

**THE GOVERNMENT
OF
THE REPUBLIC OF SERBIA**



**MIGRATION MANAGEMENT
STRATEGY**

- unofficial translation -

Belgrade, 23 July 2009

Pursuant to Article 45, paragraph 1, of the Law on Government ("Official Gazette RS", no. 55/05 and 71/05-update), the Government has passed

THE STRATEGY FOR MIGRATION MANAGEMENT

I. INTRODUCTION

Managing migration suggests a regulated system that consists of a clear migration policy and the planned and organized management of migration flows, contributing to the regulation of migration at the regional and global level.

A planned and organized migration management implies the monitoring of external and internal migration trends and the implementation of activities that will encourage regular and repel irregular migration. The basic elements of the migration management system are the visa policy, the integrated border management, the regulated stay of foreigners, mechanisms for the integration of migrants into society, the total protection of their nationals who are to work and stay abroad, as well as an active employment policy. The precondition for the successful migration management is to ensure an effective coordination between institutions, the central ones that are responsible for creating policies as well as for the operating ones, which will conduct them. Apart from the aforementioned mechanisms that are primarily directed towards external migration, the Republic of Serbia, which is faced with depopulation, within the framework of a universal system for managing migration must pay particular attention to internal migration.

Joining the European Union for the Republic of Serbia is a strategic orientation, which entails the acceptance of the adopted European values and standards in the entire range of areas. A strategically, legally and institutionally arranged domain of migration is of exceptional importance for the fulfillment of the necessary conditions in the first place for the liberalization of the visa administration, and subsequently for joining the EU.

II. THE INITIAL BASIS FOR PLANNING

During the last two decades, the socio-economic system in the Republic of Serbia has endured extremely heavy burdens. Due to conflicts and economic weakening in the region, economic productivity and the volume of trade have been reduced, unemployment has increased, and the standard of living has decreased. The economy of the Republic of Serbia is still in the process of transition and economic restructuring. The unstable economic situation, exacerbated by the current world economic crisis, will further complicate the position of certain groups of migrants and will affect migration flows.

The Republic of Serbia is faced with all forms of migration: external and internal, forced and voluntary, legal and illegal, migration of highly qualified and unqualified workers, immigration and emigration. This poses a number of different but clearly linked challenges to the modern management of migration.

A particular problem in the Republic of Serbia poses the large number of refugees and internally displaced persons, who expect help in the realization of their rights. In the Republic of Serbia, 18 years after the dissolution of the Socialist Federative Republic of Yugoslavia, there still are around 97,000 registered refugees. Ten years after the establishment of the international administration in the autonomous province of Kosovo and Metohija, defined by the UNSC Resolution 1244 (1999), the number of internally displaced persons from the AP

Kosovo and Metohija is not diminishing and is around 209,000 registered in the Republic of Serbia outside of the AP Kosovo and Metohija. Also, there are an estimated 20,000 internally displaced persons still in AP Kosovo and Metohija. Another burden for the integration capacities of the social and economic system in the Republic of Serbia are the returnees under the readmission agreements with the EU countries.

Even though only a small number of foreign nationals sought asylum in Serbia, (less than 100 persons since April 2008, when the implementation of the law on asylum was launched), it may be expected that this number will increase in the near future, as indicated by the increased number of asylum seekers from the Islamic Republic of Afghanistan over the last few months. During 2008, 2226 working permits have been issued to foreign citizens in the Republic of Serbia. Despite the limited opportunities for the employment of immigrants, the Republic of Serbia still is rather interesting to citizens of some countries in the region, as well as to citizens of the Afro-Asian region. With the growing proximity of the Republic of Serbia to the European Union and the strengthening of its economy a larger number of immigrants can be expected.

The largest group of migrants consists of persons of Serbian origin who compose the Diaspora. It is estimated that the Serbian Diaspora contains between 2.5 and 4.5 million people, which also includes the second and third generation of migrants of Serbian origin with very limited ties to their "homeland". The inclusion of the Diaspora in stimulating the economic development of the Republic of Serbia (through productive investment or the transfer of knowledge and skills) is not an easy task and requires considerable efforts within a long timeframe in order to restore the confidence in the political and economic institutions of the Republic of Serbia.

The Republic of Serbia has entered a demographic state of old age, which also means depopulation (the average age of the population is 40.7 years, which places the Republic of Serbia among the five countries with the oldest population in the world). The continuous reduction of the relative proportion of young people (0-19 years) within the entire population and the increasing number of the elderly (60 years and over) also means the reduction of the number of the active population with working capabilities, which has to provide support for an ever-increasing number of the non-working (elderly) population.

The poor financial and social situation of young people, the lack of an adequate infrastructure, the slowness of reforms within society and the limited freedom of movement in the region contribute to the creation of xenophobia. On the other hand, this situation affects the emergence of a great interest among young people, not only for the moving from smaller to larger environments and to other countries for the purpose of education, cultural exchange, tourism, international cooperation, but also for a permanent change of residence.

Simultaneously, the Republic of Serbia strives towards a prompt accession of the European Union. It is the government's priority to achieve EU integration through the process of stabilization and association in order to receive the status of a candidate country for EU membership. In addition, the government has obliged itself to adopt and fully implement all necessary measures for the realization of this goal, which is also foreseen by the various agreements concluded between the Republic of Serbia and the EU. As a short-term goal the highest priority in the field of migration is the implementation of the European Union Roadmap for the liberalization of the visa regime with the Republic of Serbia from May 2008. The Roadmap envisages a gradual process of liberalization of the visa regime in exchange for a well-defined progress in the field of document safety, illegal migration, public order and security, matters of foreign affairs related to the movement of persons, as well as the effective implementation of the readmission agreements and visa facilitation. To this end, among other requirements, the introduction of biometric travel documents is necessary, along with new legislations and a proper infrastructure in the domain of border management, the implementation of the Law on Asylum as well as the law regulating the entry and stay of

foreign citizens, the introduction of the National Strategy for the Integration of Returnees, as well as the creation of a mechanism for monitoring migration flows.

In regards to the principles, priorities and conditions contained in the European partnership with the Republic of Serbia, particular attention is paid to the visa regime, the integrated border management, illegal migration, refugees, internally displaced persons and asylum seekers.

Identical issues are reflected in the Stabilization and Association Agreement with the European Communities and their member states on the one hand, and the Republic of Serbia on the other (ratified by the National Assembly of the Republic of Serbia in September 2008), which emphasizes the future obligations in the field of international cooperation (concerning issues of illegal migration, border management, readmission, the visa regime, asylum, etc.) with the EU and countries in the vicinity.

Specific guidelines for the development of funds from the Instrument for Pre-Accession Assistance (IPA), which are defined in the Multi-annual Indicative Planning Document (MIPD) 2008-2010, setting out strategic priorities, goals and specific actions to be taken in this three-year period, with the exception of measures that are defined through the Roadmap for the liberalization of the visa regime, explicitly demand further harmonization of policies of the Republic of Serbia in the field of asylum, migration and the visa regime with the EU acquis, as well as the adoption of the Strategy on Migration Management, which includes all relevant stakeholders. Finally, the objective of formulating and adopting the Strategy for Managing Migration was confirmed and adopted as a "short-term priority" in October 2008, by the Government of the Republic of Serbia in Chapter 3.24.2 of the National Plan for Integration, which provides a comprehensive draft plan of action of the Republic of Serbia regarding the future EU integration.

The Republic of Serbia needs to develop a clear and coherent strategy on the migration management as well as the institutional framework that would give incentive for the consistent implementation of the migration policy. Currently, the migration management in the Republic of Serbia remains extremely fragmented. In its latest Progress Report on the Republic of Serbia in October 2008, the European Commission has estimated the progress of the Republic of Serbia in this area as a "moderate" one, in spite of numerous new laws and regulations adopted during the past 12 months.

The Government Conclusion No. 05: 27-5560/2008-1 from 11 December 2008, designated the Commissariat for Refugees to prepare, in cooperation with the respective ministries in charge, a Draft Strategy for the Management of Migration.

In February 2009, the Government of the Republic of Serbia formed a Coordination Body for the Monitoring and Management of Migration consisting of ministers whose respective departments are responsible for particular aspects of migration. The Commissariat for Refugees has been selected to perform professional, operational and administrative and technical affairs for the Coordination Body.

III. MISSION AND VALUES

The Republic of Serbia will manage migration in a comprehensive manner, through respecting European standards and the expanded application of the EU acquis in the field of migration, while respecting their own specifications, so as to transform them into a positive force for further economic and social development of the country, and a mutually useful force for the countries of origin as well as for the destination countries.

Values on which migration management will be based:

- the safeguarding of state borders and the citizens;
- the respect for human rights of all migrants;

- the facilitation of the integration of vulnerable migrant groups into society;
- a well-developed international cooperation with countries in the region and beyond;
- non-discrimination;
- the facilitation of reunification of families;
- the respect for the needs of all stakeholders.

IV. SITUATION ANALYSIS

1. Strategies, Declarations, Laws

National Plan for the Integration of Serbia into the European Union

In Chapter 3.24.2 on “Migration Control” it is stated that, given the fact that migration presents a global phenomenon whose impact and consequences exceed national borders, the Republic of Serbia is committed to be a part of the European policy and strategy of managing migration flows in its segment. This is to be accomplished through the creation of new legal solutions, as well as through cooperation with all relevant international actors. One of the short-term priorities determined by this program is the “development and adoption of the Migration Management Strategy”.

Strategy for the Integrated Border Management in the Republic of Serbia

(“Official Gazette of the Republic of Serbia”, No. 11/06)

Together with the government’s adoption of the Strategy in January 2006, the Action Plan for the Strategy’s implementation has also been formulated, along with functional strategies defining areas of common interest for all border services (the border police, customs and inspection services - veterinary and phyto-sanitary). The functional strategy has been adopted in the field of joint training, infrastructure, equipment and IT and telecommunication systems.

The Strategy on the Integrated Border Management of the Republic of Serbia has established long-term goals regarding the improvement of the cooperation internally and between authorized border services at the state border, as well as the international cooperation with the aim to achieve more efficient and effective ways of border management.

National Employment Strategy for 2005-2010 (Government Conclusion 05 No: 11-2291/2005 from 14 April 2005)

The Strategy envisages, among others, special measures for the employment of refugees, IDPs and returnees on the basis of the readmission agreement, whereby the role of an active employment policy has also been recognized within the realm of migration management. An increase in employment and a gradual and lasting removal of economic and social causes for emigration would diminish the motivation of Serbian citizens, especially the youth, to set out to work and stay abroad. Hence, aiming at the implementation of the Strategy, the National Action Plan for Employment has been adopted defining priorities, goals, tasks, resources and competencies for the realization of the employment policy in 2009. Also, with the adoption of the program for the active employment policy for the year 2009, and other documents that are based on the Strategy will contribute to the reduction of pressure on the labor migration and a better migration management.

National Strategy for the Youth (“Official Gazette of the Republic of Serbia”, No. 55/08)

The strategy foresees a number of measures that may directly or indirectly influence the migration flows of the youth, such as the increase of professional and spatial mobility of

young people, an increased availability of different contents to young people, especially in the smaller and poorer areas, an increased level of information for young people on choosing a profession, on employment opportunities and perspectives in the labor market, the realization of mobility among others.

Strategy for Combating Human Trafficking in the Republic of Serbia (“Official Gazette of the Republic of Serbia”, No. 111/2006)

The strategic objectives of the Republic of Serbia in the struggle against human trafficking are categorized into five areas: the institutional framework, prevention, assistance, protection and reintegration of victims, international cooperation and monitoring and evaluation of results.

A mechanism has been established for the coordination of activities and policy-making in the struggle against human trafficking. This mechanism consists of two approaches, the *central-strategic*, which includes the Council on Combating Human Trafficking, the Coordinator for Combating Human Trafficking and the Republic Team for Countering Human Trafficking, and the *operational* that includes the judicial bodies, the police and the Agency for the Coordination of the Protection of Human Trafficking Victims. Substantial support at the operational level is provided by specialized non-governmental and international organizations.

Bearing in mind the protection standards for victims of human trafficking, in 2004 the Ministry of Interior of the Republic of Serbia introduced the Instruction on the conditions for approval for temporary residence to foreign citizens who are the victims of human trafficking.

Strategy for the Suppression of Illegal Migration in the Republic of Serbia for the Period 2009-2014 (“Official Gazette of the Republic of Serbia”, No. 25/09)

The Strategy envisages the development of capacities and competencies of relevant actors, the cooperation with partners and other stakeholders, the methodology for the suppression of illegal migration, the range of measures for addressing different categories of illegal migrants and the establishment of a national concept for the suppression of illegal migration.

National Strategy for Resolving the Issues of Refugees and Internally Displaced Persons (Government Conclusion 05 No: 02-7778/2002-01, 30 May 2002)

The Strategy offers two essential approaches for resolving the issues of refugees and IDPs. The first approach, which is also the most desirable one, is the creation of favorable conditions for the return to the previous place of residence. The second refers to the implementation of various programs for creating conditions for the integration of refugees from the former republics of the Socialist Federative Republic of Yugoslavia and improving the living conditions of internally displaced persons from the AP Kosovo and Metohija as long as they are in displacement.

Strategy for the Reintegration of Returnees pursuant to the Readmission Agreements (“Official Gazette of the Republic of Serbia”, No. 15/09)

The Strategy covers the following areas: the creation of an institutional framework for the reintegration of returnees, the creation of conditions for their primary admittance and raising the capacity of local communities for their reintegration into society. The Strategy offers a range of measures, among others: informing the returnee about where, how and who to turn to for help; obtaining personal documents; nostrification of diplomas; forming classes in schools adapted to meet the needs of returnee children to learn the language; accommodation; employment; granting social security and protection and healthcare. In

conformity with the Strategy and the needs, the state will allocate its budget resources for its implementation in accordance with its financial capacities.

Strategy for the Enhancement of the Position of Roma in the Republic of Serbia (“Official Gazette of the Republic of Serbia”, No. 27/09)

The Strategy sets up the basics for the improvement of the position of Roma people in the Republic of Serbia and reducing the differences between the Roma population and the rest of the population. This document presents the foundation for identifying and applying measures of affirmative action, above all in areas of education, health, employment and housing. Among others, the Strategy addresses the position of the Roma among the internally displaced population and returnees under the readmission agreements, given the fact that at least 65% of the returned belong to the Roma minority. The Strategy also deals with the issues of removing of obstacles in acquiring personal documents.

Strategy for the Development of Official Statistics in the Republic of Serbia for the Period 2009-2012 (“Official Gazette of the Republic of Serbia”, No. 7/09)

The Strategy defines the obligations of the Statistical Office for the Republic of Serbia to carry out a regular annual survey on internal migration, as well as to establish a regular annual survey on external migration to be commenced in 2012, whereas the research on external migration will be based on the results of the census of the population, households and apartments in 2011, as well as the data obtained from the Ministry of Interior.

