

IRREGULAR CAN BE REGULAR

Migration from southern Serbia

Group 484
Nexus



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Issuer: Vladimir Petronijević

Authors: Danilo Rakić, Miroslava Jelačić, Siniša Volarević, Tanja Pavlov, Vladimir Petronijević

Proofreading (Serbian): Group 484

Translation (English): Nataša Grba Singh

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INTRODUCTION

After the abolition of visa requirements for travel to EU countries, many citizens of Serbia used the freedom of travel to file asylum claims, trying to solve their economic problems. Such a migration is interpreted by Western countries as an abuse of the asylum system and Serbia has been warned that the decision on visa-free regime will be re-examined unless the number of asylum seekers is reduced. Both Serbia and the European Union have taken some administrative measures, but the complexity of migration flows and the intricate causes that motivate people to migrate, emphasise the need to address this issue in a differentiated and manifold way in order to harmonise the needs of people in migration with the possibilities for leading real migration policy in both Serbia and the EU.

The purpose of this project was to identify factors that would contribute to the development of legal labour migration compared to the current situation where a part of the population from southern Serbia are included in irregular, or at least undesirable, migration flows, using the asylum system in Western countries.

The selection of Vranje, Bujanovac and Presevo is based on the results of the migration potential study of the PBILD Programme 2010¹, as well as on the fact that most asylum seekers in Western Europe come from southern Serbia. The study shows large differences in these three towns in terms of motivation to leave - in Presevo, out of 34% of respondents who are thinking about leaving, 79% would go abroad, in Bujanovac out of 28% of those who are thinking about leaving 57% would go abroad, while in Vranje only 15% of respondents are thinking about leaving, of which 50% would go abroad. These differences are explained by the socio-economic conditions and ethnic composition. The comparison of motives for migration of the inhabitants of these three towns contributes to a better understanding of the migratory process and its characteristics in Serbia.

The project team members held 10 focus groups in the three towns, with: asylum seekers in Western countries after the visa regime abolition, asylum seekers during the nineties and after 2000 during the time of visa requirements for travel to the EU, as well as with representatives of institutions of state administration, local government and civil society in these three municipalities. One focus group was held with people who had legally secured their permanent or temporary residence in the countries of Western Europe, and who then returned to Serbia.

1 PBILD, Migration. Inclusive Social development, PBILD is a joint UN programme in southern Serbia implemented by six UN agencies, December 2010.

The document provides an overview of national measures and policies related to the prevention of irregular migration, the policies of the EU and certain member states that regulate migration, particularly in the context of labour migration and the rights of asylum seekers as a primary factor in attracting migrants. The document also provides an overview of the socio-economic situation in southern Serbia as the main motivation for migration.

The assumption is that the regulation of the legal labour migration issue may be a response to unemployment and poverty, instead of the existing administrative and restrictive measures for suppressing the trend of asylum related migration. For that purpose, we have offered recommendations for the creation of adequate measures to improve the migration policies of Serbia at the national, local level and EU level, especially in the area of temporary/seasonal jobs that for the most part can absorb the current informal and unwanted migration of the poor and unskilled labour force from southern Serbia.

1. DATA AND ESTIMATES OF THE NUMBER OF ASYLUM SEEKERS BEFORE AND AFTER THE VISA REGIME ABOLITION FOR TRAVEL TO THE EU

According to an estimate of the Commissariat for Refugees of Serbia, in cooperation with the Ministry of Interior (MoI), some 40,000 of Serbian citizens who have lost their right to continue residing in EU countries have returned to Serbia. The majority of returnees are ethnic Roma, followed by Serbs, Bosniaks and Albanians. According to MoI data, 28,000 requests were sent in the period 2003 – 2009 for the return of Serbian citizens who did not meet the requirements for staying in the EU.² A large number of Serbian citizens received temporary protection in Western countries because of wars in the 90's of the last century in the former Yugoslavia. Even after the democratic changes in October 2000 Serbia remained in the top of the world by the number of asylum seekers. According to the UNHCR statistics, by the number of filed requests, in 2005 Serbia and Montenegro was in the first place in the world with 21,927 lodged asylum applications, and following year, 2006, was fourth with 15,400 requests.³ The reason for a much higher number of registered asylum seekers than returnees is the fact that in order to avoid difficulties resulting from forced return, governments of Western countries offer rejected asylum seekers, or people who have their temporary protection terminated, to return "voluntarily". There are usually no records as to when they left a western country and entered Serbia.⁴ In the period 2000 – 2009, 13,000 returnees from Western countries used the assistance of the International Organization for Migration (IOM)⁵. 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. There are also 13.45% of registered returnees who stayed in Germany for 20 to 28 years. According to the IOM, the most common places of return, in the period 2000-2005, were Belgrade, 17.00%, Novi Pazar, 5.54%, Tutin, 5.30%, Surdulica, 4.99%, Niš, 4.88%, Zrenjanin 4.35%, Leskovac 4.35%, Vranje, 4.35%, Sjenica, 2.79%, Prijepolje 2.69%.⁶

2 Group 484, *Challenges of Forced Migration in Serbia*, June 2011, pg 70

3 UNHCR, *Asylum Levels and Trends in Industrialized Countries*. Before the recognition of Kosovo independence, western countries had kept joint records for Serbia and Kosovo.

4 Readmission agreements are related to people who should be forcibly returned and formally do not include people who have returned "voluntarily" or those who have obeyed the request of Western governments to leave the country in order to avoid being returned with the police intervention.

5 Group 484, *Challenges of Forced Migration in Serbia*, June 2011, pg 70

6 IOM, GARP, Government Assisted Repatriation Programme of the Republic of Germany, REAG, Reintegration and Emigration Programme for Asylum Seekers in Germany - Program to provide financial assistance to refugees, January 2005. In the period 200-2009,

After the abolition of visa requirements for travel to the EU, according to the UNHCR, with 28,900 lodged asylum applications, Serbia (including Kosovo)⁷ was the first in the world in 2010.⁸ The Eurostat statistical report for 27 countries of the European Union puts Serbia (excluding Kosovo) on the third place by the number of asylum applications (17,715) after citizens of Afghanistan and Russia.⁹ According to the Ministry of Human and Minority Rights¹⁰ of that time, during 2010 about 1,600 citizens of Serbia were returned through "Nikola Tesla" Airport, of which 70% were people who sought asylum after the introduction of visa-free regime with the EU¹¹. The largest number of rejected asylum seekers was returned by bus and there is no exact record of their numbers.¹² According to the Commissariat for Refugees, in charge of the Readmission Office at the airport, from January to October 2011 1315 citizens of Serbia were returned by regular or charter flights. Of these, 1,023 declared as Roma, 164 as Serbs, 42 as Muslims, 34 as Albanians, 19 as Ashkali, 13 as Bosniaks, 6 as Yugoslavs, one as Croat and one as Hungarian. 12 of them used their right and did not want to state their ethnic origin. The most common places of return of people who have been deported through "Nikola Tesla" Airport are Belgrade (192 returnees), Vranje (102), Leskovac (70), Vršac (63), Smederevo (58), Niš (54), Preševo (33) and Bujanovac (33)¹³. Based on data from the requests of Western countries after the visa regime abolition¹⁴, according to the places of origin, in 2010 most asylum seekers were from southern Serbia - the territory of Vranje and neighbouring municipalities – followed by Belgrade, Pančevo, Zrenjanin and Leskovac.

13,000 beneficiaries in Western countries used the assistance of the International Organization for Migration (IOM) - one-time financial support for "voluntary" returnees. If, however, they do not accept "voluntary return", people are forcibly deported, with the police assistance, on the basis of readmission agreements. The term "voluntary" has been gradually replaced with "mandatory", referring to the situation when a person returns in order to avoid forced deportation.

7 The statistical yearbook UNHCR *Asylum Levels and Trends in Industrialized Countries*, does not provide the total number of asylum seekers from Serbia and Kosovo separately.

8 UNHCR, *Asylum Levels and Trends in Industrialized Countries 2010*, March 2011. (the data are related to asylum applicants in 44 countries)

9 Eurostat, *The number of asylum applicants registered in the EU27*, March 2011 (Statistical Office of the European Commission)

10 After the reconstruction of the Serbian Government (March 2011), the Ministry of Human and Minority Rights ceased to exist. It was merged with the Ministry of Public Administration and Local Self-Government, and the full name of the ministry is the Ministry of Human and Minority Rights, Public Administration and Local Self-Government.

11 Group 484, *Challenges of Forced Migration in Serbia*, June 2011, pg 61

12 *Ibid.*

13 Commissariat for Refugees of RS, "Nikola Tesla" Readmission Office, Report for January – October 2011.

14 Assistant Head of the Administrative Affairs of RS MoI Zorica Đokić-Milosavljević, Group 484 press conference, presenting the project about assistance to returnees, February 2, 2011



2. NATIONAL POLICY FOR THE PREVENTION OF IRREGULAR MIGRATION

2.1 Asylum seekers after the visa regime abolition for travel to the EU

Since November 30, 2009, when the EU Council of Ministers passed a decision to abolish visas for citizens of Serbia, Montenegro and Macedonia for the EU Member States, many citizens of Serbia have exercised their right to visa-free travel to file asylum claims. The most common destinations of Serbian citizens who have applied for asylum in the EU are Germany, Sweden, Belgium and Luxembourg.

Applying for asylum, motivated primarily by economic reasons, is interpreted as a misuse of the asylum system. Unlike the turbulent nineties of the last century there are no more reasons for the EU member states to provide mass shelter to citizens of Serbia and thus the claims are generally dismissed as unfounded, and asylum seekers are returned to Serbia. In most cases, asylum seekers are Roma and Albanians from southern Serbia. The return of people who have been terminated temporary protection gained during the conflicts in the former Yugoslavia is also underway.

After the warning from the EU about the reduction of the number of asylum seekers, the Serbian authorities have taken certain measures. There was a decrease in the number of asylum seekers in the first half of 2011, but in September their number began to grow again, which is also stated in the Analytical Report of the European Commission on Serbia, an accompanying document of the European Commission on Serbia's candidacy for EU membership, published on October 12, 2011. The EC report states that, after the "decisive measures" of the Serbian authorities, which included a campaign to increase public awareness, investigation into the illegal change of residence of people from Kosovo with the help of corrupt officials, and increased border control, the number of Serbian citizens who had unfoundedly sought asylum in EU countries decreased by September 2011, but then increased again. "There are ongoing efforts to resolve the issue", the report states, reminding that the EU has established a monitoring mechanism to prevent abuse of the visa-free regime.¹⁵

15 European Commission, SEC(2011) 1208, Analytical Report accompanying the document, Communication from the Commission to the European Parliament and the Council, Commission Opinion on Serbia's application for membership of the European Union {COM(2011) 668}, October 2011. "The number of Serbian citizens seeking political asylum in Germany in September was clearly increased compared to previous months. While in June and July, 91/82 Serbian citizens sought asylum in Germany, in September, according to the Federal Ministry of Internal Affairs in Berlin, the number was 137. From January to August 2011, 1,913 people from Serbia sought asylum in Germany. More asylum seekers were from Afghanistan (5,424), Iraq (3,955) and Iran (1,978)." (EurActiv, EU concerned about rise in the

In March 2011, the Government of the Republic of Serbia established a Committee, an interdepartmental body, for monitoring the visa free regime with the EU with the aim to propose measures to reduce the number of asylum seekers.¹⁶ In response to the EU request to adopt measures to reduce the number of asylum seekers, in June 2011 the Government of Serbia adopted the Regulation on competences of border police in order to “prevent abuse of visa-free regime of the European Union towards the Republic of Serbia”.¹⁷ The Regulation provides for the possibility of prohibiting citizens of Serbia to leave the country, unless they can justify the reason for their travel, which means that now Serbia applies the Schengen Convention as an EU border guard.¹⁸ At RS border crossings, members of the Border Police of the Serbian MoI may ask from travellers for “evidence of sufficient funds, calls or confirmation regarding the purpose of the journey, foreseen by legislation of the European Union and its Member States”, as is literally stated in the Regulation, all “for the protection Republic of Serbia and its citizens”. Here in an administrative manner, something that stems from the overall difficult position of Roma in Serbia is tried to be solved.¹⁹

Upon the proposal of the European Commission, in June 2011 in addition to special monitoring mechanism of visa liberalisation for the Western Balkans, the European Council adopted the “security regulation” for “extraordinary circumstances” under which visa-free travel to any country may be temporarily suspended for several months in case the number of citizens who abuse the regime has increased, or if the security of member states is threatened. The European Union will temporary re-introduce visas for a country of the Western Balkans if in a period of six months the influx of “false asylum seekers” or illegal immi-

number of false asylum seekers, September 26, 2011)

16 *Official Gazette of RS*, No: 014/11. Members of the Commission are representatives of the MoI, the Deputy Prime Minister for European Integration, Ministry of Justice, Ministry of Foreign Affairs, Ministry of Finance, Ministry of Labour and Social Policy and Ministry of Human and Minority Rights, Public Administration and Local Self-Government.

17 Regulation on the Specific Competences of Police Officers and Border Police and Duties of Persons crossing the State Border, *Official Gazette of RS*, No. 05: 110-4226/2011-001

18 EUobserver (op-ed), Gerald Knaus and Alexandra Stiglmeier, Balkan asylum seekers and the spectre of European hypocrisy, 4 October 2011, <http://euobserver.com/7/113807>

19 Other countries of Central and Eastern Europe with large Roma population have been faced with the issue of asylum seekers, after the visa regime abolition. The Human Rights Commissioner of the Council of Europe, Alvaro Gil Robles in the report from 2005 said that Romania and Bulgaria had adopted legislation that criminalises their citizens by confiscating their passports for illegal stay in the EU countries. In addition to being in contract with Article 2 Protocol 4 of the European Convention on Human Rights, which from the standpoint of freedom of movement guaranteed the right to leave the country, these legal provisions lead to a possible double punishment for illegally entering the country in the EU and countries of origin. (COE Preliminary Report Commissioner for Human Rights CommDH (2005) 4). With the entry of many countries with large Roma populations in the EU (as is the case with Hungary, Czech Republic, Slovakia, Romania and Bulgaria), the problem of the right to leave the country for their Roma citizens has ceased to exist. However, the reaction of mainly French authorities to the inflow of Roma from new EU member states has again highlighted the issue of Roma as a European problem.

grants from that country in the EU's Schengen area is increased by 50%.²⁰ On one hand, the EU and its member states warn the countries that the visa-free travel will be suspended if they do not reduce the number of asylum seekers, and on the other insist on principles of human rights respect, including freedom of movement and the right to file asylum claims, as the fundamental values that underpin the EU.

Furthermore, Western countries expect from the Serbian authorities to launch an information campaign among its citizens that the EU asylum system must not be misused and used as a back door for irregular migration. The Action Plan of the Government of RS for accelerating the candidate country status states that the MoI has started sharing leaflets at border crossings to prevent citizens to file asylum claims.²¹ Meanwhile, posters are placed at border crossings in order to deter people from filing asylum claims and warn them about consequences in terms of prohibition of entry into the EU.²²

However, the necessity of solving the problem of illegal migration, in terms that the issue of asylum seekers and migration management cannot be solved only by administrative measures, has been recognised at the EU and national level, in the form of efforts to define an approach that requires inter-sectoral and international cooperation.

2.2 Returnees from Western Europe before the visa regime abolition

Visa facilitations, followed by the complete abolition of visas for travel to EU countries were preceded by the signing of readmission agreements, as a precondition for cooperation in this matter. In addition to 15 agreements with 17 countries, on September 18, 2007 Serbia signed a single readmission agreement with the EU.²³ The Agreement came into force on January 1, 2008 and regulates the readmission relations of citizens of Serbia who are not eligible to stay in the EU. "The text of the single Readmission Agreement between Serbia and the EU contains the joint statement of signatory parties to work on reintegration of returnees. That statement, however, according to representatives of Serbia, has remained only declarative."²⁴

20 Proposal for a Regulation of the European Parliament and the Council amending Council Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement, COM(2011) 290 final 2011/0138 (COD), Brussels, 24.5.2011, written in: Euractiv, EU concerned about the rise in the number of false asylum seekers, September 26, 2011.

