



POLITICAL ASYLUM AS A SURVIVAL STRATEGY

Seventeen months after visas for travel to the European Union had been abolished for the citizens of Serbia, as a bolt out of the blue came the news on "free visa status in danger" as some countries requested that the citizens of Serbia and Macedonia should be again issued visas for EU countries!

The citizens of Serbia have learnt about this possibility from an interview of the European Parliament's rapporteur for visa liberalization of the Western Balkans, **Tania Fayon**, given for distinguished Serbian daily *Vecernje novosti*. Fayon said that **"in recent weeks EU officials have witnessed a misuse of a visa-free regime as buses have been arriving packed with the citizens seeking asylum"**, adding that **"it's becoming more certain that Serbia and Macedonia will have to deal with specific measures"**. **"I do not exclude the possibility of reintroduction of visas for citizens of either country. Some Member States suggested introducing a mechanism that would allow quick suspension of the visa regime. The situation is very serious and responsible politicians should act immediately"**, said Fayon. According to her, **"it is realistic that in June the EU Council of Ministers may determine the mechanism of temporary**

suspension of visa liberalization, but, of course, further conduct of Serbia and other countries in the region will determine whether the suspension will be activated". Fayon said **"Serbia has still time, but not much, to improve the situation in this regard"**.

About eight thousand Serbian citizens have sought asylum in the European Union since the beginning of 2010. The EU treats these people as false asylum seekers and people who abuse the visa-free regime and the institution of "political asylum" with intention to stay in EU countries predominantly due to economic reasons.

The largest number of asylum seekers is recorded in Sweden - about six thousand in the first ten months of the last year, in Germany two thousand and in Belgium between six and seven hundred. They are mainly members of the Roma national minority, as well as smaller numbers of Albanians from southern Serbia and Kosovo Albanians. One of their motives for seeking asylum in EU countries was the monetary damages paid by some countries, even to those who were not granted asylum.



The damages amounted to six hundred euros and were very stimulating for the citizens of the country with the average salary of 353 euros. In order to discourage false asylum seekers, some countries abolished the damages for all those who apply for asylum, but it hasn't yielded results.

Serbia understood the warning from Brussels very seriously. Of course, who wouldn't, as the abolition of visas was the most visible government's success in the process of European integration? The abolition of visa-free regime would be a severe blow to the ruling coalition in Serbia in an election year. Therefore, quick and sharp reaction of the Serbian authorities is not surprising. The question is whether this reaction could be timely and prevent the possibility of abolishing visa-free regime? But this is another story about the Serbian mentality and the country that usually only responds to events and never tries to prevent the problem.

Serbian Interior Minister **Ivica Dacic** repeated several times that **"Serbia will tighten control of borders and conduct criminal investigations to determine if any companies organized trips especially for the false asylum seekers"**. Shortly after were arrested a group of police officers and municipal officials who issued false certificates to Kosovo Albanians on the basis of which they were issued Serbian

passports with which they were able to travel to the EU.

For people unfamiliar with the situation in Serbia, it is difficult to understand that there are Serbian passports valid for visa-free travel to European Union and Serbian passports with which it is impossible.

Serbia considers Kosovo part of its territory. Simultaneously with the withdrawal of Serbian military and police forces from Kosovo in June 1999 were relocated municipal administration offices of all towns in the territory of Kosovo, with the exception of the northern part which is still inhabited by Serbs. These municipal administration offices were deployed in the Serbian municipalities along the border with Kosovo. Consequently now there are two municipal administration offices for each city in Kosovo - one Albanian located in Kosovo and the other Serbian, located in the north of Kosovo, or in a small town in Serbia. Birth records and citizens of the Republic of Serbia's records were displaced together with municipal administrations. These books keep information for both Albanians and Serbs. In these uprooted municipal administrations are performed all municipal jobs. They service both Kosovo Serbs, who are displaced throughout Serbia (after the arrival of NATO to Kosovo over 200



thousand Serbs fled to Serbia and still live there), and Albanians from Kosovo.

Until self-proclamation of Kosovo independence, Albanians from Kosovo had used passports issued by UNMIK (United Nations Mission for Kosovo) to travel around the world. Still, it was easier for many of them to use Serbian passports. Then again, Serbia considers Kosovo its territory, and Albanians living in Kosovo its own nationals. This means that every Albanian recorded in the birth and citizen register had no problems to be issued a Serbian passport or identity card. After self-proclamation of Kosovo independence, Kosovo Albanians started to use the Kosovo passports and these travel document were accepted by countries that haven't recognized Kosovo's independence, such as Greece, Slovakia and Spain. The situation could've been changed completely after Serbia in December 2009 was approved the visa-free regime for travel of its citizens to the European Union.