Declaration of the Regional Ministerial Conference on Refugee Returns (Sarajevo Declaration), signed on 31 January 2005

In regards to the final solution for the refugee problem in the region and the realization and protection of human rights and freedoms of refugees, within the framework of regional processes initiated by the European Commission, the OSCE and the UN High Commissioner for Refugees, the Governments of Serbia and Montenegro, Bosnia and Herzegovina and the Republic of Croatia have signed the so-called "Sarajevo Declaration" on the 31 January 2005, with the intention that the refugee problem on the territory of the Socialist Federal Republic of Yugoslavia be resolved by the end of 2006. Despite the significant efforts made, it never came to a solution due to the different standpoints of the signing countries on the approach towards achieving a final solution concerning the refugee issues in the region. The cooperation of all regional countries is vital and above all the political will to resolve all open questions, with full respect for individual human rights of refugees and the active participation of all international organizations involved in this process.

Declaration on the Promulgation of the Relations between the Fatherland and its Dispersed Population as the Key State and National Interest (“Official Gazette of the Republic of Serbia”, No. 86/06)

Initiated by the Ministry of the Diaspora the Government of the Republic of Serbia affirmed through its Declaration that the relationship between the fatherland and its dispersed population is the key state and national interest and also pledged to devote serious attention to any proposal or request meeting the needs and interests of the dispersed people in the fatherland.

Law on Foreigners (“Official Gazette of the Republic of Serbia”, No. 97/08)

This Law regulates, among others, the issuance of visas. Visas are to be issued by the diplomatic or consular missions of the Republic of Serbia.

According to the Law there are four types of visas: the airport transit visa, the transit visas, the short stay visa and the visa for a temporary stay.

The Law on Foreigners regulates the stay of foreigners in the country. The stay of a foreigner, according to this Law, is a stay of up to 90 days, a temporary and a permanent stay.

An unlawful stay in the Republic of Serbia is defined as a stay in its territory without a valid visa, a residential permit or on some other legal foundation.

The Law on Foreigners also regulates the stay of foreigners in reception centers for foreigners as well as their forced deportation.

In addition to other records, in accordance with Article 78 of this law, records are to be kept of foreign travel documents used for the entry into and the exit from the Republic of Serbia, of foreigners in transit through the territory of the Republic of Serbia, of visas issued at the border crossing and declined requests for the issuing of a visa at the border crossing, of visas issued and declined requests for the issuing of visas.

The composition of bylaw acts for the implementation of the Law is in progress.

Law on the Protection of the State Border (“Official Gazette of the Republic of Serbia”, No. 97/08)

The objectives of the protection of state borders are: the safeguarding of the integrity of the state border, the prevention and identification of punishable acts and the detection and finding of the perpetrators of these acts, the protection of the life and health of the people and the environment, and the prevention of illegal migration.

According to the Law on border control matters and the security of state borders are to be conducted by the ministry responsible for internal affairs and other government bodies in accordance with the law. The border control involves the control of persons and travel documents, the control of the vehicles and the control of goods, which is to be conducted within the zone of the border crossing point related to the intent to cross the state border or immediately after crossing the state border and another control of the flow of persons, goods, services, means of transportation, animals and plants across the state border determined by law.

The Law on the Protection of the State Border is in compliance with European standards.

The application of this law in the Republic of Serbia will establish an efficient system of state border protection, a high standard of control and an organized cooperation between all bodies participating in this process.

Law on Identity Cards (“Official Gazette of the Republic of Serbia”, No. 62/06) and **the Law on Travel Documents** (“Official Gazette of the Republic of Serbia”, No. 90/07 and 116/08)

With this set of laws normative preconditions are created for the introduction of new, secure documents of citizens that guarantee the reliability of the data contained in these documents and provide for a prompt and reliable identification. The introduction of biometric data will contribute to an increased legal security in their utilization and security of travel documents, which are in accordance with European standards - guiding principles and directives of the European Union in 2004 and 2006, which regulate the content and form of compulsory electronic passports and the standards of the International Civil Aviation Organization - ICAO, by which all states need to introduce by April 2010, passports with an integrated picture and the machine-readable zone that must be in accordance with the ICAO standard. The Law on Travel Documents envisages a misdemeanor liability for the citizens of the Republic of Serbia with a possible pronouncement to take protective measures of confiscating issued travel documents if the person is in possession of more than one passport of the same kind, if the person confers his/her travel documents to another person or makes use of someone else's travel documents to serve as his own, if the person provides false information to the competent authority in order to obtain travel documents, as well as in the

case of a person not reporting without delay on the loss of his/her travel documents or the recovery thereof.

Law on Employment and Insurance in Case of Unemployment (“Official Gazette of the Republic of Serbia”, No. 36/09)

This law introduced the National Employment Action Plan (Action Plan) as the main instrument for planning an active policy of employment. This Law contains provisions for regulating the procedure for the employment of citizens of the Republic of Serbia abroad.

With this proposed law records in the area of employment are regulated.

Law on the Protection of Citizens of the Federal Republic of Yugoslavia when Working Abroad (“Official Gazette of the Federal Republic of Yugoslavia”, No. 24/98 and “Official Gazette of the Republic of Serbia”, No. 101/05 and 36/09)

This law regulates, among others, the protection of employees in the process of their employment abroad.

Law on the Conditions for the Establishment of Employment for Foreign Citizens (“Official Gazette of the Socialist Federal Republic of Yugoslavia”, No. 11/78 and 64/89, “Official Gazette of the Federal Republic of Yugoslavia”, No. 42/92, 24/94 and 28/96 and “Official Gazette of the Republic of Serbia”, No. 101/05)

The Law was passed in 1992, and is in force until the adoption of the new law. The preparation and production of the new law is scheduled to be in 2010.

Foreign nationals can establish working relations given the approval for a permanent residency or a temporary stay in the territory of the Republic of Serbia (then SFRY), and if one obtains the permission for establishing a working relationship.

Law on Labor (“Official Gazette of the Republic of Serbia”, No. 24/05, 61/05 and 54/09)

The stipulations of this law are pertaining to the employment of foreign nationals and stateless persons who work for an employer in the territory of the Republic of Serbia, so that foreign nationals are equal to local citizens in regards to rights, obligations and responsibilities, if no other provisions are given by law.

Law on Amnesty (“Official Gazette of the Republic of Serbia”, No. 33/06)

Due to the efforts by the Ministry of Diaspora the Law was passed to address a number of accumulated requests for the suspension of criminal prosecution and conviction for not responding to military service calls. The Law is of utmost importance to the Diaspora.

Law on Citizenship of the Republic of Serbia (“Official Gazette of the Republic of Serbia”, No. 135/04 and 90/07)

The Law has inbedded new resolutions that imply an easier and faster obtaining of the Serbian citizenship. The procedure is particularly simplified and facilitated for refugees from the former republics of the SFRY.

Law on Registry Books (“Official Gazette of the Republic of Serbia”, No. 20/09)

The domain of registry books, as the primary official evidence on the personal status of citizens, is regulated by the Law on Registry Books that came into force on 27 March 2009, and will be applied nine months after its coming into force.

The Law on Registry Books regulates the domain of registry books in an integral manner and provides for their uniformity and authenticity in accordance with the current European standards and principles contained in the binding international acts. Among others,

this law regulates the registration of births, marriages and deaths into the registry books, which occurred within the territory of the Republic of Serbia as well as those taking place abroad, as long as they are related to citizens of the Republic of Serbia. The law contains a number of novelties that will facilitate a significant progress in protecting the rights of citizens, while serving the public interest, considering the fact that registry books are the prerequisite for all other official documents. The Law requires, among others, that a second, digitalized copy of the registry books should be kept explicitly for data processing and archiving purposes, as well as for the establishment of an information system – translating the registry books into digital form, facilitating the issuing of certificates from registry books regardless in which administrative body it may be requested, which would, in regards to internal migration, substantially alleviate the realization of citizen rights in this area.

It is necessary to mention that until this law enters into force, the Law on Basic Data from the Registry Books from 1973, and the Law on Registry Books from 1990, are to be applied.

Criminal Law (“Official Gazette of the Republic of Serbia”, No. 85/05, 88/05 and 107/05)

This law recognizes the unauthorized crossing of state borders and smuggling of migrants as criminal offence, as well as the forging of documents, the indication of false contents and trafficking, among others.

Law on Asylum (“Official Gazette of the Republic of Serbia”, No. 109/07)

Persons submitting of a valid explanation for their unlawful entry and residence to an authorized police officer of the Ministry of Interior of the Republic of Serbia, and render a request for asylum without delay, are exempt from the misdemeanor liability for violating the legal entry regime and residing in the country.

This law provided for the institution of asylum with the competent organizational unit of the Ministry of Interior of the Republic of Serbia which conducts the decision procedure on requests for asylum, the government body, namely the Asylum Commission, engaging in the second instance of the decision procedure, and Center for Asylum (for the accommodation of asylum-seekers) in the structure of the Commissariat for Refugees as a separate organization.

In accordance with the provisions of Article 67 of the Law, the ministers responsible for social policy and health affairs respectively have made appropriate regulations for providing social assistance for persons who seek asylum, that is to whom asylum is granted, as well as the health tests that are conducted during the reception in the Center for Asylum.

Law on Refugees (“Official Gazette of the Republic of Serbia”, No. 18/92, “Official Gazette of the Federal Republic of Yugoslavia”, No. 42/02 and “Official Gazette of the Republic of Serbia”, No. 45/02)

The status, position and rights of refugees from the former SFRY in the Republic of Serbia, are regulated under the Law on Refugees and the Decree on Care for Refugees (“Official Gazette of the Republic of Serbia”, No. 20/92, 70/93, 105/93, 8/94, 22/94, 34/95 and 26/04).

In accordance with the Law, the refugee status can be accredited only for refugees coming from the territory of one of the republics of the former SFRY.

The reception of refugees, their temporary accommodation and support in nutrition, adequate health care and certain rights to social protection are being provided. In accordance with the Law on Refugees, persons with this status have the right to employment and education according to the law.

Law on the Ratification of the Agreement on Succession Issues (“Official Gazette of the Republic of Serbia – International Agreements”, No. 06/02)

Private property and acquired rights of citizens and other legal persons of the SFRY shall be protected by the successor States in accordance with the provisions of Annex G of this agreement. The rights to movable and immovable property located within the territory of a successor State and to which citizens or other legal persons of the SFRY were entitled on 31 December 1990, shall be recognized, protected and restored by that State in accordance with the established standards and norms of international law and irrespective of the nationality, citizenship, residence or domicile of those persons.

Article 6 of the Annex G of the Agreement stipulates that the national legislation of each of the successor States related to “tenancy right” will be applicable equally to persons who were citizens of SFRY and who held those rights without discrimination based on any grounds, such as gender, race, color, language, religion, political or any other opinion or belief, national or social background, belonging to national minorities, welfare status, birth or any other status.

Law on the Basics of the System of Education and Upbringing (“Official Gazette of the Republic of Serbia”, No. 62/03, 64/03, 58/04, 62/04, 79/05 and 101/05), **Law on Primary School** (“Official Gazette of the Republic of Serbia”, No. 50/92, 53/93, 67/93, 48/94, 66/94, 22/02, 62/03 and 105/05), **Law on Secondary School** (“Official Gazette of the Republic of Serbia”, No. 50/92, 53/93, 67/93, 48/94, 24/96, 23/02, 25/02, 62/03, 64/03 and 101/05) **and the Law on Higher Education** (“Official Gazette of the Republic of Serbia”, No. 76/05, 100/07 and 97/08)

This set of laws regulates the issues concerning the education of the citizens of the Republic of Serbia abroad and foreigners and stateless persons within the Republic of Serbia.

Law on Health Care (“Official Gazette of the Republic of Serbia”, No. 107/05)

This Law regulates the health care of foreign citizens, stateless persons and persons who have a recognized refugee status or have been granted asylum in accordance with the international and domestic legislation, persons residing permanently or staying temporarily in the Republic of Serbia, or passing through its territory.

2. Institutional Framework

The Institutional Framework for the development of the migration policy is determined in accordance with the competencies and responsibilities that ministries and republican authorities hold in the field of migration in accordance with the Law on Ministries, other laws and appropriate normative acts and strategies.

The Ministry of Interior is responsible for:

- the safeguarding the state border;
- the control of border crossings of goods, persons and the movement and residence within the zone of a border crossing point;
- the stay of foreigners;
- citizenship;
- the residence of citizens;
- identity cards;
- travel documents;
- international assistance and other forms of international cooperation in the field of internal affairs, including readmission;
- illegal migration;

- asylum;
- the training of personnel;
- the administrative resolution of the second instance procedure on the basis of Law on Refugees;

The Minister of Interior is the chairperson of the Council for Combating the Trafficking in Human Beings.

The Ministry of Foreign Affairs is responsible for:

- the issuance of visas through the diplomatic-consular network;
- the issuance of travel documents free of charge to Serbian citizens-victims of trafficking who have been rescued abroad;
- the protection of rights and interests of the Republic of Serbia, its citizens and legal persons abroad.

The Ministry for Kosovo and Metohija is responsible for:

- the cooperation with the Commissariat for Refugees in those sectors concerning internally displaced persons;
- the sustainable return and stay of internally displaced persons in the AP Kosovo and Metohija;
- the realization and protection of the rights of internally displaced persons in the AP Kosovo and Metohija;
- the preservation of standing international contacts with participants in the international negotiation process of determining the future status of the AP Kosovo and Metohija.

The Ministry of Human and Minority Rights is responsible for:

- performing tasks related to the protection and promotion of human and minority rights, especially the rights of vulnerable migrant groups, such as refugees and displaced persons, returnees under the agreements on readmission and asylum-seekers;
- the monitoring, supervision and harmonization of the government legal framework with international agreements and other international acts regarding human and minority rights;
- coordinating the work of state institutions in the field of protection of human rights;
- the coordination and cooperation with the ministries for the purpose of initiating, creating and realizing the operational measures for the implementation of the Strategy for the Enhancement of the Position of the Roma People in the Republic of Serbia and the supplementary action plans;
- providing assistance for vulnerable groups of the migrant population, especially when it comes to those returnees returning to the country on the basis of the concluded readmission agreements;
- carrying out tasks related to the antidiscrimination policy, particularly so when it comes to vulnerable migrant groups, such as refugees and displaced persons, returnees under the readmission agreements and asylum-seekers;
- exercising activities in the field of human and minority rights in connection with the concluded Agreement on Stabilization and Association Agreement between the European Communities and their Member States on the one side, and the Republic of Serbia on the other, towards a full European Union membership and the affairs related to the European integration.

The Ministry of Economy and Regional Development is responsible for:

- the employment in the country and abroad;

- consigning unemployed citizens to work abroad;
- monitoring the status and trends in the labor market in the country and abroad;
- keeping records in the area of employment;
- the promotion and stimulating of employment;
- the strategy, program and measures of active and passive employment policies;
- proposing and monitoring the implementation of strategies in the field of migration in the labor market;
- participating in the preparation, conclusion and implementation of international agreements on social insurance;
- the conclusion of contracts of employment with foreign employers, and other contracts related to employment;
- the cooperation with international, foreign and domestic agencies and organizations in the area of employment;
- the harmonization of European legislation and standards in the field of employment and monitoring the implementation of international conventions.

