

**Colloquy “Migration: challenges for local and regional authorities”**  
**Current Affairs Committee of the Congress of Local and Regional Authorities of the Council of Europe**  
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What immigrants first encounter is the state itself and in that sense we may say that a significant progress has been made after a number of years of a legal vacuum from the times of the SFRY all the way to the FR Yugoslavia. Serbia passed the Law on Asylum which has been implemented since 1 April 2008 and it is evaluated as a good starting point in defining rules and procedures to introduce mechanism of asylum seeing procedure. The reason for that is primarily the aim of the state to introduce a framework and to legally define the sphere of asylum and refugee protection on its way to visa-regime softening and approaching the EU.

Although a number of various regulations were adopted how to treat persons in asylum centres when admitting immigrants, there is practically no well-thought of and reasonable strategy which would, in the form of recommendations, provide guidelines to local and regional authorities as to how to act, or define policies aimed at efficient integration of asylum-seekers into the system. The most important level is the local level on which immigrants are directly integrated and it is of key importance for local authorities to primarily define obstacles they encounter in giving accommodation to those persons and to their efficient management of multi-ethnic communities.

In this presentation, I will first give general information on the current situation in Serbia with a brief coverage of the region and list the problems we face and preconditions for a better management.

The issue of migrations in the South-Eastern Europe has to be analysed from a complex political, historic and sociological aspect. The Western Balkans is a place of recent conflicts and being a post-conflict society it has certain specific characteristics. Problems that exist among countries are reflected on the local and on all other levels. Until recently, the issue of migration in a sense broader than its original definition was primarily an internal issue of Serbia and it coped with it with a lot of difficulties. However, by opening its borders and signing agreements with the EU, the most important of which is the readmission agreement, the issue was put in an international context.

There are few institutions in Serbia dealing with this issue. We obtain sufficient information directly from the field work, however, when statistical information and exact figures are concerned I had to consult other organizations as well, such as the Ministry of the Interior, UNHCR and the Asylum Centre.

Within the target group which we are dealing with today, I must make a slightly different categorization of certain groups called immigrant although they do not differ in the place of origin, manner in which they fall within the immigrant category, conditions in which they live, legal framework defining their position and objectives they put to themselves. In those terms, in Serbia and in the region of the Western Balkans in general, there are the following categories:

1. transit categories
2. false asylum seekers
3. emigrants
4. immigrants
5. internally displaced persons
6. refugees
7. returnees under the readmission agreement

All these categories in Serbia shared and are sharing the destiny of local population, meaning they are trying to integrate in the country which faced in the 90's social and economic collapse with a dramatic fall in GDP (by approx. 50%), high unemployment rate, massive fall in the living standard of its citizens, exhausted by

wars, long-term economic sanctions and isolations, air intervention and without a comprehensive strategy of transition and system reform. Serbia is in the most difficult position when migrations to the region of South-Eastern Europe are concerned. For a long time, since the beginning of the 90's, the assistance was sought, as well as a more specific action by the international community in order to resolve this issue. The issue is complex and directly linked to regional aspirations of the countries in the process of EU accession.

## **SERBIA**

Serbia is the country of origin, transit and refuge of a great number of persons who were forced to leave their homes. They differ in status, social position and rights they exercise in Serbia, however they have something in common and that is they are included in migrations involuntarily.

### **Refugees**

With more than 80,000 refugees from Croatia and Bosnia and Herzegovina and more than 200,000 internally displaced persons from Kosovo, Serbia is the country with the greatest number of refugees and displaced persons in Europe. Several hundred thousands received citizenship of Serbia which made them equal with other citizens of Serbia. In the region of the former SFRY, there is a stalemate in the process of resolving the issue of refugees, and the Road Map implementation to which ex Yugoslavia republics acceded by signing the Sarajevo Declaration, primarily due to unresolved issues of tenancy rights and very biased ethno-nationalistic policies of the countries which should treat all their citizens equally. The return to the country of origin, creation of conditions for the protection of previously vested rights is important not only to enable a permanent return, but for the solution of any other problem as well, i.e. for integration.

In neighbouring countries, there is still ethnically-based discriminatory approach in national legislature and attitude of national institutions towards the refugee category. It can be concluded that main problems of refugees are concentrated around the issue of their equality, i.e. their discrimination in the countries of their origin.

However, there are municipalities in Serbia which did not wait for a signal to be given by the central government and they commenced the integration process of refugees and displaced persons. They were given certain support on the basis of local action plans they adopted for the improvement of refugee status. In many municipalities state build houses for refugee's trying to solve their extremely difficult situation and to close collective centres.

