour market, without the obligation to obtain a work permit or undergo complex administrative procedures. Furthermore, asylum seekers are entitled to access the labour market six months after lodging an asylum application (reduced from nine months), which is evidenced by a certificate issued by the Asylum Office.

Legislative amendments have also introduced the possibility to apply for a single permit covering both temporary residence and access to employment through a unified administrative procedure before the Ministry of the Interior, with electronic submission and shortened processing deadlines. In addition, foreigners granted temporary residence on humanitarian grounds, including victims of trafficking in human beings or gender-based violence, are entitled to access the labour market.

However, despite these improvements in the legal framework, access to employment in practice remains limited. Field experience indicates that many asylum seekers and persons granted protection face significant barriers, including lack of information, language barriers, difficulties in recognition of qualifications, and limited access to formal employment opportunities. As a result, a considerable number of individuals are engaged in informal work arrangements, often without contracts, social security, or adequate legal protection.

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The absence of long-term and secure residence solutions further exacerbates these risks, as individuals in precarious legal situations are more likely to accept unsafe or exploitative working conditions. This demonstrates a strong link between limited access to rights and increased vulnerability to labour exploitation and trafficking in human beings.

Regarding education, asylum seekers, refugees, and individuals under temporary protection have access to primary and secondary education, based on a declaration of prior education or school assessment tests. However, diploma recognition is often required for enrolment in secondary education, which can create additional administrative barriers.

Access to higher education remains particularly restrictive. While recognised refugees may enrol under the same conditions as Serbian citizens, asylum seekers and persons under temporary protection are generally treated as foreign students and required to pay high tuition fees which represent a major financial barrier. Although scholarship programmes such as the DAFI (Albert Einstein German Academic Refugee Initiative) programme have previously provided important support, in 2025, due to funding cuts, it was not possible to open calls for new beneficiaries, further limiting access to higher education for these groups.

In addition, none of these groups have access to student dormitories, despite financial support mechanisms covering accommodation costs. This creates significant challenges due to high rental prices and limited availability of affordable housing, further affecting their ability to pursue higher education. Thus, while access to primary and secondary education is formally guaranteed, structural barriers persist at all levels, particularly in higher education, limiting effective access and long-term integration prospects.

Overall, while the legal framework in Serbia has been partially aligned with EU standards, significant gaps remain in practice, particularly in ensuring effective access to employment and education. These gaps continue to hinder integration and increase the vulnerability of asylum seekers and protection holders to socio-economic marginalisation and exploitation.

2.2. What is the number of non-citizens working in the informal economy? Of them, what is the number in precarious or exploitative situations?

There is no precise statistical data on the number of non-citizens working in the informal economy in Serbia. However, available data and field experience indicate a growing trend of labour exploitation and precarious employment among foreign nationals.

In the period from 2017 to 2025, according to the official statistics of the Centre for the Protection of Victims of Trafficking in Human Beings in the Republic of Serbia⁵³, a total of 535 victims of trafficking in human beings were identified, of whom 99 were foreign nationals and 436 were Serbian citizens. During the observed period, the number of identified victims fluctuated from year to year; however, a steady upward trend has been observed since 2021, with 62 victims identified in 2022, 66 in 2023, 71 in 2024, and 75 in 2025.

A particularly notable increase is observed in the number of foreign victims in recent years. While between 2017 and 2021 their number remained relatively low (between 1 and 5 annually), a visible rise has been recorded since 2022, with 6 foreign victims identified in 2022, 14 in 2023, and as many as 21 in 2024. The most significant increase was recorded in 2025, when 41 out of the total 75 identified victims were foreign nationals. This trend indicates a growing internationalization of trafficking in human beings and an increased vulnerability of foreign nationals, particularly in the context of migration and labour exploitation.

According to the Statistical Report of the Centre for the Protection of Victims of Trafficking in Human Beings for 2025, reports of suspected trafficking continued to increase for the fifth consecutive year, with a significant proportion involving foreign nationals. In 2025, 64% of all reports related to foreign nationals, confirming the growing exposure of migrants and other non-citizens to exploitation risks. The most prevalent forms of exploitation were labour exploitation (36%) and sexual exploitation (35%).

Field data further indicate that a large number of non-citizens, including asylum seekers and other migrants, are engaged in informal or semi-formal employment, particularly in sectors such as construction, industry, and hospitality. These arrangements are often characterised by the absence of employment contracts, lack of social security coverage, non-payment or delayed payment of wages, retention of personal documents, and misleading information regarding residence and work permits.

While not all of these cases meet the legal threshold of trafficking in human beings, they represent serious forms of labour rights violations and indicators of potential exploitation. In practice, a “grey zone” has been observed between informal work, labour exploitation, and trafficking in human beings, particularly where elements of coercion, dependency, and abuse of vulnerability are present.

In 2025, civil society organisations continued to play a key role in identifying and reporting such cases. The majority of reports originate from CSOs providing legal and field-based support, reflecting improved outreach and early identification mechanisms. However, despite increased reporting, only a limited number of cases are formally recognised as trafficking in human beings, pointing to gaps in identification and qualification of exploitation cases.

Overall, although precise figures are lacking, available data and field experience indicate that a significant number of non-citizens working in the informal economy are exposed to precarious and potentially exploitative working conditions, underscoring the need for stronger institutional responses, labour inspections, and access to legal protection.

During 2025, the trend of increasing arrivals of labour migrants became more pronounced, with the Republic of Serbia being used as a temporary destination before onward movement towards European Union Member States. At the end of 2024, a total of 49,147 foreign nationals were granted temporary residence on the basis of employment.⁵⁴ This represents an increase of 7% compared to 2023, 37% compared to 2022, and as much as 136% compared to 2021, when 20,828 foreign nationals resided in the Republic of Serbia on this basis. Compared to 2020, when this number stood at 13,669, more than a threefold increase has been recorded.