21 The Government of the RS, *the Action Plan for fulfilment of recommendations of the European Commission's annual report for 2010 to accelerate the acquisition of the candidate country status*, December 2010.

22 As for the information campaign, an appropriate remark was that "if the real motivation is not to gain asylum but to benefit through the procedure, people will continue to file claims." (EUobserver (op-ed), Gerald Knaus and Alexandra Stiglmeier, *Balkan asylum seekers and the spectre of European hypocrisy*, 4 October 2011, <http://euobserver.com/7/113807>)

23 *Official Gazette of RS – International Agreements*, No. 103/07

24 Group 484, *Challenges of Forced Migration in Serbia*, June 2011. pg. 68

The Strategy for Combating Illegal Migration for the period 2009-2014,²⁵ among other things, states that along with the implementation of the Strategy for Reintegration of Returnees (see below) "it should be more explicitly insisted on the necessity for more intense financial and economic participation of EU countries in the process of social and economic reintegration of returnees".

In February 2006, the Readmission Office was opened at Belgrade airport within then Ministry of Human and Minority Rights of Serbia and Montenegro for primary reception of returnees and information assistance. The Commissariat for Refugees of RS has now the jurisdiction over the Office, as well as over other three centres for emergency reception of returnees in Bačka Palanka, Šabac and Zaječar. Moreover, trustees for refugees in municipalities and towns in Serbia are involved in the work with returnees. A leaflet and handbook for returnees were printed, as well as a handbook for representatives of state administration and local government related to treatment of returnees, first in 2007 and 2009, published by the Ministry of Human and Minority Rights, and in 2011, published by the Council for Integration of Returnees.

In introducing measure of affirmative action towards returnees, there were some members of the public administration who expressed dissatisfaction or concern because the state allegedly wanted to create a privileged category over local vulnerable population.²⁶ The state had to explain that the handbook did not foresee giving special status to returnees, and accordingly access to certain rights, such was the case with refugees from Croatia and Bosnia and internally displaced persons from Kosovo. It was necessary to emphasise that the activities were carried out primarily to identify the problems of returnees and find specific solutions.

For example, less Roma children in the regular school system due to going abroad has been identified. In fact, during the school year, parents often go abroad and take their children with them. However, they do not officially withdraw them from school and thus these children are officially enrolled, but do not attend school. When they return, they are allowed to take the necessary exams and continue regular schooling, which could be interpreted as a flexible policy aimed at Roma inclusion in the education system.

At present, less readmission returnees return to Serbia, i.e. those who had gone to Western European countries before the introduction of the visa-free regime and who spent a long time, sometimes more than ten years in European countries, usually enjoying some form of temporary protection. Increasingly more present among returnees are those who filed asylum claims after the introduction of the visa-free regime and who did not stay more than three or four months in the country they had lodged their claims, or even much shorter, in fact, only during the asylum procedure. As already mentioned, in 2010, according to official data, the returnees who had sought asylum before the introduction of the visa-free regime were represented by only about

25 Official Gazette of RS, No. 55/05, 71/05 – correction, 101/07 and 65/08)

26 Training sessions within the project "Raising Awareness of Local Institutions in Serbia and Individuals/Returnees on Solving the Problems of Returnees", led by the Department of Human and Minority Right of Serbia and UNDP in 2007 and 2008.

30% of the total number of returns for that year. This fact introduces important changes in the process of readmission of Serbian citizens and needs to be taken into account in the context of planning and implementation of support measures for reintegration of returnees. It is obvious that people who are returning after, for example, ten years of living in a Western European or North European country are - practically and psychologically - in a completely different situation than people who were absent from their residence in Serbia for a relatively short time - several weeks or several months. In the latter case we actually cannot talk about the process of reintegration although the issue of social inclusion of these people should be emphasised and it should be insisted on the support measures in the field of social inclusion.

It is necessary, however, to clearly recognise that returnees under readmission agreements fully share a large part of the support needs with local Roma communities - the characteristics of their social exclusion are the same and their support needs are the same. Only when it comes to families who are returning after years spent in Western Europe, often with children who were born there, there are very specific, different problems and the need for special measures of support: for example, with respect to validation of certificates, learning Serbian, engaging in a much different education system. Moreover, some problems with these returnees can be more pronounced, for example, regarding the access to social services and health care. Therefore, it is still very important to identify all those returnees who come with such problems - which are included in the real process of reintegration - and then to direct the state support measures at solving these problems with utmost priority.

In addition, it is now very important to take into account the fact that a large number of returnees have lived in Serbia for more than a few years and that their support needs have probably greatly changed. In fact, it is necessary to ask a question of efficiency of the existing support measures - which support needs have been met and problems resolved, and what have remained unresolved and unfinished. After years spent in Serbia, have the returnees been reintegrated into local (Roma) communities and have their problems been completely equalled with the problems of local population, or has a burden of readmission or reintegration still remained? Turning a blind eye to these issues undoubtedly increases the risk of secondary and irregular migration towards the EU countries.

2.2.1 Programmes, strategies and action plans related to returnees

In October 2008, the Government of the Republic of Serbia adopted the National Programme for Integration of the Republic of Serbia into the European Union.²⁷ This document presents a plan of action to achieve the criteria necessary for Serbia to become an EU member. Exactly the issue of migration management has become particularly important in the process of European integration. The National Programme, in its part related to migration management, stipulates that the Republic of Serbia is determined to be a part of the European policy and migration flows management in this segment. The Coordination Body for Migration Monitoring and Management was established

27 <http://www.seio.gov.rs/dokumenta/nacionalna-dokumenta.203.html>

by the Serbian Government decision of 2009²⁸. The Commissariat for Refugees coordinated the development of the Migration Management Strategy²⁹, and the Government of Serbia adopted the Action Plan for its implementation³⁰, including establishing mechanisms for consistent migration monitoring, the creation of institutional and legal framework for migration management on the basis of mutual cooperation of all stakeholders, and the protection of rights of migrants from Serbia and in Serbia. Moreover, a draft Law on Migration Management³¹ has been developed, governing migration management, principles, the body responsible for migration management, competencies and a single system of gathering and exchanging data and information in the field of migration management.³² The Commissariat for Refugees is to be transformed into the Commissariat for Migration. Among other responsibilities, the draft Law stipulates the jurisdiction of the Commissariat for Migration to provide temporary accommodation for persons who are considered returnees under readmission agreements. On February 13, 2009, the Serbian Government adopted the Strategy for Reintegration of Returnees under Readmission Agreements³³ and the Action Plan for the Implementation of the Strategy for Reintegration of Returnees in 2011 and 2012.³⁴ The team for the Strategy implementation has been formed, as well as the expert and coordination body that ensures the implementation of strategic objectives and informs the Council for the Integration of Returnees, as an inter-ministerial body.³⁵ According to the Strategy and Action Plan a key role in the operational implementation of these documents is given to the Commissariat for Refugees. Priorities have been identified for several areas: issuance of personal documents, addressing housing issues, creating employment opportunities and facilitating access to other rights such as the right to health care, education, social and family legal protection, etc. Although the projections of resources needed to implement the action plan have been provided, it is uncertain whether they will be provided and from which sources, as well as how the Action Plan will be implemented.

Since the majority of asylum seekers are Roma, the issue of returnees has also been included in the Strategy for the Improvement of the Position of Roma³⁶. Furthermore, within the Ministry of Human and Minority Rights, Public Administration and Local Self-Government, the creation of the action plan for its implementation for the period 2012-2014 is currently underway. The National Employment Strategy for the

28 *Official Gazette of RS*, No. 13/09; Decision on amending the Decision on the Establishment of the Coordination Body for Migration Monitoring and Management, *Official Gazette of RS*, 64/2011.

29 *Official Gazette of RS*, No. 59/09

30 *Official Gazette of RS*, No. 37/11

31 http://www.kirs.gov.rs//docs/Zakon_o_upravljanju_migracijama_radni%20tekst.pdf

32 Article 1 of the draft Law on Migration Management

33 *Official Gazette of RS*, No. 15/09

34 *Official Gazette of RS*, 05 No. 019-7378

35 Council is chaired by the Deputy Prime Minister responsible for social issues. The Council consists of representatives of the Ministries of Education, Health, Labour and Social Affairs, Interior, Commissariat for Refugees, Human and Minority Rights, Administration and Local Self-Government.

36 *Official Gazette of RS* 27/09

Period 2011-2010³⁷ stipulates that the specially designed programmes and measures of active employment policy should be directed towards returnees under readmission agreements, as well as towards refugees and displaced persons. When it comes to returnees, the Strategy states that their social inclusion requires “engagements and activities aimed at raising the employability of returnees, including Roma, who often do not speak Serbian and require special economic empowerment. As an effective measure for their employment, the promotion of social entrepreneurship is foreseen”. However, returnees are not mentioned in the indicators for monitoring the strategy implementation.

The fact that the issue of returnees is present in a number of strategies and related action plans proves that the issue of integration of these people and the prevention of secondary migration is a complex problem that requires coordinated activities and interagency cooperation. Another question is whether during the creation of these strategies and action plans the objectives and activities are harmonised in order to avoid overlaps in budget projections.

A big problem in any creation of measures for managing migration policy is the lack of official data and the lack of a system for migration monitoring, including labour and seasonal migration. The problem of lack of data on migration movements is identified in the Strategy for Migration Management 2009 and the Strategy for Development of Official Statistics for the Period 2009 - 2012. The development of capacities for collecting and using data for monitoring migration is one of the objectives of the programme financed by the IPA pre-accession EU funds “Capacity Building of Institutions Involved in Migration Management and Reintegration of Returnees in the Republic of Serbia” implemented by the International Organization for Migration (IOM) in close collaboration with the Commissariat for Refugees of RS in the period 2010-2012.

Within the programme Support of National Efforts for the Promotion and Management of Migration, IOM has mapped the existing data on migration and offered a framework for the labour migration strategy in Serbia in the period 2010-2020. The main objectives would be: to create an efficient and result oriented administrative framework for management and monitoring of labour migration; to shape the existing mechanisms for the inclusion of migrants and potential migrants in the labour market of Serbia (this includes returnees from Western Europe and the population in areas with high migration potential, as well as unemployed young people who show the highest readiness to migrate)

2.3 Institutional and legal framework related to the work of Serbian citizens abroad

Despite the lack of formal data, it is obvious that migration flows from Serbia reflect trends related to the efforts to manage migration in the EU. The EU in particular encourages the migration of the highly qualified, while its restrictive measures have significantly limited the access of low-skilled workforce to temporary and seasonal jobs.

37 *Official Gazette of RS*, No. 55/05, 71/05 – correction, 101/07, 65/08 and 16/11

The basis for establishing legal and institutional framework for the protection of our citizens abroad can be found in the legal norms of the highest legal act and the related general regulations relating to the cooperation of Serbia and its diaspora.

The Constitution of the Republic of Serbia³⁸, in Article 13 entitled Protection of citizens and Serbs abroad, stipulates that the Republic of Serbia will protect the rights and interests of its citizens abroad, as well as develop and promote relations of Serbs living abroad with the homeland.

The supportive framework for international migration of our citizens can be also found in the legal norms governing the statutory rights. The Law on Citizenship of RS³⁹ allows dual citizenship and the formation of transnational space for an unobstructed life and professional work in the country of destination and country of origin.

The Law on Employment and Unemployment Insurance⁴⁰ contains provisions which prescribe the procedure for employment of Serbian citizens abroad, as well as the procedure of finding employment abroad of Serbian citizens.⁴¹ The Law on the Protection of Yugoslav Citizens Working Abroad⁴² regulates, among other things, the protection of workers in the process of their employment abroad. Furthermore, Serbia has signed 27 bilateral agreements on social security, which is a prerequisite for regulating social care abroad.⁴³

Serbian citizens work abroad through various forms of engagements: through general contract on employment abroad, bilateral treaties and agreements on detachments (so far only signed with Germany)⁴⁴. In the context of workers' rights all Serbian citizens working abroad should be treated at least equally as domestic workers.

The Ministry of Economy and Regional Development (MERR), as well as the National Employment Service are responsible for hiring unemployed citizens abroad⁴⁵, while the Ministry of Labour and Social Affairs is in charge when it comes to sending employed Serbian nationals to work abroad. MERR is responsible for licensing employ-

38 *Official Gazette of RS*, No. 83/06

39 *Official Gazette of RS*, No. 90/07

40 *Official Gazette of RS*, No. 36/09

41 Law on Employment and Insurance in Case of Unemployment, Articles 95- 100

42 *Official Gazette of SRY*, 24/98 and *Official Gazette of RS*, 101/05 and 36/09

43 Agreements are available on: <http://www.pio.rs/sr/lt/medjunarodni-sporazumi/>

44 Agreement between the Federal Executive Council of the Assembly of the SFRY and the Government of FR Germany on sending Yugoslav workers and employing them in FR Germany on the basis of works contracts (*Official Gazette of SFRY*, No. 11/89). The term detachment means a special form of business cooperation between a company from the territory of a country which, on the basis of the signed contract, executes works with a company from another country. Detachments do not apply individual engagement of workers.

45 Application for Employment of Serbian Citizens Abroad is submitted by the foreign employer to MERR, Department of Employment. In case there is an overlap of the application and an application of a person registered as unemployed in the NES, MERR may require NES to do pre-selection of candidates as well as inform them about the conditions of employment abroad.

ment agencies, which can have the role of mediator in the employment process of Serbian nationals abroad⁴⁶.

SFRY concluded an agreement with Germany on the detachments as a form of war reparations, which is still applied in Serbia as one of the successor countries. The agreement stipulates that during one year, from September to September, a limited number of workers can be sent to work abroad. The average annual quota for Serbia is 2,000. The latest quota was 3,100 and in the period from October to May 2011, the number of workers who left Serbia to work in Germany under this agreement was 1,732.⁴⁷

Serbia has also concluded two agreements on temporary employment with Belarus and Bosnia and Herzegovina, but the agreement with Bosnia and Herzegovina, signed in June 2011, has not yet entered into force. These agreements oblige signatory countries to share information on employment conditions, open position for foreign workers, as well as to arrange annual quotas for employment of foreign workers. The countries are also required to protect the rights of workers who are temporarily employed in the territory of the country without permanent residence, and to ensure that they are not exposed to any type of discrimination. In April 2011, draft agreement was prepared with Russia and identical agreement is expected to be signed with Slovenia. Signing such agreements with other countries will allow greater labour mobility, reduce unemployment and increase the protection of Serbian citizens from exploitation and discrimination abroad.

Through the project Migration for Development in the Western Balkans (MIDWEB) managed by IOM in cooperation with the Regional Initiative on Migration, Asylum and Refugees (MARRI), Germany's Federal Office for Refugees and Migration, and the Vienna Institute for International Economic Studies, the Migration Service Centre (MSC) was established within the National Employment Service (NES), at the Belgrade branch of NES⁴⁸. Migration Service Centre provides information on employment opportunities and study abroad as well as the procedures for obtaining visas, work and residence permits, access to health care and education abroad. However, the sustainability of the Migration Service Centre is questionable since budget funds for its future operation have not been provided after the project was completed. In addition, the database of beneficiaries no longer exists. The main suggestion of beneficiaries is that the migration centre should mediate in job search and undoubtedly its integration in NES would contribute to its sustainability and effects of its work.

46 In 2010 there were 53 licensed agencies with the permit for mediation in employment of our nationals abroad. In 2010, they mediated in employment of 85 Serbian nationals abroad.

47 Source: Ministry of Labour and Social Policy of RS.

48 www.migrantservicecentres.org



3. REVIEW OF EU POLICIES IN THE DOMAIN OF LABOUR MIGRATION

The EU pays particular attention to the regulation of access to employment of various categories of migrants from third countries.⁴⁹ Their reception and access to employment was recognised as a matter of public interest in the Maastricht Treaty, and the process of harmonisation of the EU policy in this area is underway, but with certain scepticism of the Member States. Many EU countries are still reluctant to enter in the process at the EU level in order to employ third country nationals. The European Commission, as a proponent of directives at the EU level, emphasised the positive aspects of such a system, and negative ones it is not accepted.