### **IDP**

In spite of complex political relations between Belgrade and Pristina, Serbia and Kosovo cannot be separated due to a number of issues. There are, first of all, internally displaced persons from Kosovo, then Roma and Albanians from Kosovo for whom Serbia is a transit country. And there are Albanians taking Serbian passports and going to Western Europe. According to the number of internally displaced persons (IDP), with 205,000 of displaced persons from Kosovo and Metohija, Serbia is among the first countries in the world. The majority of the displaced are Serbs and Roma. In practice, which is also the case with Serbia, displaced persons face a number of problems in exercising their elementary civil, economic and social rights, such as obtaining personal documents, exercising ownership rights, access to health-care, social-security, exercising right to adequate accommodation. Serbia is still not supporting the local integration of displaced persons and due to that integration programs are not available to those displaced persons who do not register their residence in the places of their displacement, outside Kosovo and Metohija. On the other hand, Serbian authorities do not have any formal contact with Kosovo institutions whatsoever, which additionally complicates a number practical procedures relating to the enjoyment of rights of internally displaced persons.

By assuming competences from UNMIK, Kosovo authorities institutionally meet requirements for the return of displaced persons – offices for the return of displaced persons are set up and municipal strategies for their return are defined, however, data are different and evidence a very small number of returnees. Besides, the fact is that there are no official data on the number of displaced persons who physically, by taking possession of it, got their property back.

In the economic crisis, a possibility of employment in private sector is questionable for all citizens. However, it is not clear why minority communities in Kosovo are not represented in the public sector in an adequate way. The level of employment of members of non-majority groups is still unsatisfactory, and therefore both the Serbs and members of other communities, primarily RAE are out of the decision-making mechanism. Ownership rights in Kosovo and Metohija are not protected and the main reason for that is the poor implementation of laws regulating this area. Besides, it is clearly stated that inter-ethnic court actions relating

to property are unreasonably prolonged with an indication that this is the case due to the inter-ethnic dimension.

### **Asylum Seekers – Migrants**

The number of asylum-seekers in Serbia is at present 5 times the last year number and that makes 970 persons until June 2011. Those persons have certain rights depending where they are from and that primarily implies rights to employment, social security, access to health-care etc.

From the moment Serbia got on the borders of the EU and the closer it is to the EU, it is expected that this region will be increasingly attractive for immigrants. In addition to that, recent conflicts in North Africa and in the Middle East resulted in a dramatic increase in the number of those who flee violence and grave refuge, as well as economic situation in their own or other countries.

Last year, five decisions on subsidiary protection were made, for three Ethiopians, one Iraqi and one Somali, however, all decisions of the first-degree body deciding upon asylum applications are negative and more than 90% of cases, asylum applications are rejected. Last year also, the arrival of families with minor children was noticeable, which was not the case until then. Asylum seekers most frequently come from Afghanistan, Palestine, Iraq and Somalia. They come from Greece, Albania etc and enter Serbia through Macedonia, Montenegro and Kosovo. Even if someone gets such protection and possibly the asylum in Serbia, there are no integration mechanisms in place.

The problem that so far has not been given any attention is the category of minor persons. Those persons stay in Asylum Centre which is overpacked with people and their accommodation is actually one of problems. In addition to the problems in Serbia, the problem face in the field work is the educational structure of immigrants, which is in the majority of cases a few primary school grades, enabling only an elementary communication, poor knowledge of languages and often well prepared for exposure in the possibility if they been caught.

### **READMISSION / ROMA POPULATION**

The greatest number of emigrants from Serbia seeking asylum in the countries of Western Europe or getting there illegally are Roma, and to a lower extent, Serbs, Albanians from the south of Serbia and lately Bosniaks from the territory of Sandžak in central Serbia. A great number of them tried to find refuge in Europe immediately following the visa liberalization. Many of them sold their houses and land believing they would stay there for good. Some of them spent significant funds only to apply for asylum. It is about a misuse of the asylum system as a possibility of entering foreign countries for illegal migrants, and Serbian authorities failed to react timely. Those citizens of Serbia were either turned down their asylum application or a temporary protection they were given with an aim of taking care of them on humanitarian grounds due to the conflicts on the territory of the former Yugoslavia was terminated. All those asylum applications were rejected as ungrounded. The return of the citizens of Serbia from Western Europe whose asylum applications were rejected or temporary protection denied has continued. Among them, the majority are Roma. Many of them return with no belongings and have no accommodation after spending more than 15 years abroad. The Strategy and Action Plan for Reintegration of Returnees was adopted, but the issue of project funding remained unsolved.