Simply, it was expected that many Kosovo Albanians would try to get hold of Serbian passports in addition to the Kosovo ones, because with Serbian they can travel to the EU without visas, and with Kosovo they do not have that possibility.

That is why the European Union insisted to restrict visa-free regime only to passports issued to the citizens living in Serbia and not to those living in Kosovo, regardless of them being Serbs or Albanians. Serbian authorities reluctantly agreed to this condition, as they had no choice. A compromise was made by which the Serbian authorities can continue issuing passports to citizens of Kosovo, but without possibility of visa-free travel to the EU. No matter how painful this decision was for the Serbian policy on Kosovo, there was a logical explanation - the authorities in Belgrade do not control Kosovo since June 1999, so it is illogical to issue passports that are valid without a visa to the citizens of the territory they do not control. In addition, at the Brussels' request, the passports for Kosovo people were not issued by the displaced Kosovo police stations that are located in Serbia, but in one place - Belgrade. Thus was created a mechanism of control, required by the EU, which prevented Kosovo people from using the visa-free regime assigned to Serbia. However, the problem was not so resolved.

As part of the Serbs live in Kosovo, likewise the number of Albanians lives in three south Serbian municipalities, bordering with Kosovo. These Albanians, unlike the Albanians from Kosovo, can freely travel without visas in Europe with the Serbian passport. Therefore, all that Kosovar Albanians needed to do was to get



help from some corrupt officials in municipal administrations in Serbia, where Albanians live, get a birth certificate showing that they were born in Serbia, excluding Kosovo. With this document, without any problems, they could get the passport in any police station. According to media reports from Kosovo, this "service" was charged about 3.5 thousand euros. Serbian police has recently arrested several municipal officials and police officers engaged in this illegal business. Of course, the question remains whether the Serbian police could have arrested corrupt local officials and police officers, or they had to wait until the EU threatened Serbia with abolishing the visa-free regime in order to enforce the law?

Apart from the Albanians from Kosovo, which the least in number among those that violated the visa regime, other, more numerous group, were the Albanians from southern Serbia, and Roma people. In this case there was no place for the accountability of police officers, because these citizens are eligible for passports with visa-free travel to the EU. The problem appeared when asylum travel organizers led those unfortunate people to the chosen EU countries where they can easily get asylum, or at least the money for the return, if such a status would not be approved to them! So it happened that "asylum buses" were traveling to the EU. In this regard, the Serbian State Secretary of Justice **Slobodan Homen** said that

"the state will not prosecute individual cases of false asylum seekers, but only tour operators". This announcement shows that Serbia is really trying to do everything to solve this problem and at the same undertakes measures which might be qualified even as a violation of human rights or as unconstitutional. According to the announcement of the state, new offenses will be proposed for the Criminal Code, on the basis of which the state would prosecute the organizers of such trips. This intention of the state raises some questions, like - is it possible to sanction organized trips of people who travel voluntarily, who are not violating any laws and who seek political asylum?

Political asylum seeking, although it is an abuse of rights, is not a criminal offense.

In addition, all those who seek political asylum travel voluntarily, they are adults, so the organization of such journeys cannot be considered human trafficking or other criminal act. It is therefore quite possible that the Constitutional Court of Serbia declared this act unconstitutional, immediately after its introduction as criminal. Here we arrive at the beginning of the story, and the question of why preventive measures hadn't been taken on time. Or why many members of the Roma minority do it, or in what conditions they live?



It is therefore necessary to assess whether the state can prosecute the organizers of “asylum travels” or to do other things to combat this negative phenomenon. Some of these other measures were announced by the Chairman of the Commission for Monitoring the Implementation of Visa-free Regime **Nenad Banovic**, who is also chief of Serbian border police. Banovic explained that the border control was stronger checking the purpose of travels, return tickets, insurance and available money. According to him **"around 35 thousand flyers have been handed out in the last 15 days explaining what visa liberalization means, that it's not illegal working, obtaining a work permit or a quick buck, but the right to freedom of movement"**. Banovic informed the public that **"within two months of the commission's work, the number of people migrating to Western Europe countries decreased by one third,"** but that the necessary measures would be continued. The EU expert mission was in Belgrade from 26 to 29 April, and some EU member states particularly affected by the arrival of false asylum seekers sent their missions. All these reports will be part of a report, expected on June 9, on how Serbia meets visa liberalization process. This problem will be the subject of the meeting of Serbian President **Boris Tadic** and European Commission President **Jose Manuel Barroso**, who is coming this week to Belgrade.

