

Asylum seekers and irregular migrants in Serbia, phenomenon, needs, problems, expectations, profile



Photography: Merlin Nađ Torma, The view in the mirror, suburbs of Subotica



APC/CZA ASYLUM PROTECTION CENTER
CENTAR ZA ZAŠTITU I POMOĆ TRAŽIOCIIMA AZILA



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About Asylum Protection Center (APC)

Asylum Protection Center (APC) is an independent, nongovernmental, non-profit but professional organization consisting of specialists in all fields and professions connected by the idea of providing assistance and protection to asylum seekers, refugees, displaced persons, and all other persons who have migrated in distress, as well as by the idea of advancing asylum institutions and asylum seeker and refugee human rights in Serbia, all with the aim of improving the Serbian society in civilized, moral and legal aspects.

The main objective of the organization is to provide the necessary assistance to asylum seekers, refugees, displaced persons, and all other persons who have migrated in distress and who due to their state of sensitivity, vulnerability and state of emergency are in need of help. Its goal is also to provide help in an extremely professional manner fully understanding the conditions and circumstances in which asylum-seekers, refugees, displaced persons and other persons who have migrated in distress are.

APC is a member of the European Council on Refugees and Exiles (ECRE), a pan-European alliance of non-governmental organizations for providing assistance to refugees and asylum seekers. The importance of APC as the authority in legal and other protection to asylum seekers as well as in functioning of the asylum system in Serbia is explicitly recognized in the Strategy on Migration Management of the Government of the Republic of Serbia of 2009 (The Official Gazette of the Republic of Serbia No. 25/2009). Since the establishment of the asylum system (2008) to the present, APC has advised more than 80 percent of all asylum seekers and legally represented all the asylum seekers granted any protection in the Republic of Serbia, forming by 2012 the whole asylum administrative and judicial procedure practice as well as the system in Serbia.

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Introduction

The aim of the research presented in this report, intended for experts and the general public, is to shed light on new and rather unknown sides of migration and asylum, as the phenomena increasingly present in the Serbian society and the region.

The data collected during the research conducted in the period March 31, 2012 - March 31, 2013 provided answers to the issues on routes, modes of travel, needs, problems, expectations of asylum seekers and irregular migrants, reasons for their fleeing the countries of origin, as well as those for their stay and travel through Serbia. The data were collected through individual, semi-structured interviews with 250 asylum seekers and irregular migrants (which makes up roughly 10 percent of the entire population of asylum seekers in Serbia) carried out during regular field activities of lawyers, psychologists, pedagogues and political scientists of the Asylum Protection Center in the period of 12 months.

In just a few years, Serbia for the first time ever faced two unknowns: establishment of the asylum system and parallel with this a growing pressure of irregular migration on and through its territory. Citizens in the places where they live encounter for the first time with foreigners of other races, cultures and civilizations, or read in the media about the foreigners who reside in local communities inside of Serbia. At the same time, competent state bodies and representatives of local authorities and courts have met with a rather new asylum matter for which challenges such as proper training and gaining experience are strong aggravating factors in terms of their personal engagement and the functioning of the asylum system in Serbia in general. The citizens of Serbia are not sufficiently familiar and are often misinformed about the asylum seeker population. This causes resistance to asylum seekers, unfounded fear and misunderstanding among the citizens. The aim of this study is to familiarize the public and experts with this matter, by examining the profile of the asylum seekers in Serbia, through their life stories and adversities, as well as the expectations they have concerning Europe and European countries of destination. In addition, the aim of the research is to provide general and specific recommendations on how to improve the shortcomings of the Serbian asylum system, as well as to raise awareness of the significance of Serbia as a transit and destination country in the context of the existing and future intercontinental migrations from Asia and Africa to Europe.

Bearing in mind that the psychological profile of migrants and asylum seekers has not been studied enough, and the fact that the largest number of immigrants and asylum seekers in Serbia at the end of the migration chain end up in some of the developed European countries, this analysis will also be useful to foreign professionals and the general public of the European countries of destination.

The research carried out over the past 12 months was designed and based on the previous six-year APC experience gained in work with these categories of people through legal and psycho-social support, and built trust and understanding between asylum seekers and migrants and the members of the APC team who conducted research and were also involved in the legal and psycho-social support to asylum seekers and migrants.

This study would not have been possible without longtime built trust between our team and the migrants, bearing in mind the information that asylum-seekers and migrants were willing to share with

the members of the APC team. In this way, the research is a valuable source of information, not available to the general public that cannot be isolated through surveys and questionnaires without active and mutual trust in communication that the Asylum Protection Center achieved during six years of its operation and assistance to asylum seekers and migrants in Serbia.

The research was carried out through interviews with asylum seekers and migrants during regular visits of the APC expert team to the Asylum Center in Banja Koviljača and Bogovadja, illegal settlements in Subotica, and the Center for Unaccompanied Youth in Belgrade. Special attention was paid to the sample representativeness and ethnic and gender structure of asylum seekers and migrants in Serbia.

The publication is divided into three parts. The first part describes briefly the general characteristics of the asylum system in Serbia, identifies its shortcomings that must be corrected and gives recommendations in this regard. The second part focuses on the geographical origin of asylum seekers and migrants in Serbia, description of the common transit routes from their countries of origin to Serbia, the role of smugglers in the process and other circumstances that allow migrants to successfully overcome difficulties on their long-distance routes. Finally, the third part sketches the psychological profile of asylum seekers and migrants, their reasons for fleeing homelands as well as their expectations of life in Europe.



Photography: Merlin Nađ Torma, Kiteflying

Short overview of the asylum system in Serbia

Main features

From 1976 to 2008, when the asylum system was established in Serbia, the United Nations High Commissioner for Refugees (UNHCR) conducted its own asylum procedure in two instances, while the SFRY / FRY / SCG / Republic of Serbia tolerated asylum seekers presence on its territory during the entire duration of the UNHCR asylum procedure. A person who applied for asylum could not remain in Serbia, even if he was granted refugee status by the UNHCR, Instead, UNHCR had to find the destination country and provide resettlement assistance. Since the entry into force of the Serbian law on asylum, UNHCR has been playing a monitoring role only.

Serbia established its own asylum system only in 2008¹ in the context of meeting the requirements for obtaining the visa-free regime for the Schengen Area countries. Namely, the Roadmap for the visa-free regime² envisaged, among other things, establishment of the asylum system and the mechanisms for management of border crossings, as well as keeping records of migration flows. The Law on Asylum entered into force on April 1, 2008. The Strategy on Migration Management and the Strategy for Combating Illegal Migration in the Republic of Serbia were adopted in 2009³, while the Law on Migration Management entered into force on November 17, 2012.

The Law on Asylum of the Republic of Serbia by its structure of content resembles closely the laws of developed countries in this field. Asylum seekers, during all types of procedure, are guaranteed accommodation and food in accordance with the state capacity, health care, social assistance if residing outside the asylum centers and have no means of support, non-restricted access to UNHCR, legal aid provided by APC and other non-governmental organizations, freedom of movement within the territory of Serbia, the right to primary and secondary education, basic human rights guaranteed to the citizens of Serbia, with the exception of electoral rights. Asylum seekers can be neither detained, while their applications are processed, nor their freedom of movement limited. In very rare and extreme cases, the

¹ Implementation of the Law on Asylum began on April 1, 2008, signifying the launch of the asylum system in Serbia. It was adopted on November 27, 2007 and entered into force on December 6, 2007. Although Serbia assumed the obligations of the 1951 Geneva Convention on the Status of Refugees (The Official Gazette of the FNRJ, International Treaties, No. 7/60), from March 12, 2001 until the Law on Asylum was adopted, the Convention could not be applied directly due to the absence of procedural provisions that would allow its direct application. These provisions should have been included into domestic regulations, lacking in this case until adoption of the Law on Asylum.

² The visa-free regime for the Schengen states (all members of the EU except Great Britain and Ireland, including Switzerland, Norway, Iceland, Liechtenstein) is being granted after the third country meets the conditions set by the EU in order to be moved from the "Black" onto the "White" Schengen List (Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders of Member States and those whose nationals are exempt from that requirement). The conditions for Serbia and the other countries of the Western Balkans were given in the form of so-called "Roadmap", which consists of four blocks: security of documents, i.e. introduction of biometric passports; management of borders, curbing of illegal migrations and establishment of asylum systems; conditions related to public order and security – fight against organized crime, judicial cooperation in criminal matters, data protection; and finally fundamental rights, including minority rights. Apart from fulfilling the conditions of the Roadmap, it was necessary to adopt and implement the Readmission Agreement, with the EU countries as well as the Visa Facilitation Agreement. The visa free regime for Serbia entered into force on December 19, 2009.