However, most member countries have incorporated migration into their strategic plans aimed at overcoming the current and future shortages on the labour market, while some of them just have seen the employment of third country nationals as a way to meet the needs for workforce on their labour markets.⁵⁰

The Stockholm Programme, adopted in 2009 by the European Council as a guide for the harmonisation of migration systems recognises that the labour migration can contribute to competitiveness and economic vitality, and that in the context of demographic change, in the future the EU will be faced with a growing need for workforce. Therefore, a flexible migration policy would contribute to long-term economic development of the EU. Although there is a will for regulating economic migration at EU level, the European Commission concludes that significant differences occur in terms of approach and expected results in the member countries. Immigration of highly skilled workers is regulated as an EU *acquis*, while there is no harmonised policy of EU immigration of low-skilled and unskilled workers. In addition, despite the demonstrated need for low-skilled and unskilled workforce, neither at the national level nor in member states there are no clearly specified policies or legislation that introduces a mechanism that would effectively regulate this issue.⁵¹

When it comes to highly skilled workers, the conditions for their reception are set out in the Directive on Highly Skilled Workers (which includes the issuance of “blue card”

49 Strengthening the Global Approach to Migration: Increasing Coordination, Coherence and Synergies, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, October 2008)

50 Satisfying Labour Demand through Migration, European Migration Network, June 2011, pg 4

51 Opening Europe’s doors to unskilled and low skilled workers: A practical Handbook, Bureau of European policy advisers, 2010

for stay and work)⁵². The Directive applies to workers with higher education qualifications (three years of study) or workers with five years of professional experience. As prerequisites for their reception, the following is required: valid employment contract or binding job offer for at least one year, valid passport, health insurance, that the employee does not pose a threat to public order and that the requirement on the minimum wage threshold is met (at least 1.5 average gross annual salaries in the Member State). The validity period of the blue card is between one and four years, with a clearly defined restriction that in the period of the first two years, the access to labour market is limited only to the Member State which issued the "blue card", and after this period there is a possibility of accessing the EU labour market.

Furthermore, at EU level there is an increasing level of attention paid to temporary and circular migration. It is seen as a possible means that could improve the management of migration, compensate for short-term shortages of workforce, meet the emerging needs of the labour market and economy in general, as a means to support development in third countries and prevent the phenomenon of "brain drain".⁵³ Temporary migration refers to migration for the purpose of employment (including seasonal work) as well as the purpose of studying and training. At the policy level of Member States, the policies and measures related to the circular and temporary migration often include a dimension related to the return policy. Furthermore, although there are differences in the concept of temporary and circular migration, very often their regulation is approached in a single manner, within the same policies with the aim of achieving similar goals.

According to the European Commission, circular migration could create an opportunity for people who have permanent residence in third countries to come to the EU to get a temporary job, to study, train and at the end of the period of reception, to renew the place of residence and activities they had in the country of origin.⁵⁴

Of particular importance for the regulation of temporary and circular migration is the EU document Global Approach to Migration⁵⁵, which reflects the external dimension of EU migration policy, and which emphasises the need to intensify cooperation and partnership with third countries on the issue of migration.

The only document that regulates the issue of the reception of seasonal workers at the EU level is the Resolution from 1994 about "restrictions on the admission of third country nationals in Member States for employment". Although not legally binding, this resolution sets the limit of six-month stay within the period of 20 months and excludes the possibility of extension of stay for certain types of employment.

As part of EU efforts to develop the comprehensive approach to regulating migration,

52 Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment

53 Temporary and Circular Migration: empirical evidence, current policy, practice and future options in EU Member States, European Migration Network, September 2011, pg 40

54 Circular Migration: A Triple Win or a Dead End, Piyasiri Wickramasekara, International Labour Office, Bureau for Workers' Activities (ACTRAV). - Geneva: ILO, 2011

55 http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/87642.pdf

the European Commission has formulated a Proposal for a Directive of the European Parliament and of the Council on the conditions of entry and residence of third-country nationals for the purposes of seasonal employment.⁵⁶ The proposed directive should meet the requirements for seasonal workforce that cannot be met within the EU.

As stated in the proposal of the directive, the EU economies are facing the need for seasonal work for which the labour force within the EU will be increasingly less available. According to the assessment, traditional sectors such as agriculture will continue to have an important role in the growing need for unskilled and low skilled labour. In addition to being conceived to provide fair and transparent rules for seasonal engagement of third country nationals, the proposed directive also contains provisions that should prevent temporary stay from becoming a permanent one.

The Directive focuses on poverty eradication and achieving the MDGs, while at the same time it is harmonised with the EU development policy concerning circular migration between the EU and third countries, in a way that workers can come to EU member states and return to their countries with a prospect of again having temporary stay in the EU. The temporary nature of this migration should prevent any potential negative effects in the EU countries and beyond (gray economy and illegal migration), while the positive effects would reflect in the increase of remittances and knowledge and investment transfers.

The Directive should provide minimum binding standards, but at the same time it would provide an opportunity for a flexible approach for member countries in terms of labour market requirements and the existing legislation. The Directive is expected to prevent illegal work in sectors where seasonal jobs are most prevalent, such as agriculture, construction and tourism.

When it comes to external aspects of migration policy, the European Commission recognises that the regulation of the issue of seasonal workers is of great importance for cooperation with third countries and further development of a global approach to migration. The Commission mentions two reasons for such a claim. Firstly, the regulation of that issue would allow the EU to remove barriers to legal immigration of unskilled or low skilled work force, and secondly, it would strengthen the commitment of third countries to combat illegal migration.

The issue of providing residence to labour migrants is still the responsibility of member states; however there is a general principle across all EU countries that the possibility of employment of EU nationals and foreigners with permanent residence in a particular workplace should always be considered priority over a possible engagement of third country nationals.

It should be noted that regulations dealing with other categories of immigrants are in indirect relation to regulations governing labour migration policies and the status of various categories of workers, given that these individuals have the access to the

⁵⁶ Proposal for a Directive of the European Parliament and of the Council on the conditions of entry and residence of third-country nationals for the purposes of seasonal employment, COM(2010) 379.

labour market under certain conditions. First of all, they are directives that regulate the status of: students, individuals granted temporary protection, asylum seekers, individuals who have been granted refugee status or subsidiary protection, family members of third country nationals, individuals granted permanent residence and human trafficking victims (and smuggled migrants).⁵⁷

3.1 Destination countries – Sweden, Germany, Belgium

Sweden

The Ministry for Migration and Asylum Policy of the Kingdom of Sweden sees Sweden as a country that should have humane refugee policy and where the possibility to seek asylum must be preserved. "Migration policy in Sweden and the world must be more than the asylum policy".⁵⁸ Accordingly, it covers the refugee and immigration policy, return policy, support to return and the relation between migration and development. In addition, it includes cooperation on these issues at the international level.

Third country nationals can obtain a residence permit in Sweden on the basis of family reunification, education, employment or self-employment, as well as based on specific cases such as sports, medical treatment or adoption. The most numerous group of immigrants in Sweden are immigrants whose legal basis for staying is family reunion, followed by asylum seekers, students and economic migrants.⁵⁹ According to statistics for 2010, the total number of people registered in Sweden, but with Serbian citizenship is 5,744, while the number of registered immigrants originating from Serbia is 862⁶⁰.

57 Directives related to exclusively one of the above listed categories, such as Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service, OJ 2004 L 375/12, Temporary Protection Directive 2001/55/EC, Asylum-Seekers' Reception Conditions Directive 2003/9/EC, Refugee Qualification and Status Directive 2004/83/EC, Family Reunification Directive 2003/86/EC, Long-term Residents Directive 2004/109/EC, Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings

58 New rules for labour immigration), Government Offices of Sweden, pg 3 <http://www.regeringen.se/sb/d/3083>

59 IOM, *Comparative study of the laws in 27 Member states for legal immigration including an assessment of the conditions and formalities imposed by each member state for newcomers*, February 2008, http://www.iom.int/jahia/webdav/shared/shared/mainsite/law/legal_immigration_en.pdf

60 Note from the statistics: In the summer of 2006, Serbia and Montenegro became two separate states instead of the state union. The data describing the situation on December 31 were reported in accordance with the divisions of administrative regions and countries applied from January 1 the following year. For a person to become a citizen of a country, it is necessary that the country exists. Persons who were previously citizens of Serbia and Montenegro and who have not reported the new country of citizenship to the Swedish Migration Board are reported as people with the unknown country of citizenship. In addition, Sweden has recognised the independence of Kosovo. <http://www.ssd.scb.se/databaser/makro/SaveShow.asp>

The established system of asylum protection is inclined to asylum seekers. Until a final decision on the application for asylum, asylum seekers are provided accommodation, as well as basic living conditions: access to the labour market, ability to use free assistance, medical assistance, financial assistance under certain conditions, regular consultations with representatives of the Swedish Migration Board⁶¹, etc. The period in which the claim is decided depends on a case and may be several months or even longer. The duration of the procedure is largely affected by the ability or inability to determine the identity of the person who has applied for asylum, i.e. possession or lack of personal documents to prove identity of a person who has applied.

Generally speaking, the system encourages asylum seekers to take steps that could be defined as the beginning of their integration into society, even during the asylum procedure (they are encouraged to work, children can attend schools, accommodation outside the centres that are determined for the accommodation of asylum seekers, etc.). In this way, the exclusion of this extremely vulnerable category of people is avoided. Furthermore, the legislation provides the possibility that under certain circumstances, asylum seekers⁶² can apply for a work permit while staying in Sweden, and even if their asylum request is rejected, they remain in Sweden on the basis of a positive decision by which they have been granted the work permit.

If a negative decision is made⁶³ asylum seekers must return to the country of origin or any other country that wishes to receive them. The ideal model is considered to be the return on a voluntary basis, with the support of the Swedish Migration Board. If the decision on return is not respected, police services are responsible for the implementation of the prohibition of entry, and eviction. However, the basic principle which must be respected is that people are returned in a humane and dignified manner. Accordingly, the Swedish Migration Board assists in the organisation of travel to the country of origin. With the aim of creating a functioning return system, Sweden has concluded readmission agreements with a number of countries, including Serbia.

The regulations governing the employment as the basis for residence, was changed in 2008 and since then the access to the Swedish labour market for third country nationals have been significantly simplified. Amendments to the Law on Foreigners created a more open and flexible system for labour immigrants. During the first five months in 2009, out of the total number of submitted applications for obtaining work permits, in 89% of cases positive decision was reached. There is no regulation that is specifically and exclusively related to the employment of third country nationals.

The implemented reforms were aimed to provide the opportunity for employers to hire individuals with the skills and level of knowledge they need, regardless of country of origin or residence of applicants (for third country nationals, their employment is

61 Swedish Migration Board is fully responsible for the reception, taking actions in the first instance (interviews, investigation which determines the facts relevant for deciding on the application) and passing the first-instance decision.

62 More on the conditions http://www.migrationsverket.se/info/162_en.html

63 After the first-instance decision of the Swedish Migration Board, asylum seekers are given two options: return to the country of origin or another country that will accept them or filing an appeal and initiating proceedings before the Migration Court.

possible after the possibility of employment of a Swedish citizen or a citizen of another EU member state for that particular position is excluded). This reform has contributed to the establishment of a labour migration system governed by labour market needs.⁶⁴

The list of labour market needs in Sweden is published twice a year. It is the official list based on statistics which outlines the future needs for workforce compared to the expected number of graduates and the number of persons who will retire. The list of professions with the shortage of workforce is varied and provides employment opportunities for both highly qualified and low-skilled people. For example, in addition to doctors, dentists, IT engineers, geometers, the list contains cooks, bakers, tinsmiths, tailors, blacksmiths, etc.⁶⁵ The persons whose profession is on the list have a much better chance of finding a job and can apply for a work and residence permit in Sweden without returning to the country of origin, which is an exception to the usual practice. The basic rule is that persons who wish to work in Sweden must apply for residence and work permit in the country of origin or another country outside Sweden in which they reside⁶⁶. Work and residence permit are two different documents. If people work in Sweden for more than three months, they need to apply for a residence permit. Performing seasonal jobs is limited to a period of three months. Sweden does not have specialised programmes of measures aimed at integration and training of third country nationals who came for employment purposes, except for the occupations designated as "occupations for which accreditation is required"⁶⁷, for which the knowledge of Swedish is necessary.

Belgium

"Belgium has long believed in the fiction of 'zero migration' and held the conviction that it was not a major destination country. Asylum and Migration policies have often restricted themselves to regulating access to the Belgian territory, while focusing on the fight against illegal migration and abuses."⁶⁸ In the last few years, like many other member countries, Belgium has clearly defined the position of certain categories of third country nationals in their policies.

The established migration policy includes labour migration, asylum, (forced) return, regulation and other measures targeting illegal immigration, integration of foreigners, human trafficking and others. The privileged basis for immigration of third country

64 Satisfying Labour Demand through Migration, European Migration Network, June 2011 http://ec.europa.eu/homeaffairs/policies/immigration/docs/Satisfying_Labour_Demand_Through_Migration_FINAL_20110708.pdf

65 The list of occupations available at http://www.swedenabroad.com/Page_____126685.aspx

66 A prerequisite for obtaining a work permit is the offer from the employer in Sweden, which is the official document containing specified requirements and conditions related to the work, such as the amount of salary, insurance, period of employment, etc. The application for obtaining a work permit is submitted to the Swedish Migration Board.

67 The list of occupations that require accreditation: <http://www.migrationsverket.se/download/18.c67332b12fedcf5c3280002472/migrfs032011.pdf>

68 http://www.emnbelgium.be/sites/default/files/publications/org._of_migration_and_migration.pdf, str. 57

nationals to Belgium is family reunification. Every year, thousands of foreign nationals obtain permission to settle in Belgium with their spouses or parents who already live in Belgium.

As for the citizens of Serbia, in the past two years, most of them have tried to acquire the legal basis for staying in Belgium by filing asylum claims. According to statistics, in 2010 the total of 1,233 people who indicated Serbia as their country of origin, requested asylum in Belgium, while in 2011 as of October the number was 960. In this period of almost two full years, out of the total number of claims, 2,193, in 123 cases positive decision was reached and these people were granted refugee status (2010 - 74 positive decisions; January to October 2011 - 49).⁶⁹

Every third country national must go through the "admission phase" when migrating to Belgium, regardless of the reason: asylum, tourist visits, employment, medical treatment or family reunion. Those who enter the territory of Belgium with the intention to seek asylum must do so within 8 days of arrival to the territory. Asylum requests can be filed in the territory, on the border, in prison or in the reception centre. Until the decision on the asylum application⁷⁰ is reached, asylum seekers are provided accommodation⁷¹ and have access to various kinds of assistance in order to be provided basic living conditions during the procedure. They are provided with legal, social, medicine, material (clothes, food, hygiene, etc.), administrative and other assistance. Moreover, they have right to freedom of movement. Since the beginning of 2010 the right to work has been enjoyed by those asylum seekers who, within 6 months from the date the application was filed have not received the first instance decision from the competent authority.

If a positive decision to the application is reached, there are two possibilities: the applicant can be granted refugee status or subsidiary protection. With the refugee status⁷², the person can have access to work under the same conditions as nationals of Belgium and the person is not obliged to obtain a special work permit. If the person is granted the subsidiary protection, they must apply for a work permit, category C (see below about categories of work permits).

When a negative decision is reached, the person is obliged to leave the territory of Belgium. As in other Member States there is a difference between voluntary and forced return. If a person decides to return voluntarily they can ask for assistance in organising the return. The federal agency for the reception of asylum seekers is responsible to ensure that all persons wishing to return voluntarily to their country of origin can

69 <http://www.cgra.be/en/Chiffres/>

70 The period in which the asylum claim is decided on varies from case to case, but it is recommended that the entire procedure lasts up to 4 months.

71 On October 27, 2011, the Federal Parliament voted for the amendment of regulations for the reception of asylum seekers. The novelty is that asylum seekers who appeal to the Council of State lose the right to be accommodated in accommodation centres.

