

LABOUR RIGHTS OF VULNERABLE FOREIGN NATIONALS IN SERBIA AND BOSNIA AND HERZEGOVINA: A COMPARATIVE PERSPECTIVE



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Summary

This study presents a comparative legal analysis of access to labour rights for vulnerable foreign nationals in Bosnia and Herzegovina (hereinafter: BiH) and the Republic of Serbia, with a focus on specific categories such as asylum seekers, refugees, victims of human trafficking, migrant women, and migrants with irregular status. Grounded in international standards—including the relevant conventions of the International Labour Organization (Nos. 97 and 143), the International Covenant on Economic, Social and Cultural Rights, and the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families—the study examines in detail the legislative frameworks, institutional actors, and practices in both countries. In BiH, the regulatory regime for the employment of foreigners is normatively fragmented across different levels of government, which complicates implementation and creates legal uncertainty. In contrast, Serbia has established a centralized system that has been significantly improved in recent years through the adoption of the Law on Foreigners and the Law on Employment of Foreigners, as well as the introduction of a unified residence and work permit. In both countries, certain categories of vulnerable foreigners have formal access to the labour market—for instance, refugees may work without a specific work permit, while asylum seekers gain this right after a legally prescribed waiting period. Nevertheless, practical realities reveal numerous systemic barriers: slow and complex administrative procedures, lack of accessible information, language barriers, institutional inconsistencies, and widespread informal employment. Faced with an increased inflow of foreign labour, Serbia has shown a tendency towards regulatory liberalisation and procedural efficiency. Although BiH has ratified most of the key international instruments, it continues to face challenges in ensuring horizontal and vertical coordination among competent institutions.

The study concludes that further legislative and institutional reforms are necessary to ensure the effective and non-discriminatory exercise of labour rights by vulnerable foreign nationals. Particular emphasis is placed on the need to develop sustainable mechanisms for protection against exploitation and social exclusion.

Keywords: labour rights, vulnerable foreign nationals, refugees, asylum seekers, victims of human trafficking, undocumented migrants, Bosnia and Herzegovina, Serbia, employment of foreigners, international standards, legislation, comparative analysis.

Introduction

Migration flows along the Western Balkan route—with particular attention to Bosnia and Herzegovina (BiH) and the Republic of Serbia—have shown a steady increase in recent years, as a direct consequence of complex geopolitical, economic, and social circumstances at both regional and global levels. Although these two countries are often perceived as transit destinations, they are increasingly assuming the role of final destination for certain categories of migrants. In this context, legislative, administrative, and judicial systems face significant challenges in establishing functional and sustainable mechanisms for regulating the residence and legal status of foreign nationals, especially those at heightened risk of social exclusion. This study employs the term *"vulnerable foreign nationals"* to refer to individuals granted international protection (refugees), asylum seekers, victims of human trafficking, undocumented migrants, and other particularly at-risk groups—including migrant women and unaccompanied minors. The analysis focuses on these groups' access to economic and social rights, with particular emphasis on opportunities for lawful labour market participation, the exercise of employment-related rights, and access to social security systems.

The possibility of accessing lawful employment holds multifaceted significance—not only as a fundamental human right, but also as a prerequisite for economic independence, social inclusion, and the preservation of migrants' personal dignity. At the same time, legal employment functions as an effective mechanism for preventing labour exploitation, informal work, and long-term marginalisation. However, despite the existence of legal frameworks that allow access to the labour market, a significant number of foreign nationals—especially those belonging to vulnerable categories—remain effectively excluded from formal employment. The underlying causes include complex administrative procedures, language barriers, a lack of institutional coordination, and limited capacity of competent authorities.

According to official data from the Agency for Labour and Employment of Bosnia and Herzegovina, a total of 2,449 work permits were issued to foreign nationals in 2023. Although there was a noticeable increase in the number of applications in 2024, a substantial proportion of foreign nationals remain employed in the informal sector, further highlighting institutional weaknesses and the need to reform the permit issuance system and integration support mechanisms.¹ In contrast, Serbia issued

¹ The Ministry of Civil Affairs of Bosnia and Herzegovina: *Adopted Report on Annual Quotas for Work Permits for Foreigners for the Previous Year – Growing Demand for Foreign Labour.*

over 52,000 work permits during the same period—an increase of approximately 70% compared to the previous year.² These figures illustrate divergent approaches: while Serbia is increasingly opening its labour market to foreign workers to address sectoral labour shortages, BiH still predominantly perceives migration as a temporary phenomenon, with slow institutional adaptation to actual migration trends.

The introductory section of this study aims to establish a clear analytical framework for examining the legal and institutional dimensions of labour rights enforcement for vulnerable foreign nationals in BiH and Serbia. The text analyses relevant international legal standards, fundamental concepts, and the specific context of the Western Balkan migration route. Special emphasis is placed on national legislative frameworks, institutional structures, and prevailing practices that significantly shape access to the labour market for foreign nationals. Through a comparative approach, the study identifies key similarities and differences between the two systems, providing the foundation for formulating targeted recommendations aimed at improving legislation and institutional coordination in this field.

1. Methodology

1.1. Identification and Selection of Participants

This study is based on qualitative research. Following an initial phase, a review of available secondary sources was conducted, including the relevant national legal frameworks, international human rights standards, needs assessments, and reports published by national and international organisations. This was followed by a series of in-depth individual interviews with members of vulnerable categories of foreign nationals in Serbia and Bosnia and Herzegovina, carried out between March and June 2025.

The qualitative approach allowed for a deeper understanding of how the existing legal framework and its practical implementation affect the realisation of labour rights for individuals seeking asylum, those granted

Available: <https://mcp.gov.ba/Publication/Read/usvojen-izvjestaj-o-godinjim-kvotama-za-radne-dozvole-strancima-za-prolu-godinu-raste-potreba-za?lang=hr> (accessed 11 April 2025.)

² IOM Serbia – Regular migration is a significant opportunity for the region: Work permits issued to foreigners in the Western Balkans have increased by 74% Available <https://serbia.iom.int/sr/news/regularne-migracije-veliki-potencijal-regiona-na-zapadnom-balkanu-broj-radnih-dozvola-strancima-porastao-za-74#:~:text=Regularne%20migracije%20veliki%20potencijal%20regiona%3A,u%20pore%20C4%91enju%20sa> (accessed 11 April 2025)

Also see: Bloomberg Adria, *Number of foreigner workers in Serbia increased 50%, Russians have overtaken Turks*, Available: <https://rs.bloombergadria.com/ekonomija/srbija/53765/strani-radnici-52000-dozvola-za-rad-u-srbiji-rusi-pretekliturke/news#:~:text=Strani%20radnici%3A%2052,pristi%20C5%BEu%20radnici%20iz%20azijskog%20podru%20C4%8Dja> (accessed on 11 April 2025)

international protection (refugee, subsidiary, or temporary status), as well as persons with humanitarian residence. The analysis involved comparing interview findings with existing relevant literature. In addition to interviews with foreign nationals, discussions were held with representatives of competent institutions, international organisations, civil society organisations, and employers who hire members of vulnerable foreign national groups in Serbia and Bosnia and Herzegovina.

In the Republic of Serbia, the research was conducted in Belgrade. Primary data were collected through interviews with five (5) respondents belonging to vulnerable categories of foreign nationals. The respondents were exclusively foreign nationals belonging to vulnerable categories who attained employment through the support of programs implemented by UNHCR and civil society organizations. The sample was designed to include individuals of diverse legal statuses, countries of origin, and professional backgrounds, in order to provide a broad overview of the challenges they face in accessing the labour market. In addition to ethnic and geographic diversity, attention was paid to ensuring representation across gender, age, and educational backgrounds. The gender composition of the sample included four (4) men and one (1) woman (see Chart 1), with one male respondent identifying as a person with a disability. The participants came from Cameroon, Afghanistan, Burundi, Kurdistan (Iraq), and Niger. Regarding their legal status in the Republic of Serbia, three (3) respondents had been granted refugee status (asylum), one held subsidiary protection status, and one was in the process of seeking asylum (see Chart 2).

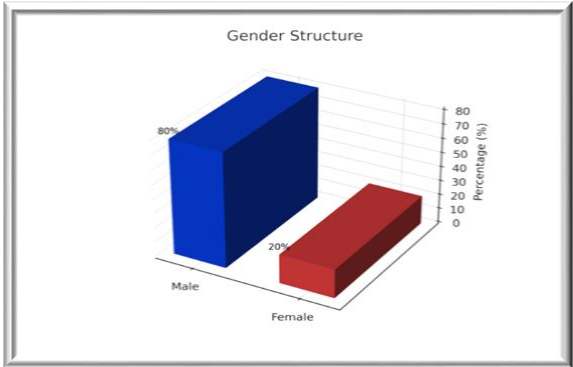


Chart 1

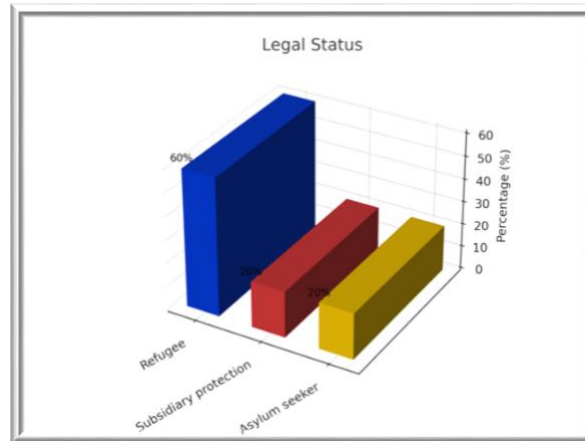


Chart 2

Regarding the educational background of the respondents, the analysis shows that the majority (3 respondents) of individuals from vulnerable foreign national groups had completed secondary education. One respondent held a higher education degree (bachelor's level), while one respondent had not completed secondary school (see Chart 3). The age structure of the respondents ranged from 20 to 41 years, offering insight into the challenges faced by both younger and middle-aged individuals within the target population (see Chart 4).

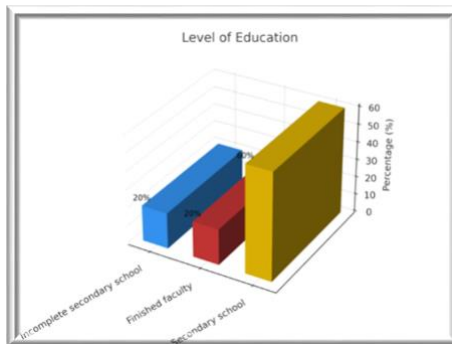


Chart 3

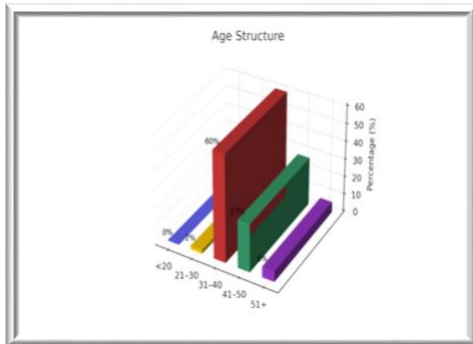


Chart 4

The employment structure among the respondents indicates that all were engaged under fixed-term employment contracts, primarily in the service sector, civil society organisations, retail, and data analysis positions.

In order to gain a deeper understanding of institutional practices and challenges in the realisation of labour rights for vulnerable foreign

nationals, semi-structured interviews (or written responses to the same set of questions) were conducted with representatives of relevant institutions in the Republic of Serbia. These included: the Ministry of Labour, Employment, Veteran and Social Affairs; the Ministry of the Interior; the Commissariat for Refugees and Migration of the Republic of Serbia; the Commissioner for the Protection of Equality; the National Employment Service; the Republic Agency for the Peaceful Settlement of Labour Disputes; and the Central Registry of Compulsory Social Insurance. In parallel, interviews were also held with representatives of international organisations, including the United Nations High Commissioner for Refugees (UNHCR), the International Labour Organization (ILO), and the International Organization for Migration (IOM). In addition, key informants included representatives of civil society organisations focused on the protection of migrants' and refugees' rights: ASTRA, Atina, the Belgrade Centre for Human Rights, Women on the Way (a social enterprise), IDEAS, the Centre for Crisis Policy and Response, as well as the Serbian Employers' Union. Finally, interviews were also conducted with representatives of private companies that employ individuals from vulnerable foreign national groups—specifically, Alumil and IKEA.

In Bosnia and Herzegovina, the research was conducted in the city of Bihać (Una-Sana Canton), and primary data were collected through interviews with three (3) respondents belonging to vulnerable foreign national groups. The sample was designed to include individuals from different countries of origin and with varied professional backgrounds, in order to provide a broad understanding of the challenges they face in accessing the labour market. In addition to ethnic and geographic diversity, attention was also paid to the inclusion of individuals from different age groups.

The gender composition of the sample included three (3) male respondents (see Chart 5). The respondents came from India, Iran, and the Democratic Republic of the Congo. Regarding their legal status in Bosnia and Herzegovina, all three (3) participants were in the process of seeking asylum (see Chart 6).

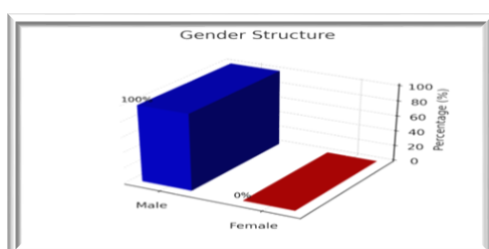


Chart 5

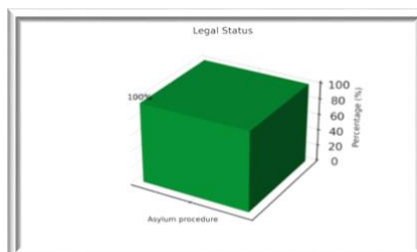


Chart 6

Regarding the level of education, the analysis shows that the respondents from vulnerable foreign national groups had completed secondary education (see Chart 7). The age range of respondents was between 25 and 40 years, providing insight into the challenges faced by different age groups within the target population (see Chart 8).

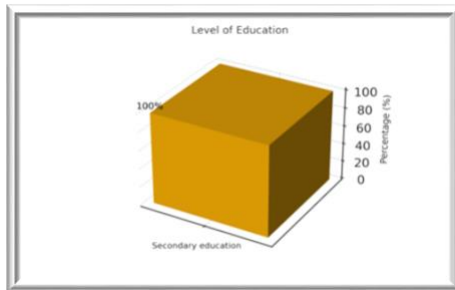


Chart 7

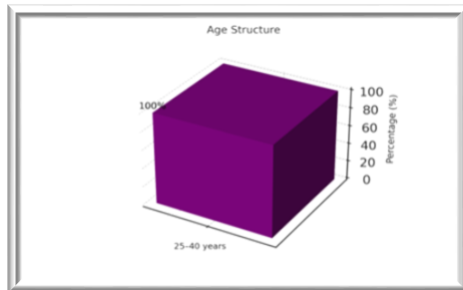


Chart 8

The employment structure among the respondents indicates that all were engaged under fixed-term employment contracts, primarily in the service sector.

To gain deeper insight into institutional practices and the challenges in realising the labour rights of vulnerable foreign nationals, semi-structured interviews (or written responses to equivalent questions) were conducted with representatives of relevant institutions in Bosnia and Herzegovina. These included: the Ministry for Human Rights and Refugees; the Labour and Employment Agency of Bosnia and Herzegovina; the Service for Foreigners' Affairs; the Public Employment Service of the Una-Sana Canton (USC); the Employment Service of the Herzegovina-Neretva Canton (HNC); and the Employment Service of the Zenica-Doboj Canton (ZDC).

In parallel, interviews were conducted with representatives of international organisations, including the United Nations High Commissioner for Refugees (UNHCR) and Catholic Relief Services (CRS). Key informants also included representatives of associations and civil society organisations engaged, among other things, in the protection of migrant and refugee rights: the Association "Vaša prava BiH", the LAN Association in Bihać (USC), and the Center for Sustainable Development (COR) Bihać.

Finally, interviews were conducted with representatives of private employers who hire members of vulnerable foreign national groups—

namely, the companies Opal-Commerce d.o.o. and Riz-Krajina d.o.o., both based in the city of Bihać (BiH).

1.2. Limitations

Several methodological and practical limitations were identified during the course of this research. One of the key limitations concerns the composition of the research sample. Specifically, the respondents were exclusively foreign nationals from vulnerable groups who gained employment with the support of programmes implemented by UNHCR and civil society organisations. Consequently, the findings do not include the experiences of individuals who secured employment independently, without institutional or organisational support—potentially omitting an important segment of insight into the barriers and strategies for accessing the labour market.

In addition, the research highlighted institutional limitations regarding the role of trade unions. Within the scope of their mandate, trade unions primarily focus on the protection of the rights of the domestic workforce, while the rights of foreign workers are generally not recognised as part of their priorities or remit. This reflects a normative and practical gap in the scope of trade union protection for foreign nationals. It is also important to note that the institution of the Ombudsman (Protector of Citizens) in Serbia has, to date, not recorded any formal complaints submitted by vulnerable foreign nationals. This may point to the limited visibility of the institution within migrant communities, as well as a possible lack of trust or access to relevant information.

Therefore, the identified challenges are neither exhaustive nor universally applicable across all contexts. The findings may vary significantly depending on geographical location, the level of institutional support, and the specific circumstances of vulnerable migrants not currently covered by support programmes.

2. International Standards and Conceptual Framework

Labour rights of migrants—particularly those in vulnerable situations—are increasingly at the centre of legal, political, and social discussions at both international and national levels. In the contemporary context of global migration, states face the challenge of aligning their national legislation with international obligations stemming from applicable human rights and decent work standards. Of particular concern is the issue of access to the labour market and the exercise of employment-related rights by individuals

who do not hold the citizenship of their country of residence and who—due to their specific circumstances and characteristics—may be considered especially vulnerable.

The purpose of this chapter is to establish the foundation for understanding the legal framework that recognises the right to work as a universal human right, and to clarify key concepts relevant to the analysis of the status of vulnerable foreign nationals in Bosnia and Herzegovina and the Republic of Serbia.

Section 1.1 examines international standards—including universal, regional, and sector-specific instruments—that define the fundamental labour and employment rights of migrants. Particular attention is given to legal obligations arising from membership in the United Nations (UN), the International Labour Organization (ILO), the Council of Europe, as well as from the European integration process. Section 1.2 elaborates the conceptual framework used to define categories of vulnerable foreign nationals, while identifying key barriers they face in exercising the right to work. This analysis, grounded in an integrative approach that combines legal and socio-economic dimensions, serves as the basis for the comparative examination of domestic legal solutions and their implementation in practice.

2.1. International Standards

The right to work is one of the fundamental human rights, clearly recognised within the modern international legal framework. This right is explicitly codified in Article 6 of the *International Covenant on Economic, Social and Cultural Rights* (ICESCR), which obliges States Parties to recognise the right of every individual to gain their living by work that they freely choose or accept, and to take appropriate steps to ensure the full realisation of that right.³ The right to work encompasses access to employment under fair and equitable conditions, as well as protection from forced and exploitative labour. Its realisation must be guaranteed without unjustified discrimination, including on the grounds of nationality or migration status, insofar as this is consistent with principles of legitimate public interest, legal certainty, and proportionality.

