

## MIGRATION IN MODERN SERBIA – MANAGING AND MEDIATING REFUGEE FLOWS

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### ABSTRACT

*This study outlines the socio-historical context of the movement of populations in a geographical area that roughly corresponds to contemporary Serbia, examining the migration flows in this area since the 19<sup>th</sup> century. It examines data on the migration management that Serbia undertook during the migrant and refugee crisis of 2015 and the events that followed. This analysis revealed an amalgam of the continuity and discontinuity of migration flows in Serbian society. Serbia has a relatively long history of external migration driven by economic and political circumstances, during which these two groups of drivers trade places based on their dominance. However, a new phenomenon has transformed the entire Serbian territory into a transit zone for migrants and refugees from the Middle East, Africa, and Central Asia attempting to reach the EU. Further, the study demonstrates how Serbian institutions manage these processes by providing various statistical data and commentary on these data.*

### KEYWORDS

*migration  
migrants  
refugees  
asylum  
readmission  
Republic of Serbia  
the European Union*

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## 1. Introduction

Over the previous two centuries, there were two crucial and equally important drivers of migration on the territory of modern Serbia,<sup>3</sup> as elsewhere worldwide and particularly in Eastern and Central Europe: economic (seeking better employment and a better life) and political (intrastate/civil and interstate wars). Economic migration primarily occurred as the migration of individuals and later entire families into more economically advanced parts of Europe and the United States (US) (the West), whereas political migration occurred as a collective and permanent movement because of political circumstances, strife, and changes in state borders. In both cases, those 'moving' were ethnically diverse local populations, who shared similar historical experiences (economic struggle, the way of life, moral codes); however, they also had markedly different perceptions of their collective identities and political inclinations. Regardless of whether these ethnic groups lived in empires on the eastern borders of the European West at the end of the 19<sup>th</sup> century (Austria-Hungary, Russia, and the Ottoman Empire) or in their own transnational or nation states after the First World War, Serbs and other groups constantly faced emigration (driven by poverty: regional and economic disparities and pronounced social divides) or forced migration (driven by politics: internal ideological conflicts or interstate war).

These drivers of migration partly lost momentum after the Second World War, when intra-European migration came to a particular halt known as the Cold War. At the time, the strict ideological and military division of Europe into 'capitalist' and 'communist' blocs (NATO and the Warsaw Pact) made the borders non-porous and impermeable to anything resembling mass migration.<sup>4</sup> Political dissidents from the East, who were occasionally allowed to emigrate legally or illegally to the West, were the only exceptions. However, after nearly five decades of stagnant borders and migration, when the Eastern Bloc collapsed and the Iron Curtain that divided the European political East and West fell (1989–1990), the collapse of the USSR (1991) led to a new and record wave of economic migration

3 | Historically, the modern concept of 'Serbia', unlike medieval 'Serbian lands', is dynamic in character and signifies a political, cultural and geographical space that has transformed – broadened and narrowed – over time: 'Serbians have come and gone, and they have moved.' (Pavlovich, 2002).

4 | Communist Yugoslavia was a notable exception as it was able to enter into favourable political and economic arrangements with Western European countries. The basis and main impetus for these agreements was the Declaration on the Relations between Socialist Federal Republic of Yugoslavia and the European Economic Community (EEC), signed in late 1967, and particularly the 1968 agreement on economic cooperation between Yugoslavia and West Germany, which set the precedent that the citizens of a communist country could be granted the status of 'temporary workers' in the capitalist West. In addition, West Germany signed its first contracts on inviting foreign labour with Italy (1955), Spain and Greece (1960), Morocco and South Korea (1963), Portugal (1964), and Tunisia (1965). All these agreements were reached 'behind closed doors', without public debate, both in Germany and the other signatories (Hofbauer, 2018).

to the West.<sup>5</sup> Simultaneously, political refugees continued to emigrate, mostly driven by the civil war in former Yugoslavia.<sup>6</sup> Mass migration from the former communist bloc to the West intensified in the early 21<sup>st</sup> century owing to the significant enlargement of the European Union (EU).<sup>7</sup> This simultaneously led to mass labour migrations into developed Western countries – millions of people from Eastern Europe were now in a position to seek better-paid and more secure employment. This revived and reinforced prominent long-standing migration routes in 19<sup>th</sup>-century Europe.

However, the second decade of the 21<sup>st</sup> century saw a historical first in terms of migration – unexpected mass migration from former European colonies and Third World countries into wealthy Western nations via the Balkans and Central Europe. Unlike the early postcolonial period (1960–1990), when there was a steady and more-or-less legal inflow of mostly individuals or small (family) groups from decolonised areas (from Pakistan and India, Central and East Asia, Algeria, and Morocco to Jamaica and other countries in the Caribbean), this time there was a mass, one-off migration of hundreds of thousands of people, mostly young men, from war-torn areas in the Middle East, Africa, Central Asia, and so forth, into developed countries in the European West (the EU, Switzerland, and the UK). To reach their countries of destination by land, these migrants had to pass through countries in South and Central Europe, which were faced for the very first time in their modern history with a different – and socially and politically shocking – side of ‘globalisation’, whose economic impact has been felt,<sup>8</sup> however, remains conceptually elusive.<sup>9</sup> In this context, Serbia’s experiences of producing, managing, and mediating migration flows can be understood as a paradigm of a country which has always found itself on the borders of significant civilisations and margins of modernisation, as well as on the transit routes of global migration flows, which inevitably affect the social order and political systems of (almost all) countries today.