The Ministry of the Diaspora is responsible for:

- the situation of the citizens of the Republic of Serbia living outside of the Republic of Serbia;
- the improvement of conditions for the realization of electoral rights of citizens of the Republic of Serbia living abroad;
- improving the connection of emigrants, citizens of the Republic of Serbia, who live abroad and their organizations with the Republic of Serbia;
- informing emigrants, citizens of the Republic of Serbia abroad, on the course of policies of the Republic of Serbia;
- creating the conditions for the inclusion of emigrants, persons of Serbian origin and citizens of the Republic of Serbia living abroad in the political, economic and cultural life of the Republic of Serbia and their return to the Republic of Serbia.

The Ministry of Labor and Social Policy is responsible for:

- the realization of employment rights of workers temporarily employed abroad;
- the protection of citizens working abroad;
- the conclusion of agreements on consigning employees to work abroad and the referral of employees for temporary work abroad;
- the population policy;
- the realization of the rights and integration of refugees and displaced persons, returnees on the basis of the readmission agreements, the Roma population and other socially vulnerable groups.

The Ministry of Education is responsible for:

- the complementary education of children of Serbian citizens abroad;
- the nostrification and the equivalence of official documents obtained abroad.

The Commissariat for Refugees is responsible for:

- determining the status of refugees and keeping records of refugees and internally displaced persons (IDPs);
- the care for refugees and IDPs;
- harmonizing assistance efforts by other bodies and organizations in the country and abroad;
- providing assistance for the process of refugee return and reintegration;

- setting in motion initiatives to seek international assistance from the UN and other international organizations;
- the provision of accommodation to asylum seekers in the center(s) for asylum, the management of the center(s) and the adoption of bylaw acts concerning the accommodation in the center(s);
- providing primary accommodation in redesigned collective centers for returnees pursuant to the readmission agreements;
- the care of internally displaced persons and the protection of their rights;
- conducting professional, operational and administrative-technical matters for the Coordination Body for the Monitoring and Management of Migration.

The Commissioner for Refugees is chairing the Commission for the Coordination of the Durable Refugee Integration Process;

The Statistical Office of the Republic of Serbia is responsible for:

- creating the methodology, collecting, and processing statistical analyses and the publication of statistical data;
- the preparation and adoption of distinctive statistical standards;
- the cooperation and professional coordination with bodies and organizations authorized to perform statistical research;
- the cooperation with international organizations for the benefit of standardization and ensuring comparability.

The Council for Readmission on the Basis of the Readmission Agreements is responsible for:

- the consideration and proposing of measures and activities for the realization of the admittance, care and integration of returnees;
- providing support in determining and realizing measures for the assistance of returnees on the level of local administration, in accordance with the possibilities and the needs of local communities;
- the propositions for the establishment of the framework in which the dialogue takes place between countries on the issues related to the protection and realization of rights of migrants and the problem of illegal migration;
- monitoring the implementation of established measures and proposals and giving opinions on other issues in the jurisdiction of the Government.

The Coordinating Body for the Monitoring and Management of Migration is responsible for:

- the guidance on the operations of ministries and special organizations in defining goals and priorities of the migration policy;
- the guidance on the operations of ministries and special organizations in the monitoring and management of migration.

The Council for Combating Human Trafficking is responsible for:

- the coordination of national and regional activities in combating human trafficking;
- reviewing reports from relevant bodies of the international community on human trafficking;
- taking stands and proposing measures for the implementation of recommendations given by international bodies.

3. The Situation in the Migration Sector

3.1. Visa policy

According to the available data by the Ministry of Foreign Affairs, there were 60,000 visas issued to foreign citizens in 2008. The foregoing figure refers to the visas issued on the basis of discretionary diplomatic-consular representative offices, as well as to the visas issued based on previous examination procedures in cooperation with the Ministry of Interior, which is intended for citizens of high-risk migration states.

Out of the total number, the diplomatic-consular representative of the Republic of Serbia in the Republic in Turkey issued 30,330 visas, in most cases for the purpose of transit through the territory of the Republic of Serbia. For citizens of the Russian Federation and Ukraine 9357 visas were issued, whereby the remaining number of 16,312 visas has been issued to citizens of all other countries together, as well as to citizens of countries already mentioned, which have submitted their requests for the issuance of a visa in third countries.

Visa Regime

In the past few years the competent authorities of the Republic of Serbia have made significant steps towards the harmonization of the visa regime of the Republic of Serbia with the EU visa regime by eliminating the requirement of visas for EU citizens and other developed countries and, at the same time, the introduction of visa obligations for a number of African and Asian countries from which the largest number of illegal migrants traditionally come. Several bilateral agreements have been concluded on the abolition of visas for the holders of diplomatic and official passports from EU countries, as well as the Agreement on Extenuating Visa Procedures between the Republic of Serbia and the European Union (“Official Gazette of the Republic of Serbia-International Agreements”, No. 103/07).

At the meeting held on 29 May 2003, the Council of Ministers of Serbia and Montenegro adopted the Decision on the Abolition of Visas for the entry and stay in Serbia and Montenegro, for up to 90 days, on all types of travel documents, for the citizens of the Federal Republic of Germany, the Republic of France, the Republic of Italy, the Kingdom of the Netherlands, the Kingdom of Belgium, the Grand Duchy of Luxembourg, The United Kingdom of Great Britain and Northern Ireland, Ireland, the Kingdom of Spain, the Republic of Portugal, the Republic of Greece, the Kingdom of Denmark, the Kingdom of Sweden, the Republic of Finland, the Republic of Austria, the Swiss Confederation, the Kingdom of Norway, the Republic of Iceland, the Principality of Monaco, the Principality of Liechtenstein, the Vatican, the Principality of Andorra, the Republic of San Marino, the State Israel, the Republic of Cyprus, the Republic of Malta, the Czech Republic, the Republic of Slovakia, the Republic of Poland, the Republic of Slovenia, the Republic of Lithuania, the Republic of Latvia, the Republic of Estonia, the Republic of Croatia, the United States of America, Canada, the Republic of Singapore, the Republic of Korea, Australia and New Zealand. After the proclamation of independence by Montenegro, the Republic of Serbia has continued to integrally apply the aforementioned decisions. Based on the Government decisions and previously concluded agreements, visas are also not required for citizens of the Plurinational State of Bolivia, the Republic of Bulgaria, Japan, the United States of Mexico, the Republics of Hungary and Romania, whereby on the reciprocal basis, the non-visa regime applies to the Republic of Argentina, the Republic of Belarus, Bosnia and Herzegovina, Montenegro, the Republic of Chile, the Republic of Costa Rica, the Republic of Cuba, the Republic of Macedonia, the Republic of Korea, the Republic of Seashell and the Republic of Tunisia.

The entering into force of a Common Agreement between the Republic of Serbia and the European Community on the facilitation of procedures for the issuance of visas, on 1

January 2008, abolished the obligation of possessing Schengen visas for the holders of diplomatic passports of the Republic of Serbia, for all EU countries fully implementing the Schengen legal acuirements. Simultaneously, in accordance with Article 13, Paragraph 2 of the aforementioned Agreement, the provisions of bilateral agreements between individual EU member states and the Republic of Serbia signed before 1 January 2007, that provide a non-visa regime for holders of official passports, will be in force for another 5 years after the entry into force of this agreement, reserving the right for the member states in question and the Republic Serbia to cancel or suspend these bilateral agreements within the given period of 5 years. The Republic of Serbia has thus far concluded bilateral agreements on the abolition of visas for diplomatic and official passports with the following EU member states: the Republic of Austria, the Republic of Greece, the Benelux countries, the Republic of Bulgaria, the Republic of Italy, the Republic of Cyprus, the Republic of Hungary, Romania, the Republic of Slovakia, the Republic of Slovenia and the Kingdom of Spain.

Aiming at carrying out the obligations envisaged by the common agreements with the EU, in 2008 the activities commenced closing bilateral agreements on visa facilitation with European countries that do not entirely apply the Schengen acquis (the Kingdom of Denmark, the United Kingdom of Great Britain and Northern Ireland, Ireland, the Republic of Iceland, the Kingdom of Norway, the Principality of Liechtenstein and Swiss Confederation). The agreement with the Kingdom of Denmark has been signed and entered into force on 1 May 2009; the agreements with the Kingdom of Norway and the Swiss Confederation have been decided on and are soon to be signed.

An agreement has been signed recently with the Russian Federation on the conditions for the travel of citizens, granting a non-visa regime to holders of ordinary passports for a stay of up to 30 days. The Agreement came into force on 11 June 2009. Negotiations are being held on the agreement on the abolition of visas for holders of diplomatic and official passports with several countries, as well as the agreement on reciprocal traveling of citizens with the Ukraine.

The adoption of bylaw acts for the execution of the Law on Foreigners and the additional harmonization of the visa regime of the Republic of Serbia with the EU regime is in progress.

Visa Information System and Prevention of Illegal Migration

The work towards establishing a visa information system in the Republic of Serbia has not yet been concluded. Bearing in mind the fact that a country's visa system is an integral part of the state security and its ability to coordinate the management of borders, and in aiming at the harmonization of technology and the work in this area with the EU (ties with the Schengen Information System), as well as supporting the work of the DCR (Diplomatic-Consular-Representations) and the carrying out of inspecting documents on border crossings that are within the competency of the Ministry of Interior, it is one of the priority activities for the realization of a new visa module. The main pillars of the project are the Ministry of Interior and the Ministry of Foreign Affairs. The project will be realized in cooperation with the competent ministries in order to create the conditions for the complete acceptance of the new visa system, its realization, implementation and application, which will facilitate a standardized, reliable and effective operation of the DCR and the border crossings, and a safe verification and issuance of visas. The solutions envisaged by the project are based on the Schengen catalogue of best practices and in accordance with the European Union consular directives.

There is no systematic training within the Ministry of Foreign Affairs for a specialized detection of irregular migrants, which would be based on the methodology of those countries being targeted by irregular migration. This applies in particular to the question of detecting

counterfeit documents due to the lack of adequate equipment. In their regular preparation for the issuance of visas, DCR officers are familiarized with the problems related to the issuance of visas in high-risk migration countries.

One of the problems is also, that a certain number of the DCRs is covering several countries that are of a high migration risk, so that detection work is being impeded, especially when it comes to countries that do not have secure travel documents.

3.2. Borders

The total border length of the Republic of Serbia is 2351.7 km, of which 1654.4 km of the border length is on land, whereas 697.3 km border length is on water. The Republic of Serbia is bordering the Republic of Hungary by the length of 174.7 km, Romania by the length of 547.9 km, the Republic of Bulgaria by the length of 360.4 km, the Republic of Macedonia by the length of 283.1 km, the Republic of Albania by the length of 113.4 km, Montenegro by the length of 249.5 km, Bosnia and Herzegovina by the length of 363.2 km and the Republic of Croatia by the length of 259.3 km. Borders shared by the Republic of Serbia and its neighboring countries of the former SFRY, as well as the frontier to the Republic of Macedonia are definite and indisputable. The borders with Montenegro, Bosnia and Herzegovina and the Republic of Croatia remain indefinite because the procedure of demarcation has not been concluded. In the recent past this demarcation procedure has been taken up with the Republic of Croatia (in the very beginning), with Bosnia and Herzegovina (the largest part is completed), while with Montenegro it is only now beginning.

The goal is that the frontier functions within the defined margins of the system, which will facilitate the establishment and durable maintenance of the border, open to the movement of people and trade, but secure and closed to all forms of criminal cross-border activities and all other activities that threaten the security and stability in the region. The system of an integrated border management should be in compliance with the rules, standards and recommendations of the European Union for external borders.

The works of border control and the safeguarding of the state border are carried out by the Ministry for Interior in accordance with the Law on the Protection of the State Border.

With the objective of protecting the state border, border controls are being conducted implying the control of persons and travel documents, the inspection of vehicles and the control of goods and which is executed in the border crossing zone in connection with the intended crossing of the state border or immediately after the completion of crossing the state border.

The possession of a regular visa is only one of the conditions for the entry into the country and is not a guarantee that the same will be permitted if there are other restraints. Namely, for the entry into and exit from the Republic of Serbia it is necessary that a person meets the general and particular conditions. At this level of control a special role is played by the training of the border police, in regards to the disclosure of counterfeit documents as well as regarding the profiling of immigrants who indicate some other reason for entering.

The permanent observation of the state border will repress unpermitted border crossings and the violation of the border regime.

Infrastructure, Equipment, IT – State of Affairs

On the territory of the Republic of Serbia there are 82 open border crossings, of which 50 are toll road crossings, 14 railway crossings, 4 airport crossings, 12 river and 2 ferryboat crossings.

The state of affairs of the infrastructure of border crossings varies depending on whether the respective border is situated on the old frontiers (with the Republic of Hungary,

Romania and the Republic of Bulgaria), or on frontiers with former Yugoslav Republics (the Republic of Macedonia, Bosnia and Herzegovina, the Republic of Croatia and Montenegro).

The Infrastructure of border crossings is, in the case of the old borders, mostly in a solid state and offers relatively good working conditions.

By common means of the Government of the Republic of Serbia and the European Agency for Reconstruction the building of the BC Horgos has been accomplished, and also the first phase of the reconstruction and building of border crossings at Batrovci and Presevo has been completed. The creation of an appropriate infrastructure for receiving donations, which implies the building of 9 border crossings to the former republics, and which will create adequate conditions for the protection of state borders, is still in progress.

The realization of the project for the issuance of new identity documents enhanced the communication infrastructure of the Police Administration (PA). Currently, an IT communication infrastructure has not yet been established for all border police agencies (Control of State Border Crossing and State Border Protection). The TETRA system has been introduced at the border with the Republic of Hungary and partially at the border with Romania and the Republic of Croatia.

With the resources of the CARDS 2006 program the necessary equipment has been obtained for the Border Police Administration in order to establish the minimum technical and technological infrastructure and to replace the existing equipment, which has reached a state of dilapidation. The existing equipment, coupled with the equipment for the verification of travel documents and the self-directed development of applicable solutions, laid the foundation for the implementation of a new centralized solution for the control of state border crossings.

A direct connection of border crossings with the Interpol database does not exist, but rather, the data that Interpol passes on to the Ministry of Interior of the Republic of Serbia is being directly inserted into the UIS (Unique Information System of the Ministry of Interior of the Republic of Serbia), which becomes immediately accessible to approximately 65% of the border police stations.

In order to increase the efficiency and capabilities of the state administration responsible for the conduct of an integrated border management system in accordance with European standards, the Twinning Project for the implementation of the Strategy for an Integrated Border Management in the Republic of Serbia is being employed.

Cooperation with FRONTEX

The cooperation with the European Agency for the Management of Operational Cooperation at External Borders of the Member States of the European Union (FRONTEX) was, until now, proceeding through the participation of members of the Ministry of Interior in international seminars, trainings and trainings of the FRONTEX organization.

The Ministry of Interior has, on a number of occasions, initiated the cooperation with FRONTEX, for the commencement of a formal cooperation, following the proclamation of the intention to establish the collaboration, in March 2008.

The indicated initiative resulted after the visit of FRONTEX experts, after which, on their part, a working document/agreement has been submitted, which will regulate the cooperation between the Ministry of Interior and FRONTEX in matters of operational cooperation in the domain of border police.

The scope of engagement in the establishment of the operational cooperation between the Ministry of Interior of the Republic of Serbia and the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of European Union (FRONTEX) was signed on 17th February 2009, by the Minister of Interior of the Republic of Serbia and the Executive Director of FRONTEX.