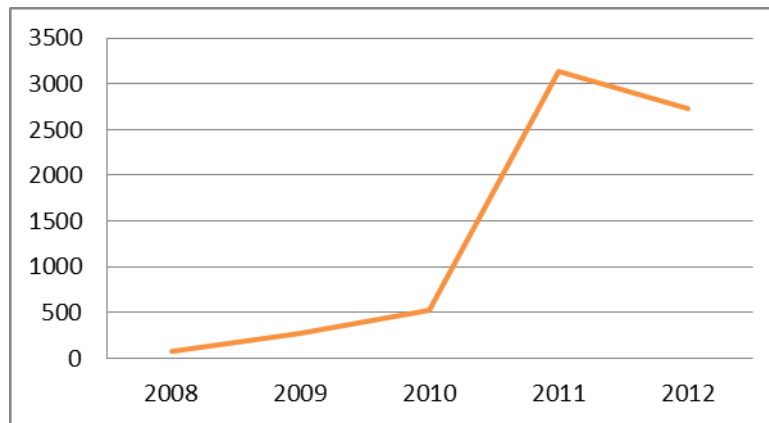
³ Strategy on Migration Management of the Republic of Serbia entered into force on July 28, 2009; Strategy on Combating Illegal Migrations in the Republic of Serbia for the period 2009-2014 entered into force on April 10, 2009.

freedom of movement of asylum seekers in the Reception Centre for Aliens in Padinska Skela near Belgrade⁴ can be restricted if the person is considered to be a threat to public peace and security.

In Serbia, there are two asylum centers: one in the village of Bogovadja near Lajkovac, 70 km south of Belgrade, and the other in Banja Koviljaca, 150 km west of Belgrade near Loznica. The centers are of open type and managed by the Commissariat for Refugees, and Migration of the Republic of Serbia (CRS), a governmental agency, responsible for the matter of reception and accommodation of refugees and migration management in Serbia. Accommodation capacity of the asylum centers is between 230 and 250 beds.

According to the Law on Asylum of the Republic of Serbia, asylum claims should be assessed at the first instance by the Asylum Chancellery, not yet officially established. In practice, the duties of the Asylum Chancellery have been performed by the Asylum Office, which is a part of the Foreigners Division of the Border Police Department of the Ministry of Interior of the Republic of Serbia. In the second instance, the Asylum Commission, an independent body whose members are appointed by the Government of the Republic of Serbia decides on complaints against the decisions of the Asylum Office on asylum applications. Asylum procedure is an administrative procedure, and after the second instance decision it is possible to initiate an administrative litigation before the Administrative Court after which it is possible to initiate proceedings before the Constitutional Court by filing constitutional complaint.

From 2008 until March 2013, the total number of 7470 persons sought asylum in Serbia⁵. During this period, asylum has been granted in eight cases out of which three refugee statuses and five subsidiary protections. In all eight cases, legal representation to asylum seekers was provided by APC. Of these eight asylum seekers, five remained in Serbia - the remaining three left the country voluntarily.



Number of asylum seekers in Serbia, 2008-2012

⁴ Law on Asylum, Article 51, Para 3: The movement of asylum seekers may be restricted by a decision of the Asylum Office, when it is necessary for the purpose of protecting national security and public order of the country in accordance with the law. The exception is a Libyan asylum seeker, who was very aggressive and who posed a physical threat to local population, the Asylum Center staff and the other asylum seekers. By the decision of the Asylum Office, he was transferred to the Reception Center for Aliens in Padinska Skela in 2011.

⁵ According to APC official statistics the number of asylum seekers per year in Serbia is: 77 in 2008; 275 in 2009; 522 in 2010; 3134 in 2011; 2723 in 2012; and 731 asylum seekers in the first three months of 2013.

In Serbia, the asylum procedure lasts at least five months (two months are spent in the first instance, another two months in the second instance, plus one month for the decision delivery), and then more than three months are spent in administrative proceedings until a final decision is made if the second instance decision is negative. Because of the shortcomings in the Law on Asylum, there is no clearly defined time frame as to how long the asylum procedure, from the expression of intention to apply for asylum until the final decision of the Administrative Court, can take. Depending on the complexity of the case and the agility of the competent authorities, the whole procedure for granting asylum can last for more than a year before the final and binding decision comes into force.

Case of a person which was granted international protection in Serbia

NN, a designer from Egypt, fled his homeland because of the religious terror and persecution that erupted once the Islamic Brothers came into power. As a Christian Copt, he was harassed and abused by his boss, who was constantly putting psychological pressure on him to convert to Islam. The situation culminated when his boss threatened him with death, letting him know that there was a group of his colleagues who believed in radical Islam and acted towards conversion of the infidels.

After such threats, in the atmosphere of spreading religious violence and intolerance against Christians in Egypt - burning churches, killing Christians, kidnappings and demonstrations, NN turned to the police that ignored his problem. Having friends in Serbia, he requested a visa in Cairo and then immediately fled the city. Once he obtained the Serbian visa, he legally came by plane to Belgrade.

Immediately upon his arrival in Serbia, NN contacted APC and expressed his intention to apply for asylum. After expressing his intention to seek asylum to the authorized officer, he was given a certificate and sent to the Asylum Center in Bogovadja where he formally filed an asylum application, which was followed by an oral deliberation. However, as the first instance decision had not been made within a 2-month period as envisaged by the Law, he filed a complaint on administrative silence. Then, the Asylum Commission came to a decision to approve the appeal, but did not decide on the merits, although all conditions for doing so were fulfilled. By upholding the appeal, the Commission ordered the first instance body (the Asylum Office) to make a new decision in accordance with the presented facts and evidences. The Asylum Office issued a positive decision, granting asylum to NN in the form of refugee status. The whole process took about a year and included a period of re-election of the members of the Asylum Commission, which lasted about 8 months.

The authority acknowledged the persecution of the asylum seeker, considering the particular case and the situation connected with the position of the Christians - Copts in Egypt, and referred to the established identity of the asylum seeker and the prosecution in this case.

This person is now waiting for the integration process to take place. The Commissariat for Refugees and Migration has been trying to find him a job and accommodation in Belgrade, while the APC, still being his legal representative, has been working on obtaining a work permit and other certificates and documents, finding training courses as well as social assistance and transfer to Belgrade.

Case of a person granted a subsidiary protection in Serbia

This person is an Ethiopian who came to Belgrade to run a marathon. He took advantage of his stay in Serbia to ask for asylum. A favorable circumstance for his asylum claim was his media exposure, as the daily and on-line newspapers reported on his move to seek asylum, giving his personal data and picture. In this way, however, he was put at risk of being persecuted bearing in mind the fact that the Ethiopian government responded to the same or similar cases by persecuting the families of asylum seekers and the asylum seekers themselves in case of return or deportation to the homeland. At that time, the political opponents in Ethiopia were being imprisoned, and those who sought asylum in other countries were disappearing. The first-instance asylum authority in Serbia had this argument in mind when deciding positively on his asylum claim

How to improve the asylum system in Serbia

As the asylum system in Serbia is a relatively new legal field, its implementation practices revealed numerous shortcomings and limitations, but also some points that allow its further improvement. Problems in the asylum system functioning range from material and concrete flaws of the Law on Asylum to systemic and structural barriers, which removal requires additional engagement of all institutions, agencies and organizations involved in the system.

Main shortcomings of the asylum procedure

According to the Law on Asylum (2008), after expressing intent to apply for asylum, i.e., after being entered into records by a police officer (issuance of a certificate of intent to seek asylum with personal data), the alien shall have a period of 72 hours to report to an asylum center or to the Asylum Office. In practice, asylum seeker never reports to the officer of the Asylum Office, but he/she is sent by the police officer, who issued the certificate of intent and made the record, to one of the asylum centers. After that, the asylum seeker registration (establishing identity, photographing, fingerprinting) is conducted in the Asylum Center, within one to two months from the arrival of the asylum seeker to the asylum centre.

Future asylum seeker is issued an identification document (ID card of the person seeking asylum) seven to fourteen days, on average, after the conducted registration, and before applying for asylum⁶. At the same time, the Asylum Office retains all his/hers personal documents of relevance to the asylum procedure. After registration, the alien has 15 days to initiate the asylum procedure⁷. As the official launch of the procedure for applying for asylum is exclusively controlled and dependent on the Ministry of Interior officers, because the same officers filled out the asylum application and signed it, the given time frame of 15 days for initiation of the asylum procedure is primarily the obligation of the Asylum Office officers and does not leave any initiative or free will of asylum seekers in terms of time and possibility of submitting the asylum claims.

⁶ In the Asylum Center in Banja Koviljača, the registration is conducted immediately upon arrival of the asylum seeker to the Center (due to the fact that the Asylum Office officer lives and works in Banja Koviljača, which is not the case for the Asylum Center in Bogovadja) but the identity cards are being given only upon the submission of the asylum application.

⁷ The Law on Asylum, Articles 22, 23, 24 and 25.

The first obvious shortcoming of the procedure is the fact that the moment of filing a request for asylum is considered as the formal launch of the asylum procedure. Instead, the asylum procedure should begin from the moment when a person expresses his/her intention to ask for asylum, which precedes the act of registration, as is the practice in countries with functional asylum systems. Namely, when a person expresses his/her intention to seek asylum, it implies that the person is willing to do that, and therefore any asylum procedural delay in the start of the procedure has only deterrent effect. On the other hand, if the asylum procedure began by expressing intention to seek asylum and issuance of a certificate of intent instead of filing an application for asylum, it would have motivated a number of asylum seekers not to leave the asylum procedure before its completion⁸.