5 | According to official records, 2.72 million Eastern Europeans, that is, ‘temporary workers’, entered Germany alone between 1989 and 2000.

6 | Cvetković, 1999.

7 | The most significant enlargement of the EU occurred in 2004 with the admission of the Baltic states (Lithuania, Latvia and Estonia), Poland, the Czech Republic, Slovakia, Hungary, Cyprus and Malta, followed by Romania and Bulgaria (2007), and Croatia (2013).

8 | During the 19<sup>th</sup> century, economic disparity between countries and global regions was relatively small and the primary form of inequality was internal inequality. The differences in income between countries accounted for 20% of global inequality, whereas 80% of inequality was generated within individual countries. During the mid-twentieth century, the process was reversed: the position of a country in the global market had a much more significant impact on the proportions of global inequality than relations within countries. This trend has continued to the present day, when a new struggle for the division of global wealth is occurring, in which countries’ internal conflicts are being partially suppressed while global ‘civilisational’ rivalries in the struggle for the concentration of capital are becoming more intense (Milanović, 2006).

9 | Conrad, 2017.

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## 2. Modern Serbia – ethnic, labour and war-driven migration

During the wars of independence and territorial integrity that occurred in the 19<sup>th</sup> century and in the first few decades of the 20<sup>th</sup> century, there was limited emigration of local populations (Serbs and other ethnic groups) from Serbia to developed Western nations. This was the case for a number of reasons, however, primarily because the borders of the Ottoman Empire were not open to migration from the West and because the struggle for freedom is more important than economic security and ambition. Although substantial migrations from poor to rich nations occurred in Europe in the early 19<sup>th</sup> century for various reasons (wars, political persecution, poverty, and overpopulation), Serbia did not experience large-scale migrations to the West. This was simply because although Serbia was gradually acquiring independence, it was simultaneously freeing itself from both the Ottoman and feudal shackles, becoming a society of independent, free peasants who were striving for the self-sustainability of their small pieces of land that required to be worked on by several people organised into family *zadrugas*. In a country with no major cities or industries and modest but fulfilled economic needs, whose peasants were emancipated but not yet full citizens (they would not acquire the political status of citizens until the sovereignty of the Principality of Serbia and later the Kingdom of Serbia were recognised in 1878 and 1882, respectively), there was minimal motivation to emigrate. However, there was a constant influx of Serbs from the border regions of neighbouring empires (Austria and the Ottoman Empire); a significant number of educated foreigners and entrepreneurs also arrived in Serbia. In the second half of the 19<sup>th</sup> century, favourable social circumstances, which were enshrined in law with the 1865 Law on the Settlement of Foreigners (which enabled foreigners to easily acquire Serbian citizenship, pay low taxes, and receive investment incentives), led to the arrival of several experts from various profiles – from engineers to professional soldiers (mostly Aromanians, Czechs, and Germans) – in the Principality and later the Kingdom of Serbia.<sup>10</sup>

Simultaneously, the mass migration of populations occurred from Eastern Europe to the West, particularly to the United States. For example, 3.5 million people emigrated to the United States from Poland in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries. The same has occurred in other Western European countries, particularly in Italy and Ireland. However, between the two world wars there was a

10 | However, the more independent Serbia became, the more local Muslims emigrated from it – the first to leave were soldiers from fortified towns, followed by other populations that had converted to Islam (by mid-nineteenth century, around 8,000 refugees had fled to 'Turkey', that is, to southern parts of Serbia still under the Ottoman rule). After the Congress of Berlin in 1878, which enabled the Principality of Serbia to obtain independence and Austria-Hungary to occupy and then annex Bosnia and Herzegovina, Muslim populations continued to leave Serbia and Bosnia for Kosovo, Macedonia and Asia Minor (according to different sources, there were between 50,000 and 70,000 refugees). There was a similar number of Serbian refugees from Kosovo.

period of ‘restrained mobility’ because of the consequences of war, when around eight million Germans and five million Russian, Serbs and other prisoners of war in Germany were left roaming Europe.<sup>11</sup> After 1918, the US passed protectionist measures to safeguard its economy and imposed an immigration quota that stopped immigration. The global crisis of 1929 and high unemployment rates in the US reversed migration flows.<sup>12</sup>

Serbia permanently lost almost one-third of its pre-war population during the wars that occurred in the Balkans and Europe in the second decade of the 20<sup>th</sup> century (1911–1918).<sup>13</sup> The newly founded union, the Kingdom of Serbs, Croats, and Slovenes (the Kingdom of Yugoslavia as of 1929), experienced migration driven first and foremost by economic reasons, and only partly by political, that is, ethnic, and/or national drivers (primarily in the south, in Kosovo and Metohija).<sup>14</sup>

During the Second World War, when the territory of the Kingdom of Yugoslavia was divided between the occupying forces of Germany, Italy, Hungary, Bulgaria, and the newly founded state-like union called the Independent State of Croatia (NDH),<sup>15</sup> there was mass persecution and, ultimately, the genocide of Jews, Serbs, and Roma (particularly in the NDH). The exact number of killed, exiled, and displaced persons, including those killed in the Ustaša and German concentration camps, has never been determined; however, assessments range from 1.02 to 1.7 million people. In each of these events, 60–75% of the total number of victims were Serbian.