72 After a positive decision is reached, the municipality in which the person has permanent residence issues a residence permit and the person is registered in the "Register of Foreigners"

apply for the "Return and Emigration of Persons Seeking Asylum in Belgium",⁷³ which primarily provides logistical support.⁷⁴

Third country nationals who want to come to Belgium for employment must obtain two types of permits: residence permit and work permit.⁷⁵ The regulations concerning the entry, residence, stay and return of third country nationals do not contain provisions governing the admission of third country nationals for employment.⁷⁶ The Law on Employment of Foreign Workers from 1999 contains the framework provisions on employment of third country nationals. Furthermore, Belgium has specific bilateral agreements⁷⁷ to regulate the access to labour market of nationals of certain third countries.⁷⁸ When it comes to seasonal jobs, seasonal workers can now be employed only in agriculture and tourism.⁷⁹ There are not any specifically defined policies relating to circular migration.⁸⁰

Under current legislation there are three types of work permits, Category A⁸¹, Category B⁸² and Category C⁸³, out of which the most common is the type B category. Under certain circumstances, asylum seekers can have the Category C work permit.

As a general rule, third country nationals can get a permission to come to Belgium for

73 International Organization for Migration, more precisely the regional office in Brussels is responsible for practical organisation of this programme

74 Asylum and Migration Policy in Belgium, European Migration Network, April 2009

75 There is also a difference between self-employment and paid work.

76 The law distinguishes between a short stay, up to three months, and long-term residence for more than three months. The provisions governing short-stay are applied on third country nationals who come to work for less than three months, and the provisions governing the long-term stay, for those who come to Belgium for employment for a period exceeding three months.

77 This kind of bilateral agreement has been concluded with Algeria, Morocco, Tunisia, Turkey, Bosnia and Herzegovina and Croatia.

78 Opening Europe's doors to unskilled and low skilled workers: A practical Handbook, Bureau of European policy advisers, 2010, pg 17

79 During 2008, 7,921 seasonal workers were registered. Temporary and Circular Migration: empirical evidence, current policy, practice and future options in EU Member States, European Migration Network, September 2011, pg 61

80 Temporary and Circular Migration: empirical evidence, current policy, practice and future options in EU Member States), European Migration Network, September 2011

81 Category A: Unlimited duration of the work permit is granted to foreigners who already have the established right to stay in Belgium (minimum 4 years of the Category B permit). More at : http://www.belgium.be/en/work/coming_to_work_in_belgium/work_permit/

82 Category B: Validity of license up to 12 months, with possibility of extension under certain conditions. Limits the possibility of employment to only one employer. More at : http://www.belgium.be/en/work/coming_to_work_in_belgium/work_permit/

83 Category C: work permit is issued for a period of time to persons who come to Belgium on other grounds, not on the basis of employment, and who stay temporarily in Belgium. The maximum duration of this permit is one year and may be extended under certain conditions. More at: http://www.belgium.be/en/work/coming_to_work_in_belgium/work_permit/

employment purposes, provided that the “market test” shows that the certain worker cannot be found on the Belgian or EU labour market within a reasonable time. However, many groups of third country nationals are exempt from this rule. They are third country nationals that fall under one of the 33 categories defined by law.⁸⁴ The main categories are: high-skilled workers with the employment period that does not exceed four years, third country nationals who come to Belgium to take over managerial positions in the representative offices of foreign companies in Belgium, researchers and professors, journalists, etc.

Although in 2008 there were some discussions on the possibility to use third country nationals and fulfil the market needs, no concrete measures have been taken so far.⁸⁵ Belgium is still trying to meet labour market shortages with local labour force while the employment of third country nationals is based on individual cases.

Integration measures, including language learning, which are applied in Belgium are not defined in a way that they are specialised for labour migrants, but a range of measures applied to all categories of legal migrants are being applied to them as well.⁸⁶

Germany

For some time, migration management has been recognised as one of the major social challenges facing Germany. The political debate about opening “door” to immigration has attracted great attention, as well as the debate about the possibilities for improving the integration of migrants already living in Germany, with the emphasis on their role in the labour market.⁸⁷

Germany belongs to the EU member states whose legal framework for migration and asylum consists of a series of laws, which regulate certain aspects of asylum and migration. Generally speaking, the laws in force in these areas are based on international law, EU law, constitutional and statutory law of Germany. Citizenship, freedom, immigration, emigration, extradition, application and conditions for permanent residence, etc. are regulated by legal acts adopted at the federal level.

The most common categories of third country nationals are spouses or family members, ethnic Germans returnees, refugees and asylum seekers, labour migrants and foreign students.

When we talk about the migration of Serbian nationals to Germany, the type of their migration changed over time, as well as the category of immigrants they belong to. “Migration for employment was the predominant type of migration from Yugoslavia

84 A detailed list of categories can be found in Article 9 of the Royal Decree of 9/6/1999) For specific conditions that apply to these categories see: www.vmc.be/vreemdelingenrecht/wegwijs.aspx?id=660#loon

85 European Migration Network, *Satisfying Labour Demand through Migration*, June 2011, page 21

86 *Ibid.*

87 *Labour Market Integration of Young Migrants in Germany: Regional perspective*, Annette Haas and Adreas Damelang, pg 1.

by the end of the nineties. At the end of the nineties, migration flows encompassed new forms and (new) categories of migrants."⁸⁸ Influenced by the disintegration of the former Yugoslavia and the civil war, they become refugees seeking refuge in the territory of Germany and other Western European countries. According to the official German data, in the period 1992 – 1999, 472,888 people from the former Yugoslavia requested asylum in Germany.⁸⁹

In addition to lifting the EU visa regime for Serbia, the advanced system of asylum protection, the length of proceedings in which decisions are reached, the size of the diaspora from the former Yugoslavia⁹⁰, have undoubtedly contributed that the number of asylum claims of Serbian nationals in Germany in the period January – October, 2011 was 3,032.

The people who have been rejected for asylum, as well as other people who do not have grounds for legal residence, are obliged to return to their country of origin or any other country that wishes to receive them. Germany prefers the practice of assisted return primarily due to lower costs and the fact that with the assisted return people leave the territory of Germany in a dignified and humane manner. Citizens of countries outside the EU who are allowed to travel to Germany without a visa are not eligible for initial assistance or subsidies for travel provided by federal authorities, although these are generally the measures that are applied in the case of assisted return. Only transportation expenses can be reimbursed. This regulation applies particularly to the citizens of Serbia and Macedonia who enter Germany without a visa starting from December 19, 2009, as well as to the citizens of Bosnia and Herzegovina and Albania, who have the right to enter Germany without a visa starting from December 15, 2010.⁹¹

Competencies in the functioning of the asylum system are divided between federal authorities and authorities of the Member States. The decision on the asylum application is reached by the Federal Asylum Office, after the conducted hearings and investigations, while the reception and accommodation of asylum seekers is under the jurisdiction of the states. While waiting for the asylum request decision, asylum seekers are provided with basic living conditions in terms of accommodation, food, clothing, etc. During the proceedings, the applicants are being principally limited the freedom of movement. In general, they should not travel outside the district (administrative region) in which they have been provided residence without special permission from the authorities. Although currently there are no plans to adopt the regulation at the federal level, which would abolish restrictions to freedom of movement, in some Member States (e.g. Berlin, Brandenburg Nordrhein-Westfalen, etc.) asylum-seekers can move freely throughout the territory of the member state, and not only the limited administrative regions.

88 Migration from Yugoslavia to Germany - Migrants, Emigrants, Refugees, Asylum Seekers, Branko Pavlica pg 11

89 *Ibid*, pg 12

90 EUobserver (op-ed), Gerald Knaus and Alexandra Stiglmeier, Balkan asylum seekers and the spectre of European hypocrisy, 4 October 2011, <http://euobserver.com/7/113807>

91 <http://www.bamf.de/EN/Rueckkehrfoerderung/Foerderprogramme/foerderprogramme-node.html>

Applicants are allowed to enter the labour market after one year from the time of applying for asylum, and they are obliged to obtain a work permit. Before submitting a request for a permit, an asylum seeker should have a concrete job offer, but a prerequisite is that there is not a person, citizen of Germany or other Member State of the EU/EEA/Switzerland that according to their qualifications could fill that position. The issued permit has a limited validity – it is related only to a concrete job with a concrete employer. The persons who have been granted refugee status (persons entitled to asylum and refugees as defined in the UN Convention on the Status of Refugees⁹²) get a work permit which is not a subject to restrictions of any kind.⁹³

Generally speaking, Germany is still trying to compensate shortages in the labour market primarily by improving education and training of its nationals, but it also has the vision as to how labour migrants, especially highly qualified, can compensate the labour shortages.⁹⁴

Regulations⁹⁵ regarding the employment of third country nationals do not greatly differ from the regulations in force in other Member States. Third country nationals are subject to the “labour market test” and it is necessary to obtain residence permits, as well as work permits. The documentation required for obtaining permits is submitted by third country nationals at the embassy or consular section of Germany in their country. Residence permits may be issued provided that the person has already received a job offer.⁹⁶

Furthermore, Germany is one of the countries with long experience in the conclusion of various bilateral agreements with third countries concerning employment. Accordingly, these bilateral agreements provide a legal basis for employment of third-country workers in Germany. They are three types of agreements: Agreement on Contract Workers, Guest Workers Agreements and Agreements on Employment of Seasonal Workers.

92 The Convention on the Status of Refugees, which was created on July 28, 1951 and came into force on April 22, 1954, is the main document regulating the status of refugees, for the purposes of assessing the circumstances and determining whether a person is eligible for a refugee status.

93 For persons who have been granted subsidiary protection or those who have been granted residence on the basis humanitarian reasons there is a general constraint in which they cannot get a work permit during the first three years of their stay.

94 Since 2005, Germany has been trying to attract highly skilled workers to move to Germany. Highly skilled can obtain a permit for permanent residence more easily. Besides university degrees and other relevant qualifications, they must have a concrete job offer and must obtain a permit of the German Employment Agency. Family members of highly skilled workers (with the permits) can obtain work permits if they join them in Germany.

95 In Germany, the conditions for entry and stay of migrant workers are regulated by the Residence Act and numerous other regulations, among others the Employment Ordinance.

96 http://www.auswaertigesamt.de/EN/EinreiseUndAufenthalt/Zuwanderungsrecht_node.html#doc480848bodyText3

For the employment of low-skilled and unskilled workers, agreements on the employment of seasonal workers⁹⁷ are particularly important. They provide an opportunity for citizens of a contracting country for seasonal work in agriculture, catering, forestry and amusement parks. This kind of seasonal engagement of workers is limited to the period of up to 6 months.

In terms of integration, regardless of the purpose of their stay, third-country nationals who have a legal basis for their residence are mostly focused on mastering the German language. All levels of authorities, federal, state and local are responsible for the task of integration. The National Integration Plan has identified key areas of action to support integration, such as improving labour market access, creation of equal opportunities and promoting the use of rights under the German legislation since the beginning of their stay in Germany.⁹⁸

97 Germany has concluded such an agreement with Croatia.

98 Annual Report for 2010, the European Migration Network EMN www.emn-germany.de

4. REVIEW OF SOCIO-ECONOMIC CONDITIONS IN VRANJE, BUJANOVAC AND PREŠEVO

Vranje

According to the processed data from the last population census in 2011, 82,782 people live in the territory of the Town of Vranje, while the town proper has 73,219 inhabitants, and Vranjska Banja 9,563. Compared to the 2002 census, the population has declined by about 1,500 people and compared to 1991, there are only 211 inhabitants more.⁹⁹ The results of the 2002 census show the following ethnic structure of the Town of Vranje: 93.02% of the population declared themselves as Serbs, only 0.01% or 9 persons declared as Albanians, and 5.32% as Roma.¹⁰⁰ According to the National Employment Office, in 2009 in Vranje the unemployment rate was 27.86%, and in the third quarter of 2011 there were 7,748 unemployed people.¹⁰¹

In addition to the high unemployment rate, Vranje was in 63rd place in Serbia according to the amount of average net earnings, with 37,768 in 2010, and even more alarming is the fact that already in the third quarter of 2011 the town of Vranje even dropped to 95th place.¹⁰² Taking into account the fact that the 2002 Census in Vranje registered only 5.29% of the population with university education¹⁰³, we can conclude that, in addition to a very difficult economic situation, a major problem in Vranje is inadequate qualification structure, which inevitably adversely affect the development and dynamics of economic activities, which require implementation of modern technical and technological knowledge and standards.

This is precisely related to the manufacturing industry that was the driving engine of the economic development of Vranje from the 60's, 70's, until 1991, and the beginning of the conflicts in the former Yugoslavia. Jumko factory employed as many as 13,500 workers in 1991 while today it employs only 2,000 workers. The situation is similar with factories such as Simpo (used to employ 7,500 workers), Koštana (4,000 workers), Zavarivač, etc.¹⁰⁴

99 Census Commission, the territory of the Town of Vranje, October 24, 2011

100 Community profile, Town of Vranje, 2008

101 Source: NES Vranje, November 2011

102 The list contains around hundred municipalities and towns. Source: Republic Statistical Office (RSO), <http://webrzs.stat.gov.rs>

103 According to the 2002 Census, there were 6.5% people with university education and 4.5% with college education in Serbia (First Report on Social Inclusion and Poverty Reduction, March 2011).

104 <http://specijal.vranjepres.info/sh/1/20/27528/?tpl=20>

Since 2000 and an entire decade of completely devastated economic activities and capacities, as well as the privatisation process, the number of people employed in manufacturing industry has fallen to 9,076 in Vranje, which clearly indicates a continuous reduction of industrial processing and manufacturing capacities. On the other hand, in the same period the public administration and local institutions of the Town of Vranje have employed 4,200 people.¹⁰⁵

In the late eighties and early nineties Vranje had 34,000 employees, now it has only 19,000¹⁰⁶, while the population has not significantly changed. All macroeconomic indicators show that the inhabitants of the Town of Vranje, in the absence of any prospects and possibilities for providing dignified existence, are forced to leave it - primarily in search of work.

This conclusion is further supported by the fact that in 2002 there were as many as 2,400 people from the Town of Vranje who lived and worked abroad, as well as 1,358 registered daily migrants employed in another municipality or town.¹⁰⁷ Therefore, primarily due to the numerous economic and social problems, migratory potentials and flows in the Town of Vranje have been very pronounced in the last decade and reflect the negative trend of depopulation in the entire region of Pčinj.

Bujanovac

In 2002, the municipality of Bujanovac had 43,302 inhabitants, of whom 54.69% were Albanians, 34.14% Serbs and 8.93% Roma. Compared to the 1991 Census data, there is a slight change in the ethnic structure: 60.09% Albanians, 29.77% Serbs, and 8.95% Roma. However, these comparative data must be considered with caution and reserve, primarily due to the disputable participation of citizens of Albanian ethnicity in both lists, as well as different methodologies of the 1991 Census and 2002 Census. The last population census in 2011 was boycotted by the Albanians, and so 18,542 non-Albanian inhabitants were registered in the municipality of Bujanovac, which is 42% of the population listed in 2002 the Albanians participated in the population census.¹⁰⁸

With an average salary of 38,820 dinars (gross) in 2010 Bujanovac was on 65th place in Serbia, and in the third quarter of 2011 it dropped to 75th place. In addition to the apparent low living standards, as in the majority of municipalities in southern Serbia, Bujanovac is struggling with a serious unemployment problem. In 2009, the unemployment rate was 30.16%, and according to the National Employment Office in Bujanovac, around 5,400 people are waiting for job. Another devastating fact is that only 2.22% of the population in this municipality, according to the 2002 Census, was with higher education, which was almost four times lower than the already alarming low Republic average - 6.5%. Considering such a difficult socio-economic situation, in the

105 2002 Population Census, RSO.