Another drawback is the lack of a fixed deadline for registration of a foreign - future asylum seeker. In practice, this leads to an unjustified delay of the competent authorities to carry out the registration, i.e., to the fact that a large number of foreigners who have already expressed their intention to seek asylum in Serbia, leave the country before the asylum procedure formally begins by application submission, due to a long wait for registration of even several months.

It follows that the Law on Asylum (2008) should be revised by introduction of a clear provision regarding the time frame for the registration of asylum seekers, which should not be longer than 7 days from the act of recording⁹. In addition, it is necessary to amend the Law with respect to binding the registration with the formal launch of the asylum procedure. Rectification of these two drawbacks is a precondition for effective and fair asylum procedure.

The state is required to meet the legal obligation to establish an Asylum Office, which was among other things pointed out as one of the shortcomings of the Serbian asylum system in the Progress Report of the European Commission for the year 2012¹⁰. Essentially, the decision making process, human recourses and the very procedure will not be changed much with formal establishment of the Asylum Chancellery, because the Asylum Chancellery will perform the same tasks as those performed by the Asylum Office by now.

Measures to be adopted and applied in order to improve the asylum system and to eliminate its shortcomings

1. Revision of the existing list of safe countries of origin and safe third countries

Both principles (the principle of safe third countries and countries of origin) have been used in most European countries with developed asylum systems, and their essence is to enhance the efficiency of the asylum process.

One of the goals of creating a list of safe countries of origin and safe third countries of transit (safe third countries) is to facilitate rapid processing of applications for nationals of these countries seeking asylum,

⁸ In most cases, the asylum seekers leave the centers even before the official beginning of the asylum procedure, i.e., before applying for asylum or after having applied for asylum but before hearing the first-instance or second-instance decision.

⁹ For example, the timeframe in Luxembourg is set for three days. Loi du 5 mai 2006 relative au droit d'asile et à des formes complémentaires de protection. In the Netherlands – six days. Immigration and Naturalisation Service (IND), The procedure at the application centre, http://english.ind.nl/Brochures_en_Formulieren/index.aspx

¹⁰ See: Serbia Progress Report 2012, October 10, 2012, page 53 http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/sr_rapport_2012_en.pdf April 2013.

thus preventing potential abuse of the asylum system and extensive and unnecessary use of its full capacities and generation of unnecessary additional financial costs. For example, several European countries have applied accelerated procedures for asylum seekers who are Serbian nationals, since there is a reasonable assumption that Serbia is a safe country of origin where human rights are generally respected, and one of the signatories of the major international conventions on the protection of human rights and fundamental freedoms. The use of the list of safe countries of origin is a controversial practice in general and therefore the countries should apply it with great caution¹¹. Serbia, however, has included on its list of safe third countries and safe countries of origin among other countries Turkey, Russia and Belarus, the countries which, by definition of the Serbian Law on Asylum, do not meet the requirements to be on these lists if one takes into account only the human rights issues in these countries.¹²

As for the Serbian list of safe third countries, the inclusion of Greece and Turkey in the list has been widely criticized. Greece since the nineties has been struggling with a chronic increase in the number of asylum seekers and immigrants, so that its asylum system has become completely dysfunctional and on the edge of viability. Turkey, on the other hand, does not apply the Protocol Relating to the Status of Refugees of 1968 and the Geneva Convention on the Status of Refugees, i.e., it limits the scope of application of the Convention solely to the European countries, which means that non-European nationals cannot be granted refugee status in Turkey. In addition, Turkey does not apply the non-refoulement principle to the non-European nationals. Only in April 2013, Turkey adopted its first Law on Foreigners and International Protection¹³, which still does not eliminate all the irregularities, but predicts suspensive effect of the remedy against the first instance asylum decision.

2. Providing of additional trainings for officials involved in the asylum procedure and exchange of experience and information

Insufficient and inadequate training of government bodies, officials and others involved in the asylum system significantly affects the final outcomes and functioning of the asylum system in Serbia. In so far practice, gaps in knowledge and methodology have been observed at all levels.

Asylum Office, being a first instance decision-maker, lacks additional training on conducting research and gathering information on the countries of origin of asylum seekers, characteristics of the countries and how to deal with people with special needs.

¹¹ See, for example, a UNHCR study "Improving asylum procedures: comparative analysis for law and practice", 2010, pp. 67-72. . [http://www.unhcr.org/cgi-](http://www.unhcr.org/cgi-bin/texis/vtx/home/opendocPDFViewer.html?docid=4ba9d99d9&query=safe%20country%20of%20origin)

[bin/texis/vtx/home/opendocPDFViewer.html?docid=4ba9d99d9&query=safe%20country%20of%20origin](http://www.unhcr.org/cgi-bin/texis/vtx/home/opendocPDFViewer.html?docid=4ba9d99d9&query=safe%20country%20of%20origin)

¹² The Law on Asylum Article 2 defines a safe country of origin as follows: "a safe country of origin shall be understood to mean a country from a list established by the Government whose national an asylum seeker is, and if the person concerned is stateless, a country where that person had previous habitual residence, which has ratified and applies international treaties on human rights and fundamental freedoms, where there is no danger of persecution for any reason which constitutes grounds for the recognition of the right to refuge or for granting subsidiary protection, whose citizens do not leave their country for those reasons, and which allows international bodies to monitor the observance of human rights. "

¹³ Briefly about the law: "Turkish president approves law on rights of foreigners", April 10, 2013, <http://www.turkishpress.com/news.asp?id=383990&>. April 2013, complete text of the law in Turkish: <http://www.resmigazete.gov.tr/eskiler/2013/04/20130411-2.htm?>

In addition, the content of the interview to be conducted should be customized and the focus put on the merits of the asylum claim. The Asylum Commission, as the appellate authority, has no knowledge of the comparative practice of asylum systems. Also, court staffs are not sufficiently skilled in the field of asylum, but are guided by already familiar procedural patterns. The Constitutional Court has so far demonstrated the highest level of knowledge of the asylum matters as well as of comparative and European asylum practice. Decisions made by the Court on two constitutional complaints refer to and consult the European Court of Human Rights practice¹⁴.

Twice a year by 2012, the UNHCR conducted field training for the border police on elementary asylum procedure. Bearing in mind the positive results of the trainings, the UNHCR, as the most adequate actor to conduct such activities, should intensify these trainings in the future. The trainings should be organized both for the state officers at all decision-making levels and for the officials of other organs and institutions involved in the asylum system. Knowledge about the countries of origin of asylum seekers, domestic and comparative asylum practices, as well as of comparative jurisprudence are some of the most important areas where additional training is needed. Besides police and courts, it is necessary to additionally train the staff in the asylum centers, centers for social work, educational institutions, health care centers, police departments, other agencies, institutions and authorities at the local and central level.

UNHCR could also be further involved in the establishment of contacts and exchange of information between competent authorities and courts in Serbia and their European counterparts, by organizing conferences and lectures that would bring together relevant stakeholders. These meetings, which would foster regional and international cooperation, would provide a good opportunity for participants to share experiences and adopt successful practices.

3. Allowing non-governmental organizations access to the Nikola Tesla airport

Border Police Department should allow NGO representatives access to the Nikola Tesla airport in order to monitor the implementation of the asylum procedure, for no one knows for sure how the asylum procedure is carried out at the airport and what the challenges and circumstances the asylum seekers have to face there when expressing their intention to seek asylum.

4. Enhancement of accommodation capacities for asylum seekers

The total accommodation capacity of asylum centers in Serbia is between 230-250 beds, which is not enough, since the number of asylum seekers in Serbia in the last two years increased rapidly and a further increase in the number of asylum seekers in the near future is expected. The biggest "crisis" in accommodation of asylum seekers in Serbia took place in the summer of 2011, when in the course of several weeks about 800 asylum seekers came to Serbia. In 2011, out of 3143 asylum seekers, 845 were accommodated in one of the centers. In 2012, the situation was better: out of 2723 asylum seekers

¹⁴ Jurisprudence of the European Court of Human Rights in Strasbourg to which the Constitutional Court of Serbia referred in its judgements: *MSS v. Belgium and Greece* (no.30696 / 0, of January 21, 2011), *Chalal v. U.K.* (no. 22414/93 of Nov.15, 1996), *TI v. U.K.* (no. 43844/98 of April 5, 2000), *Conka v. Belgium* (51564/99, decision of February 5, 2002).

a total of 1485 persons had accommodation, out of which 1285 lived in the center in Bogovadja. A certain number of persons lived in alternative types of accommodation during the summer or under open air. It should also be noted that an extremely large number of asylum seekers who expressed their intention to seek asylum in front of police officers inside of Serbia went instead to the asylum centers directly to the northern borders of Serbia, using their 3-day certificates of intent to move freely¹⁵. Others have found themselves on the streets or rented accommodation, or even go into abandoned houses.