In the meantime it has become clear that governmental measures produce no results. The German Ministry of Interior announced that the number of Serbian citizens seeking asylum in Germany was decreasing. “In April this year 227 people lodged for asylum, in March 334, and 365 in February. In November even 1159 citizens of Serbia sought political asylum in Germany. Citizens of Serbia this year submitted a total of 1440 asylum application, which ranks Serbia, after Afghanistan and Iraq, as third by the number of applications. After the number of asylum seekers from Serbia dramatically increased last year, the German authorities said that **"people who come from Serbia, as the country of stable development, aren't eligible for political asylum"**, and the state ceased to provide damages for the return travel of rejected asylum seekers. Serbian Interior Minister **Ivica Dacic** said that the number of asylum applications of Serbian citizens dropped by 35 percent in the first three months this year compared to last year and announced increased traffic and border police control. **"The Ministry of Interior Affairs continued undertaking actions to address the problem. We will seek the organization elements which will be arrested,"** said Dacic.

Not only Serbia has problem with false asylum seekers, or Roma people seeking political asylum in other countries in order to stay in them.



Recently Canada has threatened Hungary sharply to the large number of Hungarian Roma seeking political asylum in Ottawa, announcing re-introduction of visas for its citizens, which was abolished in 2008. All 1353 asylum application filed in the first nine months of last year were rejected, although Roma stated to have been "**persecuted on racial grounds and by the Hungarian Guard**" - until recently the legal extreme-nationalist paramilitary group. Canada, however, says the Hungarian Roma people ought to find protection somewhere in Europe, because Hungary is the EU member. The government in Ottawa expounded the problem by the state costs of each asylum application amounting to 2600 euros, regardless of the final outcome. A conflict between France and Romania broke out last year as Paris decided to expel more than a thousand Romanian and Bulgarian Roma. French President **Nicolas Sarkozy** was the target of sharp criticism by the international community due to this decision. Sarkozy, however, insists that France expels illegal immigrants and the Roma settlements are serious sources of crime. The Romanian Parliament reacted by issuing a public statement saying that "**the House of Representatives and the Senate are concerned by the news about the recent actions of French government and other European countries on a group of Romanian Roma, which are manifested in their expulsion and return to**

the country" and it was estimated that "**these actions are a serious violation of civil rights and liberties**". In Romania lives one of the largest Roma communities in Europe, with 530,000 Roma individuals according to the official record, while according to NGO's, the number is about 2.5 million Roma people.

Meanwhile the European Union faced the problem of false asylum seekers from northern Africa, which is why the Balkans has been pushed into second plan. The Arab Spring in northern Africa that led to regime changes in Tunisia and Egypt, as well as to civil war in Libya, brought to Europe tens of thousands of fake asylum seekers who, are trying to reach the European Union through Italy. Italy granted temporary entry for thousands of asylum seekers from Tunisia, which caused a fierce reaction from the European Union, above all France, which refused to accept the asylum seekers. France even violated the Schengen Treaty by stopping the trains at the former Franco-Italian border in order to prevent Tunisian immigrants to enter its territory. Germany opposed Italy's decision. The case of Tunisian immigrants led to the biggest crisis of the Schengen area and establishment of some kind of police control within member countries, which hasn't been the case until now.

In any case, the problem of false asylum seekers from Serbia lies in the economy.



If the economic situation in Serbia was better, there would be less Serbian nationals trying to leave the country.

The average March salary in Serbia was 353 euros which is among the lowest in Europe and the region, even less than the minimum salary in Croatia, which is 385 euros. If this is familiar, it is clear why the Roma, who are on the margins of society and mostly out of work, are trying to leave the country. If Serbia is compared with the region, Serbian workers are better paid only than the Macedonian, and less than the Slovenian, Croatian, Bosnian, and even Montenegrin. According to one study, professors, police officers and metal workers in Serbia earn two times less than their colleagues in the Czech Republic.

Here we arrive at a question similar to – which came first, the chicken or the egg? If the European Union does not economically help the Western Balkan countries to recover, to provide that people living in these areas have a job, to regulate their society and adopt European values, the region will be a source of instability and problems. The problem with false asylum seekers is a minor one.

You simply cannot ask the underdeveloped countries in the western Balkans to adopt European values and rules of conduct if they are poor.

The best evidence for this is the fact that the Western Balkan countries such as Romania and Bulgaria, which are EU members, have similar problems as Serbia or Macedonia. The only difference is that they are pressured less. Of course, the responsibility lies on the authorities of these countries. As we said at the beginning of this story, in Serbia, problems are never prevented, but the state reacts only when something happens or after the warning from Brussels. Otherwise, Serbia would have timely worked on improving the economic status of Roma, their integration into the community and their acceptance as equal citizens who are part of society. If Roma were accepted not only in Serbian but also in Macedonian, Romanian, Bulgarian and Hungarian society, less of them would be trying to flee their country.