⁵³ The official statistics of the Centre for the Protection of Victims of Trafficking in Human Beings in the Republic of Serbia, available [here](#)

⁵⁴ Commissariat for Refugees and Migration of the Republic of Serbia, Migration Profile of the Republic of Serbia for 2024, available [here](#)

3. The ability to take on and implement effectively the obligations of membership, including adherence to the aims of political, economic (and monetary) union.

3.1. Are there oversight/monitoring bodies to safeguard the quality of the related decision-making process?

There is no body that oversees the work of the Asylum Office, the Asylum Commission and the Administrative Court. UNHCR representatives may attend oral hearings before the Asylum Office, which is the only form of monitoring of the procedure.

3.2. Are there national monitoring bodies to oversee the use of EU financial assistance (e.g. IPA and NDICI) for integration, aimed to improve overall conditions, including promoting the rights of displaced persons, vulnerable groups and national minorities? If so, is civil society engaged in their functioning?

Serbia has established national monitoring mechanisms to oversee the utilization of European Union (EU) financial assistance, such as the Instrument for Pre-accession Assistance (IPA) and the Neighbourhood, Development and International Cooperation Instrument (NDICI). The IPA Monitoring Committee, for instance, convenes annually to assess the implementation of EU-funded projects aimed at Serbia's integration process.

The Ministry of European Integration plays a pivotal role in coordinating and managing EU financial aid. It is responsible for state administration tasks related to Serbia's EU accession, including the management of EU funds. Additionally, the National Authorising Officer, appointed by the government, ensures effective financial management and internal control systems concerning EU funds.

Civil society engagement in these monitoring processes is facilitated through platforms like the National Convention on the EU (NCEU). The NCEU serves as an umbrella association that involves civil society organizations (CSOs) in Serbia's EU accession negotiations, acting as a public watchdog. BCHR is an active NCEU member.

However, the extent of civil society's influence within these monitoring bodies can vary. While frameworks exist for CSO involvement, challenges such as limited access to decision-making forums and occasional governmental resistance may hinder effective participation.

In summary, Serbia has established monitoring bodies to oversee EU financial assistance, with formal mechanisms for civil society engagement. Nonetheless, the practical impact of CSOs within these structures depends on various factors, including governmental openness and the broader political environment.

Part II: Alignment with EU *acquis*

Chapter 23: Judiciary and fundamental rights

1. What is the ranking of the independence of the judiciary?

Serbia does not have a specific numerical ranking for judicial independence within the European Union's assessments.

2. What is the situation pertaining to access to judicial remedy for asylum seekers and other migrants?

Asylum seekers whose claims have been rejected may file a lawsuit with the Administrative Court as a third-instance authority. However, individuals without legal representation are often hindered from exercising their right to a legal remedy due to a lack of information and legal uncertainty.

The Administrative Court does not have a specialised department for asylum cases, which, according to BCHR experience, results in asylum proceedings lasting several years, making this phase the

slowest in the entire asylum procedure. Based on existing practice, the Administrative Court has rarely engaged in examining the merits of individual asylum claims, and in most cases has merely annulled decisions and returned them for reconsideration, thereby prolonging proceedings without exercising the corrective role expected of a final judicial instance. During 2025, the BCHR did not receive a single judgment in an asylum-related case, despite the large number of cases pending before this court.⁵⁵

In its 2025 Annual Report, the European Commission noted that Serbia's legal framework is largely aligned with the EU *acquis*, but that further harmonisation and improved implementation are necessary to ensure fair and efficient processing of asylum applications. The report also calls for revisions to the Law on Asylum and Temporary Protection, particularly in relation to effective procedures, appellate bodies, and the rights and obligations of applicants and persons granted international protection.⁵⁶ Furthermore, it was emphasised that the quality of asylum decisions should be improved, and that the Asylum Commission and the Administrative Court must more effectively review Asylum Office decisions by engaging with the merits of the cases.⁵⁷

It is important to highlight the adoption of negative decisions in cases where the Security Information Agency has been consulted and it has been determined that the person poses a security risk to receive asylum. These decisions are not explained, the Asylum Office does not assess the merits of the case, and the reasons for persecution are not examined. Additionally, the possibility that the individual may face persecution or serious injustice if returned to their country of origin and the risk of *refoulement*, are not properly assessed. Due to the lack of reasoning in such decisions (due to the Data Secrecy Law in the case of assessments by the Security Information Agency), individuals are prevented from enjoying effective legal remedy, as they do not know the reasons for filing a complaint. This practice leaves space for arbitrary decisions in the asylum procedure.

3. What is your assessment of the management of return processes?

The management of return processes lacks formal agreements or established procedures. The policy at the border is primarily reliant on unlawful expulsions. For voluntary returns, the Commissariat for Refugees and Migration, in cooperation with the International Organization for Migration (IOM), is responsible for managing the process via IOM's Assisted Voluntary Return and Reintegration (AVRR) program. While the Belgrade Centre for Human Rights does not directly participate in these return processes, it plays a crucial role by referring individuals who seek assistance in relation to voluntary return.

4. To what extent are judgements of the European Court of Human Rights and of other relevant international bodies implemented in general, as well as specific to asylum matters?

The implementation of judgments of the European Court of Human Rights (ECtHR) and other international bodies in Serbia presents a mixed picture, particularly concerning asylum matters.

On a positive note, the case of *S.E. v. Serbia* (2023) led to concrete legal and administrative changes. Following the ECtHR's ruling, which found that Serbia had violated the freedom of movement of a Syrian refugee by failing to issue a travel document, Serbian authorities took steps to comply with the judgment. In 2024, the first travel documents for refugees were issued after the adoption of the necessary by-laws. This represents an important step in aligning domestic practices with international human rights obligations and demonstrates responsiveness to ECtHR jurisprudence—albeit after more than a decade of advocacy efforts.

However, Serbia's track record in implementing ECtHR decisions and complying with interim measures remains problematic, especially in extradition cases. On multiple occasions, Serbian authorities have

⁵⁵ BCHR currently has 10 cases pending before this court.

⁵⁶ European Commission, Serbia Report 2025, SWD (2025) 755 final, Brussels, 4 November 2025.

