

# FROM MIGRATION TO DEPORTATION

Contributions to the critical analysis of the policy  
against Roma migrants in Europe

Edited by Vladan Jeremić







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The photographs were taken in the period from 2009 to 2012, and represent social protests and struggles that took place due to the demolishing of Roma settlements in Belgrade.

The content of this publication does not necessarily reflect the official opinion of Rosa Luxemburg Stiftung. Responsibility for the information and views expressed therein lies with the authors.

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### **Cover photo:**

Solidarity protest against deportation of Roma from France to Rumania and Bulgaria, Belgrade, 2010.

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**ROSA  
LUXEMBURG  
STIFTUNG**  
SOUTHEAST  
EUROPE

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## FOREWORD

Vladan Jeremić

For centuries many Roma communities have lived at the economic and social margins. Nowadays, at the European periphery, their position becomes even more precarious due to the consequences of the economic crisis. European Union is intensifying the restrictions against precarious migrant workers and asylum seekers from the war-torn and post war regions and countries. The possibility to reintroduce the visa regime granted to the EU member states is a sanction directed at countries of the periphery, which is justified by a rising number of “illegal migrants” or “false asylum seekers” arriving in EU countries.

The increasing number of assaults on Roma is the consequence of a strengthening and consolidation of right-wing forces using the situation of economic crisis for populist promotion of their racist and anti-migrant agenda. Brutal demolition of Roma and migrant settlements and the following deportations from France in 2010 or the terror against local Roma communities in Hungary by ultra-nationalist formations, usually have support of the state institutions. In Serbia and Bulgaria, organised violent actions against Roma by the majority population are frequent. Extreme poverty, social exclusion and segregation present a situation a large number of Roma in Serbia is living in today.

The aim of the publication **“From migration to deportation - Contributions to the critical analysis of the policy against Roma migrants in Europe”** is to analyse the above-mentioned questions from the position of the Left, by mapping the legislative frames and analysing political context Roma and other migrants in Europe find themselves in. The focus is on the criticism of forced deportation practices based on the Readmission agreement between Germany and Serbia. The critical analysis of legislative mechanisms of exclusion by the EU bureaucratic apparatus is a prerequisite for identifying

and understanding these complicated procedures. Furthermore, this policy of exclusion requires a constructive alternative.

Member of the European Parliament, **Cornelia Ernst** and political scientist **Lorenz Krämer** in the article “European Immigration Policy – Too Much of the Same“ emphasize that the issue of the immigrants’ position on the labour market is a suitable field of action for the left. “...The goal has to be complete equality between non-European workers and their German-born colleagues. (...) Only when immigrant workers have a right to equal pay, to the same working hours and cannot be blackmailed because of their illegal status, will it be possible to prevent people from being played off against each other. It is only then that immigrants cannot be used for dumping wages or for worsening working conditions. Thus, equal rights in the workplace are a precondition for a liberal immigration law in the positive sense – both on European and national levels. Indeed, the commitment to an open (-minded) Europe which does not barricade itself behind barbed wire and FRONTEX must be reflected on all levels”.

The text by **Manuela Kropp** and **Anna Striethorst** “The Migrations of Roma in the European Union – an Ethnic Minority as Cue Ball of European Politics“, examines the causes of increased Roma migrations within the EU, as well as the political and legal tensions surrounding this issue.

**Andreas Guidi’s** article “Roma Asylum Seekers in Europe: A Matter of Disintegration of Social Rights”, which was written during his stay in Belgrade as a Rosa Luxemburg Stiftung voluntary researcher, attempts to examine the controversies of the German migration policy, detecting a pattern of social exclusion, with Serbia playing an active part as well. In his case study from Belgrade, he describes how economic dynamics and financial interests affect many Roma families living in New Belgrade, pushing them out of the city, without any possibility of social security, often leaving them with no other option but to leave the country.

The next contribution by the project coordinator of the Roma education creative centre and a political scientist from Belgrade, **Dejan Marković**, “Re-admission and Deportation to Serbia – Readmission of Asylum Seekers who Left the Republic of Serbia in the 90s and Sought Asylum in Western Europe and Scandinavia”, evokes the harsh reality of deportation from Germany and other countries to Serbia.

The article “Serbia: Visa Liberalization at any Price?” by the NGO **Chachi** deals with the measures which have been imposed on Serbia as a prerequisite to obtain a liberalization of their visa regime with the EU and to preserve it. The article is focusing on those measures which have a most immediate impact on the population such as the strengthening of border controls and selective travel bans. It shows that these measures are essentially targeting Roma, and that the surrounding discourse has contributed to fuel anti-Roma resentments.



Protest in front of the Belgrade City Hall against the eviction of the Roma settlement at Belville, April 2009, Belgrade. / Protest ispred Skupštine grada Beograda zbog rušenja romskog naselja kod Belvila, april 2009, Beograd.



ROMI  
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SRBIJU  
SRETNOM

SAM ROMKINJA

DIVERSITY

NO FORSA

MI MO ROMNOLJIA  
HOCEMO KROV AD PRAVO  
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# EUROPEAN IMMIGRATION POLICY – TOO MUCH OF THE SAME<sup>1</sup>

Cornelia Ernst / Lorenz Krämer

When in a European context immigration is talked about it usually does not take long before the name FRONTEX pops up. Migration is mostly mentioned in the same breath as “illegal” and “illegal immigration” – the term is unambiguous – must be fought. That is the point at which FRONTEX, the agency for the protection of the EU borders, comes into play. And this is paradigmatic of the restrictive approach of European politics when it comes to migration.

At the same time, EU immigration and asylum policies look quite presentable – at least on paper. Thus, in this area, the EU has set up a number of subsidy schemes such as the refugee fund, the integration fund and, last but not least, the general programme “Solidarity and Management of Migration Flows” (SOLID).<sup>2</sup> However, their budgets are used in a myriad of ways so that barbed wire for border fortifications can even be financed from it. Moreover, there exists with the Blue Card<sup>3</sup> a European rule enabling workers

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1 This text was published in Transform! – european journal for alternative thinking and political dialogue, Transform, Brussels, 2012, No 10/2012, p. 196-203, <http://transform-network.net/uploads/media/2012-10-engl-journal.pdf> (10. 10. 2012.)

2 The websites of the Commission, available in English under [ec.europa.eu/home-affairs/funding/intro/funding\\_intro\\_en.htm](http://ec.europa.eu/home-affairs/funding/intro/funding_intro_en.htm), provides an overview of Home Affairs funding, (10. 10. 2012.)

3 Council Directive 2009/50/EC of May 25, 2009 on the conditions of entry and residence of third-country nationals for the purpose of highly-qualified employment.

from countries outside the EU to be employed, while further laws regarding legal immigration are in the planning stage or in the midst of legislative procedures, stuck somewhere between the Parliament and the Council in their first or second readings. The same holds true for the area of asylum policy. Between 2002 and 2005, European minimum rules were created for the individual asylum systems, while in addition to this there exist rudiments such as the emergency directive for temporary protection,<sup>4</sup> which was the reaction in the area of asylum policy to the war in Kosovo in 1999, or a resettlement project by which people who are predictably and permanently prevented from returning to their home countries, are permitted to stay in Europe for good.

Against this one can critically argue that it is impossible to speak of a common immigration policy, let alone of a European asylum policy. Although individual instruments do exist, they are too limited in their range, conflict with each other, do not commit the member states to anything, and thus merely form a patchwork that attempts here or there to fix something or other. Some will argue that this rag rug by no means deserves to be called a common European policy or a European system.

Some examples illustrate what is meant: the Blue Card applies only to “highly qualified” persons and explicitly not to people who have applied for or have already been granted asylum. The above-mentioned directive for temporary protection has so far not been applied even once, due to the requirement that the Council of Ministers has to pass a resolution saying that a “mass influx” is taking place. Only then can the refugees be distributed among different states. The minimum requirements for asylum systems in Europe divided among three directives<sup>5</sup>, are currently being revised.<sup>6</sup>

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4 Council Directive 2001/55/EC of July 20, 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between member states in receiving such persons and bearing the consequences thereof.

5 The directives are: Council Directive 2004/83/EC of April 29, 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection, and on the content of the protection granted; Council Directive 2003/9/EC of January 27, 2003 laying down minimum standards for the reception of asylum seekers in member states; Council Directive 2005/85/EC of December 1, 2005 on minimum standards and on procedures in member states for granting and withdrawing refugee status.

6 In the meantime, some progress has been made procedure-wise. The revision of the „minimum requirements“ directives and the Dublin Regulation (see below) is almost finished. The political agreement reached, however, is far from being satisfactory. The key



The official reason given for all three cases: the directives contain much phrasing that is too vague and therefore leave the member states much room for manoeuvre when it comes to application. Or to put it in other words: the member states are definitely not obliged to observe a certain minimum standard.

This situation results from the restrictive paradigm underlying European border, asylum and immigration policies. The “blocking” of immigration is present in all the determining factors of immigration policy. It is enshrined in the constitutional foundations and in terms of content, it is woven like a red thread through all the base lines of European immigration policy.

## Border Control, Asylum, Immigration – the Treaty of Lisbon

A glimpse at the treaties, the primary law of the EU, reveals the competence of the EU in some areas, but also its limits. The Treaty on the Functioning of the European Union,<sup>7</sup> which is what the former EC Treaty is called, now that the Treaty of Lisbon has come into effect, determines the political areas in which the EU possesses competence; it states how far these reach and the procedures through which laws can be passed. Articles 77-80 of the Treaty on the Functioning of the European Union are relevant here. These concern the areas of border control (Article 77), asylum (Article 78) and immigration (Article 79) and commit the EU to solidarity and fair sharing of responsibility in this area between Member States (Article 80). The restrictive attitude of the EU towards immigration already becomes obvious in these articles: immigration and asylum are issues first and foremost put into the context of border regimes – that is the message.

Article 77 commits the EU to the goal of a joint management of the exterior borders and the abolition of border controls inside the EU. On the one hand, this article provides the legal basis for the abolition of border controls in 22 of the 27 member states, the so-called Schengen acquis; on the other hand, for the establishment of the border control agency FRONTEX, one of the symbols of the “Fortress Europe” par excellence. If the recent reform of the FRONTEX mandate is considered – it came into effect in 2011 – it becomes obvious that almost all the requirements of this article have been met or are on the way to being met.

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points are failure to abolish the basic principle of Dublin and failure to abolish detention of asylum seekers.

7 Official Journal of the European Union C 115 of May 9, 2008, p. 47ff

With regard to Article 78, the situation is quite different. According to it, the EU has to develop a common asylum system which contains an asylum status acknowledged throughout Europe. The “European asylum system” which was previously created on the basis of this article consists of the three directives for minimum standards in the treatment of asylum seekers, the controversial Dublin Regulation<sup>8</sup>, which determines which state is responsible for examining an asylum application and the directive on temporary protection. In comparison to Article 77, the result is rather feeble: as a result of European asylum competence, there are three insufficient laws the revision of which has been delayed due to difficulties, in addition to the Dublin ordinance hated by the Southern European member states, yet much praised by Germany and other Northern European countries, as well as the emergency directive which does not contain any concrete criteria for its application. In this respect, the road towards a uniform European asylum status is still a very long one.

Only one clause in Article 78 is of some relevance in the framework of European policy. According to paragraph 2 g, for the purpose of better “managing inflows of people applying for asylum”, the cooperation with third (non-EU) countries is possible. This aims at preventing refugees from ever arriving in Europe and applying for asylum there. Instead, people are to be preselected and are to file their applications while still on site. Thus, border fortifications as well as training and equipment of border patrolling officers in third states can be financed, which usually is done from subsidies, such as the refugee fund or SOLID.

All further competences of the EU regarding immigration policies originate in Article 79. Accordingly, the aim of European immigration policy is “the efficient management of immigration flows” “at all stages”, as well as “enhanced measures to combat illegal immigration and trafficking in human beings”. Moreover, the article states the competence of the EU for conditions of entry, the rights of third-country nationals residing legally in the EU, “illegal immigration (...) including deportation”, as well as combating trafficking in people. Yet, for immigration policy, it is decisive to know where the competences of the EU do not lie: according to paragraph 5, each member state preserves the right to determine the number of people coming from third countries who are given work permits. In any case, the European countries

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8 Council Regulation (EC) No 343/2003 of February 18, 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.

have the last word when it comes to admission to the labour market. Consequently, a uniform European regulation which would make it obligatory for the member states to open the gates to their labour markets for immigrants is not possible. With regard to this question, all the European laws are confined to providing the member states with a legal framework – whether the states make use of it or not, is up to them.

## Immigration as a threat

A recurrent theme to be found in the EU documents is that, in general and on principle, immigration represents a risk, a danger to our society, to public order or health. Accordingly, thinking in terms of security prevails.

The first goal, therefore, is so-called defence against immigration. All in all, immigration is unwanted – that is the basic tenor of European migration policy. For humanitarian reasons, an exception has to be conceded to refugees, and for economic reasons exceptions for certain groups of the workforce are thinkable. It is striking that almost all the European instruments aiming at the admission of people have only a short-time perspective. Whether it involves temporary protection, seasonal work or the Blue Card, a principle of “as long as necessary, as short as possible” is inherent in all these directives. This goes to such lengths that seasonal workers can be equipped with permits valid for several years or are promised privileged treatment for the following year, only if they leave the EU on time. The message here is also clear: Coming; yes, under certain circumstances; staying; no.

The only instrument conceived with a long-term perspective is the one for resettlement, and there is still a plan to create it. It addresses refugees for whom it is foreseeable that they will never again be able to return to their countries of origin. They are granted a permanent status of residence and normally also the prospect of citizenship in their new home country. Again, it is symptomatic that of all things, this EU resettlement programme has been blocked by the Council, i.e., the representatives of the member states, for more than a year now.<sup>9</sup>

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<sup>9</sup> The resettlement programme has meanwhile been adopted and entered into force on 31 March 2012, following its publication in the Official Journal the previous day: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:092:0001:0003:EN:PDF> (10. 10. 2012.)

Between the idea of defence on the one hand, and the temporary exceptions on the other hand, a political area of tension unfolds. The legislative bodies in the EU are trying to tackle the problem of having to simultaneously fight and handle immigration by resorting to the principle of “divide and conquer”. The outcome is a specific legal frame, specific rules for each and every group of immigrants. The most remarkable differentiation is the one between refugees and other immigrants. This differentiation is not only impeccably upheld in the wordings of the law. Refugees arriving in the EU are examined by FRONTEX with regard to exactly this differentiation. Only a person fleeing from targeted persecution by the state in his or her country of origin is a legitimate refugee; persons trying to flee “only” the deprivation of any economic future and poverty entirely lack this legitimacy.

How difficult it is to maintain this differentiation could be seen in the months since the beginning of 2011 in the Mediterranean. When visiting the Italian island of Lampedusa in May 2011, we could witness the landing of 1,700 refugees. The majority of these people, originally coming from different African and Asian countries, had fled Libya where they had for some years been living and working and were now on the run from a civil war which was none of their concern. They had lost their employments and their flats and arrived only with the most necessary items – some of them had a small backpack with them, others not even that. So, were these people legitimate asylum seekers or not? After all, there were practically no Libyan citizens among them, so that many might without a second thought be deported to their countries of origin. In contrast to the Tunisians, who arrived at the same time and who also had “only” fled the lack of any economic prospects in their home country, they were lucky and for the time being, permitted to stay.

Yet there are also other differentiations being made between further groups of immigrants. With the Blue Card, higher qualified and skilled workers are equipped with a work permit in the EU. This is soon to be followed by a few regulations for seasonal workers and for workers and employees sent to the EU by a multinational company.<sup>10</sup> All three of these instruments will contain specific regulations regarding the duration of the permit, visiting rights

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10 Proposals and further proceedings can be found under:  
[http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2010/0210\(COD\)&l=en](http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2010/0210(COD)&l=en)  
and  
[http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2010/0209\(COD\)&l=en](http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2010/0209(COD)&l=en) respectively, (10. 10. 2012.).

and family reunion, etc. So, while on the one hand there is a trend towards harmonising in the entire EU, quite the opposite is the case in immigration policy, with immigrants being divided into small groups and equipped with different sets of rights.

All these regulations have in common that they are mutually exclusive. Persons having applied for asylum or having been granted asylum cannot apply for the Blue Card. Persons coming from a third country and being married to an EU citizen are equally excluded, although there is no guarantee that a work permit will follow from this marriage.

## Circular immigration

As regards the chance to enter the EU to work there, the EU relies on the – not really new – concept of circular immigration. This means that people fulfilling the necessary requirements are to be allowed to come and work in the EU, only to leave again after a few years. Both the Blue Card, as well as the planned directive for seasonal workers and for employees sent by their companies are clearly based on that concept and allow for time spans of between three to five years.

The EU follows this policy, although the concept of circular immigration has proved a failure. At least this is what experience in many European countries, in Germany among others, tells us. The reason is relatively simple: Many people do not go back. This problem is also known to the EU Commission. That is the reason why in the future also seasonal workers from third states are to be animated with the promise of a work permit for two more years to punctually leave the EU again. Otherwise, they have to face being refused such a permit or a visa later. The other reason why circular immigration has failed as a concept is that the assumption that immigrants would stay only for a short time has usually served as an excuse for not having to make special efforts to integrate them. If people stay only for a short while, it is not necessary to undertake special efforts for them to settle down and feel at home in their new country.

It is a serious mistake to align the European instruments of legal immigration with this ideal. As in the past, this will serve as an excuse for the absence of efforts at integration and prevent equality before the law between immigrants and EU citizens. Another point is to be considered: If there is an obligation to leave the country, this entails controls. The costs of these

controls are high – and not only in financial respects. Already now, running the specific data bases such as SIS<sup>11</sup>, VIS<sup>12</sup> and EURODAC<sup>13</sup>, with whose help visas are issued and illegal crossing of borders and asylum applications are subjected to surveillance throughout Europe, costs many millions annually; the costs are increased by the lengthy development of the Schengen Information System of the second generation (SIS II), which has been running up costs for years now. Such controls will also require policemen and border officials. This means that either the expenses for security organs must be increased or these officials will be missing in other areas. Last but not least, the costs also affect our liberty. Once SIS II and similar systems are put into operation, the immigration and emigration behaviour of EU citizens can be checked at the same time without any special further effort. Those who think this fear is exaggerated should remember that only a few years ago it would not have occurred to anybody in Europe to have the data collected and analyzed of all the passengers of all the flights in the EU. A proposal containing exactly this is being discussed in the European Parliament just now.<sup>14</sup> This is only to indicate that data collection appearing too time-consuming or meaningless today, could be a reality in only a few years.

Immigration as a threat, discrimination of immigrants by the law, circular immigration – these are the issues where a left defending human rights and combating xenophobia, Islamophobia and racism, has to start acting. It cannot be repeated often enough: immigration does not represent a threat to our society, it is mutually enriching. An asylum law which only acknowledges prosecution organised by the state and war as reasons for granting asylum, ignores the most common reasons for flight. It is of utmost importance to act against any discrimination of immigrants under the law and to oppose with an inclusive approach the method of creating a legal frame for each and every small group.

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11 The Schengen Information System contains information on persons to be extradited, wanted or suspected of a crime and information on certain stolen or lost goods.

12 The Visa Information System contains information, including biometrics, on visa applications for Schengen countries.

13 Database containing fingerprints of persons that have applied for asylum in the EU.

14 Proposal on the use of Passenger Name Record data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime, further information also regarding current proceedings under [http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2011/0023\(COD\)](http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2011/0023(COD)) (10. 10. 2012.)

It is not evident why people coming to Europe should not be able to change their category. Why should we build legal barriers for people temporarily seeking protection in Germany, for instance, preventing them from being granted a long-term residence and work permit which would in any case be better? Such a step would eventually not only improve the financial situation of those concerned and relieve the budget; it would also concede more rights to him or her. The same holds true for all “illegal aliens”. If the problems occurring in this context are to be tackled seriously, the first step has to be the legalisation of residence, which implies that those concerned are also enabled themselves to represent their interests.

Usually the reason given why the categories should be impenetrable, is that any other practice would encourage abuse of our asylum systems, which is also the reason why the European instruments for legal immigration can only be applied for in the country of origin. This aims at discouraging any attempt to gain a temporary right of residence and settling down in illegality afterwards. From our point of view, it is this illegality in particular that poses a problem, having consequences not only for those immediately concerned, but for society as a whole. Compared to the damage caused by the exploitation of immigrants and the lack of a social safety net, the reference to an exploitation of the asylum systems is a cynical one.