So far, approximately 40.000 of Serbian citizens have returned as they were denied the right to stay further in the EU countries. Among the returnees, the majority are Roma, although there are also Serbs, Bosniaks and members of other ethnic groups. At the same time, it is estimated that on the basis of the Readmission Agreement additional several tens of thousands of its citizens will be returned to Serbia. In addition to that, it is difficult to make assumptions as to how many citizens of Serbia left Kosovo and went to the EU countries residing there illegally and who will when they enter the return procedure ask to be returned to Serbia. They are predominantly Roma. These persons need a social network system which would make their integration into society to which they were returned more successful.

What worries is information that some countries began to return persons from Kosovo to central Serbia with the explanation that being the citizens of Serbia they cannot be given international protection as Kosovo is for the countries of Western Europe an independent country. Also, in November 2009, UNHCR issued Guidelines for the Assessment of Needs for International Protection of Persons from Kosovo. It is stated in the document that, although there were no serious violent incidents with minorities in comparison to those of March 2004, the general position of minorities, including Roma, has not changed since 2006, when UNHCR issued a statement on the need of persons from Kosovo for a continued international protection. The internal displacement within Kosovo, according to UNHCR, is not a relevant option for Roma. Some data show that

70-75% Roma returnees left Kosovo again. UNHCR recommends the countries to refrain from forced return of members of ethnic minorities particularly applies to Kosovo Roma population- who are exposed to risk in Kosovo, on the basis of the alternative of internal flight or displacement, stating that it could lead to the situation of secondary displacement.

#### **WHAT HAS BEEN DONE SO FAR AND WHAT IS GOING ON**

Ministry of Interior is responsible for developing immigration policies and in charge of all regulations. Some of the government measures currently implemented upon recommendation of international organizations and local NGOs are as follows:

1. a campaign launched to explain that false asylum-seeking in the EU countries will not be successful;
2. increased control both of traffic and border police,
3. investigate elements of organization in the cases of false asylum seekers,
4. a new criminal offence is proposed to be introduced – organization and collaboration in illegal migrations,
5. a proposal to draw up a list of illegal migrants with the assistance of other countries, i.e. a database to be used only by the Ministry of the Interior of Serbia
6. setting up an integration house, which is an efficient system of adaptation.

Center for Regionalism activities are directed to national authorities, to the target group and to local authorities, as well as to the international community, like e.g. OSCE or EU Delegation.

We are especially active in multiethnic communities of Bujanovac and Presevo in southern Serbia, in the east of Serbia, but as well in Novi Pazar and Sjenica in the region of Sandzak/Raska.

Through a few regional networks, a constant pressure is made by civil society organizations on heads of state of the Western Balkans to start solving problems genuinely. On several occasions, Igman Initiative (Center for regionalism program) sessions put on their agenda the above listed models and required changes in approaches to take place. Heads of state of the subject countries were present at those sessions as well. From time to time joint statements and resolutions has been signed with aim to further build confidence and mutual trust.

Our tasks have so far been primarily focused on the local level, where huge number of integration activities has been made so far. We work in one direction towards the local authorities and other direction to citizens and other ethnic communities. In some cities and municipalities a lot has been done on integration and inclusive policies, primarily due to the enthusiasm of individuals within the municipal administration, well-folded partnership of local authorities and NGOs, well-organized associations of ethnic communities or influential and active civil society. We advocate greater activity to local authorities in explaining what visa liberalization means, as well as to explain the readmission agreement and what consequences it may have on certain local community.

We advised local self-governments to launch integration programs. Many returnees under the readmission program miss a document or even several important documents which is the greatest formal obstacle in exercising their basic human rights. Among them there are a great number of children who are particularly exposed to risk of abuse, exploitation and of becoming victims of human trafficking. Recommendation is firstly to issue personal documents in a summary procedure and then to map socio-economic problems and all categories of the target group which are at risk. Minority communities are invited to state the problems they are facing and to say what institutional assistance they want.. In addition to that, we made efforts to revive local institutions dealing with the protection of endangered groups, to make them active again and to acquire knowledge that would enable them to act in accordance with their competences. These are local ombudsmen and local Councils for Interethnic Relations (working body assembly) which does not have apriori to deal with minority issues. In our work we have impact the local ombudsman that when their work pay attention to prioritization of cases submitted by members of other ethnic groups. Regarding the Councils for interethnic relations we have recently developed a new model. Model that has been already adopted by few municipalities in Serbia applies particularly to small minorities and the Roma community. In some municipalities where some ethnic communities whose populations in local areas have less than 1% and by that do not fulfill law condition for a participation in local Council for interethnic relations, new model predicts to their representative also to be involved in the work of the Council and the municipalities proposals as a way to choose this representative.

