

ASYLUM SEEKERS FROM SERBIA AND THE PROBLEMS OF RETURNEES: WHY SERBIA IS AMONG THE WORLD'S LEADING COUNTRIES IN NUMBER OF ASYLUM SEEKERS

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ABSTRACT

Asylum Seekers from Serbia and the Problems of Returnees: Why Serbia is among the World's Leading Countries in Number of Asylum Seekers

The paper analyses the numerical trends of asylum seekers from Serbia in European countries, the reasons for their increase in certain years, and motives for seeking asylum, and attempts to answer two questions: why is Serbia among the world's top countries of origin of asylum seekers and what are the consequences for asylum seekers and for Serbia in the event that their requests are rejected. Returnees to Serbia face numerous problems, since the lack of defined goals of migration policies in Serbia, economic difficulties, poverty and unemployment make the whole process of readmission and reintegration of the returnees to Serbia more difficult.

KEY WORDS: Serbia, asylum seekers, Europe, readmission, integration

IZVLEČEK

Prosilci za azil iz Srbije in problemi povratnikov: Zakaj je Srbija v svetovnem vrhu po številu azilantov

Prispevek analizira gibanje števila prosilcev za azil iz Srbije v evropskih državah, vzroke naraščanja njihovega števila v posameznih letih in motive za iskanje azila. Poskuša podati odgovor na dve vprašanji: zakaj je Srbija v svetovnem vrhu, kadar se postavlja vprašanje azilantov s srbskim poreklom, in kakšne so posledice zavrnitve zahtevka za azilante in Srbijo. Povratniki se v Srbiji srečujejo s številnimi problemi, ker se zaradi pomanjkanja definiranih ciljev srbske migracijske politike, ekonomskih težav, revščine in nezaposlenosti otežuje celotni proces ponovnega sprejema in reintegracije povratnikov.

KLJUČNE BESEDE: Srbija, prosilci za azil, Evropa, ponovni sprejem, integracija

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INTRODUCTION

The deterioration of the socialist systems in Central and Eastern Europe and the outbreak of wars in the Balkans led to the intensification of migrations in Europe in the 1990s. With the expansion of the EU and the affirmation of the principle of the free flow of people, goods and capital within the EU – based on the Schengen Agreement (1990) and the Maastricht Treaty (1993), a need arose to strengthen the external borders and to establish additional measures for ensuring the flow of people from certain parts of Europe and the world.

Serbia is facing great challenges today because it is a country of refuge, transit and origin for many people who had to leave their homes for different reasons. The refugee crisis in Serbia has lasted for a long time, although the number of refugees decreased by more than 80% in the period between 1996 and 2010, from 537,937 to 86,155 (O’Keeffe 1996; CRS 2010). In December 2011 Serbia was still a home for 30,000 registered refugees (UNHCR 2011c: 278–285). The seriousness of being a refugee and its complexity has exceeded the capacities of the state institutions in Serbia (Vujadinović et al. 2011: 256). A number of war-affected persons have found temporary refuge in the countries of the EU with the status of refugees or asylum seekers.

In addition to refugees, in 2011 there were also 210,000 internally displaced persons (IDPs) from Kosovo, following the war conflicts in Kosovo in 1999, of whom 97,000 were dependent on state assistance. Serbia is among the top 20 countries in the world in the number of IDPs (UNHCR 2011b).

At the same time, Serbia is a transit station for a large number of illegal migrants on their way to Western Europe. In 2011 there were 1,370 registered asylum seekers, mostly citizens of Afghanistan, Palestine, Somalia and Pakistan. Although Serbia is just a stopover for most of them, the question of adequate accommodation of asylum seekers in the circumstances of the economic crisis is a major challenge for the state.

In the 1990s Serbia (FR Yugoslavia) arrived at the very top with respect to the number of asylum seekers, due to war conflicts in the area of former SFRY (Hatton 2009: F186). A new wave of asylum seekers from Serbia occurred in the period 2000–2010, when Serbia was among the world’s top five countries in the number of applications for asylum in European countries. A large number of unsuccessful asylum seekers from Serbia, who were returned to Serbia in accordance with the Law on Readmission, are an additional burden for the country.

The paper is organised into four chapters. The first chapter analyses the number of asylum seekers from Serbia in European countries in the period between 1990 and 1999, with a special reference to the countries with the most asylum seekers. The causes of migrations, motives for and problems of obtaining refugee status are also discussed in this section. The second chapter considers the same questions in relation to asylum seekers from Serbia after the political changes in Serbia in 2000. The return policy and difficulties regarding reintegration of returnees are discussed in the third chapter. The fourth chapter includes a discussion, a critical review of the problem of the large number of asylum seekers from Serbia, as well as the problems faced by returnees.

THEORETICAL BACKGROUND

In the last couple of decades, asylum has been an important social and political challenge for most European countries. For individuals and families seeking protection outside their home country, the procedure of obtaining asylum can often be the most important experience of their lives. People who seek refuge in other countries because of persecution or economic difficulties often take the risk of being returned instead of finding safety.

Asylum seekers are a heterogeneous group with various cultural, ideological and religious convictions, and various experiences of forced migrations (Mott 2000; Burchardt 2005). Practice has shown

that the question of asylum in European countries is very complex and that attitudes vary: from compassion for asylum seekers and the wish to help to worries about massive influxes of illegal immigrants and cynical misuse of the asylum system (Hatton 2011). Various authors (Robinson, Segrott 2002; Koser, Pinkerton 2002) have analysed the issue of destination choices which asylum seekers opt for. The last couple of years have been marked by a process of stricter procedures and standards for obtaining asylum in European countries (Czaika 2009: 90; Monheim-Helstroffer, Obidzinski 2010: 92–93).

The basis for granting refugee status in European countries and directing policy toward the asylum seekers are the Geneva Convention Relating to the Status of Refugees of 1951 and the Protocol Relating to the Status of Refugees of 1967 (UNHCR 2010). The most important instruments for the strategy of the approach to the European asylum system are set out in the Dublin Convention (signed in 1990, entered into force 1997) and the London Resolution of 1992. Since some countries, i.e. the EU Member States, occasionally derogated these rules and implemented their own national policies, the asylum policy was additionally defined by the *Amsterdam Treaty* of 1997, which laid the foundation for shifting the issue of asylum and migrations from the so-called “third pillar” regulation implemented in national legislation to the “first (Community) pillar” which foresees regulating rights at the EU level (Vuković 2009: 573).