Also, the allegedly high cost of asylum systems is an argument that does not hold. The most expensive factors involved are usually the accommodation in camps or even imprisonment. Similarly expensive are the police controls, which are necessary in order to put restrictions on the right to move, such as the residency obligation in Germany. From this perspective, it makes most sense to shape the asylum systems in such a way that the refugees are able simply to integrate in their new country and the labour market. On the European level, one new beginning has already been made and needs to be followed. The programme for resettlement, started as a pilot project, should be established as a long-term and consistent programme<sup>15</sup>. However, the European Parliament has already adopted the bill in May 2010.<sup>16</sup> Since then it

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15 See the Communication from the Commission on the establishment of a joint EU resettlement programme: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52009DC0447:EN:NOT> (10. 10. 2012.)

16 <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2010-0163&language=EN&ring=A7-2010-0131> (10. 10. 2012.)

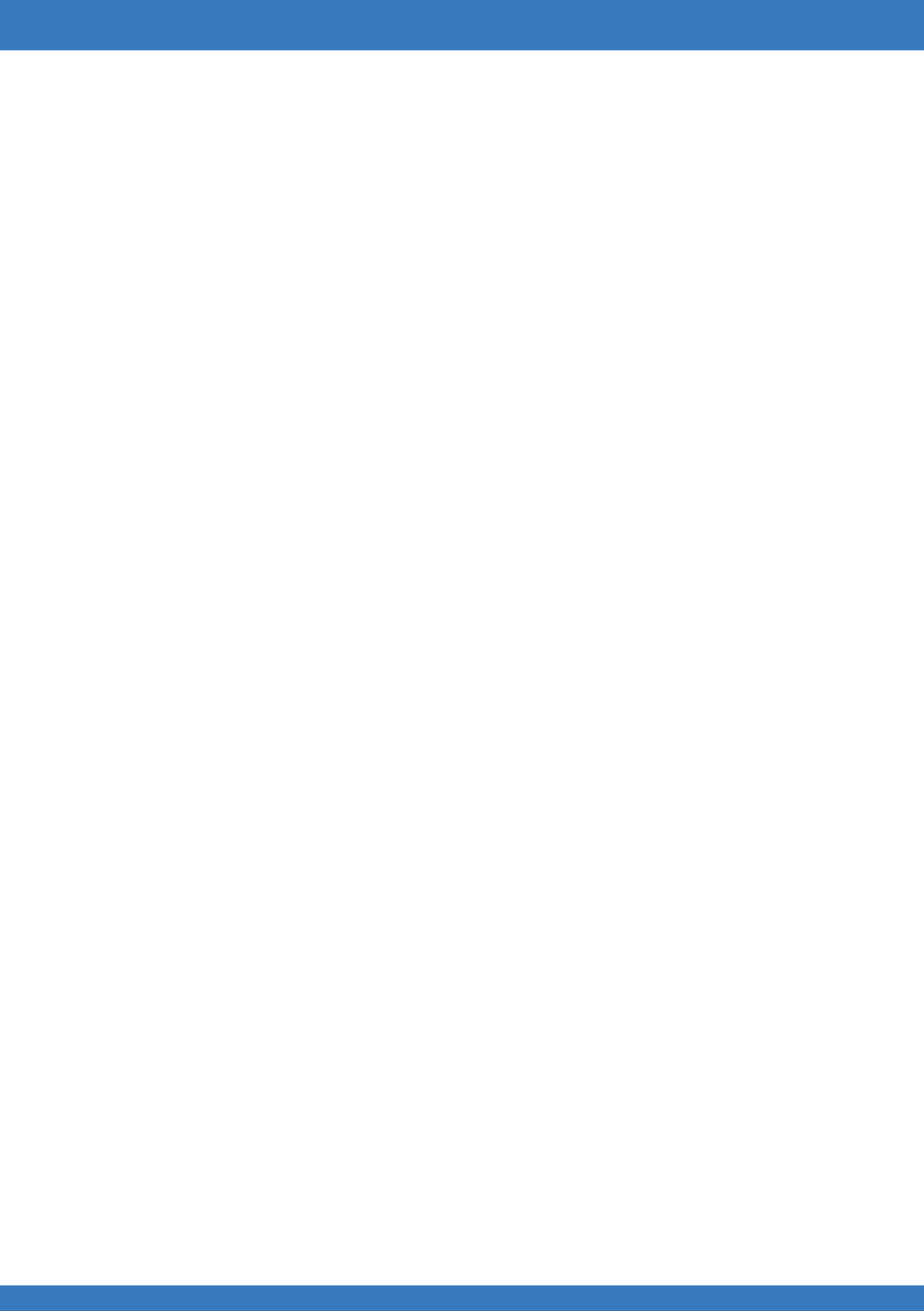
has been waiting as draft legislation for approval by the Council. Resistance on the part of some member states is blocking the decision.<sup>17</sup>

The situation of immigrants on the labour market is a suitable field of action for the left in the migration debate. The goal has to be complete equality between non-European workers and their German-born colleagues. This is the only way to prevent immigrant workers from being put into the position of competing unfairly with the native-born ones. Equality is decisive in every respect. Only when immigrant workers have a right to equal pay, to the same working hours and cannot be blackmailed because of their illegal status, will it be possible to prevent people from being played off against each other. It is only then that immigrants cannot be used for dumping wages or for worsening work conditions. Thus, equal rights in the workplace are a precondition for a liberal immigration law in the positive sense – both on the European and the national levels. Indeed, the commitment to an open (-minded) Europe which does not barricade itself behind barbed wire and FRONTEX must be reflected on all levels.

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17 See footnote 9. Interestingly, the conflict evolved around the use of Article 80 TFEU, as can be seen in the Annex to Parliament's resolution, when the resettlement programme was finally adopted in March 2012: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2012-0104+0+DOC+XML+V0//EN&language=EN> (10. 10. 2012.)







**Eviction of the Roma settlement at Belville, Belgrade, April, 2012. /  
Raseljavanje romskog naselja kod Belvila od strane gradske vlasti,  
Beograd, april 2012.**





# THE MIGRATIONS OF ROMA IN THE EUROPEAN UNION – AN ETHNIC MINORITY AS CUE BALL OF EUROPEAN POLITICS<sup>1</sup>

Manuela Kropp / Anna Striethorst

“France is sending Roma back to Rumania”, “Roma are “voluntarily” leaving the country to go to Macedonia”, “Czech Roma are seeking asylum in Canada” – these headlines of recent years have repeatedly drawn the public’s attention to the migrations of Roma in Europe. The resulting debates emphasise the legal status of migrants. Thus the deportation of Rumanian and Bulgarian Roma from France in 2010 triggered a new European debate on the right to free movement in the EU. Roma from Macedonia and Serbia, who had since the visa liberalisation in 2010 immigrated to the EU, became the subject of a debate on “asylum abuse”. As a reaction to their immigration, intense debates ensued in Brussels on the examination of persons on the grounds of ethnicity (“ethnic profiling”) at the exterior borders of the EU and about temporarily reintroducing the visa obligation for Macedonians and Serbians.<sup>2</sup>

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1 This text was published in Transform! – european journal for alternative thinking and political dialogue, Transform, Brussels, 2012, No 10/2012, p. 173-186, <http://transform-network.net/uploads/media/2012-10-engl-journal.pdf> (10. 10. 2012.)

2 ESI 2011. European Stability Initiative (ESI): Advancing Freedom of Movement in a Populist Age. How the Western Balkans asylum seekers’ affair can be resolved, Brussels, 9 July 2011, Internet Publication.

In Germany, the human rights' campaign "Alle bleiben" / "Everybody Stays" has highlighted the situation of Roma from Kosovo who found refuge in Germany in the 1990s, yet were never given a permanent residential permit. Since Germany and Kosovo signed a repatriation agreement in 2009, they are acutely threatened by deportation.<sup>3</sup> Less public attention is paid to the emigration of Czech and Hungarian Roma to Canada. After numerous applications for asylum by Roma, a diplomatic hassle broke out in summer 2009 between Canada and the EU, after Canada had unilaterally introduced visas for immigrants from the Czech Republic.<sup>4</sup>

All these facets of the migration of Roma have to be considered as parallels, because they have common roots. Roma transgress borders to escape experiences of poverty, discrimination and open hostility to them. At the same time, government and media rhetoric constructs them as a homogeneous group; policies explicitly directed against Roma differ according to their respective nationality. The usual categorisation according to origin and legal status easily obscures these involuntary commonalities. Therefore, the immigration of Roma from the EU neighbouring countries should consciously be considered in any debate of political attempts of solution, although this paper must confine itself to the migration of Roma within the European Union.

As a consequence of their migration, the situation of Roma has meanwhile become a topic in most member states of the European Union. At the same time, the actions of the individual governments stand in stark contradiction to the self-proclaimed values of the Union, such as freedom, equality and respect for human rights: in their countries of origin, Roma are excluded, increasingly become the objects of hostility and live in extreme poverty and permanent segregation. The countries of destination on the other hand lack the political will to protect the rights of immigrants and integrate them into their societies. The question as to how the EU is relating to the Roma policy of her member states thus becomes the litmus test of a European "space of security, of freedom and of rights".

This article examines the question of what has caused the increase in Roma migrations within the EU and of the political and legal areas of ten-

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3 Kropp, Manuela / Striethorst, Anna: 10,000 Roma in Germany to Be Deported to Kosovo. A Cold Welcome, March 2010, Internet Publication.

4 Tóth, Judith: The Incomprehensible Flow of Roma Asylum-Seekers from the Czech Republic and Hungary to Canada, November 2010, Internet Publication.

sion in which it must be seen today. Within the context of conflicts with the policy of the Western European countries of destination, the French *Affaire des Roms* is to be examined more closely. The focus of this paper, however, is on the Roma policy of the European Union: How do European institutions deal with the migration of Roma? What would the EU have to do to guarantee the civil rights of Roma vis-à-vis the member states?

## The background of Roma migrations

In the face of the European right to freedom of movement, the question can be raised if a more positively connoted concept of “mobility” would not be appropriate for the migration of Roma within the EU. Are Roma not simply some of the many million Europeans who in their search for work temporarily move to another country of the EU? However, many Roma exercise their right to free movement “within the context of good cause for emigration and immigration”.<sup>5</sup> In not few cases entire families are on the move; as their motivation sometimes, a vague hope of being able to send 40 or 50 Euros home every month is enough.<sup>6</sup> Therefore we want to consciously speak of migration in this context, because the concept of mobility implies a freedom of choice that most Roma definitely do not have.

The majority of the present-day, ca. ten million Roma in the EU, live in Central and Eastern European countries, in Bulgaria, Rumania, Slovakia and Hungary. Also in Spain and in France, Roma traditionally make up a comparatively big share of the population. Together with Italy these countries are the major target of émigrés from Central and Eastern Europe, because they hope for cultural and linguistic proximity and for the support of resident Roma or Roma who have emigrated before. Migration to Great Britain has only recently brought into existence a significant Roma population. Some Central European countries are at the same time countries of origin and of destinations for Roma migrations.<sup>7</sup>

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5 FRA 2009. European Union Agency for Fundamental Rights (FRA): The Situation of Roma-EU-Citizens Moving to and Settling in Other EU-Member-States. Comparative Report, November 2009, Internet Publication, p. 21.

6 Ibid, 2009, p. 31.

7 However, exact data as to how many Roma currently make use of their right of free movement within the EU are not available. On the sensitive question of data collection and processing according to ethnic criteria see ERIO 2009.

The origins of Roma migrations date back to the 1990s. After the collapse of state socialism, many of the poorly qualified Roma lost their jobs and their incomes in traditional niches. They plunged into extreme poverty and became the “biggest losers of the transition” to capitalism.<sup>8</sup> If the unemployment among male Roma in Hungary in the year 1985 corresponded to the unemployment of the average population, it has now risen to 70 percent. Parallel to the impoverishment of the Roma, social struggles of redistribution and a new definitions of state and nation led to the flare-up of resentment against Roma in the countries of Central and Eastern Europe.<sup>9</sup> What followed were arson attacks and other acts of violence against Roma in the past two decades.<sup>10</sup>

These threats and the lack of economic perspectives led to the emigration of Roma to Western European EU countries and to Canada already in the 1990s. To this end, applications were filed for asylum most of which were motivated by the fear of racist violence. The media reported the issue for the first time when in 1997 thousands of Czech Roma travelled to Canada and sought asylum there. In 2001 several Roma families from the Hungarian village of Zámoly were granted asylum in France.

The official opinion of the EU and its member states is that Roma migrations have fundamentally economic reasons, and this has served to justify a predominantly restrictive admission policy. Among the measures of EU member states to reduce the number of asylum applications, “pre-screenings” took place at Prague Airport on the request of Great Britain, which were a breach of law and with the help of which potential asylum seekers were identified and rejected.<sup>11</sup>

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8 Sigona, Nando / Trehan, Nidhi: Introduction. Romani Politics in Neoliberal Europe, in: Romani Politics in Contemporary Europe. Poverty, Ethnic Mobilization, and the Neoliberal Order, Palgrave Macmillan 2009, pp. 1-22.

9 Sigona, Nando / Trehan, Nidhi: Die Europäische Gemeinschaft und die Roma: Armut, Romafeindlichkeit und Steuerung der Mobilität? Unveröffentlichtes Manuskript, September 2011 (The European Community and the Roma: Poverty, Hostility to Roma and Manipulation of Mobility? Unpublished manuscript, September 2011, p. 3).

10 In Hungary in particular, the level of acts of violence prompted by hostility to Roma is high, with violence even having increased in recent years. In 2008 and 2009 eight people died in a series of murders. Also in the Czech Republic attacks on the Roma settlements are occurring repeatedly. In September 2011 “marches” took place in front of Roma settlements which could hardly be kept under control by the police. For details on the rising anti-Roma see Amnesty International: Report Hungary 2010; Amnesty International: Report Czech Republic 2010; ENAR 2010.

11 Guglielmo, Rachel / Waters, Timothy William: Migrating Towards Minority Status. Shifting European Policy Towards Roma, Journal of Common Market Studies, Vol. 43, No. 4, November 2005, p. 763-785.



The fear of EU member states of an increase of migrations became a decisive factor in the negotiations regarding the enlargement of the EU in 2004. In these talks it seemed opportune to strengthen the economic and legal position of Roma in the acceding countries. During the accession talks Roma organisations themselves saw a chance to put minority rights on the political agenda – not only in the acceding countries, but also in the EU itself. Their 2003 joint declaration denounced discrimination against Roma and demanded measures in favour of social integration and political participation in particular.<sup>12</sup>

It is controversial how far the increased attention given to the issue during the accession negotiation has in reality led to an improvement of the living conditions of Roma. In any case, their status changed abruptly with EU accession. “With accession, a Union whose members had gone to great lengths to restrict Roma migration, now on a single day admitted over a million Roma, who have become both citizens of the Union and members of its largest minority”.<sup>13</sup>

Since then Roma, like all other EU citizens, and in accordance with Article 20 of the TFEU (Treaty on the Functioning of the European Union), have been in possession of Union citizenship. Among the rights resulting from their Union citizenship are the non-discrimination rule according to Article 18 of the TFEU and the right of free movement according to Article 21 of the TFEU and Article 45 of the Charter of Fundamental Rights. According to these laws, EU citizens and members of their families have the right to move about freely and to stay within the territory of the EU. In the year 2004 the European institutions gave this right concrete shape by adopting the so-called Directive 2004/38/EC on the right to move and reside freely.

### **Rejection instead of integration – the policy of the countries of destination**

The various experiences of Roma in the course of inner-European migration differ widely. Some experience a remarkable improvement of their economic situation, and they are confronted with less racism than in their countries of origin. In particular, access to the labour market is decisive for a positive

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12 Ibid., p. 775.

13 Ibid., p. 777.

experience of immigration: If Roma can secure jobs in the formal sector, they find access more easily also to other services such as housing, for example.<sup>14</sup> Others discover after their arrival that their expectations had been much too optimistic. They do not find a job, tend to get lost in the jungle of bureaucracy and in not a few cases their situation becomes more hopeless, than the one they left behind in their country of origin.<sup>15</sup>

In many member states high bureaucratic barriers prevent access to social-security benefits, school attendance and public services. The result is a domino effect, and many find themselves barred from exercising their fundamental political, economic and social rights.<sup>16</sup> In many places the Directive on the Right to Move and Reside Freely is enforced by the national authorities who lack knowledge, appropriate practices and experiences in dealing with foreign members of minorities.<sup>17</sup> So far, information campaigns and trainings have almost exclusively taken place on the level of civil society.<sup>18</sup>

The actions of authorities also depend on political decisions, and these are often not in favour of Roma. The national and local decision-makers do not perceive the immigration of Roma as a natural occurrence in a united Europe, but as a problem or even as a threat. A study conducted for the OSCE and the European Council describes the illegal surveillance of immigrants and the violation of their private sphere, the lack of protection for the Roma's personal safety and "ethnic profiling" by the police.<sup>19</sup>

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14 FRA 2009, p. 7.

15 Ibid., p. 41ff.

16 Ibid., p. 8ff.

17 In particular, the discrepancy between the legal status of the Union citizenship and the extreme poverty of the Roma presents a challenge for many authorities; this is illustrated by the example of the City of Berlin. When in summer 2009 several Rumanian families put up their tents in a Berlin park, they were shoved to and from between different departments for several weeks and finally were given bribe money for their "voluntary" departure to Rumania. As non-Germans, they were not entitled to social security and as EU-citizens they could not seek asylum and get benefits in Germany.

18 European Dialogue: The Situation of Roma from New Member States of the European Union and the Role of Local Authorities in their Settlement and Inclusion. A Strategic Guide for Directors and Senior Management, Autumn 2009, Brochure, p. 6f.

19 The report mentions a number of recommendations for the improvement of the situation of the Roma. For the member states training measures are demanded for the implementation of the European Law and the effective implementation of anti-discrimination rules. The European Union is to establish a Roma Department in the European Commission, to extend its monitoring of the situation of the Roma and to check whether European policies support

The measures against Roma are accompanied by a massively populist rhetoric on the part of political protagonists. In their rhetoric they react to the horror scenarios painted in the media on the one hand, and, on the other, they themselves add momentum to the racist discourse. Roma migration is systematically criminalised by links being established to human trafficking and gang criminality. In recent years the fight against crime has repeatedly served as an excuse for European governments: for both destroying the Roma settlements as “cauldrons of criminality”<sup>20</sup> and for selecting EU citizens on the grounds of ethnicity in order to deport them. Almost without any reactions in the media, collective deportations of Roma have taken place in Denmark, Sweden, Belgium and Italy in recent years.

In some countries of destination – especially in Italy – there exists the alarming trend to develop a general “response to the Roma question”. Native born citizens of Roma background and foreign Roma are combined and hustled into ghettos far outside the cities. In this way, the development of customised integration strategies are prevented for Roma from other member states.<sup>21</sup> In 2008 a loud public outcry was heard when the Italian government introduced a biometric data bank where the fingerprints of all Roma living in Italy were registered.<sup>22</sup>

The Italian policy towards Roma and numerous racist acts of violence against Roma in Italy and other Western EU countries directed attention to the European-wide dimension of the situation of Roma: “In this way, the consequences of both EU enlargement and Roma exclusion combined to threaten not only the relationship between two member states, but also the fundamental right to freedom of movement within the EU. These troubling events all emphasized the often overlooked fact that systemic discrimination and sporadic violence against Roma are prevalent in Western Europe and are not confined to former Communist-ruled countries.”<sup>23</sup>

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migrants in their getting health insurance. (Cahn, Claude / Guild, Elspeth: *Recent Migration of Roma in Europe*, 2nd edition, October 2010, Internet Publication, p. 83f.)

20 FRA 2009, Amnesty International 2010.

21 FRA 2009, p. 9.

22 ERRC 2008. European Roma Rights Centre (ERRC) et al.: *Security à la Italiana: Fingerprinting, Extreme Violence and Harassment of Roma in Italy*, Report, July 2008, Internet Publication.

23 Guy, Will: *EU Initiatives on Roma: Limitations and Ways Forward*, in: Sigona, Nando / Trehan, Nidhi: *Romani Politics in Contemporary Europe. Poverty, Ethnic Mobilization, and the Neoliberal Order*, Palgrave Macmillan 2009, p. 23-50.

