

Pursuant to Article 85 paragraph 4 of the Law on Asylum and Temporary Protection ("Official Gazette of the Republic of Serbia", No. 24/18) and Article 42, paragraph 1 of the Law on the Government ("Official Gazette of RS ", No. 55/05, 71/05 - correction, 101/07, 65/08, 16/11, 68/12 - CC, 72/12, 7/14 - CC, 44/14 and 30/18 - other law), and in relation to Article 77, paragraph 6 of the Law on Foreigners ("Official Gazette of RS", No. 24/18),

Government issues:

**Regulation on the establishment of the Program for Assisted Voluntary Return of
Foreigners for the period 2019 to 2021**

The Regulation was published in the "Official Gazette of the Republic of Serbia", No. 10/2019 from February 15, 2019, and it came into force on February 23, 2019

Article 1

The following Regulation establishes a Program for Assisted Voluntary Return of Foreigners for the period 2019 to 2021 (hereinafter: the Program), which is printed along with this Regulation and constitutes its integral part.

Article 2

The voluntary return of a foreigner within the context of this Regulation is a voluntary procedure of returning a foreigner to the country of origin or to a country to which a foreigner voluntarily returns and which will accept him.

Assisted voluntary return may be provided to a foreigner who has been granted the deadline for voluntary return by the decision of the competent authority, in accordance with regulations governing the field of asylum and temporary protection, that is, the field of entry, movement, stay and return of foreigners.

Article 3

This Program is implemented by the Commissariat for Refugees and Migration of the Republic of Serbia which may cooperate with the International Organization for Migration (hereinafter: IOM), or another relevant international or non-governmental organization providing humanitarian aid to persons referred to in Article 2, paragraph 2 of this Regulation.

Article 4

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".

No. 110-1225 / 2019

In Belgrade, February 14, 2019

GOVERNMENT

President,

Ana Brnabic, sgd.

PROGRAM FOR ASSISTED VOLUNTARY RETURN OF FOREIGNERS FOR THE PERIOD 2019 TO 2021

I INTRODUCTION

This Program determines the manner of assisting the persons entitled to voluntary return (hereinafter: Beneficiaries) to the country of origin, or a country to which a foreigner voluntarily returns and where he will be accepted (hereinafter: country of return) in accordance with regulations governing the field of asylum and temporary protection, as well as the field of residence and return of foreigners.

Assisted voluntary is provided by the Commissariat for Refugees and Migration of the Republic of Serbia (hereinafter: Commissariat), independently or in cooperation with IOM, or another international or non-governmental organization.

II PROVIDING INFORMATION TO BENEFICIARIES

Providing complete and timely information to beneficiaries about the option of voluntary return is enabled through the production and distribution of informational material in print or in electronic form, in a language which the Beneficiary understands or in a language for which there is a reasonable belief that he/she understands it, as well as through organizing special events intended for informing interested persons about voluntary return program.

Should the Beneficiary express the intention to obtain further information about specific opportunities for assisted voluntary return, he/she will be referred to contact the representatives of the Commissariat for consultations.

III PROVIDING CONSULTANCY TO BENEFICIARIES

Representatives of the Commissariat shall provide consultancy to the Beneficiaries independently, or in cooperation with representatives of IOM, or other international or non-governmental organizations, in Asylum Centers and other facilities where Beneficiaries are provided with temporary collective accommodation, and, if necessary, at the Reception Center for Foreigners, as well as in other appropriate premises.

When providing consultancy to the beneficiary, representatives of the Commissariat shall consider relevant reports on the situation in the country of return, inform the beneficiary of the facts and provide him with clear, precise and objective information relating to his/her individual return process, on the basis of which the Beneficiary will make his/her decision to return, based on facts and complete information. This information may be related to, inter alia, health and education infrastructure in the country of return, as well as on employment opportunities and assistance in reintegration in the country of return.

In cases when Beneficiaries have special medical needs, they will be provided information about the availability of the necessary health services in the country of return during consultancy.

In cases when a legal guardian is appointed to the Beneficiary, consultancy shall be performed in the presence of the guardian. In such cases, decision to return must be confirmed by the guardian.

Consultancy shall be conducted in a language that the Beneficiary understands, through direct communication with representatives of the Commissariat or representatives of the IOM, or other international or non-governmental organizations, if possible. If not, it shall be conducted with the assistance of an interpreter.