In the situation of lacking accommodation capacity and while waiting for the construction of a new asylum center, the state introduced in December 2012 as a temporary solution the possibility for the asylum seekers to be hosted by the local population in the village of Vračević next to Bogovadja. For each asylum seeker placed in private homes, the local resident receives 50 euros per month. This positive practice was, however, received negatively on the local level, as only few householders had a chance to earn money by hosting the asylum seekers. This led to resentment, envy and discontent among residents in the community.

5. Establishment of a program for integration of persons granted refugee status into society and everyday life

According to the Law on Migration Management, which entered into force in November 2012, one of the competences of the Commissariat for Refugees and Migration is to implement the measures for the integration of persons who have been granted refugee status¹⁶. They are entitled to work permits and housing. However, no concrete measures have been envisaged that would allow the inclusion of these individuals into the society. According to the law, this issue being proposed by the Commissioner shall be addressed by the Government¹⁷, which means that a by-law that would regulate the implementation of integration measures has to be adopted.

The integration program should include activities that would facilitate the naturalization of persons granted asylum in Serbia. This implies that these persons should be enabled to attend Serbian language and history classes, as well as vocational trainings for the labor market in Serbia. Apart from work permit and health insurance, which is prescribed by the Law, providing social assistance and housing in the first years of the naturalization process is also necessary. Furthermore, it is necessary to design programs of socialization and inclusion of these individuals in the social and cultural life and events. The integration program should include all persons who have been granted asylum in Serbia, to the same extent and scope, regardless of the type of protection the person enjoys - refugee status or subsidiary protection.

6. Familiarization of the asylum with the local populations

Bearing in mind that the Serbian society has only recently faced for the first time with the phenomenon of irregular intercontinental migration and asylum seekers, the citizens are not appropriately and

¹⁵ Namely, with certificates obtained when asylum seekers express their intention to seek asylum they can move freely within Serbia, which leaves them 72h to arrive to one of the asylum centers.

¹⁶ The Law on Migration Management, Article 8.

¹⁷ Ibid, Article 14.

sufficiently informed about these issues. Moreover, the issue of asylum seekers may be the subject to manipulation. At the end of 2011, local political parties in Banja Koviljaca held protests against asylum seekers; they imposed on a number of misinformation and fueled fear of spreading of alleged disease and rape cases committed by the asylum population. However, quick and adequate reaction of the state, the media and non-governmental organizations for the protection of human rights fail to take place. Only APC held on that occasion several press conferences and addressed the public, so as to eliminate misunderstandings and prejudice against the migrants and asylum population.

The current political and media rhetoric and striking unanimity of the citizens of Mladenovac against the building of an asylum centre in this town is the most recent example that proves an insincere attitude of the state and the public towards these issues, which if not properly addressed, can have serious and far-reaching consequences for the Serbian society as a whole in the future. The lack of information and public discussions about the phenomenon of global migration and asylum seekers in Serbia has a negative impact on proper functioning of the asylum system, the very procedure of granting asylum, refugee integration, raising awareness of the local and urban communities and the society in general, and it threatens the dialogue between the local and the asylum population as well as the development of tolerance and understanding of the needs and destinies of the people who sought refuge in Serbia.

Journey of migrants and asylum seekers from their countries of origin to Serbia

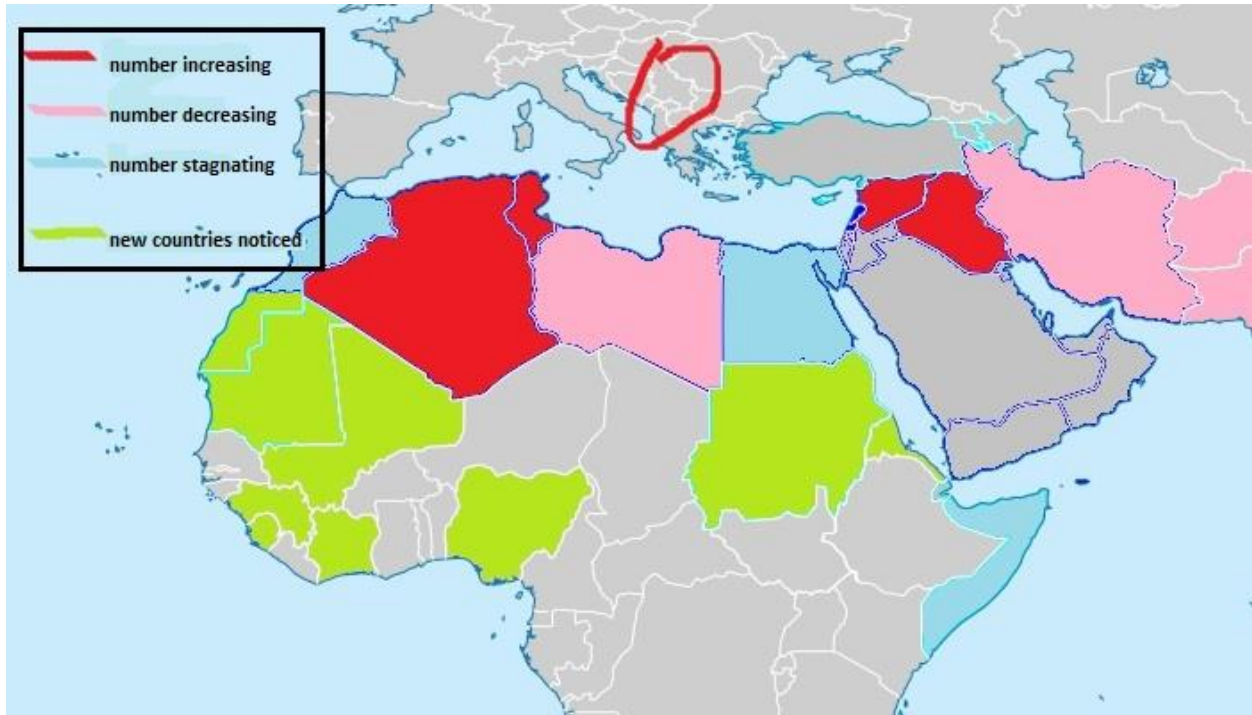
Based on interviews and direct communications conducted over the past 12 months with asylum seekers and irregular migrants accommodated in the asylum centers in Banja Koviljaca and Bogovadja, in front of the centers and in illegal settlements on the territory the city of Subotica, as well as on interviews and discussions with unaccompanied minors who lived at the Center for Unaccompanied Youth in Belgrade in Voždovac, the following facts and information regarding countries of origin and migration routes to and through Serbia of asylum seekers and irregular migrants were collected.¹⁸

The origin of asylum seekers coming to Serbia

When looking at ethnic and national structure of asylum seekers in Serbia, then two major geographical groups can be distinguished: one group comes from Asia, mostly from Afghanistan and the other from the Middle East and North and West Africa. What two groups have in common is the fact that they both use Turkey as a transit country to Europe and Serbia.

¹⁸ The persons who seek asylum at the Nikola Tesla international airport in Belgrade were excluded from the analysis.

Structure of asylum seekers in Serbia in 2012 and noticed trends compared to the previous year



In 2012, persons from Asia who expressed their intention to seek asylum in Serbia, represented approximately 45 percent of the total number of asylum seekers. Most of them are Afghans, followed by Pakistanis, Bangladeshis and to a lesser extent, Iraqis and Iranians. Compared to 2011, the number of Afghans and Pakistanis who seek asylum in Serbia halved, while the Bangladeshis (124 people) represent a novelty in the Serbian asylum system (in 2012).

Another geographical group of asylum seekers in Serbia, which includes nationals from northern and western Africa, and the Middle East, becomes more numerous and ethnically diverse, as a result of the current political situation and the turmoil in the countries of these regions. In fact, in the last year a significant increase in the number of asylum seekers from civil war-torn Syria, as well as a sharp rise in the number of Eritreans, mostly Christians and military deserters, was registered. In addition, for the first time in Serbia asylum-seekers from war-ravaged Mali and Mauritania, and the Gulf of Guinea countries: Sierra Leone, Ivory Coast, Nigeria were registered. Also, an increase in the number of asylum seekers from Palestine and the Maghreb countries, who often tend to introduce themselves as Syrians in the asylum procedure, was observed. The number of Somalis is still high, but it did not change in comparison to 2011. On the other hand, the number of Libyans in comparison to 2011 declined significantly.