106 <http://www.vranjske.co.rs/2011-09-22/%D0%B2%D1%80%D0%B0%D1%9A%D0%B5-%D1%9B%D0%B5-%D0%B5%D0%BA%D1%81%D0%BF%D0%BB%D0%BE%D0%B4%D0%B8%D1%80%D0%B0%D1%82%D0%B8.htm>

107 2002 Population Census, RSO

108 <http://www.kt.gov.rs/cr/news/arhiva/sta-su-pokazali-prvi-rezultati-popisa.html>; <http://www.vesti-online.com/Vesti/Srbija/174188/Bojkot-popisa-diktiran-iz-Pristine>

last decade the municipality of Bujanovac has not managed to avoid the destiny of low investment activity. In other words, the municipality entered into the process of transition with the level of investment that in 2004 was 22.7% of the level of investment per capita, and 16.8% of the level of investment per employee compared to 1990.¹⁰⁹

By comparing investment activity by the type of investment, in 1990 the productive investments had a dominant share (87.9%) in the municipality of Bujanovac, and in 2004 about 47.1% of the investment fund was invested in new capacities by the local economy, about 50% in reconstruction, modernization and expansion of capacity, while about 3% of the funds were invested in maintaining the existing capacities.¹¹⁰

All these macroeconomic factors outline the numerous reasons for people to migrate from the municipality of Bujanovac. Very difficult economic situation and the lack of jobs have forced as many as 2,496 people from Bujanovac to travel to another municipality to work on daily basis.¹¹¹ Moreover, in the municipality of Bujanovac and according to the 2002 Census, 10,380 people worked, lived or studied abroad, making an incredible fourth of the total number of inhabitants of the municipality of Bujanovac.

Preševo

In 2002, 34,904 people lived in the municipality of Preševo, which was about 4,000 people less than in the 1991 Census. As for the ethnic structure, the data from 1991 and 2002 show that in that decade it remained almost unchanged: 1991 - 89.85% of Preševo inhabitants declared as Albanians, 8.23% as Serbs and 1.30% as Roma; in 2002 there were 89.21% Albanians, 8.59% Serbs and 0.92% Roma.¹¹² Due to the boycott of the Albanian population, the last census in the municipality of Preševo was not successful, and only 3,066 people were listed, and thus the possible change of Preševo ethnic structures in the last decade is impossible to determine. On the other hand, according to the 2002 Census results, the average age in the municipality of Preševo was 28.92 years (in Serbia it was 40.89), and so the municipality is certainly still classified as a municipality with the youngest population.

The average salary in Preševo in 2010 was 40,601 dinars (gross), which put this municipality on 46th place by the average amount of gross salary in Serbia - significantly higher place compared to Vranje and Bujanovac in the same period. However, already in the third quarter of 2011, Preševo dropped to 79th place (lower than Bujanovac). On the other hand, the number and rate of unemployment in Presevo is significantly higher than that in Bujanovac and Vranje - even 46.94% of working age population according to official data is not employed, and the latest data of the National Employment Service (for the third quarter of 2011) show 5,468 unemployed people in the municipality of Preševo. Poor economic situation and unfavourable economic activities is coupled with the very poor educational structure of the Preševo municipality - only

109 *Strategy of Long-term Economic Development of Southern Serbia – Preševo, Bujanovac and Medveđa*, Economic Team for Kosovo and Metohija, 2006. More at: http://indoc.centar-zarazvoj.org/dokumenti/strategija_bujanovac,_presevo_i_medvedja.pdf

110 *Ibid.*

111 *Ibid.*

112 1991-2002 Population census, RSO.

2.73% of the population has higher education. The lack of skilled labour and tradition of additional training and specialisation is undoubtedly a serious deficiency that affects the economic activity and productivity and requires long-term systemic solutions.

According to all indicators, the Preševo municipality is among the least developed municipalities in Serbia. The structure of the municipality's economy is dominated by agriculture (43%), followed by trade (21%) and manufacturing industry (13%).¹¹³ The last 15 years the economy of Preševo has been dominated by a small number of companies. However, most of the companies, affected by the erosion of capital, assets, poor management and poor investment activities, have suffered a collapse. Specifically, the municipality entered into the process of transition with the level of investment that in 2004 was 7.4% of the level of investment per capita, and 7.8% of the level of investment per employee compared to 1990, which could not ensure financial and other resources for development activities, there were no conditions for increasing the capacity and productivity, for modernising and increasing production and income to meet personal and collective needs on a higher basis.¹¹⁴

Consequently, the engagement of working population is significantly reduced – in the period 1990-2005, the number of unemployed people in the municipality of Preševo increased from 3,871 to 5,418, and in 2011 it was 5,468¹¹⁵. The reduction of economic activity directs residents of Preševo to informal economy, which seriously threatens the further development of the municipality, although affects the temporary preservation of social peace. Taking into account the real ethnic distance and distrust between the dominant ethnic groups in the municipality, migration motives and migratory movements of Preševo residents are quite clear. The extent of the migratory movements and population outflows can be seen from the 2002 Census data, when as many as 12,991 residents of Preševo lived, worked or studied abroad. If we take into consideration that by the end of 2009 the visa liberalisation entered into force, we can reasonably assume that the number of people from the municipality of Preševo living abroad has certainly increased in the previous period.

113 Preševo – Community Profile, Office for Local Economic development, 2010

114 *Strategy of Long-term Economic Development of Southern Serbia – Preševo, Bujanovac and Medveđa*, Economic Team for Kosovo and Metohiju, 2006. More at: http://indoc.centar-zarazvoj.org/dokumenti/strategija_bujanovac,_presevo_i_medvedja.pdf

115 *Ibid.*

Table 1: Population abroad by ethnicity¹¹⁶

| Year | Pilot Region | | Jablanica Region | | Pčinj Region | | | |
|--------------|--------------|-------|------------------|-------|--------------|-------|-------|-------|
| | 1981 | 2002 | 1981 | 2002 | 1981 | 2002 | 1981 | 2002 |
| Unit | % | | % | | Broj | | % | |
| Total | 100,0 | 100,0 | 100,0 | 100,0 | 6449 | 28491 | 100,0 | 100,0 |
| Serbs | 73,2 | 67,6 | 85,78 | 78,98 | 2357 | 2768 | 36,5 | 9,7 |
| Albanians | 0,0 | 0,0 | 4,86 | 4,48 | 3260 | 21006 | 50,06 | 73,7 |
| Roma | 2,4 | 7,3 | 3,36 | 9,39 | 404 | 2654 | 6,3 | 9,3 |
| Bulgarians | 10,3 | 6,7 | 0,00 | 0,04 | 93 | 92 | 1,4 | 0,3 |
| Macedonians | 0,6 | 0,6 | 0,33 | 0,15 | 31 | 39 | 0,5 | 0,1 |
| Musl./Bosnj. | 0,1 | 0,0 | 0,04 | 0,00 | 11 | 9 | 0,2 | 0,0 |
| Yugoslavs | 7,0 | 1,3 | 1,41 | 0,07 | 114 | 7 | 1,8 | 0,0 |
| Other | 4,9 | 6,8 | 3,39 | 2,00 | 76 | 452 | 1,2 | 1,6 |
| Unknown | 1,4 | 9,8 | 0,82 | 4,89 | 103 | 1464 | 1,6 | 5,1 |

Source: Population Census

4.1 Southern Serbia – migration as a survival strategy

Decades of extremely poor economic situation in southern Serbia has always influenced the people to migrate. The region has a large Roma population, and the problem of Roma migration overlaps with the problem of their vulnerability to poverty in Serbia. The social status of Roma, as the most vulnerable minority, has been worsened by the economic crisis and transition in which the need for low skilled workers is reduced. In ethnically mixed Serb-Albanian communities, such as Preševo and Bujanovac, social tensions caused by poverty usually get their high-risk ethnic dimension.

In the conditions of open armed conflict, such as the one between Albanian insurgency and Serbian security forces until 2001, a choice that many local residents had was either to engage in conflict or to go and live somewhere else, i.e. to migrate. Despite the existing good will and cooperation of local authorities in Preševo and Bujanovac, led by local ethnic Albanian political parties, and, on the other hand, Serbian authorities, represented by the Coordination Body of the Serbian Government for municipalities of Preševo, Bujanovac and Medveđa, without investments and production, the economic and political situation will remain unstable. In addition, there is always a danger of instability and conflict spillover from Kosovo and Metohija, and a certain policy radicalisation of representatives of the Albanian community is interpreted by the failure of local economic development programmes, launched by the authorities of Serbia and international donors. Without creating a climate for economic development, it will be difficult to create conditions that would prevent migration from the region.¹¹⁷

The abolition of the visa regime with the EU countries has reopened the possibility

116 From the presentation of Jelena Predojević-Despić: Emigration Flows from South-East Serbia, Main Trends and Problems, May 2011

117 ICG, *Southern Serbia: in Kosovo's Shadow*, June 2006.

for the demographic pressure due to high unemployment and poverty in Serbia to be relieved by migration to Western countries, as was the case in the seventies and eighties of the last century. In that period, citizens of the former Yugoslavia were largely enabled to legally find a permanent or temporary employment in the EU countries. Migration to Western Europe particularly reduced pressure in ethnic communities with large population growth and young population, such as Roma and Albanian, although, according to Albanian politicians, migration has led to changes in the ethnic structure in Bujanovac and Preševo.¹¹⁸ A large number of people from Pčinja, who moved 20 or 30 years ago, help their relatives with regular remittances, and in some cases, it is the only source of income for them. Although the diaspora investments in the economy are lacking, each visit or event, like a wedding or house construction of workers from abroad, provide employment for the local community.

Since the 80's and especially 90's of the last century, the countries of Western Europe have reduced or terminated the possibility of legal permanent or temporary labour migration, among other things due to the fact that what was intended to be a temporary migration for seasonal work often turned into permanent residence with permanent employment. Nowadays, developed countries fulfil their needs for low skilled seasonal work force mostly from newly enlarged EU countries. The asylum system has thus remained the only way for poor people from Serbia, and some other countries of the former Yugoslavia, to try to solve their social problems. With the reduction of ethnic tension and the cessation of armed conflicts, the grounds for their reception in Western Europe has ceased to exist, but young population of Roma and Albanians do not seem to have employment prospects in an environment where the official unemployment rate is somewhere near 50%.¹¹⁹

The partocratic way of governance in multiethnic communities can deepen and intensify the tensions, as the political orientation often coincides with the ethnic affiliation. Since the members of the Albanian community came into power in Preševo and Bujanovac, the positions and jobs at the local level have been distributed among the Albanians, while Serbs, on the other hand, in the same municipalities are employed in disproportionate majority in all departments and companies at the national level (police, customs, judiciary, public state-owned companies, etc.).¹²⁰

118 Quite an opposite is shown by the 2002 Census. In places where Albanians are the majority there was a decrease in Serbian population. In Preševo, there are less Serbs by 25% compared to 2002 and in Bujanovac by 5.2%. <http://www.vranjske.co.rs/2011-10-27/%D0%B-D%D0%B5%D1%81%D1%82%D0%B0%D0%BB%D0%BE-1500-%D0%B2%D1%80%D0%B0%D1%9A%D0%B0%D0%BD%D0%B0%D1%86%D0%B0.html>

119 The official unemployment rate in the region of Pčinj is the highest in Presevo - 46%, but the estimate is that the actual unemployment rate is 70%. ECRI Report on Serbia, CRI (2011), May 21, 2011.

120 According to the European Commission against Racism and Intolerance (ECRI), "very few measures have been taken to provide employment in the region of Preševo, Bujanovac and Medveđa, where the majority of Albanians, more than 70% of economically active people in the region are unemployed." Members of the Albanian minorities, as stated by this body of the Council of Europe, also face much higher unemployment rates than the majority population – as well as under-representation in government offices and state-owned companies. Representatives of these communities, according to ECRI, "find that it is a structural problem, which

The Albanians say that due to widespread discrimination and open violence in the nineties, the Albanians have migrated from southern Serbia, leading to changes in the ethnic structure of population. Albanian politicians justified the boycott of the recent census by claiming that those who had emigrated would not be listed.¹²¹ Southern Serbia is also populated by internally displaced people from Kosovo and Metohija, who have settled in large numbers just in the border areas with Kosovo, near their destroyed or occupied homes. The most vulnerable among them are certainly Roma in Albanian-majority areas, such as Bujanovac, where representatives of the Albanian community, who are in power, are unwilling to integrate them into the local community believing that this will further change the ethnic map of southern Serbia. Without the possibility to return to Kosovo and without the possibility to integrate, the only way for these people is to go to Western countries, unrealistically expecting that they will be granted the refugee status.

Table 2: IDPs

| Municipality | Preševo | Bujanovac | Vranje |
|--|---------|-----------|--------|
| Number of IDPs | 37 | 5327 | 6211 |
| Percentage of IDPs in the total population | 0,10% | 10,12% | 6,54 |

is the result of a combination of discrimination in education and employment.” As a positive thing, ECRI notes that the Ombudsman has opened an office in southern Serbia (ECRI Report on Serbia, CRI (2011), May 21, 2011)

121 According to the 2002 Census data, there were 10,380 people from Bujanovac abroad (8,633 Albanians, 251 Serbs and 862 Roma), 12,991 people from Preševo (12,373 Albanians, 107 Serbs and 76 Roma), and 2,400 people from Vranje (1,568 Serbs, 568 Roma). The 2002 Census recorded 414,839 Serbian citizens abroad.



5. FOCUS GROUP FINDINGS

5.1 Focus group findings – asylum seekers in Western Europe after the visa regime abolition

During the research, three focus groups were implemented with asylum seekers in Western Europe after the visa regime abolition: one in Vranje, Bujanovac and Preševo each, with a total of 24 participants: 9 women (37.5%) and 15 (62.5%) men. Most participants (79%) have completed only elementary school, only three have high school education and one person has college education. Nearly all are married. Two thirds live in a four-member (10) and five-member (7) families. They are of different ages - the oldest was born in 1956, and the youngest in 1994. 13 of them were aged 17 to 31, and 11 aged 39 to 55. Almost nobody has a job. More precisely, only two are employed in local institutions (in Preševo).

Focus groups in Vranje and Bujanovac gathered only representatives of the Roma community, while in Preševo it was also attended by representatives of the Albanian community, as well as representatives of two local institutions: Red Cross and Cultural Centre. The Preševo focus group was also attended by the president of the local Roma association.

Applying for asylum in certain countries of Western Europe is motivated by oral information (rumours) that circulate within the local community and say about the good treatment and good living conditions in reception centres where applicants are accommodated after they have applied for asylum. People do not use illegal channels to go the EU countries, and there are no indications that such departures are organised. They leave individually, using regular bus routes. As a rule, entire families go together, looking for a decent (however temporary) living conditions. Those who leave are well informed about what needs to be done upon the arrival in the receiving country. Similarly, it seems that the majority of these people understand that they will not get any kind of permanent residence permit and that they venture into something that is only a temporary solution. These findings, compared with findings from a group of asylum seekers from the period before the visa liberalisation introduction, suggest that the introduction of visa liberalisation has eliminated the need for using illegal migration channels and services that, in such travel, are provided by people smugglers (also under the guise of travel agencies).

In most cases, the receiving countries do not have a social network that more significantly supports the applicants. Only a small number of these people, while waiting for a response to the asylum request, are accommodated with relatives or friends. Testimonies of others who have submitted their requests after the introduction of visa lib-

eralisation show that relatives, friends or acquaintances who have already spent some time in certain receiving countries in Europe are often busy with their own problems and cannot (or will not) provide any long-term support, but they can be possibly expected to provide only a certain short-term support (in cash loans, temporary housing, etc.).

It is quite clear that people go to the countries of Western Europe and apply for asylum there for purely economic reasons, that is, to provide better living conditions for themselves and their families, even temporarily. When applying for asylum, these people usually talk about the economic reasons for their request, about the conditions in which they live and how they cannot provide livelihoods for their families. Often it is about providing the basic things during winter months: food and fuel. If during the year these people even manage to provide some kind of temporary employment, in the winter months it is particularly difficult or impossible. Social welfare is insufficient or unavailable, and aid packages very rare. Therefore, when there is a possibility to go somewhere with at least basic living conditions, and usually much better living conditions than in the country of origin (Serbia), it is accepted as an opportunity that should not to be missed. When they assess conditions in which they lived while waiting for the procedure to complete, most of them say that the conditions were good, and underline a very clear distinction between living conditions in Serbia and in countries where they lived for a short period as asylum seekers. However, it is important to note that these people recognise a completely different quality of treatment of authorities in the receiving countries, compared with Serbia. Their testimonies undoubtedly say that they were treated differently there, while in Serbia they often feel discriminated against, that is, here they recognise that they are being treated differently because they are Roma.