Although the *European Convention on Human Rights* (ECHR) does not contain an explicit provision on the right to work, the *European Court of Human Rights* (ECtHR) has affirmed the possibility of indirect protection

³ UN, *International Covenant on Economic, Social and Cultural Rights*, 993 UNTS 3, entered into force on 3 January 1976.

of labour rights through its case law. Such protection is realised through guarantees such as the right to a fair trial (Article 6), the right to respect for private and family life (Article 8), and the prohibition of discrimination (Article 14). This approach reflects an increasingly expansive interpretation of labour rights within the broader framework of fundamental human freedoms, underscoring the growing relevance of the right to work in the European legal space.

Bosnia and Herzegovina and Serbia are signatories to the *1951 Convention Relating to the Status of Refugees* and its *1967 Protocol*. In accordance with Articles 17 to 19 of the Convention, States Parties are obligated to grant refugees access to the labour market under conditions as similar as possible to those enjoyed by nationals. Based on these international obligations, both countries have incorporated legal provisions into their national legislation to ensure equality between refugees and nationals—or foreign nationals with permanent residence status—with regard to the right to work. For example, Article 17 of the *Law on the Employment of Foreigners* in the Federation of Bosnia and Herzegovina (FBiH) stipulates that: “Foreigners with approved permanent residence, international protection or temporary protection have the right to work to the same extent as citizens of Bosnia and Herzegovina.” A similar provision is found in Serbia’s *Law on Asylum and Temporary Protection*, which guarantees the right to work to individuals granted asylum without any form of discrimination. In addition, asylum seekers in Serbia acquire the right to work upon the expiry of a legally prescribed waiting period, further affirming the state’s commitment to fundamental international human rights standards.

Within the framework of the International Labour Organization (ILO), specific standards have been developed for the protection of migrant workers. Bosnia and Herzegovina stands out as a country that has ratified two core ILO conventions: Convention No. 97 on Migration for Employment (1949) and Convention No. 143 on Migrant Workers (Supplementary Provisions) (1975). In addition, in 1996, Bosnia and Herzegovina acceded to the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* (ICRMW), adopted by the United Nations, which entered into force in 2003.⁴ Convention No. 97 establishes standards related to the fair treatment of migrant workers in terms of working conditions, remuneration, social security, and equal treatment. Convention No. 143 expands

⁴ See: UN Treaty Collection, Status of Treaties – *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*, available at: <https://treaties.un.org/pages/showdetails.aspx?objid=080000028004b0a9&clang=en> (accessed on 14 May 2025).

protection to include migrants in irregular situations, emphasising the need for equal access to labour rights and measures to combat exploitation. The ICRMW, as a comprehensive UN instrument, further guarantees the protection of the rights of all migrant workers and members of their families, regardless of legal status. It provides internationally recognised standards relating to employment, family unity, health care, and legal security.

Thus, Bosnia and Herzegovina has ratified three key international instruments concerning the rights of migrant workers.⁵ Convention No. 97 on Migration for Employment was ratified on 2 June 1993. It establishes fundamental standards for the treatment of migrant workers, including the principles of equal treatment in terms of wages, working conditions, and social protection.⁶ Convention No. 143 on Migrant Workers (Supplementary Provisions) (1975) was also ratified on 2 June 1993. It focuses on the protection of the rights of all migrant workers, including those in irregular situations, and promotes equal treatment and opportunities for all.⁷

Bosnia and Herzegovina acceded to the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* (ICRMW, 1990) on 13 December 1996, and the Convention entered into force on 1 July 2003. Adopted by the United Nations General Assembly, this Convention provides a comprehensive framework for the protection of the rights of migrant workers and their families, irrespective of their migration status.⁸ By ratifying these key international instruments, Bosnia and Herzegovina has demonstrated its commitment to the protection of migrant workers' rights and to aligning with international labour and migration standards. This commitment is particularly important given the complex challenges that migration poses in contemporary society.

Like Bosnia and Herzegovina, Serbia is bound by specific provisions of international conventions in the fields of labour and migration. It has inherited the ratifications of certain International Labour Organization (ILO) standards from the former Yugoslavia, including Convention No. 143 on migrant workers in irregular situations. However, unlike Bosnia and Herzegovina, Serbia has not ratified the *International Convention on the*

⁵ OSCE, *I. International Legal Framework for the Protection of Migrant Workers*.

See: <https://www.osce.org/files/f/documents/b/a/19246.pdf> (accessed on 16 May 2025)

⁶ See: ILO, *Ratifications for Bosnia and Herzegovina*,

https://normlex.ilo.org/dyn/nrmlx_en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:102704

(accessed on 18 May 2025).

⁷ Ibid.

⁸ See: United Nations Treaty Collection, available at: <https://treaties.un.org/> (accessed on 16 June 2025).

Protection of the Rights of All Migrant Workers and Members of Their Families adopted by the United Nations (UN).

Both countries are members of the International Labour Organization (ILO) and, as such, are obliged to respect the core labour standards, including conventions prohibiting forced labour. This commits them to establishing mechanisms for the prevention and suppression of forced labour among migrants, as well as trafficking in human beings for the purpose of labour exploitation.

Serbia has ratified ILO *Convention No. 143* (1975) on Migrant Workers (Supplementary Provisions), which emphasises the protection of the rights of migrant workers, including those without regular status, and promotes equal treatment and opportunities for all workers. This Convention entered into force on 9 December 1978.⁹ Serbia has also ratified ILO *Convention No. 97* (1949) on Migration for Employment, which establishes key standards for the treatment of migrants in the context of employment, including the principles of equality in wages, working conditions, and access to social protection systems—with a reservation excluding the application of Annex III.

At the regional level, both Bosnia and Herzegovina and Serbia have ratified the *Revised European Social Charter* of the Council of Europe—Bosnia and Herzegovina in 2008, and Serbia in 2009. Article 18 of the Charter guarantees the right of nationals of signatory states to seek employment in other member states under simplified administrative procedures. Article 19 further ensures the protection of the rights of migrant workers and their families, including the right to family reunification, equal treatment in employment, and access to social protection.

Of particular importance is the *Council of Europe Convention on Action against Trafficking in Human Beings* (CETS No. 197), ratified by both countries. This Convention obliges States Parties to provide comprehensive support to victims of trafficking, including the possibility of regularising their residence status and enabling access to the labour market as part of rehabilitation and reintegration measures.

Both Bosnia and Herzegovina and Serbia are also parties to the *UN Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW, 1979), through which they have committed to taking

⁹ See: ILO, *Ratifications for Serbia*, at https://normlex.ilo.org/dyn/nrmlx_en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:102839 (accessed on 18 June 2025).

appropriate measures to eliminate gender-based discrimination, including in the context of employment and migration.

As part of their path toward European Union (EU) membership, Bosnia and Herzegovina and Serbia have committed to gradually harmonising their national legislation with the EU *acquis communautaire*. Among the relevant instruments is the *Reception Conditions Directive*, which obliges EU member states to grant asylum seekers access to the labour market no later than nine (9) months after lodging an application for international protection. In addition, the EU legal framework includes a number of directives related to the “Blue Card” for highly qualified workers, seasonal workers, victims of human trafficking, and holders of single residence and work permits. Through the EU accession process and legislative harmonisation, these norms are gradually being integrated into the legal systems of Serbia and Bosnia and Herzegovina, contributing to the development of a more inclusive and legally secure environment for the protection of migrants’ rights.

2.2. Conceptual Framework – Defining Vulnerable Foreign Nationals and Labour Rights

In this study, the term “*vulnerable groups of foreign nationals*” refers to specific categories of non-citizens who, due to their legal status, social position, or personal circumstances, face significant obstacles in exercising their labour rights. The following groups are identified:

a) Refugees – individuals who have been granted refugee status or subsidiary protection in accordance with applicable legislation. This category enjoys almost equal legal treatment as nationals, including the right to work, access to the labour market, education, and social protection.

b) Asylum seekers – individuals who have submitted an application for international protection and are awaiting a decision. During this period, their access to employment is limited; however, the legal frameworks in Bosnia and Herzegovina and Serbia allow for employment after a certain period—specifically, nine (9) months in BiH and six (6) months in Serbia—in line with European standards.

c) Victims of human trafficking – foreign nationals identified as victims of this criminal offence. This group is typically granted temporary residence, safe accommodation, psychosocial and legal assistance, and access to rehabilitation and reintegration programmes, including labour (re)socialisation measures and employment support.

d) Undocumented migrants – individuals without a valid legal basis for residence in the country, whether due to irregular entry or the expiry of their residence permit. This group is highly vulnerable to labour exploitation, forced labour, and involvement in the informal economy, as they are formally excluded from legal protection mechanisms and access to lawful employment.

e) Migrant women – although not a legally homogenous category, women in migration processes are frequently exposed to multiple forms of discrimination. The challenges they face include limited access to formal employment, overrepresentation in the informal sector, lack of institutional childcare support, and an increased risk of gender-based violence—including forced prostitution and domestic servitude. Of particular concern is the general underrepresentation of women in the labour markets of BiH and Serbia, which further deepens the vulnerability of migrant women.

The concept of “*access to labour rights*” in this study goes beyond the mere formal entitlement to employment (e.g. through a work permit or employment contract). In line with the *Decent Work* agenda promoted by the International Labour Organization (ILO), the emphasis is placed on the actual, effective enjoyment of employment-related rights: workplace safety and protection, fair and regular remuneration, access to health and pension insurance, the possibility of trade union membership, and the right to protection from all forms of abuse and exploitation.

The remainder of this study will provide a detailed analysis of how the legal systems of Bosnia and Herzegovina and the Republic of Serbia regulate employment for vulnerable categories of foreign nationals, which institutions are responsible for implementing relevant provisions, and to what extent existing mechanisms enable these individuals to exercise their rights in practice. Special attention will be devoted to identifying legal gaps, institutional challenges, and examples of good practice, with the aim of improving access to decent work for all migrants, regardless of their legal status.

3. The Western Balkan Route

The Western Balkan migration route has emerged as one of the key corridors for international migration toward the territory of the European Union. This route includes a series of transit countries—namely Greece, Bulgaria, North Macedonia, Serbia, Bosnia and Herzegovina, and Montenegro—leading onward to the EU’s external borders, most commonly through Croatia and Hungary. Following restored border

checks on the so-called “Balkan Route” in March 2016, prompted by stricter border policies and bilateral readmission agreements, notable shifts in migration patterns occurred. An increasing number of migrants began to remain within the territory of the region, with Bosnia and Herzegovina and Serbia gradually taking on the character of a “buffer zone” between countries of origin and the EU area. Since 2018, Bosnia and Herzegovina has faced sustained migratory pressure. The majority of migrants remain temporarily, primarily in the Una-Sana Canton (USC) and Sarajevo Canton. During periods of increased migration flows, the capacity of temporary reception centres has reached several thousand individuals, mostly originating from the Middle East, South Asia, and Africa. According to available data, most of these individuals do not express an intention to stay in BiH permanently, which directly affects their low level of integration and limited interest in formal employment. Instead, many rely on humanitarian assistance or resort to informal economic activities, exposing them to heightened risks of exploitation and labour abuse. A similar dynamic is present in Serbia, which has served as a significant transit point in the broader migration crisis since 2012. Changes in migration policies in neighbouring countries, along with restored border checks, which allowed people to transit only to approved border crossing points have led to an increasing number of migrants staying longer in Serbia—either while waiting to continue their journey or by initiating procedures for obtaining international protection. In the absence of formal employment opportunities, many migrants turn to the informal economy, making them particularly vulnerable to forced labour, labour rights violations, and human trafficking. While some progress has been made in recent years with regard to administrative protection mechanisms, structural barriers continue to limit the full labour inclusion of vulnerable foreign nationals in both countries.

According to data published by Frontex and the International Organization for Migration (IOM), a moderate decline in the number of irregular border crossings along the Western Balkan route was recorded in 2023. This trend can be partially attributed to increased border controls, as well as the implementation of bilateral readmission agreements between countries in the region.¹⁰

Despite this trend, migratory pressure remains significant: in the first nine (9) months of 2024 alone, more than 20,000 new arrivals were registered

¹⁰ Frontex, *Migratory Routes*, available at: <https://www.frontex.europa.eu/what-we-do/monitoring-and-risk-analysis/migratory-routes/migratory-routes/> (accessed on 5 June.2025).

along this route.¹¹ Migrants continue to be predominantly nationals of Syria, Afghanistan, Pakistan, Morocco, and other countries affected by prolonged armed conflicts, political instability, and severe socio-economic challenges.

In response to current migration challenges, countries in the region—including Bosnia and Herzegovina and Serbia—are intensifying mutual cooperation through regional initiatives such as the *Western Balkans Six (WB6) Migration Agenda* and the *Regional Cooperation Council (RCC)*. These platforms promote a coordinated approach to migration governance, with particular emphasis on ensuring access to basic social and economic rights for migrants. In this context, the European Union provides continuous financial and technical support through the *Instrument for Pre-accession Assistance (IPA)* and through targeted projects aimed at strengthening the institutional capacities of states to develop sustainable, human rights-based, and inclusive migration policies.

International organisations such as UNHCR, IOM, GIZ, and USAID play a key role in supporting the implementation of migration policies in the region. Their activities encompass a wide range of measures, including the identification of victims of human trafficking, support in the development and implementation of migration management strategies, and the creation of socio-economic integration programmes for vulnerable categories of migrants. For example, UNHCR in both BiH and Serbia implements initiatives focused on vocational training and employment for individuals under international protection. At the same time, IOM in BiH provides technical assistance to domestic institutions to strengthen institutional capacities and establish sustainable mechanisms for the reintegration of individuals at heightened risk of exploitation.

Within the framework of this study, the Western Balkan route is not viewed solely as a geographic corridor of migration, but also as a normative and political context that shapes national policies toward foreign nationals. Given that Bosnia and Herzegovina and Serbia are, in most cases, not final destinations but rather transit or temporary host countries, institutional focus has remained primarily oriented toward managing the urgent and crisis-related aspects of migration. The dimension of long-term integration—including labour market integration—remains underdeveloped, particularly in BiH. Nevertheless, it is important to highlight that Serbia has made significant progress over the past decade

¹¹ Frontex, *Migratory Routes*, available at: <https://www.frontex.europa.eu/what-we-do/monitoring-and-risk-analysis/migratory-routes/migratory-routes/> (accessed on 6 June 2025).

in the area of integration policy, especially with regard to access to education, the labour market, and healthcare services for persons under international protection. However, challenges remain in the full implementation of existing policies and in achieving institutional coordination, both of which hinder the establishment of a comprehensive and sustainable integration system. Given that a portion of the migrant population—particularly asylum seekers and individuals granted international protection—remain in these countries for extended periods or express an intention to settle permanently, access to legal employment and the exercise of labour rights becomes crucial. This not only ensures a dignified life and economic independence but also reduces dependency on humanitarian aid and provides protection against exploitation. It is therefore essential to establish functional, inclusive, and well-coordinated inter-institutional mechanisms that will enable the effective enjoyment of labour and social security rights.

The following chapters of this study provide an in-depth analysis of legislative frameworks, institutional practices, and international obligations of Bosnia and Herzegovina and Serbia, with a particular focus on how the right to work for vulnerable categories of foreign nationals is regulated in the contemporary migration context.

4. Labour Rights of Vulnerable Foreign Nationals in Bosnia and Herzegovina

4.1. Legislation and Procedures in Bosnia and Herzegovina

The regulation of employment for foreign nationals in Bosnia and Herzegovina (BiH) operates within a complex normative system shaped by the country's unique constitutional and political structure. There is no single, comprehensive law at the state level governing the labour rights of foreign nationals. Instead, the applicable legal framework consists of entity-level laws, regulations of the Brčko District of BiH, and state-level legislation pertaining to residence and international protection. This multilayered legal architecture frequently results in the fragmentation of norms and inconsistent institutional practices, which in practice complicates the exercise of the right to work for foreign nationals. The lack of harmonisation among different administrative levels further complicates employment procedures, particularly for individuals belonging to vulnerable categories.

4.1.1. Relevant Legislative Framework

- a) The employment of foreign nationals in Bosnia and Herzegovina is governed by a multi-layered normative system, encompassing legislation at the entity level, state level, and the level of the Brčko District. The main relevant legal acts include:
- b) *Law on the Employment of Foreigners of the Federation of Bosnia and Herzegovina* ("Official Gazette of FBiH", No. 111/12) – This law defines the conditions, procedures, and modalities for the employment of foreign nationals and stateless persons within the territory of the Federation of BiH. It prescribes the obligation to obtain a work permit, outlines exceptions to this requirement, regulates the termination of permits, the maintenance of employment records, and determines the competences of institutions involved in the process.
- c) *Law on the Employment of Foreign Nationals and Stateless Persons of the Republic of Srpska* ("Official Gazette of RS", Nos. 24/09, 101/16, et al.) – This law contains substantively similar provisions, with procedural differences resulting from the specific institutional structure of this entity.
- d) *Law on the Employment of Foreigners in the Brčko District of BiH* ("Official Gazette of BD BiH", Nos. 15/09, 19/09, and 20/10) – This law applies to the territory of the District and reflects its specific administrative status as an autonomous unit of local self-government. The regulations are harmonised with the District's unique constitutional and legal position.
- e) *Law on Foreigners of Bosnia and Herzegovina* ("Official Gazette of BiH", Nos. 88/15, 34/21, and 63/23) – This is the key legal instrument for regulating entry, stay, visa regimes, and the approval of temporary and permanent residence of foreign nationals. Although it does not directly govern employment, this law is of fundamental importance as it defines the legal grounds for residence, which is a necessary prerequisite for exercising the right to work (e.g. residence based on employment, humanitarian grounds, or family reunification).
- f) *Law on Asylum of Bosnia and Herzegovina* ("Official Gazette of BiH", No. 11/16, et al.) – This law regulates procedures for international protection and the rights of individuals seeking or granted asylum. Article 75 stipulates that an asylum seeker acquires the right to work if a final decision on the application has not been issued within nine months, provided the delay cannot be attributed to the applicant. In the event of a rejected application, the right to work is retained until the decision becomes final and legally binding, thereby ensuring legal certainty and continuity in the exercise of labour rights.

4.1.2. Work Permit Regime and Exemptions

The general rule in Bosnia and Herzegovina (BiH) is that foreign nationals must possess a valid work permit in order to establish an employment relationship. Work permits are issued for a limited period—typically up to one year—with the possibility of renewal. Their issuance is subject to annual quotas determined by the entity governments. Although these quotas are formally restrictive, practice shows they are rarely exhausted.

The law also provides a number of exemptions from the obligation to obtain a work permit, particularly for highly skilled professionals, diplomats, members of management boards, artists, athletes, and volunteers. Special attention is given to exemptions applicable to vulnerable categories of foreign nationals:

- a) Refugees and beneficiaries of subsidiary protection – These categories are exempt from the requirement to obtain a work permit. Based on their granted asylum, they acquire the right to access the labour market directly, under the same conditions as nationals of BiH.
- b) Asylum seekers – If a final decision on an asylum application is not issued within nine (9) months, the applicant gains the right to apply for a so-called *personal work permit*. This permit is not tied to a specific employer and allows for independent job choice. The application process requires coordination between the Asylum Sector of the Ministry of Security of BiH and the competent entity-level employment services.
- c) Victims of human trafficking – The *Law on Foreigners* of BiH recognises the possibility of granting temporary residence on humanitarian grounds to identified victims of trafficking. If the victim agrees to cooperate with the competent authorities in uncovering the perpetrators—or, in some cases, even without cooperation depending on individual circumstances—they may be granted temporary residence for a period of six months, with the possibility of extension. During that period, the victim may apply for a work permit under the same conditions that apply to other foreigners with temporary residence status. Although the law does not explicitly exempt this group from the permit requirement, the possibility of lawful residence enables them to access legal employment—often within rehabilitation and reintegration programmes.
- d) Undocumented migrants – This group does not possess a legal basis for residence and is therefore not eligible for lawful employment. As such, they are excluded from access to the labour

market. The possibility of regularising their status depends on whether they are willing to apply for asylum or are identified as victims of human trafficking. While the legal framework does not explicitly distinguish between workers based on immigration status, in practice undocumented migrants remain effectively without legal protection, and are highly vulnerable to exploitation and abuse.