The *Amsterdam Treaty*¹ (1997) initiated the program of harmonisation of asylum policies (Knežević-Predić 2001). In 2002 the European Commission started establishing the common asylum system in the EU (Vuković 2009: 573; Vink, Meijerink 2003: 300–301; Neumayer 2004: 156–166; Neumayer 2005: 57). In this regard, a number of documents were passed regarding the criteria for determining an EU country competent for reviewing asylum applications, minimum standards for accepting asylum seekers, minimum standards of guaranteeing and abolishing the refugee status etc. (EUR-Lex 2003a; EUR-Lex 2003b; Grečić 2006).

The basic characteristic of European asylum policy is that there are huge differences in the number of asylum applications and rates of granting asylum in different countries with respect to asylum seekers from the same country, i.e. groups of asylum seekers are treated differently in different EU countries (Havinga, Böcker 1999; Noll 2000; Schuster 2000; Thielemann et al. 2010).

The strict immigration policy currently applied in Europe is closely connected with the general situation in the labour market, the high unemployment rate and the large number of immigrants. Concerned about the stability of their own labour markets, European countries reached by numerous asylum seekers from Serbia face a number of problems: the registration and processing of asylum applications, efficient measures of social integration and employment in case of an affirmative response, return of asylum seekers to the country of origin in case of a negative response and measures aimed at facilitating the repatriation of asylum seekers to Serbia.

In the period 1970–2000 the number of asylum applications in the countries which are now EU Member States increased by a factor of 20, from about 15,000 applications per annum to more than 300,000 (Hatton 2004: 5–7). There is a widespread belief that Europe is overwhelmed by asylum seekers, many of whom are false, and that the solution is a restrictive asylum policy in those countries and the numerous limitations which have been introduced since the 1990s (Boswell 2000: 541). In response to the increased pressure from asylum seekers, European countries have harmonised measures in order to refuse asylum. Deportation is one of the attempts to control asylum seekers (Gibney 2008; Bosworth 2008: 205–207), and some countries have proposed additional measures such as the externalization of asylum procedures (Boswell 2003). The limitation of asylum rights begs the question of the ability or readiness of European countries to fulfil their obligations in compliance with the international conventions on refugees and asylum in force, principally the Geneva Convention of 1951 (Freedman 2008: 414). Furthermore, the EU Member States are adopting uniform rules in order to reduce the number of immigrants expecting to find happiness within the EU.

For most asylum seekers from Serbia, the choice of destination is not the result of coincidence,

¹ Official internet presentation of all EU treaties: <http://europa.eu.int/eur-lex/de/treaties/index.html>.

but of informed decision, mostly influenced by the existing social network of migrants in the relevant countries (friends and relatives), opportunities for transport and perceptions of the economic and social circumstances in those countries (Koser 2001). The positive experience of friends from abroad as well as the financial support and help in coping in the destination country – assistance with the asylum application and accommodations – were important factors in this type of migration. Asylum seekers are also assisted by various profits from entrepreneurial organisations that are often illegal and cause the expansion of the black market in the area of the migrations (Predojević-Despić 2010).

METHODS AND DATA

This paper attempts to provide an objective analysis of facts relating to asylum seekers from Serbia, with a focus on political, legal and socio-economic issues. To this end, the official documents of the EU and Serbia were used, as well as internet research of publicly available relevant reports and materials of official bodies and interest groups that are associated with the issue of asylum seekers in various ways. The research process also included a review of media articles dealing with asylum seekers from Serbia. The quantitative analysis, which is accompanied by a trend of changes in the number of asylum seekers from Serbia, focused on the period 1990-2010 and the European countries where the highest number of asylum applications from Serbia were registered. The quantitative analysis alone is not sufficient and does not indicate all the causes and motives of migrants from Serbia. It is the result of complex developments in Serbia and in its surroundings, first of all in the EU, changes in political and economic trends, the liberalization of the visa regime etc. Moreover, there are problems in processing the statistical data, because in Serbia there is no accurate information on the number of citizens who have gone abroad, who are residing abroad illegally or who have voluntarily or forcibly returned. In addition, the UNHCR reports up to 2009 provide summary data for Serbia and Montenegro (FR Yugoslavia), and later for Serbia (including Kosovo), making it difficult to determine the exact number of asylum seekers from certain parts of Serbia and thus to draw the relevant conclusions.

THE INCREASE IN THE NUMBER OF ASYLUM SEEKERS FROM SERBIA 1990–1999

In the 1980s, asylum seekers from Serbia (as a part of the then SFRY) most frequently went to the European countries traditionally known for providing opportunities for Yugoslav workers temporarily working abroad (Germany, Switzerland). The asylum applications in those countries had an economic dimension. The Yugoslav citizens arrived as tourists with a secret intention to find work. Despite the minimal chances to obtain asylum, they initiated the asylum procedure in order to enjoy the social benefits during the procedure (Pavlica 2005: 138).

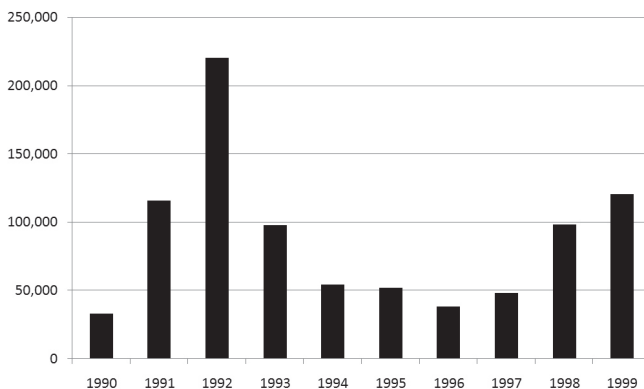
With rising political tensions in the area of the former SFRY in the late 1980s, the asylum applications from citizens of Serbia obtained another dimension in addition to the economic. On the eve of the Yugoslav crisis, and especially after the disintegration of the SFRY and the outbreak of war, “false and real refuge” became one of the possibilities of leaving and finding employment abroad (Pavlica 2005: 139). The 1990s, however, recorded a significant increase in applications placed by citizens from the former Yugoslavia (FRY). Their number rose from 67,648 in the 1980s to the total of 877,366 in the following decade (UNHCR 2001: 148–160).