## The French *Affaire des Roms* as a test case for freedom of movement within Europe

In summer 2010, employing massively incendiary rhetoric, the French government deported almost 1,000 Roma from France.<sup>24</sup> Simultaneously, it cleared more than forty “non-approved” Roma settlements in August 2010 alone. A number of human rights’ organisations protested against the measures and insisted that France should be obliged to provide more temporary spaces for Roma on the move and to guarantee the right to adequate accommodation.<sup>25</sup>

The measures of the French authorities represented a breach of several European legal norms, first of all that of freedom of movement within Europe: the restriction of movement for citizens of the Union is permitted only for reasons of maintenance of public order, security and health; a lack of financial means is not a sufficient reason for expulsion. In addition, the French government would have had to observe the principle of proportionality and conduct examinations based on single cases. According to both Article 27 of the Directive on the Right to Move and Reside Freely and Article 19 of the Charter of Fundamental Rights, collective deportations are forbidden – the only decisive factor must be the personal behaviour of those concerned.

One particularity was the fact that the French government explicitly targeted Roma and thus selected them for expulsion on the basis of their ethnic background. Thus, a circular letter of August 5, 2010 became public, according to which the French authorities were to concentrate deportation measures on the “group of the Roma”. In this, France broke European legal instruments banning discrimination on the grounds of race and ethnicity.<sup>26</sup>

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24 Like other European countries, France has been effecting deportations on “humanitarian” grounds since 2007, often combined with payment of a financial compensation of 300 Euros per adult and 100 Euros per minor. Afterwards, the biometric data of those deported are collected in the OSCAR data bank, in order to prevent “abuse” of the financial compensation (Carrera, Sergio / Faure Atger, Anais: L’affaire des Roms. A Challenge to the EU’s Area of Freedom, Security and Justice, CEPS September 2010, Internet publication, p. 5). The number of those involved amounts to several thousands; in the first half of 2010 alone, more than 8,000 Rumanian and Bulgarian Roma were expelled from France. However, public protest only flared up when Nicolas Sarkozy staged the mass deportations as part of his populist “war against criminals”.

25 Kropp, Manuela: Abschiebungen von Roma innerhalb und außerhalb der EU, in: Delegation der Linken in der GUE/NGL (Hrsg.): Roma, Es ist Zeit zu handeln, Dezember 2010, Broschüre (Deportations of Roma inside and outside the EU, in: Delegation of the Linke in the GUE/NGL (ed.): Roma, It is Time to Act, December 2010, brochure).

26 Carrera, Sergio / Faure Atger, Anais: L’affaire des Roms. A Challenge to the EU’s Area of Freedom, Security and Justice, CEPS September 2010, Internet Publication, p. 5.

The reaction of the European Parliament was resolute: In its decision of September 9, 2010, the European Parliament emphasised that collective deportations are forbidden on the grounds of the Charter of Fundamental Rights and the European Convention on the Protection of Human Rights and Fundamental Freedoms. They denounced the measures as discrimination and a breach of the Directive on the Right to Move and Reside Freely and regarded the European treaties as having been violated.<sup>27</sup> The reaction of the French Minister for Integration, Eric Besson, was simply to release the statement that, “France will continue to send back EU citizens who remain on French territory illegally”.<sup>28</sup>

Viviane Reding, European Commissioner of Justice at first remarked that the French government had guaranteed her that the practices were in compliance with EU laws and were not explicitly targeting Roma. Until the middle of September the position of the commission remained ambivalent; after that, however, Reding announced that she would introduce treaty violation proceedings against France on the grounds of discriminatory application of the Directive on the Right to Move and Reside Freely.<sup>29</sup> The change of mind had been prompted by the circular letter of August 5. As a consequence, the French authorities changed the circular by removing the explicit reference to the “group of the Roma”. In the end, the Commission did not institute treaty violation proceedings against France.<sup>30</sup>

One year later, Reding called the *Affaire des Roms* a “wake-up call for Europe” and emphasised that the European Commission would “not hesitate to raise its voice if member states did not correctly apply securities which were to protect EU citizens against arbitrary and disproportionate expulsion”.<sup>31</sup>

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27 European Parliament 2010. European Parliament: Resolution on the Situation of the Roma and the Free Movement in the European Union, 9 September 2010.

28 Carrera, Sergio / Faure Atger, Anais: *L'affaire des Roms. A Challenge to the EU's Area of Freedom, Security and Justice*, CEPS, September 2010, Internet publication, p. 1..

29 In the respective press conferences, Reding expressed her irritation about the misleading information by the French government and drew parallels to the Second World War, “I personally have been appalled by a situation which gave me the impression that people are being removed from a member state of the European Union just because they belong to a certain ethnic minority. This is a situation I had thought Europe would not have to witness again after the Second World War” (ibid. 2010, p. 11). Also the meeting of the heads of states and governments on September 16, 2010 was overshadowed by significant controversies concerning the question of the Roma's freedom to move. In the end, however, the French course of action was not formally condemned.

30 Ibid., 2010. p.12.

31 European Commission 2011b. European Commission: Free movement: Determined Commission action has helped resolve 90% of open free movement cases, Brussels, 25 August 2011, p. 2.

Meanwhile, the practice of evacuating Roma settlements and of deporting foreign Roma continues in France and Italy.

The proceedings of French authorities against Roma who merely made use of their right to free movement show how vulnerable the biggest ethnic minority of the EU is. It also shows how much remains to be done in terms of the member states to make the right to inner-European migration a reality for Roma. The incorrect application of the directive concerning free movement by national authorities regularly leads to the denial of rights and claims, those regarding social security, the access to the labour market and the registration of residence in particular. The European Union has to enforce a policy vis-à-vis the member states, such that all measures regarding Union citizens with Roma background correspond to the principles and the anti-discrimination directive laid down in the Charter of Fundamental Rights.

In the *Affaire des Roms* the French government demonstrated that it doubted the capacity of the European institutions to monitor the implementation of EU legislation. It remains incomprehensible why the European Commission as the “guardian of the treaties” did not institute treaty violation proceedings against France. Even if such proceedings would not have reversed the expulsions already carried out, these practices would have been stopped and a clear signal sent to France and other member states.

To strengthen the position of the European Commission vis-à-vis the member states the introduction of a “preventive” mechanism of enforcement should be considered for European law. Contrary to the current treaty violation proceedings, an instantaneous “freezing” of practices in violation of principles of European law would thus be facilitated<sup>32 33</sup>.

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32 The relevance of such a mechanism is revealed in the ongoing non-implementation of the directive on the right to free movement in many other European countries. After treaty violation procedures were conducted in spring 2011, several member states adapted their regulations to European Law, yet the European Commission continues to state that deficiencies prevail in three areas: “immigration and residence of family members including partners, issuance of visa and residence cards for family members from non-EU countries and guarantees against deportation” (European Commission 2011b. for details Carrera, Sergio / Faure Atger, Anaïs: Implementation of Directive 2004/38 in the context of EU Enlargement. A proliferation of different forms of citizenship? CEPS Special Report/April 2009, Internet Publication, p. 3.)

33 Carrera / Faure Atger 2010 p. 17.

## The Migration of Roma and European policy

At least since the EU's enlargement, Roma policy has become an important sphere of influence for European institutions. Numerous initiatives and reports dealing with Roma migration bear witness to this.<sup>34</sup> Today the practice of European institutions is largely based on the conviction that the situation of the Roma in Europe does not correspond to the values of the European Union and that the EU is obliged to defend the Roma's rights as Union citizens vis-à-vis the member states. However, there are also voices warning against reducing the subject to a merely European one, and thus letting the member states off the hook.<sup>35</sup>

A pioneering role in supporting the Roma is played by the European Parliament: in the past its resolutions have repeatedly demanded of the member states and the European Commission that the social situation of the Roma be improved, that they be considered within the EU structural funds programmes, that racism and segregation should be fought and consciousness raised of the history of the Holocaust, to which 500,000 Roma fell victim. The approach of the European Commission focuses on improving the social situation of Roma in its central and Eastern European member states. Among the Commission's best-known measures is the PHARE Programme in support of the Countries of Central and Eastern Europe, as well as projects carried out in the context of the so-called "Roma Decade". Among these the "Roma Education Funds" aim at the integration of Roma into national educational systems, as do numerous campaigns against the discrimination of Roma.

Implicitly, all these measures also aim at reducing migration. In the first place, migration is regarded as the undesirable consequence of extreme poverty, so that improvements in the home countries are to reduce the motivation for emigration. However, in the Commission's programmes and official statements on the situation of Roma, migration as a whole only plays a secondary part. In particular, the situation of migrants in the Western member states has been raised by the European Parliament, rather than the Commission.

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34 Aradau, Claudia et al.: Paradoxes of Citizenship. The Roma, mobility and Europe, Research Project ENACT Enacting European Citizenship, June 2010, Internet Publication.

35 ICG 2008. Informal Contact Group: Report of the Meeting of the Informal Contact Group (ICG) of International Organisations and Institutions dealing with issues concerning Roma, Sinti and Travellers, Brussels, 5 December 2008, p. 3.

After numerous requests by the European Parliament, the Commission in April 2010 presented an “EU Framework for National Strategies towards the Integration of Roma to 2020”.<sup>36</sup> The idea behind this “European Framework Strategy” is to implement more coherence and to oblige the member states to protect Roma. However, it contains neither binding specifications, nor sanctions in the event of non-observance. Controversial topics such as the protection of Roma as national minorities in all the countries of the Union and their structural participation were not given any attention.<sup>37</sup> The issue of hostility towards Roma in particular was most scrupulously avoided, although it is this hostility that is at the bottom of numerous cases of discrimination and repression of Roma, both in the countries of origin and in the target countries of migration.

Beyond the concrete effects of the Framework Strategy the omissions mentioned above again make visible a certain perspective of the European institutions on the migration of Roma. It is commonly accepted to regard this migration as an apolitical act, as “an influx of the poorest of the poor”. So far, the European institutions have not raised the question of the extent to which the migration of Roma could be a civic act against the denial of democratic participation: “The Roma (...) are not connected in any way with democratic practices. The mobility of the Roma (...) remains largely apolitical in the sense that they are not seen to intentionally seek to renegotiate the structures of power and authority through their mobility. The Roma, who live in poverty and experience discrimination and racism in their countries of origin, (...) are often represented as a disorderly mass of people made up of individuals frustrated with living conditions.”<sup>38</sup>

Neither the Commission’s financial instruments nor European legislation against discrimination – in the shape of the Anti-Discrimination Directive 2000/43/EC or the Framework on Fighting Racism and Xenophobia

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36 European Parliament: Resolution on a European Strategy on the Roma, 23 January 2008; European Commission 2011a. European Commission: An EU Framework for National Roma Integration Strategies up to 2020, Brussels, 5 April 2011.

37 Rose, Romani: Neue EU-Strategie zur Verbesserung der Lage von Roma und Sinti in Europa muss Aufbau nachhaltiger Strukturen verfolgen, Forum Migration Juni 2011 (New EU-Strategy for the improvement of the situation of Roma and Sinti in Europe must pursue the development of sustainable structures, Forum Migration, June 2011, p. 4).

38 Aradau, Claudia / Huysmans, Jef: Mobilising European Democracy. Mobility and Citizenship Between Universal Rights and the ‘Mob’, Research Project ENACT Enacting European Citizenship, January 2009, Internet Publication, p.6.



(2008/913/JI) – have been able to target the causes of migration. The importance of the Anti-Discrimination Directive in the struggle against exclusion and discrimination should not be underestimated, but it is not sufficient to break the structural exclusion of Roma and the vicious circle of miserable housing conditions, poor educational opportunities, unemployment and poverty<sup>39</sup>. To tackle these problems the EU would need competences in the fields of social and educational politics, which so far it has not had.

That the causes of Roma migration cannot be overcome in the short term does not free the European Union of its obligation to improve the situation of migrants in the countries of destination. The European Union must enforce the observance of existing European standards and make use of its room for manoeuvre in favour of the Roma. The consistent enforcement of European freedom of movement and the extension of rights through Union citizenship in particular, play a crucial role for an active European Roma policy.

The question of how the European Union tackles the migration of Roma will gain more relevance in the future. In the policy vis-à-vis the acceding countries in former Yugoslavia the debates which took place prior to the Eastern European Enlargement are repeating themselves. Often the living conditions of the Roma are the subject of discussion concerning current or possible accession negotiations<sup>40</sup> and their migration puts into question the already effected visa liberalisation vis-à-vis Macedonia and Serbia.

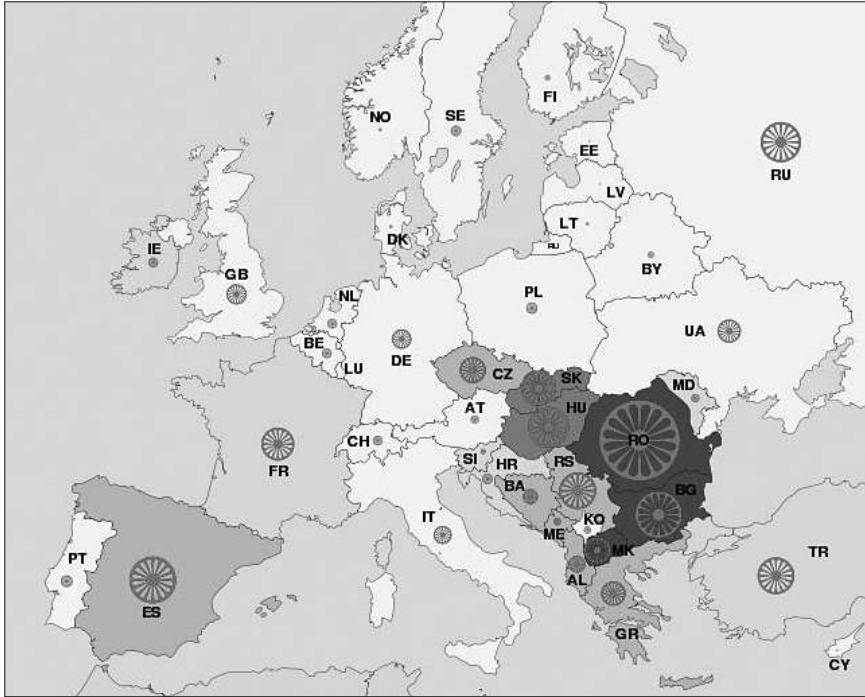
In the Union itself the European institutions remain largely powerless in the face of the violations of the Roma's fundamental rights. Nationalisms and the hostility to Roma are steadily on the rise, and the consequences of the crisis will continue to intensify the poverty among Roma in the years to come. If the European Union does not only want to defend its values of freedom and equality on paper, a revision of the Roma Framework Strategy is required. This revision would have to include the questions hitherto omitted and hold responsible all member states, including the Western European ones, in binding regulations.

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39 De Schutter, Olivier / Verstichel, Annelies: The Role of the Union in Integrating the Roma: Present and Possible Future, European Diversity and Autonomy Papers, EDAP 2/2005.

40 European Commission 2010b. European Commission: Croatia 2010 Progress Report accompanying the Communication from the Commission to the European Parliament and the Council. Enlargement Strategy and Main Challenges 2010-2011, Brussels, 9 November 2010.

## Roma in Europe 2007<sup>41</sup>



41 Source: Wikimedia [http://upload.wikimedia.org/wikipedia/commons/0/0a/Roma\\_in\\_Europe\\_2007\\_cropped.png](http://upload.wikimedia.org/wikipedia/commons/0/0a/Roma_in_Europe_2007_cropped.png)

Populations of the Romani people by country, showing the “average estimate” published by the Council of Europe. These estimates are the bases for the number of seats by country in the European Roma and Travellers Forum (ERTF) based in Strasbourg. The size of the wheel symbol represents total population by country (Rumania 1.85 million); the shade of each country’s background colour represents the percentage of Romani with respect to the total population (Rumania 8.5%).

## Sources

Directive 2004/38/EC of the European Parliament and the Council of 19 April 2004 on the right of Union citizens and their family members to move and reside freely on the territory of the member states.

European Commission 2010a. European Commission: Roma in Europe. The Implementation of European Union Instruments and Policies for Roma Inclusion – Progress Report 2008-2010, Brussels, 7 April 2010

European Commission 2010b. European Commission: Croatia 2010 Progress Report accompanying the Communication from the Commission to the European Parliament and the Council. Enlargement Strategy and Main Challenges 2010-2011, Brussels, 9 November 2010

European Commission 2011a. European Commission: An EU Framework for National Roma Integration Strategies up to 2020, Brussels, 5 April 2011

European Commission 2011b. European Commission: Free movement: Determined Commission action has helped resolve 90% of open free movement cases, Brussels, 25 August 2011

European Parliament: Resolution on a European Strategy on the Roma, 23 January 2008

European Parliament 2010. European Parliament: Resolution on the Situation of the Roma and the Free Movement in the European Union, 9 September 2010

ICG 2008. Informal Contact Group: Report of the Meeting of the Informal Contact Group (ICG) of International Organisations and Institutions dealing with issues concerning Roma, Sinti and Travellers, Brussels, 5 December 2008

## References

Amnesty International: The Wrong Answer. Italy's Nomad Plan violates the housing rights of Roma in Rome, January 2010

Amnesty International: Italy. The Witch-Hunt Against Roma People Must End, July 2008

Aradau, Claudia / Huysmans, Jef: Mobilising European Democracy. Mobility and Citizenship Between Universal Rights and the 'Mob', Research Project ENACT Enacting European Citizenship, January 2009, Internet Publication

Aradau, Claudia et al.: Paradoxes of Citizenship. The Roma, mobility and Europe, Research Project ENACT Enacting European Citizenship, June 2010, Internet Publication

Cahn, Claude / Guild, Elspeth: Recent Migration of Roma in Europe, December 2008, Internet Publication

Cahn, Claude / Guild, Elspeth: Recent Migration of Roma in Europe, 2nd edition, October 2010, Internet Publication

Carrera, Sergio / Faure Atger, Anaïs: Implementation of Directive 2004/38 in the context of EU Enlargement. A proliferation of different forms of citizenship? CEPS Special Report/April 2009, Internet Publication

Carrera, Sergio / Faure Atger, Anaïs: L'affaire des Roms. A Challenge to the EU's Area of Freedom, Security and Justice, CEPS September 2010, Internet Publication

De Schutter, Olivier / Verstichel, Annelies: The Role of the Union in Integrating the Roma: Present and Possible Future, European Diversity and Autonomy Papers, EDAP 2/2005

European Dialogue: The Situation of Roma from New Member States of the European Union and the Role of Local Authorities in their Settlement and Inclusion. A Strategic Guide for Directors and Senior Management, Autumn 2009, Brochure

ENAR 2010. European Network against Racism (ENAR): The situation of the Roma in Europe: challenges and ways forward, ENARgy February 2010

ERIO 2009. European Roma Information Office (ERIO): Survey on Ethnic Data Collection. Risk or Opportunity? 2009, Brochure

ERRC 2008. European Roma Rights Centre (ERRC) et al.: Security à la Italiana: Fingerprinting, Extreme Violence and Harassment of Roma in Italy, Report, July 2008, Internet Publication

ESI 2011. European Stability Initiative (ESI): Advancing Freedom of Movement in a Populist Age. How the Western Balkans asylum seekers' affair can be resolved, Brussels, 9 July 2011, Internet Publication

FRA 2009. European Union Agency for Fundamental Rights (FRA): The Situation of Roma-EU-Citizens Moving to and Settling in Other EU-Member-States. Comparative Report, November 2009, Internet Publication

FRA Housing 2009. European Union Agency for Fundamental Rights (FRA): Housing conditions of Roma and Travellers in the European Union, Comparative Report, October 2009, Brochure

Guglielmo, Rachel / Waters, Timothy William: Migrating Towards Minority Status. Shifting European Policy Towards Roma, Journal of Common Market Studies, Vol. 43, No. 4, pp. 763-785, November 2005

Guy, Will: EU Initiatives on Roma: Limitations and Ways Forward, in: Sigona, Nando / Trehan, Nidhi: Romani Politics in Contemporary Europe. Poverty, Ethnic Mobilization, and the Neoliberal Order, Palgrave Macmillan 2009, pp. 23-50

Kropp, Manuela: Abschiebungen von Roma innerhalb und außerhalb der EU, in: Delegation der Linken in der GUE/NGL (Hrsg.): Roma, Es ist Zeit zu handeln, Dezember 2010, Broschüre [Deportations of Roma inside and outside the EU, in: Delegation of the Linke in the GUE/NGL (ed.): Roma, It is Time to Act, December 2010, brochure]

Kropp, Manuela / Striethorst, Anna: Ein kalter Empfang – 10.000 in Deutschland lebende Roma werden in das Kosovo abgeschoben, März 2010, Veröffentlichung im Internet [10,000 Roma in Germany to Be Deported to Kosovo. A Cold Welcome, March 2010, Internet Publication]

Rose, Romani: Neue EU-Strategie zur Verbesserung der Lage von Roma und Sinti in Europa muss Aufbau nachhaltiger Strukturen verfolgen, Forum Migration Juni 2011 [New EU-Strategy for the improvement of the situation of Roma and Sinti in Europe must pursue the development of sustainable structures, Forum Migration, June 2011]

Sigona, Nando / Trehan, Nidhi: Introduction. Romani Politics in Neoliberal Europe, in: *Romani Politics in Contemporary Europe. Poverty, Ethnic Mobilization, and the Neoliberal Order*, Palgrave Macmillan 2009, pp. 1-22

Sigona, Nando / Trehan, Nidhi: Néolibéralisme et antitsiganisme: le suspens du rêve européen, *Revue Lignes* n°34 Februar 2011 [Neo-liberalism and Antiziganism: The Suspension of the European Dream, *Revue Lignes* n°34, February 2011]

Sigona, Nando: Die Europäische Gemeinschaft und die Roma: Armut, Romafeindlichkeit und Steuerung der Mobilität? Unveröffentlichtes Manuskript, September 2011 [The European Community and the Roma: Poverty, Hostility to Roma and Manipulation of Mobility? Unpublished manuscript, September 2011]

Tóth, Judith: The Incomprehensible Flow of Roma Asylum-Seekers from the Czech Republic and Hungary to Canada, November 2010, Internet Publication



Eviction of the Roma settlement at Belville, Belgrade, April, 2012. /  
Raseljavanje romskog naselja kod Belvila od strane gradske  
vlasti, Beograd, april 2012.