Should the consultation procedure require more time than the deadline set for the voluntary return of a foreigner, the Commissariat informs the Ministry of Internal Affairs of the need to extend the deadline for voluntary return until the consultation process is completed.

IV SUBMISSION OF THE VOLUNTARY RETURN APPLICATION FORM AND REGISTRATION

A Beneficiary who opts for voluntary return, after consulting with the Commissariat, may apply for the voluntary return Program. The application for this Program is filled both in Serbian and English. For the Beneficiaries who do not understand these languages, interpreter's assistance shall be provided.

Application form for the voluntary return program is printed together with this Program and therefore constitutes its integral part.

For the purpose of registering beneficiaries, the Commissariat collects and processes the beneficiaries' personal data, taking into account protection of confidential data in accordance with the regulations that govern personal data protection.

Upon receiving the application for the voluntary return program from the Beneficiary, Commissariat shall notify the foreigner whether the conditions for his/her inclusion in the Program have been fulfilled.

In the notification regarding the inclusion of the Beneficiary into the voluntary return Program, the Commissariat shall indicate whether the assisted voluntary return will be provided independently or in cooperation with IOM, or another international or non-governmental organization.

V PREPARATIONS FOR THE VOLUNTARY RETURN OF BENEFICIARIES

While preparations for the organization of voluntary return are taking place, Commissariat shall, independently or in cooperation with the IOM or other international or non-governmental organization, provide the Beneficiary with:

-material conditions for the reception in the Asylum Centers or other facilities intended for temporary collective accommodation. Special attention shall be paid to the gender and age of the Beneficiary, as well as to maintaining the principle of family unity. Unaccompanied minors, as well as persons who are found in a special psycho-physical state (age, disability, etc.) for which Asylum centers or other facilities for temporary collective accommodation are not able to provide adequate accommodation conditions, accommodation in social welfare institutions, with another provider of accommodation services or in another family shall be enabled in cooperation with the centers for social work.

- healthcare in accordance with regulations governing healthcare for foreigners

- access to primary and secondary education in the case of minors

- assistance in obtaining travel documents
- assessment of the Beneficiary's capability pertaining to his/her health condition to travel independently or with a designated travel companion
- assistance in travel arrangements, such as reservation of airline tickets, or organization of travel in other ways

VI PROVISION OF ASSISTANCE FOR VOLUNTARY DEPARTURE OF BENEFICIARIES FROM THE REPUBLIC OF SERBIA

Commissariat, independently or in cooperation with IOM, or another international or non-governmental organization, shall provide departure assistance to the beneficiary, in terms of organizing transportation to the airport and providing airport assistance during the necessary formalities and flight check in.

Prior border crossing at the border checkpoint, the Beneficiary signs a declaration of voluntary departure from the Republic of Serbia both in Serbian and English. A beneficiary who does not understand these languages shall be assisted by an interpreter. The Form of the Declaration of voluntary return is printed together with this Program and thus constitutes its integral part.

VII TREATMENT OF PARTICULARLY VULNERABLE BENEFICIARIES

The Commissariat shall, during the entire process of voluntary return of the particularly vulnerable beneficiaries, bear in mind their specific situation along with their family and health conditions and the best interest of the child.

When engaged in the voluntary return of unaccompanied minors, the principle of protecting the best interest of the child, as well as the principle of family unity shall fully be taken into account. If the unaccompanied minor has an appointed guardian, in order to organize the return it is necessary to obtain a written consent from the guardian stating that return of a minor is safe and in the best interests of the child, as well as the written consent of the family or a person who will resume the care of the minor upon his/her return. Representatives of the Social Service for the protection of children and youth must be involved in the decision-making process of the voluntary return.

When deciding on the voluntary return of the Beneficiary with special medical needs, that is, a beneficiary in a particular medical, psycho-physical state, it is necessary to assess his/her medical condition in cooperation with the health care institution, before deciding whether such a person may be included in the voluntary return Program. If the Beneficiary has been deprived of his/her legal capacity due to a health condition, and he/she has been appointed a guardian, it is necessary to obtain written consent from the guardian in order to organize voluntary return. Prior to possible exchange of confidential medical information in the process of organizing the return, it is necessary to obtain consent of the Beneficiary.

In the process of voluntary return, the Commissariat shall pay special attention to other vulnerable categories, such as elderly, women who travel alone, pregnant women or families with children.

VIII IMPLEMENTATION

This Regulation shall be implemented in cooperation with IOM, or another international or non-governmental organization through a joint project financed with a designated contribution or with direct support from the Commissariat for Refugees and Migration of the Republic of Serbia to the Beneficiaries.