A few decades after the Second World War ended, Serbia as a part of communist Yugoslavia experienced its first mass external migrations that were driven purely by economic reasons.<sup>16</sup> They occurred because of internal economic

11 | Baden, 2000, cited in Hofbauer, 2018, p. 56.

12 | Brunnbauer, 2016, p. 91.

13 | In the wake of the First World War (1914–1918), Serbia had approximately 4.5 million inhabitants, 1.2 million of whom died or disappeared during the war. Official demographic records indicate that there were over half a million people fewer in Serbia in 1921 compared with the number recorded in the population survey conducted in 1911.

14 | After the First World War, populations from undeveloped parts of the newly-founded kingdom, particularly Bosnia, Dalmatia and Montenegro, were resettled. The majority of migrants came to Belgrade, which quadrupled in size in the span of a few decades (to 400,000 inhabitants in 1938).

15 | It is no coincidence that this is when the Commissariat for Refugees and Displaced Persons was established in Belgrade. It was tasked with organising the intake of Serbian and other refugees from the occupied parts of the former Kingdom. In the autumn of 1941, there were already over 300,000 refugees in the areas controlled by German occupiers (the only occupied part of Yugoslavia that did not have a politically defined status). This is why even they were forced to appoint a ‘commissioner for migrations’ to the Headquarters of the Military Commander in Serbia (Borković, 1979).

16 | In the 1950s, Yugoslavia experienced politically motivated migration as well: most of it occurred in the aftermath of the war (around 100,000 ‘Yugoslav political emigrants’ moved to Western countries, 40,000 of whom were Serbs). There were minor migration flows to Israel (7,500 Jews), Czechoslovakia (around 10,000 Czechs and Slovaks), Turkey (6,400 Turks) and the USSR (around 4,000 refugees). At that time, the first ‘non-governmental’ centres, that is, expatriate foundations under the indirect control of the federal government were founded with the aim of monitoring the work of the diaspora and later the flow of economic migration from Yugoslavia (Brunnbauer, 2017).

struggle and unemployment, which increased owing to 'temporary employment' contracts that the non-aligned government in communist Yugoslavia made with capitalist Western governments. Through individual and temporary worker emigration and thereafter, through the emigration of their families, 203,000 people left the Socialist Federal Republic of Yugoslavia to go to Western Europe in the first decade, since it became possible to legally travel abroad according to (un)official data. The global oil crisis of the 1970s, which was particularly severe in Western Europe, did not reduce worker migration from Serbia to Western countries. This trend continued for most of the 1980s.<sup>17</sup>

The violent dissolution of Yugoslavia (1991–1995) renewed the purely political drivers of migration of its populations: owing to the ethnic conflict in Yugoslav republics, Serbia had an inflow of as many as 400,000 refugees from Bosnia and Herzegovina alone between 1991 and 1995. At the very beginning of the conflict, several Serbian refugees from Slovenia and Croatia (the former Yugoslav republics that first seceded from Yugoslavia) led Serbia to re-establish its Commissariat for Refugees (1992), tasked with organising the intake and return of refugees from former Yugoslavia. The Law on Refugees, setting the conditions for

[...] meeting [the refugees'] basic subsistence needs and providing them social security [...] pending the creation of conditions for their return to the places of origin, i.e. pending the creation of conditions for their durable social security<sup>18</sup>

(which likely meant until they became Serbian citizens), was also passed and amended several times. Research confirms what has been observed over time: the vast majority of refugees in Serbia could not return to their former homes, and they established permanent residences in Serbia or emigrated to Western countries. Later, during the armed conflict in Kosovo and NATO's subsequent attack on Serbia and Montenegro (1999), a further 250,000 Serbs and other non-Albanian ethnic groups from Kosovo emigrated to Central Serbia and Serbia's northern province Vojvodina and were granted the vague status of 'exiled persons'.<sup>19</sup>

Finally, after the 'lifting of sanctions' (2001) imposed on Serbia ten years earlier (at the outbreak of the civil war in Yugoslavia), the drivers of migration flow were 'purely economic', however, this time those emigrating were mostly young and educated workers who were leaving for the EU, particularly Austria and Germany and, to an extent, France and Italy.<sup>20</sup> According to the Organisation for Economic Co-operation and Development (OECD), 645,000 people left Serbia between 2000 and 2018 (primarily for Germany, Austria and Switzerland). In this way, Serbia joined the well-established migration flows, that is, economic migration from Eastern and Central Europe (Slovenia and Czechoslovakia were somewhat of an

17 | According to the 1981 population survey, 296,000 people from Serbia were working as 'temporary workers' abroad. This number was probably higher, considering most Gastarbiters were working illegally, and therefore, could not be included in the survey.