# ROMA ASYLUM SEEKERS IN EUROPE: A MATTER OF DISINTEGRATION OF SOCIAL RIGHTS

Andreas Guidi

Throughout the last 20 years, responsible institutions have proved to be incapable of solving the complicated and delicate issue of Roma migrants from ex-Yugoslavia in Germany. Most of them fled their homeland during the armed conflicts during the 90s, having experienced violence and ethnic cleansing. In many cases, the men refused to get involved in the war. Upon their arrival in Germany many were recognized as refugees and found a non-violent, though precarious life perspective for their families. This situation has undergone dramatic changes in recent years, as a consequence of the problematic migration policies on the part of EU institutions, which tend to narrow freedom of movement across their borders, and at the same time, increase deportations, thus causing poverty and segregation at the Union's periphery and outside the Schengen Area.

The Roma who migrated within Serbia were the most affected by social disintegration caused by the failed policies of the State during the period of „transition“: lacking adequate health and social care, being more prone to discrimination when applying for vacancies in private companies, not being given effective guarantees of a safe life and assistance in case of return to their

former homes, they are often condemned to segregation in the slums of the Serbian capital, Belgrade.

The following paper makes an attempt to examine some controversial sides of recent German (and in a wider sense EU) migration policy, seen as an organic social exclusion pattern, in which Serbia plays an active role, as the second chapter will show. Within this vicious circle, the impact of the public racist discourse about the Roma will be discussed.

The third part, a brief case study, describes how economic dynamics and financial interests affect many Roma families living in the slums in Belgrade municipality “Novi Beograd”, pushing them out of the city, without any possibility of social security, often leaving them with no other option but to leave the country in order to find humane living conditions.

Lastly, this paper will try to outline the perspectives of the left-oriented political activism, when coping with this issue.

### **German asylum regulations. Selection on entrance (and exit)**

Before taking into consideration how and to what extent recent changes have affected the situation of many Roma families, it is necessary to introduce some essential features of German regulations on asylum seeking and residence permits. The core of the asylum regulations (Asylverfahrensgesetz - AsV) originates from the more than sixty-year old United Nations Convention Relating to the Status of Refugees (UNCR): according to German law, an asylum applicant is granted refugee status in case his “life”, “freedom” or “corporal integrity” is under serious threat by the state or a party/institution related to the government in a third country. *De jure* it is not prescribed to grant asylum status when the applicants live in a situation where their life conditions do not *de facto* ensure adequate safety, health and human dignity, due to the policies directly designed and directed by that State. Moreover, the German State recognizes EU Member States, Norway and Switzerland as “safe Third-Countries”, thus automatically rejecting applicants originating from these countries, regardless of the various episodes of violence against Roma communities in a country like Hungary, which undoubtedly proves how contradictory such regulations appear.

In most cases, migrants apply for asylum straight after entering German territory, or at its border. They undergo an interview - assisted by an interpreter in their own language - with the police authorities, in which they have

to prove that their freedom or life in their country of origin is threatened. The police immediately contacts the Ministry for Migration and Refugee Issues (BAMF), which can decide upon the application within a very short time (§18a AsG). “The asylum seekers – explains a psychologist Pavao Hudik from the Berlin based centre Südost Europa Kultur e.V. – often don’t have evidence, because they are not well informed about this regulation and don’t preserve all the relevant documents”. In such cases the application is usually considered unfounded, or just an attempt to avoid miserable conditions, poverty or conscription. After the non-appealable denial of the application, a prohibition of further stay in German territory follows. In case the BAMF cannot come to a decision within 48 hours, the migrants are passed over to the temporary centres (Aufnahmeeinrichtung) of the nearest district, where they have limited freedom of movement within prescribed boundaries (§56AsG). Children under 18 are treated the same as their parents who applied (§14a AsG).

In the course of further procedures three options are possible: a denial of the application implies compulsory departure (Ausreisepflicht) within 7 to 30 days, and in cases where voluntary departure is regarded as unlikely, a menace of expulsion (Abschiebungsandrohung) follows the decision, and repatriation is carried out under police escort (§58 Aufenthaltsgesetz - AufG). If a refugee status is granted, the applicants are given a residence title, according to which they are allowed to earn through beneficial employment (§25 AufG). Lastly, a third possibility is the acknowledgment of immunity from expulsion (Abschiebungsverbot, §60a), also known as “Duldung” (loosely translated as “the status of a tolerated residence”). The residence permit is then valid for six months, unless the Special Commission of the Ministry of Internal Affairs (Härtefallkommission des Innenministerium) decides to extend it for a longer term, on the basis of humanitarian considerations. In order to preserve their limited residence permits, families must show their readiness to be integrated according to criteria merely aimed at assimilation and not respecting the peculiar circumstances and habits (within many foreign communities) as a value of diversity. If this is considered successful enough, residence permit is extended for an additional six months, and so on for several years in many cases, turning the “Duldung” into a “Kettenduldung” (extended or sequenced tolerated residence). Pavao Hudik has been assisting Roma families under “Duldung” status for fifteen years now and criticises this regulation for demanding duties before conceding rights, since “geduldeten” Roma cannot develop a solid life perspective without being granted a long-term residence permit. He argues that the situation is dramatic, especially for those families

who saw their permit expiring, although their children were born in Germany or have grown up in German society, without any language or emotional connection to their parents' country of origin. In such cases - he adds - expulsion represents a serious assault on their identity and perspective for their future.

This humanitarian issue has been affected by the decisions of the German government in recent years, only resulting in the perpetuation of a state of emergency.

The residence permits of many Roma families who obtained refugee status back in the 90s and have lived in Germany for longer than 8 years, were put under serious threat by a session of the Conference of Ministers of Internal Affairs of the German States (IMK) in November 2006. According to the proposed amendments, the right to residence for two years (extended to December 2011 in 2009, but expiring in 2012 <sup>1</sup>) should be connected to income from a job sufficient to cover living expenses, with no social welfare payments, to be proven within a year. Those unable to fulfill these criteria can no longer be considered refugees and are drawn back into the "Duldung-status". According to official data, the number of citizens of Serbia, Kosovo, or any of the former states on the same territory, whose refugee status has been or is retroactively denied, or who are already "geduldet", amounts to more than 12.500 <sup>2</sup>; it goes without saying that almost all of them belong to minorities, with more than 90% Roma.

The IMK drafted another amendment in November 2010, which contributes to this development by giving special permit to sons and daughters of migrants who were either born in Germany or entered its boundaries before turning 14. Where their achievements in school/apprenticeship are considered a proof of successful integration, they enjoy immunity from expulsions, even when it affects their parents <sup>3</sup>. Consequently, the unity of several families is on the brink of destruction, based on nothing but evaluations of social performance instead of solidarity.

In a wider sense, these changes are nothing but one of the many sides of a failed social policy in times of economic crisis, in which an increasing risk

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1 Migration-info.de, Deutschland: Beschluss der Innenminister zum Bleiberecht, [http://www.migration-info.de/mub\\_artikel.php?Id=120105](http://www.migration-info.de/mub_artikel.php?Id=120105) (5.04.2012.)

2 Referring to December 2011, See Bundesamt, Drucksache 17/8547.

3 Pro Asyl, Ergebnis der Innenministerkonferenz in Hamburg zum Thema Bleiberecht, Presseerklärung, 19.11.2010, [http://www.proasyl.de/de/presse/detail/news/ergebnis\\_der\\_innenministerkonferenz\\_in\\_hamburg\\_zum\\_thema\\_bleiberecht/](http://www.proasyl.de/de/presse/detail/news/ergebnis_der_innenministerkonferenz_in_hamburg_zum_thema_bleiberecht/) (5.04.2012.)

of exclusions hangs like the sword of Damocles over the most socially vulnerable individuals, who are divided into categories such as “useful” or “un-needed”, thus decreeing to what extent they are welcome in a state’s territory and which basic rights they can enjoy, a boundary often running within the walls of the same apartment.

A consequence of the increase of expirations of refugee status is the increase of expulsions: since 2008, the last year in which the amount of cases of conceded immunity on the basis of humanitarian considerations outnumbered expulsions, the latter have become the most likely outcome of the asylum applications, growing in four years from 6.761 to 23.717 <sup>4</sup>.

A report by “Alle bleiben!” campaign activists, following a survey-stay in Serbia, contains an objective medical examination as well, which argues that “the widespread procedure of the German government can make human beings ill <sup>5</sup>”. Of course, psychic long-lasting disorders – which remain untreated due to the lack of health care - affect above all the children who are condemned to a totally clueless condition in an unknown and far away surrounding. The campaign, in cooperation with the NGO Pro Asyl, demands residence permits for all migrants who obtained refugee status and the cessation of expulsions from all German federal states.

The Roma from Serbia are by far the most affected group, as the answer of the German government to parliamentary inquiries of the Member of the Bundestag Ulla Jelpke from the party Die Linke confirmed. In the period 2008-2011 there emerges a clear tendency as to expulsions of Serbian citizens, rising 67% from 500 to 838 <sup>6</sup>. Another feature of implicit racism is hidden in the fact the repatriated are not officially registered as Roma, thus underplaying the dimension of the humanitarian issue related to members of that community.

## Visa liberalisation revisited. The criminalisation of migrants

The increasing number of forced repatriation is directly interwoven with bilateral agreements signed by many EU Member States with the countries of the western Balkans. The so-called “visa liberalisation” regime has a flip-side in the Readmission Agreement

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4 BAMF, Aktuelle Zahlen zu Asyl. Ausgabe: Januar 2012.

5 Alle Bleiben, Roma in Kosovo und Serbien. Unwillkommen und abgedrängt an den Rand der Gesellschaft. S.17., <http://www.alle-bleiben.info/news/info-news91.htm> (05.04.2012.)

6 Bundestag, Drucksachen16/12568, 17/644, 17/5460, 17/8834.

(Rückübernahmeabkommen or Sporazum o readmisiji). The visa liberalisation came into force on 19 December 2009, and was welcomed with great satisfaction by the Serbian press, proclaiming that Serbian citizens have not enjoyed such level of freedom of movement since the dissolution of the Federal Socialist Republic of Yugoslavia in 1991. In fact, upon careful examination, this step represented an illusion for many of them. The liberalisation contains *in nuce* an objective discriminative character affecting many Roma: Point 2 of its first Article prescribes the exclusion from the measures for those in possession of biometric passes issued by the Serbian authority Koordinaciona uprava. This office is responsible for issuing passes to Serbian residents of Kosovo<sup>7</sup>, among whom are all the repatriated former Roma refugees from that region. They were sent back to the place which they had to leave, they often can't speak Albanian<sup>8</sup> and many lost their houses and property, since entire settlements, like Fabrička Mahala in Southern Kosovska Mitrovica had been set on fire by Kosovo-Albanian nationalists during the conflict. Furthermore, in this case, the racist social exclusion from a basic right is not explicit in the Act, although Roma are the most affected by undeniable demographic and social consequences, since they see no other perspective apart from again fleeing towards the slums of bigger Serbian cities.

The second Agreement, dating back to 2007, represents nothing but the perfect completion of this discriminatory policy. Agreeing to accept not only its own citizens, but also expelled former citizens of Yugoslavia, *sans papiers* and citizens of Third Countries who entered Germany after a transit on Serbian territory, the Serbian government gave its co-signatory *carte blanche* to the expulsion procedure of marginalised and vulnerable groups. According to this agreement, the implementation of the repatriation assistance program (Rückkehrprogramm REAG/GARP), whose aim was to foster the social re-integration of the repatriated asylum seekers, was cancelled. The German government carries direct responsibility for another mechanism of social exclusion, in which only highly qualified citizens from Serbia enjoy freedom of movement (indeed, very limited for these as well), thus pushing socially vulnerable individuals in the category of “unwelcome”. To sum up, Germany and „the Fortress Europe“ do not remain in a passive position when coping with great social and demographic processes, nor do they try to merely resist the siege. On the contrary, they decree who there is no room for within the

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7 According to the Resolution 1244 of UN Security Council of 10 June 1999.

8 Especially women are in a disadvantaged situation, often speaking only Romani.

Schengen Wall, and who might be useful to its market economy, although EU institutions in their official rhetoric hypocritically glorify the importance of human rights and freedom of movement.

On the other side of the Schengen Border, in Serbia, a very articulate and controversial global programme “The Decade of Roma Inclusion” has been carried out since 2005 and will be operative until 2015. Although it aims at implementing strategies of social inclusion, considering proposals from Roma NGOs and experts in human rights, it has not shown the potential necessary to change social policies affecting many Roma in the country. The reason for this lies in the fact that it was launched and is supervised by powerful financial institutions, such as the World Bank, which has no interest in effectively broadening social welfare. One of the founders is George Soros, who tends to dominate the issue of human rights in the former communist/socialist countries with “The Open Society Foundations”. Simultaneously, talks and negotiations with the EU on the path to Candidate Status also stress the high relevance of human rights and minority issues as part of the Copenhagen Criteria. In October 2011, the EU Commission published a document stating its view on the question, in which it gladly noted that the regulatory framework for these issues is on the right track and is being effectively implemented<sup>9</sup>. Belgrade press celebrated almost unanimously the granting of the Candidate Status on 1 March 2012, and the President Boris Tadić’s party, Democratic Party (Demokratska Stranka - DS) seized the opportunity to adopt this political success as a slogan for the Parliamentary and Presidential elections due on 6 May – ironically, the celebration day of Orthodox Roma, “Đurđevdan”, which they share with Serbs – “Evropski korak, dobar za sve” (European step, positive for all). Judging from the latest development, this formulation could come off offensive to many Roma affected by it.

In fact, the achievement of the visa liberalisation, as any step towards becoming the 29th EU Member State, resounds enormously in political discourse, and comments from EU institutions are capable of rapidly changing the social policies of Serbia. In December 2010, only one year after the abolition of short stay visas, the European People’s Party (EPP) brought up the problem related to the “abuse” of this measure by a rapidly increasing number of asylum seekers, especially in countries like Germany, Belgium and Sweden<sup>10</sup>. A few months later, in May 2011, the increasing trend

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9 EU Kommission KOM, 666 endgültig, 2011.

10 European Parliament: CRE 13/12/2010-16

of asylum applications had not reverted in spite of the announced closer co-operation with Belgrade, so the EU Representative in Serbia Vincent Degert mentioned for the first time the possibility of suspending visa liberalisation<sup>11</sup>. Public reactions immediately followed: the Deputy Prime Minister and Delegate in Charge of EU integration, at that time, Božidar Đelić declared on the same day, that his government “would never permit the visa liberalisation to be threatened”<sup>12</sup>, and that it would introduce administrative measures to reduce the number of asylum seekers leaving Serbia. From that moment on, a clear game theory dynamic became evident, according to which the EU knew it can play carrot and stick with Belgrade, demanding that new regulations towards more and more limited freedom of movement be implemented by threatening the suspension of the visa liberalisation.

Taking this into account, it is easy to state that the Serbian government has proved itself incapable of protecting the rights of all its citizens, simply perpetuating a strategy of social exclusions for marginalised migrants where economic calculations are at stake. Roma are *de facto* the first target in this case, since they represent 95% of the asylum seekers from Serbia<sup>13</sup> and are frequently defined as “fake asylum seekers” (lažni azilanti) in official declarations. Jovana Vuković, from the Belgrade based “Regional Centre for Minorities” (RCM), stresses the illegitimacy of the use of this term, especially when used by the institutions, since such vocabulary only contributes to antiziganism and criminalisation of migrants in public discourse. At the end of 2011, a decree on intensification of traveller control at the Serbian borders against the “abuse of visa-free regime” came into force<sup>14</sup>. This act nourishes the idea that every asylum seeker represents a hostile and dangerous element for the freedom and rights of the rest of the population. Moreover, a proposal on modification to the Serbian penal code was edited this year, according to which the attempt to achieve political and social rights by “false” declaration of the events that led to the application might lead to a sentence of three

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11 Blic Online, Dežer najavio mogućnost suspenzije vizne liberalizacije, <http://www.blic.rs/Vesti/Politika/251956/Dezer-najavio-mogucnost-suspenzije-vizne-liberalizacije> (05.05.2011.)

12 Blic Online, Tadić uveren da neće biti suspenzije vizne liberalizacije, <http://www.blic.rs/Vesti/Politika/252073/Tadic-uveren-da-nece-biti-suspenzije-vizne-liberalizacije> (05.05.2011.)

13 Bundestag, Drucksache 17/8984

14 Službeni glasnik RS, Uredba o bližem uređivanju načina vršenja policijskih ovlašćenja policijskih službenika granične policije i dužnostima lica koje prelaze državnu granicu, br. 39/2011.



months up to three years in jail<sup>15</sup>. Both EU and Serbia often refer to international conventions related to migration issues, although critical voices on the latest acts were heard even within European institutions: in March 2012, the Commissioner for Human Rights of the Council of Europe (CHRCoE) published a study in which he presented a clear opinion, strongly criticizing the highly discriminatory practice of “profiling” at border controls and the expulsions of Roma families to Kosovo, where they have to cope with harsh living conditions which exclude them from any form of social re-integration<sup>16</sup>.

In fact, denial of refugee status does not imply any form of abuse by the applicant when applying for it, a basic human right according to European laws, and taking this into account, it is clear that such a phenomenon does not correspond to any offensive by “mendacious” individuals against the common security and the institutions, but rather to a conscious offensive by the latter within the process of social marginalisation and pauperisation of certain communities. Therefore, it is necessary to critically consider such policies as failures in coping with a national minority, especially when looking closely into the situations that lead many Roma families to leave their homeland, as the next chapter will show.

### **Where it ends and it begins. A case of urban marginalisation**

A better understanding of the phenomenon of increasing asylum applications is possible only through an overarching view on the other side of the Schengen Wall. For this reason it is now necessary to provide a brief case study on the seekers’ country of origin.

The fact that the situation of many Roma in Serbia is critical and does not meet the internationally recognised criteria of human dignity, is confirmed by a large number of publications: Amnesty International’s report „Home is more than a roof over your head“<sup>17</sup> is worth mentioning. However, this reality is seldom considered as deeply interwoven with processes, in which huge economical and political interests are at stake. Nevertheless, we will make it the focus of this analysis.

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15 Narodna Skupština RS, Predlog Zakona o izmenama i dopunama Krivičnog zakona, 31.01.2012.