Most of the asylum application was filed in Sweden and they spent some time there, most of them no longer than three months. The duration of stay is, in all probability, conditioned by the duration of the asylum procedure. Only one of the participants in these focus groups has sought asylum only in Germany, while a small number of people went to Germany after leaving Sweden, and there realised the second asylum. Some reportedly stay in Germany for six or seven months. Most, however, seems to fully comply with the procedure and return to Serbia after receiving a negative answer. Leaving for another European country does not seem an attractive option also because it requires new financial costs. In this way, their trip back to Serbia is fully paid.

As a rule, people who are identified with some health problems stay for more than three months and the Swedish authorities keep them on treatment. As an example, focus group participants say that it can be a child with a hernia, or a woman diagnosed with serious kidney problems.

Those who have applied for asylum and who have been denied it do not have any ban to enter that country (or the EU) and several participants testified that soon after they had returned to Serbia they went again to, for example, Sweden, to visit relatives or friends.

It is quite clear that these people go to Sweden or Germany exclusively for economic reasons. They even say that they asked for economic asylum there. Sometimes, they maybe go with the hope that they will achieve something, but mostly, it seems they are quite familiar with the procedures and they understand that they have no chances to get the asylum status and remain, for example, in Sweden. It does not seem to be something that discourages them; they have obviously learnt to live from hand to mouth.

Well, plans, we Roma do not have plans, all live in hope that maybe tomorrow it will be better and so we all live like that, we got used to living from hand to mouth. The one who works, he is good, where nobody works, it is bad, really. And you cannot plan to make something when you don't have anything.

There are no organised tours, but it seems that these people have a certain, relatively clear prior knowledge of what awaits them. Some participants confirm that people go to a certain country when they hear it is good there. When they arrive, for example, in Sweden, they immediately turn to the police or take a taxi and ask to be taken to the asylum centre. It seems that they have previously learnt a few words that would help them.

Well, there's nothing organised from Preševo, but if people hear that asylum is given somewhere, I guarantee you - another 50% will go immediately.

[...] I don't know, I heard that Sweden is good and they accept people well, and that's why I decided to go to Sweden.

And when we arrived in Gotenburg, I took a taxi and told the taxi drivers Kolared, because I didn't know German then, but now I know it well. I told him Kolared and so, we entered the taxi, it took us there to Kolared. When we arrived in Kolared, I said asylum, I knew only that, asylum, asylum ...

It is quite clear that these people tend to find a job that would allow them a decent life and those who have found employment and have good salaries are some kind of role models for them. They mainly talk about their unemployment and how they have tried with NES, but could not get any job. Even when they have some work, it is mainly splitting wood, working on loading and unloading, digging ... It is always in informal economy, for private individuals, and they often spend 10 or more hours at work. Sometimes, some of them go to Vojvodina, in the season of major agricultural works, but it is not often mentioned. Regularly, however, they say that there are no jobs for them or that job opportunities appear too rarely, and they cannot earn enough to feed their families.

We Roma here, we all depend on private owners. When we go to Employment Service to look for a job: you have no school you can't work. And those who have school can't work as well, no job for them. [...] But with private owners, when we find a job we work with other workers, dig something, anything. [...] And it is not enough, just to pay the water you spend in a month, and what about electricity, food, children's cloths, so, we don't have the conditions for living.

And there, when a man works there and has 4-5 family members, has one salary, he pays for the flat, pays for the water, he maybe doesn't have for food, you understand, because only he works, but when his children grow up, get school, and tomorrow, when they all work - three children plus himself, these are four salaries, two salaries for food, to spend, and two to leave aside, [...] There it is difficult at the beginning when only one person works, cannot save anything.

According to focus group participants, there are 700 Roma in Preševo, but of that number, about half is currently somewhere in the European countries. The main reason is low employment: only ten Roma have permanent, formal employment, somewhere in the public sector.

[...] Since 2000, no Roma has been employed anywhere. In other words, the three of us work in education, teachers, two in court, a typist and maintenance, three in MoI, one policeman and two cleaning persons, and we have one Roma in the Power Company, and that's all.

There are also political reasons for (un)employment: in public services people are employed on political and ethnic grounds.

[...] They are all politically employed ... if you're in a political party, you can work and especially we, Roma in Preševo, we aren't important for both Serbian and Albanian side. And why should they care for us, they have their own people unemployed. Here in the Cultural Centre, they hired 30 people, but not a single Roma. Serbs hire their people there, and no one cares for Roma. And that's why these Roma here are forced to leave Preševo, not out of political reasons but out of economic reasons.

A number of focus group participants say that they do not receive social welfare and that they have asked for it but do not meet the requirements. Usually, they say that social workers told them that they were healthy and they could work. Others receive social welfare but after nine months it is suspended for three months. [According to testimonies from the focus groups, it seems that people do not know the reason for that.] Those who do not receive social welfare quite often say that they receive children allowance. They occasionally receive aid packages, food, hygiene packages, usually from the Red Cross.

It is especially difficult when children do not have enough to eat.

[...] All those who cannot watch their family starving, their children starving, me as an adult I can put up with hunger, but what will my children say when they have nothing to eat.

They also mention high electricity bills and debt and they usually have their electricity cut off, and in winter they do not have money to buy firewood. Those who have decent family houses, they built them before the nineties and today have no money to maintain the houses. Mainly, however, focus group participants talk about poor living conditions: settlements without access to sewerage, sometimes to water and electricity as well, the houses are overcrowded. Three families usually live in a house of 50 square metres.

We don't work anywhere, we have no running water in the place we are living, no sanitation, it's a disaster. When my son was three months old, I went to Germany where I spent six months, it was nice there.

People always go by regular bus lines to Western countries, for example to Sweden. Interestingly enough, relatively significant resources are invested in this kind of journey: almost always the entire families travel together and the amount can mount to several hundred of Euros. The money for this purpose is sometimes borrowed.

[...] Because we don't work anywhere, we have to manage somehow, we receive social welfare for nine months, and then receive nothing for three months. How to get the money? Children go to school, they need books, shoes, everything. My husband does not work anywhere, invalid, so I borrowed to go there and when I got the money there, I had to return it.

And how much was that trip to Sweden? 550 Euros

When they talk about the procedure, they mention a short interview, making a statement, and then entering the temporary accommodation, and soon after they are transferred to a more permanent housing where they wait for the completion of the procedure. Everyone is talking about the children who go to school immediately. Accommodation is mostly in cottage settlements (campers) and relatively far from the city. Only a few people say that they were accommodated in the city. Almost all say that they liked it there and that it was much better than in Serbia. They lived in decent flats, with a small kitchen and bathroom and in some places they shared kitchen and bathroom.

I didn't do anything, I had for food, for clothing, I had a flat, I had everything, it was really nice. [...] Campers, it was a tourist place where we were, there were somewhere around 200 campers, two families in each, 400 families, it was like a flat and I had everything there, it was really be nice ... And here, everything is different, there are people who don't have to pay electricity 20,000, 30,000 dinars, 50,000, and they can't pay, and they all want to pay but they can't.

A small number of families sought accommodation with relatives and then from there they filed for asylum. Then they spent the entire procedure period with relatives, and authorities did not allow them to seek alternative accommodation.

It is relatively unclear what kind and how much financial assistance they received: some talk about supermarket vouchers, others about money. Some may have hoped for greater financial support, others say that they could even save something. In any case, they did not lack anything, and for that reason everything was different for them there.

Those who have fled from Kosovo, from the perspective of the focus group participants, are in a much better situation: upon the return, they allegedly get 8-10 thousand Euros. Some say 1,500 per person. They do not get the money in the county in which they sought asylum, but upon their return to Priština. However, they mostly do not remain in Kosovo, but return here, in Serbia.

Focus group participants say that there is actually no possibility to work in informal economy in countries of asylum: they mention language barrier and the isolation of the settlement in which they were accommodated (for example, 20 kilometres from the city).

When I asked for a job they said: “Sorry, you are not our citizen, and then you cannot get a job, even our citizens don’t have jobs.” You can only work illegally, but if you get caught, you have to pay a huge fine and they send you back immediately ‘.

They often mention that no one was paying any attention as to whether they were Roma or Serbs. The officials they had contacts with treated them with respect, as they say, quite differently than in Serbia. When they talk about the treatment they have in institutions in Serbia, they talk about unkind or cruel treatment, and recognise it as discrimination. The inability to find jobs or the poorly paid jobs they get is also often seen as a result of discriminatory treatment of Roma.

It has nothing to do with education or poor education of Roma, I know many people who have finished school and again don’t work, cannot work, because they are Roma. My wife, for example, she went to ask in Simpo and they first say you can stay, and then they told her to go. We went there to ask what is the problem and the first thing they asked us: Do you have someone who works down there? And when we said we didn’t have anyone, they just said: We’re sorry.

Well, that’s the point, the point is people take advantage of that, because we work like ants, for little money. Why don’t they take the Serbs to work for 3,000 but only we, Roma work for little money.

Because, if one Roma refuses to work, or to go to school, they say, well, they’re all like that. The problem is that they think we’re all the same.

In terms of residence in the receiving countries, the children, if they are old enough, always go to school. Focus group participants do not perceive any problem related to education of children - going abroad, short stay there, and return to Serbia. They say that children continue education here and have no problems. Most people have not finished high school, but they see that even those who have finished school also do not have jobs, and, certainly, that diminishes the value of education.

Those who have completed something, some school should be employed first so that future generations would see it as something positive: I’ll finish school, get a job, I’ll be like her ... But, me for example, I have finished medical high school, and have been out of work for 9 year and there are also people with college in Vranje who do not work.

On the other hand, a small number of those with higher education say that they do not have enough money for their child to finish college. In general, local authorities help elementary education - all elementary school students from poor families are provided with free textbooks and free transport - but there is no assistance for high school and university students.

After receiving a negative decision on asylum, people usually turn to their officer and try to stay as long as possible. They get a bus or plane ticket for return and the authorities of receiving countries fully organise the return. When crossing the border on their way to Serbia, they are not faced with any difficulties: they are usually asked routine questions (how much they stayed, whether they applied for asylum, for what reason, etc.).

Upon returning to Serbia, according to the focus group findings, there is no reception procedure or any form of support: as if they have not been anywhere. Some of the focus group participants heard that some people were called to Belgrade – for some checking procedure- and they think that there were people who did not want to hand over their passports so they were sent with the visitors pass.

Then we returned and we had no support from the state, the Town of Vranje ... I turned to the National Employment Service a couple of times for a job, but they only said we'll call you and they have called neither me nor my wife.

No one has reported that they lack any personal document and it seems that they all have health insurance and health cards and can go to the doctor. They complain, however, that they cannot get certain medicines that they used to get free of charge and that medicines are expensive.

5.2 Focus group findings – asylum seekers in Western Europe before the visa regime abolition

Three focus groups held in Vranje, Preševo and Bujanovac encompassed 19 asylum seekers in Western Europe before the visa liberalisation. While the participants in the focus group in Vranje were 18 and 19 years old, and were mostly minors when their parents were seeking asylum in Western Europe, in Preševo and Bujanovac, participants were mostly between 42 and 47 years of age, who had been asylum applicants in Western Europe. The gender structure of the participants was as follows: 79% men and 21% women, of Roma and Albanian ethnicity. Regarding the educational status, the highest percentage have completed elementary school - 47%, followed by high school - 32% and university (completed or currently studying) - 16%. Only 1 person (5%) has not completed elementary school. Of the total number of participants 89% are unemployed and only 2 participants (11%) are employed. 58% is married and 42% is single. The majority are four-member families. They mainly went abroad in the 90's or 2000's, to Germany, Sweden and Switzerland, and less often to Belgium, Norway and Italy. Many of the focus group participants have tried to seek asylum in several countries of Western Europe.

Through the focus groups, we wanted to determine the participants' motivation for going abroad and seeking asylum, the conditions of their stay in the destination country while waiting for their asylum to be granted, and their reintegration upon returning to Serbia.

It turned out that the motivation for going abroad and seeking asylum in the 90's is

primarily related to political situation due to the wars in the former Yugoslavia, followed by economic reasons, while after 2001 the economic reasons were dominant. A significant part of their motivation is ethnicity and discriminative practices they faced as members of the Roma and Albanian communities.

We decided to go to Switzerland because my in-laws worked here in the state-owned factory, we left in 1996, it was inflation then, you get your salary and after two or three days you cannot even buy bread for that money, my husband did not work, I did not work and so we decided to go.

It was already a war in Bosnia and they wanted to send me there, at that time I was a potential candidate for the army, one of the motives was that I did not want to serve the army, those were turbulent times ... Nobody wanted to go to the army, everyone fled, everyone who could.

Well listen, until 2000, 2002, until the war in the region of Kosovo ended, the main reasons for fleeing from the region was political and related to war circumstances, and then after 2003 the situation was relaxed a bit, but then other problems began, economic problems, people did not have jobs to support their families and so on. So I think, in recent years there have been political reasons but economic reasons have been dominant, the underdevelopment of this region, if the economic situation improved slightly in this region there would not be so many asylum seekers.

Based on the analysis of the 1981, 1991 and 2002 censuses, Predojević-Despić indicates that central and eastern parts of Serbia were predominantly emigrational parts of Serbia, and that two new emigrational areas - south-eastern part of Serbia - Sandzak and southern parts of Serbia bordering Kosovo (Preševo and Bujanovac) were formed mostly after 1991, in "turbulent times of political and economic changes and the war in the former Yugoslavia", since Albanians mostly live in Bujanovac and Preševo. Emigration from the two municipalities is specific since 40% of the population that has emigrated since 1991 consist of children and young people. They gravitated towards Switzerland. In 2002 In Switzerland there were 66,000 people from Serbia, mostly from Bujanovac and Preševo (23%). The focus groups also show that the asylum seekers mainly went with their families. Switzerland was one of the destination countries (especially for these two municipalities), as well as Sweden and Germany (especially for Vranje).

The motivation to leave, as well as the selection of the country of destination is mostly linked with social networks - friends and relatives in those countries of destination have been important in making a decision to migrate, according to meso migration theories – Network Theory (Portes 1995, Gurak & Cases, 1992) and Social Capital Theory (Bourdieu, Wacquant, 1992, Putnam, 2008). Positive feedback from friends, who have "managed" abroad, as well as financial support and help in the destination country – information related to the procedure for seeking asylum and accommodation, have an important role in this type of migration.

They told me a lot of things. They managed well, got flats, social welfare, and to tell you the truth, I didn't have the money for that and they suggested me to go there, and sent me the

money for the trip ... When I entered the flat I was amazed, something that I would never be able to have here after 20 years of work. You see, my friend said, I've been living like this for a couple of months. I will never be able to have this in Serbia. Have you decided to apply for asylum? I said, I don't know what to tell them, what should I tell them? He said, tell them the truth, they you worked, lost a job, and you just cannot feed your children and family, and that what I did. They took me to a shelter, to apply for asylum.

We have an uncle in Sweden and we have agreed with him to send us some money because we did not have much, our parents didn't work and he sent us the money.

Well, people were saying that it was nice there, and when they return here we see they have a good car, for example, and everyone wants such a good life. And I also went there to accomplish something.

This finding is important, since social networks have a significant impact on the decision to go abroad and seek asylum. They can also have an equally important role in the prevention of such a decision if there is accurate information about the impossibility of obtaining asylum for economic reasons and possible difficulties related to ungrounded asylum applications. Informing social networks in destination countries on the asylum procedures and on the negative consequences of irregular migration could reduce the number of asylum seekers from Serbia.

This type of migration is also supported by various profit and entrepreneurial organisations, which are often illegal. According to the Institutional Theory (Goss & Lindquist, 1995) such organisations and "illegal channels" are created "in response to the imbalance that exists between a large number of people seeking immigration visas or temporary work permit and restrictive immigration laws of economically developed countries" (Predojević-Despić, 2010).

We had some organised buses that took us directly to the reception centre where you apply, I don't know how much my father paid.

It was an agency here, we went through that agency, by plane to Rome, then by taxi to Milan, then we went to Switzerland illegally, my husband had relatives there.

Yes, here in Vranje there were some agencies that were taking people then. From here we went to Hungary, by train, from Hungary there were some buses organised to take people to Haema where we had to apply.

It wasn't easy, a black van with no windows and you do not know where you are going, if you're lucky you'll get there, 20 people in the van, we could hardly breathe, if you survive you survive ... I went legally to Hungary, to the border with Austria, I remember I spent two days there and continued on foot ... I arranged with a taxi driver, from Hungary to take me to Vienna, he waited on the other side, I passed ... 1,500 German marks, a lot of money ...