3.3. Emigration

The Republic of Serbia, being traditionally a country of economic emigration, has according to estimations a Diaspora of approximately 4 million citizens working and living abroad, as well as persons of Serbian origin. About 2 million people reside in EU member states, while another 2 million are in countries overseas – mainly consisting of old expatriates and their descendants, but also citizens of the Republic of Serbia who emigrated after 1990, predominantly the young and highly educated.

However, according to the census of 2002, this number is far smaller because those were not included who went abroad on diverse grounds and in different periods of time.

In the census of 2002, apart from the data on the whole population of the Republic of Serbia, information was collected on about 414,838 of our citizens who were at the time absent from the country to work for a foreign employer, to work independently abroad or to live abroad staying with relatives. Of that number most of the citizens reside in the Federal Republic of Germany (102,799), in the Republic of Austria (87,844), in the Swiss Confederation (65,751), in the Republic of France (27,040) etc. In order to gain a more complete picture of the entire Diaspora the Ministry of the Diaspora is working on updating the database on the Serbian dispersion, on the organization, associations, cultural-artistic associations, churches, supplementary schools as well as on individuals. The priority of the Ministry of the Diaspora is to fuse the database that will be accessible on the official internet portal and will contribute to an improved linkage of the Diaspora, as well as between the Diaspora and the motherland.

The estimations on the actual number of the Serbian Diaspora by the Ministry of the Diaspora vary between 3,908,000 and 4,170,000 persons. It should be taken into account that the notion of the Diaspora includes all citizens of the Republic of Serbia living abroad and members of the Serbian people living abroad in spite of not being citizens of the Republic of Serbia, regardless of whether they are citizens of another state or stateless, yet they perceive the Republic of Serbia as their motherland.

Within the structure of the Ministry of Foreign Affairs – along with the General Directorate for Consular Affairs and the Diaspora, there are also the Directorate for Consular Affairs and the Directorate for Development, the Diaspora and social agreements, which through their work, through the network of diplomatic and consular representations of the Republic of Serbia, attain the data relevant for the assessment of migration processes in the Republic of Serbia.

The data on remittances that are provided by immigrants is important for the assessment of their impact on savings, investment and the development of the country of origin. Unfortunately, when it comes to emigration it is more likely to be estimates rather than valid data, and collecting this data is the priority that is being worked on.

The Government has adopted the Draft Law on the Diaspora and Serbs in the Region, which should soon be found in the assembly procedure. This is the first systematic law on the relations between the home country and the Diaspora, and as such presents a normative base for the conduct of a long-term policy on the dispersion. The law clearly demonstrates the will for a more serious, responsible and rational approach of policies towards the Diaspora. This law considers the requirements of the European Union, the reports by the Venice Commission and it is fully in tune with international principles and standards. The implementation of this law implies the acknowledgment of the sovereignty and territorial integrity and legal system of other states in which members of the Diaspora live.

Employment of Citizens of the Republic of Serbia abroad

The majority of citizens of the Republic of Serbia went abroad independently, without the involvement of the state. A considerably smaller number of citizens of the Republic of Serbia migrated to work abroad under the organization of the state's statutes on employment abroad.

The employment of citizens of the Republic of Serbia abroad is regulated through international bilateral agreements or universal agreements on employment, by which living and working conditions abroad are regulated more concisely.

In the past, the Federal Republic of Yugoslavia signed inter-governmental agreements with the majority of the Western European countries on the regulation of the employment and workers' rights in these countries, which have ceased to be applied, that is, have been put out of effect with the introduction of sanctions by the UN Security Council over the Federal Republic of Yugoslavia.

The Republic of Serbia has thus far concluded several bilateral agreements on the employment of workers on whose basis over 1250 employees have been contracted.

According to previous reports by employment agencies, in the year 2007 the agency has recorded 521 employments abroad, and 205 in the year 2008.

Based on the agreements on the performance of investment projects, a certain number of workers has been employed abroad (for instance in the Russian Federation and the Republic of Italy) in the field of construction and health. There is no reliable and accurate database on the actual number of employees that have been contracted thus far.

The employment of citizens of the Republic of Serbia in foreign countries is based on the application for employment abroad which is submitted to the Ministry of Economy and Regional Development, the National Employment Service or the agency for employment, and in accordance with the Law on Employment and Insurance in the Case of Unemployment. Also, the Ministry of Economy and Regional Development can conclude contracts on the employment with the competent authority, organization or employer from abroad. The work of mediation for the employment abroad is carried out by the National Employment Agency or the agency for employment, in the manner and procedure provided for the employment in the country.

The Ministry of Economy and Regional Development, the National Service and the agencies for employment are obliged to provide protection for persons who are being employed abroad in a fashion so as to ensure that persons employed abroad receive at least the same treatment regarding working conditions as the citizens of the state of employment during the period of their work and stay abroad; the costs of the general, sanitary and expert medical examinations and the issuing of health certificates; the costs of transportation, information on living conditions and on working abroad; information on rights and obligations in regards to the employment; the conclusion of job contracts prior to going abroad and other agreed rights. The supervision of the implementation of the Law on Employment and Insurance in the Case of Unemployment is carried out by the Ministry of Economy and Regional Development.

According to the Law on Ministries the Ministry of Labor and Social Policy, among other things, is responsible for carrying out tasks related to the protection of citizens employed abroad but not for the employment itself. By such a parameter the competencies are divided between two ministries.

In practice, applications have been recorded for the unlawful work of six businesses that did not have permission for employment abroad and only one agency for employment that had a working permit issued by the Ministry of Economy and Regional Development. All these cases are being processed.

The current practice of organized temporary employment for workers abroad should be continued and reinforced by means of concluding international, bilateral agreements on employment or general contracts with the foreign employer on the employment, because in this way the total protection of workers and the members of their families is being ensured and a sufficient formal-legal foundation is being granted for the equal treatment of migrant workers and the workers from the host country as well as other foreign workers, and also providing the framework for the realization of other rights of migrants and members of their families.

Return of Experts and Circular Migration

In order to control external migration, one should bear in mind the large drain of highly-educational personnel, especially the youth, the so-called "brain-drain", which shows the trend of growth and points towards a long-term tendency. Internal factors such as low rates of economic activity, especially with the emergence of the world crisis, which also affects the state and the citizens of the Republic of Serbia, the high rate of unemployment, limited employment opportunities, the decrease in investment, the technological surplus, low salaries, etc., will continue to affect the emigration of citizens of the Republic of Serbia. The going away of educated personnel, especially young people, is stimulated by attractive measures in terms of numerous benefits offered by the EU and other developed countries, for those professions that are needed by their economy (the so-called EU blue card, a protected job, a decent salary, accommodation and other benefits).

It is therefore necessary, in cooperation with relevant international organizations, to develop particular programs and projects for the temporary return of the highly-educated labor force that has left the Republic of Serbia, or to make use of their knowledge and skills over distance, in order to strengthen the industrial, economic, scientific, technological and other developments of the country, following the example of other migratory countries. It is estimated that the Republic of Serbia requires between 10,000 and 12,000 young and capable people who would be able to carry out the transition process of the Republic of Serbia and facilitate a prompter entry of the Republic of Serbia into the European Union. It is crucial to create a favorable and more attractive economic and social environment for the return of emigrants and their active involvement in the labor market.

It must be taken into account that new values determine new trends and that better conditions for the successful realization of one's professional goals are becoming an increasingly dominant motive for those most educated and most talented to emigrate. It is necessary to prevent the loss of the vast intellectual potential by generating the conditions for the realization of professional goals in their own country. Likewise, it is necessary in the future to also establish a more effective bilateral cooperation with the EU and other developed countries, scientific and specialized institutions in the world in the field of scientific-technical, cultural and other spheres, and to ensure the appropriate training, specialization, the professional development of the youth from the Republic of Serbia coupled with the provisions for their return and professional engagement in the country of origin. The realization of the measures for the improved utilization of human resources in the development of the country comprises the cooperation of experts in the motherland and those from the Diaspora, as well as making use of the migrant population and of all their resources for the reduction of unemployment and poverty, as well as the regional disparities.

3.4. Immigration

Immigration trends represent the arrival of foreigners on the territory of a state that purports the respect for the regulations governing the entry and stay in the country.

According to data given by the Ministry of Interior in 2008:

- there have been 959,515 applications to register residence of foreign citizens;
- 5753 requests for a temporary stay were positively processed;
- there have been 16,779 foreign nationals in the territory of the Republic of Serbia with an approved temporary residence, and that mostly on the basis of employment (6329), marriage (5099) and family ties (3285).

In view of nationality the largest groups represented were citizens of the People's Republic China (5043), followed by Romania (1953) and the Republic of Macedonia (1575).

Labor Migration

One of the significant mechanisms for the migration management is the employment of foreigners, or the issuance of work permits.

A foreign national may establish working relations if he/she has the approval for a permanent stay or the permission for a temporary residence in the Republic of Serbia, and if he/she receives the permission to work.

The approval for a permanent and temporary stay is issued by the ministry responsible for internal affairs, while the work permit is issued by the competent employment agencies that fall under the realm of the Ministry of Economy and Regional Development. The request for the issuance of work permits for a foreign national with an approved temporary stay is to be submitted by the employer, whereas a person with a permanent stay applies personally.

In the period from 2006-2008, a total of 5646 working permits for foreigners have been issued, with a slight trend of increase (1699 – in 2006, 1721 – in 2007 and 2226 – in 2008). Foreign nationals who have obtained such a permission are mostly men - over 70%, mainly professional workers who are employed in foreign representative offices, banks, construction, trade and others. Most of the permits are issued for the work in Belgrade (73%). Sorted by nationality, the largest number consists of: citizens of the People's Republic of China, the Republic of Macedonia, Bosnia and Herzegovina and the Russian Federation. An increase has been observed in the number of working permits for seasonal jobs - in the field of construction, catering industry and agriculture.

According to the existing law, a request for permits is to be submitted only in case of establishing working relations, so that the number of foreigners working in the Republic of Serbia is estimated to be far greater than the number of actually issued work permits, because it is not related to the employment of foreigners with no established working relations, membership in the administrative boards, and others.

Unemployed foreign citizens are categorized by the National Service for Employment as foreign nationals who seek work in the Republic of Serbia, and who have a temporary or a permanent residency (approved by the Ministry of Interior) and are enlisted in the records of the National Employment Service. Their number is below 1000 persons. Out of the total number of those recorded 63% have a temporary stay, whereas 27% have a permanent residency. In terms of nationality, in most of the cases they are citizens of Romania, the Republic of Macedonia, the Russian Federation and Ukraine. A high percentage of the involvement of women is marked of even 85%. In general, these are women married to the citizens of the Republic of Serbia. The educational structure of foreigners who are listed in the records on employment is extremely unfavorable, about 60% of those recorded are without qualifications, but chiefly it is due to the fact that these persons do not have nostrified diplomas.

According to the Annual Report on Employment from 2007, the Inspectorate for Work has registered 58 cases of unreported work of foreigners or persons without a citizenship. In the period from January to October 2008 there were no registered cases.

One of the obstacles for the successful monitoring of migration flows and possibly the implementation of appropriate measures is the divided authority over the issuance of residential permits and working permits for foreigners between the Ministry of Interior and the Ministry of Economy and Regional Development. To that end, it is necessary to merge the data observation on residential permits issued (and the basis for their issuance) and the number of issued working permits.

3.5. Internal Migration

Internal migration has a particular impact on the demographic and sustainable development of the country.

During the 1990's it came to numerous socio-economic and political changes that had an impact on the dynamics of the population and the increased impact of decades of the continuous migration from villages to the city. Even though the villages are older demographically, the process of demographic aging is faster in urban areas, due to the return effect of precisely those movements. Due to inflow of young people, able to work, who came from villages, cities have had a better demographic structure. Over time the largest part of these generations has joined the group of the old population, whereas the number of children in their families was lower than the number of children in rural areas, far below the needs of the simple restitution of the population. The continuation of this trend should also be expected for the coming period.¹

The previously expressed inauspicious demographic situation of the aging in the Autonomous Province of Vojvodina and the eastern part of the Republic of Serbia has spread during the last twenty years over the whole of the Republic of Serbia. This has been influenced by the economic migration on the one hand, and the forced migration intensified during the 1990's on the other. The multifaceted balance of the large influx in refugees to the Republic of Serbia, as well as the large-scale emigration of the youth abroad due to the economic and political instability coupled with the natural movement that characterizes the continuation of the biological depopulation, has significantly shaped the state of accounts of the population of the Republic of Serbia in 2002 to a regional unevenness.

The effect of migration is evident in the large entities of the Republic of Serbia, but with different effects on their total number. In the Republic of Serbia without its provinces the natural depopulation (to the level of - 89,100 from 1991 to 2002) was amplified by the negative value of the results of migration by the number of 51,500. In the Autonomous Province of Vojvodina the positive migration balance of 144,400 thousand shares neutralized the negative natural population growth (82,600 thousand for the whole period), and has even contributed towards an increase in the number of inhabitants. Hence, the immense influx of refugees had a great impact on the state of accounts of the population of the Republic of Serbia at the time of the census in 2002 (5.1% of the total population of the Republic of Serbia, without the Autonomous Province of Kosovo and Metohija).

In the settlements belonging to the classification "urban villages" lives 56.4% of the population of the Republic of Serbia. In this respect the situation is perceptibly more favorable in the AP Vojvodina than in the Republic of Serbia without its provinces, on whose territory less than half the population resides in urban settlements (46.1%). In the largest cities live almost one third of the total population of the Republic of Serbia (2,301,738 inhabitants or 30.7%; in Novi Sad 299.294, Nis 250.518, Kragujevac 175.802, and in Belgrade 1.576.124). The average age of the population in urban settlements is 39.2 years, and in the other settlements it is around 41.6.

¹ Vladimir Nikitovic, „Why Serbian cities age faster than villages?“, Demographic Review 29/2008, Belgrade.

Migration movements that lead to the depopulation in some regions of the Republic of Serbia are also influenced by spatial characteristics, mountainous regions and border areas, in which, due to the lack of suitable conditions a spontaneous depopulation arises. By this process, according to research, the peripheral parts of urban settlements are affected (which are 3-6 km away from towns, but differ greatly in altitude), typically mountain villages (positioned around sources, morphologically in the most isolated areas, with large slants, which prevent the construction of an infrastructure and the application of agricultural mechanisms), and border settlements that have been created along historical or current borders (reasons for the survival of both sorts of settlements no longer exist, and the natural conditions are not favorable for life).²

The centralization of economic activities has also contributed towards the extensive migration from small settlements to large cities.

Spontaneous dispersion, apart from the demographic consequences, also has economic and geopolitical consequences (it leads to an expansive widening of the ecosystem, which threatens native species and the agriculture in settlements that border these areas).

The revitalization of the areas that are affected by spontaneous dispersion is a complex process, for which all factors determining the conditions of life should be borne in mind.

3.6. Refugees

The Republic of Serbia is the state with the largest number of refugees and internally displaced persons in Europe. The number of refugees coming from the former republics of the SFRY within the Republic of Serbia has reduced by more than 80% in the period between 1996 and 2008. 538,000 refugees and 72,000 persons affected by war are listed in the index of refugees and persons affected by war in 1996, 346,000 in the index of 2001, and 104,246 persons in the Refugee Registration from 2004/2005.