18 | Preambula Zakona o izbeglicama, Službeni glasnik RS, No. 18/92.

19 | 'Kosovo' is today a political entity not recognised internationally by the majority of UN nations. This is why the legal status of Kosovo refugees in Serbia remains unclear.

20 | Dragišić, 2013.

exception). Unsurprisingly, this exacerbated the lack of a domestic workforce, particularly high-skill workers such as engineers and doctors, and middle-skill labour (nurses, construction specialists, hospitality workers), which caused additional issues for the Serbian economy and public services. According to the (current) liberal narrative on 'mobility' as a defining characteristic of contemporary society, which serves to legitimise global migrations, this means that those from economically more disadvantaged areas should now immigrate to Serbia and other countries whose populations have emigrated for better (-paid) jobs.

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### 3. Contemporary Serbia – migrant worker outflow and war-driven migrant inflow

In the early 21<sup>st</sup> century, migration in Serbia occurred without surprise – refugees from Kosovo were being taken in while the domestic workforce was quietly emigrating abroad – until 2015, when a truly new phenomenon emerged – large columns of refugees from an entirely unexpected direction that had been reserved for conquerors and occupiers alone. This time, it was refugees, not soldiers; that is, migrants arriving from remote parts of the Middle and Far East (Syria, Iraq, Afghanistan, Bangladesh), North Africa (Somalia), and other war-affected areas. Modern regional conflicts have global consequences, and this is more or less common knowledge, however, now all citizens of Balkan countries, from which people traditionally emigrate, must face this for the first time.

The existing institutional framework for monitoring and managing migration and refugee flows in Serbia was almost exclusively engaged in and dedicated to domestic issues: the Law on Refugees dealt with the problems of Serbian refugees and other refugees from former Yugoslav republics and had last been amended in early 2002. It was the legal reflection of the historical circumstances which saw former Yugoslav republics become independent and the Serbian province of Kosovo placed under the protectorate of the UN (and later the EU). However, the foreign policy context changed with the official policy of 'EU integrations', which created an obligation for Serbia to coordinate with EU policy regarding asylum seekers, that is, political refugees from Third World countries who were seeking work in EU countries. Therefore, the new legal framework included the Law on the Confirmation of the Agreement between the European Community and the Republic of Serbia on the Readmission of Persons Residing without Authorisation (2007),<sup>21</sup> the

21 | Apart from the EU, Serbia has readmission agreements with the following countries: Bulgaria (since May 2001), Croatia (since May 2009), Denmark (since December 2002), France (since April 2006), Germany (since September 2003), Hungary (since December 2002), Italy (since November 2009), Norway (since November 2009), Slovakia (since January 2002), Slovenia (since September 2001), Switzerland (since Jun 2009) and Sweden (since January 2003). Komesarijat za izbeglice i migracije Republika Srbija: Sporazumi [Online]. Available at: <https://kirs.gov.rs/lat/readmisija/sporazumi> (Accessed: 8 August 2023).

Law on Foreigners (2008),<sup>22</sup> and the Law on Migration Management (2012),<sup>23</sup> which transformed the Commissariat for Refugees into the Commissariat for Refugees and Migration. To an extent, all of these legal changes in the management of migration flows in Serbia were preparations for what would follow in 2015.

This year marked a watershed because of the increased influx of migrants and refugees to Serbia and the beginning of the refugee and migrant crises.<sup>24</sup> As usual, the interplay of causes that led to the crisis at that exact moment and at such a scale is rather complex,<sup>25</sup> however, for the purposes of this study, it will suffice to underline the civil war in Syria and the international military intervention against the Islamic State as key factors. According to UNICEF, more than 1.5 million migrants and refugees have crossed Serbia since 2015; between one-third and one-quarter of them were children.<sup>26</sup> The uniqueness of which became clear when the number of expressed intentions to seek asylum in 2015 and the previous year was compared. In 2014,<sup>27</sup> 16,500 people expressed the intention to seek

22 | 'This law regulates the conditions for the entry, movement, stay and return of foreigners, as well as the jurisdiction and tasks of the state administrative bodies of the Republic of Serbia, in connection with the entry, movement, stay of foreigners on the territory of the Republic of Serbia and their return from the Republic of Serbia' (Zakon o strancima, Sl. Glasnik RS, No. 97/2008, Article 1, Section 1).

23 | 'This law regulates migration management, principles, administrative body responsible for migration management and unified data collection and exchange system in the field of migration management.' (Zakon o upravljanju migracijama, Sl. Glasnik RS, No. 107/2012, Article 1, Section 1).

24 | Scholars and officials in Europe did not register the fact that several months before the large wave of migrants from the Middle East into Europe – or more precisely, in January 2015 – the same phenomenon occurred in Kosovo (Pristina), where tens of thousands of Albanians (suddenly, but in a well-organized way) took 'charter buses' to go to Western countries because they heard that 'Germany, Austria and Switzerland were granting asylum to anyone who applies to live there'. It is not clear who organised this wave of migration and with what results (the number of those who were deported or granted asylum). The German authorities called the entire situation 'an organised abuse of the right to an asylum'. Not long before these 'charter buses' were stopped, a much larger wave of migrants began from the Middle East, created by the invitation of the same government in Germany. DW: Organizovana zloupotreba prava na azil [Online]. Available at: <https://www.dw.com/sr/organizovana-zloupotreba-prava-na-azil/a-18249174> (Accessed: 8 July 2023).