4.1.3. Administrative Procedure for the Employment of Foreign Nationals

The employment of foreign nationals in Bosnia and Herzegovina (BiH) is subject to a formal procedure involving multiple steps and competent institutions. The first step requires the employer to demonstrate that no suitable domestic workforce is available for the advertised position from the official register of unemployed persons. Only after this condition is met can an application for a work permit be submitted.

The procedure differs depending on the entity:

- a) In the *Federation of Bosnia and Herzegovina (FBiH)*, the application is submitted to the competent cantonal employment service, with prior approval from the Federal Employment Institute.
- b) In the *Republic of Srpska (RS)*, the Employment Service of the Republic of Srpska is responsible for processing the application.

When submitting the application, the foreign national must provide a valid travel document, proof of approved residence (or confirmation of a submitted residence request), and relevant documentation on professional qualifications. Upon approval of the work permit, an employment contract is concluded, which then serves as the basis for submitting an application to the *Service for Foreigners' Affairs* for the issuance or extension of temporary residence on the grounds of employment. It is important to emphasise that, in BiH, the work permit and residence permit are treated as two separate administrative procedures, which significantly complicates the overall process. This is in contrast to unified procedures introduced in, for example, the Republic of Serbia, where legislation provides for a combined residence and work permit. On the other hand, individuals who already have regulated residence and are exempt from the obligation to obtain a work permit—such as refugees and beneficiaries of subsidiary protection—can conclude an employment contract directly, without additional administrative obstacles, and under the same conditions as BiH nationals.

4.2. Stakeholders and Their Roles in Bosnia and Herzegovina

Within Bosnia and Herzegovina's complex institutional framework, multiple bodies at the state, entity, and local levels are involved in regulating and enforcing the labour rights of foreign nationals, including vulnerable categories of migrants. While this diversity of competencies ensures broad institutional coverage, it often results in legal fragmentation and limited inter-agency coordination.

Key actors in the employment system and in the realisation of migrants' labour rights include:

- a) Ministry of Security of BiH (Sector for Immigration and Asylum) - Responsible for implementing the Law on Foreigners and the Law on Asylum. The Asylum Sector conducts refugee status determination procedures and grants subsidiary protection, issuing relevant documentation that enables access to certain rights, including the right to work after nine months from the date of application. The Immigration Sector, via the Service for Foreigners' Affairs, issues residence permits, oversees the legality of foreign nationals' stay and employment, and enforces removal measures in cases of unlawful residence or work.
- b) Ministry for Human Rights and Refugees of BiH- Coordinates integration efforts for refugees and migrants. It contributes to the development and implementation of integration policies and support programmes (e.g., housing, training), although it does not have direct authority over work permits. The Ministry actively works to improve the position of migrants in line with international standards.
- c) Entity-Level Ministries of Labour and Employment Services - In the Federation of BiH, the Federal Ministry of Labour and Social Policy and the Federal Employment Institute set employment policies for foreign nationals, propose quotas, and oversee cantonal employment services, which receive applications and issue work permits. In Republika Srpska, the Ministry of Labour and Veterans' and Disabled Protection and the Employment Service perform the same functions in a centralised manner. Local branches of the Employment Service handle applications and issue permits. In the Brčko District, these tasks are performed by the District Employment Service.
- d) Labour Inspectorates - Labour inspection bodies at entity and cantonal levels monitor compliance with employment laws and sanction employers who hire foreign nationals without valid permits. The Service for Foreigners' Affairs conducts immigration

- control, including verification of legal residence and work. Effective coordination between these bodies is crucial for combating illegal employment and protecting migrant workers from exploitation.
- e) Courts and Prosecutors' Offices - Cases of unlawful employment are addressed by misdemeanour and administrative courts, while prosecutors may initiate criminal proceedings in serious exploitation cases (e.g., human trafficking). Judicial oversight is also available in administrative disputes concerning denied work or residence permits.
 - f) International Organisations and Civil Society Organisations (CSOs) - Various actors support migrants in BiH. UNHCR funds legal aid for asylum seekers through organisations such as *Vaša prava BiH* and supports employment and training projects. IOM implements return and reintegration programmes and assists victims of human trafficking. CSOs such as *Žene sa Une* (Bihać), CRS, and DRC run projects focused on migrant women's empowerment, integration, and economic inclusion. These organisations often fill institutional gaps and advocate for improved public policies.
 - g) Employers and Trade Unions - Amid labour shortages in certain sectors (e.g., construction, services), employers are increasingly hiring foreign nationals and advocating for simplified procedures. Trade unions emphasise equal working conditions and the protection of migrant workers and occasionally support individuals whose labour rights have been violated. However, migrant membership in trade unions remains extremely limited.

4.3. Practice in Bosnia and Herzegovina (BiH)

Despite the existence of a formal legal framework, the practice of employing foreign nationals in BiH—particularly those belonging to vulnerable categories—is characterised by numerous structural, administrative, and socio-economic barriers that significantly limit real access to labour rights.

4.3.1. Implementation of Legal Provisions

Bosnia and Herzegovina faces serious challenges in the implementation and enforcement of existing regulations. The administrative procedures for obtaining work and residence permits are complex, inconsistently applied in practice, and often time-consuming. Foreign nationals are required to submit an extensive list of documents, including recognised diplomas, certificates of non-conviction, medical reports, and other official

paperwork. These requirements entail substantial financial costs and organisational capacities. For vulnerable groups—such as asylum seekers—this process is often unfeasible without institutional or project-based support. The majority of asylum seekers lack both the information and resources necessary to initiate the procedure for obtaining a work permit after the expiry of the nine-month legal waiting period. Available reports consistently indicate that the number of work permits issued to asylum seekers remains extremely low. In most cases, they do not remain in the country long enough to complete the procedure or, in the absence of legal alternatives, resort to informal employment.

4.3.2. Statistical Indicators

According to official data, a total of 2,449 work permits were issued to foreign nationals in Bosnia and Herzegovina (BiH) during 2023. However, this figure encompasses all categories of foreigners, including highly skilled professionals, employees of foreign companies, and seasonal workers, while vulnerable groups account for only a negligible share. During the same period, the total number of individuals with recognized refugee status in BiH amounted to approximately 50 persons, the majority of whom were not formally employed. Although they are entitled to work without requiring an additional permit, unemployment remains high within this population, despite integration programmes that include vocational training and job placement support. The number of asylum seekers in BiH ranges from several hundred to around one thousand per year, but most do not receive a decision within the statutory nine-month period, and in the meantime either leave the country or remain outside the formal system. Consequently, the number of those who effectively access the labour market remains extremely limited. Foreign victims of human trafficking are identified in BiH in single-digit numbers annually. During the period of protection, these individuals are rarely engaged in formal employment, with institutional focus placed primarily on their safety, psychosocial support, and eventual reintegration. Opportunities for economic empowerment through work remain insufficiently developed and underutilized. Undocumented migrants—those without legal residence status—are entirely excluded from the formal labour market and most often rely on informal or occasional jobs. Reports indicate that some migrants, particularly in the Una-Sana Canton, engage in short-term physical labour for local farmers or construction sites, working “off the books.” This practice poses a dual risk: migrants face exploitation, workplace injuries, and unpaid labour without legal protection, while employers risk substantial fines if identified by labour or immigration inspection authorities.

The Ministry for Human Rights and Refugees of Bosnia and Herzegovina maintains official records on the number of individuals with recognized refugee status and subsidiary protection in BiH. As of December 2024, a total of 253 individuals were residing in BiH under international protection:

- 45 persons with refugee status, and
- 208 persons with subsidiary protection.

Out of this total, 155 individuals are classified as being of working age. During 2024, according to data from the Ministry, 43 individuals under international protection were employed, including:

- 12 women, and
- 31 men.¹²

The Service for Foreigners' Affairs maintains records of foreign nationals who have applied for temporary residence based on an issued work permit. These records can be disaggregated by gender and age group. The Service also identifies foreign nationals working in Bosnia and Herzegovina without valid work permits, based on reports received from legal and natural persons as well as other inspection bodies. It conducts operational activities to detect and prevent illegal residence and employment of foreigners. Upon identifying such individuals, officers of the Service undertake measures within their legal competence as prescribed by the Law on Foreigners, including deportation, residence cancellation, supervision, and removal.¹³

The Agency for Labour and Employment of Bosnia and Herzegovina maintains records on foreign nationals employed in BiH. These records may be disaggregated by gender, age, level of qualification, sector of employment, and country of origin.¹⁴ However, the Agency does not collect or maintain data concerning types of residence, visas, asylum status, or subsidiary protection. For such information, inquiries should be directed to the Ministry of Security of Bosnia and Herzegovina.

4.3.3. Barriers and Challenges

¹² Ministry for Human Rights and Refugees of Bosnia and Herzegovina (2025, May 13). Interview on the position of vulnerable foreigners in exercising labour rights in Bosnia and Herzegovina.

¹³ Service for Foreigners' Affairs (2025, May 7). Interview on the position of vulnerable foreigners in exercising labour rights in Bosnia and Herzegovina.

¹⁴ Agency for Labour and Employment of Bosnia and Herzegovina (2025, April 17). Interview on the position of vulnerable foreigners in exercising labour rights in Bosnia and Herzegovina.

Although the legal framework in Bosnia and Herzegovina (BiH) formally recognizes the right of vulnerable foreigners to access the labour market, their actual ability to exercise this right in practice largely depends on institutional, legal, and social circumstances that complicate its implementation. Practice shows that administrative procedures for obtaining work permits, recognition of qualifications, and access to information and support are often inaccessible to those already in situations of heightened vulnerability—such as asylum seekers, victims of human trafficking, undocumented migrants, and migrant women.

Below is an analysis of the main barriers hindering effective access to the right to work, focusing on institutional inconsistencies, the capacities of competent bodies, legal and linguistic obstacles, discrimination, and occurrences of labour exploitation. Examples of good practices are also presented, demonstrating that with coordinated support, labour market integration of vulnerable foreigners is achievable.

a) Inconsistency of regulations and procedural complexity - One of the main obstacles to labour market access for foreign nationals in BiH is the lack of harmonization between entity and state-level legal frameworks. Entity-level regulations require that a foreigner already has an approved and valid residence in order to apply for a work permit. At the same time, the Law on Foreigners of BiH stipulates that the purpose of stay—such as employment—must be pre-defined and documented (e.g., via a work permit or employment contract) for the stay to be approved. This interdependency creates a legal and administrative paradox that significantly hampers quick and efficient labour market inclusion. This issue is particularly evident in the case of asylum seekers. Although the Law on Asylum stipulates that an asylum seeker acquires the right to work if a final decision is not made within nine months—provided the delay is not their fault—employment services often lack clear guidelines for issuing individual work permits in such cases. This further prolongs economic inactivity and increases dependence on humanitarian aid. Considering the experience of other countries in the region, such as Serbia—which shortened the legal timeframe for labour market access to six months—there is room for potential reforms in BiH to improve efficiency and standardize procedures, ensuring earlier and more functional labour market integration of asylum seekers.

b) Limited institutional capacities - Institutional capacities for managing the asylum and migration system in BiH remain limited, directly affecting the efficiency of administrative procedures and real possibilities for foreigners' socio-economic integration. The Asylum Sector, responsible for processing international protection applications, faces chronic

shortages in human and technical resources. As a result, procedures are long and often inefficient—some cases take over a year to resolve. These delays extend the state of legal uncertainty and economic inactivity for asylum seekers, who remain outside the labour market and without access to key integration mechanisms during that time. Meanwhile, the Service for Foreigners' Affairs, an operational body of the Ministry of Security, primarily focuses on controlling the legality of stay and implementing removal measures. In practice, restrictive measures—such as detention in the Immigration Center or issuing deportation orders—are often prioritized over those that promote integration of lawfully residing individuals. This approach further obstructs access to labour and protection rights, particularly in the absence of a strategic, coordinated institutional response aimed at the long-term integration of vulnerable migrant categories.

c) Lack of awareness and information - A key barrier to labour market access for foreigners in BiH is the low level of awareness among relevant actors, both among employers and migrants themselves. Many employers are not familiar with the legal options for employing foreign nationals, including asylum seekers and persons under international protection. Even when there is a strong need for labour, they often avoid engaging in the work permit process due to administrative ambiguities, prejudice, or fear of potential penalties due to regulatory ignorance. On the other hand, migrants themselves often lack access to reliable and comprehensible information about their rights and employment opportunities. According to NGOs working in asylum centers, very few asylum seekers are aware that after nine months—if no decision has been made—they are entitled to apply for a work permit. This leads to passivity, a sense of exclusion, and fear of rejection or sanctions, further reducing their willingness to seek employment actively.

d) Language and recognition of qualifications - One of the most serious obstacles to the labour market inclusion of foreigners in BiH is the language barrier. A lack of knowledge of Bosnian, Croatian, or Serbian significantly limits employment opportunities, especially in sectors requiring communication with clients, colleagues, or the public. While basic language proficiency may be tolerated in certain manual labour jobs, most employers require fluency as a basic condition for employment. Knowledge of English can be an advantage but is not a substitute for local languages in most professions. An additional challenge is the recognition of foreign professional qualifications. Although the process is formally regulated, in practice, it is often lengthy, administratively complex, and financially demanding. Foreign nationals with high qualifications—such as doctors, engineers, lawyers, or teachers—often cannot obtain valid

recognition of their diplomas, forcing them to accept jobs below their skill level and experience. This leads to a serious waste of human capital and reduces their full socio-economic integration potential. The combination of language barriers and difficulty in recognizing qualifications means that even individuals with a legal right to work remain unemployed or are forced into low-paid and insecure sectors, increasing the risk of labour exploitation.

e) Discrimination and exploitation - Despite the existing legal framework prohibiting labour exploitation and discrimination, serious violations of migrant labour rights have been recorded, especially among those without regularized residency. Undocumented migrants are particularly vulnerable due to their legal status—lack of valid permits makes them invisible to the protection system, which some employers exploit. There are documented cases where migrants performed construction, agricultural, or manual labour without proper compensation, were knowingly denied labour rights, or were not paid at all. Employers often count on migrants not reporting violations out of fear of detention, deportation, or loss of temporary shelter. Migrant women face additional vulnerabilities—including risk of sexual exploitation, forced domestic labour, or participation in unregulated and insecure work arrangements. These abuses often go unreported due to fear, stigma, and a lack of confidential and effective reporting mechanisms. Labour inspections rarely identify cases of migrant labour exploitation, partly because it occurs in informal, unregistered sectors, and partly due to insufficient coordination between labour inspections, the Service for Foreigners' Affairs, and NGOs familiar with such cases. The absence of specialized training for inspectors and a lack of proactive monitoring mechanisms further reduce the effectiveness of the institutional response to these abuses.

4.3.4. Good Practices in the Employment of Vulnerable Foreign Nationals and Employer Experiences

Despite numerous challenges in exercising the right to work, there are examples of good practices in Bosnia and Herzegovina (BiH) that demonstrate that with appropriate support, the integration of vulnerable foreigners is both possible and successful. Some individuals who have been granted international protection in BiH have managed to enter the labour market and become active members of their communities. For instance, Shirin, a refugee from Syria, opened her own restaurant, using

cuisine and culture to connect Syrian and Bosnian traditions—symbolically giving back to the community that welcomed her.¹⁵

Local communities, such as those in Tuzla and Bihać, have launched initiatives aimed at equipping migrants with skills through language training and workforce development. In Bihać, the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) organized a two-day training session dedicated to best practices in integration, focusing on civic, cultural, and linguistic inclusion, access to the labour market and entrepreneurship, as well as the prevention of discrimination and the strengthening of social inclusion. The training brought together representatives of cantonal authorities, international organizations, and civil society to exchange experiences and define guidelines for developing sustainable integration policies.¹⁶ Additionally, language centers in Tuzla and other cities offer Bosnian, English, German, and other language courses tailored to the needs of migrants and refugees. For example, the Bihać Language Center (BLC) provides interactive language learning programs for all ages and proficiency levels.¹⁷

The private sector—particularly the IT industry—has shown increasing interest in employing migrants with digital skills. As many jobs can be performed online, language barriers present a lesser obstacle. According to a report by the International Organization for Migration (IOM) from November 2024, employers in the tourism, service, and construction sectors also expressed a willingness to employ foreign workers—with 83% of surveyed companies stating they would consider such a possibility.¹⁸

However, it is important to note that these positive examples remain limited to individual projects and the enthusiasm of local actors and are not yet embedded in systematic or long-term public policies that would enable broader and sustainable labour market integration of vulnerable foreigners in BiH.

¹⁵ Radio Free Europe/Radio Liberty, "Sarajevo Feels Like Home" – A New Life and Fulfilment of a Dream for a Syrian Woman in BiH, published on 20 January 2024, available at: <https://www.slobodnaevropa.org/a/sarajevo-je-poput-doma-izbjeglica-iz-sirije-u-bih/33290368.html> (accessed on 16 June 2025).

¹⁶ OSCE Office for Democratic Institutions and Human Rights (ODIHR), *Good practices in migrant integration in Bihać, Bosnia and Herzegovina*, publish 25 April 2024, available at: <https://www.osce.org/odihr/576225> (accessed 19 June 2025).

¹⁷ Bihać Language Center (BLC), *Language Courses in Bihać*, available at: <https://talkpal.ai/locations/language-courses-in-bihac/> (accessed 20 June 2025).

¹⁸ International Organisation for Migration (IOM), *Perception of employers – Bosnia i Hercegovina*, November 2024, available at: <https://bih.iom.int/sites/g/files/tmzbd11076/files/documents/2024-11/employers-perceptions-report-bosnia-and-herzegovina.pdf> (accessed 20 June 2025).

In the case of the Una-Sana Canton, one notable example of good practice is that of Esad Baltić, a Serbian citizen from Novi Pazar, who obtained temporary residence in the municipality of Bosanska Krupa through family reunification with his Bosnian wife. After registering with the competent service and attending an interview about his work experience, knowledge, and skills, he applied for the “Entrepreneurship for All 2024” co-financing program for self-employment. He registered a craft business and hired an additional worker. He introduced traditional Novi Pazar cuisine to the town and became known for preparing mantije and pies. He later hired another worker through the “SSSP – Service in Cooperation with Employers 2024” program, and he plans to employ two more people this year. Another positive example is the company “VELI” Bakery Ltd., which has successfully applied for work permits over several years. The employer has demonstrated a high level of integration into the local community, employing close and extended family members and has never been recorded as committing any business or criminal offenses. The company currently employs sixteen (16) workers and is recognized as a serious and reliable employer.¹⁹

Associations such as *Vaša prava BiH*, the Center for Sustainable Development (COR) Bihać, and the LAN Association from Bihać (Una-Sana Canton) play a significant role, particularly in providing education and support for the employment of vulnerable categories of foreigners. Notably, their cooperation with UNHCR²⁰ in Bosnia and Herzegovina and Catholic Relief Services (CRS)²¹ has been recognized as an example of good practice. During interviews with representatives of UNHCR and CRS, the language barrier was emphasized as one of the main challenges in employing vulnerable foreigners.