In the period 1990–1999 the number of asylum seekers from the FRY reached its peak twice: first, at the time of disintegration of the Socialist Federal Republic of Yugoslavia (SFRY) in the period 1991–1993, and for the second time in 1999, because of the NATO bombing and war conflicts in Kosovo. In the early

nineties, the number of asylum seekers from the FRY in Europe suddenly rose from 33,216 (1990) to 115,551 (1991) and to 220,035 (1992) (UNHCR 2001: 82). With the exception of refugees from Croatia and Bosnia and Herzegovina who sought refuge in the developed countries of Western Europe via Serbia (FRY), most of these refugees were economic migrants who tried to find employment and stay there permanently through false pretences. All of them consciously planned how to use the rights guaranteed to them by the international documents and regulations of the receiving countries, already anticipating the possibility of an eventual return to Serbia after a control was conducted (Pavlica 2005: 139).

In the 1990s, most European countries provided temporary refuge to war-affected people without individual examination of asylum requests. The highest number of asylum requests by citizens of the FRY were registered in 1992 in Germany (115,395 or 52.4%), Sweden (69,396 or 31.5%), Switzerland (5,996 or 2.7%), Austria (5,915 or 2.7%), and the United Kingdom (5,635 or 2.6%). War developments in the period 1990–1994 resulted in 519,871 asylum applications, which made the FRY the top world country, ahead of Romania, Turkey and Bosnia and Herzegovina (UNHCR 2001: 55–82). The cessation of war conflicts led to a gradual return of migrants to Serbia, but the number of asylum seekers still remained high, amounting to 357,495 in the period 1995–1999 (UNHCR 2001: 137). Some migrants were granted temporary residence as “*de facto* refugees”, and not as refugees according to the Geneva Convention on refugees.

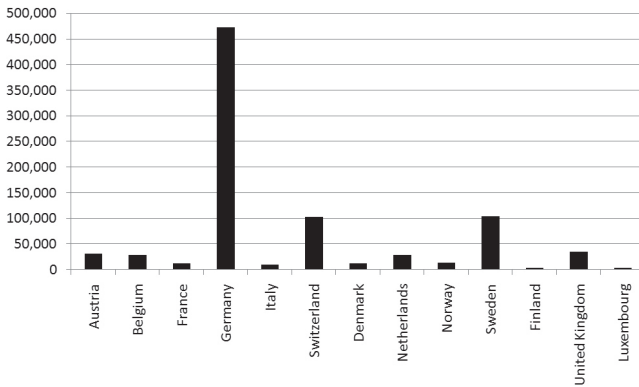
The second large wave of refugees from Serbia (FRY) occurred in 1998 and especially in 1999. The number of asylum applications reached 98,270 in 1998 and 120,614 in 1999. In the period 1995–1999 FRY consequently remained the top country with respect to the number of asylum seekers in European countries, ahead of Iraq, Turkey and Afghanistan (UNHCR 2001: 137).



Graph 1: Number of asylum seekers from FR Yugoslavia in Europe, 1990–1999 (source: UNHCR 2001: 160)

Interestingly, apart from the traditional destination countries for asylum seekers from FRY, some new destinations appeared in 1999 – Italy, Hungary, Slovakia, the Czech Republic and others. The highest number of asylum applications was still in Germany (34,979 or 29%), followed by Switzerland (28,913 or 24%), the United Kingdom (14,180 or 11.8%) and Belgium (13,067 or 10.8%) (UNHCR 2001: 92–123).

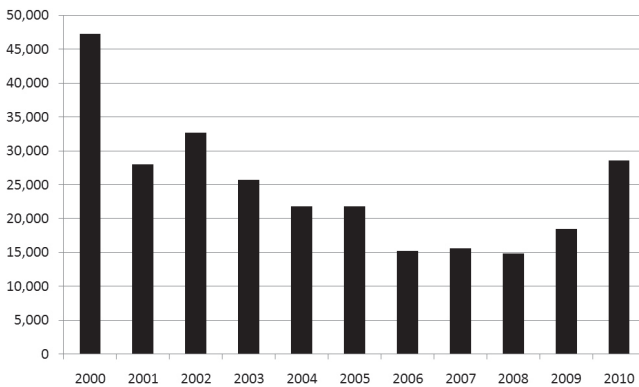
This trend showed that refugee migrations most frequently have their roots in wars and political crises, and that they are also often a disguise for resolving economic issues. In the period of armed conflicts in the 1990s, refugees and asylum seekers from the former Yugoslavia constituted the majority of forced migrants in the countries of Europe and the EU, whereas the largest numbers of asylum seekers were from Kosovo (Albanians). An important part of the motivation is ethnic affiliation and the discriminatory practices which members of the Roma and Albanian groups encountered. Two new immigration zones – Sandžak and southern parts of Serbia bordering with Kosovo (Bujanovac and Preševo) – emerged after 1991 during the “times of turbulent political and economic changes and war in the territory of former Yugoslavia” (Predojević-Despić 2010).



Graph 2: Number of asylum seekers from FR Yugoslavia in the selected European countries 1990–1999 (source: UNHCR 2001: 157–159)

THE CHANGE IN THE NUMBER OF ASYLUM SEEKERS FROM SERBIA AFTER 2000

The study of asylum seekers from Serbia after 2000 demands a new approach, since economic and political motives became dominant for asylum seekers. Such a situation creates conditions for frequent abuse of the asylum system and the presence of false asylum seekers (Neumayer 2005: 49), and introduces numerous problems relating to deportation and financing (Gibney 2000). The wave of asylum seekers from Serbia at the beginning of the 21st century is a reflection of difficult economic situation for part of the population in Serbia. Since the opportunities for legal migration are closed, the Albanians and Roma in particular are trying to find a way to reach economically developed European countries.



Graph 3: Number of asylum applications from Serbia in Europe in the period 2000–2010² (source: UNHCR 2011a)

The large-scale influx of refugees and foreigners during the time of the Yugoslav crisis contributed to the creation of an atmosphere of xenophobia in numerous European countries, which caused serious

² Data for FR Yugoslavia (i.e. Serbia and Montenegro) refers to the period 2000–2008, and for Serbia (including Kosovo) to the period 2009–2010.

debates in political circles and among the general public. As part of the prerequisites for EU accession, stricter regulations on border crossing and accepting returnees within the agreements concluded on readmission were imposed on Serbia as a potential member state.