25 | Zaragoza-Cristiani, 2015, pp. 6–17.

26 | UNICEF: Izbeglička i migrantska kriza [Online]. Available at: <https://www.unicef.org/serbia/izbeglicka-i-migrantska-kriza> (Accessed: 11 May 2023).

27 | The primary sources of data in this part of the study are the Migration Profiles of the Republic of Serbia. The definition of a migration profile can be found in the Introduction of this document for each year and it remains unchanged in every profile. The 2014 Profile, for example, states: 'The Migration Profile is a document which compiles data on all categories of migrants in the country, classified in accordance with the Regulation 862/2007 of the European Parliament and of the Council of 11 July 2007, on Community statistics on migration and international protection, and provides a description and analysis of the overall situation relating to migration in the Republic of Serbia. The development of the Migration Profile and its regular updating was the obligation of the Republic of Serbia in accordance with the Visa Liberalization Roadmap, as well as the specific goal set by the Migration Management Strategy (Official Gazette RS, No. 59/09)'. The website of the Commissariat for Refugees and Migration of the Republic of Serbia also states that Serbia has been compiling

asylum<sup>28</sup> and in 2015, 579,518 expressed intentions to seek asylum.<sup>29</sup> In March 2016, the Western Balkans route was closed<sup>30</sup> and the number of expressed intentions decreased significantly to 12,811.<sup>31</sup> This statistic has been declining ever since, and only 2,306 foreigners have expressed the intention to seek asylum in Serbia in 2021.<sup>32</sup> Considering that Serbia was not a destination country for these migrants and refugees, the number of asylum seekers has continued to decline significantly each year. In 2015, when 579,518 persons expressed the intention to seek asylum, only 586 (just over 0.1 %) finally initiated the process of seeking asylum.<sup>33</sup> This number declined further when the process was suspended<sup>34</sup> to 546 cases; only 16 persons were granted refuge in Serbia, whereas an additional 14 people were granted asylum and subsidiary<sup>35</sup> protection.<sup>36</sup> Between 2016 and 2021, the percentage of persons who initiated the process of seeking asylum ranged between 1.9% in 2019<sup>37</sup> and 7.45% in 2021<sup>38</sup> out of the total number of people who expressed the intention to seek asylum.

Before proceeding to an overview of readmission statistics, it is vital to note that all the data presented here should be interpreted as a means of constructing an overall picture of migratory movement across the Serbian territory between 2014 and 2021 and not as an indicator of the actual situation in the field. It is impossible to determine the exact number of people who crossed Serbia during this period. Apart from those registered by Serbian institutions, a certain number of people slipped below the radar through the services of smugglers. Each year, the Migration Profile registers dozens of people charged with human trafficking, mostly Serbian citizens. In 2016, 15 foreign and stateless citizens were deported

this document independently since 2010. This information, as well as all the Migration Profiles published between 2010 and 2021 can be found at Komesarijat za izbeglice i migracije Republika Srbija: Migracioni profil Republike Srbije [Online]. Available at: <https://kirs.gov.rs/cir/migracije/migracioni-profil-republike-srbije> (Accessed: 11 May 2023).

28 | Migracioni profil Republike Srbije, 2014, p. 46.

29 | Migracioni profil Republike Srbije, 2015, p. 41.

30 | On 9 March 2016, Macedonia joined Slovenia, Croatia and Serbia in closing its borders to refugees and other migrants. This officially closed the migrant route across the Balkans. This information can be found at DW: Godišnjica zatvaranje „Balkanske rute“ [Online]. Available at: <https://www.dw.com/bs/godi%C5%A1njica-zatvaranje-balkanske-rute/a-37808594> (Accessed: 11 May 2023).

31 | Migracioni profil Republike Srbije, 2016, p. 42.

32 | Migracioni profil Republike Srbije, 2021, p. 37.

33 | Migracioni profil Republike Srbije, 2015, p. 42.

34 | In most cases applicants failed to appear for the appointed interviews because they had already left Serbia.

35 | The Law on Asylum and Temporary Protection of the Republic of Serbia defines subsidiary protection as: 'Subsidiary protection shall be understood to mean a form of protection granted by the Republic of Serbia to a foreigner who would be, if returned to the country of his/her origin or habitual residence, subjected to serious harm, and who is unable or unwilling to avail himself/herself of the protection of that country' (Zakon o azilu i privremenoj zaštiti, Sl. Glasnik RS, br. 24/2018, Article 2, Section 8).

36 | Migracioni profil Republike Srbije, 2015, p. 43.

37 | Migracioni profil Republike Srbije, 2019, p. 29.

38 | Migracioni profil Republike Srbije, 2021, p. 38.

from Serbia for illegal entry or smuggling;<sup>39</sup> the Migration Profiles from the remainder of this period did not explicitly provide this information.