Funds for the implementation of the Program for assisted voluntary return of foreigners, determined by this Regulation in 2019, are provided by the Law on the Budget of the Republic of Serbia for 2019 ("Official Gazette of RS", number 95/18) for allocation to 48 - Commissariat for Refugees and Migration, Program 1001 - Improvement and protection of human and minority rights and freedoms, Program Activity 0013 - Support for Forced Migrants and Improvement of the migration management system, function 070 - social assistance to vulnerable populations unclassified elsewhere, source 01 - revenues from the budget, appropriation economic classification 462 - grants to international organizations in the name of designated contribution to the International Organization for Migration, another international or non-governmental organization.

Funds for 2020 and 2021 are included in the priority areas of financing for that period within the limits set by the Ministry of Finance regarding the financing of the Commissariat for Refugees and Migration and in accordance with the Proposal of the Financial Plan for Program Activity 0013 - Support for Forced Migrants and Improvement of the migration management system.

**МОЛБА ЗА УКЉУЧИВАЊЕ У ПРОГРАМ ДОБРОВОЉНОГ
ПОВРАТКА
VOLUNTARY RETURN APPLICATION FORM**

Број молбе / *Application number* _____

Датум и место подношења молбе / *Date and place of the submission of the application*

Име и презиме
Name and surname

Датум и место рођења
Date and place of birth

Држављанство
Nationality

Земља повратка
Destination country

Ја, доле потписан/а, се пријављујем за учешће у програму добровољног повратка Комесаријата за избеглице и миграције Републике Србије, ради повратка у моју државу порекла, односно државу у коју се добровољно враћам и у којој ћу бити прихваћен/а. / *I (the undersigned) am submitting the application for voluntary return to the Commissariat for Refugees and Migration of the Republic of Serbia, for the purpose of return to my country of origin, or to the country to which I return voluntarily and where I will be accepted.*

Потписом ове молбе потврђујем следеће: / *By signing this application form, I am confirming the following:*

- Да је моја одлука да се вратим у државу порекла, односно државу у коју се добровољно враћам и у којој ћу бити прихваћен/а донета на добровољној основи; / *That my decision to return to the country of origin, or to the country to which I return voluntarily and where I will be accepted is made on a voluntary basis;*
- Да су информације пружене у овој молби, по мојим сазнањима, тачне и истините и да разумем да пружање лажних информација у овој молби може за последицу имати укидање помоћи од стране Комесаријата за избеглице и миграције РС; / *The information provided in this application form is correct and true to the best of my knowledge and that I understand that providing false information in this application form may result in termination of assistance by the Commissariat for Refugees and Migration of the Republic of Serbia.*
- Да сам слободне воље и добровољно потписао/ла ову молбу. / *That I signed this application form on my own free will and on a voluntary basis.*

Потпис лица које се пријављује / *Signature of the applicant*

Потпис старатеља (ако је потребно) / *Signature of the legal guardian (if applicable)*

Потпис представника Комесаријата за избеглице и миграције РС / *Signature of the representative of the Commissariat for Refugees and Migration of the Republic of Serbia*

ИЗЈАВА О ДОБРОВОЉНОМ ОДЛАСКУ
STATEMENT ON VOLUNTARY DEPARTURE

Име и презиме <i>Name and surname</i>	Датум и место рођења <i>Date and place of birth</i>	Држављанство <i>Nationality</i>	Земља повратка <i>Destination country</i>
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Ја, доле потписан/а, корисник програма добровољног повратка Комесаријата за избеглице и миграције Републике Србије, потписом ове изјаве потврђујем да добровољно одлазим из Републике Србије у своју државу порекла, односно у државу у коју се добровољно враћам и у којој ћу бити прихваћен/а.

I (the undersigned), beneficiary of the voluntary return programme of the Commissariat for Refugees and Migration of the Republic of Serbia, by signing this statement, confirm that I am voluntarily leaving the Republic of Serbia to my country of origin, or to the country to which I return voluntarily and where I will be accepted.

Потпис корисника програма добровољног повратка / *Signature of the beneficiary of the voluntary return programme*

Потпис старатеља (ако је потребно) / *Signature of the legal guardian (if applicable)*

Потпис представника Комесаријата за избеглице и миграције РС / *Signature of the representative of the Commissariat for Refugees and Migration of the Republic of Serbia*