⁵⁷ *Ibid.*

disregarded international obligations, extraditing individuals despite interim measures issued by international bodies such as the ECtHR and the UN Committee Against Torture (CAT).

For example, in *Mohamed v. Serbia* (app no. 4662/22), Serbia extradited a Bahraini national, Ahmet Jaafar Mohamed Ali, to Bahrain in January 2022, despite an ECtHR interim measure explicitly prohibiting his extradition due to the risk of torture and persecution. The ECtHR found Serbia in violation of Article 3 (prohibition of torture) and Article 34 (right to individual application) of the European Convention on Human Rights, criticizing Serbian courts and the Ministry of Justice for failing to assess the real risk of persecution and ill-treatment. The case of *Cevdet Ayaz* further underscores Serbia's failure to adhere to binding international decisions, as he was extradited to Turkey in 2019 despite CAT's interim measures.

Moreover, Serbia's Constitutional Court has failed to rule on a constitutional appeal related to *Mohamed v. Serbia* for over three years, reflecting a broader issue of legal uncertainty and lack of accountability. The failure to comply with international obligations in extradition cases not only undermines the rule of law but also damages Serbia's international reputation, raising concerns about its commitment to human rights and its obligations under international treaties.

In conclusion, while Serbia has demonstrated compliance with ECtHR decisions in certain areas, such as the issuance of refugee travel documents, serious concerns remain regarding its selective implementation of judgments, particularly in cases involving extradition and asylum-seekers' rights.

Chapter 24: Justice, freedom and security

1. What is the situation pertaining to access to the asylum procedure (access to the territory, registration, etc.)?

Serbia is under the obligation to ensure access to the asylum procedure to all foreigners who have a well-founded fear of persecution in their country of origin or who would face a real risk of torture if returned to their country of origin or a third country. Foreigners may access the asylum procedure in Serbia by expressing their intention to apply for asylum before an authorised police officer of the Ministry of Interior. The Law on Asylum and Temporary Protection entitles foreigners in Serbia to express their intention to seek asylum, whereupon the authorised Ministry of Interior's police officers shall issue them a registration certificate. The expression of intention is, therefore, the initial step that foreigners need to undertake to access the asylum system and the issued certificates constitute grounds for their residence in Asylum centres or Reception centres, which they must report to within 72 hours. The asylum procedure is then formally initiated by applying for asylum orally before a competent Asylum Office official, or in writing, by submission of a filled asylum application form.

The Ministry of Interior is issuing registration certificates exclusively in Serbian and in the Cyrillic script. It would be unreasonable to expect of asylum seekers to understand the content and instructions in the certificates given that they as a rule do not understand Serbian and cannot read the Cyrillic script.

Foreigners obtain basic information in the language they understand mostly from legal aid providers and representatives of international and non-governmental organisations assisting them in the field. However, the Asylum Office has recently started holding informational sessions at the Asylum Center in Krnjača and Obrenovac every week, with the aim of informing asylum seekers about the asylum procedure and their rights. This is an example of good practice, and it is necessary to expand such practice to other asylum centers outside Belgrade.

The BCHR has noted multiple cases throughout the year where the competent authorities failed to ensure effective access to asylum procedures, including pushbacks and the denial of access to the asylum procedure at Nikola Tesla Airport.

People who fled Ukraine and wanted to apply for temporary protection in the RS did not face any substantial challenges in registering at the relevant police stations; their registration procedure is identical to that of asylum seekers. Additionally, Ukrainians were not subjected to denial of access to the territory or pushbacks.

2. What is the practice related to the use of the Safe Country concepts?

The Law on Asylum and Temporary Protection in Serbia regulates the concepts of safe country of origin and safe third country.

According to the law, the government is responsible for establishing a list of safe countries of origin, based on reports and data from sources such as EASO (EUAA), UNHCR, and the Council of Europe. A country listed as a safe country of origin can be considered safe for a specific case only if the asylum seeker is a national of that country or if the person has had habitual residence in that country, and if the asylum seeker has not credibly explained why that country cannot be considered safe for them.

Safe third country is a country where the asylum seeker is protected from persecution, enjoys non-refoulement guarantees, and has access to an effective asylum procedure under the 1951 Refugee Convention. Each case is assessed individually to determine whether the applicant has a connection to that country and could reasonably seek asylum there. If an application is rejected based on this concept, Serbia does not examine its merits but issues a certificate for authorities in the third country, that his claim was not examined .

While these concepts exist in Serbian law, the safe third country concept is not currently applied in practice.

3. How are the cases of vulnerable applicants treated? What are the guarantees for vulnerable groups?

The Law on Asylum and Temporary lays down the principle of providing special procedural and reception guarantees, under which account shall be taken of the specific circumstances of individuals in need of such guarantees during the asylum procedure. This law enumerates the following among foreigners in need of special procedural and reception guarantees: children, unaccompanied children, persons with disabilities, the elderly, pregnant women, single parents with underage children, human trafficking victims, seriously ill persons, persons of unsound mind, as well as individuals who had been subjected to torture, rape, or other grave forms of psychological, physical or sexual violence, such as women victims of female genital mutilation.

The Commissariat for Refugees and Migration of the Republic of Serbia is responsible for the material reception of refugees and manages collective centers – asylum centers and reception centers. According to field information, the Asylum Center in Krnjača was designated for families and particularly vulnerable categories, such as victims of SGBV, LGBTI individuals and persons with disabilities. However, during the year, particularly vulnerable individuals, such as LGBTI persons, were often referred to other asylum centers, which are typically used for single adult males, despite the BCHR team's insistence that they be placed in the Asylum Center in Krnjača, which is intended for their accommodation.

In practice, procedural guarantees are unclear, as the asylum process for vulnerable individuals takes the same amount of time as for other asylum seekers. According to BCHR's experience, care is taken during the asylum procedure for vulnerable women, with a female translator and female asylum officer engaged in these cases. If an unaccompanied minor is placed in a children's institution, the hearing is held at that institution, rather than moving the child to the asylum center.