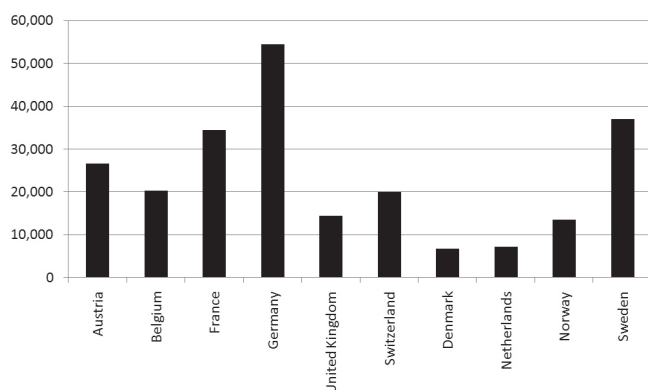
The period between 2000 and 2008 was marked by a constant decrease in the number of asylum seekers from Serbia. This was a result of more restrictive measures of European governments regarding asylum policy issues. And while the number of asylum applications fell dramatically in some European countries (Denmark, the United Kingdom, the Netherlands, Norway), in other countries the number of asylum seekers from Serbia remained high (Germany, Switzerland, Sweden), and in France it increased. However, the overall share of asylum applications by citizens of Serbia in the total number of applications in Europe experienced an increase until 2005 (9%). After that, the share of Serbia was stable (6–7%) until 2010, when it reached 10.6% of the total number of asylum applications in 2010 in European countries.



Graph 4: Share of asylum applications from Serbia at the level of Europe (%), 2000–2010 (source: UNHCR 2011a)

Between 1995, when the first international sanctions against FRY were abolished, and 2009, citizens of Serbia could not travel to the EU without visas. The EU Council of Ministers abolished travel visas for citizens of Serbia on 30 November 2009 (decision in force since 19 December 2009), provided that the visa-free regime is not applied in Kosovo. Citizens of Serbia do not need visas to enter the 25 Member States of the EU and three more countries where the Schengen rules apply (Norway, Iceland, Switzerland) but are not the members of the EU (Godišnjica et al. 2010).

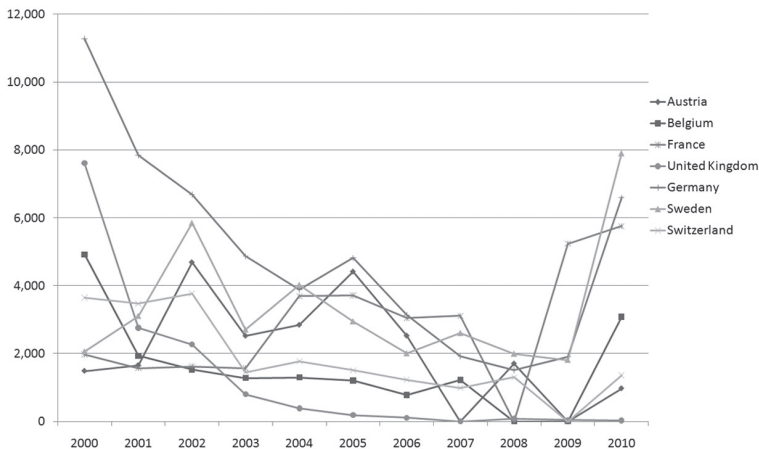
Even though the visa-free regime refers only to temporary tourist and private visits, a large number of



Graph 5: Total number of asylum applications from Serbia in the selected European countries 2000–2010 (source: UNHCR 2011a)

Serbian citizens took advantage of the freedom of movement after the cancellation of the visa regime in order to apply for asylum or to work illegally. In other words, citizens of Serbia have understood the right to the visa-free regime as an opportunity to solve their social problems by submitting an asylum application. The attitude of the authorities of European countries is that, unlike the wartime nineties, there are no more reasons for the countries of Western Europe to provide large-scale refuge to citizens of Serbia.

The cancellation of the visa regime greatly contributed to the escalation of asylum applications. In 2010 Serbia (including Kosovo) ranked at the top of the world with a total of 28,900 asylum applications (UNHCR 2011a: 11). The UNHCR's annual statistical overview *Asylum Levels and Trends in Industrialized Countries* does not include a breakdown of the total asylum seekers from Serbia and from Kosovo. The number of asylum applications by citizens of Serbia in European countries rose from 18,494 (2009) to 28,562 (2010), or 54%, whereas the number of asylum applications in the EU rose from 16,981 to 26,726 (57% increase). In 2010 the number of asylum applications was the highest in Sweden (7,907), Germany (6,592) and France (5,754). In certain countries in 2010 the number of applications from Serbia more than quadrupled (Sweden) or tripled (Germany) in comparison to the previous year. Other important destinations for asylum seekers from Serbia are Belgium (3,081, 50% increase) and Switzerland (1,358, 33% increase). This can be interpreted as a result of traditional close relations, the positive experiences of "migrant workers" (Gastarbeiter) and the acceptance of large numbers of refugees. In contrast, a significant decrease in the number of asylum applications was registered in Austria (973, 52% decrease) and Hungary (632, 73% decrease).



Graph 6: Asylum applications from Serbia in the selected countries 2000–2010 (source: UNHCR 2011a)

The large number of asylum seekers from Serbia, primarily Roma, Albanians and Bosniaks, have seriously threatened the established visa liberalization with the EU. Out of the total number of asylum applications, an average of 45% of the applications was submitted by applicants from Kosovo. In 2010, the share of citizens from Kosovo of the total applications from Serbia was the highest in France (88%), Austria (64%) and Belgium (60%) and relatively low in Sweden (20%), Germany (24%) and Switzerland (41%) (Najviše azilanata... 2011). The European Commission warned Serbia that the increase in asylum applications is putting the visa-free scheme in jeopardy and required that the country take appropriate preventive measures (Trbojević, Bogoevska 2011: 144).