The reduction of the number of refugees is mainly a result of their integration into the Republic of Serbia. More than 200,000 persons have acquired the citizenship of the Republic of Serbia, which signifies the largest process of integration in Europe. Through the return process, which has been implemented with different success in Bosnia and Herzegovina and the Republic of Croatia (31% of returnees in Bosnia and Herzegovina and 18% of returnees in the Republic of Croatia), the number of refugees has been reduced by another 149,000. Also, it is estimated that an additional number of 49,000 refugees found refuge in third countries.

In the collective refugee centers in the Republic of Serbia, where the number of refugees decreases by the day, there are currently 1299 refugees still residing (data of the Commissariat for Refugees from 26 January 2009), while the others are in private accommodations, in particular in rented, but also in privately owned apartments and houses.

Although the number of persons with a formally recognized refugee status has decreased significantly, it is apparent that on the territory of the Republic of Serbia at the moment, albeit some of them having formally lost their refugee status, there still remain around 300,000 persons who are actually in the substantive position of refugees, which makes 4% of the total population of the Republic of Serbia.

The approach towards a permanent resolution for the refugee problem in the Republic of Serbia is based on two basic principles: facilitating the return to the land of previous residence, as the most auspicious solution, and the integration into the new environment for those persons who do not want or cannot return to their previous residence.

Repatriation, that is the voluntary and sustainable return of refugees who wish to return to the place of their previous residence, besides the reparation of devastated property and its repossession, as well as the access to all rights (employment, pension and disability

² Research of the Geographic Institute „Jovan Cvijic“ SANU in the period 2006-2008, Demographic Review, 27/2008, Belgrade

insurance, health care and social protection and education), as the primary and most favorable form of durable solutions for the refugee problem, it still remains the top priority for the refugees who until this day reside in the Republic of Serbia.

When it comes to the return to the Republic of Croatia, there still are many obstacles: the impossibility to return occupancy/tenancy rights (or an adequate, equitable compensation), the convalescence (acknowledgement) of the years of service acquired in the territory of the former Republic of Serbian Krajina, the indictment of war crimes, the slow restoration of property, and problems with the infrastructure in communities of returnees.

In regards to the realization of property rights of refugees, namely the return of deducted houses and the restoration of the deprived occupancy/tenancy rights, the situation is far more favorable in Bosnia and Herzegovina, where this process is almost completed.

The integration into the local environment within the territory of the Republic of Serbia, as the other approach towards a durable solution for refugees includes, in addition to the formal acquisition of citizenship, the creation of the right conditions for solving their fundamental existential concerns and the equal inclusion into all spheres of social life.

The data from the refugees index, as well as the research and reports of domestic and international organizations (UNHCR, OSCE, UNDP, Group 484, HCIT) indicate that the most pressing issues refugees and internally displaced persons are facing are the high unemployment rate that is significantly higher than among the overall society, as well as the inability to favorably solve the housing problem.³ According to the data gained from the registration of refugees of 2004/05, the unemployment rate among refugees over the age of 15 marks 58%. Refugees are finding employment much harder than the local population, often without a formal contract. It is also estimated that among those refugees who have acquired citizenship more than two-thirds have no secured accommodation. All of the aforementioned factors are hindering their full inclusion into the local communities. The necessity has been identified that states, local communities and international donors have to support programs more thoroughly for solving the housing problems and pay greater attention to the employment programs⁴.

For a more straightforward solution of their housing problems, i.e. the realization of the right to a permanent accommodation, amendments to the Law on Refugees are underway. Pursuant to the proposed solutions whose aim is to provide the normative framework for the regulation of issues of importance for the local integration of refugees into the Republic of Serbia, especially the resolving of their housing problem, refugees will be able to use properties for a particular time, to lease or buy them, as well as to receive help for improving their housing conditions, for purchasing building materials or rural houses. Until now refugees have been temporarily using state owned objects (houses and apartments), which are built at the expense of the funds assigned for special purposes or of donor funds, and will be able to buy them under favorable conditions and lower market prices.

3.7. Internally Displaced Persons

When it comes to the displaced persons from the AP Kosovo and Metohija, according to the Commissariat for Refugees, responsible for keeping the records of IDPs from the AP Kosovo and Metohija and for the issuance of certificates for IDPs, in the Republic of Serbia there are currently 209,722 displaced persons residing.

The category of internally displaced persons in the Republic of Serbia, excluding the AP Kosovo and Metohija, consists of 32 ethnic groups (75% Serbs, 10.87% of Roma, 3.9%

³ "The standing of refugees in the labor market and the participation in active measures for employment", Group 484, Belgrade 2007.

⁴ "Integration of refugees in Serbia - regulations, practice, recommendations", UNHCR, OSCE, HCIT, Belgrade, 2007.

Montenegrins, 2.5% Muslims and Bosniaks, 1.5% Gorani), while others below 1% (Albanians, Ashkali, Egyptians, Hungarians, Macedonians, Turks, Croats, etc.).

In the territory of the AP Kosovo and Metohija, there are still about 20,000 internally displaced persons.

Given the fact that all internally displaced persons, those who are displaced within the AP Kosovo and Metohija as well as those who are located in the rest of the Republic of Serbia, are citizens of the Republic of Serbia, they enjoy all the rights guaranteed by the Constitution and the laws of the Republic of Serbia. This includes the freedom of movement, the right to vote, social and economic rights (all forms of social and health protection, pension, the right to education, employment and work). The most vulnerable categories of internally displaced persons are accommodated in collective centers.

Those internally displaced persons, who were employed in public services or state enterprises at the time of their departure from the AP Kosovo and Metohija, receive regular financial assistance through the competent ministries or through the National Employment Service. Other internally displaced persons can make use of their right to material security for the family, under the condition that they meet the prescribed requirements.

In the Republic of Serbia, at this moment, in the collective refugee centers, where the number of refugees decreases by the day, there still reside 4580 displaced persons (data from the Commissariat for Refugees from 26 January 2009), whereas the others are in private accommodations, particularly in rented, but also in their own apartments and houses.

Despite the fact that the Republic of Serbia, through various projects, in cooperation with the international community, is trying to ensure their return, since the year 2000 until this very day, i.e. in the past nine years, in accordance with the data given by the UN High Commissioner for Refugees, in the area of AP Kosovo and Metohija only about 18,060 Serbs and other non-Albanians have returned. However, many of them are returning to the territory of the Republic of Serbia outside of the AP Kosovo and Metohija because of security reasons, so that the actual number of returnees is significantly smaller.

When it comes to the return of internally displaced persons to Kosovo and Metohija and the realization of their human rights and freedoms provided under the relevant international documents, numerous problems hinder their return to their previous homes and the access to their rights. There is, in the first place, security issue, that is, the frequent threat to the right to life, the physical integrity and freedom of movement when returning to the autonomous province, but also there are many problems related to the realization of property rights, such as the return, reconstruction and the entry into possession of properties and the access to other socio-economic rights. All of this contributes to the very small number of displaced persons having returned to the AP Kosovo and Metohija.

In order to solve these problems and to create the necessary conditions for a lasting and sustainable return, the Ministry for Kosovo and Metohija prepared a Draft Strategy for the Sustainable Survival and Return to Kosovo for the period from 2009 to 2015, and initiated a public debate on the strategy. According to the Draft Strategy, security and the rule of law should be the key for the return and sustainable survival of displaced refugee Serbs and other non-Albanians, thus solving the issue of the internally displaced in the autonomous province. That implies the realization and protection of fundamental human rights and freedoms, above all, the right to life and the freedom of movement, but also property rights, especially so when it comes to about 40,000 houses and apartments that have belonged to displaced persons, which are devastated or usurped.

Apart from the existential problems related to employment and housing, a number of IDPs, especially Roma, Ashkali and Egyptian communities, are faced with the problem of obtaining documents. The lack of personal documentation presents an enormous obstacle in the realization of rights.

However, it should be noted that with the Law on Registry Books (“Official Gazette of the Federal Republic of Yugoslavia”, No. 15/90 and “the Official Gazette of the Republic of Serbia”, No. 57/03 and 101/05), as one of the parameters regulating the sphere of official documentation, that is the modifications and supplements thereof from 2003, keeping track of registry books for the AP Kosovo and Metohija is being entrusted to the administrative organs of the cities of Nis, Kragujevac, Kraljevo, Krusevac, Jagodina, Vranje and Leskovac, facilitating the undisturbed functioning of governmental administrative mechanisms in regards to the registry books, which are kept for the stated purposes.

Even though the legal prerequisites for the undisturbed functioning of the domain and the realization of rights and interests of citizens has been created, the problem regarding the obtaining of certificates from registry books for IDPs is still present, mainly due to the fact that this requires additional financial resources, since in most of the cases IDPs do not have a residence within the territory of the city that is entrusted with the keeping of registry books in which they have been registered.

Also, it should be kept in mind that a certain number of registry books that was kept for certain registry districts of the municipalities in the territory of the AP Kosovo and Metohija has been destroyed or disappeared, in this context, since 1999 and onwards, efforts are being made by the administrative bodies designated for keeping the registry books for this region to recover destroyed or disappeared registry books. The way of regenerating registry books is closely linked to the Guidelines on the keeping of registry books and for the issuance of certificates. To that end, the competent bodies in charge of the registry books keeping have undertaken necessary measures to confirm the data for the entry of certain information into the registry books, based on the available information on the citizens whose official records (residential evidence of citizens, electoral registers, military conscripts, specified unique registry numbers and others) are being kept. Likewise, citizens are invited through public appeals to submit requests and enclose available evidence in order to renew the entry of appropriate facts into the registry books. In those cases in which the applicants do not dispose of sufficient evidence, and the competent authorities are not able to provide the data through official means, persons who were enlisted in the subjected registry books, in conformity with the regulations, are advised to file a complaint to the competent court in order to confirm the respective facts, so that these can be entered into the registry books based on the legally binding decision of the court.

In order to facilitate the obtaining of documents and to reduce the cost of obtaining official documents from the registry books, following the recommendation given by the Ministry of Public Administration and Local Self Government, it is stipulated by the Law on Republic Administration Taxes that internally displaced persons are exempt from paying 70% of the administration fees for the issuance of documents and certificates from the registry books. Also, it is expected that the accessibility to rights for IDPs will in many ways facilitate the decision by the Law on Registry Books that envisages, among others, the creation of an information system – with the transfer of registry books into a digital format, so as to enable the registrar of any registry district of a municipality or a city to issue certificates from the registry books in a digital format for any registry department of this or other municipalities or cities.

To obtain documents from the territory of the AP Kosovo and Metohija is even more complicated at this moment, particularly so due to the poor security situation (in the last few months, there were more reported assaults on persons who went to the AP Kosovo and Metohija via the Danish Refugee Council). Access to property rights in the AP Kosovo and Metohija represents an exceptional problem.

3.8. Asylum Seekers

Since the beginning of the implementation of the Law on Asylum, that is since 1 April 2008, the Ministry of Interior and the Asylum Office as the deciding body in the first instance of submitted requests for asylum, have attended to about 50 persons, citizens of the Republic of Iraq, the Islamic Republic of Afghanistan, the Peoples Republic of Bangladesh, the Republic of Georgia, as well as citizens of several African countries, with the request for the granting of asylum. All requests are in the process of assessment, some of them are already in the second instance of proceedings before the Asylum Commission.

In the course of 2008, according to the Ministry of Interior, requests for asylum in the Republic of Serbia were submitted by 52 persons, and these are: citizens of the Federal Republic of Nigeria - 2, the Republic of Chad -2, the Federal Democratic Republic of Ethiopia - 3, the Republic of Armenia - 5, the Republic of Georgia - 11, the Republic of France - 1, the Republic of the Ivoiriy Coast - 19, the Republic of Iraq - 1, the Democratic Socialist Republic of Sri Lanka - 2, the State of Palestine - 2, the Democratic Republic of Somalia - 1, the Republic of Angola - 1, the Republic of Albania – 1, and one apatrid.

Asylum-seekers have the right to an accommodation in the Center for Asylum that functions within the framework of the Commissariat of Refugees. Within the Center asylum seekers are being provided with an accommodation, food, clothing and footwear. Asylum seekers have the right to financial assistance through the competent center for social work unless they are accommodated in the Center for Asylum. Persons seeking asylum do not have the right to work.

According to the Law on Asylum the Republic of Serbia shall, within its capacities, provide for the conditions for the inclusion of refugees into the social, cultural and economic life, as well as to facilitate the naturalization of refugees. Nevertheless, the Law has not determined the institution which will focus on the integration of refugees who have acquired the status based on the Law on Asylum. In the budget for 2009, there are no provisions for the integration of persons obtaining the status or persons under subsidiary protection.

Persons with the approved right to refuge or subsidiary protection are provided with the accommodation (providing certain housing space for use, or providing financial assistance for residential care) in accordance with the capabilities of the Republic of Serbia, and for a maximum of one year after the final resolution, by which they have been granted the status of a refugee or of a person under subsidiary protection. There is no "integration house". The main obstacle for integration is the linguistic barrier, and the teaching programs for Serbian language for foreigners can be realized only in the larger centers, wherefore it is virtually impossible to include persons in the program who have the recognized right to refuge, i.e. subsidiary protection, reeducation and additional training for an easier employment. In order to help asylum seekers and the local communities an integration compendium should be produced.

Persons with the approved right to refuge in the Republic of Serbia have the same rights as foreigners permanently residing in respect to the right to work and rights on the basis of work, entrepreneurship, the right to a permanent stay and the freedom of movement, rights to movable and immovable property, as well as the right to association.

According to the Law on Asylum, persons requesting asylum and persons who have been granted asylum in the Republic of Serbia have equal rights to health care, in accordance with the regulations governing the protection of health for foreigners. However, in the Law on Health Protection only the category of those persons with granted asylum is recognized, which brought about the situation that asylum seekers and persons with approved subsidiary protection can only get medical aid in emergencies.

Persons with the approved right to refuge in the Republic of Serbia enjoy equal rights as the citizens of the Republic of Serbia regarding the rights to protection of intellectual

ownership, free access to courts, legal aid, the exemption from payment of court and other expenses before state bodies and the right to freedom of religion. Free legal aid to persons who are located in the center for asylum is provided by the non-governmental organization Center for the Provision of Legal Aid for Asylum Seekers - APC.

According to the Law on Asylum, no person can be expelled or repatriated against his/her will to the territory where his/her life or freedom would be endangered due to his/her race, gender, language, religion, nationality, belonging to a particular social group or political opinion. Nonetheless, the Government of the Republic of Serbia still has neither adopted a list of secure states of origin, nor a list of secure third countries.

3.9. Illegal / Irregular Migration

Irregular migration signifies every movement of the population from one state to another, which is not in accordance with the governing legislations of the state of origin and the state of destination, as well as the residence in a certain state that does not correspond to the governing legislation of that state. Any foreigner is considered an irregular migrant when entering another country unlawfully (the entry out of the border crossing points, the entry with forged or other irregular travel documents) for a purpose of temporary stay or permanent residency. Those persons who have entered the country legally, yet have failed to leave the country after the expiration of their legal stay, are equally perceived as irregular migrants.