In this context, UNHCR representatives highlighted the importance of cooperation with the *BH Women’s Initiative Association* (BHWI Foundation), which actively contributes to the empowerment of women and their social inclusion through social, educational, and economic programs. As a partner of UNHCR, BHWI provides a range of services to asylum seekers and refugees, including psychosocial support, translation services, as well as recreational and vocational activities. BHWI’s activities

¹⁹ Employment Service of Una-Sana Canton (USC) (2025, May 6). Interview on the position of vulnerable foreigners in exercising labour rights in Bosnia and Herzegovina.

²⁰ UNHCR (2025, June 16). Interview on the position of vulnerable foreigners in exercising labour rights in Bosnia and Herzegovina.

²¹ CRS (2025, June 16). Interview on the position of vulnerable foreigners in exercising labour rights in Bosnia and Herzegovina.

are present in numerous reception centres, including Salakovac, Delijaš, and Ušivak, as well as at the UNHCR Information Centre in Sarajevo.

UNHCR, either independently or in cooperation with partners, implements a variety of programs aimed at strengthening the employability of refugees and asylum seekers, including training, education, requalification, and support for small business development. However, there remains a strong institutional reliance on international organizations. UNHCR regularly issues advocacy messages to the authorities, calling for greater institutional ownership and increased engagement of domestic stakeholders.

The association *Vaša prava BiH*²² continuously provides support to asylum seekers and persons under international protection in exercising their rights, including access to the labour market. Its activities include advocating for legislative amendments, strategic legal representation, and informing relevant institutions about the needs of this population. Through workshops and roundtables, the organization aims to raise institutional awareness about the rights and challenges faced by asylum seekers. The association has documented several examples of successful labour market integration of asylum seekers and persons under international protection, including cases of launching their own businesses. Legal support, diploma recognition, and assistance with obtaining driving licenses have been key factors in these processes. The association also actively informs employers about the legal status of foreign workers and the necessary documentation. Special attention is given to vulnerable subgroups such as single mothers, minors, and persons with disabilities. Personal motivation of beneficiaries also plays an important role in successful employment outcomes. Currently, the association is participating in an initiative to amend the Law on Asylum, aiming to reduce the waiting period for labour market access from nine to three months, in line with EU practices.

Employers report that language barriers remain a key challenge in hiring foreigners for positions requiring communication. Nevertheless, they emphasize good cooperation with UNHCR and civil society organizations. Systemic obstacles—such as difficulties in opening bank accounts for foreign nationals—still represent significant barriers. Employers highlight the need for reforms that would simplify administrative procedures and improve the efficiency of hiring vulnerable categories of foreigners.

The analysis reveals a deep and systemic gap between the formally established legal mechanisms and their application in practice. Although

²² Association "Vaša prava BiH" (2025, June 16). Interview on the position of vulnerable foreigners in exercising labour rights in Bosnia and Herzegovina.

the legal framework in Bosnia and Herzegovina allows access to legal employment for certain categories of foreigners—primarily for individuals granted international protection, as well as for asylum seekers after the expiry of the legal waiting period—a number of administrative barriers, regulatory inconsistencies, and limited institutional capacities make the realization of these rights extremely difficult, and often unattainable in practice. Furthermore, the lack of awareness among both migrants and employers, along with a pronounced lack of trust in institutions, contributes to the slowdown and stagnation of integration processes.

Of particular concern is the fact that migrants without regulated residence status are often forced into informal employment, without any legal protection and under conditions that expose them to a high risk of labour exploitation. The gender dimension further exacerbates existing inequalities—migrant women are in an especially vulnerable position, facing increased risks of abuse, including sexual and labour exploitation, particularly in private households and informal work sectors.

On the other hand, individual initiatives by international organizations, local communities, and parts of the private sector demonstrate that it is possible to develop functional and sustainable models for integrating foreigners into the labour market. However, these examples remain the exception rather than the rule. Without comprehensive institutional reform, strengthened coordination among competent authorities, and the establishment of effective intersectoral dialogue, the labour rights of vulnerable foreigners in Bosnia and Herzegovina will remain largely declarative and difficult to realize in everyday life.

4.3.5. Systemic Innovations and Positive Developments

The Ministry for Human Rights and Refugees of Bosnia and Herzegovina highlights that, within the framework of the project implemented in cooperation with UNHCR titled *"Support to the Management of the Integration Mechanism in Bosnia and Herzegovina and Implementation of Annex VII"*, two assistants were engaged during 2024 and 2025 to provide support to refugees and persons under subsidiary protection. These assistants are actively involved in activities aimed at facilitating the integration process, with a particular focus on access to the labour market. Their role includes direct communication with beneficiaries, support in registering with employment services, and coordination with non-governmental organizations and relevant institutions to improve the employability of these individuals. Beneficiaries are enabled to participate in employment programs conducted by cantonal services and the Federal Employment Agency. At the same time, it is important to note that refugees

and persons under subsidiary protection have the right to seek employment independently, sign employment contracts, and start their own businesses without the need for institutional mediation.²³

Officers from the Service for Foreigners' Affairs regularly attend training courses on human trafficking and handling vulnerable groups. These training sessions are mostly financed and organized by international organizations and donors.²⁴

Employment Service officers in the Zenica-Doboj Canton actively participate in seminars and meetings at the federal level to advocate for the need to amend the legal framework. They also regularly monitor legislation and the process of harmonization.²⁵

The Agency for Labour and Employment of BiH launched activities in November 2023 aimed at identifying the problems related to labour shortages and the challenges employers face in finding workforce. In cooperation with employers' associations and employment services, a study was conducted and a document titled *"Analysis of Problems Employers Face in Finding Necessary Domestic and Foreign Workforce with Recommendations for Improvement"* was published.

Regarding the employment of foreign workers, the recommendations include improvements to legal regulations and alignment of national laws with international standards and conventions, cooperation with international organizations and other countries, encouragement of regular migration, integration, education and awareness-raising for foreign workers and employers about their rights and obligations related to work and residence in BiH, as well as dialogue between various stakeholders—including the government, employers, trade unions, and NGOs—to develop policies that meet the needs and rights of the labour market.

Additionally, the Agency for Labour and Employment of BiH, in cooperation with the International Organization for Migration (IOM), launched an initiative to develop a *Roadmap for the Employment of Foreign Workers*. This project, funded with the support of the IOM Development Fund and technical assistance from the Centre for Development Evaluation and Social Science Research (CREDI), represents a key step towards improving the management of labour

²³ Ministry for Human Rights and Refugees of Bosnia and Herzegovina (2025, May 13). Interview on the position of vulnerable foreigners in exercising labour rights in Bosnia and Herzegovina.

²⁴ Service for Foreigners' Affairs (2025, May 7). Interview on the position of vulnerable foreigners in exercising labour rights in Bosnia and Herzegovina

²⁵ Employment Service of the Zenica-Doboj Canton.

migration in Bosnia and Herzegovina, with the goal of identifying and overcoming existing challenges in this area. In addition to the roadmap project, the Agency, in cooperation with IOM, will also implement a project titled *"Encouraging Labour Mobility in BiH through Improved Information Sharing."* This project will involve employers' associations and other governmental and non-governmental stakeholders relevant to labour migration, the labour market, and economic development. The general goal of the project is to increase the benefits of regular labour migration pathways for individuals and society in BiH through improved information sharing. It is expected that, upon completion, the project will result in the development of informational materials on gender-sensitive topics for employers in BiH to facilitate the employment and integration of migrant workers; that the private sector will have enhanced capacities for hiring and integrating migrant workers; that reliable, legally based, and gender-sensitive information on living and working in BiH will be available in multiple languages for migrant workers; and that authorities in BiH will have mechanisms for distributing gender-sensitive information to both the private sector and migrant workers. The achievement of the project's goals will certainly contribute to improving the position of foreign workers in BiH, including vulnerable groups.²⁶

The Employment Service of the Herzegovina-Neretva Canton (HNC) continuously invests in the training and professional development of its staff to improve competencies in the process of issuing work permits. However, the staff is not directly involved in working with foreigners, as foreigners—except those exempt from quotas for work permit issuance—are not beneficiaries of the Service's support, as previously explained. The Service is also actively involved in implementing projects organized by domestic and international non-governmental organizations.²⁷ At the level of the Employment Service of the Una-Sana Canton (USC), there have been no specialized programs, training, and/or professional education for employees on issues related to working with foreigners in general.²⁸

For asylum seekers and persons under international protection who wish to start their own businesses, the organization *"Vaša prava BiH"* provides guidance on procedures, necessary documentation, and relevant institutions, as well as support in finding business premises and legally establishing operations. Although the process is complex and

²⁶Agency for Labour and Employment of Bosnia and Herzegovina (2025, April 17) Interview on the position of vulnerable foreigners in exercising labour rights in Bosnia and Herzegovina.

²⁷Employment Service of the Herzegovina-Neretva Canton (HNC) (2025, April 23), interview on the position of vulnerable foreigners in exercising labour rights in Bosnia and Herzegovina.

²⁸Employment Service of the Una-Sana Canton (USC) (2025, May 6), interview on the position of vulnerable foreigners in exercising labour rights in Bosnia and Herzegovina.

administratively demanding, some beneficiaries have successfully started their own businesses.

It is important to highlight that, thanks to the organization's advocacy efforts, the Ministry for Human Rights and Refugees issued an opinion emphasizing that the principle of reciprocity should not be strictly applied when obtaining documentation for registering a business, as information about the country of origin is often confidential. When asked about the monitoring of working conditions for foreigners who have started employment with the organization's support, *Vaša prava BiH* states that it provides continuous legal assistance and maintains regular communication with both employees and employers. Through field visits and direct contact, relevant feedback is collected that enables oversight of working conditions. According to collected data, most experiences have been positive—for both employees and employers. Regarding the education of institutions and employers about the rights of foreign workers, the organization organizes workshops, roundtables, and meetings with representatives of public institutions. The goal is to bring these groups closer to institutions and ensure a better understanding of their rights and needs. Through informative activities and direct communication, employers are further informed about the possibility of legally employing asylum seekers and persons under protection, thereby helping to alleviate labour shortages. In terms of recommendations, *Vaša prava BiH* emphasizes the need for employers to recognize the potential of asylum seekers and persons under international protection as valuable and skilled labour. In this regard, it stresses the obligation of employers to ensure fair and lawful working conditions for these individuals. It is also recommended to raise awareness regarding cultural differences—by gradually adapting the work environment, while also respecting and integrating positive aspects of their cultures. When it comes to state institutions, the recommendation is to create more favourable systemic conditions for the employment of foreigners, especially asylum seekers and persons under international protection. It is necessary to ensure faster and simpler access to their rights, enabling them to actively contribute to the development of the domestic economy through their work and competencies.²⁹

Given that the language barrier represents a key obstacle to accessing the labour market for vulnerable categories of foreigners, a good practice example is the project implemented by the “LAN” Association from Bihać. This non-governmental and non-profit organization operates on the principles of impartiality, independence, and humanity, with the aim of

²⁹ Association “Vaša prava BiH” (2025, June 16). Interview on the position of vulnerable foreigners in exercising labour rights in Bosnia and Herzegovina.

promoting democracy, tolerance, and human rights in Bosnia and Herzegovina. In cooperation with UNHCR Sarajevo and its field office in Bihać, the Association implemented the project titled *“Support for Learning B/C/S Language and Acquiring Basic IT Skills”* at the temporary reception center Lipa, from June 10 to December 31, 2024. During implementation, 112 language classes and 56 IT classes were held. Four registered asylum seekers from Sierra Leone, Nigeria, Burkina Faso, and the Democratic Republic of Congo attended the lessons. The program was aimed at acquiring basic knowledge and developing skills necessary for daily life and integration into the labour market. The instruction was individually adapted to the participants, and all successfully passed the A1 level exam. The activities continued into 2025 in cooperation with the BHWI organization from Sarajevo and concluded in June of the same year. The “LAN” Association also actively participated in the activities of the three-year project *“BRAT: Balkan Route – Reception in Transit,”* funded by the Italian Agency for Development Cooperation (AICS), and implemented in partnership with IPSIA, Caritas Italy, the Italian Red Cross, MFS-Emmaus, Caritas BiH, and the Red Cross Society of BiH. In May 2025, members of the Association attended the opening of an exhibition on migration flows in the Balkans (May 14) and the project's closing conference (May 15), where key findings and contributions were presented. Additionally, representatives of the Association participated in the ceremonial opening of the *“House for the Development of Young Minds”*—a space dedicated to education, empowerment, and support for youth in Bihać.³⁰

5. Labour Rights of Vulnerable Foreign Nationals in Serbia

5.1. Legal Framework and Procedures

Unlike Bosnia and Herzegovina, the Republic of Serbia has a centralized and coherent normative framework governing the employment status of foreign nationals. The key legal instruments include national laws, by-laws, and international agreements, with the latest legislative reforms contributing to the simplification of procedures—especially through the introduction of the so-called “single permit.” The main regulations governing the employment and legal status of foreigners in Serbia are as follows:

a) Law on Employment of Foreigners (“Official Gazette of RS,” nos. 128/14, 113/17, 50/18, 31/19, 62/23) - This law regulates the conditions and procedures for employing foreigners in Serbia, the types of work

³⁰ Association “Lan” (2025, June 20), interview on the position of vulnerable foreigners in exercising labour rights in Bosnia and Herzegovina.

permits, rights and obligations of foreign nationals and employers, and other relevant matters. The latest amendments in 2023 significantly improved procedures by introducing the concept of a single permit for residence and work (integrated procedure) and allowing access to the labour market for individuals granted humanitarian residence.

b) Law on Foreigners ("Official Gazette of RS," nos. 24/18, 31/19, 62/23)- This law regulates the conditions of entry, movement, stay, and exit of foreign nationals from Serbia. It includes provisions on temporary and permanent residence, grounds for approval (employment, education, family reunification, humanitarian reasons, etc.), and measures for removal from the country. The 2023 amendments extended the maximum duration of temporary residence to three years and simplified certain procedures for specific categories of foreigners. A new Article 68a was introduced, allowing persons granted asylum who have continuously resided in Serbia for more than three years to apply for permanent residence under facilitated conditions, without fulfilling all the requirements of Article 70. This amendment also opens the path to future citizenship, to be further clarified through administrative practice.

c) Law on Asylum and Temporary Protection (LATP) ("Official Gazette of RS," no. 24/18)- Adopted in 2018, this law replaced the previous 2008 asylum law. It governs the legal status, rights, and obligations of asylum seekers, refugees (those granted asylum), persons under subsidiary protection, and persons under temporary protection. Of particular importance is Article 64, which guarantees the right to work for persons granted asylum, and grants asylum seekers access to employment if the asylum procedure exceeds nine months from the date of application. This period was later shortened to six months, in accordance with the Law on Employment of Foreigners. Furthermore, persons under temporary protection (a mechanism activated in 2022 for displaced persons from Ukraine) have the right to work without needing a separate work permit during the protection period.

d) Criminal Code - Article 388 criminalizes human trafficking and prescribes strict penalties for labour exploitation. It is important to note that identified victims of human trafficking—regardless of nationality—have the right to assistance and protection under the special Law on the Prevention of Human Trafficking. Regarding residence and the right to work, the Law on Foreigners allows temporary residence on humanitarian grounds for the protection of victims.

Currently, work is underway on amendments to the Law on Simplified Engagement in Seasonal Jobs in Certain Sectors ("Official Gazette of RS," no. 50/2018), which will expand the scope of sectors to include tourism

and hospitality, thereby indirectly opening opportunities for foreign workers in these areas.³¹

e) By-laws - In 2024, the Rulebook on Issuing a Single Permit for Temporary Residence and Work ("Official Gazette of RS," no. 6/24) was adopted. This regulation outlines the integrated procedure for issuing the so-called single permit. According to the rulebook, a foreigner seeking residence based on employment can submit a single online application—for both temporary residence and a work permit, greatly expediting the process. The main requirement is the existence of a job offer or signed employment contract. The rulebook also details special employment bases, including volunteering, work on a project for a foreign company, seasonal work, journalism, and others, adjusting procedures to the nature of each engagement.³²

f) Other obligations arising from international agreements - Serbia has concluded bilateral agreements on employment with certain countries—for example, with Bosnia and Herzegovina—enabling reciprocal employment of citizens and simplifying administrative procedures. Additionally, as a CEFTA member and signatory to the Agreement on the Free Movement of Labour within the "Open Balkan" initiative, Serbia aims to further facilitate the issuance of work permits for citizens of North Macedonia and Albania. Serbia has also signed bilateral social security agreements with 35 countries, including Australia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, the United Kingdom, Greece, Denmark, Italy, Canada, Quebec, Cyprus, China, Libya, Luxembourg, Hungary, North Macedonia, Germany, Norway, Panama, Poland, Romania, Russia, Slovakia, Slovenia, Tunisia, Turkey, France, the Netherlands, Croatia, Montenegro, the Czech Republic, Switzerland, and Sweden.³³

5.2. Single Permit

³¹ International Labour Organization (ILO) (2025, April 7), interview on the position of vulnerable foreigners in exercising labour rights in Serbia.

³² In addition to the aforementioned rulebook, the following rulebooks are also relevant: Rulebook on Granting Temporary Residence ("Official Gazette of RS", No. 6/2024); Rulebook on Submitting Applications for Permanent Residence Electronically ("Official Gazette of RS", No. 6/2024); Rulebook on the Appearance of the Residence Registration Form and the Manner of Registering a Foreigner's Residence, Address of Residence, Change of Address, and Registration and Deregistration of a Foreigner's Permanent Residence ("Official Gazette of RS", No. 84/2018 – hereinafter: Rulebook on Residence Registration); Rulebook on Granting Temporary Residence ("Official Gazette of RS", No. 6/2024).

³³ Republic Pension and Disability Insurance Fund of the Republic of Serbia (2025), List of countries with which the Republic of Serbia has concluded an international social security agreement, available at: <https://www.pio.rs/sr/medunarodni-ugovori> (accessed on June 14, 2025).

Amendments to the Law on Foreigners and the Law on the Employment of Foreigners have aligned Serbia's legislation with Directive 2011/98/EU, which introduces a unified procedure for issuing a single permit for the temporary residence and work of foreign nationals. To enhance administrative efficiency, the responsibility for implementing this procedure has been entrusted to the Ministry of the Interior, which—in cooperation with the National Employment Service—assesses whether the conditions for residence and employment are met. The procedure is conducted exclusively online, via the [Foreigners Portal](#), and foreign nationals are identified based on a valid travel document or national ID card for those whose countries allow entry into Serbia without a passport. Following a successful application and biometric data collection, a biometric document is issued, thereby improving the security of personal documents. In practice, one of the challenges is incomplete or improperly submitted documentation, which is addressed under the rules of general administrative procedure by allowing a grace period for submission of additional documents. The entire process represents an important step toward the digitalization and increased transparency of migration-related administrative procedures.

According to Article 3 of the Law on the Employment of Foreigners, certain categories of persons may exercise the right to work in the Republic of Serbia without being issued a single permit. This includes:

- Asylum seekers,
- Recognized refugees,
- Persons under subsidiary protection, and
- Victims of human trafficking,

all under strictly defined conditions.

Persons granted asylum (refugees and individuals under subsidiary protection) have the right to work without needing an additional permit, as they are equated with foreigners who hold permanent residence.