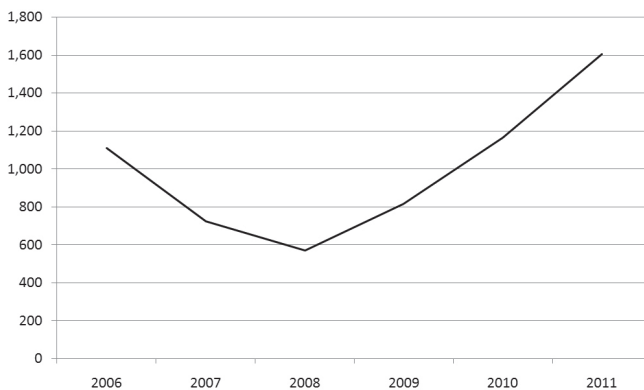
According to the Eurostat statistical report for the 27 EU countries, in 2010 Serbia (excluding Kosovo) was in third place according to the number of asylum applications submitted (17,715 or 7%), behind citizens of Afghanistan and Russia. The share of citizens of Kosovo in the total number of asylum applications registered in EU countries was the highest in Luxembourg (21%), Hungary (18%), Belgium (12%) and France (10%), and the share of citizens from Serbia outside Kosovo was the highest in Swe-

den (20%), Luxembourg (19%) and Germany (14%) (The Number... 2011). Out of 17,715 asylum seekers from Serbia, about 98% were rejected and returned to Serbia, or remained as illegal immigrants in the EU. Only 340 persons received asylum from foreign governments (Bezvizni režim... 2011). Given that the economic problems and poverty facing the population of Serbia are not reasonable grounds for the granting of asylum in European countries, the applications of the citizens from Serbia are mostly rejected as unfounded in accelerated procedures.

AGREEMENT ON READMISSION AND RETURN

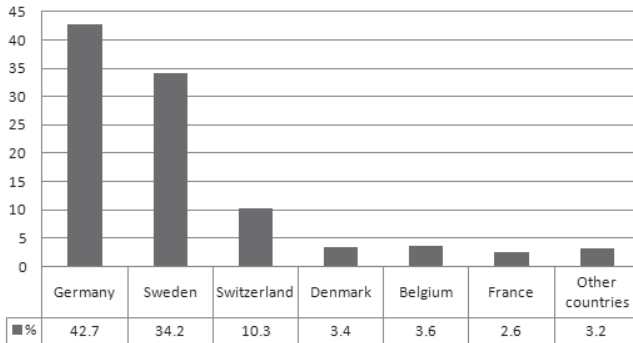
The stabilization of political circumstances and the normalization of relations with neighbouring countries actualized the issue of return of Serbian citizens from European countries. The agreement on readmission between Serbia and the EU (EUR-Lex 2007a), which foresees the return of Serbian citizens from European countries to their home country, was signed on 18 September 2007 and came into force on 1 January 2008 (EUR-Lex 2007b). Under the terms of the readmission agreement, Serbia accepted the obligations relating to the return of its citizens, third country nationals and stateless persons (EUR-Lex 2007a). The signing of the agreement on the readmission of Serbian citizens residing in the EU without authorisation, as a condition for Serbia's further progress in the EU accession process and respect for European standards protecting migrants' rights, intensified the return process of the people who had temporary protection (Vuković 2009: 569). The entire readmission process was followed by extensive rejections of asylum applications from citizens of Serbia. The process of readmission from European countries takes place in very difficult conditions, in the form of "voluntary" return or deportation with the application of measures which in some cases violate the fundamental human rights.

According to the estimate of the Serbian Commissariat for Refugees in cooperation with the Ministry of the Interior, about 40,000 persons who were denied asylum in the EU member states have returned to Serbia so far. In the period between 2003 and 2009, 28,000 requests for the return of people to Serbia were received (Rakić 2011: 70). There is no precise data on the number of returnees based on readmission or the number of potential returnees, i.e. those who have lost their legal grounds for residing in the EU (Rakić 2011: 70). In the period 2006–2011, 5,982 returnees to Serbia were registered at the Belgrade airport (CRS 2011). The biggest problem is the registration of the so-called voluntary returnees, because most of the rejected asylum seekers were returned by coach. Generally, those returnees who had been deported are included in the statistics. For example, in 2010 over 4,000 Serbian citizens were returned to Serbia under the readmission agreement, and 70% of returnees who were returned via the Belgrade airport include persons who sought asylum applications after the introduction of the visa-free regime for the EU (Irregular can... 2011: 5).



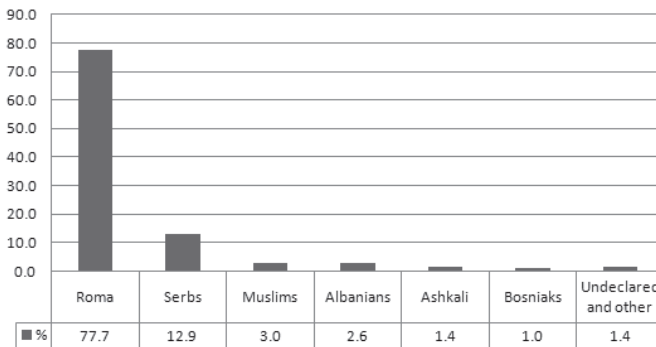
Graph 7: Returnees to Serbia 2006–2011 (source: CRS 2011)

Most of the asylum seekers forcibly returned to Serbia were Roma who had lived in Kosovo before 1999 (Vuković 2009: 575). Serbia refuses to acknowledge their status as IDPs, which additionally complicates their efforts to reintegrate into society. Roma returnees face serious existential problems in the new surroundings and live in extremely difficult conditions (Šabić et al. 2013: 70). In 2011 the highest numbers of returnees were from Germany (42.7%), Sweden (34.2%) and Switzerland (10.3%).



Graph 8: Share of countries in the total number of returnees in 2011 (source: CRS 2011)

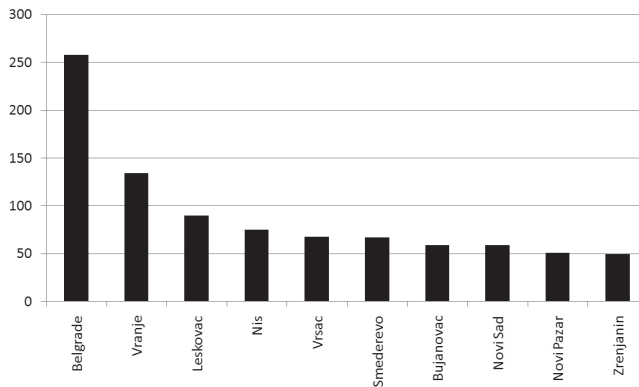
In terms of nationality, the highest percentage is Roma returnees (77.7%), followed by Serbs (12.9%), Muslims (3%) and Albanians (2.6%). Most of the returnees are in Belgrade and municipalities in the south of Serbia with a large Roma population (Vranje, Leskovac and Niš), but also with a considerable number of Albanians and Bosniaks (Bujanovac and Novi Pazar) (CRS 2011).