4. What is the situation pertaining to the use of detention in the asylum procedure?

Asylum seekers can be placed in closed-type facilities, including the Reception Center for Foreigners in Padinska Skela near Belgrade, and Plandište. They can be detained there for a maximum of 90 days, with the possibility of extending this period for another 90 days, if the circumstances of the case require it. In practice, asylum seekers are rarely detained in this institution, and this usually happens when there is a national security component. BCHR had a case like this in 2025.

The majority of detained individuals who contacted BCHR during the year were accommodated in Padinska Skela, which BCHR could not access unless the person expressed their intention to seek asylum and granted power of attorney for representation. According to information obtained from a person detained in this center, individuals are allowed to contact family members or organizations providing legal assistance once a week for half an hour.

5. What is your assessment of the reception capacities and conditions?

Asylum and reception centres are under the authority of the Commissariat for Refugees and Migration of the Republic of Serbia, which ensures the material reception of asylum seekers and refugees. Conditions in these centres vary from facility to facility. The best conditions are in the Asylum Centre in Vranje, which accommodates persons under temporary protection who have been displaced from Ukraine

6. Can asylum seekers enjoy freedom of movement?

Upon arrival at the asylum center or reception center, asylum seekers enjoy freedom of movement within the territory of Serbia, except in cases where there are grounds for restrictions as provided by the Law on Asylum and Temporary Protection.

Movement of the asylum seeker may be restricted by a decision of the Asylum Office when necessary for:

1. Determining identity or nationality;
2. Establishing essential facts, evidence, and circumstances on which the asylum claim is based, which cannot be determined without restricting the movement of the applicant, especially if there is a risk of flight;
3. Ensuring the presence of the asylum seeker during the asylum procedure when it can reasonably be assumed that the asylum claim was filed to avoid deportation;
4. Protecting the security of the Republic of Serbia and public order in accordance with the law;

Deciding, within the procedure, on the asylum seeker's right to enter the territory of the Republic of Serbia.

7. Do applicants for protection have access to free legal assistance?

Although The Law on Asylum and Temporary Protection guarantees the right to free legal aid, asylum seekers often rely on CSOs for legal representation throughout the initial and appellate stages. In 2025, only a few CSOs—Asylum Protection Center (APC), Belgrade Centre for Human Rights (BCHR), IDEAS, and KlikAktiv—provided such assistance.

The legal assistance provided by CSOs is funded through projects by UNHCR. However, funds were cut recently leaving just one organisation supported to provide legal assistance via two employees. Funding for interpretation and translation was also cut. The EU, and other donors, and the amount of funding allocated directly impacts the availability of legal assistance. This funding is often unstable and

the number of CSO lawyers available to offer legal assistance and representation in the asylum process can vary, leaving asylum seekers at risk of inadequate legal support.

Chapter 18: Statistic

1. What is the state of mechanisms for collecting, sharing and analysing statistics on migration in general, as well as on asylum applications and decisions?

The mechanisms for collecting, sharing, and analyzing migration statistics in Serbia face several challenges due to the lack of a unified database. Each state authority responsible for different aspects of migration and asylum maintains its own records, leading to inconsistencies in data collection and reporting.

For example, the Commissariat for Refugees and Migration gathers statistics only on individuals who pass through reception and asylum centers, while the Asylum Office records only those who have formally entered the asylum procedure. This fragmented approach results in discrepancies in reported numbers, as different institutions use different parameters for data collection. Also, UNHCR collect its statistic over regular monthly snapshots on their webpage.⁵⁸

Despite these challenges, the Commissariat for Refugees and Migration compiles the Migration Profile of the Republic of Serbia, which provides a comprehensive overview of migration trends, statistics, and policies. This document serves as a valuable resource for stakeholders involved in migration management.

Overall, while Serbia has mechanisms in place for collecting and analyzing migration and asylum statistics, the lack of a centralized database and coordination between different institutions remains a significant obstacle to accuracy and efficiency in data management.

⁵⁸ UNHCR Serbia snapshots available [here](#)

UKRAINE

Name of the contributing organisation: CF “Right to protection” (R2P)

Contact person’s name and email:

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Part I: The fundamentals of the accession process (the Copenhagen criteria)

1. Political criterion: functioning of democratic institutions and public administration reform (stable institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities)

1.1 What is your assessment of the level of civil society participation in migration- and asylum-related policy-making?

Since 2022, CSOs in Ukraine have faced significant challenges in engaging with state authorities on migration and asylum policy-making. CSOs urge the Ukrainian authorities to maintain a dialogue with civil society organisations, academic communities, and experts engaged in the protection of refugees, ensure regular consultations with them and consider their recommendations when preparing or reviewing refugee-related decisions and policies.⁵⁹

The Public Council under the SMS, established as an advisory body to facilitate public participation in migration policy, remains largely inactive. Following the full-scale invasion, it convened only twice (in 2022 and 2025), with the latter meeting initiated upon request by a civil society organisation. In practice, communication between CSOs and the SMS is largely reduced to formal mechanisms such as information requests⁶⁰ and citizens’ appeals⁶¹, rather than structured policy dialogue. Although the SMS adopts annual consultation plans, their implementation remains minimal. In 2025⁶², only one public consultation on migration-related issues was conducted, while in 2026⁶³ only one consultation is planned so far. This is further illustrated by the formal nature of engagement at public events, including the 2026 presentation of the annual report of the Head of the SMS, where no opportunity was provided for CSOs to raise questions.⁶⁴

1.2 What are the regularisation options available for third-country nationals?

The regularisation options available for third-country nationals are visa-free regime; visa; decision to extend the period of stay; permanent residence permit; temporary residence permit; refugee certificate; certificate of a person in need of complementary protection in Ukraine; certificate of a person in need of temporary protection in Ukraine; certificate of asylum seeker; certificate of application for recognition as a stateless person; military ID card (military registration document (service certificate) of military personnel)⁶⁵. Under martial law, the legal framework is subject to frequent amendments, including recent changes in 2026 introducing simplified residence procedures for humanitarian workers and volunteers.⁶⁶

⁵⁹ The position of CSOs regarding the prevention of violation of the rights or refugees during the martial law in Ukraine, available [here](#).