16 Council of Europe, Human rights of Roma and Travelers in Europe, 2012.

17 Amnesty International, Serbia: Home is more than a roof over your head: Roma denied adequate housing in Serbia, 7.04.2011. <http://www.amnesty.org/en/library/info/EUR70/001/2011/en> (8.04.2012.)

The neighbourhood of Novi Beograd, a city planned and built in the first postwar years of socialist Yugoslavia has become in the last two decades the financial core of the Serbian capital, being at the same time its most populated municipality with 226.832 inhabitants according to the 2011 census. Novi Beograd is undergoing urban development which brings about direct social consequences for most of its Roma residents. Two of the main protagonists in the process are Belgrade Mayor Dragan Đilas and one of the richest businessmen in Serbia, Miroslav Mišković. The former one is connected to a media-empire based on the holding “Multikom” and its branch “Direct Media”, and is counted among the most influential members of the DS - some argue even more powerful than President Tadić. Dragan Đilas has expressed the will to be a Mayoral candidate and further govern Belgrade after the elections on 6 May.<sup>18</sup> He is known for his controversial statements concerning the attempt of a number of activist groups and NGOs to organise Pride Parade in Belgrade, and his views on the marginalised Roma do not differ much, as to the level of tolerance. An example is to be found in what happened in February 2012, after the Belgian mayor of a small town Laarne, Ignace de Baerdmaker, publicly complained about the living conditions in Roma settlements in Belgrade. Perpetuating the attitude of the commitment to human rights, while representing a country in which expulsions are an increasing phenomenon, he openly demanded that action should be undertaken by Mayor Đilas to ensure the improvement of the situations of those families. The latter replied with a letter, in which the Mayor denied all the criticism as superficial and expressed his wish that Laarne could accept and welcome the Roma from Belgrade “with open arms”. In this case, he would take care of the transportation costs. These words, sound like a hope for solving the needs of a community with the use of deportation, and thus potentially contribute to the negative discourse against the Roma in general.

Another member of the DS, the director of the Belgrade Land Development Public Agency, Boris Ranković is the man who directed the planning and construction of the newly opened “Ada bridge”. He regarded the expenses – which in the meantime have risen, over the initial expectations, as “convenient”, despite the fact that the bridge counts among the more expensive ones in Europe and maybe does not represent a vital improvement to traffic conditions due to its peripheral location. Undoubtedly, one person who

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<sup>18</sup> The election results were announced on 6<sup>th</sup> of Jun 2012. Dragan Đilas won the elections and became the Mayor of Belgrade once again. Boris Tadić has lost his presidency.

gained from its construction is Miroslav Mišković, founder of “Delta Holding”. This enterprise invested huge sums in cooperation with Hypo-Alpe Adria Bank in the building of an enormous complex, counting about 1900 apartments and 300 business premises in Novi Beograd, called Belville. The new complex hosted the participants of the Universiade 2009, straight after its inauguration, after which the first apartments were put on sale. After the opening of the new bridge, Belville has been provided with a more direct link to the other bank of the Sava river, which should result in the increase in demand for its apartments. High profits for few, high losses for many, since Belville borders on one of the Roma settlements with the highest population density, existing in “Blok 42” for more than twenty years and hosting around 300 families. Already before the Belville’s opening, on 3 April, 2009, the first forty-five families – among which were many refugees from Kosovo – were evicted and their homes torn down, without giving them enough time to save their possessions from demolition. In this case, the authorities did not give them any alternative accommodation facilities, mainly arguing that the settlement should be demolished anyways, since it had not been built legally. This argument seems hypocritical, owing to the widespread habit of building houses not conforming to urban planning in Serbia: according to official data there have been more than 700.000<sup>19</sup> applications for legalizing such properties - whose total value is estimated to ca. 10 Billion euros - within a programme carried out by the government during the last eight years. Many Roma, living in precarious conditions and extreme poverty, did not have the financial capacity to legalise their properties, nor was there a proper information campaign on the related regulation carried out. This led to the situation where they remained under risk of eviction connected to privatisation of building land and the consequent financial speculations.

The eviction of the remaining 250 families took place in late April 2012, and was anticipated by the Mayors’ comments during a visit to a container-facility in the faraway suburb of Makiš in March, an occasion on which he expressed his proud satisfaction with the implementation of the “resettlement strategy” so far<sup>20</sup>. One more time observers from humanitarian NGOs noted

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19 Vlada Republike Srbije, Ministarstvo prirodnih resursa, rudarstva i prostosnog planiranja, Vrednost nelegalnih objekata procenjena na 10 milijardi evra, <http://www.ekoplan.gov.rs/srl/Vrednost-nelegalnih-objekata-procenjena-na-10-milijardi-evra-1200-c31-content.htm> (5.04.2012.)

20 Tanjug, Djilas, Markovic and Jankovic visit Roma in Makis, 27.03.2012, <http://www.tanjug.rs/videodet-e.aspx?galID=59121&videoID=274566> (5.04.2012.)

with regret the lack of consultation with the families prior to and during the eviction<sup>21</sup>. The facilities on the outskirts of Belgrade (Makiš, Boljevci, Barajevo etc.) are usually the only option left to the families asked to sign a document in which they agree to renounce their old property. If they refuse this option, their fate is to live in the open air with no security at all. A similar situation emerged during the renovation of the Gazela Bridge on the Sava and on Blok 72, a settlement in the south-western corner of Novi Beograd.

As to the future, new evictions are expected for those Roma families dwelling on the terrain next to the train station “Novi Beograd”, where the opening of a theme park was carried out around the elections. A replica of Terazije Square has been erected there, one of the most beloved strolling areas in the centre of Belgrade even nowadays. Many palaces were bombed during Luftwaffe attacks in 1941, and the socialist state built up new structures in line with the style of the postwar period. With the opening of the theme park, the city intends to artificially evoke the old glamour, paradoxically in a district built for the workers after World War II. The press followed the first steps of the rebuilding with feverish enthusiasm, expressing nostalgia for a time in which: “Tramways passed across Terazije, ladies strolled in picturesque clothes, and gentlemen wore cylinders”<sup>22</sup>. Searching for comments in the before-mentioned articles related to the fact that Serbia experienced authoritarian monarchist dictatorship in those years would lead to no results, since it is irrelevant to the press, but the fact is that the replica of Terazije represents an explicit example of historical revisionism in Serbia. How can one imagine an urban landscape in which fake liberty-style palaces stand next to a miserable slum inhabited by Roma? Most likely it will be the latter yielding to buildings with no social value or identity at all.

The standards of the container settlements, the new accommodation for many Roma after the eviction, have been criticised by NGOs such as Amnesty International, since they are only suitable as temporary short-term accommodation. The Roma often refer to them as “Lager“ (“logori“), especially because they are mostly enclosed by fences and under police surveillance. In fact, this policy represents a clear example of racist urban planning

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21 Amnesty International, Serbia: Hundreds of families face uncertainty after Belvil eviction, <http://www.amnesty.org/en/news/serbia-hundreds-families-face-uncertainty-after-belvil-eviction-2012-04-26> (26.04. 2012.)

22 Blic online, Replika starih Terazija u Novom Beogradu biće završena u maju, <http://www.blic.rs/Vesti/Beograd/311592/Replika-starih-Terazija-u-Novom-Beogradu-bice-završena-u-maju> (5.04.2012.)

as a consequence of the social exclusion strategy and marginalisation of the Roma, who, living in ghettos, have to face segregation from the rest of urban society. Moreover, the inhabitants of the bordering areas do not desire Roma in their vicinity and put pressure on the institutions to hamper the resettlement. It is easy to imagine the level of fear and insecurity of the evicted families under such circumstances, if they are allowed to move to these facilities in the first place. A particularly sinister episode of violence occurred on 9 April, 2012, as protesters from the Belgrade suburb of Resnik clashed with policemen ensuring the preparation of a container settlement for Roma evicted from Belgrade. Fourteen policemen were hurt and the Ombudsman for human rights stated that: “Everyone has the right to a decent human life, including a place to live in dignity. Still, the resettlement of inhabitants of present unhygienic dwellings must not push down the quality of life of the neighbourhoods they are resettled to”<sup>23</sup>, thus officially perpetuating the pattern according to which socially vulnerable persons might represent a danger to the rest of the population. The Mayor criticised the violence in Resnik, although the “Coalition against discrimination” openly stressed that he bore a part of the responsibility for what had happened because of his aforementioned statements. Another important aspect is the dramatic effect on the survival economy, the collecting of waste, especially paper, intended for resale at very low prices (about 15 euros per ton) at the recycling centres. This obviously requires access to urban infrastructure, impossible in the new settlements, and the official declaration of the Belgrade City Government, according to which evicted Roma over 18 are offered jobs in public enterprises, sounds quite unrealistic given the actual situation.

The evictions, cannot be regarded as a gentrification process according to Jovana Vuković, since they are not about the conflict between “the wealthy” and “the poor” for accommodation, but rather about a conscious strategy of Roma pauperisation, evident through racist decrees, procedures and statements on the side of the institutions. The affected group, especially the most marginalised refugees from Kosovo, who often lack the documents necessary for the most basic rights to health care, schooling etc, have no choice but to depart from these miserable and worsening conditions and go abroad, almost always without sufficient knowledge of migration laws in

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23 Zaštitnik građana, Saopštenje Zaštitnika građana povodom incidenta i nasilja u beogradskom naselju Resnik, <http://www.ombudsman.rs/index.php/lang-sr/2011-12-25-10-17-15/2011-12-25-10-13-14/2263-2012-04-09-14-54-31> (9.04.2012.)

other countries. Only by regarding the so-called “push-factors” as connected to economic changes, such as privatization of the building areas, financial speculation and disintegration of social welfare in their country of origin, is it possible to obtain a global view of the vicious circle leading to mass migration to EU countries.

## Conclusion

The reality depicted in this article leaves little room for hopes of a short-term improvement of the Roma migrant situation, since they are stuck between the hammer of social exclusion in Serbia and the anvil of assimilation at any cost in Germany, both part of the same socio-economic pattern which requires human sacrifices. The one side digs a wider moat, the other raises higher walls, so that the fortress of social rights remains inaccessible for most asylum seekers. Generally speaking, it is worth stating that deterioration of their condition cannot be considered separately from the disintegration of social rights, which primarily affect Roma due to their lack of political and economic weight in decision making and networks, but in a wider sense, this disintegration threatens an ever expanding range of European population. For this reason, it seems extremely naïve to think that the part of the Roma community dealt with in this article will ever achieve better life conditions if the discussions and actions related to social issues such as housing, work conditions, freedom of movement, immunity from eviction keep being overshadowed by the ethnic and cultural factors in the sense of assimilation, integration and incompatibility with the way of life of the rest of society. Another necessary condition is joint action from both within the community and outer individuals and groups, capable of offering a long-lasting and effective social solidarity, over the boundaries set by short-time projects run by the civil society which often perpetuate the pattern of political and cultural colonialism, as Dejan Marković, coordinator of the Roma educative creative centre in Belgrade explains. His organization is cooperating with the Rosa Luxemburg Stiftung and aims at activating in the public sphere especially Roma repatriated from Western Europe. Any initiative targeting only the effects of social marginalisation of Roma is bound not to fulfill its goals, if it is not given the possibility to affect the root causes. Therefore, it would take a paradigm change towards the effective social inclusion and support on a European level, since the problem cannot be solved through separate measures in one single country.









Families who lost their homes at Belville, a few days after the eviction of the settlement ordered by the city authorities, April, 2009, New Belgrade. / Porodice koje su ostale bez krova nad glavom kod Belvila, nekoliko dana nakon rušenja naselja od strane gradskih vlasti, april, 2009, Novi Beograd.



# READMISSION AND DEPORTATION TO SERBIA

Readmission of asylum seekers who left the Republic of Serbia in the 90s and sought asylum in Western Europe and Scandinavia

Dejan Marković

The problem of readmission of people who sought asylum in the European Union during the 90s is not a unique one for Serbia. As in other republics of ex-Yugoslavia, a migration trend was caused by the armed conflict and socio-economic circumstances created in war conditions. The greatest number of asylum seekers came from the countries most affected by the dissolution of Yugoslavia, such as Bosnia and Herzegovina and Croatia.

The war in the period between 1991 and 1999 caused a continuous departure of citizens from the Republic of Serbia, primarily to Western Europe and Scandinavia, followed by transatlantic countries: Canada, Australia and the USA. The motives and reasons for departure depended on the following circumstances individuals and groups found themselves in:

- war conflict in Serbia and the region, leading towards an unclear situation and outcome, great numbers of dead and injured, mass military drafts, extensive refugee influx;
- general legal insecurity and impossibility to access the legal system;
- occasional shortages and price leaps of particular products, enormous inflation of domestic currency;
- rise in all criminal activities and illegal trade related to war stricken regions.

Migrants from Serbia came to EU and Scandinavian countries in great numbers and were granted “temporary protected status”, as a form of refugee-migrant protection implemented in cases of great refugee influx and when it is impossible to carry out individual procedures required for accessing the right to asylum. Bearing in mind that we have here an exceptional measure created by the states’ governments in question, the temporary protection status is usually prolonged after a one year period. It should also be noted that a certain number of people from Serbia entered the before-mentioned countries legally, did not seek asylum, and stayed illegally, or both entered and stayed illegally. EU states provided them with a certain standard of social and health care during their stay. Housing, clothing, shoes, food and money received from the state (social assistance) and children’s education are the elements that influenced migrants from Serbia to attempt to keep their asylum-temporary status or another form of protection at all costs. Many of them worked in the informal economy, or made an additional income with begging or illicit trade. Some of them sent the money that was left over to Serbia to purchase houses or building plots, expecting rightly the possible forced or “voluntary” returns.

This situation lasted until 2001, that is, until 1996/97 for Albanians from Kosovo and Metohija, who in accordance with the readmission agreement with the Serbian government faced massive forced returns until the Kosovo conflict broke out in 1998. The status of temporary protection for the rest of the migrants, Roma, Bosniaks, Serbs and others, ceased with the date approved, that is, with the lapse of the reason for which the status was granted. According to the Western European and Scandinavian governments’ estimate, the change of government in Serbia since October 2000 represented the moment when the reasons for granting a “temporary protection status” as institutional protection of refugee and displaced persons – migrants from Serbia in this case - ceased to exist. Consequently, the governments made the respective decisions.

Bilateral readmission agreements with the Republic of Serbia were made up, signed, ratified and protocolled, binding both sides to admit or accept their own citizens whose legal grounds for stay in another country had ceased. The enforcement of these agreements meant a huge relief to the EU member administrations. Budget expenses for migrant sustenance were lowered – thus accomplishing demands by the domestic labour unions objecting the illegal labour force and meeting right-wing demands for decreasing the number of migrants of colour, unwanted in their luxurious districts and shopping malls.

It was precisely for this reason that broad authorisation for dealing with the immigrants was issued to the organs of repression, namely the police, even approving the use of electric batons.

Thus started the harsh reality of forced returns to Serbia – of Serbian citizens and persons whose last destination prior to the departure abroad was Serbian territory.

The cessation of the refugee status is announced to people most commonly upon their receiving social assistance (or welfare), together with the date until which they have to leave the state in question. The decision is delivered in written form with the possibility of appeal, which however, in the majority of cases, was resolved in a negative manner. Migrants from Serbia who made an appeal against the decision often gave up all their savings to pay local lawyers in a failed attempt to stay in the country. In such a situation, various kinds of active and passive forms of resistance to the authorities had been noted – going into hiding, changing cities or counties, crossing into other EU states, or other forms of deportation evasion. One type of active resistance cruelly sanctioned consisted of physical resistance to violent arrests and being forcibly taken to the airport for the deportation. Such painful and difficult situations took place mostly during the night or early in the morning (the so-called, “dawn raids”), when the police took action against individuals or families, who after the denied appeal had not left the country within the prescribed time.

On entering the premises inhabited by the migrants, the police would give them 30 minutes to pack up and leave. All large amounts of money were taken away from them – they would be left with only 50 to 100 euros per family. All this was often witnessed by the migrants’ children. Forced deportation would take place after a time spent in the migration centre, required to gather a sufficient number of people for the so-called “charter flight”. Otherwise, the migrants would be driven directly to the airport, where they would wait for hours to be deported. Usually, to the frightened migrants were given tranquillizers in order to keep them calm during the flight.

At the airport, the migrants were allowed to make a phone call in order to let their relatives and friends in Serbia know about their arrival, so that transportation to the final destination could be organized. Arrival in Serbia after a long time, the deportation circumstances and an uncertain future caused additional trauma and stress, affecting both grown-ups and children. Upon their return, both those who had somewhere to come back to and those who

didn't, were faced with a dilemma: to stay and adjust oneself to the "new-old" conditions or immediately try to find a way to get back to the state they had been deported from, or a state they had not yet been to. Those who had to stay, were faced with lots of problems:

- no personal papers for themselves and children born abroad;
- interrupted education and no education certificates or documentation for children;
- no means of sustenance, unresolved housing issue;
- poor health conditions and access to health care;
- impossibility of employment and gaining an income.

If within the first three months upon their arrival to Serbia, returnees did not manage to solve any of the before-mentioned issues, more than one third decided to leave Serbia again at any cost, what is also known as secondary migration.

The problem of acquiring personal documents was at first based on the fact that returnees did not have any ID with them, or an invalid one. The only document they had was a travel document/one way travel certificate which they either left at the passport control counter at the border, or gave it back to the police station in their place of residence within 48 hours upon their arrival in Serbia. In order to obtain an ID, it was not always easy to ascertain where to get the birth certificate from. The same went for citizenship certificates. Reporting a residence status was once tied to the obligation of paying the owner of the house or flat, in return for being reported at the fictive address. A special problem arose for people who were, upon their return to Serbia, temporarily accommodated at their relatives' in one part of the country, while the needed documents were issued in the other part of the country. Most difficult was to provide returnees with personal documents, who were born in Kosovo and Metohija and deported to central Serbia. Displaced birth certificate records, procedures, taxes and expenses often reduced the whole undertaking to absurdity.

Returnees who had housing, some means and social connections dealt with the comeback more easily. Those who had no houses any more, or had sold them to be able to go abroad, were in a state of special social needs. A good thing was if they could stay with relatives or friends, without being in the way. The returnees who certainly had the hardest time, were families with children and lacking any of the before-mentioned options, not to mention financial means to rent a flat or house. They slept outside, in abandoned or improvised

houses and cardboard shelters. Clothing they were able to bring along was mostly seasonal, so that clothes and shoes were a problem to be taken care of as well. Returnees' diet depended on their assets, just as housing and clothing did, so those who had – had it all, while the others had nothing. Frequently the only solution for such situations was begging in public or going from house to house. Body hygiene and care for one's bodily health especially in wintertime, both for grown-ups and children, also depended on circumstances.

A part of returnees deported according to the readmission agreement had already been ill while still living in the EU countries and prior to their return to Serbia. Upon deportation and during the flight, they were provided with medical escort from the departure airport to the airport in Serbia. Additionally, they were given adequate medical therapy, such as medicines lasting for 20-30 days upon their return to Serbia, after which they were supposed to switch to the corresponding domestic medicaments. Those who had been hospitalised were met by medical crews providing transportation to the hospitals in Serbia, while neuropsychiatric patients were taken care of by the staff of such institutions in Serbia.

It often happened that returnees would get sick immediately upon returning to Serbia, which required providing help in terms of adequate health care. In cases of emergency medical help, like primary health care, there were usually no problems. However, when it came to medical treatment, staying at the hospital, medical therapy and taking medicines, operations, fitting of prosthetic devices or tooth removal, that is, different forms of secondary and tertiary health care, the situation was quite different. Due to the specific situation, returnees didn't have IDs on them, or health cards for that matter, which greatly complicated medical and administrative staff's attitude towards them. Regardless of the regulations, difficulties in the health care sphere were also felt by returnees' children who were often denied adequate help.

Returnees' children, especially those born abroad or who left Serbia when they were very young and started schooling abroad, found themselves in a very difficult situation upon returning to Serbia. The states which deported them together with their parents didn't mind the problem with education - whether the deportation took place at the beginning, middle, third or at the end of a school year.

For children, the trauma of return is especially linked to the situation of forced return, where they were awoken at night or early in the morning, scared by the police, in a situation to experience the exertion of force, the

shouting and cries of parents and the police, be pushed into police cars and even be physically separated from their parents for some time. Children who packed their books and joyfully expected the next day to meet other pupils at school, suddenly found themselves in an unfamiliar world. In the majority of cases they didn't speak Serbian, while they were familiar with their mother tongue and spoke fluently the language of the country they lived in. All their certificates and documents had been left in the state they were deported from. They shared with their parents the hardest moments of being returned to Serbia.