Graph 9: Breakdown of returnees by nationality 2011 (source: CRS 2011)

Most asylum seekers from Serbia apply for asylum with the intention to obtain financial assistance paid by foreign governments to the rejected asylum seekers if they voluntarily return to their home country. For example, the assistance paid by the German authorities for returnees to Serbia amounts to EUR 600 for adults and EUR 300 for children, with paid travel expenses. Therefore, Germany has abolished the return assistance for citizens of Serbia whose asylum applications were denied, who entered Germany and applied for asylum after 19 December 2009. This decision has most strongly affected people who spent a long time residing in Western European countries, and who are now equated with new asylum seekers and deprived of any assistance (Izveštaj... 2011).

The cases of new "false asylum seekers" from Serbia who took advantage of the abolishing of visas in order to seek asylum in EU Member States have gained increasing media coverage. They return to Serbia when the Serbian Ministry of the Interior, in an accelerated procedure, has checked their identity and nationality status and given its approval for their return to the country. According to the EU estima-



Graph 10: Ten Serbian municipalities with the largest number of returnees 2011 (source: CRS 2011)

tion, there is no danger of political or ethnically based persecution in Serbia, so the motives for seeking asylum are solely of an economic nature (Srbiji neophodna... 2011).

In order to control migrations, on 13 February 2009 the Government of Serbia adopted the Strategy of Reintegration of Returnees based on the Readmission Agreement (SRPR 2009). The goals of the Strategy are the inclusion of returnees into the labour and educational system and the social security and health protection system, and developing a housing program.

According to the Strategy and the Action Plan for Implementing the Reintegration Strategy for Returnees (SRPR 2009; APSRP 2011), the leading role in the operational application of those documents is to be taken by the Serbian Commissariat for Refugees. The Readmission Office at the Belgrade airport is the first institution in Serbia that encounters returnees and offers them appropriate initial help and support. Also of particular importance is the Strategy for Improving the Status of the Roma in Serbia, since most of the returnees are of Roma nationality (Koko et al. 2010).

DISCUSSION

The problem of the large number of asylum seekers

Serbia failed to duly react to the large number of asylum seekers, especially after the cancellation of the visa regime. There were no appropriate state policies or scientific studies of migrations. The measures of the Serbian authorities aimed at preventing abuses of visa liberalization mainly relate to informing citizens about the rights and limitations arising from visa liberalization and stricter control at border crossings. Due to the lack of information, many people have unrealistic expectations of staying in Western countries (Rakić 2011: 65). Citizens who attempt to gain asylum in some European countries through a third party expose themselves to the risk of becoming victims of trafficking or financial fraud.

In 2011 the Government of Serbia founded the Committee for Monitoring the Visa-Free Travel Regime with the EU, with the aim of proposing measures for the reduction of the number of asylum seekers (Osnovana... 2011). The abuse of the asylum system by Serbian citizens carries the risk of suspending the visa-free regime. As the main reason for claiming asylum, the Roma stated the lack of work in Serbia and strict criteria for receiving social assistance. For example, out of about 6,000 working-age Roma in the town of Leskovac, only around 300 of them have a permanent job. Out of 1,500 recipients of social welfare, 60% are Roma (Ivanović 2012; Šabić et al. 2013).

The problems of returnees and challenges for the Serbian authorities

Serbia was not prepared for the return of its citizens who face basic existential problems, lack of documents and unresolved citizenship issues. There is no official data from the state institutions on the number and structure of the returnees, which hinders the creation of adequate policies and the implementation of the reintegration strategy. Government departments are not sufficiently educated or informed, and there is no adequate division of jurisdiction. The absence of clearly defined goals of the migration policy and the country's economic situation additionally complicate the situation of the returnees, who face serious social problems (Vuković 2009: 577).

Returnees to Serbia include two categories of people. The first includes those who resided in EU countries for many years and whose status of temporary protection has expired in the meantime. These people are in strong need of institutional intervention and assistance. The second category includes people who, after the cancellation of the visa regime, either used or misused the asylum system out of ignorance in order to improve their economic situation and whose asylum applications were denied. However, at the EU level, there are no clear criteria for the treatment of different categories of returnees, which affects people who had some sort of protection more than those who were denied asylum.

"The common characteristics of all the returnees is that they live in far worse conditions than they did in Western Europe" (Shrestha et al. 2005: 21). Poverty is the main problem of the returnees and it makes them particularly vulnerable after the return to Serbia. Most returnees do not possess identity documents and they usually do not have a home address or a permanent job. They mainly live with relatives and friends in unhygienic slums, or they are homeless. The returnees have difficulty gaining access to health and social services and their children have problems with continuing their education due to the lack of knowledge of the Serbian language. These people do not have a social network which would support their reintegration into the society. The Roma whose asylum applications were denied or whose permanent protection was discontinued return without any possessions after having spent ten or even 15 years abroad (Rakić 2011: 9–10).

Most returnees are not motivated to integrate into society and they do not see their return as their final option. Many of them have "disappeared" from Serbia in the meantime and have probably returned to European countries. Living in collection centres (reception centres for asylum seekers), according to the returnees' statements, brought security with regard to expenses, schooling children and health care.

A small number of the countries with which Serbia has signed readmission agreements have committed themselves to offering assistance with the returnees' reintegration, but this help is limited and only extends to the financing of a certain number of smaller projects, and not to the direct, concrete support of the returnees themselves (Kancelarija... 2012).

Serbia seriously approached the institutionalization of the problem of the returnees' reintegration in 2009 and 2010. By adopting the Strategy of Reintegration of Returnees based on the Readmission Agreement and the Action Plan for Implementing the Reintegration Strategy for Returnees, the country took the first steps towards solving this problem. The problem of returnees and also new asylum seekers cannot be observed separately from solving the overall situation of the Roma in Serbia. However, the existence of the strategy does not mean that it works in practice. Serbia is unable to finance such a project from the state budget, so it is expecting donations that have not arrived yet.

CONCLUSION

There are two key issues for which Serbia has to find an adequate political solution: the large number of asylum seekers in European countries and readmission and problems regarding the integration of returnees to Serbian society.