Additionally, asylum seekers may gain the right to work if six (6) months have passed since the submission of their application without a decision being made—provided the delay is not their fault. A similar regime applies to victims and presumed victims of human trafficking, who also have the right to work without a single permit. This legal provision represents a formal confirmation of Serbia's protective and inclusive approach toward these particularly vulnerable categories of foreigners.

In this way, the legal framework facilitates easier access to the labour market for persons in particularly vulnerable positions, contributing to their integration and socio-economic stabilization. Consequently, Serbia's regulatory framework shows a high degree of alignment with international

and European standards in the field of foreign employment, with a gradual improvement of protection mechanisms for the most vulnerable groups. However, practical challenges persist—particularly regarding effective labour market access for individuals in asylum procedures and victims of human trafficking.

5.3. Actors and Their Roles in Serbia

Unlike Bosnia and Herzegovina, the institutional structure of the Republic of Serbia regarding the labour rights of foreigners is characterized by centralized and functionally well-defined competences. The realization of the economic and social rights of vulnerable categories of foreigners involves a broad spectrum of institutional and non-institutional actors, including state bodies, international organizations, civil society organizations, employers, and businesses.

a) Ministry of the Interior (MoI) – Through the Directorate for Foreigners and the Asylum Office, the MoI plays a key role in the system. The Asylum Office decides on applications for international protection and conducts asylum procedures. The Directorate for Foreigners issues residence permits (temporary and permanent), keeps official records, and initiates deportation measures. With the entry into force of the new Law on the Employment of Foreigners in 2024, the MoI also assumed responsibility for the integrated procedure for issuing the single permit for residence and work, making police officers the first point of contact for foreigners seeking to exercise labour rights.³⁴

b) Commissariat for Refugees and Migration (KIRS) – Plays a multifaceted role in facilitating access to the labour market and employment for asylum seekers and persons granted international protection (refugee status, subsidiary or temporary protection). Based on a tripartite Memorandum of Understanding with UNHCR and the National Employment Service (NES), KIRS implements various activities for economic integration, including employment info sessions, upskilling and reskilling programs, development of individual employment plans, job search assistance, CV preparation, and Serbian language courses. Through another tripartite MoU with UNHCR and the Qualifications Agency (AZK), KIRS is involved in the recognition of foreign educational qualifications to support employment or continuation of education. KIRS staff also contributed to developing a [Career Guidance Manual for Refugees](#). Alongside UNHCR and IOM, KIRS co-developed the Integration Handbook and Guide to Life in Serbia for persons granted international protection.³⁵

³⁴ Ministry of the Interior of the Republic of Serbia (June 2, 2025) Questionnaire on the position of vulnerable foreigners in exercising labour rights in Serbia, completed and submitted to IDC.

³⁵ Commissariat for Refugees and Migration of the Republic of Serbia (April 28, 2025) Questionnaire on the position of vulnerable foreigners in exercising labour rights in Serbia, completed and submitted to IDC.

c) Ministry of Labour, Employment, Veteran and Social Affairs – Responsible for preparing laws and bylaws in the field of employment of foreign nationals. The Law on the Employment of Foreigners is based on the principle of equal treatment, granting foreigners the same rights and obligations as Serbian nationals, provided they meet legal requirements. The NES and the Labour Inspectorate, operating within the Ministry, are key implementing bodies.³⁶

d) National Employment Service (NES) – Evaluates eligibility for work permits (single permits and D visas), including for employment and self-employment. It conducts labour market tests to determine if suitable local candidates are available. As of February 1, 2024, NES also performs substantive checks of employment contracts and employer documentation. Based on this analysis, NES issues a recommendation to the MoI, which makes the final decision. The procedure is fully digitized. Notably, for permits issued under old regulations, NES branches will remain competent for the next three years.³⁷

e) Labour Inspectorate – Supervises implementation of the Law on the Employment of Foreigners and other labour laws. It conducts both routine and complaint-based inspections, with authority to impose fines and initiate proceedings. Although Serbia has ratified ILO Convention No. 81 (which calls for unannounced inspections), Article 17 of Serbia's Inspection Law requires prior written notice, except in discretionary exceptions. This undermines the effectiveness of oversight—particularly in protecting the rights of vulnerable foreign workers, often employed informally.

f) Centre for the Protection of Victims of Human Trafficking – A key actor in identifying, referring, and protecting trafficking victims. It coordinates with law enforcement, prosecutors, social services, and international organizations to ensure timely and coordinated responses. The Centre provides emergency accommodation and basic support, and may assist victims in entering the labour market, prioritizing safety and individual needs.

g) Commissioner for Protection of Equality – An independent state body tasked with combating discrimination. It offers guidance to victims, processes complaints, issues recommendations, initiates proceedings, submits reports to Parliament, and proposes legal amendments to improve equality.³⁸

h) Civil Society Organizations – Play a critical role in protecting and integrating vulnerable foreigners. Within the scope of this study, particular

³⁶ Ministry of Labour, Employment, Veteran and Social Affairs (June 11, 2025) Questionnaire on the position of vulnerable foreigners in exercising labour rights in Serbia, completed and submitted to IDC.

³⁷ National Employment Service of the Republic of Serbia (April 11, 2025), interview on the position of vulnerable foreigners in exercising labour rights in Serbia.

³⁸ Commissioner for the Protection of Equality of the Republic of Serbia (April 10, 2025), Questionnaire on the position of vulnerable foreigners in exercising labour rights in Serbia, completed and submitted to IDC.

emphasis is placed on the activities of those organizations that directly participated in the research through the conduct of interviews. This, however, does not in any way diminish the importance or contribution of other organizations that are continuously engaged in migration-related issues and whose work constitutes a key component in ensuring the protection of the rights of vulnerable categories of foreigners and migrants, as well as in the advancement of relevant public policies. Key actors include:

- Belgrade Centre for Human Rights (BCHR): Offers legal aid, access to social and economic rights, and strengthens local capacities. Engages with the private sector to facilitate refugee employment.³⁹
- Atina: Supports trafficking victims and migrant women via individualized protection plans, legal and psychosocial support, and social enterprise “Bagel Bejgl.” Operates shelters and advocates for survivors’ rights.⁴⁰
- ASTRA: Provides SOS hotlines and legal/psychological support to trafficking victims, including foreigners. Its mobile app “[Safe Work](#)” (available in 10 languages) offers rapid access to information on exploitation risks and available support.⁴¹
- Centre for Crisis Policy and Response (CRPC): UNHCR partner providing cultural mediation, integration support, training, and anti-discrimination awareness.⁴²
- IDEAS: UNHCR partner delivering legal aid to asylum seekers and refugees.⁴³
- Women on the Way: Social enterprise supporting migrant women through craft workshops and events like the “Alternative Fashion Festival,” promoting empowerment and inclusion.⁴⁴

These organizations rely heavily on funding from foreign donors such as the EU, GIZ, and UNHCR.

³⁹ Belgrade Centre for Human Rights (April 10, 2025), interview on the position of vulnerable foreigners in exercising labour rights in Serbia.

⁴⁰ Atina (April 17, 2025), interview on the position of vulnerable foreigners in exercising labour rights in Serbia

⁴¹ Astra (April 29, 2025), interview on the position of vulnerable foreigners in exercising labour rights in Serbia

⁴² Center for Crisis Policy and Response (April 10, 2025), interview on the position of vulnerable foreigners in exercising labour rights in Serbia

⁴³ IDEAS (April 11, 2025), interview on the position of vulnerable foreigners in exercising labour rights in Serbia

⁴⁴ Women on the Way (May 9, 2025), interview on the position of vulnerable foreigners in exercising labour rights in Serbia.

- i) International Organizations – UNHCR⁴⁵ and IOM⁴⁶ play key roles in supporting vulnerable migrants. The International Labour Organization (ILO) promotes labour rights through technical cooperation and monitoring of international standards, influencing national reforms and practices.
- j) Private Sector – Increasingly recognizes the importance of foreign labour, especially in construction, industry, and services.⁴⁷ The Chamber of Commerce of Serbia (PKS) highlights vulnerable foreigners as a workforce solution. Partnerships with UNHCR and companies like IKEA support refugee employment and integration, addressing labour shortages and promoting social inclusion.⁴⁸ These programs represent a step toward greater involvement of the private sector in integration processes, while simultaneously contributing to the mitigation of structural labour market issues.

Cooperation between competent state institutions, international organisations, civil society organisations, and other relevant stakeholders constitutes an established framework for action in the field of protecting and integrating vulnerable categories of foreign nationals. However, despite existing coordination mechanisms, it remains an evident need for strengthening intersectoral cooperation, building the capacities of local structures, and more active involvement of civil society organisations. Merely through such a comprehensive approach is it possible to ensure effective protection and sustainable integration of foreign workers, particularly those in situations of increased vulnerability.

5.4. Practice in Serbia

The right of foreign nationals—especially those belonging to vulnerable categories—to decent work in the Republic of Serbia cannot be fully understood through a mere analysis of the legal framework. It is only through the lens of everyday institutional practices, administrative procedures, labour market dynamics, and the direct experiences of foreigners themselves that the true functionality and inclusiveness of legal solutions become clear. This chapter focuses precisely on that living dimension—the concrete challenges, obstacles, and opportunities faced by refugees, asylum seekers, victims of human trafficking, and other vulnerable migrant groups as they attempt to exercise their right to decent

⁴⁵ United Nations High Commissioner for Refugees – UNHCR (May 22, 2025), interview on the position of vulnerable foreigners in exercising labour rights in Serbia.

⁴⁶ International Organization for Migration – IOM (May 28, 2025), interview on the position of vulnerable foreigners in exercising labour rights in Serbia.

⁴⁷ Serbian Association of Employers' (April 14, 2025), interview on the position of vulnerable foreigners in exercising labour rights in Serbia.

⁴⁸ More about the program available at: <https://www.unhcr.org/rs/28105-uz-snazniju-sinergiju-biznisa-institucija-i-organizacija-do-odgovora-na-potrebe-izbeglica.html>? (accessed on July 14, 2025).

work. Serbia, once primarily a transit country, is increasingly positioning itself as a destination country for foreign workers. In this context, it stands at a crossroads between humanitarian imperatives and the economic demands of the labour market. While the number of work permits issued continues to rise, access to legal employment for the most vulnerable groups remains limited—hampered by administrative procedures, language and social barriers, and a low level of institutional sensitivity to their specific needs. On the other hand, positive examples of integration, reforms such as the introduction of the single permit for residence and work, and the engagement of civil society organizations offer room for optimism and the strengthening of good practices. This chapter explores the tension between legal guarantees and lived reality—between the formal right to access the labour market and the many practical obstacles that hinder its realization. The analysis of institutional and field-level practice in Serbia offers a necessary insight into how well existing policies are truly tailored to those who depend on them the most.

5.4.1 Trends and Dynamics in the Employment of Vulnerable Categories of Foreign Workers

According to data from the National Employment Service, a total of 52,184 work permits were issued to foreign nationals in 2023, of which 9,877 permits (approximately 19%) were granted to women. In 2024, up to the period before the new Law on Employment of Foreigners came into force, 17,250 work permits were issued, 3,510 (around 20%) of which were granted to women.⁴⁹

Data from the Central Register of Compulsory Social Insurance shows that there are 31,659 foreign nationals in the Republic of Serbia registered for compulsory social insurance based on various forms of employment. Of this total, 16,179 are employed on a fixed-term contract, while 15,480 have an open-ended employment contract.⁵⁰ The structure of employed foreigners reveals a notable gender imbalance – 24,485 are male, while 7,174 are female. An analysis by education level shows that most foreign workers belong to the secondary education category:

- The highest number hold a Level IV qualification (7,031 people),
- Followed by those with Level III (5,868),
- Then Level VI (5,582),
- Level VII (4,913),
- Level II (3,592), and

⁴⁹ National Employment Service of the Republic of Serbia (April 11, 2025), interview on the position of vulnerable foreigners in exercising labour rights in Serbia.

⁵⁰ Central Register of Compulsory Social Insurance (2025, 14 May), Response to the Request for Access to Information of Public Importance.

- Level I (3,223).
Additionally, 1,179 individuals are listed without a profession, while 76 individuals possess a Level VIII qualification.

These data indicate that the majority of foreign nationals are integrated into the labour market through jobs that require medium-level qualifications, though there is also a notable number of highly skilled professionals whose potential could be better utilized through more effective systems for qualification recognition and strengthened labour market integration policies. It is important to emphasize that the Central Register of Compulsory Social Insurance does not track data by legal status but solely based on social insurance registration. Therefore, the data do not distinguish between different categories of foreigners such as asylum seekers, persons granted asylum, those under temporary or subsidiary protection, or foreign workers under commercial contracts.

According to data from the Ministry of Internal Affairs, as of May 27, 2025, there were a total of 52,282 foreign nationals residing in Serbia with temporary residence permits based on employment:

- 42,532 were male,
- 9,744 were female, and
- Additionally, 8 minors were recorded.

These figures point to a significant presence of foreigners in the Serbian labour market, with a continuing gender imbalance that may reflect the sectoral structure of employment and a dominant demand for male labour in certain industries (See Comparative Chart No. 9).⁵¹

These statistics not only illustrate an intensification of international migration to Serbia, but also an increasing reliance of the domestic labour market on foreign workers—primarily male workers with Level IV education. Most of the permits were granted to nationals from China, Turkey, Russia, and India, typically employed in the construction, infrastructure, industrial production, and IT sectors. Although they are not formally categorized as vulnerable foreigners, in practice cases of labour rights violations, poor working conditions, and contractual abuse occur frequently even among these workers. In many instances, a change in status leads to them becoming victims of human trafficking, most commonly labour exploitation—as documented in the 2024 Report by the Labour Inspectorate (see more in subsection c).

⁵¹ Ministry of the Interior of the Republic of Serbia (June 2, 2025) Questionnaire on the position of vulnerable foreigners in exercising labour rights in Serbia, completed and submitted to IDC.

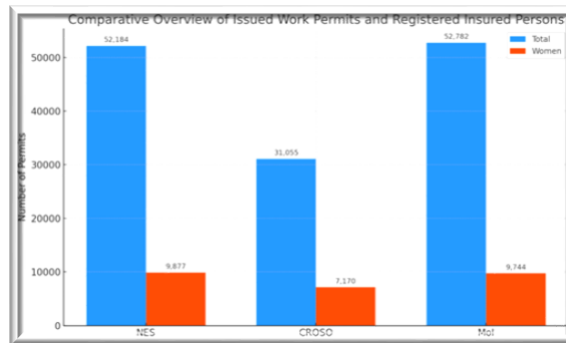


Chart 9

5.4.2 Right to Work of Asylum Seekers and Refugees

The number of individuals granted international protection in the Republic of Serbia remains relatively low. According to the Ministry of Internal Affairs, a total of 147 asylum applications were submitted in 2020, with 17 refugee statuses (asylum) and 12 subsidiary protections granted. Applicants' countries of origin included Syria, Iran, Burundi, Iraq, Somalia, Mali, and Afghanistan. In 2021, there were 172 new asylum applications. Refugee status was granted in 7 cases (countries of origin: Burundi, Iraq, Iran, and Pakistan), while subsidiary protection was approved for 7 individuals from Syria, Burundi, Afghanistan, Libya, and Somalia. During 2022, the number of applications increased to 320, with 10 individuals receiving refugee status (countries of origin: Afghanistan, Iran, Burundi, Libya, and Ukraine), and 20 individuals receiving subsidiary protection (countries of origin: Syria, Ukraine, Afghanistan, Democratic Republic of Congo, Cuba, Cameroon, and Niger). Additionally, in response to the armed conflict in Ukraine, 1,115 temporary protections were granted, with applicants from Ukraine, the Russian Federation, Uzbekistan, Armenia, China, Belarus, Bosnia and Herzegovina, Georgia, and Latvia. In 2023, the number of asylum applications fell to 196, with refugee status granted to 7 individuals (mostly from Cuba, India, and Burundi) and subsidiary protection to 2 individuals (from Syria and the Democratic Republic of Congo). That same year, 403 new temporary protection decisions were issued, and 743 individuals had their previously granted protection extended. A similar pattern was observed in 2024, with 219 asylum applications, resulting in 4 refugee statuses and 3 subsidiary protections. Additionally, temporary protection was granted to 375 new beneficiaries, and 710 individuals had their protection extended. By June 2025, 60 new asylum applications had been submitted, and 1 subsidiary protection was granted to a person from Burundi. At the same time, 117 new temporary

protection decisions were made, and 117 individuals had their protection extended. (Comparative overview: Chart No. 10).⁵²

The most common countries of origin for these individuals include Syria, Iran, Afghanistan, Burundi, and Iraq. Data from the National Employment Service (NES) show a very low number of work permits issued in relation to the number of asylum applications and granted protections. For example, in 2023, only 10 work permits were issued to persons granted protection (refugees), 6 of whom were women, while 255 permits were issued to especially vulnerable categories, 104 of whom were women. Before the implementation of the new law (February 1, 2024), only 17 work permits were issued to vulnerable categories, 3 of whom were women.

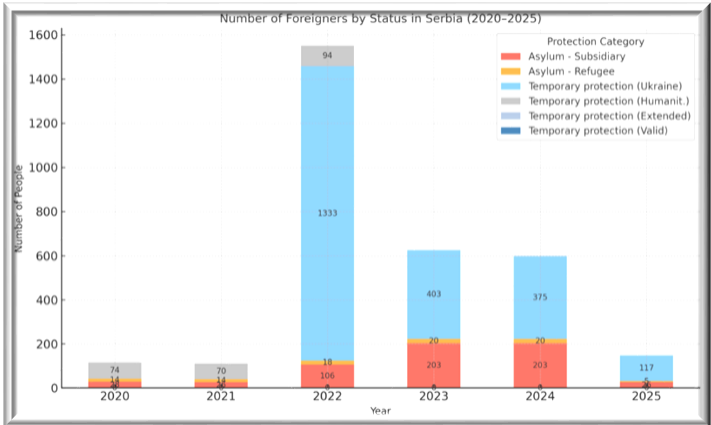


Chart 10.

Nonetheless, for this minor but highly vulnerable group, the state has developed certain integration policies and programs. The Commissariat for Refugees and Migration (KIRS) provides mentorship support for the realization of socio-economic rights, organizes language courses, and facilitates the recognition of educational qualifications within the aforementioned programs. Each beneficiary undergoes an individual vulnerability assessment in accordance with the Law on Asylum and Temporary Protection, followed by the development of an individual integration plan, tailored to their specific needs. Based on this, appropriate support is provided through individual counselling with an integration advisor as well as group informational sessions. KIRS does not maintain statistical data on the exact number of refugees, asylum seekers, and

⁵² Ministry of the Interior of the Republic of Serbia (June 2, 2025) Questionnaire on the position of vulnerable foreigners in exercising labour rights in Serbia, completed and submitted to IDC.

migrants who are employed. However, according to a survey conducted in October 2023, out of 57 respondents, 37 were of working age, 26 were employed, and 11 were unemployed.⁵³

Within its current programs, the National Employment Service (NES) has not yet developed specific training, retraining, or upskilling programs for vulnerable categories of foreigners, but such initiatives are expected in the near future. On the other hand, foreign nationals who meet legal requirements and possess appropriate documentation may register as unemployed with NES and, if previously covered by mandatory insurance, may qualify for unemployment benefits.