The majority of readmission returnees were able to work, in their most productive period in life, though mostly without compulsory education (primary school) or incomplete compulsory education. Accustomed to high social standards for migrants, with the possibility of additional, although illegal ways to make money, they had problems getting by after their arrival in Serbia. Low level of social assistance and low pay for jobs performed by unqualified or under-qualified labour force were a constant motivation for them to do illicit work also in Serbia, usually illicit trade of goods, or engaging members of the family in begging.

They could turn to the job market or employment agencies for help only with IDs, since they did not have any diplomas or certificates. An extremely small number of returnees had gone through a craft or job course in the states they were banished from. The only jobs they could find in those states were simple positions of dustmen or sweepers, which was in some cases a required condition to obtain social assistance.

In a practical sense, getting used to living in Serbia, that is, active reintegration of returnees was aggravated by several factors. Firstly, returnees kept secret the fact and reason for their return to Serbia for a long time, thinking that by hiding the circumstances of their deportation they would alleviate their position and eventual return to the countries they had been banished from. At the time they were unaware of the fact that it was all according to an interstate agreement. On the other hand, those employed in state and local administrations, such as register offices, health centres, centres for social work, schools and employment agencies were not familiar with the fact that readmission returnees represent a specific and considerable part of population, with its own specific set of needs. All this contributed to the accumulation of problems neither taken care of by the state, nor the community, let alone non-governmental sector.



## Appendix

Source: Ministry of Human and Minority Rights of the Republic of Serbia, 2012

The data refer only to deportation by plane; the number of those deported by other means of transport was not taken into account.

### THE NUMBER OF RETURNEES ON THE BASIS OF READMISSION AGREEMENT, DEPORTED VIA “NIKOLA TESLA” AIRPORT, BELGRADE

#### YEAR

2006 _____	1,109
2007 _____	719
2008 _____	568
2009 _____	814
2010 _____	1,711
2011 _____	1,937

When it comes to states returnees come from – the largest number of returnees noted is from Germany; Switzerland and Sweden come next, and the third is Denmark. In terms of national structure repatriate population is made out of minorities from Serbia, primarily Roma – over 80%, and others: Muslim Bosniaks around 10%, and the rest together with Serbs around 10%. According to place of birth and intention of return, returnees come from municipalities from the South of Serbia, Raška county, Eastern Serbia, Banat and Bačka and Belgrade. Most of the returnees are families – over 80%, and the rest are individuals.



The container settlement in Resnik, Serbia, 2012. /  
Kontejnersko naselje u Resniku, Srbija, 2012.





# SERBIA: VISA LIBERALIZATION AT ANY PRICE?<sup>1</sup>

Chachipe a.s.b.l.

The Republic of Serbia was granted a liberalisation of its visa regime with the European Union on 30 November 2011. It entered into force on 19 December 2009.

On 23 October 2008, the Serbian Parliament adopted a new Law on State Border Protection<sup>2</sup>, which was implemented on 1 April 2009. This law grants the border police with the authority to check persons at the entry and at the

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1 The article “Serbia: Visa Liberalization at any Price?” by the NGO Chachipe deals with the measures which have been imposed on Serbia as a prerequisite to obtain a liberalization of their visa regime with the EU and to preserve it. The article is focusing on those measures which have a most immediate impact on the population such as the strengthening of border controls and selective travel bans. It shows that these measures are essentially targeting Roma, and that the surrounding discourse has contributed to fuel anti-Roma resentments.

This article is an excerpt from the publication “Selective Freedom – The visa liberalization and restrictions on the right to travel in the Balkans” with the focus on the Serbian case, entitled “Serbia: Visa Liberalization at any Price?”; Chachipe, Selective Freedom – The visa liberalization and restrictions on the right to travel in the Balkans, 2012, p. 13-30. [http://romarights.files.wordpress.com/2012/07/chachipe\\_visa\\_liberalisation\\_report\\_270612.pdf](http://romarights.files.wordpress.com/2012/07/chachipe_visa_liberalisation_report_270612.pdf) All internet addresses were active and last time visited on the date of the translation, 27 September 2012. (translator’s note).

2 Official Gazette of the Republic of Serbia, Law on State Border protection, Nr. 97/08 of 27.10.08, article 6, Powers, measures and activities, <http://www.imldb.iom.int/viewDocument.do?id=%7B0D19C408-EFCB-4F4B-BA98-61449B6472D9%7D>

exit. Such checks may concern not only travel documents, but also the purpose of travel.

In 2007, the Serbian Parliament adopted a new Law on Travel Documents which entered into effect on 9 October 2007.<sup>3</sup> This law created the basis for the introduction of biometric travel documents. It was amended several times in order to extend the period of validity the old passports.<sup>4</sup>

On 23 October 2008, the Serbian Parliament adopted a new Law on Foreigners, which entered into force on 1 April 2009.<sup>5</sup> This law introduces the principle of carrier's liability into national law, which obliges a carrier to bring back, at his own expense, a person who does not fulfill the entry requirements.<sup>6</sup> A carrier who fails to fulfill this obligation risks a fine between 860 and 4,300 Euros.<sup>7</sup> Under article 11 of this law, a foreigner can be denied entry to Serbia, if s/he does not have sufficient means of subsistence or if "s/he is in transit, but does not meet the requirements to enter the third country".<sup>8</sup> Under article 13 (2) of this law, a foreigner can be temporarily prevented from leaving Serbia, if s/he does not have the necessary visa to enter another country.<sup>9</sup>

Between 1996 and 2007, Serbia signed 16 bilateral readmission agreements with 18 countries.<sup>10</sup> An EC readmission agreement was signed on 18 September 2007. It entered into force on 1 January 2008. In 2009, Serbia signed a separate bilateral readmission agreements with Switzerland<sup>11</sup> and Norway, which

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3 Official Gazette of the Republic of Serbia, Law on travel documents, Nr. 90/07, <http://www.mup.rs/domino/zakoni.nsf/Law%20on%20Travel%20Documents.pdf>

4 Official Gazette of the Republic of Serbia, Zakon o izmeni Zakona o putnim ispravama, Nr. 90/07, 1.10.07; Official Gazette of the Republic of Serbia, Zakon o izmeni Zakona o putnim ispravama, Nr. 116/08, 22.12.08; Official Gazette of the Republic of Serbia, Zakon o izmeni Zakona o putnim ispravama, Nr. 104/09, 16.12.09; Official Gazette of the Republic of Serbia, Zakon o izmeni Zakona o putnim ispravama, Nr. 76/10, 22.10.10.

5 Official Gazette of the Republic of Serbia, Law on Foreigners, Nr. 97/08, 27.10.08, <http://www.unhcr.org/refworld/type,LEGISLATION,,SRB,4b5d715a2,0.html>

6 Ibid., article 22, Obligations of carriers.

7 Ibid., article 81, Penalty provision.

8 Ibid., article 11, Denial of entry.

9 Ibid., article 13 (2), Exit.

10 The list includes: Hungary (2001), Germany (2003), Sweden (2003), Denmark (2003), Italy (2003), the Benelux countries (2004), Austria (2004), Slovakia (2003), France (2006), Canada (2006), Slovenia (2009), Croatia, Bosnia and Herzegovina (2008), Norway (2009), Switzerland (2009), Albania (2010), Macedonia (2010), Malta (2010), Bulgaria (2011), Romania (2011)

11 Bundesamt für Migration, Abkommen mit Serbien unterzeichnet, 30.07.09, [http://www.bfm.admin.ch/bfm/de/home/dokumentation/medienmitteilungen/2009/ref\\_2009-06-30.html](http://www.bfm.admin.ch/bfm/de/home/dokumentation/medienmitteilungen/2009/ref_2009-06-30.html)

are not members of the EU, but nevertheless part of the Schengen area.<sup>12</sup>

In 2009, the Serbian government adopted a Strategy for the reintegration of returnees under readmission agreements<sup>13</sup> and an action plan for its implementation for the period 2009-2010.

In 2008, 5,855 Serbian citizens were forcibly returned from EU Member States to Serbia. In 2009, 4,105 persons were deported on the basis of either these agreements.<sup>14</sup> The majority of those who are forcibly returned under these agreements are Roma, followed by members of other ethnic minorities.<sup>15</sup>

## Post-visa liberalization developments

Following the liberalization of the visa-regime with the EU, the number of asylum applications by Serbian citizens increased drastically. According to data provided by EUROSTAT, the number of asylum seekers from Serbia, in the EU and Switzerland, increased from 3,475 in 2009 to 15,420 in 2010. In 2011, 11,520 Serbian citizens applied for asylum in EU member states according to EUROSTAT, mainly in Germany (4,580), and Sweden

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12 Ministry of Justice and Public Policy (Norway), Readmission agreements with Montenegro and Serbia, (Press Release) 21.12.09, <http://www.regjeringen.no/en/dep/jd/press-center/pressemeldinger/2009/readmission-agreements-with-montenegro-a.html?id=588826>

13 Official Gazette of the Republic of Serbia, Strategy for Reintegration of Returnees under Readmission Agreements, No. 15/09, [http://www.kirs.gov.rs/docs/Readmission\\_strategy.pdf](http://www.kirs.gov.rs/docs/Readmission_strategy.pdf)

14 Third country nationals (broken by their citizenship) returned from ms. (member states); European Commission, Evaluation of EU Readmission Agreements, Commission staff working document accompanying the communication from the European Commission to the European Parliament and the Council, SEC (2011) 211, Brussels, 23.02.11, p. 3, [http://ec.europa.eu/transparency/regdoc/rep/eims/HOME/136966/SEC\(2011\)211.pdf](http://ec.europa.eu/transparency/regdoc/rep/eims/HOME/136966/SEC(2011)211.pdf)

15 On this the Serbian NGO Grupa 484 writes: "According to the IOM data, before the visa regime abolition, a typical returnee was male, married, declared as Roma, was unemployed, aged between 30 and 39, with two children, and lived in Germany for about five years. 42.20% of the total number of returnees stayed in Germany for 2 to 5 years; 21.09% for 6 to 10 years; 23.56% for 11 to 15 years."; see: Grupa 484, Irregular can be regular – migration from southern Serbia, December 2011, p. 5. The same observation is also valid for those returned after the visa liberalisation, as it is documented by the data provided by the Commissariat for Refugees. According to these data, out of 1315 Serbian citizens who were returned via the Belgrade airport in the period between January and October 2011, 1,023 were declared as Roma, another 19 as Ashkali.; *ibid.*, p. 6, <http://www.grupa484.org.rs/2012%20Irregular%20can%20be%20Regular%20E%80%93%20migration%20from%20southern%20Serbia%20final.pdf>

(2,645).<sup>16</sup> According to UNHCR figures<sup>17</sup>, the number of asylum applications filed by persons from Serbia (including Kosovo) in industrialised countries, increased from 18,782 in 2009<sup>18</sup> to 29,605 in 2010 and 21,246 in 2011.<sup>19</sup>

Serbia was put under pressure around February 2010, when several EU member states including Belgium and Sweden started to complain over a strong increase in the number of asylum seekers by Serbian nationals.<sup>20</sup> At the end of the month, the Belgian Prime Minister, Yves Leterme, send an alarming letter to EU Commissioner for Home Affairs, Cecilia Malmström, in which he asked the Commissioner to analyse possible actions in order to limit the negative consequences of the visa liberalisation.<sup>21</sup>

“Would it be possible to analyse whether the European Commission is able to take a decision or actions which would limit the negative consequences of the liberalization of EU visa regime in this particular case?”

*Yves Leterme, Belgian Prime Minister*

On 8 March 2010, Leterme, whose country was preparing to take over the EU’s rotating presidency, travelled to the Balkans. In Belgrade, he met with the Serbian Prime Minister, Mirko Cvetković, whom he had already met

16 EUROSTAT, New asylum applications by citizenship, annual aggregated data, own calculations based on EUROSTAT data.

17 UNHCR figures include persons originating from Kosovo.

18 Origin of asylum applications lodged in 44 industrialized countries 2009 and 2010, in: UNHCR, Asylum Levels and Trends in Industrialized Countries 2009 – 2010, Geneva, p. 17, <http://www.unhcr.org/4d8c5b109.html>

19 Origin of asylum applications lodged in 44 industrialized countries 2010 and 2011, in: UNHCR, Asylum Levels and Trends in Industrialized Countries 2010 – 2011, Geneva, p. 22, <http://www.unhcr.org/4e9beaa19.html>

20 See for instance: The Local, Swedish towns strained by asylum seeker spike, 6.10.10, <http://www.thelocal.se/29460/20101006> ; BalkanInsight, Asylum Seekers from Serbia Board Buses for Europe, 21.10.10, <http://www.balkaninsight.com/en/article/another-wave-of-asylum-seekers-from-balkans-hit-sweden>

21 “Vous serait-il possible d’examiner si la Commission européenne est en mesure de prendre des décisions ou des actions qui permettraient de limiter les conséquences néfastes de la libéralisation du régime européen des visas dans ce cas d’espèce? ”, Belgian Prime Minister Yves Leterme in a letter to EU Commissioner Cecilia Malmström, quoted according to: La Gazette, Visas supprimés dans l’UE: les immigrés des Balkans affluent, 26.02.10, <http://www.lanouvellegazette.be/actualite/belgique/2010-02-26/visas-supprimes-dans-l-ue-les-immigres-des-balkans-affluent-763676.shtml>



three days before in Brussels, in order to discuss the increase in the number of asylum applications by Serbian nationals.<sup>22</sup> At the same time, the Belgian Secretary of State, Melchior Wathelet, visited Preševo and Bujanovac, two towns in Southern Serbia, which had been identified as places of origin of asylum seekers, and where he held meetings with the mayors.<sup>23</sup>

Concomitant with this visit, the Belgian authorities organised the first of a series of highly mediatised deportations of a group of 44 asylum seekers to Serbia, sending out a clear sign that “there is no sense in travelling to Belgium ... for the purpose of seeking political refugee status.”<sup>24</sup>

In October 2010, several EU member states and the EU Commission put renewed pressure on Serbia to reduce the number of asylum seekers:

“We will not accept this obvious abuse of our right on asylum. ... If nothing changes, it should be very clear: The visa freedom for Serbia and Macedonia is in danger.”

*Joachim Herrmann, Minister of Interior of Bavaria*

On 21 October 2010, the Belgian Secretary of State, Melchior Wathelet, whose country was then holding the EU presidency, visited Belgrade, where he had meetings with the Serbian Deputy Prime Minister and Minister of Interior, Ivica Dačić.<sup>25</sup> The same day, the Secretary of State of the Land Bavaria, Emilia Müller, was also on visit in Belgrade, where she had meetings with the

22 BETA, Serbian PM Cvetkovic to meet with leaders of EU, Belgium, 5.03.10, <http://www.emg.rs/en/news/serbia/115470.html>

23 B92/BETA, Belgium sends back asylum seekers, 10.03.10, [http://www.b92.net/eng/news/politics-article.php?yyyy=2010&mm=03&dd=10&nav\\_id=65705](http://www.b92.net/eng/news/politics-article.php?yyyy=2010&mm=03&dd=10&nav_id=65705)

24 SETimes, Rush to asylum puts visa-free travel at risk in Serbia, Macedonia, 30.03.10, [http://setimes.com/cocoon/setimes/xhtml/en\\_GB/features/setimes/features/2010/03/30/feature-02](http://setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/features/2010/03/30/feature-02)

25 Tanjug, Wathelet, Dačić: Visa regime not threatened, 22.10.10, [http://www.b92.net/eng/news/politics-article.php?yyyy=2010&mm=10&dd=22&nav\\_id=70444](http://www.b92.net/eng/news/politics-article.php?yyyy=2010&mm=10&dd=22&nav_id=70444); Le Figaro, UE/asile: les Serbes mis en garde, 21.10.10, <http://www.lefigaro.fr/flash-actu/2010/10/21/97001-20101021FILWWW00602-ueasile-les-serbes-mis-en-garde.php>; 7sur7, Les demandeurs d’asile serbes dans l’UE seront tous renvoyés, 21.10.11, <http://www.7sur7.be/7s7/fr/1502/Belgique/article/detail/1173119/2010/10/21/Les-demandeurs-d-asile-serbes-dans-l-UE-seront-tous-renvoyes.dhtml>

Serbian Minister of Interior and other representatives of the Serbian state<sup>26</sup> Two days before, the Minister of Interior of Bavaria, Joachim Herrmann, warned, in a press release, over a possible reintroduction of visa requirements for Serbian and Macedonian citizens.<sup>27</sup>

On 18 October 2010, EU Commissioner for Enlargement, Štefan Füle, wrote a letter to the Serbian and Macedonian Ministers of Foreign Affairs, in which he questioned the efficiency of the measures taken in Spring in order to reduce the number of asylum seekers in the EU. He warned about a possible negative impact on the attitude of some member states towards the visa liberalisation and asked the authorities of both countries to “take all the necessary measures to reduce the influx of asylum seekers without any delay.”<sup>28</sup> Two days later, EU Commissioner for Home Affairs Cecilia Malmström wrote a letter of similar content to the Serbian and Macedonian Ministers of Home Affairs.<sup>29</sup>

“We will take preventive actions and explain [our] citizens, that asylum seekers, or to be more precise, false asylum seekers, will not get asylum. They will all be returned [to Serbia] on the basis of readmission agreements”.

*Ivica Dačić, Deputy Prime Minister and Minister of Interior of the Republic of Serbia*

## Domestic reactions

Following the first complaints over an increase in the number of asylum seekers, the Serbian Prime Minister and Minister of Interior, Ivica Dačić, announced, in March 2010, that Serbia, together with Macedonia, would

26 BalkanInsight, Asylum Seekers from Serbia Board Buses for Europe, 21.10.10.

27 “Diesen offenkundigen Missbrauch unseres Asylrechts werden wir nicht hinnehmen. Wenn sich diese Entwicklung fortsetzt, muss die Europäische Union handeln und die Visumpflicht für diese Länder wieder einführen. Wir werden das jetzt sehr genau beobachten. Sollte sich hier nichts ändern, muss klar sein: Die Visafreiheit für Serbien und Mazedonien steht auf dem Spiel.”; Bayrisches Staatsministerium des Inneren, Pressemitteilung Nr. 383/10: Asylbewerberzahlen aus Serbien und Mazedonien sprunghaft angestiegen – Joachim Herrmann: „Visafreiheit steht auf dem Spiel – keine staatlichen Mittel für Asylbetrüger“, 19.10.11, <http://www.stmi.bayern.de/presse/archiv/2010/383.php>

28 European Stability Initiative, Freedom of movement in a populist age: Why Balkan visa liberalisation is (still) a success, Brussels, 30 June 2011, p. 8.