Comparative structure of asylum seekers by nationality for 2012 (left) and 2011 (right)

| | | |
|----------------|-------------|-------------|
| 1. Afghanistan | 804 | 29,5% |
| 2. Somalia | 505 | 18,5% |
| 3. Syria | 287 | 10,5% |
| 4. Pakistan | 247 | 9% |
| 5. Algeria | 169 | 6,2% |
| 6. Eritrea | 128 | 4,7% |
| 7. Bangladesh | 124 | 4,5% |
| 8. Marocco | 85 | 3,1% |
| 9. Others | 374 | 13,7% |
| TOTAL | 2723 | 100% |

| | | |
|----------------|-------------|-------------|
| 1. Afghanistan | 1693 | 54% |
| 2. Somalia | 492 | 15,7% |
| 3. Pakistan | 348 | 11,1% |
| 4. Libya | 139 | 4,4% |
| 5. Palestine | 94 | 3% |
| 6. Marocco | 87 | 2,8% |
| 7. Iran | 35 | 1,1% |
| 8. Irak | 10 | 0,3% |
| 9. Others | 245 | 7,7% |
| TOTAL | 3143 | 100% |

Judging by the statistics for the first three months of 2013, Syrians are the largest population of asylum seekers in Serbia (160 of 730 claims). In 2012, the Syrian refugees were mostly Christians, but from the beginning of 2013 one can be observed an increasing number of Shiites, Alevis and non-radical Sunnis in the Serbian asylum system. The total number of asylum seekers in Serbia in the first quarter of 2013 has doubled compared to the same period in 2012 amounts to 730 asylum seekers.

Asylum seekers from Afghanistan, Pakistan, on their way to Europe, usually spent some time in Iran before moving to Turkey in order to earn money needed for the journey to Europe. The next stage is the Turkish border crossing; the majority arrives in Turkey illegally on foot, escaping official border checks, often with the help of smugglers.

As it is the case with the first group, the majority of asylum seekers from Africa and the Middle East enter Turkey by land and air, illegally crossing the border away from border crossings or through the airport in Istanbul. The journey of asylum seekers from West Africa coming to Turkey is divided into several stages, for example, they spend some time in Libya, in order to earn money needed for further travel. Those who obtain a Turkish visa or passport with a false identity enter Turkey legally, mostly by directly airline flights.

As Turkey has a visa-free regime with Syria, Tunisia, Morocco, and Iran, while the Iraqis can buy visas at the airport,¹⁹ immigrants on this route try to obtain passports of these countries. According to our knowledge, the current price for an original Syrian passport with a false identity ranges between 800 and 1,000 euro.

¹⁹ Ministry of Foreign Affairs, Visa Information For Foreigners, <http://www.mfa.gov.tr/visa-information-for-foreigners.en.mfa> , April 2013.

Turkey, Greece and the situation at the Turkish-Greek border

Istanbul is an important point in the journey of asylum seekers who end up in Serbia, as the city is a haven for immigrant communities and smuggling networks. In Istanbul immigrants live in different quarters of the city, gathered in ethnic/national/geographic communities. For example, the North African Arabs and Somalis live in the Fatih quarter, while Afghans and Iranians reside in the neighboring district of Zeytinburnu. The migrants stay in Turkey as long as it is necessary for them to earn money to go to Greece. Each of these immigrant communities has its own "competent" smuggling network. The structure of these networks is vertical generally with the "big boss" on the top, who oversees and coordinates all actions; then follow agents-executors of smuggling who are normally of the same nationality as the smuggled immigrants; and finally state officials who are bribed. The price that smugglers charge for this service depends on the likelihood of crossing the Turkish-Greek border safely.

The next stage is moving to Greece. The majority of asylum seekers in Serbia with whom we talked to in the asylum centers while conducting our research say that they crossed the Evros (Marica) river in order to get to Greece, either swimming or on boats. According to their confessions, the Turkish police and the army do not react when they see immigrants moving towards the river, crossing to the Greek side is manageable if one remains unnoticed by the Greek police. Hence some of them cross the river on rubber boats, which they pierce if they see the police on the other side of the river and then continue swimming. In this way, they are less visible to the cameras and the police, while the backpacks they carry with themselves are filled with inflated sacks or bags that serve them as 'rescue boards' while they swim.

Since August 2012, the Greek police have increased control on this land border by deploying additional 1,800 policemen. Moreover, in December 2012, a 10.5 km long barb-wired wall along this border was erected. As a result, when compared to 2011, 35% less irregular immigrants was detected on the Greek-Turkish land border in 2012²⁰. However, according to information provided by the irregular migrants and asylum seekers, border-crossing attempts are now directed toward the river Evros (Marica). The probability of crossing the Evros River during the night is very high; most of the migrants manage to do that after only one try.

Despite the measures taken by Greece, the asylum system in Serbia has not experienced a significant decline in the number of asylum seekers. Moreover, the majority of asylum seekers in Serbia were registered in the last three months of 2012²¹. Asylum seekers in Serbia who managed to cross the river after August 2012 say that the new situation did not slow down or delay their crossings to Greece. For a successful crossing one needs to be persistent, lucky or have good smuggler service, they say. Perhaps the reason for the lack of decline in the number of asylum seekers in Serbia is the fact that a large number of asylum seekers currently present in Serbia entered Greece before August 2012. According to the data on the number of asylum seekers in Serbia in the first quarter of 2013, it can be seen that this number has increased twice as compared to the same time of 2012. Therefore, the potential effects of the Greek measures, if any, can be expected in the second half of 2013.

²⁰ Frontex Annual Risk Analysis 2013, April 18, 2013, p. 22. http://www.frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2013.pdf April 2013.

²¹ APC/CZA statistics: In the third quarter of 2012, 841 persons filed asylum applications in Serbia, while in the last three months of 2012 it was made by 931 persons.

by certain groups of asylum seekers. The essence of queue control by these groups is to secure places for their compatriots, or to sell the same places for 850 euros. In this way, immigrants get enough money to continue their journey towards Western and Northern Europe. In the beginning of 2012, the queues were firstly controlled by the Algerians and Tunisians, then by the nationals of Cote d'Ivoire, and finally from November 2012 by the Nigerians.

As the Greek police arbitrarily decide who will be those 20 immigrants, queuing is often accompanied by physical assaults among immigrants, to which the Greek police do not respond, but rather root for a particular group of immigrants. Because of their calm and non-conflict nature, Bangladeshis are often victimized by other immigrant groups and tricked with the sale of the place in the queue.

Because of the risk of fraud in the process of purchasing a place in the queue, a third party appears as a "guarantor". He is a friend of the person who has to pay for his place in the queue, and who would give money only in the case his friend managed to keep his place and receive the "pink card".

All asylum seekers and irregular migrants we talked to found their stay in Greece very traumatic - if they were arrested, the police beat men, while those who had been arrested and placed in detention centers lived in extremely unhygienic and poor living conditions, often surrounded by rats, with no beds and bedding. Those migrants who had to stay in order to earn money for the next stage of their journey were assisted by the immigrants already present in Greece and the communities they belong to, who fix them a temporary job and a place to stay.

From Greece to Serbia: Macedonia and alternative directions

The majority of the asylum seekers in Serbia arrive to Serbia via Macedonia. They usually cross the Macedonian-Serbian border on foot, avoiding the official border crossings, while a smaller number of them cross the border being hidden in vehicles. As a rule, the immigrants do not stay more than a few hours in Macedonia. They try to move as quickly as possible, saving in this way money and time. However, there are a growing number of immigrants who cross the whole Macedonia on foot in order to avoid paying a taxi or smugglers' services. However, it is not yet a commonplace and most of them still pay smugglers' services. The smugglers almost always drive immigrants to the village Lojane near Kumanovo, a focal point of immigrants on their way to European countries, a few kilometers from the border with Serbia, across the Miratovac village in Serbia.

While conducting a field mission to collect data on asylum seekers and immigrants in Macedonia the APC representatives visited the village of Lojane in April 2012. Their impression was that the whole place and its inhabitants were involved in people smuggling, that people were placed in yards or premises of private homes surrounded by high walls, which is the reason why it is impossible to get a true picture of the extent and nature of smuggling that has been taking place in Lojane. Migrants are often kept in inhumane conditions, without bedding, food, and basic hygiene facilities. Often the smugglers and villagers behave very presumptuous towards immigrants, blackmailing them, selling food and providing all other services for them. Each local family is responsible for a certain number of immigrants who have been assigned to the family by the local boss of the criminal group that organizes smuggling in the region of Presevo and

Lojane. Strict subordination and pyramidal structure relying on ethnic and kinship ties of smuggling groups significantly hinders its breaking or gathering of relevant information about it by the Serbian or the Macedonian police. After having talked to the Macedonian authorities and the border police, it can be said that it seems impossible to control the flow of immigrants in the region of Lojane, for a number of reasons such as: good coordination of the smugglers, support and participation of the local population, and strong kinship and ethnic ties among communities that inhabit areas on both sides of the Serbian-Macedonian border.

The APC representatives during their field visits to southern Serbia in the last three years,²⁸ concluded that the control of immigrants entering through alternative routes from Macedonia to Serbia is an extremely difficult and technically demanding job that requires deployment of additional policemen and better technical equipment. It also requires information from the field, which gathering is difficult due to ethnic affiliation of the criminal groups, length of the border, easily crossable terrain, and the persistence of immigrants to cross the border.