The other unknown in this equation is the result of Serbia's visa policy and the fact that it was not coordinated with the EU policy. In late 2022, this element of Serbia's foreign policy came under heavy criticism from European officials<sup>40</sup> because of an increase in the number of illegal entry attempts into the EU. According to Frontex,<sup>41</sup> by December 2022, there had been 308,000 registered attempts to illegally enter the EU over the course of that year, 139,535 of which were registered on the Western Balkans route.<sup>42</sup> How exactly did this occur? As part of its foreign policy, Serbia has been using a visa-free regime to express gratitude to countries that have not recognised the independence of Kosovo. In circumstances where there was a migrant and refugee crisis, this meant that citizens of third countries were able to reach Serbia by airplane without a visa and later attempted, mostly illegally, to enter the territory of an EU country. If the list of countries<sup>43</sup> that have not recognised Kosovo is compared with the list of countries whose citizens need a visa to enter EU territory,<sup>44</sup> there is a considerable overlap between them. Currently, Serbia's visa policy is much more coordinated with EU policy, however, this is the result of gradual change and, as a rule, stems from political pressure. It is difficult to assess how many people crossed Serbia in this way, because they were not included in the statistics presented in this study unless they violated Serbian law. Consider Tunisia as an example. This country has not recognised the unilaterally proclaimed independence of Kosovo, and Serbia introduced a visa requirement for Tunisian citizens in 2022 as a result of criticism from European officials. According to Frontex, Tunisian citizens accounted for a large portion of the people who attempted to illegally enter the EU in 2022, along with Syrian, Turkish, and Afghani citizens.<sup>45</sup> The 2021 Migration Profile of the Republic of Serbia registered 851 persons from Tunisia who were not allowed to enter Serbia,

39 | Migracioni profil Republike Srbije, 2016, p. 37.

40 | The text on this topic can be found at Radio Slobodna Evropa: EU zahtijeva da države Zapadnog Balkana uvedu vize za građane trećih zemalja [Online]. Available at: <https://www.slobodnaevropa.org/a/migracione-politike-eu-zapadni-balkan/32162236.html> (Accessed: 5 July 2023).

41 | The EU agency in charge of controlling outside EU borders. More on the core purpose of the agency can be found at FRONTEX: Who we are? [Online]. Available at: <https://frontex.europa.eu/about-frontex/who-we-are/tasks-mission/> (Accessed: 19 November 2023).

42 | FRONTEX: EU external borders in November: Western Balkans route most active [Online]. Available at: <https://frontex.europa.eu/media-centre/news/news-release/eu-external-borders-in-november-western-balkans-route-most-active-ULSsa7> (Accessed: 6 July 2023).

43 | Kancelarija za Kosovo i Metohiju Vlada Republike Srbije: Koje države nisu priznale jednostrano proglašenu nezavisnost Kosova? [Online]. Available at: <https://www.kim.gov.rs/lat/np101.php> (Accessed: 5 July 2023).

44 | Regulation (EU) 2018/1806 of the European Parliament and of the Council of 14 November 2018 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 (codification) [Online]. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32018R1806#d1e32-54-1> (Accessed: 6 July 2023).

45 | FRONTEX: EU external borders in November: Western Balkans route most active [Online]. Available at: <https://frontex.europa.eu/media-centre/news/news-release/eu-external-borders-in-november-western-balkans-route-most-active-ULSsa7> (Accessed: 6 July 2023).

mostly because the purpose for their stay was unclear.<sup>46</sup> Other statistics in this profile exclude Tunisian citizens and report extremely small numbers for this group.

As for the readmission of foreign and stateless citizens, only the 2021 Migration Profile contains such data, which is somewhat surprising. The 2020 profile contains records on the number of revocations of stay, and the profiles for 2018 and 2019 contain data on foreigners' refusal of entry, in parts that concern the prevention of illegal entry and stay in Serbia. The current Law on Foreigners<sup>47</sup> defines return as the 'procedure of returning a foreigner, whether voluntarily or forcibly, to his country of origin, country of transit in accordance with bilateral agreements or readmission agreements, or to a country to which the foreigner is returning voluntarily and in which he will be accepted'.<sup>48</sup>

Certainly, the return procedure includes readmission, however, it is impossible to distinguish between readmission and other cases defined in this section of the Law on Foreigners. Therefore, the statistics from the Migration Profiles were supplemented with official records of Serbia's Ministry of the Interior on readmission, which were obtained by submitting a written request to this branch of the Serbian government. These data were not included in the Migration Profiles essentially because states compile statistics for themselves and not for conducting research. Without examining the important methodological issues concerning the reliability of official statistics, these data are presented at the end of this section. This study focuses on this aspect of migration flow management because Hungary, Austria, and Serbia signed a Memorandum of Understanding on 16 November 2022 which concerns, among other matters, the return of people from Serbia based on the Readmission Agreement, which constitutes an important part of managing and mediating migration flows, as the title of this paper suggests.

Three similar categories, in which all Migration Profiles between 2010 and 2021 contain data on the revocation of stay, protective measures of removal, and security measures of expulsion are also highlighted.<sup>49</sup>

46 | Migracioni profil Republike Srbije, 2021, p. 28.