29 EU observer, Asylum rise puts Balkan visa-free scheme in danger, 21.10.10, <http://euobserver.com/9/31092>

conduct investigations into travel companies in order to determine whether the activity of asylum seeking was “organised”.<sup>30</sup> He also said that Serbia would be “very cooperative” in terms of the readmission of the asylum seekers in order to make sure that this issue “would not jeopardize the visa liberalization with the EU countries”.<sup>31</sup>

In November 2010, Dačić announced that Serbia would tighten its border controls, in particular, at the border with Hungary. He also said that Serbia would conduct investigations into the eventual involvement of travel companies in the upsurge of asylum applications.<sup>32</sup>

In February 2011, the Serbian government created a monitoring commission for the visa liberalisation. As stated by Tanjug, the task of this commission is to follow the issue of so-called false asylum seekers and to make proposals to the Government, in order to reduce their numbers.<sup>33</sup>

In May 2011, members of the Serbian government announced again an enhancement of border controls, implying pre-departure controls of travellers, who would have to justify the purpose of their travel and the possession of sufficient means of subsistence. Measures would also involve the prosecution of those who are transporting “false asylum seekers” to the European Union.<sup>34</sup>

In a speech before the Foreign Affairs Committee of the European Parliament, Deputy Prime Minister for European Integration, Božidar Djelić, said that Serbia would restrict the freedom of movement of persons abusing the visa-free system with the EU and conduct strict controls of travellers at the border crossing and of travel agencies.<sup>35</sup>

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30 B92, Visa liberalization not jeopardized, 11.03.10, , [http://www.b92.net/eng/news/politics-article.php?yyyy=2010&mm=03&dd=11&nav\\_id=65740](http://www.b92.net/eng/news/politics-article.php?yyyy=2010&mm=03&dd=11&nav_id=65740)

31 Ibid.

32 AFP, Serbia vows to tackle EU asylum influx, 9.11.10, <http://www.eubusiness.com/news-eu/serbia-immigration.6v5>; B92, Number of false asylum seekers to be reduced, 21.11.10, [http://www.b92.net/eng/news/politics-article.php?yyyy=2010&mm=11&dd=21&nav\\_id=71024](http://www.b92.net/eng/news/politics-article.php?yyyy=2010&mm=11&dd=21&nav_id=71024)

33 Tanjug, Vlada obrazovala Komisiju za praćenje bezviznog rezima s EU, 24.02.11, <http://www.politika.rs/vesti/najnovije-vesti/Vlada-obrazovala-Komisiju-za-pracenje-bezviznog-rezima-s-EU.lt.html>

34 Sofia Echo, Serbia to tighten border controls, 19.05.11, [http://sofiaecho.com/2011/05/19/1092039\\_serbia-to-tighten-border-controls](http://sofiaecho.com/2011/05/19/1092039_serbia-to-tighten-border-controls)

35 “We established the governmental Commission for monitoring the implementation of the visa free regime, we are consulting the European Commission on amendments to

“In order to protect the interests of the Republic of Serbia and of its citizens and to prevent abuse of the visa-free regime of the European Union towards the Republic of Serbia, to travel to the Member States of the European Union, the officer of the Border Police may ask from the citizens of the Republic of Serbia, in addition to the travel and other documents prescribed for the crossing of the border:

- 1) other appropriate documents proving the purpose of the travel to the Member States of the European Union (...);
- 2) the proof of possession of sufficient means of subsistence for their stay in the Member States of the European Union (...), in accordance with the purpose of travel;
- 3) other justifications, invitations or proofs concerning the purpose of the journey, as foreseen in the legislation of the European Union and its Member States.”

*Regulation governing in detail the manner of exercising police powers by the border police officers and duties of the persons crossing the border*

In October 2011, the Serbian government announced further reforms, in a document submitted to the European Commission. These reforms would include the reclassification of the organization of illegal migration as a criminal act, the temporary confiscation of the passports of “false asylum seekers” and their hindrance from leaving the country, as well as the strengthening of the powers of the border police.<sup>36</sup>

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Serbian legislation to better prosecute organizers of groups of asylum seekers, we will restrict travel for those who abuse the system while respecting human rights, we conduct strict controls of passengers at border crossings and travel agencies, we conduct awareness raising campaigns targeting those groups that are recognized as potential asylum seekers, we implement further projects for the inclusion of the Roma community, etc. We welcome envisaged changes to the Schengen Area rules along the Return Directive, preventing offenders re-entering the Area for a period of up to five years, and we look forward to establishment of the Common European Asylum System.” Address by H.E. Božidar Djelić Deputy Prime Minister for European Integration of Serbia AFET, European Parliament, Brussels, 16.06.11.

36 Isa Intel, Asylum seekers may cost Serbia EU visa liberalization, 10.05.11, <http://www.isaintel.com/2011/05/10/asylum-seekers-may-cost-serbia-eu-visa-liberalization/>

## Strengthening border controls

In May 2011, the Serbian Minister of Interior, Ivica Dačić, announced that travellers who did not have sufficient means of subsistence would not be allowed to leave Serbia. He quoted as an example the case of a family that allegedly wanted to leave for Sweden with a one-way ticket and just 100 Euros in their pockets. The border police concluded that the family actually intended to apply for asylum and prevented them from pursuing their journey.<sup>37</sup>

On 2 June 2011, the Serbian government adopted a new regulation aimed at creating a legal basis for the pre-departure controls. Under the cumbersome title “Regulation governing in detail the manner of exercising police powers by the border police officers and duties of the persons crossing the border”,<sup>38</sup> it sets out the documents and other proofs that the border police are entitled to request from Serbian citizens in addition to the customary travel documents. They include any document legitimating the purpose of the trip such as letters of invitation, vouchers or reservations, and return tickets, as well as the proof of sufficient means of subsistence in accordance with the purpose of the trip. The legitimization of this law is to “protect the interests of the Republic of Serbia and of its citizens, or to prevent abuse of visa-free regime of the European Union towards the Republic of Serbia”.<sup>39</sup>

In a comment, the Head of the Communication Department of the Serbian government, said that the Serbian government estimated that this regulation would prevent the misuse of the asylum system and of the EU visa-free travel with the EU.<sup>40</sup>

In an interview with the Serbian newspaper *Novosti*, the Head of the Border Police Department, Nenad Banović, who is also chairing the monitoring commission for the visa liberalisation, explained that these controls

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37 Vesti online, Ako nemate dovoljno para policija ne pušta u inostranstvo, 13.05.11, <http://www.vesti-online.com/Vesti/Hronika/136979/Ako-nemate-dovoljno-para-policija-ne-pusta-u-inostranstvo>

38 Službeni glasnik Republike Srbije, Uredba o bližem uređivanju načina vršenja policijskih ovlašćenja policijskih službenika granične policije i dužnostima lica koje prelazi državnu granicu, br. 39/2011, [http://www.paragraf.rs/propisi/uredba\\_o\\_blizem\\_uredjivanju\\_nacina\\_vrsenja\\_policijskih\\_ovlascenja.html](http://www.paragraf.rs/propisi/uredba_o_blizem_uredjivanju_nacina_vrsenja_policijskih_ovlascenja.html)

39 Ibid., article 1.

40 B92, Nema u EU bez potvrda i rezervacija, 2.06.11, [http://f1.b92.net/info/vesti/index.php?yyyy=2011&mm=06&dd=02&nav\\_category=12&nav\\_id=516230](http://f1.b92.net/info/vesti/index.php?yyyy=2011&mm=06&dd=02&nav_category=12&nav_id=516230)

would essentially concern individuals travelling to Germany, Luxembourg, Belgium, Italy or France, but not those travelling to Greece.<sup>41</sup>

He described the methodology of these controls as follows: “If someone appears suspicious to us and could be a bogus asylum seeker, we will check his identity. We will [also] check whether he has a return ticket and a travel insurance, whether he has sufficient money with him for his planned stay, we conduct a short interview [in order to assess], where he is travelling and what is the purpose of his trip.”<sup>42</sup>

Persons who do not appear to fulfill these conditions are banned from travelling. According to a report submitted to the European Commission, 1,715 persons were prevented from leaving Serbia between the 24 February 2011 and 15 October 2011 “for the reason of not fulfilling the conditions for exiting the country.”<sup>43</sup>

In a report submitted to the European Commission in October 2011, the Serbian government announced a further increase of powers of the Serbian border police. Accordingly, the Serbian border police would be entitled, “to investigate anyone suspected of attempting to seek false asylum in the EU.”<sup>44</sup>

The Serbian authorities insisted that these controls would not target any particular groups. In May 2011, the Serbian Deputy Prime Minister and Minister for European Integration, Božidar Đelić said that the border controls would be conducted in a non-discriminatory way, with everybody being asked the same questions.<sup>45</sup> The same month, the Serbian Deputy Prime Minister and Minister of Interior, Ivica Dačić, severely rebuked a journalist, who criticised the efficiency of the measures, by asking him: “Do we have to behave in a racist or nazistic way? Do we have to take the four Roma out of the bus and to tell them: You are Roma, [and therefore] you cannot travel?”<sup>46</sup>

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41 Novosti, Zaustavljeni lažni azilanti, 19.05.11, <http://www.novosti.rs/vesti/naslovna/aktuelno.293.html:331148-Zaustavljeni-lazni-azilanti>

42 Ibid.

43 Report on measures taken and planned by the Commission for monitoring the visa free regime of travel with EU aimed at reducing the number of asylum seekers, October 2011, courtesy translation provided by the Serbian government

44 Isa Intel, Asylum seekers may cost Serbia EU visa liberalization, 10.05.11, <http://www.isaintel.com/2011/05/10/asylum-seekers-may-cost-serbia-eu-visa-liberalization/>

45 RTV, Đelić: Vladine mere smanjile broj zahteva za azil, 18.05.11, [http://www.rtv.rs/sr\\_lat/drustvo/djelic:-vladine-mere-smanjile-broj-zahteva-za-azil\\_254419.html](http://www.rtv.rs/sr_lat/drustvo/djelic:-vladine-mere-smanjile-broj-zahteva-za-azil_254419.html)

46 B92, Dačić: Nećemo postupati rasistički, 6.05.11 (video), [http://www.b92.net/info/vesti/index.php?yyyy=2011&mm=05&dd=06&nav\\_category=12&nav\\_id=510567](http://www.b92.net/info/vesti/index.php?yyyy=2011&mm=05&dd=06&nav_category=12&nav_id=510567)

These statements are however contradicted by other statements, which indicate that Roma, together with ethnic Albanians from the South of Serbia, who have been identified as those who are most commonly „abusing the free visa regime“ with the EU are the main targets of these controls.<sup>47</sup> On 8 May 2011, Ivica Dačić told Serbian media that “no one from those communities will be able to leave the country if they do not have a return ticket, means to support their stay and cannot state the reason for the journey.”<sup>48</sup>

“We will meet with representatives of local governments and the Roma and Albanian communities and explain to them that those people will not be granted asylum [in the EU] and that they could harm the whole country in terms of the visa liberalization”.

“No one from those communities will be able to leave the country if they do not have a return ticket, means to support their stay and cannot state the reason for the journey.”

*Ivica Dačić, Deputy Prime Minister and Minister of Interior of the Republic of Serbia*

On 1 December 2011, the Serbian newspaper Večernje Novosti reported that the Serbian border police prevented a Roma family of four from boarding on an airplane to Göteborg, where they wanted to attend a wedding. According to the father, they were first told that the 1,500 Euros they were carrying, was sufficient, but that they did not have a return ticket. When it turned out that they had a return ticket, they were told that the money was not enough.<sup>49</sup>

In October 2010, Serbian border guards at the Preševo border crossing, returned a group of Macedonian Roma travelling on board of a van. According to a representative of a Roma NGO from Štip, who was among the group, the border guards put an entry and an exit stamp in their passports

47 See for instance the statements of the Head of the Serbian Police and Head of the monitoring committee, Nenad Banović, according to which most of the asylum seekers from the Vojvodina region are either Roma or ethnic Albanians. (Tanjug, Oštra kontrola lažnih azilanata, 10.03.11, <http://www.politika.rs/vesti/najnovije-vesti/Ostra-kontrola-laznih-azilanata-u-Srbiji.lt.html>)

48 Tanjug, Interior minister announces stricter border control, 8.05.11, [http://www.b92.net/eng/news/politics-article.php?yyyy=2011&mm=05&dd=08&nav\\_id=74223](http://www.b92.net/eng/news/politics-article.php?yyyy=2011&mm=05&dd=08&nav_id=74223)

49 Večernje Novosti, Sa aerodroma Nikola Tesla vraćeni Romi, 1.12.11, <http://www.novosti.rs/vesti/beograd.74.html:355921-Sa-aerodroma-Nikola-Tesla-vraceni-Romi>

and wished them, goodbye. They were refused to leave Serbia for the EU. The Roma claimed that they wanted to visit relatives in Germany and Austria.<sup>50</sup> The Serbian newspaper Blic claimed that the Serbian police had received information from its German colleagues that the Roma intended to apply for asylum in Germany.<sup>51</sup> According to the European Roma Rights Centre, one Roma man subsequently filed a complaint to the administrative court in Belgrade. The case was still pending in May 2012.<sup>52</sup>

As it turned out, the family, which was cited by the Serbian Minister of Interior as an example for the misuse of the free visa regime was actually also of Roma origin: “We had a Roma family at the Belgrade airport who wanted to travel with Wizz Air to Malmö in Sweden. When we asked them where they would go, they were not able to give us details, when we asked them how long they would plan to stay, they stayed silent, the one way ticket was an indicator that would abuse the freedom of travel. (...) they were therefore returned at the border crossing because they did not meet the conditions for leaving the country”, the head of the Serbian border police, Nenad Banović told the Serbian magazine *Vreme*.<sup>53</sup>

## Revocation of travel documents

In May 2011, several members of the Serbian government announced that the government was considering the possibility of temporarily revoking passports of failed asylum seekers or not to issue them new passports. During a visit in Luxembourg, the Serbian Deputy Prime Minister and Minister of Interior, Ivica Dačić, explained that the purpose of this measure was to prevent repeated asylum applications.<sup>54</sup>

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50 Nova Makedonija, Ромите ќе ја затвораат границата со Србија, 21.10.10, <http://www.novamakedonija.com.mk/NewsDetal.asp?vest=10211010488&id=9&prilog=0&setIzdanie=22113>; AL, Македонските Роми непожелни во Србија, 21.10.10, <http://daily.mk/makedonskite-romi-nepozhelni-vo-srbija?forward=430140>

51 Blic, Pojačana kontrola granice zbog novog talasa azilanata iz Srbije ka EU, 19.10.11, <http://www.blic.rs/Vesti/Tema-Dana/212628/Pojacana-kontrola-granice-zbog-novog-talasa-azilanata-iz-Srbije-ka-EU>

52 European Roma Rights Centre (ERRC), Serbia: EU Enlargement Programme 2012 ERRC report (submission to the European Commission), May 2012, <http://www.errc.org/cms/upload/file/ecprogress-serbia-2012.pdf>

53 *Vreme*, Kad evropska kriza izgleda kao blagostanje, 26.05.11, <http://www.vreme.com/cms/view.php?id=992408>

54 Europaforum, Nicolas Schmit et Ivica Dačić ont fait part de leur volonté que Luxembourg et Serbie poursuivent leur coopération “dans un esprit parfaitement européen“



On another occasion, Dačić said that his Ministry would “request the EU’s opinion of whether it is possible to introduce restrictive regulations”. He added that the measures could also include “the temporary taking away of passports for one or two years from the person who abuses it”.<sup>55</sup>

In a document submitted to the European Commission, the Serbian government stated that the Ministry of Interior of the Republic of Serbia “declares null and void passports of all persons whose biometric travel documents were issued to by the competent authorities of the Republic of Serbia, and who, under the procedure of implementation of the Agreement on Readmission, declared before the competent foreign authorities not to possess passports.”<sup>56</sup>

“If someone appears suspicious to us and could be a bogus asylum seeker, we will check his identity. We will [also] check whether he has a return ticket and a travel insurance, whether he has sufficient money with him for his planned stay, we conduct a short interview [in order to assess], where he is travelling and what is the purpose of his trip.”

*Nenad Banović, Head of the monitoring commission for the visa liberalisation*

According to the same document, the Ministry of Interior would also consider the temporary confiscation of the passports of false asylum seekers as well as additional measures to prevent them from leaving Serbia.<sup>57</sup> Similar announcements were made by other representatives of the Serbian state.<sup>58</sup>

The Serbian newspaper Novosti suggested that an article of the Serbian Law on travel documents, foreseeing the possibility of withdrawing these documents, if these documents have been issued on the basis of false

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pour lutter contre l’afflux de demandeurs d’asile en provenance de Serbie, 5.05.12, <http://www.europaforum.public.lu/fr/actualites/2011/05/schmit-serbie/index.html>

55 Tanjug, MUP to create database on asylum seekers, 08.05.11, [http://www.b92.net/eng/news/politics-article.php?yyyy=2011&mm=05&dd=11&nav\\_id=74280](http://www.b92.net/eng/news/politics-article.php?yyyy=2011&mm=05&dd=11&nav_id=74280)

56 Report on measures taken and planned by the Commission for monitoring the visa free regime of travel with EU aimed at reducing the number of asylum seekers, October 2011 (Document submitted to the European Commission, courtesy translation provided by the Serbian authorities)

57 Isa Intel, Asylum seekers may cost Serbia EU visa liberalization, 10.05.11, <http://www.isaintel.com/2011/05/10/asylum-seekers-may-cost-serbia-eu-visa-liberalization/>

58 Večernje Novosti, Dačić: Za izlaz iz zemlje – novac, povratna karta, osiguranje, 23.05.11, <http://www.politika.rs/rubrike/tema-dana/DacicZa-izlaz-iz-zemlje-novac-povratna-karta-osiguranje.lt.html>

information, could also be used in relation with the so-called abuse of the visa liberalization by “false asylum seekers”.<sup>59</sup> The newspaper explained that ethnic Albanians from Kosovo would register *en masse* in municipalities in Southern Serbia for the sole purpose of obtaining Serbian travel documents.<sup>60</sup>

Subsequent to the recommendation of the European Commission to avoid “bogus residence changes from Kosovo”<sup>61</sup>, Roma from Kosovo, who are displaced in the region have encountered increasing problems to register in Serbia or to get a Serbian passport.<sup>62</sup> According to the UNHCR, some displaced Roma, Ashkali, and Kosovo Egyptian were arbitrarily prevented from changing their address and reregistering in Serbia.<sup>63</sup>

## Other measures

In May 2011, the head of the Border Police, Nenad Banović, stated in an interview with the Serbian newspaper *Novosti*, that asylum seekers would be punished by the courts.<sup>64</sup>

On 17 November 2011, the Serbian parliament adopted a series of amendments to the law on the residence<sup>65</sup>, which goes back to the period of the Socialist Federal Republic of Yugoslavia. This law involved an article requiring Yugoslav citizens to report to the competent authorities before leaving the country, if their planned stay abroad exceeded 60 days. The new law is extending this time period to more than 90 days.<sup>66</sup> Persons who fail to meet

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59 *Novosti*, Zaustavljeni lažni azilanti, 19.05.11, <http://www.novosti.rs/vesti/naslovna/aktuelno.293.html:331148-Zaustavljeni-lazni-azilanti>

60 *Ibid.*

61 European Commission, Commission staff working paper: Report on the post-visa liberalisation monitoring for the Western Balkan countries in accordance with the Commission Statement of 8 November 2010, SEC 2011, (695) final, 30.05.2011, p. 11, <http://register.consilium.europa.eu/pdf/en/11/st10/st10997.en11.pdf>

62 Information received from Kosovo Roma refugees living in Macedonia.

63 Quoted according to: U.S. Department of State: Bureau of Human Rights, Democracy and Labour: Country Reports on Human Rights Practices for 2011: Serbia, June 2012, [http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dynamic\\_load\\_id=186402](http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dynamic_load_id=186402)

64 *Novosti*, Zaustavljeni lažni azilanti, 19.05.11, <http://www.novosti.rs/vesti/naslovna/aktuelno.293.html:331148-Zaustavljeni-lazni-azilanti>

65 Službeni glasnik RS, Zakon o prebivalištu i boravištu građana, br. 42/1977 i 25/1989, <http://www.informer.co.rs/docs/zakon-o-previvalistu-i-boravistu-gradjana.pdf>

66 Službeni glasnik RS, Zakon o prebivalištu i boravištu građana, br. 87/2011, [http://www.paragraf.rs/propisi/zakon\\_o\\_prebivalistu\\_i\\_boravistu\\_gradjana.html](http://www.paragraf.rs/propisi/zakon_o_prebivalistu_i_boravistu_gradjana.html)

their obligation to report before departure and upon their return are liable to a fine ranging from 10,000 to 50,000 dinars, i.e., between 85 and 430 Euros.<sup>67</sup>

According to the Belgrade-based Regional Minority Centre, this article is selectively applied on Roma, who applied for asylum in a EU member state and who are questioned and punished upon their return.<sup>68</sup>

In the beginning of 2012, the Minister of Justice made a proposal to introduce a new article 350a in the Penal Code, called “Disabling Abuse to Exercise Rights in Foreign Country”. Such an action would be subject to a prison fine of three months to eight years. The proposal was brought before the Parliament, but due to the Parliamentary elections the law was not brought before the Parliament.<sup>69</sup>

## Measures against travel companies

In May 2011, the Serbian government announced an amendment to the Criminal Code introducing the organisation of illegal migration.<sup>70</sup> The aim of this reform is to “lay down criminal offence by which natural or legal entities, like tourist agencies, emerging as organizers of the trips for false asylum seekers into the EU member states, would bear criminal responsibility and which would be adequately fined, or punished by business activity ban, but as well as by imprisonment in duration of 3 to 5 years.”<sup>71</sup>

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67 Ibid., article 27, para. 5.