A small number of immigrants who enter Serbia come first to Kosovo from Macedonia or bypass Macedonia, and from Greece go to Albania, then Montenegro, and finally to Serbia. Allegedly, according to asylum seekers we talked to, the town Rožaje in Montenegro is a center of irregular migration, crime and human trafficking. Also, a small number of immigrants come to Serbia via Kosovo by plane. The Kosovo applies the visa-free regime to all countries in the world – the traveler is required to have only an invitation letter. In this way, for example, the Afghans come to Pristina, primarily from Istanbul, by planes of the Turkish Airlines.²⁹ This practice will become more difficult from July 1, 2013 when Kosovo will introduce visas for 87 countries,³⁰ including those whose nationals are globally the most represented in the statistics on irregular migrants to Europe.



Major and alternative transiting routes of irregular migrants and asylum seekers present in Serbia

²⁸ APC representatives made their annual visits to the border police authorities on the south of Serbia in the period 2010-2012, with the aim to determine the trends and character of migrations at the Macedonian-Serbian border.

²⁹ J.A. Derens, „Balkans, sur les routes des migrants: au Kosovo, comme un eldorado“, 1.Décembre 2012, Mediapart.Fr.

³⁰ Tanjug, "Kosovo: application of the visa regime from July 1," Daily News, January 3, 2013.

Stay in Serbia

When entering the territory of Serbia, the immigrants avoid expressing their intent to seek asylum at the border crossing in fear of the police and fear of being returned to Macedonia. Instead, they normally register inside Serbia, or after being found illegally present on the Serbian territory by the police. From that moment, the asylum procedure starts as well as their accommodation in one of the asylum centers. It should be noted that the large number of immigrants does not want to be involved in the Serbian asylum procedure.

One of the reasons is the fear that this would deny them the opportunity to seek asylum in countries of Western and Northern Europe. These fears are the result of misinformation widely spread among asylum seekers, often initiated by migrant smugglers, which interest is that more people use their smuggling services and avoid legal and asylum procedures, police, and representatives of other agencies and institutions. In this way, the smugglers held these people in isolation with an aim to use them as an easy source of income, misusing their isolation, unfamiliarity with the language, customs and local asylum procedures. Another reason why immigrants in Serbia avoid the asylum procedure is to save time, if they have enough money to move on to Europe and to pay experienced smugglers.

From conversations and interviews with asylum seekers, we conclude that to each asylum seeker in Serbia who applied for asylum in 2012 one can add six more persons that passed through Serbia without being noticed or registered by the Serbian state organs and the asylum system. Those who are caught to be illegally present on the Serbian territory, and who do not express their intention to ask for asylum on that occasion are being prosecuted before a magistrate judge, who by law for this offense determines either the prison sentence of 15 days or a fine of 10,000 to 15,000 dinars.³¹ Those who express their intention to ask asylum before the judge are being taken to the asylum centers. Based on information from the field and discussions held with judges from Vranje, Raška, Loznica and Subotica, who are dealing with immigrants and asylum seekers, we can claim that the judges act in accordance with the law, so the jurisprudence in this case does not seem to be contentious. However, APC has information neither on the practice of police officers in the southern border areas, nor on the total number of immigrants brought before magistrate's courts.

Asylum seekers in Serbia generally remain in Serbia until they get enough money to go to Croatia or Hungary. Thanks to the Western Union system in Serbia and their asylum IDs, the immigrants manage to raise as much money as they need for the journey, so they do not have to carry money with themselves. Depending on the guaranteed successful crossing of the border, the smugglers' fee ranges from 350 to 900 euros. Allegedly, a 900-euro deal includes a safe and certain passage through the border. According to the data obtained from asylum seekers and irregular migrants, the current price for smuggling a person from Greece to Norway is from seven to ten thousand euros.

³¹ The fines for illegal entry into Serbia range from 10,000 to 50,000 dinars: Law on Foreigners, Article 84; range of fines for illegal residence in Serbia ranges from 6,000 to 30,000 dinars: Law on Foreigners, Article 85.

Smuggler-migrant, or “agent”³² in the vocabulary of immigrants, is an important figure involved in the migration of asylum seekers and immigrants, as this person acts as a mediator between smugglers and immigrants/asylum seekers. As a rule, agents belong to the same nationality as the immigrants they provide service to. These persons often seek asylum in transit countries and while waiting for the final decisions on their applications they learn language and through mediation collect money and recruit people who would employ the services of smugglers to travel on to Europe. As the reaching of the final decision may take up to a year and a half, the agents are not in a hurry to leave the country, but instead take advantage of their position to earn as much money as possible. By traveling several times from Greece to Hungary and back they learn how the asylum system functions, how to get legal, psychological, or humanitarian aid, how to cross the border; they also get in contact with local smugglers and in this way provide all that is necessary to sell their own services and information to other people in distress. By imposing themselves as mediators between the local community and travelling companions, the agents earn money by providing the immigrants food, organized journey, alleged priority accommodation in the asylum centers (though they do not have the ability to provide such accommodation), alleged lawyer, etc. all that an accepted smuggler’s service incorporates. When the agents reach a tipping point, they often surrender themselves to the police in order to be deported upon readmission to each previous country of residence/crossing returning finally free of charge to Greece. In this way the agents return to the beginning of their illegal routes in Europe, from where they continue their work again.

Persons who received the decision on expulsion from the territory of Serbia³³ are just before deportation taken to the Reception Center for Aliens in Padinska Skela.

Since 2011, Subotica has become a gathering point for irregular migrants, who have formed several new settlements in the forests and city suburbs waiting for a smugglers’ signal to be transferred to Hungary. Such places, clearly divided according to the ethnicity and nationality of their temporary residents, represent oases for smugglers who brought new people and find new customers there.

As there is no water, electricity, heating or basic sanitary conditions, these settlements can turn into dangerous places where infection can be spread or interethnic conflicts break out easily, several such cases have already been registered. In 2011, the settlements were inhabited by the Afghans, Pakistanis and Somalis, while in 2012 they are exclusively inhabited by the two former (Afghans and Pakistanis).

Winter 2011-2012 was extremely harsh and fearing of deaths due to cold weather and freezing due to cold weather and freezing, the Red Cross and local Subotica city authorities were forced to move these immigrants to a temporary accommodation center in Palic.³⁴ However, such an assistance was urgent and lasted only two weeks, until the weather improved, when the immigrants were dispersed again in the Subotica outskirts or caught by the police. It is interesting to note that even on such occasions none of more than 80 people, housed in the temporary center in Palic, wanted to seek asylum despite suggestions

³² Terminology in asylum and immigrant population.

³³ Mostly persons who entered the Serbian territory illegally and did not ask for asylum or those who have committed a crime and did not ask for asylum.

³⁴ The Fontana Hotel in Palić served as an urgent accommodation place for im migrants of the Subotica region. The Red Cross volunteers from Subotica provided food, blankets, sheets and heaters to immigrants.

the APC representatives on the field made, but delayed such a possibility until the last day of their stay in the temporary center, hoping to get protection outside the asylum procedure and finally continue their journey. Since 2011, the local branch of the East-European Mission NGO in Subotica has provided the largest contribution in the form of humanitarian assistance to immigrants.

APC has been present in Subotica since November 2011. By August 2012, our volunteers visited the illegal settlements almost every day. Since then up to the end of 2012, they visited them once or twice a month providing information on asylum, the legal situation of illegal migrants, and if necessary, call the ambulance, assisted in hospitals, and help in resolving any disputes between immigrants and local residents or government authorities.

In the period the end of 2012 and the first three months of 2013, the illegal settlements in the region of Subotica were abandoned, and most of the irregular migrants were taken by smugglers to private alternative accommodation from where further steps towards their crossing of the Hungary border is further organized.

Psychological profile of asylum seekers: reasons for leaving homes and glimpses into the future

Main characteristics

The majority of the asylum seekers in Serbia are young men between 20 and 30 years of age. In 2012, 86% of the asylum population were men (2344), 14% were women (379), while 27.3% of the overall asylum population (744) were children.

The main feature of young, single men that we talked to is the great mental strength, persistence and patience. Most of them practice their religion, which is also a way to isolate themselves from daily events. Men usually travel in stages –in order to earn money or due to unfortunate events along the way they are forced to spend some time in the transit countries. As a rule, they have at least a basic education, they know how to read and write, but apart from their mother tongue, they can rarely communicate in any other language. Less than 20% of immigrants speak another language besides their mother tongue, mostly from countries where they had worked or lived outside of their country of origin.

In most cases, we meet people who are for the first time in Serbia and who are trying for the first time to reach Europe. Those (less than 10%) who have already been in Europe and who are now trying to reach it again, can communicate easier as they normally speak several different languages. In both cases, the asylum seekers admit that the itinerant experience taught them how to be resilient and to approach people with different cultures and ethnic backgrounds. The journey has made them mentally stronger and more mature.

Asylum seekers quickly grasp the language and the key phrases and are able to communicate with the asylum center staff and the sellers in stores. Men and minors learn languages more quickly than women because they more often interact with the local community and the asylum center staff. Children are by

far the fastest learners, as they get in contact with the asylum center staff and local people and communicate with them more often.