The problem of irregular migration has been present for a number of years already in the relation between the Republic of Serbia (former Federal Republic of Yugoslavia and Serbia and Montenegro) and the European Union. At the same time, it was one of the main reasons in the 1990's, for enlisting the FRY in the negative register of the visa regime.

With the entry of the Republic of Hungary into the Schengen zone at the end of 2007, a change in direction of the illegal routes has taken place, which now lead in the majority of cases to the Republic of Hungary via the territory of the Republic of Serbia, which is confirmed by the fact that in the first eleven months of 2008, out of the total number of foreign nationals (694) who have entered the territory of the Republic of Serbia unlawfully, around 37% tried to pass through the Republic of Serbia and then via the Republic of Hungary to other countries within the European Union. For that reason, it is necessary to train specialized police units to combat illegal migration more professionally and materially for the protection of state borders and the control within the country.

In 2007, in the territory of the Republic of Serbia, 874 foreign nationals have been detected who have entered the Republic of Serbia illicitly, which represents a decrease of about 31% in comparison to 2006 (1270 persons). In 2007, the largest numbers of measures, in regards to unauthorized crossings of the state border, were taken against the citizens of the Republic of Albania, and that 39% (332 persons) out of the total number (874 persons). It is evident that the largest number of illegal migrants are citizens of the Republic of Albania, as well as that the largest number of illegal migrants enters the territory of Serbia Proper from the AP Kosovo and Metohija (about 40% in 2007), crossing the administrative line unlawfully.

In the same period, the members of the Border Police Administration prevented a total number of 315 citizens of the Republic of Serbia from the unauthorized crossing of the state border between the two border crossing points, the so-called "green line". Most of the cases were spotted at the frontier with Romania.

There is a problem of controlling the administrative line from the AP Kosovo and Metohija by the forces of the international community that hold the jurisdiction in the territory of the AP Kosovo and Metohija (UNMIK, KFOR and EULEX), due to an insufficient engagement in and understanding of the problem of illegal migration. Therefore, it is

necessary to intensify the development of cooperation with the forces of the international community in the AP Kosovo and Metohija to counter the illegal migration.

The admission of Romania and the Republic of Bulgaria into the EU in the first half of 2007, has a special significance in the field of combating irregular migration through the territory of Republic of Serbia, by which the number of irregular migrants from these countries has reduced considerably, as well as the introduction of the visa regime for the citizens of the Republic of Moldova on behalf of Romania. Due to the entry of the Republic of Hungary into the Schengen zone the illegal routes have changed, so that during the first ten months of 2008 most of the discovered illegal crossings of local citizens were at the state border with the Republic of Hungary (350), which is more than during the whole year of 2007 at all borders.

The greatest number of illegal migrants, of foreign nationals who have been detected whilst illegally crossing the state border, illegally staying on or transiting through the territory of the Republic of Serbia, is mostly identified as economic migrants, while the number of political migrants, i.e. asylum-seekers, is significantly lower. Experiences from the previous period suggest that the number of political migrants is modest considering the fact that the Republic of Serbia took over the jurisdiction over determining statuses of 1st April 2008.

A particular problem involving illegal migrants of foreign nationalities are minors (22% in 2007), women (9%), who are the most frequent target group for human traffickers for the purpose of sexual or labor exploitation, as well as the victims of human trafficking - illegal migrants, regardless of their gender.

The Ministry of Labor and Social Policy has, with the Decision on the network of social protection institutions for the accommodations of beneficiaries, within the Educational Center for Children and Adolescents in Belgrade, determined the Working Group Unit Belgrade with the capacity to accommodate 12 beneficiaries, yet, considering the fact that the problem of accommodating young illegal migrants detected outside the territory of the city of Belgrade is evident, and that the other centers do not dispose of sufficient capacities for admittance, nor have developed the program for working with juvenile illegal migrants of foreign nationalities, it is necessary to expand capacities beyond the city of Belgrade.

In 2007, 54 foreign nationals have been identified staying illegally in the Republic of Serbia, which is almost seven times less in comparison to 2006, when there were 385 foreign nationals illegally staying in the country (202 from Romania, 30 from the Republic of Macedonia, 28 from the Republic of Bulgaria, 23 from Bosnia-Herzegovina, and others).

A foreigner who stays illegally in the Republic of Serbia must leave its territory immediately or within a determined deadline. Departure orders to the foreign citizens are being implemented on the basis of the Law on Foreigners and the Law on the General Administrative Procedure. In the course of 2006, there have been 1919 departure orders of foreign citizens, 1585 departure orders in 2007, whereby there were 1304 departure orders in 2008.

There is a problem in monitoring the realization of the measures for departure orders of foreign nationals due to the possibility of abuse of the time limit set for the departure from the territory of the Republic of Serbia, as well as the inexistence of obligations to keep records and control the departures, thus the need for establishing an efficient system for monitoring foreigner who should abide by departure order.

Also, the problem has been conceived regarding the inadequately formulated statistical parameters for monitoring the phenomenon of unauthorized crossings of the state border and the illegal entry of foreigners, so that in order to eliminate the perceived problem it is necessary to stipulate standards for a more efficient monitoring of the phenomenon of unauthorized state border crossing and the illegal entry of foreigners.

3.10. Returnees on the Basis of the Readmission Agreements

The Readmission Agreements are international treaties regulating the process of return and acceptance of persons who do not meet the preconditions or no longer are eligible for the entry or stay in the territory of another state.

When foreign citizens, in spite of the lack of legal preconditions for the entry and stay in the Republic of Serbia, accomplish to enter and are found to be illegally staying on the territory of the Republic of Serbia, the competent authorities of the Ministry of Interior, based on the signed readmission agreements, submit a request to the state of origin of the migrant in irregular situation for the readmission of this person. Reciprocally, those states that have signed agreements with the Republic of Serbia make use of that right when detecting Serbian citizens staying illegally in their territory.

Aiming at the prevention of irregular migration from the Republic of Serbia to other states of the European Union, candidate countries to the European Union and western countries in general, but also from other countries via the territory of the Republic of Serbia towards these states, it is crucial to conclude readmission agreements with those countries, but also to tighten the visa regime with all the countries belonging to the Afro-Arabian and Asian complex.

In order to achieve this goal, 15 international agreements on readmission have been concluded and ratified with 17 countries since 1996. The agreement between the Republic of Serbia and the European Community on the readmission of persons illegally residing on its territory was signed on 18 September 2007, and was ratified in the National Assembly of the Republic of Serbia in November 2007, entering into force on 1 January 2008. The agreement envisages the conclusion of bilateral protocols on its implementation with each EU member state individually that has signed the agreement. The Republic of Serbia has initiated this procedure with each of the member states by submitting the draft protocol and the process of the conclusion thereof is currently in different phases, depending on the country.

The provisions of the concluded agreements have also incorporated all the highest standards of the European Union in the field of the protection of basic human rights and freedoms of citizens, as well as other international conventions regulating the protection of human rights and fundamental freedoms.

The Republic of Serbia does not dispose of precise data on the actual number of citizens of the SFRY, the FRY and Serbia and Montenegro, nor the number of the citizens of the Republic of Serbia, who are staying in other countries on whatever basis. The decision on who, when and where will be returned to the Republic of Serbia according to the readmission, shall be issued exclusively by one particular body of the state in which the person has been caught residing illegally.

When it comes to the implementation of the existing bilateral agreements on readmission, according to the Ministry of Interior, in the period from 1 January 2003 to 30 May 2008, a total of 25,352 requests from foreign bodies have been received for the return of our citizens and 1845 requests for the acceptance of third country nationals and persons without a citizenship. On the basis of the readmission agreements with the European Union, a total of 1181 requests have been received in 2008.

For all the requests made necessary verifications are carried out and responses are submitted in accordance with the deadlines stipulated under the agreement.

Among the returned persons – our citizens, there were members of all ethnic groups, of which majority were Roma. The Roma problem is the most explicit and the most complex in respect to their extremely difficult socio-economic situation.

During the entire preceding period, i.e. since 1996 until today, the largest number of persons being returned to the Republic of Serbia came from the Federal Republic of Germany, closely followed by the Swiss Confederation and the Kingdom of Sweden.

The exact number of the potential returnees is unknown, whereby estimates range from 50,000 to 150,000 persons – of our citizens, primarily from European countries, should be returned to the Republic of Serbia within the following years. According to estimates of the Ministry of Interior, in the years to come it is realistic to expect the return of several tens of thousands of persons.

Considering the fact that a large number of persons, in the context of their departure from the Republic of Serbia heading to Western-European countries, from which they are now to be returned in accordance with the agreements on readmission, have sold their movable and immovable property and left their workplace (if they were employed) and are virtually left without a place to return to, our country is facing a serious problem - how and where to admit such a vast number of returnees, and that under the circumstances of transition. Here in particular, the fact should be borne in mind that the Republic of Serbia is a state with a massive displaced population, as one of the five countries worldwide with a long-term refugee problem, with over 97,000 registered refugees, including 209,000 IDPs from the territory of the AP Kosovo and Metohija, who have been receiving continuous support for a rather long time now, as they belong to a economic-socially vulnerable category. Hence the logical question: whether our country can unilaterally commit to the care of such a copious number of returnees.

When it comes to the assistance that should be offered to returnees from those countries from which they have returned, the vast majority of those countries that our government has signed the readmission agreements with refuse to commit to participating in their financial and social reintegration. On the other hand, there are those rare countries that have adopted a principled commitment to participate in the reintegration. This assistance is made up by the financing of certain smaller projects, but not by direct, concrete support for the returnees.

The agreements on the readmission of persons with the European Community and the Swiss Confederation stipulate the financial support by the European Community and the Swiss Confederation for the reintegration of returnees, on which it should be insisted more explicitly.

The participation of those states, from which unlawfully residing persons are returned to the Republic of Serbia, in the social and economic reintegration is needed all the more when it is known that among those returnees the largest number by far consists of Roma, whose socio-economic status is marginalized, highly discriminated and extremely difficult and complex, whereby our country is in the process of transition, with multiple economic difficulties inherited from the past and that its social and other funds and resources are heavily overstrained, attenuated and insufficient.

A special problem presents the inexistence of adequate databases of returnees on the basis of the readmission agreements. For the time being, the data is gathered either from the reports of the Office for Readmission at the airport "Nikola Tesla", generally covering those persons convoyed up to the crossing of the national border, or from reports on the realization of various projects devised for returnees. The lack of adequate data on returnees, apart from causing difficulties in the planning of their admission and reintegration, it additionally complicates the monitoring and prevention of secondary migration.

Although the Western European countries have been mainly, for the time being, abiding by the recommendation of the UNHCR that Serbian and other non-Albanian nationals are not to be returned to the territory of the AP Kosovo and Metohija for security reasons, nor to the Republic of Serbia outside of the AP Kosovo and Metohija for humanitarian reasons, considering that the Agreement between the Republic of Serbia and with the European

Community on the readmission of persons residing unlawfully has been signed, it can be expected that an increase in numbers will occur of persons in the process of readmission. This will lead to an additional increase in the number of internally displaced persons, as will the need for humanitarian and social assistance. It is necessary to continue to insist on the respecting of the recommendation made by the UNHCR.

3.11. Human Trafficking

The United Nations define trafficking in human beings as "the recruitment, transport, transfer, the hiding and receiving of persons by using force or threatening and other forms of coercion, abduction, fraud, deception, abuse of authority or position, or other forms of force for the purpose of sexual or economic exploitation in order to gain profit and benefit for a third person". Exploitation may have different forms such as sexual exploitation, forced labor, slavery and the taking of organs. Victims of human trafficking either never agree to the trafficking, or their consent has no importance because it has been obtained by coercion or deception.

In the 2007, there have been 60 identified victims of human trafficking in the Republic of Serbia, of which 48 were citizens of the Republic of Serbia.

The protection of the victims of human trafficking in the Republic of Serbia, and their social rehabilitation and integration, which is implemented by the Department for the Coordination of the Protection for Victims of Human Trafficking, is put into practice according to the program stipulating the provision of the Department's activities for the identification of victims, emergency aid, translation, communication, primary care, integration, decisions on civil-legal status, medical assistance, legal aid, psychosocial support, education and attainment of skills, workshops and trainings and assistance in a sustainable integration - through funds for an independent life. Resources are being allocated through the budget for each year.

Victims of human trafficking are placed in suitable institutions for social protection and shelters of non-governmental organizations.

Since 2005, in cooperation with the organizations of the civil society, educational programs and trainings are carried out on social protection services and other organizations that provide services related to the protection of victims of human trafficking. These programs and trainings are being realized on regional levels, and are based on the attainment of appropriate know-how and proficiency in relation to the identification of victims of human trafficking, taking available legal measures and suggesting new measures for the removal of the causes and the possibilities for trafficking in human beings, providing psychosocial support, assistance and protection for victims and finding and creating opportunities for the adequate admittance and care for the victims.

The conditions for the protection and social reintegration (integration) have not been established to a sufficient extent. Apart from deficient capacities of the special institutions for juvenile victims of human trafficking, the functioning of institutions for victims of human trafficking has not been regulated by policies. Besides that it is necessary to improve the work of the Department for the Coordination of the Protection for Victims of Human Trafficking, whereby the tasks of the organization for the protection should be conducted by the existing services for social protection - centers for social work, coupled with the provision of personnel and material conditions, in those local communities where the largest number of victims is discovered. Moreover, there is also the problem of lacking financial resources for the creation of conditions for the social integration of the victims (housing, material assistance and employment).

V. OBJECTIVES OF THE STRATEGY

1. The Overall Objective of the Strategy:

Managing migration in a comprehensive manner that will facilitate the realization of sector objectives and priorities of the state in the field of migration and will provide the following:

- migration management in accordance with sustainable population policy and long-term needs for economic development and trends in the labor market of the Republic of Serbia;
- the abolition of the visa regime for citizens of the Republic of Serbia and the placement on the "White Schengen list" of the EU, progress in the negotiations on the visa liberalization or the visa facilitation with the other countries of Europe and the world (especially those of importance for the citizens of the Republic of Serbia);
- the implementation of the concept of integrated border management;
- the promotion of cooperation with the Diaspora and promoting the return to the motherland;
- creating the conditions for young qualified and talented people to professionally reach their potential in their own country and the conditions for the circulation of knowledge of those people who are in the Diaspora;
- creating the conditions for the integration of foreigners and the effective protection of the rights and interests of citizens of the Republic of Serbia who work and live abroad;
- the application of clear and effective procedures for the prevention and the suppression of illegal migration:
 - irregular border crossings,
 - irregular stay of foreigners within the country after the expiration of their residential permit,
 - the smuggling of migrants and
 - human trafficking;
- resolving the problems of refugees and internally displaced persons;
- the efficient and effective admittance and the sustainable socio-economic reintegration of returnees – citizens of the Republic of Serbia on the basis of readmission agreements.

1. Strategic Objectives

STRATEGIC OBJECTIVE 1: *Establishing and implementing mechanisms for a comprehensive and consistent monitoring of migration flows in the Republic of Serbia*

Description of the problem: One of the conditions that the Republic of Serbia must fulfill when aiming at the liberalization of the visa regime is to establish and commence to implement mechanisms for the monitoring of migration flows, along with defining and regularly updating the migration profile of the Republic of Serbia and establishing the body responsible for collecting and analyzing the data on the origin and flows of migration.

