

INTERACT – RESEARCHING THIRD COUNTRY NATIONALS’ INTEGRATION AS A THREE-WAY PROCESS - IMMIGRANTS, COUNTRIES OF EMIGRATION AND COUNTRIES OF IMMIGRATION AS ACTORS OF INTEGRATION

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Policy and Institutional Frameworks Country Report Serbia

Vladimir Petronijević

INTERACT Research Report 2014/25

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Integration

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Country Report
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Policy and Institutional Frameworks – Country Report Serbia

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INTERACT - Researching Third Country Nationals' Integration as a Three-way Process - Immigrants, Countries of Emigration and Countries of Immigration as Actors of Integration

Around 25 million persons born in a third country (TCNs) are currently living in the European Union (EU), representing 5% of its total population. Integrating immigrants, i.e. allowing them to participate in the host society at the same level as natives, is an active, not a passive, process that involves two parties, the host society and the immigrants, working together to build a cohesive society.

Policy-making on integration is commonly regarded as primarily a matter of concern for the receiving state, with general disregard for the role of the sending state. However, migrants belong to two places: first, where they come and second, where they now live. While integration takes place in the latter, migrants maintain a variety of links with the former. New means of communication facilitating contact between migrants and their homes, globalisation bringing greater cultural diversity to host countries, and nation-building in source countries seeing expatriate nationals as a strategic resource have all transformed the way migrants interact with their home country.

INTERACT project looks at the ways governments and non-governmental institutions in origin countries, including the media, make transnational bonds a reality, and have developed tools that operate economically (to boost financial transfers and investments); culturally (to maintain or revive cultural heritage); politically (to expand the constituency); legally (to support their rights).

INTERACT project explores several important questions: To what extent do policies pursued by EU member states to integrate immigrants, and policies pursued by governments and non-state actors in origin countries regarding expatriates, complement or contradict each other? What effective contribution do they make to the successful integration of migrants and what obstacles do they put in their way?

A considerable amount of high-quality research on the integration of migrants has been produced in the EU. Building on existing research to investigate the impact of origin countries on the integration of migrants in the host country remains to be done.

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Abstract

In Serbia, migration, and particularly labour migration, has been of little importance to state institutions and the public. However, migration management has become important in the context of European integration. Unfortunately, Serbia still lacks independent migration studies at its universities. The lack of interest among the Serbian academic community has been reflected in a muddled national policy approach towards Serbian emigration and the diaspora. Although there have been improvements in the legal and strategic framework, the implementation of these acts and the results of these policies are still missing. In 2009, as part of the visa liberalisation between Serbia and the EU, the Serbian Government adopted the Migration Management Strategy. The Migration Management Strategy was followed by the Law on Migration Management, adopted in November 2012. The public debate in Serbia is now more focused on obstacles related to the recognition of foreign diplomas. Highly-skilled returnees are faced with very expensive and long procedures for diploma recognition. Although readmission has become very important during the EU integration process, returnees are still faced with obstacles in the reintegration process.

Key words: migration management, labour migration, readmission, recognition of diplomas, EU integration

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1. Introduction

In Serbia, migration and particularly labour migration were of little importance to state institutions and the public. However, migration management has become important with European integration. Serbia wants to develop its knowledge-based economy and a competitive workforce that can cope with the pressures of the European market. As such it will have to respond to these changes by developing adequate migration policies, especially labour migration policies. IOM (2010) stresses that “the justification for developing a labour migration policy in the Republic of Serbia can be distilled down to [the] *three most important arguments*: EU integration, [the] growing importance of economic migration among other migratory flows, and the impact of labour migration on Serbia’s overall development and labour market regulation”.

Unfortunately, Serbia still lacks independent migration studies at its universities. The lack of interest among the Serbian academic community has been reflected in a muddled national policy approach towards Serbian emigration and the diaspora. Although, there have been improvements in the legal and strategic framework, these acts and policy results still need to be implemented.

The new 2012 Serbian government shows more interest in highly educated emigrants. The new Serbian Minister for Finance is a 29-year old Yale graduate and an emigrant (Radio-televizija Srbije 2013). The decision to appoint an emigrant as a finance minister raised hopes that Serbia’s migration policy will be more focused on the economic and social potentials of emigrants and diaspora than on cultural, mostly religious ties.

