

Pursuant to Article 15, paragraph 5 of the Law on Migration Management ("Official Gazette of the Republic of Serbia", number 107/12) and Article 42, paragraph 1 of the Law on Government ("Official Gazette of the Republic of Serbia", no. 55/05, 71/05 - correction, 101/07, 65/08, 16/11, 68/12 - CC, 72/12, 7/14 - CC and 44/14),

Government issues

REGULATION

On the criteria for determining priorities for accommodation of persons granted the right to asylum or subsidiary protection and conditions for using housing space for temporary accommodation

"Official Gazette of RS", no. 63 of July 17, 2015, 56 of July 18, 2018

Article 1

This Regulation sets out criteria for determining accommodation priorities for persons granted the right to asylum or subsidiary protection and conditions for using housing space for temporary accommodation.

Article 2

Accommodation within the context of this Regulation refers to accommodation provided in accordance with Regulations governing asylum and migration management, within the capacities of the Republic of Serbia to offer housing space for temporary use or to give financial assistance for temporary accommodation.

The accommodation referred to in paragraph 1 of this Article shall be provided with respect to the non-discrimination principle, family unity, gender equality and care for persons with special needs.

Person receiving housing provision in accordance with this Regulation, shall be the person granted the right to asylum or subsidiary protection (hereinafter: the Beneficiary), in accordance with the Regulations governing the field of asylum, including members of his/her family.

For a beneficiary in a special psycho-physical condition (elderly, ill and disabled), as well as for an unaccompanied minor, unable to use the housing space for temporary accommodation, different accommodation is provided in the social welfare institution, with another accommodation provider or another family, on the basis of the act of the Center for Social Work, in accordance with the law.

Article 3

Accommodation shall be provided to the Beneficiary, along with his/her family members, if:

- 1) they have a **valid decision** * for the right to asylum or for subsidiary protection not older than one year;
- 2) they have no income to resolve accommodation issues.

The income referred to in paragraph 1, item 2) of this Article represents the income of the Beneficiary remaining after the deduction of their total income for the amount of funds necessary for their support.

The type and amount of funds and resources required to support the Beneficiary and members of his/her family, referred to in paragraph 2 of this Article, shall be determined in terms of Regulations governing the area of social protection and income as well as income influencing the right to financial social assistance.

* Official Gazette of RS, number 56/2018

Article 4

Notwithstanding Article 3, paragraph 1, item 2) of this Regulation, accommodation may be provided to the Beneficiary who has sufficient income to resolve accommodation issues, if there are available facilities and conditions for temporary accommodation, taking into account the amount of income generated by the Beneficiary, the general material and family conditions of the Beneficiary, as well as the total amount of accommodation costs, in accordance with the Regulations governing the area of social protection.

Article 5

Housing space for temporary accommodation referred to in Article 2, paragraph 1 of this Regulation shall be provided in the facilities and parts of facilities owned by the Republic of Serbia, which the Commissariat for Refugees and Migration (hereinafter: Commissariat) has the right to use and which are designated for this purpose by the decision of the Commissioner, or in other facilities and parts of facilities owned by the Republic of Serbia or local self-government, on the basis of the decision of the competent authority.

If the Commissariat does not have sufficient capacities from paragraph 1, the Commissariat shall rent appropriate housing space for temporary accommodation.

Decisions from paragraphs 1 and 2 of this Article are made after determining that chosen housing space meets necessary conditions for use and accommodation, taking into account location of the facility, and in particular its connection to the transportation network and a network of social and public services - educational, health and social institutions, and such.

Each facility referred to in paragraph 1 of this Article shall have housing rules issued by the Commissariat.

The housing rules referred to in paragraph 4 of this Article shall contain rules regarding the manner and use of temporary accommodation, as well as a warning regarding consequences in the case of disregard and non-compliance.

Article 6

Temporary accommodation referred to in Article 5, paragraph 1 of this Regulation shall also include: premises for food preparation and bathroom, provision of beds with bed linen, as well as the use of electricity and water, sanitary facilities, heating and personal hygiene products, and hygiene in the housing unit.