The 1990s were marked by emigration movements from Serbia due to numerous war conflicts and

applications for asylum. The reasons for seeking asylum turned out to be both political and economic, and since 2000 only economic. The visa-free regime brought about enormous increase in the number of asylum seekers from Serbia, which in 2010 brought the country to the world's top rank in the number of asylum applications. For many decades, the extremely poor economic situation of Serbia, particularly its southern part where a large Roma population lives, has led to a large number of asylum seekers. Poverty and social exclusion are the only or the most frequent reasons for their departure from Serbia.

The exact number of citizens of Serbia residing without authorisation in EU Member States is not known. As Serbia's accession to the EU approaches, the pressures to prevent its citizens from abusing the "Schengen white list" will be stronger. Therefore, the problem of the large number of asylum seekers from Serbia has to be solved simultaneously with the problem of poverty.

Serbia (including Kosovo) is the fourth largest source country of asylum applications in 44 developed countries during 2011, with a total of 21,200 applications (UNHCR 2012: 17). According to the data from the countries that have separate statistics for Kosovo, 52% of those applications are from Kosovo. That means that there is still a clear growth trend of people seeking asylum.

The integration of the returnees to Serbia is both an extensive and expensive process, since the weak economy and high level of poverty create an atmosphere in which it is difficult to secure sufficient financial resources for various integration programs.

The issue of a large number of asylum applications can be solved primarily by measures within the existing strategies and programs for social inclusion and poverty reduction. More intensive support measures for social inclusion of the returnees can significantly diminish the intensity of migrations that result in the submitting of unfounded asylum applications in the EU countries. Submitting asylum applications, accommodation in reception centres and other possible related benefits are perceived as a short-term survival strategy. The problem of the large number of asylum applications and returnees can be solved only through the long-term perspective of economic development and improvement of the standard of living for all citizens of Serbia.

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REFERENCES

- APSRP (2011). *Akcioni plan za sprovođenje Strategije reintegracije povratnika za 2011 i 2012*. Beograd: Vlada RS.
- Bezvizni režim za sada nije ugrožen* (2011), <http://www.euractiv.rs/vesti/36-eu-i-zapadni-balkan/1903-bezvizni-reim-za-sada-nije-ugroen.html> (26 Apr. 2012).
- Boswell, Christina (2000). European Values and the Asylum Crisis. *International Affairs* 76/3, 537–557.
- Boswell, Christina (2003). The "External Dimension" of EU Immigration and Asylum Policy. *International Affairs* 79/3, 619–638.
- Bosworth, Mary (2008). Border Control and the Limits of the Sovereign State. *Social Legal Studies* 17/2, 199–215.
- Burchardt, Tania (2005). Selective Inclusion: Asylum-seekers and Other Marginalised Groups. *A More Equal Society? New Labour, Poverty and Exclusion* (eds. John Hills, Kitty Stewart). Bristol: The Policy Press, 209–230.

- Czaika, Mathias (2009). Asylum Cooperation among Asymmetric Countries. *European Union Politics* 10/1, 89–113.
- CRS (2010). *Broj izbeglih i interno raseljenih lica u odnosu na domicilno stanovništvo u Republici Srbiji - uporedni pregled na dan 1. novembra 2010*. Beograd: Komeserijat za izbeglice RS.
- CRS (2011). *Report for the Period January – December 2011*. Belgrade: Commissariat for refugees of Serbia, Readmission Office, airport Nikola Tesla.
- EUR-Lex (2003a). Council Directive 2003/9/EC of 27 January 2003, Laying Down Minimum Standards for the Reception of Asylum Seekers. *Official Journal of the European Union* L31/46, 18–25.
- EUR-Lex (2003b). Council Regulation (EC) No. 343/2003 of 18 February 2003 Establishing the Criteria and Mechanisms for Determining the Member State Responsible for Examining an Asylum Application Lodged in One of the Member States by a Third-country National. *Official Journal of the European Union* L50/46, 1.
- EUR-Lex (2007a). Agreement between the European Community and the Republic of Serbia on the Readmission of Persons Residing Without Authorization. *Official Journal of the European Union* L334/50, 46–64.
- EUR-Lex (2007b). Council Decision of 8 November 2007 on the Conclusion of the Agreement between the European Community and the Republic of Serbia on the Readmission of Persons Residing Without Authorization. *Official Journal of the European Union* L334/50, 45.
- Freedman, Jane (2008). Women's Right to Asylum: Protecting the Rights of Female Asylum Seekers in Europe? *Human Rights Review* 9, 413–433.
- Gibney, Matthew (2000). *Harmonization, Asylum, and Temporary Residence*. Oxford: University of Oxford, Refugee Studies Centre.
- Gibney, Matthew (2008). Asylum and the Expansion of Deportation in the United Kingdom. *Government and Opposition* 43/2, 146–167.
- Godišnjica uvođenja bezvignog režima za građane Srbije* (2010), <http://www.euractiv.rs/vesti/102-srbija-i-eu/736-godinjica-uvođenja-bezvignog-reima-za-graane-srbije.html> (2 May 2012).
- Grečić, Vladimir (ed.) (2006). *Politika viza i Zapadni Balkan*. Beograd: Institut za međunarodnu politiku i privredu, Evropski pokret u Srbiji, Grupa 484.
- Hatton, Timothy (2004). Seeking Asylum in Europe. *Economic Policy* 19/38, 5–62.
- Hatton, Timothy (2009). The Rise and Fall of Asylum: What Happened and Why? *The Economic Journal* 119/535, F183–F213.
- Hatton, Timothy (2011). *Seeking Asylum: Trends and Policies in the OECD*. London: Centre for Economic Policy Research.
- Havinga, Tetty, Böcker, Anita (1999). Country of Asylum by Choice or by Chance: Asylum-seekers in Belgium, the Netherlands and the UK. *Journal of Ethnic and Migration Studies* 25/1, 43–61.
- Irregular can be Regular – Migration from Southern Serbia* (2011), <http://www.grupa484.org.rs/2012%20Irregular%20can%20be%20Regular%20%E2%80%93%20migration%20from%20southern%20Serbia%20final.pdf> (18 Apr. 2012).
- Ivanović, Milica (2012). *Azilanti iz Srbije zadovoljni u Njemačkoj*, <http://balkan24.com/aktualnoindex/srbija/item/5830-azilanti-iz-srbije-zadovoljni-u-njema%C4%8Dkoj.html> (23 Apr. 2012).
- Izveštaj o zloupotrebama bezvignog režima u junu* (2011), <http://www.euractiv.rs/vesti/36-eu-i-zapadni-balkan/1255-izvetaj-o-zloupotrebama-bezvignog-reima-u-junu.html> (10 May 2012).
- Kancelarija za ljudska i manjinska prava Republike Srbije (2012), <http://www.ljudskaprava.gov.rs> (20 Jan. 2013).
- Knežević-Predić, Vesna (2001). *Ogled o suverenosti – suverenost i Evropska unija*. Beograd: Institut za političke studije.
- Koko, Ljuan, Đuković, Ane-Maria, Vasić, Slavica, Ergić, Đurđica (eds.) (2010). *Strategija za unapređivanje položaja Roma u Srbiji*. Beograd: Ministarstvo za ljudska i manjinska prava RS.
- Koser, Khalid (2001). New Approaches to Asylum? *International Migration* 39/6, 85–101.