⁶⁰ The Law of Ukraine “On Access to Public Information” No. 2939-VI, 13 January 2011, available [here](#).

⁶¹ The Law of Ukraine “On Citizens’ Appeals” No. 393/96-VR, 02 October 1996, available [here](#).

⁶² Public consultation The State Migration Service of Ukraine in 2025, available [here](#).

⁶³ Public consultation The State Migration Service of Ukraine in 2026, available [here](#).

⁶⁴ Public report of the Head of the State Migration Service of Ukraine Nataliia Naumenko, 19 February 2026, available [here](#).

⁶⁵ Law of Ukraine “On the legal status of foreigners and stateless persons” No. 3773-VI, 22 September 2011, available [here](#).

⁶⁶ Draft Law No. 13071 of 11 March 2025, available [here](#).

1.3 What are the state's policies on naturalisation?

Refugees have a simplified naturalization procedure (it is necessary to live the last 3 years, not 5 as a general rule; it is not necessary to obtain a permit for immigration or to prove the existence of legal sources of livelihood). A child born to one of the parents who has been granted refugee status in Ukraine has citizenship by birth.⁶⁷

There is no simplified naturalization procedure for persons granted complementary protection. Children born to one of the parents who have been granted complementary protection and asylum seekers no longer have access to citizenship based on birth or territorial origin.⁶⁸ Under the previous legal framework, such children formally had access to citizenship on these grounds; however, in practice, this often required judicial appeals⁶⁹ against refusals by the SMS.

Except for this, on August 20, 2024, the Parliament adopted Law of Ukraine No. 3897-IX⁷⁰, temporarily suspending citizenship applications from Russian citizens until 12 months after the termination or cancellation of martial law in Ukraine. This means that until the end of this period, citizens of the Russian Federation, including those persons recognised as refugees or persons in need of complementary protection in Ukraine, cannot apply for Ukrainian citizenship.

1.4 What is the situation in the area of access to justice for non-citizens?

Foreigners and stateless persons have the right to judicial protection in Ukraine on an equal footing with Ukrainian citizens⁷¹. Appeals against decisions regarding refugee status and persons in need of complementary protection are conducted in courts of administrative jurisdiction in accordance with the procedure established by the Code of Administrative Procedure of Ukraine⁷².

As a general rule, a court fee is charged for filing applications or complaints with the court in Ukraine, as stipulated by the Law of Ukraine "On Court Fees"⁷³. However, plaintiffs in cases appealing decisions regarding refugee status and persons in need of additional protection are exempt from paying court fees at all judicial instances. Courts also tend to exempt foreigners and stateless persons from court fees in cases challenging unlawful inaction by the SMS, including where individuals seek to compel the authorities to accept an application for recognition as a refugee or a person in need of complementary protection.⁷⁴

Any other information relevant to the criterion and key recommendations:

- 1) Enhance CSOs involvement in migration policy-making by reactivating the Public Council under the SMS with regular meetings and transparent engagement mechanisms.
- 2) Grant the right to acquire Ukrainian citizenship to all children born on the territory of Ukraine from asylum seekers and persons granted complementary protection.
- 3) Establish simplified naturalization procedure for persons granted complementary protection in the legislation.

⁶⁷ Law of Ukraine "On Citizenship of Ukraine" No. 2235-III, 18 January 2001, available [here](#).

⁶⁸ Following the adoption of amendments to the Law of Ukraine "On Citizenship of Ukraine" (Law No. 11469 of 18 June 2025, in force since 16 January 2026).

⁶⁹ Unified State Register of Court Decisions, available [here](#); [here](#); [here](#); [here](#); and [here](#).

⁷⁰ Law of Ukraine "On Amendments to Certain Laws of Ukraine on the Legal Status of Foreigners and Stateless Persons Participating in the Defence of the Territorial Integrity and Inviolability of Ukraine" No. 3897-IX, 20 August 2024, available [here](#).

⁷¹ Law of Ukraine "On the Judiciary and the Status of Judges" No. 1402-VIII, 02 June 2016, available [here](#).

⁷² The Code of Administrative Procedure of Ukraine No. 2747-IV, 06 July 2005, available [here](#).

⁷³ The Law of Ukraine "On Court Fees" No. 3674-VI, 08 July 2011, available [here](#).

⁷⁴ Practice-based observation by R2P, April 2026.

2. Economic criterion: the existence of a functioning market economy and the capacity to cope with competition and market forces in the EU.

2.1 What is the situation pertaining to the right to work and access to education for asylum applicants and protection holders?

Protection holders have the right to work on par with Ukrainian citizens. Asylum seekers need to obtain a work permit for employment. Despite the technical possibility to obtain a work permit, key challenges arise from the lack of awareness among employers and asylum seekers about the application process.⁷⁵ In 2025, Draft Law No. 14211 was proposed to simplify employment for foreigners; however, the proposed changes impede the exercise of the asylum seekers' right to employment as it involves revoking their work permits without any other alternatives⁷⁶.

Protection holders and asylum seekers have access to preschool education. Ukrainian legislation guarantees free general secondary education to all children, including protection holders and asylum seekers. Protection holders have access to higher education on an equal basis with Ukrainian citizens, while asylum seekers can pursue higher education only at their own expense or through private funding. The main obstacles to accessing education are the language barrier and the lack of integration and adaptation programs.⁷⁷

2.2 What is the number of non-citizens working in the informal economy? Of them, what is the number in precarious or exploitative situations?

No information.

Any other information relevant to the criterion and key recommendations:

It is important to ensure equal access to employment for asylum seekers and to develop comprehensive integration and adaptation programs.

3. The ability to take on and implement effectively the obligations of membership, including adherence to the aims of political, economic (and monetary) union.

3.1. What is your assessment of the independence and capacity of administrative bodies responsible for examining applications for international protection?