... It was Sunday, and we had to take a lawyer, we found a private lawyer but he asked 2,000 francs, and 50% guarantees to be returned from the airport, and we didn't want to risk the money.

During the asylum procedure, besides the war, they mentioned economic reasons, disease and discrimination on ethnic grounds.

We were there, then we applied and some people told us not to mention economic reasons, that we are poor, because they will say that the crisis is everywhere. Then, I said honestly, I am not lying, we mentioned political reasons, perhaps you would think that it's not nice but I must tell you the truth since you are looking for the truth, I will tell you. We said that Serbs are bad, they harass us, the state has no jobs for us, for Gypsies and we told them a lot of stuff. We said that my mother was mentally ill, we made a statement and they said they would let us be there to wait for asylum.

I was in Sweden in 2005, then again in 2010. I tried to get permanent residence in Sweden, but no way, no way you can get their papers. I am a diabetic, have been a diabetic for almost three years and I explained them, I took the papers and everything. My son is also sick, has seizures and I told them that but they didn't want to accept to treat him, they say no way you Serbians can get a permanent residence.

The following quotation shows that the asylum seekers before the visa liberalisation have once again tried to exercise their right to asylum after the visa liberalisation. Moreover, many focus group participants have tried to exercise the right to asylum in two or three countries.

Yes, I was in Germany, Sweden and Norway ... We didn't want to go back to Serbia because its miserable in Serbia and we fled to Norway and something horrible happened there, I'll tell you later, and my mom wanted to return, and we came back to Sweden again.

The asylum procedures lasted for a long time (although the duration decreased over the years, so that those who went during the nineties stayed for several years - two to five, and for those who went after 2000 the procedure lasted from two to seven months) and migrants were given hope that they would get a positive answer. Even when they received a negative answer, they thought that next time or in the next country they would have better luck and would be able to stay in some of the EU countries.

There are different experiences in terms of accommodation - from the tents and camp with asylum seekers from around the world and harsh living conditions, through hotels and flats in which living conditions were quite good, to staying with friends and relatives usually in the final phase of the asylum procedure. They were mostly unable to work and lived on social welfare, but some were motivated to work and managed to work illegally. This shows that these people are not motivated to live only on social welfare, but also to find a job and to work. The possibility of finding a legal job in destination countries would likely reduce the number of asylum claims from Serbia.

I managed to work illegally, for a short period, but not regularly... and it is difficult to live only on social welfare...

I found a job in the hotel where we lived for two and a half months ... it was a legal job, I went to look for a trial work permit, you have that in Sweden. The lady who was my assistant, I don't know, who took my statement, she told me I didn't have enough reasons to stay

in their country and that she was the one who gives and takes work permits.

The first day I was in Malmo in a hotel and I say let's collect these bottles and cans and sell them. I found some bottles 4-5 of them by the road, and sold them to earn something, some money and I earned 50 crowns ... It was about 5 euro, but I didn't know the language. We were in the hotel for 2-3 days, and they transferred us to a camp in a city, I don't know its name, and we were there for two and a half months, and I worked a bit there, to earn something.

The children went to school and they all have the most positive experiences, emphasising the respectful treatment they had from teachers and their peers.

I grew up there and had friends, there were also Roma children there, but I was more with the Germans. In my class I had a friend, her mother was my kindergarten teacher and then we also went together to school, and after school I would go to her place to play. It was great, we played and then they would take me home, to my mom, and the girl also came to my place to play the entire school, and parents, they all cried, and made some banners and it was written in German: Where is the Selistarević family and our story was in a newspaper...

There are different experiences related to the return. Some could not wait for the procedure to end in isolated places, so they decided to return and signed a statement that they wanted to return. Sometimes the police came to warn them that they should leave the country. However, they all received money to return to Serbia.

I talked with my mother and brother what to do, but I was up there for a year and more. I signed a statement, I wanted to return. Simply, I could not stay up there any longer, so I wanted to come back. We got organised transport to Belgrade, we got money to go from Belgrade to Vranje.

... They came in the middle of the night, I remember, they said: Alijević, you have half an hour to get ready and go and we were in a detention, in prison, where the police is. We were there for one day, while they prepared everything for us ...

The return to Serbia and re-integration was difficult for those who had spent many years abroad and whose children had fitted into the education system and peer groups abroad. Regarding the current status they are in the same situation as before leaving the country – they are marginalised on two grounds - poverty and ethnicity, which are closely linked.

They are mostly unemployed and the general prejudice that they are not willing to work and that they seek asylum because they want to live on welfare is not true.

I think that most Roma from southern Serbia, from our region, go to foreign countries for asylum because our region is the worst, poor, north from Leskovac everything is different, there are a lot of our Roma people who already work, who have never been abroad and never think of seeking asylum because they have a job, they have everything they need for life, here, south from Leskovac, it's worse and worse and the southern part is the worst and

most people go from Bujanovac, Vranje, Han ... I just do not need welfare, I need nothing from the state, find me a job, I'm able to work, I don't refuse any job, I want to work, to have a salary every month.

Well, that's it, when we join the EU, then you don't have to seek asylum, you can rent a flat, work, pay for a flat, pay everything and don't have any problem

You can see, not a single company is working here in the south, especially in Bujanovac, and no one from the Roma population is employed. I mean, we are forced to leave, to go somewhere to live a little. If I could find a good, stable job here, I would never go abroad, why should I leave the place where I was born? We Roma, especially Roma in Bujanovac are the most vulnerable. Difficulties, poverty force us to leave.

Look, people from Preševo used to sell their goods in the market in Gnjilane, peppers, tomatoes, all agricultural products, I know that very well and it's true, they used to sell their goods in Gjilan. And Preševo is a small place, small market for production, for sale and if you don't have where to place the goods... They also took their goods to Kumanovo. We here don't have investments, how to say, the state does not pay much attention in order to slightly improve the economic situation. All investments reach only Niš, possibly Vranje, and more to the south, nothing is happening. I know for Bujanovac Spa, a Turk was interested, originally from this area, from Bujanovac, who went there to Turkey, earned fortune there, and wanted to buy the Bujanovac Spa, and the privatisation agency rejected his proposal because of political pressures, political parties from Bujanovac, and the privatisation was cancelled.

They are trying to survive by working seasonal jobs (particularly in Vojvodina) under harsh conditions without any protection of their rights, often being deceived and unpaid for their work.

You know what a stable is, stables for the cattle, real stables. You line up beds like in the army and sleep there ... And you just wait for the dawn, to start working and for the time to pass..... terrible... 1,200 dinars. We were picking raspberries with my brother and earned 1,200 dinars.

Once the Mafia came where we worked ... Well, they came and a worker was beaten, we were all afraid, you know some guys with chains came and started beating him and the boss got up, but what could he do, he couldn't intervene because he would certainly be beaten as well, and we couldn't sleep and were afraid.

Here in Bujanovac there are two spots, at the entrance of Bujanovac, across the gas station where the old motel used to be, workers sit there, they come at 6 in the morning and wait for a job, to pick corn or whatever, to unload trucks, and another spot is in the centre. Everyone knows where workers are in Bujanovac, but the problem is they require less and less physical labour; machines do most of the work.

We used to go to the woods and collect branches, but now we are not allowed to collect branches, to cut wood or branches, and now they have no choice but to suffer or leave.

Especially challenging is the winter period, when there are no agricultural works, and they have to provide for fuel and food supplies, and this is the period when they decide to go abroad and seek asylum because they have no legal way to stay abroad.

I went only because of the cold to tell you the truth. It is difficult here in winter, I have to give 200-300 euro for wood only, 100-200 euro for flour, and what about food, electricity, water, we don't have a place to live, if it wasn't for the Red Cross children would have nothing to wear. The Red Cross and social welfare help me a lot. Just for the children to survive.

There are prejudices that they have returned with money, which impedes the realisation of social welfare.

They also don't give social welfare, for example. I have a house, normally, a person has a house but the house cannot be eaten, a person cannot eat walls, so they must give me welfare, and they come and see that you have a house and everything, but I cannot sell my furniture and stuff, or eat the walls.

Along with the hard economic situation, a very important component that makes it difficult for the social inclusion of asylum seekers is the ethnic and discrimination issues faced by Roma and Albanians.

Since the 90's we (Albanians) have got nothing, I mean as if we are aliens, we are here, and we do not have any rights, we have never asked for something special from this country, like autonomy or something, we just want to have the freedom of movement, to have our language in schools, and economically, to have investments so we could work ... they have taken our language, Albanian, we used to have it in government bodies, we used to have Albanian flag, it's not a big problem, that flag, but economically, not a single investor has come to Presevo, a foreigner, to buy one of the 5, 7 factories here. Everything is about politics, our people buy and hire their own people, and if you don't have connections, you have nothing, and we don't have money for firewood...

We are isolated, so you do not have the right to take goods to Kosovo or Macedonia. I have a lot of friends in Vranje, Serbs, but we Albanians we don't want our goods to be sold in Vranje and Leskovac. And so, you don't have money, you're free to do anything either legally or illegally. I plan to finish my studies to get a job and if I cannot finish my education, I have to find some other solution ..

These findings indicate that it should be simultaneously worked on poverty reduction in this population and development of intercultural dialogue. The solution for members of Roma ethnicity should be also found within the implementation of strategies and action plans aimed at improving the position of Roma.

5.3 Focus group findings – regular labour migration

A focus group in Vranje was held with people who had legally secured their permanent or temporary residence in the countries of Western Europe, and who then returned to Serbia. The focus group participants were also the children of economic migrants who

went to Western Europe in the late 60's or 70's of the last century. The countries of their destination were France, Austria and Italy. In all the cases, they are people who later returned to Serbia, although some of their parents remained in the country of emigration.

The experience of the focus group participants shows people used to go to Western European countries (in this particular case France, Austria and Italy) in different ways: through the state employment service and the contract between the two countries, usually as a part of a larger group, but independently as well. For example, people would get on a train and go there with a friend or acquaintance. With the former Yugoslav passport they could go abroad without problems.

[...] Father went first, before us, he got a job through the National Employment of that time, and people used to go to Germany, in France.

In 1977, my father went to Italy, he was 21 and he literally went with his friend, let's go to Italy, and got on a train, went there, found a job and he started working there and he is still there.

Some of these people initially worked in informal economy and others had a regulated status from the beginning. However, even those who did not go through the employment service managed to regulate their status, then extended the work permit and gradually reached the status that allowed them unlimited stay, including the work permit.

People typically left without a family, some very young, before they formed their own families. If they had a family, women and children (they were mostly men) would soon join them. Some children were born in European countries; others went with their parents as babies or small children. The reasons for return were different. Some returned with their parents, often at the elementary school age, sometimes because parents did not want to accept that their children spoke poor Serbian.

[...] Father had already spent almost 20 years there and he was just a year short of getting the suspended, minimum pension. Then he thought, the war in the former Yugoslavia had ended and he said, ok, now everything has to be better, the country has to move forward. Then I remember that he told me that in Jedinstvo, in Vranje the wages were decent and he planned to come here and start to work. I did not know Serbian well then and it was also one of the motives, he did not really like the fact that I didn't know Serbian, because I was in preschool in Italy, and finished my first and second grade there, and they spoke Serbian at home, but I neither spoke nor understood Serbian, because Italian was all around me.

One of the characteristics of the immigrants from this period, even those who are still in a European country, is that they never wanted to acquire the citizenship of the receiving country. Usually after a period of time they would meet all the conditions for citizenship, but they somehow perceived it as a shame or humiliation, and always aspired to return one day. This is the case with all of our focus group participants. Large number of people who went to France to work in the early 70's, in, for example, automobile factories would return to Vranje after a relatively short period because at

that time the Vranje textile industry worked well, people were easily employed and had excellent salaries, allegedly better than in France. However, a significant number stayed in France. A part of those who returned, according to the focus group findings, did so because their children could not adapt to the new environment or because their family members (wife and children) had some status-related difficulties. Some children of migrants returned on their own, as adults, even though their parents stayed abroad.

Typically, these migrants were workers in the industry and trades. Drivers, building craftsmen, machinists ... It is interesting, however, that according to the focus groups findings, their children usually have higher education. In 50% of cases, upon the return these children also joined the migration flows (outside Serbia), whether for employment or studies.

My plans are to travel around, for a few more years, since I got used to that kind of life and I honestly, I've been here in Vranje for two months, no, five months and I am not used to being in the same place all the time.

[...] When my parents decided to return, well, then I could not settle down in Vranje, but I went on.

It is also certain that due to their knowledge of foreign languages they could find a job more easily, for example as translators or assistants in international organisations.

I currently work for the AWO organisation, the German organisation. My office was moved to Bujanovac last week. There we have a youth centre, we work in multiethnic groups with children and adolescents.

[...] I worked here in Yumco as a translator for 10 approximately and after Yumco I started working for the United Nations when they opened their office here in Vranje, it was in 2001

5.4 Focus group findings – representatives of state administration, local government and civil society in Vranje, Bujanovac and Preševo

Participants in three focus groups in Vranje, Bujanovac and Preševo shared their direct experience and knowledge from the perspective of services, organisations and institutions dealing with issues of returnees and other vulnerable groups in the process of migration. In Vranje, focus group participants were Serbs and Roma, in Presevo, they were exclusively Albanians, while the focus group participants in Bujanovac were Serbs, Roma and Albanians. Since the focus group participants were employed in state administration, local government and nongovernmental organisations with extensive experience in working with vulnerable groups, most of the activities took place in an interactive exchange of information and experience both with the project team and participants of the focus groups. Having in mind the complexity of migration from southern Serbia, all focus group participants recognised the need to approach these issues in a coordinated and layered manner. Focus group participants were: representatives of municipal bodies, Roma offices, youth offices, town council members, municipal trustees for refugees, representatives of health institutions, branches of the

National Employment Service, Centres for Social Welfare, Red Cross, elementary and high school teachers, as well as representatives of nongovernmental organisations and local media.

One of the main conclusions is that there is insufficient coordination between various services and that only with the assistance of some international organisations there have been attempts to stimulate such cooperation at the formal level.

What was identified as the biggest problem by all focus group participants is the difficult economic situation in southern Serbia, and that the issue of employment is the basis for the prevention of unwanted migration. A special aspect is that the problem of returnees in some way overlaps with minority issues in Serbia, since the majority of returnees and asylum seekers are Roma and Albanians.

The problem of irregular migration from southern Serbia definitely exists, but the lack of information exchange reduces the possibility for examining practical experiences and implementing good practices from other areas. However, all focus group participants had the knowledge about the issues of asylum seekers and returnees from Western Europe. Through the existing activities of the Serbian authorities in the implementation of the reintegration process of returnees, representatives of state agencies have learnt about the readmission process, and they show their willingness to accept people who need help with reintegration in an organised way, as it is foreseen by the Action Plan of Serbia and the Conduct Manual in the integration of returnees.

The focus groups examined some of the priorities in the action plan for reintegration of returnees as well as the creation of a database for returnees and coordination of services in the local community.

Despite the expressed intention to create a database on returnees at the local level in order to provide an impartial assessment of the vulnerability of these people, the idea has not so far been implemented, partly because they were left to declare themselves voluntarily as returnees, partly because people do not see it useful or for fear that such a database could be misused. Furthermore, it is unclear by what criteria a person is being proclaimed a returnee (whether by a personal claim or by a submission of travel document as evidence that the person has been returned from Western Europe)

According to the records we kept until two months ago based on the questionnaires of the Commissariat for Refugees of RS, we have about 33 families with 333 members. We also have very good cooperation with the Centre for Social Work and the Police. This is the first time I've been at a meeting with someone from the "labour market". We have been dealing with these problems for two years and CSW (Centre for Social Work) is always present, as well as representatives of the Ministry of Interior and Roma offices. There is coordination between us. So, if they want to exercise any right, they first have to be registered with us. Once registered, they get a certificate. The person has to have our certificate that he or she has been returned under readmission agreement. They must have a travel document in order to be evidenced, thus proving that they have been in some European country.

People who return, they come to us, and we have a questionnaire, where a person says whether they are returnees, so that if a person does not say that and does not provide personal information we do not have separate records.