47 | 'This law regulates the conditions for the entry, movement, stay and return of foreigners, as well as the jurisdiction and tasks of the state administrative bodies of the Republic of Serbia, in connection with the entry, movement, stay of foreigners on the territory of the Republic of Serbia and their return from the Republic of Serbia' (Zakon o strancima, Sl. Glasnik RS, No. 24/2018 and 31/2019, Article 1, Section 1).

48 | Zakon o strancima, Sl. Glasnik RS, No. 24/2018 and 31/2019, Article 3, Section 26.

49 | Moreover, there is an unofficial practice of pushback. This means that migrants are gathered in the areas near the border with one of the neighboring states along the migratory route, then driven to the closest border crossing and then released and told in which direction to go. This is usually done by the police and threats are also part of the process. Described practice is not characteristic only for Serbia and pushback is common practice among the states along the migratory route, as NGOs are claiming (Štambuk and Tasovac, 2022; Đurović, 2021). However, Serbia is among the small number of countries actually acknowledging pushback happening. Serbia's Constitutional Court ruled in favour of 17 Afghani citizens on December 29, 2020 who were pushed back to Bulgaria in February 2017. Court compensated each Afghani citizen with, symbolic, 1000e and more importantly, acknowledged wrongdoing of the members of border police in Gradina, where the incident occurred (Bilten Ustavnog suda za 2020. Godinu, 2021, pp. 1261–1295; Đurović, 2021).

The Law on Foreigners from 2018 defines forcible removal as 'the enforcement of the obligation to return, including the use of police powers'.<sup>50</sup> The revocation of stay and the security measure of expulsion were not specifically defined in the current Law from 2018 or the previous Law from 2008.<sup>51</sup> The Migration Profiles, published between 2010 and 2021, state that the security measure of expulsion is used for foreigners who have committed crimes during their stay in Serbia. Moreover, Article 81 of the current Law on Foreigners states that 'A foreigner may be forcibly removed from the Republic of Serbia if: 1) He does not leave the Republic of Serbia within the time allowed for voluntary return; 2) The time allowed for voluntary return has not been issued; 3) A security measure of expulsion or protection measure of removal of foreigner from the country has been ordered by the court'.<sup>52</sup>

Having navigated the labyrinth of legal acts in Serbia, data on readmission, revocation of stay, and return of persons between 2018 and 2021 is presented below. This timeframe was selected because the current Law on Foreigners was enacted in 2018.

In 2021, revocation of stay was issued to 1,313 persons, 167 of whom were forcibly removed from the border of a neighbouring country based on the Readmission Agreement.<sup>53</sup>

**Table 1. The foreigners who were removed based on the Readmission Agreement are categorized according to their citizenship<sup>54</sup>**

Citizenship	Number of Persons	Percentage
Afghanistan	116	69.46
Bangladesh	20	11.97
Syria	14	8.38
Iraq	4	2.39
Algeria	3	1.79
Egypt	3	1.79
Libya	3	1.79
Philippines	1	0.59
Lebanon	1	0.59
Russian Federation	1	0.59
Montenegro	1	0.59
Total	167	100

50 | Zakon o strancima, Sl. Glasnik RS, No. 24/2018 and 31/2019, Article 3, Section 27.

51 | Zakon o strancima, Sl. Glasnik RS, No. 24/2018 and 31/2019; Zakon o strancima, Sl. Glasnik RS, No. 97/2008.

52 | Zakon o strancima, Sl. Glasnik RS, No. 24/2018 and 31/2019, Article 81.

53 | Migracioni profil Republike Srbije, 2021, p. 31.

54 | Migracioni profil Republike Srbije, 2021, p. 31.

As for the data for 2020, there are data on the revocation of stays, however, no data on the return of foreigners. This is surprising, considering that both the current and previous Law on Foreigners stipulate that the revocation of stay can be applied to foreign citizens who have previously entered Serbian territory illegally.<sup>55</sup> In 2020, revocation of stay was issued in 720 cases, and 152 persons were forcibly removed. In the same year, 294 people were expelled from Serbia, however, the Migration Profile did not provide citizenship to these people.<sup>56</sup>

The Migration Profiles for 2018 and 2019 contain data on the returns of foreigners; however, for unclear reasons, the profiles for 2020 and 2021 do not. This is particularly surprising, considering that the 2018 Migration Profile states:

Pursuant to the new Law on Foreigners, which has been in force since 03 October 2018, decisions on return are issued to foreign citizens who have entered and/or are staying in the Republic of Serbia illegally.<sup>57</sup>

As it may be, 2018 saw the revocation of stay issued for 2,142 persons, most of whom (1,136 persons) were citizens of Afghanistan. However, decisions on return were issued to 1,579 people, and the removal of foreigners was issued to 164 people, most of whom were Pakistani (22%), Iraqi (12,8%), and Iranian (10,4%).<sup>58</sup> Finally, a security measure of expulsion was issued for 209 people, however, the profile did not provide their citizenship structure.