Unlike men, women in the Serbian asylum system have completely opposite characteristics. Most of them travel accompanied by their husbands, male relatives or together with the entire family. Asylum seeking women are predominantly from Afghanistan, Somalia and more often from Syria. As they come from patriarchal and traditional societies, i.e., civilizations that differ considerably from the Western one, the cultural shock they face in Serbia reflects considerably on their mental state, as well as on their capacity to accept the new environment. The older women from the rural parts of Somalia and Afghanistan, which make the majority of women asylum population, are in general illiterate and uneducated. However, this was not the case with the women from Syrian and Eritrean, as well as other nationalities. The majority of asylum seeking women in Serbia are accustomed to a subordinate role in the family, unaware and unconcerned with changing the situation, which makes them introvert and difficult to cooperate and socialize. In general, having the described profile asylum seeking women in Serbia are predisposed to self-isolation and rarely get in contact with people from another countries. It is easier when they are surrounded by women from the same ethnical group, with whom they share clothes, help each other, etc. In exceptional cases, women come alone, without anyone's company. In the last few months of 2012, a significant increase was observed in the number of women from Eritrea (often Christians and Muslims) who travel alone or accompanied by an alleged brother or cousin.

Due to described characteristics and recognized vulnerability of this group of asylum seekers, APC has undertaken a number of activities in the course of 2012, aimed at the psychological empowerment of women and their integration into the local community. By conducting simple daily activities, APC managed to bridge the gap that existed between the asylum seeking women and the local community. A continuous engagement has brought relatively prompt results, as we noticed a significant transformation of women in accepting cultural patterns of the local community.³⁵ The issues of socialization and auto-isolation must be tackled from the grassroots, with permanent engagement and step-by-step integration into the local society. Thanks to the APC activities, a number of women by adopting the customary forms of the local culture are mentally prepared for future challenges on the way to the country of final destination.

Unaccompanied minors and children arriving with their parents are a growing category of the asylum population. This category of asylum seekers is particularly interesting, as it was noticed that children integrate the easiest into the local environment, learn the language quickly and act as mediators between the local and the asylum population. Many of those we met have grown up while traveling and living in several countries. Such life has marked their personality and left serious long-term consequences. On the other hand, unaccompanied minors normally travel fast, as they are usually assisted by a relative or a friend living in Europe who sends them enough money to get quickly to the final destination.

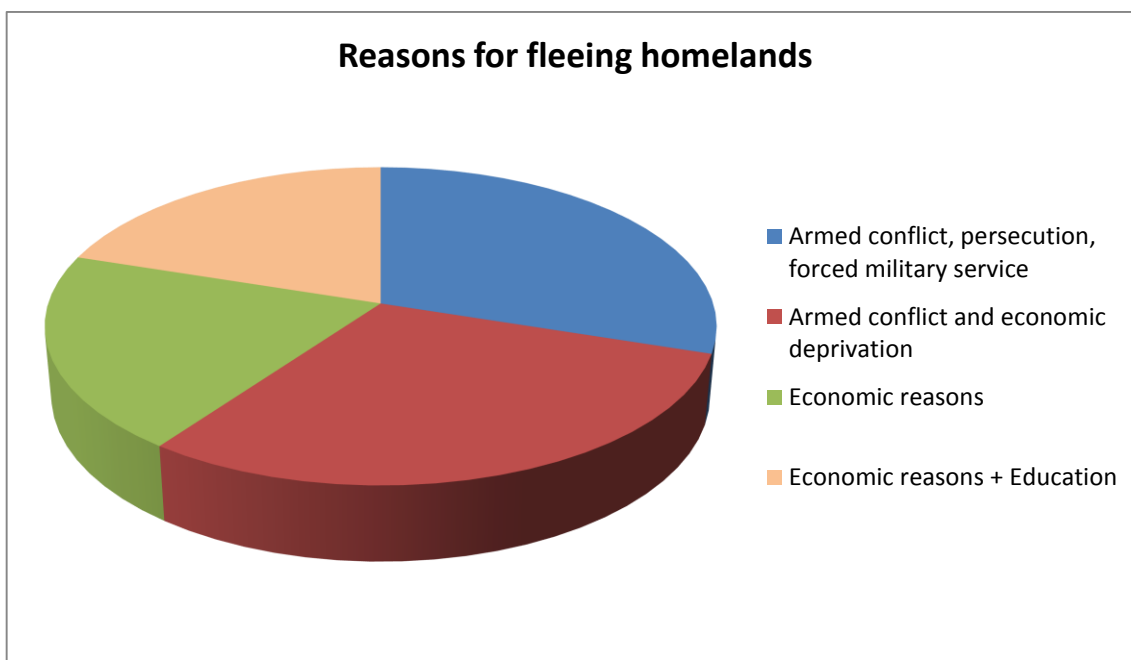
It should be emphasized that the asylum population is generally not violent. On the contrary, as they are strangers who had a hard life and often traumatic journey to get to Serbia, they are mostly humble and respectful, appreciating good values and nice gestures and avoiding any form of violence or unlawful

³⁵ More about this project, see: Asylum Protection Center (APC), "Asylum in Serbia", 2012, . <http://www.apc-cza.org/images/publikacije/APCCZA%20brosura%20O%20Azilu%202012.pdf>, April 2013.

behavior. Yet, the absence of members of the public law and order in local communities, where asylum seekers and migrants live in large numbers, can have a negative impact on local people and their sense of security, especially in the early stages of dealing with strangers and unfamiliar with the various cultural and customary forms.

Reasons of leaving countries of origin

Fleeing from persecution, forced military service and armed conflicts are the most common reasons why the asylum seekers in Serbia leave their homelands. Most of them also add the reasons of the economic nature, i.e., the need to help their families that stayed at home, or the mere struggle to survive. Finally, certain number of asylum seekers, especially the younger ones and women, say they are going to Europe in order to get education. A desire to go to school and get education as one of the reasons for fleeing the country of origin is a new phenomenon among the asylum seekers. The answers we receive differ to a certain extent from those given to the police officers, to whom the asylum seekers almost exclusively name the political reasons – armed conflict or persecution.



Asylum seekers have diverging thoughts when it comes to a possible return to their countries of origin. Some who fled the country due to armed conflict claim they would have never left the country if there hadn't been a war, and that they would return immediately after the war ends. The ones who leave the country due to persecution and economic reasons have different answers: either they say they would return to their country of origin if there was no such poverty and misery, or that they would return

because they miss their families, or that they would never return, because they are aware that the situation in the country would never change.

One of the confessions from an asylum seeker in Serbia³⁶

My Mother, who I admire endlessly for her courage, marked my destiny. Her family was not a poor one, but her parents wanted her to marry a rich husband, thirty years older. She didn't want this marriage and she was only sixteen years old. She was miserable, but she kept her sorrow for herself. A night before the wedding, she escaped from home, not informing anyone. She was wandering around the streets, alone, crying. She was not sure if she made a right decision. She spent the night alone in the Monrovia suburbs, hidden in between the small cardboard houses and huts of mud. She met a Catholic priest, who felt sorry for her. She confessed to him. I guess that was the love at first sight. I don't know how to explain that, but my mother got pregnant. In order to escape the scandal, she was hiding in a house of the priest's friend, who took care of her during her pregnancy. My mother was attending church and talking to the priest, but their relationship had to remain a secret. Nine months later, she didn't survive the birth, so my twin sister and I were left alone on this planet.

We grew up with a woman who was taking care of our mother – Madame Mariam. She told us this story when we were twelve. A man who my mother was supposed to marry somehow found out about us, and came to Mariam with his brother. She told us to hide so they cannot find us. They were shouting, "Where are the kids", but she didn't say a word. We were hidden on the roof and watching what was going on down there. They killed her... the scene was gruesome. We were crying from fear and sorrow. They said they would not give up until they find us. They also killed the priest. It never occurred to me how they found out about us, who our father was, where we live. We never met our mother's parents.

So we became orphans for the second time, left on our own. Then we agreed that we would never be separated and that we would have each other always. I started playing football, and became a really good player. I dreamed of leaving to Europe to be a successful football player and my sister an owner of a hotel in Europe. I was fifteen, when after my training I was supposed to meet my sister at the square. However, she wasn't there. I started walking home but a man grabbed my neck. I turned around – it was the same men who killed everyone and his brother. They held my sister tied, her blood was running down her lip. They dragged us into the woods, we were told terrible things. They said they would kill us, that we are bastards and that we bring a bad luck.

They wanted to rape my sister but said they found it repulsive because she was a bastard born from the sin. They beat us almost to death. My sister lost her conscience. I was pretending to be dead. Then, they left. As soon as they left, I looked at my sister and prayed she was not dead.

We agreed to run away from this cruel country. We were fleeing together, with the help of some people, smugglers whose sympathy and helps I gained. We were alone, miserable, sick and exhausted.

I lost my sister in Turkey two years ago. I didn't manage to find out what happened to her. I am completely alone. I don't have anything anymore, except a dream to become a famous football player in Europe...