2. Description of state-level emigration or diaspora policies – national level

2.1 General legislation and strategies on migration

As part of the visa liberalisation between Serbia and the EU, the Serbian Government adopted, in 2009, the Migration Management Strategy.¹ This Strategy, which runs up to 2014, aims to establish mechanisms for the overall and “comprehensive and consistent monitoring of migration flows in the Republic of Serbia” (The Government of the Republic of Serbia 2009a: 34, Specific objective 1). As well as integrating “the strategic, legal and institutional framework for the joint management of migration” (Ibidem: 36, Specific objective 2). The Strategy has been adopted as a prerequisite for visa liberalization between Serbia and the EU. In this context, the document proclaims “normative prerequisites for a comprehensive and effective migration management harmonized with EU standards” (Ibidem: 38, Specific objective 3). The Migration Management Strategy has been followed by the Law on Migration Management,² adopted in November 2012. Article 1 stipulates that “this law establishes migration management system, principles, institutions responsible for migration management, and a unified system of gathering, and exchange of information”.³

¹ *Official Gazette of Republic of Serbia (RS)*, no. 59/09.

² *Official Gazette of RS*, no. 107/12.

³ Law on Migration Management, Article 1, available on:
http://www.kirs.gov.rs/docs/Zakon_o_upravljanju_migracijama.pdf [Accessed 10 September 2014]. More in English available on: <http://www.kirs.gov.rs/articles/aboutmig.php?lang=ENG> [Accessed 10 September 2014].

2.2 Emigration

a) Legislation and bilateral agreements

In Serbia, the Constitution of the Republic of Serbia⁴ in “Article 13 entitled Protection of citizens and Serbs abroad, stipulates that the Republic of Serbia will protect the rights and interests of its citizens abroad, as well as developing and promoting relations of Serbs living abroad with the homeland” (Group 484 and Nexus 2012: 19). The Law on the Protection of Citizens of the Federal Republic of Yugoslavia when Working Abroad,⁵ is still on force, though this law was adopted by the Yugoslav state in 1998. “This Law regulates, among other things, the protection of employees in the process of their employment abroad. Protection of citizens working for foreign employers, in terms of this Act, includes: at least equal treatment with regard to working conditions, safety at work, wage and labour rights equal to nationals of the employment, obtaining work permits and residence; health and disability insurance, pension, insurance on the protection of the family; unemployment insurance, health care, etc.” (Group 484 and Nexus 2012: 19). More important is the Law on Employment and Insurance in Case of Unemployment, 2009.⁶ This Law contains provisions regulating the procedure for the employment of Serbian citizens abroad.⁷

Serbian nationals work abroad under different conditions: “through general employment contracts on working abroad, bilateral agreements on employment signed by countries, and assignment and detachment agreements (with Germany only). All Serbian nationals employed abroad must be treated at least equally as national workers in the context of their working rights” (Group 484 and Nexus 2012: 19). Serbia has signed 27 bilateral agreements on social security,⁸ which regulate pensionable services, health insurance, pension payments and other benefits for workers abroad.⁹

Serbia also signed and ratified in 1989 a detachment agreement with Germany,¹⁰ as well as a Regulation on the Ratification of the Agreement between the Government of Yugoslavia and Federal Republic of Germany on the Employment of Yugoslav nationals in the Federal Republic of Germany, as a form of war reparation (1969).¹¹ “The detachment year lasts from September to September and implies a strict number of people that can be sent to work abroad. The average Serbian annual quota according to the detachment is 2000” (Group 484 and Nexus 2012: 20). Serbia has also signed two agreements on the temporary employment of our nationals with the Republic of Belarus¹² and Bosnia and Herzegovina. “These agreements oblige the signatory countries to undertake the mutual exchange of information on legislation in the field of labour migration, vacancies for foreign workers, as well as the established annual quota for the employment of foreign workers. They are also obliged to protect

⁴ *Official Gazette of RS*, no. 83/06.

⁵ *Official Gazette of Federal Republic of Yugoslavia (FRY)*, no. 24/98; *Official Gazette of RS*, nos. 101/05 and 36/09.

⁶ *Official Gazette of RS*, no. 36/09.

⁷ The procedure is described in section Emigration, subsection Responsible institutions.

⁸ Among these countries, Serbia has signed bilateral agreements with nineteen EU countries: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, France, Germany, Great Britain, Hungary, Italy, Luxembourg, Netherlands, Poland, Romania (only health insurance), Slovakia, Slovenia and Sweden.

⁹ Texts of the agreements are available on: <http://www.pio.rs/sr/lt/medjunarodni-sporazumi/>.

¹⁰ *Official Gazette of Socialist Federal Republic of Yugoslavia (SFRY) – International agreements*, no. 11/89.

¹¹ *Official Gazette of SFRY – International agreements*, no. 1/69.