Eligibility for active labour market measures is determined through an individual employability assessment, based on qualifications, work experience, personal and socio-psychological characteristics, and length of unemployment. If barriers to independent job seeking are identified, the foreign national may be included in financial incentive measures—either directly, through subsidies for training or accredited services, or indirectly, through employer incentives—according to the public call conditions and the individual employment plan.⁵⁴

Recent legislative amendments have granted refugees, persons under subsidiary or temporary protection, as well as individuals with humanitarian residence, the right to access the labour market without the need to obtain a single permit (Article 3 of the Law on Employment of Foreigners). Furthermore, asylum seekers acquire the right to work after six months from the date of application submission, provided that no decision has been made within that period through no fault of their own.⁵⁵

Although these amendments have significantly reduced administrative and financial barriers, certain challenges in their implementation still remain. An analysis of the responses from civil society organisations, respondents from vulnerable categories of foreigners, and the Commissioner for the Protection of Equality highlights difficulties in opening bank accounts for asylum seekers and persons granted international protection as one of the main practical obstacles, which directly affects their financial stability. Without the ability to access to bank services, these individuals cannot receive wages, social assistance, scholarships, or other state-provided benefits. The core issue is that banks

⁵³ Commissariat for Refugees and Migration of the Republic of Serbia (April 28, 2025) Questionnaire on the position of vulnerable foreigners in exercising labour rights in Serbia, completed and submitted to IDC.

⁵⁴ National Employment Service of the Republic of Serbia (April 11, 2025), interview on the position of vulnerable foreigners in exercising labour rights in Serbia.

⁵⁵ Law on Employment of Foreigners

usually require a passport and proof of residence registration—documents that these individuals often do not possess. Furthermore, banks frequently do not accept the ID cards issued by the Ministry of Interior for asylum seekers, refugees, and beneficiaries of subsidiary protection as valid identification documents. In addition, banks often ask for a work contract or an official act from a state or international institution justifying the account opening. However, refugees and asylum seekers most often have fixed-term employment contracts (typically six months), which is also the validity period of their ID cards. Based on complaints submitted by civil society organizations, the Commissioner for the Protection of Equality found discrimination based on actual or assumed personal characteristics and issued a recommendation to all banks to remove these obstacles.⁵⁶ In addition to this recommendation, the Commissariat for Refugees and Migration (KIRS), UNHCR, and the Commissioner jointly addressed financial institutions during the conference *“The Possibility of Opening Bank Accounts as Crucial for the Economic Survival and Integration of Refugees”*, emphasizing the need to enable and improve access to payment accounts and bank cards for refugees and asylum seekers. The goal was to raise awareness of financial inclusion as a key component of economic integration and empowerment of persons under international protection.⁵⁷ While complaints to the Commissioner for the Protection of Equality are rare, in one documented case the Belgrade Centre for Human Rights submitted a complaint against a youth cooperative for refusing to register minors granted subsidiary protection for employment, claiming they do not admit or employ asylum seekers. The Commissioner found this action violated the Law on Prohibition of Discrimination and issued a recommendation requiring equal and inclusive access for persons under international protection as well as nationals. The recommendation was accepted, ensuring adherence to the principle of equality.⁵⁸

An analysis of civil society organizations and vulnerable foreign respondents revealed that the design of ID documents issued by the Ministry of the Interior for refugees, asylum seekers, and persons with subsidiary protection is a major barrier. These documents are often not recognized by employers or other relevant actors, especially at the local

⁵⁶ Commissioner for the Protection of Equality of the Republic of Serbia (2025, April 10), Questionnaire on the position of vulnerable foreigners in exercising labour rights in Serbia, completed and submitted to IDC. More about the recommendation available at: [https://ravnopravnost.gov.rs/578-24-preporuka-mera-bankama-povodom-pristupa-finansijskim-uslugama-](https://ravnopravnost.gov.rs/578-24-preporuka-mera-bankama-povodom-pristupa-finansijskim-uslugama)

⁵⁷ UNHCR Serbia, *The possibility of opening a bank account is essential for the economic survival and integration of refugees*, 7 February 2023. Available at: <https://www.unhcr.org/rs/28251-mogucnost-otvaranja-racuna-od-sustinske-vaznosti-za-ekonomski-opstanak-i-integraciju-izbeglica.html> (accessed on 25 June 2025).

⁵⁸ Commissioner for the Protection of Equality of the Republic of Serbia (2025, April 10), Questionnaire on the position of vulnerable foreigners in exercising labour rights in Serbia, completed and submitted to IDC.

level, because they lack a Foreign National Identification Number (FNIN). This number is issued as a separate document or certificate for a specific purpose by the Ministry of the Interior and is subject to a fee. This practice imposes an excessive burden on individuals in accessing economic, social, and other rights, further complicating the effective realization of the rights of refugees, asylum seekers, and persons with subsidiary protection. In this context, vulnerable respondents recommended amending the design of the current ID card so that it becomes a biometric document with an integrated FNIN, to reduce financial burdens and improve access to rights. Furthermore, civil society organizations also highlight frequent labour rights violations, such as non-payment of wages, employment without any signed contract (including fixed-term or freelance contracts), and lack of compliance with occupational safety measures. A particularly alarming practice is when employers require workers to sign blank resignation letters at the time of signing a work contract. These violations are especially prevalent among asylum seekers during the mandatory waiting period of six months (previously nine) after filing an asylum application, during which they are not yet formally allowed to access the labour market.⁵⁹ It is also important to emphasize that women from vulnerable foreigner categories face additional obstacles in accessing the labour market, primarily due to the lack of adequate childcare support services. This often leads to their economic marginalization and confinement to unpaid care work, hindering both their integration and economic independence.⁶⁰

According to the Labour Inspectorate's 2024 Report, a total of 2,739 labour inspections were conducted regarding the employment of foreign nationals. During these inspections, 338 foreigners were found working in the informal economy, without a signed employment contract and/or mandatory social security registration. These included nationals of Ukraine, India, and Azerbaijan, although there is no data available on how many of them belonged to vulnerable categories of foreigners.

Foreign nationals found in informal employment, after a labour inspection is conducted and measures are taken by labour inspectors, most often do not establish an employment relationship with the employer, but instead return to their country of origin. In the meantime, employers tend to fill those same positions with other individuals – again foreign nationals.

⁵⁹ Belgrade Centre for Human Rights (April 10, 2025), interview on the position of vulnerable foreigners in exercising labour rights in Serbia.

Center for Crisis Policy and Response (April 10, 2025), interview on the position of vulnerable foreigners in exercising labour rights in Serbia

⁶⁰ Women on the Way (May 9, 2025), interview on the position of vulnerable foreigners in exercising labour rights in Serbia.

During inspections, labour inspectors found that for 8% of the foreign workers, employers had not obtained work permits, and in 5% of cases, they had not signed employment contracts or registered the workers for mandatory social insurance. Additionally, in 61% of cases involving foreign nationals found in informal work with undeveloped business entities, employment relationships were not established because these employers – usually private individuals – ceased their activities and did not register their business immediately after the inspection. This trend is also reflected in the increased number of voluntary returns to countries of origin, as part of the Assisted Voluntary Return and Reintegration (AVRR) program implemented by the International Organization for Migration (IOM).⁶¹

In the areas of foreign employment, labour relations, and occupational safety and health, the labour inspection has undertaken a series of measures to correct identified irregularities among employers hiring foreign nationals. In total:

- 140 requests for initiating misdemeanour proceedings were filed against employers,
- 1 criminal charge was submitted against responsible individuals in the area of occupational safety and health,
- 61 decisions were issued containing 135 orders to eliminate irregularities,
- 28 decisions banned work at specific workplaces,
- 64 orders were included in 47 official reports,
- 13 warnings and advisories were also issued.

In addition, 24 notifications regarding identified irregularities were submitted to the Ministry of Interior – Directorate for Foreigners.⁶²

Although the Republic Agency for the Peaceful Resolution of Labour Disputes represents an important mechanism for the protection of labour rights, it currently lacks both the institutional capacity and formal jurisdiction to handle cases involving foreign nationals. During the previous period, 30 foreign nationals contacted the Agency, but their cases fell outside the scope of the Agency's competence.⁶³ Given increasing employment of foreign workers and the specific nature of their position, it is necessary to consider strengthening the Agency's capacity and expanding the jurisdiction of existing institutional mechanisms for labour

⁶¹ International Organization for Migration – IOM (2025, 28 May), interview on the position of vulnerable foreigners in exercising labour rights in Serbia.

⁶² Labour Inspectorate. (2024). Annual Work Report for 2024. Ministry of Labour, Employment, Veteran and Social Affairs. Available at: <https://www.minrzs.gov.rs/sr/dokumenti/ostalo/izvestaji-o-radu/plan-inspekcijskog-nadzora> (accessed on 27 June 2025).

⁶³ Republic Agency for the Peaceful Settlement of Labour Disputes (2025, June 6), interview on the position of vulnerable foreigners in exercising labour rights in Serbia.

rights protection, to ensure accessible and effective protection of rights for all workers in the Republic of Serbia.

5.4.3 Victims of Human Trafficking and Labour Exploitation

During 2024, a total of 71 victims of human trafficking were formally identified, marking a continued upward trend for the fourth consecutive year. Regarding the types of exploitation, sexual exploitation—which in previous years accounted for over 50% of cases—has in the past two years been nearly equally represented alongside labour exploitation and forced begging. While the majority of identified victims are still citizens of the Republic of Serbia, a significant increase in the number of foreign victims has been recorded— a 167% rise compared to the previous year. Of the total number of foreign victims identified, two-thirds were discovered within the territory of Serbia, while the remaining individuals were identified either in their countries of origin or along migratory routes.

The most common form of exploitation among these individuals was:

- Sexual exploitation (44%)
- Labour exploitation (31%)
- Forced criminal activity (13%)
- Forced marriages (6%)
- Coercion into armed conflict (6%)

There was also a rise in reports of suspected exploitation of foreign nationals who were legally residing in Serbia. Although the majority of these cases were not classified as human trafficking, but rather as other forms of violations of foreigners' rights, these risks must be addressed systematically and through coordinated action.⁶⁴

According to data from the Ministry of Interior (MUP), the number of residence permits granted on humanitarian grounds remains low.

NUMBER OF RESIDENCE PERMITS GRANTED ON HUMANITARIAN GROUNDS								
2008-2017	2018	2019	2020	2021	2022	2023	2024	Jun 2025
0	3	19	23	74	108	83	78	37

Table 1.

⁶⁴ Centre for the Protection of Victims of Human Trafficking. (2024). Report of the Centre for the Protection of Victims of Human Trafficking for the year 2024. Retrieved from <https://www.centarzztlj.rs/> (accessed on 20 June 2025).

Civil society organizations point out that, although a Memorandum of Cooperation was signed as early as 2017 between the Centre for Human Trafficking Victims' Protection and the National Employment Service—recognizing victims of human trafficking as a category with significant employment barriers—these individuals continue to face considerable difficulties in accessing services in practice, including the right to employment. There are no dedicated programs or targeted employment measures for foreign nationals who are victims of human trafficking, nor are there systemic solutions in place. The lack of political will remains a key obstacle to implementing the recommendations of the Committee on the Elimination of Discrimination against Women (CEDAW) issued in 2019 and 2021, which call for measures to prevent prostitution and sexual exploitation (including amending the Law on Public Order and Peace and decriminalizing prostitution), as well as the obligation to ensure economic empowerment programs for women seeking to exit prostitution.⁶⁵

Support services are primarily delivered by civil society organizations, such as CSO Atina, which provides assistance related to labour market readiness, awareness of labour rights, preparation of CVs, job search and application support, interview preparation, and additional assistance aimed at both securing and retaining employment. Currently, 37 women included in Atina's program are employed, including seven out of ten beneficiaries of supported housing services—marking a significant step toward their economic reintegration. Additionally, within the framework of Atina's social enterprise "Bagel Bejgl," seven training cycles in food preparation have been conducted, with a total of 35 women successfully completing the program. Out of those, 11 women obtained employment in the food industry after finishing the training and receiving certificates, which also represents an important outcome in their rehabilitation and (re)integration efforts.⁶⁶

On the other hand, ASTRA provides services that include legal assistance and support in accessing rights and services, including labour rights. Civil society organizations highlight the ongoing judicial practice in which victims of human trafficking are frequently penalized due to reclassification of the criminal offense, and that courts continue to impose minimum statutory sentences. There has also been a noted increase in prosecutions for the offense of procuring prostitution, alongside a decrease in prosecutions for human trafficking.⁶⁷ Furthermore, organizations

⁶⁵ Atina (April 17, 2025), interview on the position of vulnerable foreigners in exercising labour rights in Serbia

⁶⁶ Ibid

⁶⁷ Astra (April 29, 2025), interview on the position of vulnerable foreigners in exercising labour rights in Serbia

emphasize the persistently low number of reported cases submitted to the Centre for the Protection of Victims of Human Trafficking.

Cases such as Linglong⁶⁸ have not yet received a judicial resolution. The case of 11 Indian workers exploited in the construction industry in Serbia revealed serious violations of labour rights. Dozens of workers were engaged in infrastructure projects without formal employment contracts, were denied wages, accommodated in substandard living conditions, and had their freedom of movement restricted. They were subjected to forced labour, with passports confiscated by the employer, and had no access to legal aid or adequate protection.⁶⁹ A recent case involving Egyptian workers in Serbia has raised serious concerns about labour exploitation: the workers reported overtime work, unpaid wages, and threats from employers. They worked under harsh conditions, without proper protection or institutional support, while their situation was further aggravated by language barriers and lack of access to free legal aid. Although the employer denied the allegations, the case illustrates systemic failures in the protection of foreign workers in practice.⁷⁰ The International Labour Organization (ILO) has also received a formal complaint from an Indian labour union, citing violations of the rights of Indian workers in Serbia. The courts declared themselves incompetent to adjudicate the case, as the employer was registered in Florida.⁷¹ These cases underscore serious systemic deficiencies in the protection of foreign workers in Serbia, who face forced labour, withheld wages, unpaid overtime, poor housing conditions, and restricted freedom of movement. The lack of legal assistance, language barriers, absence of effective judicial remedies, and the limited jurisdiction of domestic institutions—particularly in cases involving foreign-registered employers—further hinder the realization of these workers' rights. The ILO's registration of a complaint regarding these violations adds an international dimension to the issue and reinforces the need for strengthening institutional mechanisms for protection.

5.5. Opinions of Vulnerable Foreign Nationals on Access to Labour Rights and Integration in Serbia

In order to assess the structural factors affecting access to labour rights and the integration of vulnerable categories of foreigners in Serbia, a

⁶⁸ More about the case at <https://astra.rs/astra-predstavila-detljan-izvestaj-o-slucaju-radne-eksploatacije-radnika-iz-vijetnama-linglong/> (accessed on 15 June 2025).

⁶⁹ More about the case at <https://drive.google.com/file/d/1SH1CHMGhF4aL5o4JI6rGDvJRGfQNCsXj/view> (accessed 11 June 2025)

⁷⁰ More about the case at <https://astra.rs/prava-radnika-za-egipcane-ne-vaze-zalili-se-na-prekovremen-rad-neisplacene-zarade-i-pretnje-poslodavac-demantuje/> (accessed on 14 June 2025).

⁷¹ International Labour Organization (ILO) (2025, April 7), interview on the position of vulnerable foreigners in exercising labour rights in Serbia.

series of questions and statements were presented to the respondents. Firstly, perspectives on overall support in the integration process were evaluated. Respondents were asked to react to the following statements:

a) *"I feel like a part of Serbian society"* – 4 respondents strongly agree, and 1 respondent somewhat agree (Chart No. 11).

b) *"Serbian society is supportive of foreigners"* – 5 respondents strongly agree (Chart No. 11).

c) *"The Government of Serbia takes the concerns of refugees seriously"* – 1 respondent strongly agree, 2 respondents somewhat agree, 1 respondent somewhat disagree, and 1 respondent declined to answer (Chart No. 11).

d) *"I feel discriminated against because I am a foreigner"* – respondents did not agree with this statement and reported no experience of discrimination.

e) *"Serbs and other peoples have more in common than what divides them"* – 4 respondents strongly agree, 1 respondent somewhat agree (Chart No. 12).

f) *"Serbs are friendly towards people of other nationalities"* – all respondents strongly agree (Chart No. 12).

g) *"Serbs are hostile toward foreigners"* – 4 respondents strongly disagree, and 1 respondent answered - I don't know (Chart No. 12).

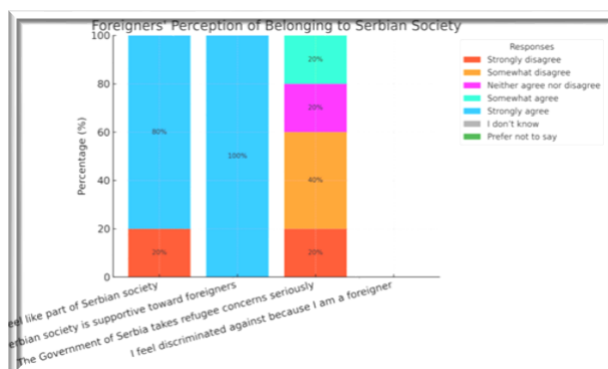


Chart 11

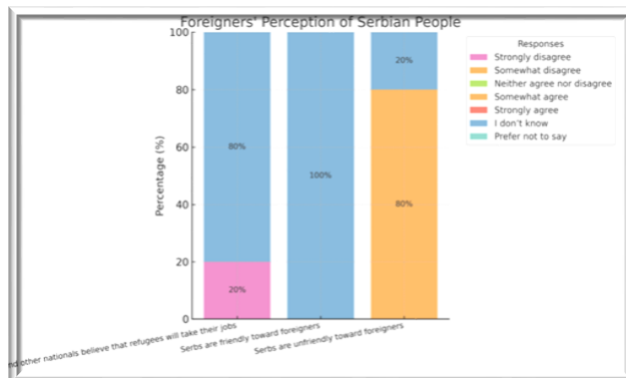


Chart 12.

The responses indicate a high level of social acceptance and an absence of perceived discrimination among the respondents (none of the participants reported experiencing discrimination or abuse). This is reflected in a strong sense of belonging and a positive perception of local attitudes toward foreigners. However, the divided opinions regarding the Serbian Government's approach to the needs of refugees point to certain institutional challenges and highlight the need for enhanced support measures.

Regarding awareness of labour rights in Serbia, all respondents stated they were only partially informed. When it comes to available mechanisms for the protection of labour rights, they lacked knowledge and would primarily turn to civil society organizations that had provided them with free legal assistance during the asylum procedure (such as the Belgrade Centre for Human Rights, IDEAS), UNHCR, or other organizations like the Centre for Crisis Policy and Response. Only one respondent was familiar with procedures for exercising rights in the field of social protection, while the others stated they would also seek help from civil society organizations if needed.

As for access to healthcare, safety, education opportunities, and housing, 4 respondents expressed satisfaction, while 1 respondent declined to answer. None of the respondents had any experience working in the informal economy. All respondents emphasized that knowledge of the Serbian language is crucial for finding and retaining employment. They had all attended available Serbian language courses organized by KIRS or UNHCR partners, although they felt that instruction should be more extensive. One respondent was independently attending a Serbian language course at their own expense.

All respondents stated that they plan to stay in Serbia and do not intend to move to another country. The responses suggest that respondents are not sufficiently informed about mechanisms for the protection of their labour and social rights. Positive evaluations of access to education, healthcare, and safety indicate that existing institutional mechanisms and the support of international actors are essential to the integration process.

The recommendations unanimously emphasized by all respondents concern the format of the personal identification document and the need for greater availability of Serbian language courses. These recommendations highlight the insufficient availability and limited adaptability of current institutional language-learning programs to the specific needs of individuals within this category.