In 2019, revocation of stay was issued 849 times, and the Ministry of the Interior issued 7,513 decisions on the return of foreigners.<sup>59</sup> Security measures of expulsion were issued to 109 people, most of whom were citizens of Afghanistan (33%), Iraq (19%), and Romania (11%).<sup>60</sup> There were 258 expelled persons and these data were not categorised according to citizenship.<sup>61</sup> This part of the profile only contains information on the age and gender of these persons, which is the case with every issue in the profile between 2010 and 2020.

What remains to be examined are the readmission statistics based on the official records of the Ministry of the Interior, which were not published in any of the Migration Profiles. These data refer to the period from 2015, when the migrant and refugee crises reached their nadir, and 2022. Four categories of data have been focused upon: the number of requests made by foreign countries to Serbia's Ministry of the Interior to readmit third-country nationals based on the Readmission Agreement,<sup>62</sup>

55 | Zakon o strancima, Sl. Glasnik RS, No. 97/2008, Article 35; Zakon o strancima, Sl. Glasnik RS, No. 24/2018 and 31/2019, Article 39.

56 | Migracioni profil Republike Srbije, 2020, pp. 31–33.

57 | Migracioni profil Republike Srbije, 2018, p. 39.

58 | Migracioni profil Republike Srbije, 2018, pp. 38–39.

59 | Migracioni profil Republike Srbije, 2019, pp. 23–24.

60 | Migracioni profil Republike Srbije, 2019, p. 24.

61 | Migracioni profil Republike Srbije, 2019, p. 25.

62 | The Agreement was signed on 18 September 2007 in Brussels and ratified in the Law on the Confirmation of the Agreement between the European Community and the Republic of Serbia on the Readmission of Persons Residing without Authorisation (Zakon o potvrđivanju Sporazuma između republike Srbije i Evropske zajednice o readmisiji lica koja nezakonito borave, Službeni glasnik RS – Međunarodni ugovori, No. 103/2007, Article 1).

the number of requests made by the Ministry of the Interior for foreign countries to admit third-country nationals based on the Readmission Agreement, the number of citizens returning to Serbia based on the Readmission Agreement, and the number of citizens returning from Serbia based on the Readmission Agreement. Based on the previous discussion, it is clear why these categories have been selected. For the sake of clarity, these data are presented in tables. Even a cursory glance would be sufficient to conclude that far more people were returned to Serbia than removed.

**Table 2. The number of requests made by foreign countries to Serbia's Ministry of the Interior to readmit third country nationals based on the Readmission Agreement**

Year	Number of requests
2015	9637
2016	7990
2017	1988
2018	1793
2019	1204
2020	2632
2021	4683
2022	3268
Total	33213

Source: Ministry of the Interior of the Republic of Serbia

**Table 3. The number of requests made by the Ministry of the Interior for foreign countries to admit third country nationals based on the Readmission Agreement**

Year	Number of requests
2015	249
2016	461
2017	287
2018	992
2019	287
2020	1213
2021	750
2022	1657
Total	5896

Source: Ministry of the Interior of the Republic of Serbia.

**Table 4. The number of citizens returned to Serbia based on the Readmission Agreement**

Year	Number of requests
2015	5442
2016	105
2017	178
2018	486
2019	414
2020	806
2021	890
2022	679
Total	9000

Source: Ministry of the Interior of the Republic of Serbia

**Table 5. The number of citizens returned from Serbia based on the Readmission Agreement**

Year	Number of requests
2015	116
2016	176
2017	33
2018	17
2019	59
2020	97
2021	166
2022	191
Total	855

Source: Ministry of the Interior of the Republic of Serbia

## 4. Closing remarks

Focusing on the data presented in this study, the major discrepancy between the number of people who expressed an intention to seek asylum and the number of people who actually initiated this process, stands out. However, this is not surprising, considering that this process was suspended for nearly 90% of the

applicants. What best illustrates how migrants and refugees view Serbia is that almost 580,000 expressed an intention to seek asylum in 2015, resulting in only a few dozen approvals. For the vast majority of people from Asia and Africa who enter its territory, Serbia is a country of transit that directly bears several readmissions. The total number of nationals from the third countries who were returned to Serbia between 2015 and 2022 based on the Readmission Agreement is approximately ten times higher than the number of people who were returned from Serbia on the same basis (to be exact, the numbers are 9000 and 855, respectively).

Furthermore, the Law on Foreigners was amended in 2018, partly because of the experiences in 2015. The fact that return is the default measure for foreigners who illegally enter Serbia or stay in its territory according to the Law from 2018 testifies to the fact that Serbia is aware that the control of migration flows can be exceedingly demanding in terms of resources, and that it is necessary to speed up this process as much as possible. This, in turn, leads to another matter that could easily stay 'below the radar'. Serbia signed the Memorandum of Understanding with Hungary and Austria simply because any help with readmission is welcome. However, if the focus shifts slightly towards Serbia's visa policy, the European Union places Serbia under political pressure. In this way, the responsibility for protecting EU borders appears to have shifted from members of the external borders of the EU to those countries that aspire to join the Union. Frontex's website certainly displays that EU policy is moving in this direction. It does not take much imagination to conclude who will be a casualty if something goes awry in migration flow management.

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