¹² Law on the Ratification of the Agreement between the Government of the Republic of Serbia and the Government of the Republic of Belarus on temporary Employment of Serbian nationals in the Republic of Belarus and Belarus nationals in the Republic of Serbia (*Official Gazette of RS – International Agreements*, no. 105/2009).

the rights of persons who are nationals of one of the signatory countries, who are legally and temporarily employed in the territory of another signatory country without permanent residence, and who are not subject to any form of discrimination in that respect. In April, 2011 the draft agreement with Russia was created, and an identical agreement is expected to be signed with the Republic of Slovenia. Signing and implementing such bilateral agreements with other countries ensures greater labour mobility, reduces unemployment in the country of origin and contributes to reducing discrimination against Serbian nationals in destination countries” (Group 484 and Nexus 2012: 20).

b) Responsible Institutions

The Ministry of Economy and Regional Development was responsible 2008-2012, and the Ministry of Labour and Social Affairs and the National Employment Service (NES) is now responsible for the employment of unemployed nationals abroad. The Ministry of Labour and Social Affairs is responsible, as well, and for the assignment of employed Serbian citizens in other countries. Assignment is related to the workers employed in Serbia who have been sent to work abroad by their firms. The request to employ Serbian nationals abroad was filed by the foreign employer to the Ministry of Labour and Social Affairs. In case there is a need for job matching in employing unemployed persons who are registered at the NES, the relevant ministry can ask the NES to make a pre-selection and to conduct interviews with candidates in order to give them a sense of working conditions. The NES as well as the Ministry of Labour and Social Affairs are authorised and responsible for checking contracts between foreign employers and Serbian workers.¹³ If the foreign employer contacts NES branches in Republic of Serbia territory, they are obliged to inform the NES Headquarters and the Ministry.

2.3 Diaspora

a) Legislation

The Serbian Government has adopted the Declaration on proclaiming relations between the homeland and diaspora as the relation of the highest state and national interest¹⁴ and the Strategy of preserving and strengthening relations between the mother country and diaspora and between the mother country and Serbs of the region (2011). With this Declaration and Strategy, relations between the homeland and diaspora are “marked as relations of the highest state and national significance”.¹⁵ Fewer than three years after the adoption of the Constitution of the Republic of Serbia, in 2009 the Serbian parliament adopted the Law on Diaspora and Serbs in the Region.¹⁶ Serbia and its diaspora are for the first time connected through the Diaspora Assembly, which was constituted in July 2010. The Diaspora Assembly has 45 delegates¹⁷ and the Serbian President, the Prime Minister, relevant ministers, representatives of the Serbian Academy of Arts and Sciences, the Serbian Orthodox Church,

¹³ Law on Employment and Insurance in Case of Unemployment, Articles 95-100, available on: <http://www.zso.gov.rs/doc/Law%20on%20Employment%20and%20Unemployment%20Ins.pdf> [Accessed 10 September 2014].

¹⁴ *Official Gazette of RS*, no. 86/06.

¹⁵ Declaration on proclaiming the relation between the homeland and diaspora as the relation of the highest state and national interest, Section I, Paragraph I, available on: <http://dijaspora.gov.rs/wp-content/uploads/2012/12/deklardijasp01.pdf> [Accessed 10 September 2014].

¹⁶ *Official Gazette of RS*, no. 88/09.

¹⁷ Law on Diaspora and Serbs in the Region, Article 17, Paragraph 1, available on: http://dijaspora.gov.rs/wp-content/uploads/2012/12/Zakon_o_dijaspori.pdf [Accessed 10 September 2014].

the Chamber of Commerce and the state media all participate.¹⁸ On 21 April 2011, three Councils of the Diaspora Assembly were formed: the Economic Council, the Council for Status Issues and the Council for Educational, Cultural and Sports Cooperation.¹⁹ According to the Law on Diaspora, the term Diaspora will refer to “all Serbs living abroad, regardless of whether they are citizens of Serbia or not”.²⁰ Furthermore, the Law has a wide definition of the terms “Serb” and “Serbian diaspora”. The Law stipulates a definition of Diaspora that includes not only Serbian citizens living abroad, but also Serbs who lived in the South-Eastern region (Bosnia and Herzegovina, Slovenia, Croatia, Albania, Montenegro, Macedonia, Hungary and Romania), as well as their descendants regardless of their citizenship. For example, according to the Law, a descendant of a Serb who lived in Bosnia and who has Bosnian citizenship, even if they live outside Bosnia, is recognized as a member of the Serbian diaspora according to the Law. The law also requires a Diaspora Register. According to the Law, the Ministry for Diaspora (now the Governmental Office)²¹ is responsible for supporting projects which will enable the diaspora to learn Serbian, apply for grants and scholarships and ask for similar support.²² The law establishes that relations between the homeland and diaspora have to be strengthened through the promotion of economic cooperation.²³

b) Responsible Institutions

The Office for Cooperation with the Diaspora and Serbs in the Region “provides technical services for the Government and relevant ministries related to the monitoring of the status of Serbian nationals living outside of the Republic of Serbia, supports the process of improving the conditions for the exercise of voting rights and helps in the preservation and development of the national and cultural identity of the Serbian people outside of Serbia”.²⁴ The Ministry of Foreign Affairs, through diplomatic missions, provides assistance in fostering the diaspora’s national and cultural identity, education and information in Serbian. The Ministry also encourages them to intensify their contacts and relations with Serbia and continually promotes economic, scientific and cultural ties, as well as those in the fields of information, sports and other mutual links.