68 „Eine der neulich anwendenden Maßnahmen ist die Wiederbelebung der Bestimmung, nach der jeder für mehr als 60 Tage dauernde Auslandsaufenthalt bei der Polizei angemeldet werden muss. Problematisch ist, dass diese Bestimmung sich ausschließlich auf die Angehörigen der Roma-Nationalminderheit bezieht, die Asyl in einem der EU-Länder beantragt hatten.“ Regional Minority Centre: Die Visaliberalisierung und das Asylrecht – Verletzungen der Rechte von Roma-Frauen und –Männer als Asylbewerber\_innen, Belgrade 2012, p. 19, [http://www.ggua.de/fileadmin/downloads/Rueckkehrer\\_Reisefreiheit/Die\\_Visaliberalisierung\\_und\\_das\\_Asylrecht\\_RCM\\_Vorabfassung\\_Deutsch\\_Juli\\_2012.pdf](http://www.ggua.de/fileadmin/downloads/Rueckkehrer_Reisefreiheit/Die_Visaliberalisierung_und_das_Asylrecht_RCM_Vorabfassung_Deutsch_Juli_2012.pdf)

69 Normative measures - amendments of the criminal legislation Ministry of Justice made proposal of the Law on Amendments of the Criminal Code, communicated by the Mission of Serbia to the EU; Predlog zakona o izmenama i dopunama Krivičnog zakonika, Član 350a, <http://www.zakon.co.rs/predlog-zakona-o-izmenama-i-dopunama-krivicnog-zakonika.html>

70 B92, Đelić: Potrebni podaci o azilantima, 7.05.11, [http://www.b92.net/info/vesti/index.php?yyyy=2011&mm=05&dd=07&nav\\_category=11&nav\\_id=510708](http://www.b92.net/info/vesti/index.php?yyyy=2011&mm=05&dd=07&nav_category=11&nav_id=510708)

71 Report on measures taken and planned by the Commission for monitoring the visa free regime of travel with EU aimed at reducing the number of asylum seekers, October 2011, courtesy translation provided by the Serbian government.

In May 2011, the Head of the Border Police Department, Nenad Banović, stated in an interview with the Serbian newspaper *Novosti*, that the government had already agreed with the EU to introduce a new criminal offense affecting those, who lure persons into applying for asylum or organise the trips whereas the asylum seekers would be punished by the court.<sup>72</sup>

In a document submitted to the EU Commission in October 2011, the Serbian government announced amendments to the criminal code, which would “reclassify the organization of illegal migration as a special criminal act.”<sup>73</sup>

On 21 December 2011, the Head of the Serbian Border Police, Nenad Banović, announced that the border police had conducted controls on more than 40 travel companies and private carriers organising transports to the EU, without finding any evidence regarding the allegedly organised character of asylum applications.<sup>74</sup>

## Information campaigns

The Serbian authorities have organised an extensive information campaign. According to a government report, three hundred posters and 20,000 flyers have been distributed throughout Serbia, informing the population “that [the] visa liberalization does not imply the right to work, unlimited stay and political asylum in EU”.<sup>75</sup>

According to the same report, the posters were mainly posted on police stations, in particular in the South of Serbia and other places, identified as main regions of origin of the so-called false asylum seekers.<sup>76</sup> Information leaflets were also distributed at the border crossings with Hungary and Croatia, at the Belgrade and Niš airports.

Additional information was distributed via the media. According to the chairman of the monitoring commission, Nenad Banović, members of this

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72 *Novosti*, *Zaustavljeni lažni azilanti*, 19.05.11, <http://www.novosti.rs/vesti/naslovna/aktuelno.293.html:331148-Zaustavljeni-lazni-azilanti>

73 *Isa Intel*, *Asylum seekers may cost Serbia EU visa liberalization*, 10.05.11, <http://www.isaintel.com/2011/05/10/asylum-seekers-may-cost-serbia-eu-visa-liberalization/>

74 Government of the Republic of Serbia, *Srbiji ne preti opasnost od ukidanja vizne liberalizacije*, 21.12.11, <http://www.srbija.gov.rs/vesti/vest.php?id=165038>

75 Report on measures taken and planned by the Commission for monitoring the visa free regime of travel with EU aimed at reducing the number of asylum seekers, October 2011, courtesy translation provided by the Serbian government.

76 *Ibid.*

commission spoke to local media and explained that the abuse of the visa-free regime would not only have severe consequences for the state, but also for those, who would abuse it.<sup>77</sup>

According to a government document of October 2011, the Serbian authorities prepared a video clip, explaining that the abuse of the visa liberalization is punishable by law. This clip has been broadcasted on national TV.<sup>78</sup>

On the occasion of the signature of a readmission protocol with Germany, in March 2011, the Serbian Minister of Interior, Ivica Dačić, announced the launch of a public information campaign informing potential asylum seekers “that the adventure will not pay off”, and that the right to asylum is a political, and “not an economic, but a political category”.<sup>79</sup>

The Serbian authorities distributed a poster with the following text:

“False asylum seekers risk everything  
They will lose financial assistance  
They will be deported to the country [Serbia]  
They will be banned from travelling to the European Union for a specific time”.



77 BETA, Banović: Bevizni režim nije ugrožen, 26.02.12, <http://www.beta.rs/default.asp?tip=article&kategorija=vestidana&ida=2658363&id=&ime=>

78 op. cit.

79 B92, Serbia and Germany ink readmission protocol, 30.03.11, [http://www.b92.net/eng/news/politics-article.php?yyyy=2011&mm=03&dd=30&nav\\_id=73510](http://www.b92.net/eng/news/politics-article.php?yyyy=2011&mm=03&dd=30&nav_id=73510)

In addition, the Serbian authorities have distributed information material, particularly at border crossings and in those regions that were identified as the main source of “false asylum seekers”.<sup>80</sup>

This campaign is particularly targeted towards members of particular national minorities, Roma and Albanians from the South of Serbia, who according to the Serbian government, make up for about 95 percent of the asylum seekers.<sup>81</sup> Members of the Serbian government, in particular, the Serbian Deputy Prime Minister and Minister of Interior, Ivica Dačić, have repeatedly met with representatives of these communities and called on them not to seek asylum abroad. On the occasion of 8 May 2011, the traditional Roma Spring celebration, Dačić warned the Roma that they would damage Serbia’s national and state interests, if they seek asylum abroad.<sup>82</sup>

On 8 May 2011, the Serbian state news agency, Tanjug, quoted Dačić stating that he will meet with Roma and Albanian communities to explain to them that they will not be granted asylum in the EU, and that they could harm the whole country with regard to the visa liberalisation. “No-one from those communities will be able to leave the country if they do not have a return ticket, means to support their stay and cannot state the reason for the journey,” Dačić is quoted.<sup>83</sup>

In December 2011, Dačić held another meeting with representatives of the Roma community, where he told them that the asylum seekers would create problems for the entire state and contribute to foster resentments against Roma.<sup>84</sup>

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80 Report on measures taken and planned by the Commission for monitoring the visa free regime of travel with EU aimed at reducing the number of asylum seekers, October 2011, courtesy translation provided by the Serbian government.

81 See, for instance, statements made by the Serbian Deputy Prime Minister and Minister of Interior, Ivica Dacic, in a meeting with Commissioner Cecilia Malmström (Government of the Republic of Serbia, Srbiji ne preti ukidanje vizne liberalizacije, 30.03.11, <http://www.srbija.gov.rs/vesti/vest.php?id=165038> ).

82 Serbian government: Dačić pozvao građane romske nacionalne manjine da ne traže azil u zemlji EU, 9.05.11, <http://www.srbija.gov.rs/vesti/vest.php?id=152496>, and: Blic, Dačić pozvao Rome da ne traže azil u EU, 8.05.11, <http://www.blic.rs/Vesti/Politika/252583/Dacic-pozvao-Rome-da-ne-traze-azil-u-EU>

83 Tanjug, Interior minister announces stricter border control, 08.05.11, [http://www.b92.net/eng/news/politics-article.php?yyyy=2011&mm=05&dd=08&nav\\_id=74223](http://www.b92.net/eng/news/politics-article.php?yyyy=2011&mm=05&dd=08&nav_id=74223).

84 Vesti online, Dačić: Oštrijom kontrolom protiv lažnih azilanata, 14.12.11, <http://www.vesti-online.com/Vesti/Srbija/187334/Dacic-Ostrijom-kontrolom-protiv-laznih-azilanata>

“We have told the people that they will not be accepted for the economic asylum they are looking for ... they will face serious material consequences, if they go there and apply for asylum. They will be returned at their own costs to the place where they came from.”

*Vitomir Mihajlović, President of National Council of Romany national minority*

The representatives of these communities, in particular, the Roma, have been involved in the public information campaign. In October 2010, the Serbian National Council of the Roma declared, following a meeting with the Belgian Secretary of State, Melchior Wathelet, that “every attempt to seek asylum ... will be severely punished and [the individual] will be quickly returned.”<sup>85</sup> In May 2011, his president, Vitomir Mihajlović declared in an interview with the Serbian TV channel, RTS, that his office would use all its channels to inform the Roma that they would not be granted asylum abroad, but would have to face material consequences and be returned at their own costs.<sup>86</sup>

## Forced returns

Following the conclusion of the EC readmission agreement, Serbia signed protocols “on the implementation of the Agreement between the European Community and the Republic of Serbia on readmission of people residing without authorization in an EU member state” with several EU member states. By the end of 2011, such agreements with twelve EU member states had been signed, and the conclusion with some 10 other EU member states were still pending.<sup>87</sup> In addition, Serbia also signed further bilateral readmission

85 Politika online; Savet Roma: Svaki pokušaj traženja azila biće strogo kažnjen, 28.10.10, <http://www.politika.rs/vesti/najnovije-vesti/Savet-Roma-Svaki-pokusaj-trazenja-azila-bice-strogo-kaznjen.lt.html>

86 RTS, Manje siromašnih, manje i azilanata, 12.05.11, <http://www.rts.rs/page/stories/sr/story/125/Dru%C5%A1tvo/890382/Manje+siroma%C5%A1nih,+manje+i+azilanata.html>

87 Commissariat for Refugees of the Republic of Serbia: Email reply to a request from *Chachipe*, 8 June 2011. The list includes Austria, Bulgaria, Estonia, France, Germany, Great Britain, Hungary, Italy, Malta, Slovakia, Slovenia, and Romania. In May 2012, the signature of an implementation protocol with the Benelux countries was still pending (Secrétariat général du Benelux: Le Benelux informe le Monténégro, 31.05.12, <http://www.benelux.int/fr/sg/actualiteit.asp?ID=354>).

agreements with neighbouring countries<sup>88</sup> as well as with Bulgaria<sup>89</sup> Romania<sup>90</sup> and Malta.<sup>91</sup>

On the occasion of signing the implementation protocol by Germany, the Serbian Minister of Interior explained that the protocol called for the immediate deportation of illegal migrants from Germany to Serbia, and that its purpose was also to reduce their number.<sup>92</sup>

The European Commission noted that the Serbian Minister of Interior “gave assurances to all EU Member States that it could accommodate all requests for readmission of new biometric passport holders from Serbia within 48 hours”. The European Commission noted that this was “much faster than the legally required period.”<sup>93</sup>

According to the Serbian Minister of Interior, approximately 4,000 persons had been forcibly returned to Serbia in 2010.<sup>94</sup> According to a report submitted to the EU Commission, 3,520 Serbian citizens were forcibly returned to Serbia, in the period from 1 January to 1 September 2011.<sup>95</sup> On 21 December 2011, the Head of the Serbian border police, Nenad Banović, said that 3,222 out of 3,878 asylum seekers had been returned to Serbia, by November 1.<sup>96</sup>

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88 On 29 April 2010, Serbia signed a bilateral readmission agreement with Albania; on 4 October 2010, with Macedonia. (SETimes, Albanija i Srbija potpisale sporazum o readmisiji, 1.05.10, [http://www.setimes.com/cocoon/setimes/xhtml/sr\\_Latn/features/setimes/newsbriefs/2011/05/01/nb-04](http://www.setimes.com/cocoon/setimes/xhtml/sr_Latn/features/setimes/newsbriefs/2011/05/01/nb-04); RTV, Sporazum o readmisiji sa Makedonijom, 4.10.10, <http://www.naslovi.net/2010-10-04/rtv/sporazum-o-readmisiji-sa-makedonijom/2021685>).

89 Tanjug, Srbija i Bugarska potpisale sporazum o readmisiji, 16.09.11, <http://www.blic.rs/Vesti/Politika/277430/Srbija-i-Bugarska-potpisale-sporazum-o-readmisiji>

90 Tanjug, Serbia, Romania sign agreement on readmission, 9.06.11, [http://www.b92.net/eng/news/politics-article.php?yyyy=2011&mm=06&dd=09&nav\\_id=74822](http://www.b92.net/eng/news/politics-article.php?yyyy=2011&mm=06&dd=09&nav_id=74822)

91 Tanjug, Dačić i Borg potpisali protokol o readmisiji, 2.07.10, [http://www.pressonline.rs/sr/vesti/vesti\\_dana/story/124058/Da%C4%8Di%C4%87+i+Borg+potpisali+Protokol+o+readmisiji.html](http://www.pressonline.rs/sr/vesti/vesti_dana/story/124058/Da%C4%8Di%C4%87+i+Borg+potpisali+Protokol+o+readmisiji.html)

92 B92, Serbia and Germany ink readmission protocol, 30.03.11, [http://www.b92.net/eng/news/politics-article.php?yyyy=2011&mm=03&dd=30&nav\\_id=73510](http://www.b92.net/eng/news/politics-article.php?yyyy=2011&mm=03&dd=30&nav_id=73510)

93 European Commission, Commission staff working paper: Report on the post-visa liberalisation monitoring for the Western Balkan countries in accordance with the Commission Statement of 8 November 2010, SEC 2011 (695) final, 30.05.11, p. 16, <http://register.consilium.europa.eu/pdf/en/11/st10/st10997.en11.pdf>

94 BETA, Dačić: Visa liberalisation is not in jeopardy, 23.02.11, <http://77.46.136.66/vid-eoDet-e.aspx?galID=40879>

95 Report on measures taken and planned by the Commission for monitoring the visa free regime of travel with EU aimed at reducing the number of asylum seekers, October 2011, courtesy translation provided by the Serbian government.

96 Government of the Republic of Serbia, Srbiji ne preti opasnost od ukidanja vizne liberalizacije, 21.12.11, <http://www.srbija.gov.rs/vesti/vest.php?id=165038>



“We will introduce records, since these are mostly people who go from country to country requesting asylum. To avoid being included on the list, most asylum seekers give up on their request a couple of days before the bringing of the decision”

*Ivica Dačić, Deputy Prime Minister and Minister of Interior*

On 20 April 2012, an assistant to the Government Office for Refugees told Serbian media, that 548 people had already been deported back to Serbia since the beginning of the year.<sup>97</sup> The returnees are mostly Roma, but also Serbs and members of other ethnic minorities.<sup>98</sup> The Serbian newspaper *Novosti* wrote, that many of those, who are forcibly returned to Serbia, leave again after some while “in the search for bread”.<sup>99</sup>

Representatives of the Serbian government have repeatedly requested European governments to communicate the names of asylum seekers, a request which was rebuked over data-protection concerns.<sup>100</sup>

In May 2011, the Serbian Minister of Interior Ivica Dačić announced that the Serbian authorities would create a data base with the data of those who would be returned to Serbia in the context of a readmission agreement. He explained the relevance of this step by the fact that the asylum seekers “are mostly people who go from country to country requesting asylum. To avoid being included on the list, most asylum seekers give up on their request a couple of days before the bringing of the decision”.<sup>101</sup> Figures provided by EUROSTAT show that almost one in five asylum applications filed by Serbian citizens was withdrawn before a decision.<sup>102</sup>

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97 MRS, Zbrinjavanje povratnika u postupku readmisije, 20.04.12, <http://glassrbije.org/%C4%8Dlanak/zbrinjavanje-povratnika-u-postupku-readmisije>

98 According to the Government Office for Refugees, 1,606 Serbian citizens were forcibly returned to Serbia in 2011, mostly from Germany (685) and Sweden (549), followed by Switzerland (165), Belgium (58), and Denmark (54). Of these 1,249 declared themselves as Roma 207 as Serbs, 48 as Muslims and 41 as Albanians. (ibid.)

99 *Novosti*, Readmisija: U Srbiju vraćeno 9.000 ljudi, 19.10.11, <http://www.novosti.rs/vesti/naslovna/aktuelno.69.html:349961-Readmisija-U-Srbiju-vraceno-9000-ljudi>

100 B92, Đelić: Potrebni podaci o azilantima, 7.05.11, [http://www.b92.net/info/vesti/index.php?yyyy=2011&mm=05&dd=07&nav\\_category=11&nav\\_id=510708](http://www.b92.net/info/vesti/index.php?yyyy=2011&mm=05&dd=07&nav_category=11&nav_id=510708)

101 B92, MUP to create database on asylum seekers, 11.05.11, [http://www.b92.net/eng/news/politics-article.php?yyyy=2011&mm=05&dd=11&nav\\_id=74280](http://www.b92.net/eng/news/politics-article.php?yyyy=2011&mm=05&dd=11&nav_id=74280)

102 For 3,475 applicants in 2009, 985 applications were withdrawn; for 15,420 applicants 2,285 withdrawals in 2010; and for 11,520 applicants 2,146 withdrawals in 2011. Own calculations based on EUROSTAT data.

Persons, who are returned to Serbia via the Belgrade airport, are registered by the readmission office at the airport. According to a local officer in charge of readmission, forced returnees are afraid to ask for assistance for fear of sanctions.<sup>103</sup>

Members of the Serbian government have also asked EU member states to issue travel bans to failed asylum seekers and returned migrants. On the occasion of a meeting of the so-called Salzburg Forum, the Deputy Prime Minister and Minister of Interior, Ivica Dačić, said that bogus asylum seekers would not go to countries where they run the risk of a temporary or permanent entry ban.<sup>104</sup>

In a speech before the Foreign Affairs Committee of the European Parliament, Deputy Prime Minister for European Integration, Božidar Đelić, also said that Serbia would welcome the envisaged changes of the Schengen rules and the “return directive”.<sup>105</sup> In April 2012, the Ministry of Interior made broad announcements of the adoption, by Sweden, of the EU returns directive, under which forced returnees risk an entry ban of one to five years.<sup>106</sup>

30 June 2012

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103 BETA, Za tri meseca u Vranju registrovano 106 vraćenih azilanata, 13.05.11, <http://www.blic.rs/Vesti/Drustvo/253540/Za-tri-meseca-u-Vranju-registrovano-106-vracenih-azilanata>

104 BETA, Dačić: EU da zabrani ponovni ulazak lažnih azilanata, 16.11.11, <http://www.vesti-online.com/Vesti/Srbija/180089/Dacic-EU-da-zabrani-ponovni-ulazak-laznih-azilanata>

105 Directive 2008/115/EC of the European Parliament and Council on common standards and procedures in Member States for returning illegally staying third-country nationals, also return directive sets out common standards and procedures for the return of third-country nationals who are staying on the territory of the European Union without an authorisation. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:348:0098:0107:EN:PDF>

106 Telegraf, Švedska od 1. maja vraća odbijene azilante iz Srbije, 19.04.12, <http://www.telegraf.rs/vesti/172321-svedska-od-1-maja-vraca-odbijene-azilante-iz-srbije>; FoNet, Švedska vraća azilante u Srbiju, 19.04.12, <http://www.blic.rs/Vesti/Drustvo/318100/Svedska-vraca-azilante-u-Srbiju>; BETA, MUP: Švedska od 1. maja primenjuje direktivu o azilantima, 19.04.12, [http://www.pressonline.rs/sr/vesti/vesti\\_dana/story/215598/MUP%3A+%C5%A0vedska+od+1.+maja+primenjuje+direktivu+o+azilantima.html](http://www.pressonline.rs/sr/vesti/vesti_dana/story/215598/MUP%3A+%C5%A0vedska+od+1.+maja+primenjuje+direktivu+o+azilantima.html)



## BIOGRAPHIES

**Chachipe a.s.b.l.** is a non-governmental Roma rights organization seated in Luxembourg. It was founded at the beginning of 2008 on the basis of an informative website on the situation of Roma in Kosovo. Chachipe deals mainly with Roma issues in the Balkans and former Yugoslavia, questions of asylum and migration, but also engages in the struggle against antiziganism. The organization works on the level of European institutions, informing about Roma rights violations in Europe and advocating for Roma rights protection. <http://romarights.wordpress.com>

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