Since the full-scale invasion, the SMS temporarily suspended and then restarted activities in locations that were relatively secure or at a distance from hostilities⁷⁸. We assess that now SMS has appropriate independence and capacity, however, the current practice of implementing laws for the protection of refugees and persons in need of complementary protection in Ukraine does not offer effective access to the asylum procedure. In 2025, the capacity of the SMS slightly decreased, including a reduction in staff, a significant drop in the number of decision-makers on asylum applications, and a substantial decrease in the annual budget.⁷⁹

Ukrainian martial legislation does not restrict a person's right to seek protection in Ukraine, but the SMS regularly deprives asylum seekers of effective remedies by citing martial law, missing the 5-day application deadline, or the UNHCR's position of March 2022 and June 2023 that "Ukraine is not a safe country of origin"⁸⁰. In the same vein, Ukraine is not a country of origin for foreigners or stateless persons

⁷⁵ Right to Protection (2024), Ensuring access to social rights for refugees and asylum seekers in Ukraine: Research. Available in Ukrainian [here](#).

⁷⁶ Draft Law of Ukraine "On Amendments to Certain Laws of Ukraine on Employment of Foreigners and Stateless Persons" No. 14211, 14 November 2025, available [here](#).

⁷⁷ Right to Protection (2024), Ensuring access to social rights for refugees and asylum seekers in Ukraine: Research. Available in Ukrainian [here](#).

⁷⁸ Asylum Seekers and Refugees in Ukraine Addressing Protection Risks During Wartime. Right to protection, available [here](#)

⁷⁹ Information provided by the SMS, February 2026.

⁸⁰ Practice-based observation by R2P, April 2026.

who seek asylum in Ukraine. The UNHCR's position⁸¹ is directed at the governments of receiving countries—not at Ukrainian legislation or procedures—and calls on them not to apply accelerated procedures with reduced procedural safeguards (including non-suspensive appeals) to applications for international protection by Ukrainian nationals or habitual residents of Ukraine.

In 2025, SMS started applying Article 9 of the 1951 Refugee Convention to nationals of Belarus, citing security considerations linked to the war. This resulted in refusals to register asylum applications; however, national courts have not upheld this practice.⁸²

Furthermore, the SMS is entrusted with a broad range of functions, combining permissive, punitive, regulatory and supervisory powers. This concentration of competences creates risks of arbitrary use of powers, a formalistic approach to asylum procedures, weakens safeguards for applicants, and limits effective external oversight.⁸³

3.2 Are there oversight/monitoring bodies to safeguard the quality of the related decision-making process?

There are no oversight/monitoring bodies with direct tasks to safeguard the quality of the related decision-making process. If a person disagrees with the decision, it can be appealed to a higher authority or court⁸⁴. Foreigners, stateless persons or their representatives may apply to the Ukrainian Parliament Commissioner for Human Rights (Ombudsman)⁸⁵.

3.3 Are there national monitoring bodies to oversee the use of EU financial assistance (e.g. IPA and NDICI-Global Europe) for integration, aimed to improve overall conditions, including promoting the rights of displaced persons, vulnerable groups and national minorities? If so, is civil society engaged in their functioning?

R2P is not aware of a specific national monitoring body for this purpose. However, the Accounting Chamber⁸⁶, the highest state collegial body of financial control (audit), conducts external financial audits on the use of funds received into the state and/or local budgets from foreign states, the European Union, foreign financial institutions, international organizations, and donor institutions in the form of loans, grants, and assistance.

Throughout 2024 and 2025, the SMS has not received any financial or legal support from the EUAA.⁸⁷

Any other information relevant to the criterion and key recommendations:

The SMS should resume registering asylum applications, without any discrimination to ensure the adequate examination of alleged risks of treatment in violation of the ECHR and ensure that the refusal to accept the application is carried out in accordance with current Ukrainian legislation and is accompanied by a decision allowing effective access to the remedies as prescribed by Article 13 of the ECHR⁸⁸.

⁸¹ UNHCR Position on Returns to Ukraine, March 2022, available [here](#).

⁸² Fifth Administrative Court of Appeal, case no. 420/32412/24, 4 June 2025; Dnipropetrovsk District Administrative Court, case no. 160/27249/25, 14 November 2025.

⁸³ Right to Protection (R2P), Alternative Report at the 115th Session of the UN Committee on the Elimination of Racial Discrimination, available [here](#).

⁸⁴ Law of Ukraine “On Refugees and Persons in Need of Complementary or Temporary Protection” No. 3671-VI, 8 July 2011, available [here](#).

⁸⁵ The Law of Ukraine “On the Ukrainian Parliament Commissioner for Human Rights” No. 776/97-BP, 23 December 1997, available [here](#).

⁸⁶ The Law of Ukraine “On the Accounting Chamber” No. 576-VIII, 02 July 2015, available [here](#).

⁸⁷ AIDA, Country report on Ukraine, March 2026, available [here](#).

⁸⁸ Communication from NGOs (The European Council on Refugees and Exiles (ECRE), Charitable Fund “Right to Protection” (R2P) and CO “The Tenth of April” (TTA)) (31/08/2023) in the case of Kebe and Others v. Ukraine (Application No. 12552/12) and reply from the authorities (14/09/2023), 27 September 2023, available [here](#).

Ukraine should establish effective administrative oversight mechanisms over the activities of the SMS to strengthen safeguards in asylum procedures.

Part II: Alignment with EU *acquis*

Chapter 23: Judiciary and fundamental rights

1. What is the ranking of the independence of the judiciary?

The mandatory observance by the bodies of legislative, executive and judicial power of the Constitution and laws of Ukraine ensures the implementation of the principle of separation of state power.⁸⁹ The system of checks and balances was disrupted by Law No. 2952, which transferred the powers of the court to the executive authorities.⁹⁰

In 2024, Draft Law No. 12248⁹¹ was registered, aiming to restore judicial oversight by ensuring that decisions on the detention of foreigners and stateless persons fall within the competence of courts. However, the draft law was withdrawn in 2026 and has not been adopted.

2. What is the situation pertaining to access to judicial remedy for asylum seekers and other migrants?

Asylum seeker has the right to appeal the decision of the migration authorities to the higher instance authority (if applicable) or to the court⁹². In practice, judicial remedies are more effective than administrative appeals.