The Statistical Office of the Republic of Serbia is a particular organization that is responsible, among others, for collecting and processing data and official statistics of the state. The SORS is in charge of monitoring the number and territorial distribution of the entire population and the population by groups within the framework of certain age limits, according to demographic, migration, ethnic, educational and economic characteristics. It observes internal migration, while providing information on the number and territorial distribution of migrants according to demographic, ethnic and economic characteristics. The key source of

data for the statistics is the census of the population; however, the statistics are also based on the administrative registers and other bodies. The competent authorities are keeping registers on the issued residential permits, work permits, declined entrances, deportations, asylum seekers and those who have been granted the refugee status. In spite of the fact that they signify the basic source of information necessary for the functioning of the official statistical system, the providers of the data are a weak link in the statistical system out of various reasons, such as the refusal to hand out data, the delayed delivery and the supplying of low quality figures, namely inaccurate data. In addition to this, different databases are often mutually incompatible.

International cooperation regarding migration issues has increased, and thus also the need for actual and comparable data. The key goal is to enable comparison between states and harmonization of their policies. However, accurate and updated information on the levels, trends and policies of international migration are generally incomplete. The reason for this is the mere phenomenon of migration that can be looked at from many aspects and one of these is a matter of undocumented migration.

Accurate data and statistics are needed not only for the approximation of EU standards, but rather for the analysis of trends, planning and taking appropriate measures in order to manage migration flows, as well as for various researches.

Recommendations and measures that need to be taken:

- defining the content of the migration profile of the Republic of Serbia in accordance with the requirements of European integration by considering the specificities of the Republic of Serbia;
- regularly updating the migration profile of the Republic of Serbia;
- adapting statistics with the requirements of EU standards;
- establishing the normative and technical conditions for the exchange of information between the relevant institutions;
- gathering information, statistics and reports on migration in the Republic of Serbia;
- to designate the government body responsible for collecting data;
- monitoring the trends in migration flows.

Specific Objective 1: Institutionalizing the jurisdiction over the collection and analysis of the data on the extent and flows of migration

	Measure	Timeframe ⁵	Holder
1	To create the normative conditions for the work of the Commissariat for Refugees as the body responsible for the collection and analysis of data on the extent of migration and migration flows and monitoring migration trends	6 months	Commissariat for Refugees
2	To strengthen the capacities of departments responsible for collecting data on migration within the ministries and organizations	12 months	Commissariat for Refugees, MI, MFA, MERD, SORS, MLSP, MD, and MKM
3	To determine indicators for monitoring migration flows	6 months	Commissariat for Refugees and SORS
4	To establish an operational network for the exchange of information between relevant institutions	6 months	Commissariat for Refugees, SORS, MI, MFA, MERD, MLSP, MD, and MKM

⁵ The timeframe for the appliance of all listed measures in the Strategy for Migration Management is valid from the day the Strategy is introduced by the Government.

5	To identify all stakeholders, on the central and local level, including associations, representatives of civil society and the migrants themselves	6 months	Commissariat for Refugees, SORS, MI, MFA, MERD, MLSP, MD, and MKM
6	To create the technical conditions for data collection	24 months	Commissariat for Refugees, MI, MFA, MERD, SORS, MLSP, MD, MHMR, and MKM

Specific Objective 2: Defining the migration profile of the Republic of Serbia and updating it regularly

	Measure	Timeframe	Holder
1	To define the migration profile of the Republic of Serbia	6 months	Commissariat for Refugees
2	To create normative conditions for the regular updating of the migration profile	6 months	Commissariat for Refugees
3	To establish appropriate technical and human capacities to regularly update the migration profile of the Republic of Serbia	6 months	Commissariat for Refugees
4	To establish the cooperation with countries in the region and the EU in order to exchange experiences, as well as with relevant international organizations	12 months	Commissariat for Refugees, MI, MFA, MERD, MHMR, SORS, and MD

STRATEGIC OBJECTIVE 2: *Integrating the strategic, legal and institutional framework for the joint management of migration*

Description of the problem: Based on the set forth analysis of the state of affairs it can be concluded that in the Republic of Serbia there is an apparent policy of migration management, which is expressed through the different national strategies and strategic documents for EU accession. There is also a number of strategies in the preparation whereby strategies that are missing are but few and even though they are important for the sector, they are not key to European integration, which at the moment is the priority of the country. The number of new laws is also significant, brought into line with European standards and adopted in the previous period.

What is evidently lacking when it comes to the strategic determination of the Republic of Serbia is a joint implementation of policies and a joint program that would address the needs of all key partners. Within the framework of the current institutional structure and the division of competencies there is a lack of horizontal and vertical coordination, and occasionally also the overlapping jurisdiction of the institutions.

The need for a comprehensive migration management is being imposed by the necessity to more efficiently and effectively allocate external financial resources, in accordance with priorities. A comprehensive strategy would present a genuine state policy.

Preceding efforts for the realization of cross sector cooperation have not led to any significant results, mainly so due to the lack of consensus on the issue of which institution should have the leading role.

The most common form of cooperation between different resources is the working groups that are composed of representatives of different ministries with a precise assignment.

These working groups have fulfilled their tasks with varied success, mainly accompanied by an uneven contribution of certain members who were more or less interested in contribution their share. Previous experiences have shown that inter-ministerial coordination functions best when institutionalized in shape of a special Government Body, with a clear mandate and legitimacy, as well as an appropriate structure and the operational support on the part of the authority responsible for carrying out activities essential to the functioning of the body.

Recommendations and measures that need to be taken:

- adjusting the activities of institutions that are in connection with ministries within the framework of the Coordination Body for the Monitoring and Management of Migration;
- continuing with the implementation of a clear policy of the country in regards to migration management through the concerted implementation of sector strategies;
- providing normative conditions for the management of migration in accordance with European standards.

Specific Objective 1: Strengthening of the capacity of the Coordinating Body for Monitoring and Management of Migration and to make its work more effective and efficient

	Measure	Timeframe	Holder
1	To create a network of competent officials to execute on the operational level the work for the Coordination Body for the Monitoring and Management of Migration	2 months	MI, MFA, MERD, MLSP, MD, MHMR, and MKM
2	To establish a network of trained staff in local government in charge of monitoring, reporting and carrying out the entrusted tasks to meet the requirements for implementing this strategy	6 months	Commissariat for Refugees
3	To create normative conditions that will ensure the sustainability of the work of the Coordination Body for the Monitoring and Management of Migration	6 months	Commissariat for Refugees, MI, MFA, MERD, MLSP, MD, MHMR, and MKM

Specific Objective 2: Ensuring the implementation of clear policies in the field of migration management

	Measure	Timeframe	Holder
1	To establish a system for monitoring and evaluating the implementation of existing strategies in the sector	12 months	Commissariat for Refugees, MI, MFA, MERD, MLSP, MD, MHMR, and MKM
2	To coordinate activities of the competent ministries and institutions regarding migration aiming at the effective implementation of strategies	Continuously	Coordination Body for the Monitoring and Management of Migration
3	To adopt new policies and strategies and revise existing strategies in line with the analysis of the needs in the sector	Continuously	MI, MFA, MERD, MLSP, MD, MHMR, and MKM
4	To establish priorities for allocating external financial resources, especially the EU funds	Continuously	Commissariat for Refugees, MI, MFA, MERD, MLSP, MD, MHMR, and MKM

5	To strengthen the capacities of institutions in charge of implementing the strategies	Continuously	MI, MFA, MERD, MLSP, MD, MKM, and the Commissariat for Refugees
6	To ensure the protection of state borders, by promoting the capacities for the prevention and research, the detection and monitoring of illegal migration within the country, creating a mechanism for the effective expulsion of third country nationals that are unlawfully residing in the territory of the Republic of Serbia and resolving the issues of returnees on the basis of the readmission agreements who are not citizens of the Republic of Serbia	Continuously	MI
7	To create conditions for: <ul style="list-style-type: none"> - the sustainable return of refugees and the integration of refugees - the sustainable return of IDPs and the livelihood enhancement of IDPs while in displacement and - the reintegration of returnees on the basis of the readmission agreements by means of maximum engagement of own and external resources 	Continuously	Commissariat for Refugees, MLSP, and MKM
8	To intensify the cooperation with FRONTEX, the forces of the international community in the territory of the AP Kosovo and Metohija, the countries in the region, and other countries receiving migrants and the countries of origin	Continuously	MFA, MI, MERD, MHMR, Commissariat for Refugees, and MKM
9	To set up a unique database on visas and a visa information system	36 months	MFA and MI
10	To establish control over internal migration through active employment policies	Continuously	MERD, MLSP, and SORS
11	To institute a policy of employment in the Republic of Serbia according to the needs of the labor market and the principle of freedom of movement for the labor force	Continuously	MERD and MLSP
12	To provide appropriate support to relevant ministries and institutions in the preparation of strategic documents in the field of migration	12 months	MI, MFA, MERD, MLSP, MD, MHMR, MKM, and the Commissariat for Refugees

Specific Objective 3: Encompass normative prerequisites for a comprehensive and effective migration management harmonized with EU standards

	Measure	Timeframe	Holder
1	To adopt the remaining laws and bylaw acts necessary for the implementation of the strategy in accordance with EU standards	12 months and continuously	MIA, MFA, MERD, MLSP, MD, MHMR, and MKM
2	To clearly define the jurisdictions and procedures	12 months	MERD and MLSP

	in the employment and protection of citizens of the Republic of Serbia abroad in a manner that will ensure the effective employment and protection of citizens temporary working abroad and in the process of redirecting employees to work abroad		
3	To continue negotiations and conclude the agreements on social security with the countries of interest for the Republic of Serbia	Continuously	MERD, MFA, and MLSP
4	To conclude bilateral agreements on visa facilitation with the European countries that do not entirely apply the Schengen acquis	12 months	MI and MFA
5	To conclude the agreements on readmission and harmonize stances with the other neighboring countries of the Republic of Serbia, as well as with countries of high migration risk	Continuously	MI and MFA
6	To negotiate and conclude agreements on the visa liberalization/facilitation with the other countries in the world that are of interest to the Republic of Serbia	Continuously	MI and MFA

STRATEGIC OBJECTIVE 3: *Protection of the rights of migrants, the creation of conditions for the integration and social inclusion by raising awareness about the importance of migration*

Description of the problem: In the Republic of Serbia exists no systematic monitoring of migration flows, and thus there is neither a serious analysis of the migration potential, the migration profile, the realization of migrant's rights nor on the impact of migration on the development of the country. The issue of migration does not attract the greater interest of neither the general nor the academic public. The only research of the migration potential in the Republic of Serbia has been prepared by the International Organization for Migration. Public events, conferences and seminars on the subject of migration in the Republic of Serbia are rare.

All this contributes to the impeded realization of rights of migrants, their social isolation and the hampered inclusion into society.

A particular problem is the education of officials who are involved in certain phases of the migration cycle and in the procedures of which the achievement of the rights of all types of migrants depends. Certain ministries and organizations invest their efforts as to make the services under their jurisdiction respondent to the needs of the migrants, but thus far this has not exactly been the unique policy of all the institutions.

The large number of complaints regarding the work of certain administrative bodies, of the health and social institutions seem to be supporting this fact.

The reports of various international bodies that are responsible for monitoring human rights are often speaking about the difficulties that certain categories of migrants face⁶.

⁶ Conclusions and recommendations of the UN Committee against Torture, 2008, Report of Commissioner for Human Rights Council of Europe Thomas Hammarberg on the evaluation of the situation of human rights in the Republic of Serbia in 2009.

Recommendations and measures that need to be taken:

- educating officials in all institutions dealing with migrants on the rights and obligations of this population;
- increasing the capacities of the civil sector as to enable them to contribute to the management of migration;
- familiarizing the public with the problems of migrants;
- creating a climate in the general population, which will facilitate the social inclusion of migrants, particularly of marginalized groups;
- developing an educational environment based on intercultural values and facilitate the inclusion of migrants into the educational system;
- ensuring the functioning of mechanisms for the protection of the rights of migrants;
- supporting scientific research in this area in order to make use of the results obtained for the successful planning of measures in the field of migration policy.

Specific Objective 1: Familiarizing the public with the problems of migrants

	Measure	Timeframe	Holder
1	To include the civil sector in the management of migration	Continuously	MIA, MFA, MERD, MLSP, MD, MHMR, MKM, and the Commissariat for Refugees
2	To regularly inform the public on the topics of importance for migration	Continuously	MIA, MFA, MERD, MLSP, MD, MHMR, MKM, and the Commissariat for Refugees
3	To organize the exchange of experiences of stakeholders	Continuously	MIA, MFA, MERD, MLSP, MD, MHMR, MKM, and the Commissariat for Refugees
4	To involve scholars and the educated public in the migration issues	Continuously	MIA, MFA, MERD, MLSP, MD, MHMR, MKM, and the Commissariat for Refugees

Specific Objective 2: Sensitizing the bodies of the state administration and local governments that are responsible for the realization of the rights of migrants

	Measure	Timeframe	Holder
1	To provide for a humane approach and a clear procedure in the treatment of irregular migrants and to improve capacities for the admission of irregular migrants	Continuously	MI, MLSP, and MHMR
2	To create the conditions for the social rehabilitation and reintegration for the victims of human trafficking	Continuously	MLSP, MI, MH, and ME
3	To monitor the implementation of the Law on Asylum and abolish possible flaws as to ensure the rights of asylum seekers, in particular the right to integration	Continuously	Commissariat for Refugees, MI, MFA, MHMR, MLSP, and MH
4	To create the conditions for an effective primary admittance of returnees under readmission and to strengthen the institutional framework for the implementation of the readmission agreements	6 months	Commissariat for Refugees, MLSP, MI, and MHMR

5	To create the conditions for the integration of foreigners into society	Continuously	MHMR, MLSP, ME, MH, MI, and the Commissioner for Refugees
6	To strengthen the capacities of the bodies of the local self-governments that are entrusted with keeping the registry books as well as the records on the citizens of the Republic of Serbia in order to facilitate the realization of the rights of refugees, internally displaced persons and the returnees under the readmission agreements	continuously	MPALG, MI, MLSP, and the Bodies of Local Self-government
7	To ensure the effective protection of the rights and interests of the citizens of the Republic of Serbia in all phases of the migration cycle, as well as those of foreign migrants who reside in the Republic of Serbia	Continuously	MFA, MLSP, MERD, MD, ME, the Commissariat for Refugees, MHMR, and MI

VI. ARRANGEMENT FOR THE IMPLEMENTATION

Ministries and special organizations, the conductors of activities, will perform particular operational measures within their respective jurisdictions and will be responsible for their implementation.

The Coordination Body for the Monitoring and Management of Migration will be the executive body responsible for the application of this strategy. The Coordination Body directs the work of ministries and special organizations aiming at the successful implementation of this strategy. The Coordination Body submits a written report to the Government on its activities every 90 days.

The competent ministries shall, within three months from the adoption of this strategy, develop action plans on the basis of which a joint action plan will be produced. The Commissariat for Refugees is responsible for the production of the joint action plan. The action plan will comprise a period of two years.

Based on the proposal of the Commissariat for Refugees, the Government will ratify the joint action plan within 6 months from the day of the adoption of this strategy.