5.6. Good Practices in Employing Vulnerable Foreign Nationals and Employers' Experiences

Civil society organizations such as the Belgrade Centre for Human Rights, the Centre for Crisis Policy and Response, and Atina play a key role in facilitating the employment of vulnerable categories of foreigners. The [Company Network for Refugees](#), established by UNHCR in Serbia, represents a good practice example of cooperation between international organizations, the private sector, and institutions in the field of refugee labour market integration. Through this network, companies support refugees and asylum seekers by offering professional training, mentorship, internships, and employment opportunities, thereby contributing to their economic independence, social inclusion, and the realization of their right to work in accordance with international standards on human rights and decent work. The network includes employers such as major companies like IKEA, Mercator, Mona Hotel, Hilton, Hyatt, Holiday Inn, as well as employers like Alumil and others.⁷² A particularly successful example of self-employment is that of women from Ukraine, implemented within the project [“Step by Step to Your Own Business for Refugees”](#).⁷³

An analysis of the responses from employers IKEA and Alumil, both of which hire vulnerable categories of foreigners, indicates that language barriers represent a key challenge in integrating these individuals into

⁷² United Nations High Commissioner for Refugees – UNHCR (May 22, 2025), interview on the position of vulnerable foreigners in exercising labour rights in Serbia.

⁷³ Belgrade Centre for Human Rights (April 10, 2025), interview on the position of vulnerable foreigners in exercising labour rights in Serbia.

positions that require direct interaction with clients or colleagues (IKEA), or communication with other workers (Alumil). IKEA has developed a mentorship system involving local employees who provide support and assistance to foreign workers in the inclusion process (so-called "buddy" system). In this system, language proficiency is not considered a decisive criterion for employment; instead, priority is given to alignment with the company's values. Both employers highlight examples of individuals from vulnerable categories who advanced quickly and served as inspiration to others. Alumil emphasized that these workers are often more loyal, motivated, and reliable in performing their tasks compared to other foreign workers, and that they demonstrate a high level of work ethic. Both companies stated that collaboration with UNHCR and civil society organizations was crucial in the employment process of vulnerable foreigners through UNHCR-supported programs. Employment contracts are bilingual (in English and Serbian), and both employers apply an equal working conditions policy regardless of the worker's status. They also pointed out systemic issues related to opening bank accounts for vulnerable foreigners, which have since been resolved, although Alumil particularly attributed the issue to the incompetence of bank staff.⁷⁴

5.7 Systemic Innovations and Positive Developments

In addition to the introduction of the single permit for temporary residence and work—which represents a significant reform step toward more efficient administration and improved access to rights for foreign workers—it is important to highlight the ongoing training of officials from relevant state authorities working with vulnerable categories of foreigners, as well as efforts to inform employers about the benefits of engaging this segment of the workforce. In 2024, the Commissariat for Refugees and Migration of the Republic of Serbia (KIRS) organized a series of specialized trainings for a total of 309 staff members employed in reception and asylum centres, with a focus on recognizing and providing support to vulnerable groups, including unaccompanied minors, victims of gender-based violence, persons with disabilities, and LGBTIQ+ individuals. The training program covered topics such as first aid, safety and health in centres, procedures for asylum seekers, and voluntary return, including the use of indicators for identifying victims of human trafficking. These trainings were conducted in cooperation with

⁷⁴ IKEA (2025, May 30) Interview on the position of vulnerable foreigners in exercising labour rights in Serbia. ALUMIL (2025, May 16) Interview on the position of vulnerable foreigners in exercising labour rights in Serbia. More about Alumil: <https://www.alumil.com/serbia/homeowners>

international and domestic organizations and financed through the budget of the Republic of Serbia, international projects, and donor funds.⁷⁵

The Commissioner for the Protection of Equality carried out extensive activities in 2024 aimed at strengthening the capacities of various stakeholders through training sessions, workshops, and cooperation with international and domestic partners, involving over 1,200 participants. Special emphasis was placed on educating police officers, labour inspectors, staff of the National Employment Service, trade union representatives, and the private sector about anti-discrimination principles, protection mechanisms, and gender equality. Through participation in expert gatherings, projects, and international conferences, the institution further contributed to the promotion of human rights, equality, and inclusion in various areas of social life, with special attention to improving the position of women in the labour market and the security sector.⁷⁶ Most trainings were implemented with financial support from foreign donors, including the OSCE, GIZ, UN agencies (UNOPS, UNICEF, UNFPA, UNEP, UNDP), and other international organizations.

During 2024, the Belgrade Centre for Human Rights conducted a series of trainings and educational activities aimed at actors involved in the protection and integration of vulnerable categories of foreigners in Serbia. The trainings targeted representatives of state institutions, local governments, centres for social work, providers of educational, health and social services, civil society organizations, as well as employers who hire foreign nationals. A “training of trainers” session was also conducted as part of the FOSTER project, attended by 20 participants, enabling further dissemination of knowledge at the local level. In total, several hundred participants attended various formats of trainings addressing access to rights, prevention of discrimination, combating smuggling and human trafficking, integration and inclusion of migrants, as well as the specific needs of LGBTI+ persons on the move. Most of these activities were funded by the European Union and other international donors.⁷⁷

Civil society organizations ASTRA and ATINA continuously organize a wide range of trainings in the field of trafficking prevention and suppression, targeting various stakeholders — from employees of the National Employment Service, police officers and prosecutors, to labour

⁷⁵ Commissariat for Refugees and Migration of the Republic of Serbia (April 28, 2025) Questionnaire on the position of vulnerable foreigners in exercising labour rights in Serbia, completed and submitted to IDC.

⁷⁶ Commissioner for the Protection of Equality of the Republic of Serbia (April 10, 2025), Questionnaire on the position of vulnerable foreigners in exercising labour rights in Serbia, completed and submitted to IDC.

⁷⁷ Belgrade Centre for Human Rights (April 10, 2025), interview on the position of vulnerable foreigners in exercising labour rights in Serbia.

inspectors, health and education workers, and representatives of local institutions involved in local anti-trafficking teams.⁷⁸ Furthermore, in 2024 Atina organized trainings in multiple cities across Serbia, including Niš, Kragujevac, Čačak, Belgrade, Užice, Vranje, Novi Sad, and Bujanovac, as well as through district-level sectoral workshops. Particular emphasis was placed on building capacity to identify and respond to victims, through training on trafficking indicators and specifics of working with vulnerable groups. The trainings also included capacity building for local teams operating in at least 17 municipalities, with the aim of decentralizing the anti-trafficking response and supporting victims after they exit crisis situations. In addition, specialized trainings and roundtables were organized for judges and prosecutors to raise awareness of the specific position of trafficking victims in court proceedings. Special focus was given to the consequences of reclassification of criminal offenses for the victims themselves, and the need to avoid secondary victimization during judicial processes. These events highlighted that prosecutors without specialization often issue harsher penalties, whereas specialized personnel possess more appropriate knowledge in this field, which positively affects the quality of criminal prosecution. These trainings were also important in the context of advocating for changes to minimum statutory penalties and the standardization of procedures in trafficking cases.⁷⁹ All listed trainings were funded by donor funds.

As a candidate country for European Union membership, Serbia is actively aligning with EU integration requirements, including the harmonization of migration and labour market policies. Although significant progress has been made, challenges remain regarding the full inclusion of vulnerable foreigners in formal employment channels. Therefore, further investment is needed in protection mechanisms, inclusive employment policies, and public awareness-raising to prevent the marginalization and exploitation of vulnerable categories of foreign workers. Comparative analysis shows that Serbia, in comparison with Bosnia and Herzegovina, demonstrates a higher level of institutional agility and openness toward the labour integration of vulnerable foreign nationals, but there is still room for improvement in ensuring guaranteed protection of labour rights for the most at-risk categories of migrants.

6. Analysis: Comparative Similarities and Differences

A comparative analysis of Bosnia and Herzegovina (BiH) and Serbia regarding the realization of labour rights for vulnerable categories of

⁷⁸ Astra (April 29, 2025), interview on the position of vulnerable foreigners in exercising labour rights in Serbia

⁷⁹ Atina (April 17, 2025), interview on the position of vulnerable foreigners in exercising labour rights in Serbia

foreign nationals reveals deeply rooted structural differences, as well as certain shared foundations stemming from similar international obligations and geopolitical context. Both countries, while relying on different institutional models, show efforts to establish functional mechanisms that would enable the inclusion of foreigners in the labour market, with a particular focus on refugees, asylum seekers, and victims of human trafficking.

6.1. Normative Framework

Both countries possess basic legal mechanisms to enable access to the labour market for foreign nationals, but their structure and regulatory details differ significantly. BiH applies a fragmented approach, whereby entity-level laws on the employment of foreigners—although similar—are not fully harmonized, which can result in inconsistent practices across the country. In contrast, Serbia has a unified legal framework at the national level, contributing to more efficient implementation of regulations and systematic monitoring of their effects.

In recent years, Serbia has proactively improved its legislative framework—amendments to the Law on Foreigners and the Law on the Employment of Foreigners in 2019 and 2023 introduced a range of modernizations, including the introduction of a single permit for residence and work, shortening the period for asylum seekers to access the labour market to six months, and easing conditions for acquiring permanent residence and citizenship. On the other hand, Bosnia and Herzegovina has not significantly amended entity-level regulations since their initial adoption (FBiH in 2012, RS in 2016)⁸⁰, apart from amendments to the State Law on Foreigners in 2021 and 2023,⁸¹ which were mainly technical in nature, aimed at aligning with EU visa and readmission rules.

These differences indicate that Serbia has a more modern and coherent normative framework, while BiH still faces the task of modernizing and potentially harmonizing its regulations—including consideration of introducing a single permit system or at least simplifying administrative procedures.

BiH operates within a complex and decentralized legal system, in which the regulation of foreign nationals' employment is defined at the entity and district levels. This structure results in normative fragmentation and

⁸⁰ Law on the Employment of Foreigners ("Official Gazette of the Federation of BiH", No. 111/12); Law on the Employment of Foreigners ("Official Gazette of the Republic of Srpska", No. 24/16).

⁸¹ Law on Foreigners, "Official Gazette of BiH", No. 88/15 of 17.11.2015, 34/21 of 01.06.2021, and 63/23 of 12.09.2023.

inconsistent implementation of laws in practice. In contrast, Serbia applies a centralized legislative framework, which enables a higher degree of legal certainty, greater transparency, and more efficient administrative procedures for foreign nationals exercising their right to work. The introduction of the single permit for temporary residence and work in 2024 illustrates Serbia's regulatory agility, while the legal framework of the entities in BiH shows limited development dynamics and does not adequately reflect contemporary migration challenges or the recommendations of relevant international bodies.

6.2. International Obligations

Bosnia and Herzegovina has formally undertaken a greater number of international obligations in the field of protecting the rights of migrant workers, including the ratification of the United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, as well as both relevant International Labour Organization (ILO) conventions.⁸² In contrast, Serbia has not ratified some of these instruments, including the aforementioned UN convention. However, this does not necessarily translate into practice—ratification alone does not guarantee a higher level of protection. On the contrary, as a candidate country for membership in the European Union, Serbia has made additional efforts to align with the EU *acquis*, particularly regarding directives on the single permit, asylum seekers, and the fight against human trafficking.

In this regard, BiH may be seen as normatively more ambitious, having adopted high international standards, but it lags behind in their implementation. Serbia, although formally bound by a narrower set of international obligations, demonstrates a certain degree of operational progress. This is reflected, among other things, in the integration of individuals under temporary protection from Ukraine, the development of individualized integration programs for persons with recognized international status, availability of naturalization and family reunification rights, as well as capacity-building measures for actors involved in preventing the labour exploitation of foreign nationals.

⁸² See: United Nations, *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*, United Nations Treaty Collection, available at: <https://treaties.un.org/pages/showdetails.aspx?objid=080000028004b0a9&clang=en> (accessed on 26 June 2025).

See also: International Trade Union Confederation (ITUC), *Migrants' Rights in Europe: Monitoring Implementation of International Labour Standards*, ITUC/CISL, May 2020, available at: https://www.ituc-csi.org/IMG/pdf/en_europa_migrants_rights.pdf (accessed on 26 June 2025).

6.3. Right to Work for Refugees and Asylum Seekers

There are significant similarities in the legislative frameworks of Bosnia and Herzegovina (BiH) and Serbia. Both countries grant refugees the same rights as domestic workers regarding access to employment — in BiH, this is regulated under Article 17 of the entity-level laws on the employment of foreigners,⁸³ while in Serbia, this right is guaranteed under Article 64 of the Law on Asylum and Temporary Protection.⁸⁴ Additionally, both countries allow asylum seekers to access the labour market after a certain waiting period: in BiH, this right is granted after nine (9) months, whereas in Serbia, it is available after six (6) months, reflecting alignment with relevant European Union standards.

However, differences arise at the level of implementation. In Serbia, a larger number of asylum seekers have exercised this right over the years, which can be attributed to the operational support of civil society organizations. In contrast, in BiH, the number of individuals who have utilized this right remains negligible, partly due to more complex administrative procedures, but also because of the dynamic nature of the migrant population. Many migrants in BiH aim to quickly continue their journey toward EU member states and therefore do not remain long enough to formally enter the asylum system, whereas in Serbia, longer stays—due to its geographic location and proximity to the EU border—result in a higher number of individuals who exercise their right to work.

6.4. Work Permits and Bureaucracy

In Bosnia and Herzegovina, the process of regulating the residence and employment of foreigners is conducted in two separate phases — the work permit is issued at the entity level, followed by the residence permit at the state level. This slows down the procedure and increases the risk of institutional misalignment. In contrast, Serbia, since February 2024, has introduced a single, centralized procedure under the jurisdiction of the Ministry of Interior (MUP), reducing administrative duplication and speeding up the processing of applications.

In addition, the use of information technologies in Serbia contributes to greater efficiency — particularly with the introduction of an electronic portal

⁸³ Law on Employment of Foreigners of the Federation of BiH ("Official Gazette of the Federation of BiH", No. 111/12), Article 17: "Foreigners with approved permanent residence... have the right to work in the Federation as citizens of BiH." For Republika Srpska, the corresponding provision is identical in the Law on Employment of Foreigners of Republika Srpska ("Official Gazette of Republika Srpska", No. 24/09, Article 17).

⁸⁴ Law on Asylum and Temporary Protection ("Official Gazette of RS", No. 24/2018), Article 64: "A person who has been granted the right to asylum or subsidiary protection has the right to access the labour market."

for the registration of foreigners and real-time tracking of application status. In BiH, procedures are still predominantly paper-based and office-centered, which further extends processing times.

As a result, a foreign national in Serbia can — at least theoretically — obtain the necessary permits within a few weeks, while in BiH the process often drags on for several months. For vulnerable categories of migrants, who frequently lack complete documentation, the slowness and complexity of the system in BiH can pose a serious obstacle and may encourage shifts into the informal economy or further migration attempts toward the European Union.

6.5. Institutional Coordination

In Bosnia and Herzegovina, there is a clear institutional gap — the Ministry of Security and entity-level Ministries of Labour do not have an established mechanism for regular coordination in the area of migrant employment. The absence of such a mechanism results in a shifting of responsibility among competent actors: immigration officers may point out the illegal employment of foreign nationals without work permits, while entity-level institutions may argue that applications were not submitted due to unresolved residency status. In contrast, Serbia has a centralized institutional structure in which the Ministry of Interior is responsible for both the residency and employment of foreigners, in cooperation with the National Employment Service, enabling functional coordination and more efficient case management through a single institutional channel. Additionally, the Commissariat for Refugees and Migration of the Republic of Serbia (KIRS) serves as a key institutional link between refugees and the labour market. In BiH, there is no equivalent institution with such a role — some responsibilities are nominally held by the Ministry for Human Rights and Refugees, but without an operational structure of comparable capacity. This difference is also evident in practice: Serbia demonstrates institutionally articulated efforts in the field of integration — including KIRS integration teams, memoranda of cooperation with the National Employment Service and the Qualification Agency. In contrast, the integration process in BiH is largely led by civil society organizations and international institutions, often through fragmented and ad hoc interventions.

One of the key differences between Serbia and BiH lies in the number of foreign nationals entering formal employment. Serbia issues significantly more work permits compared to BiH — approximately 50,000 work permits were issued in 2023. In contrast, BiH issues only a few thousand work permits annually. This disparity directly impacts institutional approaches

and public perception: in Serbia, migrants are increasingly perceived as a necessary labour resource to fill gaps in critical sectors. In BiH, however, migrants are still predominantly viewed as refugees or transit migrants, seen as a burden on the system and whose stay are temporary.

Accordingly, Serbia has developed institutional mechanisms for managing labour migration, including active policies to attract foreign workers (e.g., workers from India in the construction sector), simplified entry procedures, and initiatives for bilateral employment agreements with third countries. Bosnia and Herzegovina, on the other hand, has not developed similar programs and continues to face emigration of its domestic workforce to EU markets. Thus, employment policies for foreigners in BiH are not considered a strategic priority, whereas Serbia seeks to balance protecting domestic labour and integrating foreign workers to maintain the functionality of its labour market.

6.6. Vulnerable Groups – Protection from Exploitation

Both Bosnia and Herzegovina and Serbia have formally criminalized labour exploitation and established mechanisms for the protection of victims of human trafficking, yet their practical implementation reveals significant differences. In Bosnia and Herzegovina, cases of labour exploitation of migrants rarely attract public attention. This may be due to their actual lower occurrence but also reflects limited institutional recognition and a lack of proactive engagement by relevant authorities. In contrast, in Serbia, certain high-profile cases — such as the one involving the Chinese company Linglong — drew substantial public attention and consequently spurred institutional responses. These included the adoption of action plans, increased labour inspections, and strengthening of inspection capacities to address the needs of vulnerable foreign workers. In BiH, labour inspections remain limited by institutional capacity, and initiatives to launch proceedings in cases of labour exploitation are **rare**. Furthermore, penal policies differ significantly between the two countries: Serbia imposes high monetary fines on employers who hire workers without legal grounds, while in the Federation of BiH and Republika Srpska, fines are traditionally milder, diminishing their deterrent effect.

A shared challenge for both countries remain the lack of effective protection mechanisms for undocumented migrants. Due to fear of exposing their irregular status, this population typically avoids contact with official institutions, effectively excluding them from access to labour rights protection.

6.7. Gender Perspective

Both Bosnia and Herzegovina and Serbia, whether through strategic documents or civil society projects, recognize that migrant women are exposed to multiple forms of vulnerability. The concept of gender-based vulnerability encompasses the fact that female migrants face specific forms of exploitation, including sexual exploitation and domestic servitude, and therefore require targeted and tailored support—such as access to safe houses, legal aid, and vocational training. In practice, Serbia has implemented several empowerment programs for migrant women, notably UN Women initiatives, which include training in information technology and sewing skills within reception centres.⁸⁵ In Bosnia and Herzegovina, UN Women supports the strengthening of women's economic capacities, including migrant women, through programs focused on empowerment and the promotion of entrepreneurial skills.⁸⁶

However, both countries should work to more systematically integrate the gender perspective into integration policies—by ensuring access to preschool education for the children of working migrant women, preventing discrimination against pregnant foreign women, and developing measures to foster their economic independence and social inclusion.