When education is concerned, in municipalities in the south of Serbia with a great number of Roma children, we exerted pressure on local self-governments to act in accordance with the recommendations of the Ministry of Education and admit children (from readmission) to schools conditionally. Also, we conducted a recommendations on providing additional classes related to the teaching of mother tongue and their culture with elements of history which is especially important to preserve their identity.

Exchange of experience in the region, even within certain countries can be of great help. Serbia is so diversified and regions differ from each other and we can find good examples from our own country on which we can learn. One of them is the Provincial Office for Roma Inclusion of the Executive Council of our northern province of Vojvodina which has good experience in its activities with the Roma community. There is a good system which proved efficient and it relates to the access to the labor market, and it was necessary to develop special programs (for returnees) on retraining and additional training (as qualifications are usually the lowest), as well as self-employment. Programs of self-employment support (and starting up or enlarging small business initiatives) proved to be very useful.

In the few municipalities in which we worked together on local development strategies we advocate the principle of participatory planning so that all communities are involved in strategic planning and management and therefore can manage their own lives and needs. This is a very important aspect because it gives the possibility of action at the core of things, where decisions are made.

To make integration successful, it is necessary to create conditions in which a local community accepts asylum seekers and in which a person with granted asylum would be included in social flows. Under the conditions of a great unemployment rate in a local community, a new asylum seeker integration system is to be worked out which will not provoke negative reactions of local population and thus make the integration much more difficult.

It can be concluded that it is necessary to:

1. Reinforce and build capacities of migration councils in local self-governments and assist them to realistically anticipate and plan needs of returnees,
2. Improve flow of information and coordination – more intensified coordination and communication is needed between the various institutions.
3. Ad hoc solutions are fine if you have sustainability. Mostly depends on the level of quality providers of various services and to the stable and increased funding.
4. Local economic development is particularly important. If there is no continuous and visible economical development, citizens easily turned to the xenophobia and nationalist rhetoric.
5. We worked a lot with the young population to become more involved in the processes at the local level and especially where decisions are made. Special emphasis was scholarships for young Roma and Albanians in southern Serbia. In fact regarding the support in the education we have achieved great success advocating with the provincial authorities precisely the provincial Office for Roma Inclusion.
6. At the national level, we did amendments to the Law on financing local self-government. To those municipalities that have higher allocations for the integration of local ethnic communities it was proposed to receive increased funding from the transfers or through some other new source of revenue.
7. In municipalities where we worked, we advocated for a funding model whereby the accent would be on those representing ethnic communities. Recommendation was to the municipalities to be more sensitive and increase granting on public tenders as well as competitions to be more transparent.
8. It is crucially to continue to work with the municipalities and to equip them with the necessary knowledge how to recognize elements of discrimination. In some areas discrimination is extensive and therefore we are working with those who create and implement policies in education, social services, language etc and all this by raising awareness, advocacy and training to be more sensitive, more open and responsive and affect in any sign of ethnic hatred, intolerance or discrimination.

## **CONCLUSION**

Serbia is a country with a reviving economy and as such it will be more attractive as an immigration destination. Therefore, from the status of an emigrant, its status is changing to an immigrant country. It is in a new position since it became a country bordering the EU. From its territory one gets into the EU. Reimposition of a visa regime to Serbia may have as a consequence its isolation, fostering nationalism and animosity of the majority population towards the Roma and Albanian national minorities among which is the greatest number of asylum seekers.

Consequences of non-resolving immigration (including all categories) problems are multiple:

- obtaining visa-free regime status is more difficult
- question of human rights is posed
- political stability is at risk
- regional relations are in question due to the poor outcome of reconciliation and resolving open issues
- already difficult socio-economic situation in the country is made more difficult

Serbia has the advantage of a relatively solid base of good governance of the multi-ethnic communities in the context of protection of minority communities. Frame is good and there is a great experience. Serbia is facing a period of preparation for the new challenges of immigration, in terms of acceptance of new and different characteristics of other ethnic communities and their integration. In Serbia the biggest challenge is economic development that currently can not meet all the needs in this regard. Greater assistance of the international community is certainly needed.

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