- Koser, Khalid, Pinkerton, Charles (2002). *The Social Networks of Asylum-seekers and the Dissemination of Information about Countries of Asylum*. London: Home Office Publication.
- Monheim-Helstroffer, Jenny, Obidzinski, Marie (2010). Optimal Discretion in Asylum Lawmaking. *International Review of Law and Economics* 30/1, 86–97.
- Mott, Gordon (2000). *Refugees and Asylum Seekers: the Role of the LEAs*. EMIE Report 59, Slough: National Foundation for Educational Research.
- Najviše azilantata iz Srbije u 2010 (2011), <http://www.euractiv.rs/vesti/102-srbija-i-eu/1490-najvie-azilantata-iz-srbije-u-2010.html> (7 May 2012).
- Neumayer, Eric (2004). Asylum Destination Choice – What Makes Some West European Countries More Attractive Than Others? *European Union Politics* 5/2, 155–180.
- Neumayer, Eric (2005). Asylum Recognition Rates in Western Europe – Their Determinants, Variation, and Lack of Convergence. *Journal of Conflict Resolution* 49/1, 43–66.
- Noll, Gregor (2000). *Negotiating Asylum: The EU Acquis, Extraterritorial Protection and the Common Market of Deflection*. The Hague: Martinus Nijhoff.
- Osnovana komisija zbog azilantata (2011), http://www.b92.net/info/vesti/index.php?yyyy=2011&mm=03&dd=07&nav_category=11&nav_id=497422 (10 May 2012).
- O'Keefe, Margaret (ed.) (1996). *Census of Refugees and Other War/affected Persons in the Federal Republic of Yugoslavia 1996*. Belgrade: UNHCR.
- Pavlica, Branko (2005). Migracije iz Jugoslavije u Nemačku – migranti, emigranti, izbeglice, azilanti. *Međunarodni problemi* 52/1–2, 121–158.
- Predojević-Despić, Jelena (2010). Main Territorial Characteristics of Emigration from Serbia to EU: From Guest Workers to Chain Migration. *7th IMISCOE Annual Conference*, 13–14 September 2010, Liege.
- Rakić, Danilo (ed.) (2011). *Izazovi prisilnih migracija u Srbiji – položaj izbeglica, interno raseljenih lica, povratnika i tražilaca azila*. Beograd: Grupa 484.
- Robinson, Vaughan, Segrott, Jeremy (2002). *Understanding the Decision-making of Asylum Seekers*. Home Office Research Study 243. London: Home Office.
- Schuster, Liza (2000). A Comparative Analysis of the Asylum Policy of Seven European Governments. *Journal of Refugee Studies* 13/1, 118–132.
- Srbiji neophodna pomoć EU za reintegraciju azilantata (2011), <http://www.euractiv.rs/vesti/102-srbija-i-eu/1148-srbiji-neophodna-pomo-eu-za-reintegraciju-azilantata.html> (28 Apr. 2012).
- SRPR (2009) *Strategija za reintegraciju povratnika po osnovu Sporazuma o readmisiji*. Beograd: Vlada RS.
- Shrestha, Miodrag, Rakić, Danilo, Petronijević, Vladimir, Duvnjak, Nikola (2005). *Povratak iz Zapadne Evrope građana Srbije i Crne Gore kojima je odbijen zahtev za azil ili ukinuta privremena zaštita*. Beograd: Grupa 484.
- Šabić, Dejan, Knežević, Aleksandar, Vujadinović, Snežana, Golić, Rajko, Milinčić, Miroljub, Joksimović, Marko (2013). Belgrade Slums - Life or Survival on the Margins of Serbian Society? *Trames* 17/1, 55–86.
- The Number of Asylum Applicants Registered in the EU27* (2011), http://soderkoping.org.ua/files/eu_spotlight/2011/STAT-11-47_EN.pdf (26 May 2012).
- Thielemann, R. Eiko, Williams, Richard, Boswell, Christina (2010). *What System of Burden-sharing between Member States for the Reception of Asylum Seekers?* Brussels: European Parliament, Directorate General for Internal Policies.
- Trbojević, Svetlana, Bogoevska, Natasha (2011). Migration, Social Exclusion and Identity Issues of Macedonian Roma. *Dve Domovini / Two Homelands* 34, 137–147.
- UNHCR (2001). *Asylum Applications in Industrialized Countries: 1980–1999*. Geneva: UNHCR.
- UNHCR (2010). *Convention and Protocol Relating to the Status of Refugees*. Geneva: UNHCR.
- UNHCR (2011a). *Asylum Levels and Trends in Industrialized Countries 2010*. Geneva: UNHCR.
- UNHCR (2011b). *Procena potreba interno raseljenih lica u Srbiji*, http://unhcr.rs/media/IRL_izvestaj_srp-ska_verzija.pdf (24. Apr. 2012).

- UNHCR (2011c). *UNHCR Global Appeal 2011 Update*, <http://www.unhcr.org/ga11/index.html#/home> (23 May 2012).
- UNHCR (2012). *Asylum Levels and Trends in Industrialized Countries 2011*. Geneva: UNHCR.
- Vink, Maarten, Meijerink, Frits (2003). Asylum Applications and Recognition Rates in EU Member States 1982-2001: A Quantitative Analysis. *Journal of Refugee Studies* 16/3, 297–315.
- Vujadinović, Snežana, Šabić, Dejan, Milinčić, Miroljub, Stojković, Sanja (2011). Years of Refugee Life in Serbia – Challenges for a New Beginning: Stay or Return Home? *Trames* 15/3, 235–258.
- Vuković, Drenka (2009). Readmisija i upravljanje migracijama. *Godišnjak Fakulteta političkih nauka* 3/3, 569–583.