6.8. Best Practices and Lessons Learned

Serbia has demonstrated good practice in the integration of displaced persons from Ukraine, enabling them to access the labour market within an exceptionally short period. Key barriers—such as language obstacles and recognition of qualifications—were overcome with the support of the diaspora and local communities. This example confirms that the system can be both flexible and effective when there is political will and coordinated institutional support, opening up possibilities for applying a similar approach to other refugee populations. Bosnia and Herzegovina offers a case of successful integration of a small number of Syrian refugees who remained in the country after 2018. In Sarajevo, two Syrian families opened oriental cuisine restaurants, contributing to both economic development and cultural diversity in the local community. This success

⁸⁵ UN Women, *Home, far-away from home: Support for refugee and migrant women in Serbia*, UN Serbia, available at: <https://serbia.un.org/en/13049-home-far-away-home> (accessed 3 July 2025).

⁸⁶ UN Women Bosnia and Herzegovina, “I don’t have time” (*Nemam ti kad*) campaign in Bosnia and Herzegovina, 24. avgusta 2024, available at <https://eca.unwomen.org/en/digital-library/publications/2024/08/nemam-ti-kad-campaign-in-bosnia-and-herzegovina> (accessed 1 July 2025).

was achieved with the support of UNHCR and local authorities, highlighting that synergy between actors can lead to sustainable integration.⁸⁷ Additionally, Bosnia and Herzegovina has, through the ratification of key international instruments, committed to establishing a liberal employment regime for migrants. However, the practical implementation of these commitments remains lacking, underlining the need for concrete institutional and legislative steps to ensure their consistent application in practice.

Comparative Analysis of Key Differences Between Bosnia and Herzegovina and Serbia in the Approach to Foreign Nationals' Labour Rights:

a) Structural Organization of the System - Bosnia and Herzegovina applies a complex, decentralized model of migration and labour rights governance, where responsibilities are divided among state, entity, and district-level institutions. This structure often results in normative and operational fragmentation. In contrast, Serbia implements a centralized approach, with responsibilities clearly defined at the national level, enabling a more coherent and efficient implementation of relevant policies.

b) Administrative Procedure and Access to Rights - In Bosnia and Herzegovina, the process of accessing the right to work requires separate and sequential steps—the issuance of a work permit by entity authorities and a residence permit at the state level—creating administrative burdens and potential procedural delays. In 2023, Serbia implemented a so-called "*single permit*", integrating residence and work rights into a unified procedure, significantly improving legal certainty and predictability for foreign nationals.

c) Scope and Dynamics of Legal Labour Migration - Bosnia and Herzegovina records a relatively low number of work permits issued to foreign nationals, indicating a limited capacity to attract and integrate foreign labour force. Conversely, Serbia is continuously increasing the number of permits issued, with proactive measures to attract both skilled and unskilled labour, reflecting a strategic orientation toward addressing labour market shortages.

⁸⁷ UNHCR. *Bosnia and Herzegovina Monthly Report – May 2024*, Available at: <file:///C:/Users/Korisnik/Downloads/UNHCR%20BiH%20monthly%20update%20-%20May%202024.pdf> (accessed 2 July 2025).

d) Access to the Labour Market for Asylum Seekers - While access to the labour market for asylum seekers is formally regulated in both countries, implementation levels differ. In BiH, despite the legal possibility to work after nine months, practical application is minimal and marked by institutional barriers. In Serbia, this right becomes available after six months, and higher utilization is mostly the result of coordinated support from civil society organizations and the longer stay of asylum seekers in the system.

e) International Legal Framework - Bosnia and Herzegovina has ratified a broader spectrum of international instruments, including the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Serbia, although formally covered by a narrower international legal framework, has made significant progress in aligning its national legislation with the EU acquis, as part of its EU accession process.

f) Institutional Integration Mechanisms - In Bosnia and Herzegovina, the processes of social and economic integration of foreigners largely rely on civil society and international actors, while functional state mechanisms with operational capacity are lacking. In contrast, Serbia has developed an institutional framework where the Commissariat for Refugees and Migration (KIRS) plays a key role in coordinating integration measures, in collaboration with relevant public services and the civil sector.

g) Prevention and Response to Labour Exploitation - Although both countries have legal mechanisms to combat labour exploitation, their implementation differs significantly. In Serbia, high-profile cases (e.g., Linglong) have garnered public and institutional attention, resulting in corrective measures, including increased labour inspections. In Bosnia and Herzegovina, such cases rarely gain public visibility, and the institutional capacity for identifying and prosecuting labour exploitation remains limited.

Bosnia and Herzegovina and Serbia share a fundamental normative premise—recognizing the right of vulnerable foreigners to access the labour market under certain conditions. However, both countries face challenges in the full and consistent implementation of these rights. The core differences arise from institutional efficiency, the level of digitalization of administrative procedures, and the broader socioeconomic context, which significantly affects the scope and quality of integration of foreign nationals into formal employment channels. While Serbia and BiH formally share similar legislative foundations, the differences are pronounced in operational implementation. Serbia demonstrates a higher degree of

institutional agility and more functional mechanisms, including digitized procedures, proactive integration policies, and centralized migration governance. BiH, on the other hand—although often more ambitious normatively—faces structural limitations in institutional coordination, administrative accessibility, and on-the-ground application of existing regulations. For BiH, the key challenge remains the development of a functional, coordinated, and inclusive system that will ensure not only the formal realization of the right to work for vulnerable foreigners but also the actual opportunity for their economic and social integration. Serbia, in the context of increasing labour migration, must further ensure that the quantitative expansion of access to the labour market does not undermine social protection standards, and that vulnerable groups are not left marginalized in the integration process.

Despite existing challenges, both countries have shown potential for innovative institutional responses to contemporary migration dynamics, particularly through cooperation with civil society organizations, international partners, and the private sector. The key question for the upcoming period remains: Will these positive developments be institutionalized through sustainable systemic reforms, or will they remain limited to isolated pilot initiatives and time-bound projects?

7. Conclusion

A comparative analysis of the realization of labour rights for vulnerable foreigners in Bosnia and Herzegovina and the Republic of Serbia reveals a deeply rooted gap between normative provisions and their effective implementation. Although both countries formally possess legislative mechanisms that guarantee access to the labour market for refugees, asylum seekers, and other vulnerable categories of foreigners, their practical application remains limited and burdened by a series of institutional and systemic challenges. This discrepancy between legal provisions and the actual realization of rights highlights the need to strengthen implementation capacities, improve inter-institutional coordination, and ensure greater predictability of procedures so that normative guarantees can become effectively available in practice.

Key findings can be summarized as follows:

1. **The existence of a legal framework does not guarantee effective implementation** – Although BiH and Serbia formally have legal frameworks that recognize the right of refugees to work under equal conditions as nationals, and allow asylum seekers to

be employed after 9 (BiH) or 6 (Serbia) months from applying for asylum, the realization of these rights remains limited in practice. Regulations also allow for temporary residence on humanitarian grounds, including for victims of trafficking. However, the number of vulnerable foreigners who succeed in entering formal labour flows remains extremely low. Key barriers include complex and lengthy administrative procedures, lack of accessible information, and limited institutional capacities, often pushing migrants toward irregular and unsafe forms of employment without adequate legal and social protection.

2. **Institutional models directly affect the quality of rights implementation** – Serbia's centralized institutional framework, along with legislative reforms and the digitalization of administrative procedures, enables a more efficient and coordinated response to the integration needs of foreigners in the labour market. The Commissariat for Refugees and Migration (KIRS) plays a key operational role by linking migrants with relevant institutions and market actors. In contrast, BiH's institutional fragmentation—stemming from the complex division of responsibilities between the entity and state levels—and the absence of a unified labour integration strategy, results in inconsistent and weaker implementation of foreign nationals' labour rights.
3. **Normative ambition does not necessarily translate into operational success** – On the international stage, BiH appears normatively ambitious, as evidenced by its ratification of key United Nations and ILO conventions. However, Serbia demonstrates more measurable results in practice, primarily through alignment with EU standards and the establishment of targeted integration policies. In both cases, international support—both technical and financial—plays a vital role in strengthening institutional capacities and empowering civil society organizations. Nevertheless, without clearly expressed political will and operational initiative from domestic institutions, the transformative potential of this support remains limited.
4. **Operational obstacles show a high degree of similarity** – Both countries face numerous challenges: slow and administratively demanding asylum procedures, lack of language and vocational support, complicated and costly recognition of foreign qualifications, and limited access to key information. These factors further marginalize migrants in the labour market. A particularly vulnerable group are migrant women, who face barriers to formal employment, engage in insecure and underpaid work, and are at increased risk of labour and sexual exploitation. Undocumented

migrants, who remain outside institutional systems, are left without any protection of their labour rights. Therefore, it is necessary to establish a clear and functional division of responsibilities between migration and inspection bodies so that victims of labour exploitation can report abuse without fear of sanctions such as detention or deportation.

5. **Positive developments confirm the importance of political will and institutional coordination** – Good practice examples, such as the organized integration of displaced persons from Ukraine in Serbia and local initiatives in BiH that include migrants in sectors with labour shortages, confirm that systemic support can enable the active inclusion of vulnerable foreign groups in the social and economic life of the community. These models show that refugees and other migrants need not necessarily be seen as a burden, but rather as a resource for demographic renewal and sustainable development—provided that integration policies are planned and implemented in a coordinated, comprehensive, and long-term manner.

In conclusion, it is clear that both systems analysed require additional reform efforts—albeit from different perspectives. For Bosnia and Herzegovina, the priority task is the establishment of a unified, coherent, and operational strategy for the labour integration of foreigners, alongside strengthening inter-institutional coordination across various levels of government. In this context, considering partial centralization of certain competencies could contribute to more efficient and consistent implementation of regulations throughout the country. The Republic of Serbia, on the other hand, must ensure that the liberalization of labour migration does not jeopardize workers' rights. The opening of the labour market must be accompanied by proportionate strengthening of legal protection mechanisms, institutional oversight, and integration policies that ensure the long-term inclusion of migrants into society. Special attention should be given to vulnerable categories of foreigners—including refugees, asylum seekers, victims of human trafficking, and undocumented migrants—through the development of targeted policies that respond to specific needs often overlooked or insufficiently addressed by general legal frameworks. More broadly, improving access to labour rights for vulnerable migrants is not only a matter of fulfilling international legal obligations and affirming human rights. It is also a key instrument for stabilizing the asylum and social protection systems, preventing the grey economy and combating labour exploitation, as well as recognizing and valuing the work potential that these individuals possess.

What follows are concrete recommendations for policymakers in Bosnia and Herzegovina and the Republic of Serbia, aimed at transforming these strategic principles into sustainable, fair, and functional public policies in the field of employment and integration of foreigners.

8. Recommendations for Improving Access to Labour Rights for Vulnerable Foreign Nationals in Bosnia and Herzegovina and the Republic of Serbia

Based on the conducted analysis, the following recommendations have been formulated to improve the legislative framework, administrative practice, and institutional cooperation in order to ensure effective and sustainable access to the labour market for vulnerable categories of foreigners. The recommendations are systematized by thematic areas, with specific measures for each country.

A. Reform of the Legal Framework and Administrative Procedures Bosnia and Herzegovina:

1. Initiate the adoption of a unified law at the state level that integrates the issuance of residence and work permits, with clearly defined and coordinated responsibilities among state, entity, and cantonal institutions.
2. Harmonize entity laws to allow the issuance of personal work permits to asylum seekers and refugees, with clearly defined timeframes and standardized procedures.

Republic of Serbia:

1. Continue the implementation of the single permit system, with regular monitoring of its efficiency and identification of operational barriers.
2. Consider automatic recognition of the right to work for asylum seekers upon the submission of asylum request, without requiring additional administrative procedures.
3. Enhance the design and format of identification cards issued to asylum seekers, refugees, and persons granted subsidiary protection, aiming at facilitating the effective exercise of their rights.

B. Strengthening Institutional Capacities and Cross-Sectoral Coordination

Bosnia and Herzegovina:

1. Establish a functional inter-ministerial working group involving all relevant institutions, including employment services and civil

- society representatives, to develop and implement a labour integration strategy.
2. Strengthen the staffing and technical capacities of the Asylum Sector and entity institutions to reduce decision-making times and improve labour market access.

Republic of Serbia:

1. Expand the mandate and operational resources of the Commissariat for Refugees and Migration (KIRS) to include a wider range of foreigners and enable the implementation of targeted integration programs.
2. Enhance the role of the Republic Agency for Peaceful Settlement of Labour Disputes in the protection of foreign workers' rights.
3. Establish a centralized database on the employment of vulnerable foreigners as a foundation for data-driven policymaking.

C. Active Integration Measures and Labour Market Access

For both countries:

1. Introduce systematic and free language courses and vocational training for occupations in shortage, with a focus on long-term integration measures funded by EU funds.
2. Simplify, expedite, and subsidize the recognition of diplomas and qualifications for persons under international protection.
3. Establish a system of fiscal incentives for employers who hire vulnerable foreigners, with mandatory participation in integration and professional programs.
4. Enable migrants' access to entrepreneurship development programs, including grants, training, mentorship, and legal counselling.

D. Prevention of Labour Exploitation and Protection of Workers' Rights

For both countries:

1. Increase labour inspections in high-risk sectors and improve mechanisms for identifying cases of labour exploitation.
2. Ensure legal mechanisms allowing undocumented migrants to report abuses without fear of deportation, including the possibility of status regularization.
3. Develop adequate capacities for the reception, protection, and reintegration of victims of human trafficking, with emphasis on economic empowerment.
4. Establish legal clinics and advisory centers accessible to migrants for free legal aid and information on labour rights.

5. In Serbia, initiate reform of judicial practice in labour exploitation cases and further empower prosecutors to act proactively.

E. Regional Cooperation and Exchange of Best Practices

1. Actively participate in regional platforms for standard harmonization and experience exchange in migrant labour integration.
2. Develop joint databases on migrants' work skills and establish cross-border mechanisms for linking with employers.
3. Launch regional projects supported by EU funds that promote mobility, training, and employment of migrants aligned with labour market needs.

F. Combating Discrimination and Changing Public Perception

1. Organize targeted campaigns aimed at employers and the general public to promote migrant inclusion and reduce prejudice.
2. Promote success stories of migrant labour integration through media, educational institutions, and local communities.
3. Establish effective and accessible mechanisms for reporting, monitoring, and processing discrimination cases based on origin or migration status.

G. Policy Monitoring and Evaluation

1. Establish an integrated system for collecting, processing, and analysing data on the labour integration of vulnerable foreigners, including indicators such as number of permits, sectoral distribution, and employment duration.
2. Introduce regular evaluation of the effects of integration measures, with mandatory inclusion of feedback from migrants, employers, and civil society organizations.
3. Develop performance indicators to continuously improve policies based on specific needs and challenges.

With consistent and coordinated implementation of the recommended measures, Bosnia and Herzegovina and the Republic of Serbia have a realistic opportunity to significantly improve access to the labour market for vulnerable categories of foreign nationals. This would not only fulfil their international and domestic legal obligations but also strategically leverage the socioeconomic potential of migration for sustainable development, demographic stability, and an inclusive labour market. The purpose of the proposed reforms lies in removing institutional, administrative, and societal barriers that prevent the transformation of migrants from "protection seekers" into equal and productive members of the community. Their implementation would enable access to dignified and formal

employment, ensure individuals' economic independence, and contribute to strengthening social cohesion and the functionality of the human rights protection system overall.

Properly structured and systematically supported labour integration of vulnerable foreigners yields multiple benefits: on the one hand, it enables the realization of fundamental rights and economic inclusion of individuals; on the other hand, it helps mitigate labour shortages, reduce the informal economy, and strengthen local communities through intercultural exchange and economic contributions. Achieving these objectives, however, requires clearly expressed political commitment, functional inter-institutional cooperation, and a long-term strategic orientation of relevant actors. The role of international partners remains crucial—through technical, financial, and expert support necessary for building institutional capacities and strengthening civil society organizations that facilitate this process.

In this context, BiH and Serbia, by relying on mutual exchange of experiences and learning from good international practices, have the potential to develop functional, sustainable, and inclusive policies that affirm labour rights for all individuals—regardless of nationality or migration status. In doing so, the Western Balkans can demonstrate its alignment with European values, creating a social and institutional environment in which human dignity and equality before the law are ensured without exception, and work is recognized and utilized as a powerful instrument of integration and shared progress.

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POLICY BRIEF

LABOUR RIGHTS OF VULNERABLE FOREIGN NATIONALS IN BOSNIA AND HERZEGOVINA

CONTEXT AND CHALLENGES

Vulnerable categories of foreign nationals – including asylum seekers, refugees, and persons granted subsidiary protection — face numerous systemic, institutional, and societal barriers that significantly hinder their economic integration. These barriers encompass a complex and fragmented legislative framework, prolonged and uncoordinated administrative procedures, limited institutional capacities, as well as the absence of targeted support programs aimed at facilitating their access to the labour market.

Although recent years have seen some positive developments, comprehensive and sustainable policies enabling inclusive labour market integration of vulnerable foreign nationals are still lacking. This policy brief summarizes key recommendations based on a detailed analysis of the legal and institutional context in BiH, taking into account international standards and good practices.

KEY RECOMMENDATIONS

A. Reform of Legal and Administrative Framework

- Initiate the adoption of a unified law at the state level that integrates the issuance of residence and work permits, with clearly defined and coordinated responsibilities among state, entity, and cantonal institutions.
- Harmonize entity laws to allow the issuance of personal work permits to asylum seekers and refugees, with clearly defined timeframes and standardized procedures.

B. Strengthening Institutional Capacity and Coordination

- Establish an inter-ministerial working group for integration, with a structure and mandate that ensures the active participation of employment services and civil society organizations.

C. Active Integration Measures and Labour Market Inclusion

- Ensure systematic, free, and continuous language and vocational training for vulnerable foreign nationals.
- Additionally, simplify and subsidize the recognition of foreign diplomas to facilitate access to local job markets.
- Introduce fiscal incentives for employers hiring vulnerable foreign nationals to encourage labour market integration.
- Provide support for self-employment, including grants, mentoring, and legal counseling, to promote entrepreneurship among vulnerable foreign nationals.

D. Prevention of Labour Exploitation

- Enhance labour inspections in high-risk sectors to ensure compliance with labour standards and prevent exploitation.
- Ensure the availability of legal mechanisms enabling undocumented migrants to report abuse without fear of deportation, including the possibility of regularising their legal status.
- Establish legal clinics and advisory centres accessible to migrants, providing free legal aid and information on labour rights.

E. Regional Cooperation and Mobility

- Develop joint databases on migrants' job skills.
- Launch cross-border employment and training projects with EU funding support.

F. Combating Discrimination

- Run targeted campaigns for employers and the public to challenge prejudices and promote inclusive views on employing vulnerable foreign nationals.
- Promote positive integration examples through media and educational institutions.

G. Monitoring and Evaluation

- Implement a unified system for collecting and processing data related to the employment of foreign nationals, to improve compliance monitoring and workforce planning.
- Integrate user feedback into the evaluation and improvement of policy measures.

CONCLUSION – IMPROVING ACCESS TO THE LABOUR MARKET FOR VULNERABLE FOREIGN NATIONALS IN BOSNIA AND HERZEGOVINA

Inclusive labour market integration of migrants represents a strategic priority in light of demographic challenges, labour market demands, and the imperative to uphold human rights. Bosnia and Herzegovina has the potential to develop efficient and sustainable integration models through targeted reforms, with the support of EU funds. These models should enable the active participation of vulnerable foreign nationals in both economic and social life. The implementation of the proposed recommendations is crucial for strengthening social cohesion, enhancing economic resilience, and fulfilling international obligations in the fields of human rights and labour standards.