Under temporary accommodation, in accordance with the capacities of the Republic of Serbia, the Beneficiary may also be provided with other conditions necessary for inclusion in social, cultural and economic life, in accordance with law.

Article 7

All costs pertaining to the using and maintaining of the housing space referred to in Article 5 of this Regulation as well as accommodation, food and necessary clothing and footwear costs for persons from Article 2, paragraph 4 of this Regulation shall be borne by the Commissariat in accordance with the law.

Article 8

In the case of a need for a significant number of beneficiary families to be accommodated at the same time, priority is determined on the basis of the following criteria:

- 1) families with a large number of underage children;
- 2) single parent families with a minor child;
- 3) a family with a pregnant woman;
- 4) families with a larger number of family members;
- 5) family with a member who was subjected to torture, rape, or other severe forms of psychological, physical or sexual violence;
- 6) families with difficult access to opportunities to earn income (elderly, persons with disabilities, etc.).

Article 9

If there are no available facilities or conditions for temporary accommodation, the accommodation of the Beneficiary shall be provided by financial assistance for temporary accommodation, **for a period of not more than a year from the day of the validity of a decision granting the right to asylum or subsidiary protection, in accordance with the law and this Regulation.***

Decision to grant financial assistance for temporary accommodation from paragraph 1 of this Article is issued by the Commissariat, in accordance with the need and opportunities available for providing this type of accommodation, bearing in mind the number and structure of the Beneficiary's family members, their needs, and the income they generate, when determining the amount of financial assistance.

The Commissariat ex officio examines whether the Beneficiary uses temporary accommodation for intended purpose and for which financial means are provided, after the expiration of a one month period from the date of the validity of decision referred to in paragraph 2 of this Article *

* Official Gazette of RS, number 56/2018

Article 10

Pursuant to Article 9 of this Regulation, the amount of financial assistance for temporary accommodation for Beneficiaries who generate the following income per family member is determined as follows:

- 1) up to 20% of the minimum wage established per employee in the Republic of Serbia for the previous month - determined in the amount of the minimum wage established per employee in the Republic of Serbia for the previous month;
- 2) up to 40% of the amount of the minimum wage established per employee in the Republic of Serbia for the previous month - determined in the amount of 60% of the amount of the minimum wage established per employee in the Republic of Serbia for the previous month;
- 3) up to 60% of the amount of the minimum wage established per employee in the Republic of Serbia for the previous month - determined in the amount of 20% of the amount of minimum wage established per employee in the Republic of Serbia for the previous month;
- 4) exceeding 80% of the minimum wage established per employee in the Republic of Serbia for the previous month - fully bear the costs of their own accommodation.

Article 11

Housing space for temporary accommodation is given to the beneficiary on the basis of a **valid decision** * of the Commissariat, for a maximum period of one year from the date of the **validity of the decision** * on granting the rights to asylum or subsidiary protection, in accordance with the law and this Regulation.

The decision referred to in paragraph 1 of this Article shall be made on the basis of the **valid decision*** of the competent authority for granting the right to asylum or subsidiary protection and after assessing the fulfilment of the established conditions and priorities, in accordance with this Regulation.

When issuing the decision referred to in paragraph 1 * of this Article, the number, structure and needs of members of the Beneficiary family are considered, so that families with one or two members are provided with housing space of up to 30 m², and for each subsequent member - another 10 m², if possible.

* Official Gazette of RS, number 56/2018

Article 12

When Beneficiary is applying for accommodation for himself and his/hers family members he/she shall submit to the Commissariat:

- 1) a copy of **the valid decision*** granting the right to asylum or assigned subsidiary protection, not older than one year;
- 2) a photocopy of a valid identity card **for persons granted the right to asylum, or valid identity cards for persons granted subsidiary protection** *, for all family members age 15 and older;

3) a photocopy of the relevant document identifying a family member under the age of 15;

4) proof of income:

- exercised on the basis of the right to work, rights based on labor and the insurance rights (**notary public** certificate* on unemployment or paid unemployment benefits, employer's confirmation of the amount of income in the month preceding the month of submitting documents, a statement certified by the competent authority that occasional income is earned, confirmation of the competent authority or statement certified by the competent authority that no income is generated through pension, etc.);
- exercised on the basis of entrepreneurship;
- exercised on the basis of the right to moveable and immovable property;
- derived from other sources of income, within the context of Article 3 of this Regulation;

5) evidence of the health status of the Beneficiary or his family member, of significance for decision making - medical and other relevant documentation proving the existence of a person with disabilities, illness, reduction or loss of working ability, right to assistance and care, pregnancy, etc;

6) proof that the Beneficiary is an unaccompanied minor;

7) other evidence identifying the facts and circumstances of relevance for decision making.

* Official Gazette of RS, number 56/2018

Article 13

Commissariat and the Beneficiary entitled to use the housing space for temporary accommodation shall sign an agreement on the use of housing space.

The agreement referred to in paragraph 1 of this Article, which is concluded in writing, stipulates the rights and obligations of the Beneficiary in using the temporary accommodation, the manner and duration of the use of the temporary accommodation, as well as other issues of importance for exercising of rights, obligations and responsibilities of contracting parties.

Article 14

Beneficiary's right to accommodation ceases to exist under following conditions:

1) if he/she no longer meets obligatory requirements or if it shall be discovered that the beneficiary gave incorrect information thus influencing decision making in determining the fulfilment conditions for accommodation;

2) if he/she misuses the provided accommodation;

3) if he/she solves his/her accommodation issue in another way;

4a) if after the expiration of a one month period from the date of the validity decision on giving financial assistance for temporary accommodation, he/she does not begin using temporary accommodation for which the financial assistance was intended;*

4) if he/she abuses the right to accommodation in any other way.

In addition to the conditions referred to in paragraph 1 of this Article, the Beneficiary's right to temporary accommodation shall be terminated if:

1) he/she irrationally uses (does not use the accommodation for more than 50% of the time within a month without a justifiable reason), cancels or misuses the accommodation in other ways;

2) negligently treats other Beneficiaries, persons or things in the premises or damages them;

3) he/she does not comply with house rules referred to in Article 5, paragraph 4 of this Regulation.

The beneficiary who ceased to use the housing space for temporary accommodation is obliged, in accordance with the Regulations regulating the administrative and enforcement procedures, to vacate the accommodation with all the persons and personal belongings and handover the premises.

If the Beneficiary, without a justifiable reason, does not register with the Commissariat for Refugees and Migration to attend Serbian language lessons within 15 days from the date of validity of the decision granting the right to asylum, or ceases to attend them, he/she loses the right to financial assistance for temporary accommodation, that is, he/she is no longer entitled to financial assistance for temporary accommodation determined by the decision on granting financial assistance for temporary accommodation.*

* Official Gazette of RS, number 56/2018

Article 15

The beneficiary provided with accommodation in accordance with this Regulation shall be obliged, without delay, to report to the Commissariat and another state administration body acting as a competent authority of any change that may impact the use of the right to accommodation.

Article 16

The Commissariat shall, ex officio, review the conditions for the right to use housing for temporary accommodation every six months.

After the expiration of a one year period following the date of the valid decision on granting the right to asylum or subsidiary protection, the Beneficiary whose right to use housing space for temporary accommodation ceases to exist, is obliged to vacate the accommodation with all the persons and his/her personal belongings and handover the premises, in accordance with the law.

Prior to the expiration of a one year period following the date of **validity of the decision*** granting the right to asylum or subsidiary protection, in accordance with the law, the Commissariat informs the Beneficiary in writing on termination of the right to use housing

for temporary accommodation, as well as on all the necessary measures and deadline for vacating the premises.

* Official Gazette of RS, number 56/2018

Article 17

This Regulation shall enter into force on the eighth day following the date of its publication in the "Official Gazette of the Republic of Serbia".

05 No. 110-7638 / 2015

In Belgrade, July 16, 2015

Government

President,

Aleksandar Vucic, sgd.