³⁶ The most compelling life stories of asylum seekers in Serbia, Asylum Protection Center (APC) was collected in two books: Asylum Stories, 2011, <http://www.apc-cza.org/images/publikacije/APCCZA%20Azilne%20price%202013.pdf> and Asylum Stories, 2012, <http://www.apc-cza.org/images/publikacije/APCCZA%20Azilne%20Price%202012.pdf>, April 2013.

Desired final destinations and the expectations of asylum seekers

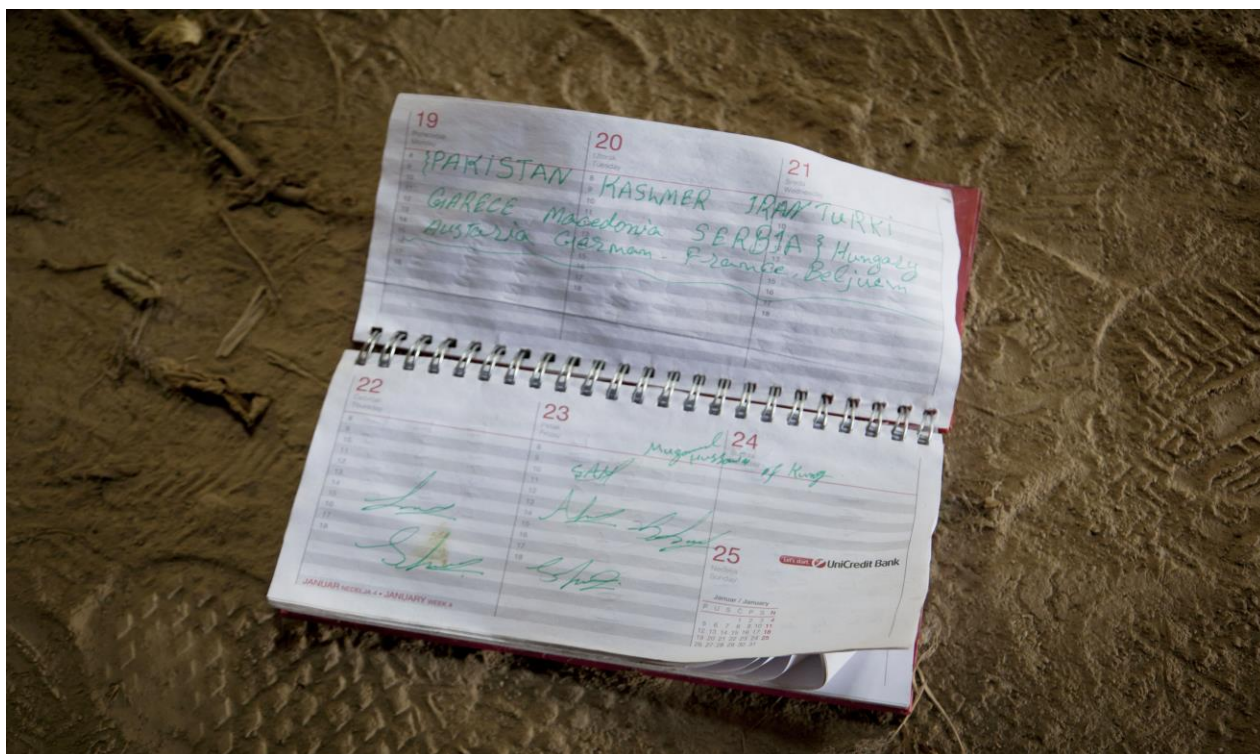
As a rule, the asylum seekers in Serbia say that they would like to live in the countries where their relatives, friends or developed diaspora are, or in the countries where as they have heard there are good conditions for asylum seekers. The most frequently mentioned countries are Norway, Sweden, Germany and Great Britain. The Afghans and Pakistanis tend to go to Great Britain, while the nationals of the African countries and Syrians prefer the Scandinavian countries or Germany.

They know little about the countries they are going to, mostly from the rumors and stories. Normally, they can tell the capital of the desired country, and based on the knowledge of other people comment how that country is rich and has many opportunities. Scandinavian countries have a good reputation, as the asylum seekers who wish to end up there say how the foreigners are well integrated, the citizens are not racists, and that the asylum seekers receive food, accommodation and the pocket money during the asylum procedure. At the same time, there is an illustrative example of one asylum seeking woman who said she would never go to France, for which she heard that it is hostile and the people are “fascists” towards the foreigners. However, this is not the common thinking of the asylum seekers, who are normally not aware that they will not be immediately accepted in the new society, nor that this experience will be difficult.

The asylum seekers who are not for the first time in Europe, i.e. those who have already tried to get to Western Europe, have more clear and realistic picture about what awaits them at the final destination: what the asylum process looks like, what will be their occupation in the meantime, and how quickly they would be assimilated into the new society. Besides them, the asylum seekers who are in regular touch with their friends and relatives also have an idea of their future life in the desired country. For example, the asylum seekers who have a particular occupation: nurses, construction workers, technicians – know exactly how much money they can expect to earn, or have already arranged a marriage with a person from the same community. Younger asylum seekers and unaccompanied minors expect to be included in the educational system of a desired country.

However, the overall impression is that the immigrants/asylum seekers do not know much about the asylum procedures and the integration system in these countries. As an example, many are convinced that they would start looking for a job immediately upon their arrival. Unlike them, the asylum seekers who do not have relatives in the desired country have either a wrong and unrealistic vision of life in it, or are completely apathetic and disinterested. Also, it has been noticed that a growing number of young single women who arrived in the destination country aspire to become stewardesses or babysitters, have very naive views of the future life and the challenges that await them in that country.

In general, all the asylum seekers to whom we talked to are convinced that they would be quickly integrated into the new society. They believe they would need up to one year to learn the language, and that they would find a job in the meantime. As a rule, all women from Somalia and Afghanistan are convinced that the new society would accept and tolerate their customs, religious beliefs and the way they are dressed.



Photography: Merlin Nađ Torma, The road, suburbs of Subotica

Conclusions

Twenty thousand irregular migrants are estimated to have passed through Serbia in 2012, while the number of asylum seekers and persons registered by the competent authorities is six to seven times smaller.

Money, persistence and luck are the main factors that determine a successful journey. The more expensive the smuggler service the more certain the crossing the border passage. If the borders are propulsive, meaning that the smugglers' networks function smoothly, the effect of the special actions of the government bodies (such as those of the Greek police at the Turkish-Greek boarder) is rather limited.

The entire journey from their countries of origin to Serbia, the majority of asylum seekers spend traveling by land. A small number of them shorten their journey by flying to Istanbul, thanks to visa-free regime, which his/her country applies to Turkey, or thanks to the obtained Turkish visa or a false identity card.

The fees for smugglers' services have significantly increased in the last year, which can be linked to the erection of a wall on the Turkish-Greek border, and new security measures of the Frontex, and the Greek and the Hungarian police reinforcements. According to APC estimates, derived from communications with immigrants, the journey from the country of origin to the final destination costs between ten and fifteen thousand euro.

The persons who decide to flee to Europe have certain amount of money, saved in their countries of origin, or have relatives and friends in Europe who send them the money necessary for the trip. However, this money is not enough for the whole journey which may last from several months to several years; therefore they spend some time in the transit countries, in order to earn the money needed to continue their trip.

If they don't have enough money for the whole trip, but has to organize it in stages, then young single men move more quickly and successfully than the large families.

Once they leave their countries, there is no way back. Sooner or later, everyone succeeds in reaching a desired country, but one needs to have a strong will and be persistent. For the person fleeing from persecution, or the one who has lost everything in order to leave, there is no other option but to reach the desired country.

The most common reasons for fleeing the homelands are persecution, armed conflict, forced army recruitment, the reasons which entitle these immigrants to seek asylum. In addition, there are political-economic reasons, as well as the desire to get education, which is a major novelty compared to the previous years.

No matter if they are entitled to be granted asylum or not, the life stories of these people are extremely upsetting, and often unconceivable to someone born and raised in the Western civilization. It is becoming more difficult to distinguish political, economic and the reasons when someone's life is in danger from those that allow some kind of existence in the country of origin. Certainty of death is a general and universal reason for migration, sometimes the reason is direct or in most cases indirect but no less recognizable for those who leave the country of origin.

The asylum seekers come to Serbia exhausted and traumatized by hard life experience and long journey and find it difficult to accept the new cultural environment. A constant engagement of experts: psychologists, educators and other professionals, is needed in order to provide conditions for the asylum population, especially vulnerable groups such as women and children to be accepted and integrated into the new environment.

Asylum seekers in Serbia wish to end up in one of the European countries where they already have relatives, friends, or expatriates or in those they've heard to have good conditions for asylum-seekers. As a rule, all have positive expectations that they will be quickly integrate into a new environment.

In the next few years, no major changes in the functioning of irregular migration from Asia and Africa to Europe should be expected, and therefore Serbia as a transit country will still be significantly affected by this phenomenon.