No one wants legal assistance, they all want something concrete, material assistance, they want their houses to be renovated, they want us to find them jobs. I'm afraid that many people are losing confidence in us, we work with everyone, we are the town administration, but people are losing confidence.

The Conduct Manual was targeted to familiarise representatives of state administration and local government with the problems faced by returnees and present them sustainable solutions for reintegration of these people according to the existing regulations.

The Manual identifies priorities for returnees in several areas: 1) issuance of personal documents – the problem that generates all other problems, 2) education - many children of returnees have a problem with continuing education, validation and equivalence of diplomas from abroad. Moreover, some of them do not speak Serbian. 3) social care – either due to the strict criteria or the lack of documents, many returnees fail to exercise their right to social care 4) health care – due to the lack of documents or unawareness of the procedures for obtaining health cards, many returnees do not have them, 5) employment - regular income is one of the most necessary precondition for any sustainable reintegration of returnees.

Flexible interpretation of the regulations from the Manual in its part about fee exemption for issuing personal document (given that the fees need not be charged if it comes to international agreements) is not implemented in practice. The fee expenses are sometimes covered by nongovernment organisations.

They have to contact us first, so that they could have some privileges later with CSW, MoI, and all the institutions where they can exercise their rights. A fee must be paid for issuing personal documents, citizenship certificate, ID cards. Praxis pays the fees, we cannot pay for them. I can give them a citizenship certificate with the exempt from taxes stamp, but when they bring such a certificate to the Police, they have the instructions that not only migrants, but no one can obtain an ID card or passport if the certificate says that the fee is not paid. But Praxis pays the fees, Praxis is an organization for legal assistance, and they pay for birth certificates and citizenship.

The Manual clearly shows what kind of assistance can be provided for returnees in centres for social work and what documents are required for applying for the assistance. The discussion emphasised that the overall poverty has significantly affected the reduction of social assistance and that the current level of social assistance cannot meet all the needs of the poor. It is said that the amended law will increase the amount for those in need, but that those who refuse to work will lose the right to social care. The increase in the amount may, however, be discouraging for job search.

Many did not want to join the projects, because it is for 6 months, and because they would have lost the assistance they received. Social assistance is something that they receive regularly, which with the change of the law is now equal to some salaries, and then they have

discounts on electricity, water, utilities, they have certificates for free kindergarten, certificates for public kitchens, for using the Red Cross services in terms of clothing, food and they will never accept to work.

With the amended Law on Social Protection many more similar problems will emerge. Now a family of four where all are capable of working, they used to have 5 and 6, and now they will get at least 10,000 dinars. Now, single-parent families have no restrictions in social assistance and have a 20% over the level of social security applicable to others, single-parent families have a plus 20%, which means that the amounts have nearly doubled ...

Similar observations were related to employment. The Manual for the most part provides instructions on what a returnee needs in order to register with the National Employment Service and use the services of active employment measures equally with other citizens. What appears to be the problem is that most people who receive social security benefits do informal, seasonal jobs in other parts of Serbia and are not present in the places where they are registered in order to go through the NES programmes. If, however, they reject the NES programme, they lose the right to social assistance.

You see, about that registration. I know the Roma population and since they don't have permanent employment, they are not employed, they do seasonal jobs, mostly in Vojvodina and Sumadija. They stay there for 3, 4 months. NES organizes some training so that they could apply for a programme and later open a small firm, but they don't have any qualifications, they do seasonal jobs. They are then rejected and it lasts for 6 months and then they have problems with the NES to obtain unemployment certificates and then they lose the right to social assistance.

In connection with the right to health care of people without health cards, focus group participants say that there have not been a lot of such cases and that the costs of their medical treatment are reimbursed by the Ministry of Health, until they get a health card and enter the regular health system.

There were several cases of Roma. They do not have health cards, ID cards and when we ask where they were at that time, they say that they were in Germany, Belgium, Sweden, France, it is the biggest problem ... but we have a separate notebook, the Ministry of Health has approved that, a special notebook for those who don't have health insurance cards, we write their names down in that notebook and they get the necessary health care.

Perhaps the children and young returnees are in the worst position. If they spent many years abroad, they have problems with language and cultural adaptation to the new environment upon their return, as well as with the validation and recognition of the previously acquired education. If they have missed several months of school, they are lagging behind their peers.

A family that we just registered spent ten, fifteen years there and the children do not speak Serbian, they went to German schools, and so they need validation, that's what we do, we file requests and help people where we can.

Today, we have heard that we got a project from the American Embassy, and we should do it with an organisation from Belgrade, and the project is dealing with migration of young Roma returnees and their integration into society and the community. What happened to the new project means that from September, we will go for that a little more intense integration, which is especially important for young people because youth offices are a part of the state system, it is the easiest way for young people to enter the state system, society as a whole, to be recognised by the state system through the Youth Office. I also think they are somehow the most distrustful and so we need to work with them separately.

Due to the fictitious marriages abroad for the purpose of obtaining residence permits in Western countries, there are also a lot of fictitious divorces in Serbia. These divorces, however, become real and result in the family disintegration and children negligence.

We had a case a month ago, a Roma family, he also divorced his wife, while the wife wanted to marry his uncle back in Sweden because of the papers. But that relationship failed, the children were removed from school, and now, it's been almost a year, the children are out of school for a year, have become almost illiterate, did not succeed there, have not succeeded here and no one is going to accept them now.

Representatives of administration and civil society from the Albanian community are familiar with the trauma of people who have been forcibly returned, as well as with the necessity of public awareness about the problem of returnees, and the need to have an information campaign about not using the free travel after the abolition of visa regime for filing asylum claims. In Preševo, a thoughtful information campaign was launched to explain that economic reasons are not grounds for granting asylum. Although it did not work for Roma, the information campaign about uselessness of filing asylum claims may have had some effect with potential asylum seekers Albanians. Albanians, unlike Roma, attach importance to continuous education, with the ambition for further improvement, if not for themselves, then for their children. They are therefore aware that by going abroad for a few months they will not achieve anything and that it is only a waste of time.

Local authorities here in the south have not informed citizens who travel to the European Union. We believe that the citizens were not informed and for that reason many of them rushed to apply for those camps and for asylum, they did not know where to go, what the risks were. Nobody took any action, regardless of the fact that here in Preševo, Bujanovac we have 4 TV stations, 2 local and 2 private ones, and there was neither a programme nor a TV spot to inform citizens.

However, in the opinion of the focus group participants, the information campaign itself cannot solve the problem, but it is necessary to re-open the possibility of regular labour migration.

I do not see a signal from the government aimed at solving this problem. If they want to solve it, there is a way - temporary employment in the European Union. So the government could contract with the European Union to accept seasonal workers in these countries. The countries can receive up to 200-300 workers to work for 5-6 months and then return. In 1970, seasonal workers went to work in Germany and France, in the same way. Germany

can accept up to 500 people for a year, and that's nothing, like a drop in the ocean. That should go through the government, and the government is responsible for those who claim asylum today.

The Albanians have a sense of discrimination, and the focus group participants emphasise the lack of employment opportunities in state companies and services, the absence of some state application forms in Albanian (which was one of the reasons for the boycott of the latest census), overemphasised presence of army and police, lack of higher education institutions with the curriculum in Albanian, Kosovo diplomas are not recognised, etc. Although they mentioned the cases when the police and the army had abused someone only because they are Albanians, representatives of local authorities and civil society were united in the position that the main motive for migration is difficult economic situation and lack of employment opportunities.

There are a lot of transportation agencies, not only one. And these agencies have the official bus line, for example: Preševo-Belgium, Brussels, or some other city. And no one in the bus says that they are going to try for asylum, no one says that. Of course, everyone keeps the secret. As for why they go, most of those who want to go are unemployed without any hope to get a job here.

Although some Western governments are already implementing income generating and development projects in some municipalities in Serbia, thanks to, among other things the agility of some municipal governments and nongovernmental organisations, a different level of support can create animosity between those who are entitled for that support only on the basis that they have been returned from particular country and those who are not entitled to it, but are also in need for such a support.

Through the Readmission Programme, we have so far received funds for 29 families, another 32, 33 are under consideration. Since it is the holiday season, they are a little late, those from the Swedish government and our people here as well, with money transfers. The support consists of a food package and hygiene package. For 9 families, we have received funds, 200 Euros per family for them to purchase a machine to be able to earn something. They are usually welding machines, chain saws, sewing machines. The assistance can be provided only to returnees from Sweden

Our organisation, AWO-Bremenhafwen in partnership with SHL, it is also a German organisation, provides scholarships to returnees, it is for high school students and they have a certain amount of scholarship and we also do humanitarian aid.

In southern Serbia, there are programmes for migration management implemented by state institutions and international and nongovernmental organisations. The question is how such programmes are consistent, mutually coordinated and how their effects are monitored. In addition to being periodically invited to certain meetings, seminars and conferences where they discuss the issues of migration, the focus group participants, representatives of certain government services and institutions, could not give an example of a durable, successful coordinated effort to regulate migration flows, either by preventing irregular migration or attracting workers from abroad to invest in the places of origin.

The PBILD programme, which should be launched soon. I hope it will start from September. It is designed as a small office, which will operate three times a week for two or three hours in the afternoon. The service comprises of employees, consisting of a social worker, a psychologist, a lawyer, administrative worker and driver for a possible on-site visit, primarily relating to migrants, returnees, asylum seekers, people who come and do not know where to go. They do not know what their rights are and know how to exercise these rights. It will be covered by the media, so that people know that such a service exists. During regular hours, it is simply impossible to give full attention to someone, you will agree with me that those who came to CSW, no matter what the problem is, the most important thing is that there is someone there who will listen to them and I think that it can be realised during the afternoon hours, when we are there just for them, so I think it's a good thing, it should start from September and everything will be much easier.

... Everything is based on acquaintances, essentially because we are all doing a similar job .. through a casual friendly conversation we convey information, and we are not obliged to do that. There are people registered with him, and I don't know them, and people are people registered with me, and he doesn't know them. We are a bit disorganised regarding this issue ...

A large number of people from Pčinja who went abroad 20 or 30 years ago, help their relatives through regular remittances, but according to focus group participants, investments are lacking.

The worst thing is for example, people who return, my school friends, who spent 10, 15 years in Switzerland, Germany, and when they return, instead of investing that money in a business, they build huge houses, with thirty rooms. I ask my friend, what do you need such a big house for, and he says so that mine is bigger than the neighbour's or to have room for my children who stayed abroad when they return.

Another problem is the lack of investment here, because the state gives signals that this area is not safe. There are plenty of police and Special Forces and it reflects on the investments. Due to many unsolved problems, this is the focus of instability, and a normal person would never invest in here.

However, each visit or event, like a wedding or house construction of workers from abroad, employs the local community.

The money they earn abroad, they come here, build a house, buy land, make a wedding, and it is very important, they bring their money here, spend it here and through that money we all get something: the person who owns the restaurant, those who own boutiques, in the market, those who sell building materials.



CONCLUSIONS AND RECOMMENDATIONS

Related to asylum seekers after the visa regime abolition and the prevention of new irregular migration

Asylum seekers from the territory of the Republic of Serbia, who have filed asylum claims after the introduction of visa-free regime with the EU are mainly economic migrants who go to certain EU countries with the clear intention to apply for asylum and with prior knowledge - more or less precise and complete - on the manner of treatment during the procedure of asylum claim assessment. The people encompassed by this research clearly testify about poverty and exclusion as the sole or dominant reason for leaving the country. The living conditions in reception centres for asylum seekers are assessed as much better than those in which they lived, in their places of origin.

- ❑ We recommend that the Government of the Republic of Serbia deal with the large number of asylum applications filed in (certain) European Union countries by citizens of the Republic of Serbia primarily with the measures within the existing strategies and programmes for social inclusion and poverty reduction, including primarily the Strategy for the Improvement of the Position of Roma in Serbia and the Strategy for Reintegration of Returnees. It should be expected that stronger measures for social inclusion of families and communities - with special emphasis on active employment measures, social protection measures and improvement of housing conditions - can significantly reduce the intensity of migratory movements that result in filing unfounded asylum claims in EU countries.

The findings from the focus groups clearly show that these asylum seekers are motivated to work and whenever they can, they do seasonal, low-paid jobs in their places of origin or elsewhere in Serbia. These people also see jobs and stable income as a solution, and as a way to live well. They decide to apply for asylum because they have no other option. Applying for asylum, staying in the reception centre and any other associated benefits are perceived as a short-term survival strategy, perhaps with the (uncertain) possibility to achieve more, to achieve a lasting benefit.

- ❑ We recommend that the Ministry of Economy and Regional Development, National Employment Service and other relevant stakeholders examine the possibility to allocate the funds for social innovations (social entrepreneurship) and more strongly encourage the inclusion of Roma communities.

It is also necessary to consider the possibility of the existence of seasonal and temporary jobs for low-skilled labour in the EU countries. Such migration would provide legal

channels for employment and poverty alleviation of vulnerable populations potential asylum seekers usually belong to.

In the long and medium term, migration policy in the EU should be more open to the possibility of hiring seasonal low-skilled workers from Serbia. The issues that should be regulated by bilateral agreements on employment between Serbia and the EU countries should be dealing with the identification of such labour force, as well as the market needs, in cooperation of employment services and employers' unions in the EU and Serbia. Such cooperation also includes the development of programmes for seasonal migration that would prepare seasonal workers the country of origin for leaving the country and in the EU for temporary residence.

- ❑ We recommend that the Serbian government to open dialogue with the governments of relevant European countries on defining relevant international agreements which would allow temporary, seasonal employment of citizens of the Republic of Serbia, especially unskilled and low-skilled workers, according to labour market needs of the European Union countries. At the same time, the National Employment Service should plan training and retraining programmes, aimed at certain minority communities, which would empower the training beneficiaries to apply for jobs in certain European countries, based on relevant international agreements.
- ❑ We recommend that the Government of the Republic of Serbia opens a dialogue with the Kingdom of Sweden about the possibilities to employ citizens of the Republic of Serbia for the positions regularly published on the list of labour market requirements in Sweden.
- ❑ We recommend that the Serbian government initiates the possibility of concluding agreements on seasonal employment with the Government of Germany according to comparative practice that exists in the relations between Germany and Croatia.
- ❑ We recommend that the Serbian government initiates the possibility of concluding agreements on employment with the Government of Belgium according to comparative practice that exists in the relations between Belgium and Bosnia and Herzegovina.

In order to meet the challenges of labour migration in Serbia it is necessary to develop measures for analytical monitoring of labour migration and their management. It is necessary to establish an efficient administrative structure at the national and local level for the implementation of migration management policies, and legislation that would be in accordance with the existing international and EU standards in the management of labour migration.

- ❑ It is necessary to strengthen and better coordinate all stakeholders at the national and local level in the field of labour migration, which includes monitoring of migration flows and data collection. The basis of these measures is in the draft law on migration management and other relevant strategies.
- ❑ It is necessary to develop and improve the existing strategic frameworks that include labour migration, in accordance with the existing international standards on labour, employment and human rights.

- ❑ The right to leave the country does not imply the right to enter another country and there is a responsibility of the European Union at its external borders.
- ❑ All the measures concerning the return of people who have been refused asylum should be consistent with universal standards of human rights, including the measures relating to the prevention of Serbian citizens to arbitrarily claim asylum in Western countries.

Related to returnees in the reintegration process, who have spent many years in Western countries

- ❑ We recommend that the relevant state bodies of Serbia take into account new trends in the readmission process and pay particular attention to identifying and assessing the needs of those returnees who, after years spent in the receiving countries, return home and face specific problems and who need real need in Serbia in order to reintegrate into society.
- ❑ The problem of returnees from the readmission process cannot be separated from the issue of inclusion of vulnerable minorities, especially Roma, in the Serbian society. It is necessary to assist local governments in developing and implementing strategies and action plans for minority communities. These documents should be aligned with the existing initiatives of the Commissariat for Refugees and international organisations to change the local action plans relating to migration management.
- ❑ It is necessary to carry out evaluation of the existing results in the implementation of the Strategy for Reintegration of Returnees, with full appreciation of the achieved changes and in order to focus new resources and activities to those areas where there is a need for further intense state intervention.



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