3. What is your assessment of the management of return processes?

The management of return processes in Ukraine involves three procedures: voluntary return, forced return and expulsion. The voluntary return process requires individuals to submit written requests to the SMS. Return decisions are made by authorities of the SMS, State Border Protection, and SecurityService of Ukraine.⁹³ Before the decision of expulsion should have been approved by the court, now in accordance with Law No. 2952 there is no court approval.⁹⁴

In practice, there is a perceived lack of technical ability for foreigners to execute decisions on voluntary or forced return, which leads to the artificial creation of conditions for making a decision on expulsion against them.⁹⁵

The analysis of case law in Ukraine regarding expulsion, taking into account the amendments introduced by the Law of Ukraine No. 2952-IX, shows that the process of expulsion is often viewed as a formal step, without a detailed examination of the legality of the expulsion decision, unlike the case law prior to the amendments introduced by Law of Ukraine No. 2952-IX. Courts rarely question the legality of such decisions, and the possibility of applying alternative measures, such as voluntary or forced return, is often not considered, even though it is mandatory, for example, under European law. In contrast to EU law, where individual consideration of each case by competent authorities is

⁸⁹ Ukraine's Answers to the EU Questionnaire on the Application for Membership, available [here](#).

⁹⁰ Proposals of the Charitable Foundation "Right to Protection" regarding the draft Law of Ukraine on amendments to certain laws of Ukraine regarding the protection of the state border of Ukraine No. 7475, 19 June 2022, available [here](#).

⁹¹ Draft Law on Amendments to Certain Legislative Acts of Ukraine on Improving the Legislation on the State Border of Ukraine No. 12248, 26 November 2024, available [here](#).

⁹² Law of Ukraine "On Refugees and Persons in Need of Complementary or Temporary Protection" No. 3671-VI, 8 July 2011, available [here](#).

⁹³ Law of Ukraine "On the legal status of foreigners and stateless persons" of 22.09.2011 No. 3773-VI, available [here](#).

⁹⁴ Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine Regarding the Protection of the State Border of Ukraine" No. 2952-IX, 24 February 2023, available [here](#).

⁹⁵ Practice-based observation by R2P, April 2026.

mandatory, there is no such legal guarantee in Ukraine, and cases are examined solely through the lens of compliance with legislative norms.⁹⁶

A separate practice is the use of forced expulsion of foreigners in violation of the principle of *non-refoulement*. In practice, there is a case when a protection seeker was expelled to the country of origin, where the life or freedom of the person may be in danger.⁹⁷

4. To what extent are judgements of the European Court of Human Rights and of other relevant international bodies implemented in general, as well as specific to asylum matters?

In Ukraine, the courts apply the ECHR and the ECtHR's case law as a source of law when considering cases.⁹⁸ At the same time, as of the end of 2025, 114 leading cases were still pending implementation, compared to 106 at the end of 2024.⁹⁹

“Kebe and others v. Ukraine” is the ECtHR's leading case specific to asylum matters for the group of 6 repetitive cases, which are still being implemented¹⁰⁰. Some of the issues in the case are being resolved, but new problems are emerging. Thus, in 2023, some NGOs, including the CF “Right to protection”, made a joint submission¹⁰¹ about new Ukrainian legislation, incompatible with Ukraine's obligations under international law including the principle of non-refoulement. In July 2024, the Government of Ukraine responded and provided an Updated Action Plan on measures taken for the implementation of the Court's judgments in the Kebe and Others v. Ukraine group of cases.¹⁰² Communication is still ongoing.

Chapter 24: Justice, freedom and security

1. What is the situation pertaining to access to the asylum procedure (access to the territory, registration, etc.)?

Under national legislation, applications for recognition as a refugee or a person in need of complementary protection must be submitted in person to the SMS. However, since the start of the full-scale invasion, the SMS has been systematically refusing to accept such applications in practice, despite the absence of a legal basis for such refusals. According to the current legislation, the SMS may refuse to accept an application for international protection if the applicant impersonates another person or if the applicant has previously been denied refugee status and the grounds for the application have not changed.¹⁰³

However, in practice, the SMS often issues oral refusals without making an official decision, citing martial law as the reason, which is not a legitimate ground for refusal. To access the procedure, applicants now need to document their attempt to apply and insist on receiving an official refusal. Such inaction by the SMS and unlawful refusals to grant access to the procedure have also been recognized by courts, which tend to rule in favour of applicants.¹⁰⁴

⁹⁶ Unified State Register of Court Decisions available [here](#).

⁹⁷ Practice-based observation by R2P, April 2026.

⁹⁸ Law of Ukraine “On the Execution of Judgments and Application of the Case Law of the European Court of Human Rights” No. 3477-IV, 23 February 2006, available [here](#).

⁹⁹ Department for the Execution of Judgments of the European Court of Human Rights, Statistics available [here](#).

¹⁰⁰ Kebe and others v. Ukraine, available [here](#).

¹⁰¹ The position of CSOs regarding the prevention of violation of the rights or refugees during the martial law in Ukraine, available [here](#).

¹⁰² Action plan (02/07/2024) - Communication from Ukraine concerning the group of cases of Kebe and Others v. Ukraine (Application No. 12552/12), 11 July 2024, available [here](#).

¹⁰³ Law of Ukraine “On Refugees and Persons in Need of Complementary or Temporary Protection” No. 3671-VI, 08 July 2011, available [here](#).

¹⁰⁴ Unified State Register of Court Decisions, available [here](#); [here](#); [here](#); [here](#); [here](#); [here](#); [here](#).

Ukrainian legislation does not foresee a specific procedure to examine asylum applications at the border. In February 2023, the Parliament adopted the Law on Amendments to Certain Legislative Acts on Protection of the State Border no. 2952-IX, which limits the right to apply for asylum at the border.¹⁰⁵

2. What is the practice related to the use of the Safe Country concepts?

There is no definition of “Safe country of origin” in Ukrainian legislation, the definition of “safe third country” and “first country of asylum” exist¹⁰⁶.