VII. MONITORING AND EVALUATING THE STRATEGY IMPLEMENTATION

For the successful realization of this strategy its implementation will be monitored regularly. The ministries responsible for the implementation of particular measures of this strategy will submit reports to the Coordination Body for the Monitoring and Management of Migration at least once every six months, and if necessary more often. Monitoring will be carried out for the purpose of detecting progress in the realization of the measures envisaged, maximizing its efficiencies and the rational use of resources.

The evaluation of this strategy will be carried out every two years. In addition to the internal evaluation, an external evaluation will be undertaken given that there are opportunities for it. Based on the recommendations offered by the evaluators, the strategy will be revised in order to improve its relevance, effectiveness, impact and sustainability should it be required.

VIII. RESOURCES

For the entire implementation of this strategy, the Republic of Serbia will have to extract significant amounts of resources. However, the funds for the implementation of this strategy have for the most part already been provided for by the budget for the regular activities of the ministries, as well as for the implementation of the measures envisaged by the sector strategies.

The exact amount of the additional funds needed for the realization of this strategy will be confirmed in the action plan for the implementation of the strategy that will be prepared every two years.

It is estimated that the implementation of this strategy requires the allocation of around 25.000.000,00 RSD annually in addition to the resources needed for the financing of current activities, of which about 20.000.000,00 RSD could be provided through donations, whereby 5.000.000,00 RSD would have to be provided through the budget of the Republic of Serbia, and that via the budget line of Commissariat for Refugees.

IX. SUMMARY

Serbia is faced with numerous challenges in the field of migration, refugees, internally displaced persons, and returnees on the basis of the readmission agreements, while trying to harmonize the legislative and administrative framework with broad-based EU acquis in the field of migration. The Strategy for the Management of Migration the answer to the current disunity and lack of coordination within the system of migration management in the Republic of Serbia and the mechanism that sets the basis for migration will be managed in a comprehensive manner, in accordance with the European policy on managing migration flows, but also recognizing specificities of the country. The Republic of Serbia wants to turn migration into a positive force for the further economic and social development of the country as well as into a mutually useful force for the countries of origin and destination countries.

The overall objective of the Strategy is the management of migration in a comprehensive manner that will facilitate the achievement of sector objectives and priorities of the state in the field of migration. *The three strategic objectives are:* the establishment and implementation of mechanisms for a comprehensive and consistent monitoring of migration flows in the Republic of Serbia; the integration of the strategic, legal and institutional framework for a joint migration management; and the protection of the rights of migrants, the creation of conditions for the integration and social inclusion, along with raising awareness about the importance of migration.

This document defines the elements of the migration policy of the Republic of Serbia (the visa policy, integrated border management, regular residence of foreigners, mechanisms for the integration of migrants into society, the entire protection of its nationals working and residing abroad, as well as the active employment policy) and establishes the institutional framework for its implementation. To this end the Coordination Body for the Monitoring and Management of Migration has been formed, consisting of ministers who are in their respectable department responsible for certain aspects of migration, while the Commissariat for Refugees executes the professional, operational and administrative-technical affairs for the Coordination Body.

X. THE FINAL PART

This strategy includes the Appendix 1 - List of relevant conventions, laws and other acts regulating the domain of migration; and Appendix 2 – List of abbreviations, which are published besides it and signifies an integral part thereof.

This strategy shall be published in the "Official Gazette of the Republic of Serbia".

05 Number:

In Belgrade, 23 July 2009

Government

First Deputy Prime Minister -
Deputy Prime Minister

Ivica Dacic

APPENDIX 1

LIST OF RELEVANT CONVENTIONS, LAWS AND OTHER ACTS REGULATING THE DOMAIN OF MIGRATION

- Decree on ratification of the UN Convention Relating to the Status of Refugees together with Final Act of the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons („Official Gazette FPRY-International Agreements“ No. 7/60);
- Decree on ratification of the UN Protocol Relating to the Status of Refugees („Official Gazette SFRY-International Agreements“ No. 15/67);
- Declaration of Regional Ministerial Conference on Refugee Returns (Sarajevo Declaration) signed on 31 January 2005;
- Law on ratification of the UN Convention on the Rights of the Child („Official Gazette SFRY-International Agreements“ No. 15/90 and „Official Gazette FRY-International Agreements“ No. 4/96 and 2/97);
- Law on ratification of the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography to the UN Convention on the Rights of the Child („Official Gazette FRY-International Agreements“ No. 7/02);
- Law on ratification of the Convention on the Elimination of all Forms of Discrimination against Women („Official Gazette SFRY-International Agreements“ No. 11/81);
- Law on ratification of the Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women („Official Gazette SFRY-International Agreements“ No. 13/02);
- Law on ratification of the Protocol to amend the International Convention for the Suppression of the Traffic in Women and Children and the International Convention for the Suppression of the Traffic in Women of Full Age („Official Gazette FPRY“ No. 41/50);
- Law on ratification of the UN Convention against Transnational Organized Crime and its protocols („Official Gazette FRY-International Agreements“ No. 6/01), namely:
 - Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime („Official Gazette FRY-International Agreements“ No. 6/01)
 - Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime („Official Gazette FRY-International Agreements“ No. 6/01);
- Law on ratification of the UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others („Official Gazette FPRY“ No. 2/51);
- Law on ratification of the Council of Europe Convention on Action against Trafficking in Human Beings („Official Gazette RS-International Agreements“ No. 19/09);
- Law on ratification of the Convention on the Civil Aspects of International Child Abduction („Official Gazette SFRY-International Agreements“ No. 7/91);
- Decree on ratification of the UN Convention on Realization of Alimentation Requests Abroad („Official Gazette FPRY-Addendum“ No. 2/60);
- Decree on ratification of the ILO Convention No. 122 concerning Employment Policy („Official Gazette SFRY-International Agreements“ No. 34/71);

- Decree on ratification of the ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation („Official Gazette FPRY“ No. 3/61);
- Decree on ratification of the International Labor Organization Convention No. 97 concerning Migration for Employment („Official Gazette FPRY-International Agreements“ No. 3/62);
- Law on ratification of the ILO Convention No. 143 concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers („Official Gazette SFRY-International Agreements“ No. 12/80);
- Decree on ratification of the ILO Convention No. 88 concerning the Organization of the Employment Service („Official Gazette FPRY-International Agreements“ No. 9/58);
- Law on ratification of the ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor and ILO Recommendation No. 190 concerning the Prohibition and Immediate Action for the elimination of the worst forms of child labor („Official Gazette FRY-International Agreements“ No. 2/08);

- Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ L 158 of 30 April 2004, p.77-123);
- Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents (OJ L 16 of 23 January 2004, p. 44-53);
- Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification (OJ L 251, 3.10.2003, p. 12–18);
- Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service (OJ L 375 from 23rd December 2004, p. 12-18);

- Law on Ratification of Agreement between Federal Government of Federal Republic of Yugoslavia and Government of Republic of Italy on re-admittance of persons who do not or who no longer fulfill conditions for entrance and stay in the territory of the other state (“Official Gazette of FRY-International Agreements”, No. 5/98);
- Law on Ratification of Agreement between Federal Government of Federal Republic of Yugoslavia and Government of Republic of Bulgaria on return and admittance of illegally residing persons in the territory of two countries (“Official Gazette of FRY-International Agreements”, No. 1/01);
- Law on Ratification of Agreement between Federal Government of Federal Republic of Yugoslavia and Government of Republic of Slovenia on re-admittance of persons who do not or who no longer fulfill conditions for entrance and stay in the territory of the other state (“Official Gazette of FRY-International Agreements”, No. 9/01);
- Law on Ratification of Agreement between Federal Government of Federal Republic of Yugoslavia and Government of Republic of Slovakia on re-admittance of persons who do not or who no longer fulfill conditions for entrance and stay in the territory of the other state (“Official Gazette of FRY-International Agreements”, No. 1/02);
- Law on Ratification of Agreement between Federal Government of Federal Republic of Yugoslavia and Government of Republic of Hungary on return and admittance of illegally residing persons in the territory of two countries (“Official Gazette of FRY-International Agreements”, No. 12/02);

- Law on Ratification of Agreement between Federal Government of Federal Republic of Yugoslavia and Government of Kingdom of Denmark on re-admittance of persons who do not or who no longer fulfill conditions for entrance and stay in the territory of the other state (“Official Gazette of FRY-International Agreements”, No. 12/02);
- Law on Ratification of Agreement between Federal Government of Federal Republic of Yugoslavia and Government of Kingdom of Belgium, Grand Duchy of Luxembourg and Government of Kingdom of Netherlands on re-admittance of persons who do not or who no longer fulfill conditions for entrance and stay in the territory of the other state (“Official Gazette of FRY-International Agreements”, No. 12/02);
- Law on Ratification of Agreement between Federal Government of Federal Republic of Yugoslavia and Government of Federal Republic of Germany on re-admittance of persons who do not or who no longer fulfill conditions for entrance and stay in the territory of the other state (“Official Gazette of FRY-International Agreements”, No. 2/03);
- Law on Ratification of Agreement between Federal Government of Federal Republic of Yugoslavia and Government of Kingdom of Sweden on re-admittance of persons who do not or who no longer fulfill conditions for entrance and stay in the territory of the other state (“Official Gazette of FRY-International Agreements”, No. 2/03);
- Agreement between Council of Ministers of Serbia and Montenegro and Federal Government of Austria on return and admittance of persons with illegal residence (Agreement on Readmission) with Protocol (“Official Gazette of FRY-International Agreements”, No. 3/04);
- Agreement between Federal Government of Federal Republic of Yugoslavia and Swiss Federal Council on return and admittance of Yugoslav and Swiss citizens obliged to leave the territories of these countries, with Protocol (“Official Gazette of SMN-International Agreements”, No. 9/04);
- Agreement between Federal Government of Federal Republic of Yugoslavia and Government of Republic of Croatia on return and admittance of persons whose entrance or residence in the territory of the other state illegal and Protocol for implementation of the Agreement between Federal Government of Federal Republic of Yugoslavia and Government of Republic of Croatia on return and admittance of persons whose entrance or residence in the territory of the other state illegal, with addendums (“Official Gazette of SMN-International Agreements”, No. 9/04);
- Law on Ratification of Agreement between the Council of Ministers of Serbia and Montenegro and Council of Ministers of Bosnia and Herzegovina on re-admittance of persons who do not or who no longer fulfill conditions for entrance and stay in the territory of the other state, with Protocol („Official Gazette of SMN-International Agreements”, No. 22/04);
- Law on Ratification of Agreement between the Council of Ministers of Serbia and Montenegro and Government of Canada on re-admittance of persons who do not or who no longer fulfill conditions for entrance and stay in the territory of the other state, with Protocol („Official Gazette of RS-International Agreements”, No. 3/06);
- Law on Ratification of Agreement between the Council of Ministers of Serbia and Montenegro and Government of the Republic of France on return and admittance of persons in irregular situation („Official Gazette of RS-International Agreements”, No. 103/07);
- Law on Ratification of Agreement between the Republic of Serbia and European Community on readmission of illegally residing persons („Official Gazette of RS-International Agreements”, No. 103/07);
- Law on Asylum („Official Gazette of RS”, No. 109/07);

- Law on Foreigners („Official Gazette of RS”, No. 97/08);
- Law on Protection of State Borders („Official Gazette of RS”, No. 97/08);
- Law on Identification Card („Official Gazette of RS”, No. 62/06);
- Law on Travel Documents („Official Gazette of RS”, No. 90/07, 116/08);
- Law on Employment and Insurance in Case of Unemployment („Official Gazette of RS”, No. 36/09);
- Law on the Protection of the Citizens of the Federal Republic of Yugoslavia working abroad („Official Gazette of the FRY”, No. 24/98 and „Official Gazette of RS”, No. 101/05);
- Law on the Conditions of Employment of Foreign Citizens („Official Gazette of RS”, No. 101/05);
- Labor Law („Official Gazette of RS”, No. 24/05, 61/05);
- Amnesty Law („Official Gazette of RS”, No. 33/06);
- Law on Citizenship of the Republic of Serbia („Official Gazette of RS”, No. 135/04, 90/07);
- Law on the Registry Books („Official Gazette of RS”, No. 20/09);
- Law on Confirmation of Convention on Police Cooperation in South East Europe („Official Gazette of RS”, No. 70/07);
- Law on Confirmation of Agreement on Stabilization and Association Agreement between the European Communities and their Member States, on the one hand, and the Republic of Serbia, on the other hand („Official Gazette of RS”, No. 83/2008);
- Law on Confirmation of the Agreement on Succession Issues („Official Gazette of FRY – International Agreements”, No. 6/02);
- Criminal Law („Official Gazette of RS”, No. 85/05, 88/05 and 107/05);
- Law on Refugees („Official Gazette of RS”, No. 18/1992, 45/2002 and „Official Gazette of the FRY”, No. 42/2002);
- Law on Health Care (“Official Gazette of RS ", No. 107/2005);
- Law on Basics of the System of Education and Upbringing (“Official Gazette of RS ", No. 62/03, 64/03, 58/04, 62/04, 79/05 and 101/05);
- Law on Primary School (“Official Gazette of RS ", No. 50/92, 53/93, 67/93, 48/94, 66/94, 22/02, 62/03 and 101/05);
- Law on Secondary School (“Official Gazette of RS ", No. 50/92, 53/93, 67/93, 48/94, 24/96, 23/02, 25/02, 62/03, 64/03 and 101/05);
- Law on Higher Education (“Official Gazette of RS”, No. 76/05, 100/07 и 97/08).

APPENDIX 2

LIST OF ABBREVIATIONS

AP	- Autonomous Province
BC	- Border Crossing
BP	- Border Police
DBP	- Department of Border Police
DCR	- Diplomatic Consular Representation
DP	- Diplomatic Passport
EU	- European Union
EULEX	- The European Union Rule of Law Mission in Kosovo
FRONTEX	- European Agency for the Management of Operational Cooperation at the External Borders of the Member States of European Union
FRY	- Federal Republic of Yugoslavia
HCIT	- Humanitarian Center for Integration and Tolerance
ICAO	- International Civil Aviation Organization
IDP	- Internally Displaced Persons
IPA	- Instrument for Pre-Accession Assistance
KFOR	- Kosovo Force
MD	- Ministry of Diaspora
ME	- Ministry of Education
MERD	- Ministry of Economy and Regional Development
MFA	- Ministry of Foreign Affairs
MH	- Ministry of Health
MHMR	- Ministry of Human and Minority Rights
MI	- Ministry of Interior
MIPD	- Multi-annual Indicative Planning Documents
MKM	- Ministry for Kosovo and Metohija
MLSP	- Ministry of Labor and Social Policy
MPALG	- Ministry for Public Administration and Local Self-Government
OSCE	- Organization for Security and Cooperation in Europe
OP	- Official Passport
PA	- Police Administration
SFRY	- Socialistic Federal Republic of Yugoslavia
SMN	- Serbia and Montenegro
SORS	- Statistical Office of the Republic of Serbia
UIS	- Unique Information System
UNDP	- United Nations Development Programme
UNHCR	- United Nations High Commissioner for Refugees
UNMIK	- UN Interim Administration Mission in Kosovo
UNSC	- United Nations Security Council

* The data used in the Strategy, unless indicated differently, are the official data of institutions of Republic of Serbia