3. How are the cases of vulnerable applicants treated? What are the guarantees for vulnerable groups?

The Refugee Law of Ukraine mentions only unaccompanied children, ignoring other possible categories of vulnerable persons.¹⁰⁷ Nor is there any specific mechanism for the identification and treatment of vulnerable asylum seekers and refugees. SMS has the possibility to refer to medical screening, however, the legislation does not foresee any specific reception conditions for vulnerable persons.

4. What is the situation pertaining to the use of detention in the asylum procedure?

The existing legislation ensures the right to seek asylum while being held in detention. MCC – separate state institutions exist and operate in Ukraine, providing for the detention of foreigners who have irregularly arrived in the country. Limited alternatives to detention are provided by legislation – only surety or bail.¹⁰⁸ Unlike EU legislation, Ukrainian legislation does not provide the priority of choosing a less coercive measure of influence on a person before resorting to detention.

In conditions of martial law, it is extremely important to ensure the safety of people and the availability of protective civil defense structures, including for those who are in MCC. All three MCCs existing in Ukraine have only the simplest shelters. Protective civil defense structures that meet legislative standards are currently absent.¹⁰⁹

5. What is your assessment of the reception capacities and conditions?

Ukrainian legislation establishes minimum standards for asylum seekers and refugees; however, significant deficiencies persist both in the reception framework and in the practical enforcement of existing safeguards.¹¹⁰

6. Can asylum seekers enjoy freedom of movement?

From the moment an asylum seeker applies for recognition as a refugee or a person in need of complementary protection, and until the final determination of the status of such a person or his/her departure from the territory of Ukraine, he/she has only a certificate of application for protection in Ukraine. They can enjoy freedom of movement within Ukraine, provided they notify the SMS of their trips outside the administrative-territorial unit where they reside. The certificate is not valid for travel abroad and their passports of country of origin are held by the territorial bodies of the SMS.¹¹¹

¹⁰⁵ AIDA, Country report on Ukraine, March 2026, p. 33, available [here](#).

¹⁰⁶ Law of Ukraine “On Refugees and Persons in Need of Complementary or Temporary Protection” No. 3671-VI, 08 July 2011, available [here](#).

¹⁰⁷ Ibid.

¹⁰⁸ The Code of Administrative Procedure of Ukraine, No. 2747-IV, 06 July 2005, available [here](#).

¹⁰⁹ Information provided by the SMS in a letter dated 14 October 2025, No. 14.3-12383/3.1-25.

¹¹⁰ UN High Commissioner for Refugees (UNHCR), Ukraine as a country of asylum. Observations on the situation of asylum-seekers and refugees in Ukraine, July 2013, available [here](#).

¹¹¹ Law of Ukraine “On Refugees and Persons in Need of Complementary or Temporary Protection” No. 3671-VI, 08 July 2011, available [here](#).

The issue of freedom of movement for asylum seekers has become more acute during martial law in Ukraine, as asylum seekers were also forced to leave the country. Upon arriving in EU countries, they are unable to travel to other states or re-enter Ukraine.¹¹²

Unlike refugees and persons in need of complementary protection, asylum seekers cannot obtain a return certificate to Ukraine.¹¹³

7. Do applicants for protection have access to free legal assistance?

Asylum seekers have free legal aid in the established order, it can be obtained only from the moment a person submits an application for recognition as a refugee or a person in need of complementary protection¹¹⁴. Asylum seekers' access to free legal aid within the required timeframe is undermined by an excessively short period for appealing SMS decisions¹¹⁵ (5 days). In contrast, the period for considering an application for free secondary legal aid¹¹⁶ is disproportionately long (10 days). Wherein, 87% of refugees and asylum seekers know where to get legal help and/or find lawyers¹¹⁷. In 2025, 14 persons applied for free legal aid.¹¹⁸

In this context, only persons who possess a certificate of asylum seekers and individuals detained in MCC on whom the expulsion decision was taken are able to obtain free secondary legal assistance.

Chapter 18: Statistics

1. What is the state of mechanisms for collecting, sharing and analysing statistics on migration in general, as well as on asylum applications and decisions?

The SMS publishes the following data regarding international protection: number of applications for international protection and their sex, and types of decisions concerning the applicants (granting the status, refusing, withdrawing), as reflected in the annual reports of the Head of the SMS¹¹⁹ and in statistical data available on its official website¹²⁰.

According to information provided by the SMS, mechanisms for collecting, sharing, and analysing statistics on migration and asylum remain limited and fragmented. The SMS does not separately collect or record data on the number of foreigners or stateless persons subject to alternatives to detention (e.g. surety or bail). Similarly, there is no separate data collected on applications for Ukrainian citizenship or family reunification from persons granted international protection.

¹¹² Right to Protection (R2P), Protection Risks Facing Non-Ukrainian Asylum Seekers and Refugees Fleeing Ukraine to the EU, 2023, available [here](#).

¹¹³ Resolution of the Cabinet of Ministers of Ukraine No. 285 "On Approval of the Sample Form, Technical Description and Procedure for Issuance of the Certificate for Return to Ukraine", 5 April 2017, available [here](#).

¹¹⁴ Law of Ukraine "On Free Legal Aid" No. 3460-VI (Art. 14), 02 June, 2011, available [here](#).

¹¹⁵ Coalition of Non-Governmental Organizations, Interim Report: Universal Periodic Review (Fourth Cycle – Mid-term, 2020). State of Observance of the Rights of Refugees, Asylum Seekers and Stateless Persons in Ukraine, available [here](#).

¹¹⁶ Law of Ukraine "On Free Legal Aid" No. 3460-VI (Art. 19), 02 June 2011, available [here](#).

¹¹⁷ Asylum Seekers and Refugees in Ukraine Addressing Protection Risks During Wartime. Right to protection, available [here](#).

¹¹⁸ Free Legal Aid Centers' responds to the R2P request for public information, January 2026.

¹¹⁹ Public report of the Head of the SMS of Ukraine on the results of work in 2025, available [here](#).

¹²⁰ SMS statistics for 2025, available [here](#).