¹⁸ Law on Diaspora and Serbs in the Region, Article 17, Paragraph 2, available on: http://dijaspora.gov.rs/wp-content/uploads/2012/12/Zakon_o_dijaspori.pdf [Accessed 10 September 2014].

¹⁹ More: Law on Diaspora and Serbs in the Region, Article 23-26, available on: http://dijaspora.gov.rs/wp-content/uploads/2012/12/Zakon_o_dijaspori.pdf [Accessed 10 September 2014].

²⁰ Law on Diaspora and Serbs in the Region, Article 2, Paragraph 1, available on: http://dijaspora.gov.rs/wp-content/uploads/2012/12/Zakon_o_dijaspori.pdf [Accessed 10 September 2014].

²¹ The Ministry of Diaspora existed during previous government of RS which has been in power in 2008-2012. After election process new appointed government has established Office for Diaspora, in August 2012.

²² More: Law on Diaspora and Serbs in the Region, Article 2, Paragraph 2 and Article 6, available on: http://dijaspora.gov.rs/wp-content/uploads/2012/12/Zakon_o_dijaspori.pdf [Accessed 10 September 2014].

²³ More: Law on Diaspora and Serbs in the Region, Article 2, Paragraph 3, available on: http://dijaspora.gov.rs/wp-content/uploads/2012/12/Zakon_o_dijaspori.pdf [Accessed 10 September 2014].

²⁴ More: Governmental Decree on Office for Cooperation with the Diaspora and Serbs in the Region 05 no. 110 4805/2012, Article 2, available on: <http://dijaspora.gov.rs/wp-content/uploads/2012/12/uredba2012kzd.pdf> [Accessed 10 September 2014].

2.4 Readmission

a) Legislation

The Strategy of Returnees' Reintegration based on Readmission Agreements (The Government of the Republic of Serbia 2009b).²⁵ This strategy relies on a network of institutions and mutual planned activities and coordinated actions. It aims at directing existing resources into strategically defined areas and helping developing programs, mechanisms and services in accordance with defined returnees needs with full respect of their human rights and their right to diversity.

b) Bilateral Agreements

Between 1996 and 2007 Serbia signed and ratified fifteen international agreements with seventeen countries. Thirteen out of those fifteen agreements were signed with an EU country, namely Germany, Sweden, Denmark, Italy, Belgium, the Netherlands and Luxemburg (one agreement with the countries of Benelux, where Serbia is a contracting party and the countries of Benelux the other), Austria, Slovakia, Bulgaria, France, Hungary and Slovenia. The two remaining agreements were signed with countries that are in the process of joining EU, namely Croatia and Bosnia and Herzegovina. Serbia also signed agreements with Canada and Switzerland. Besides these agreements, in 2005 the country started synchronizing and signing readmission agreements with twelve countries, nine of which are members of the EU (Greece, Great Britain, Romania, Czech Republic, Portugal, Latvia, Lithuania, Spain and Poland), as well as with two non-EU-member states (Norway and Ukraine) and one country in the process of joining the EU (FYR Macedonia). These activities ended 18 September 2007 with the signing of the Agreement between the EU and Serbia on: the readmission of persons residing without authorization; and the Agreement between the European Community and Serbia for visa facilitation.

c) Institutions

The Council for Returnees Reintegration was established 23 October 2008. The Council is a multidisciplinary body which: "reviews and proposes measures and activities for admission, the taking care of and integration of returnees; support of local government measures for helping returnees in accordance with the needs and capacities of the local community; suggests a framework of a interstates dialog on issues of protection and exercising the migrants rights and problems of illegal migration, in order to improve regional cooperation which is of high importance for the returnees" (The Government of the Republic of Serbia 2009b: 20, Section 2.1 Activities and Measures). Council members are representatives of the: "Ministry of Labour and Social Affairs, Ministry of Foreign Affairs, Ministry of Interior, Ministry of Human and Minority Rights, Public Administration and Local Self-Government, Ministry of Health, Ministry of Education and Science, Ministry of Environment, Mining and Spatial Planning, Ministry of Faith and Diaspora, Office for European Integration and the Commissariat for Refugees and Migration" (Ibidem). The Strategy proposes a team for implementation. The team gathers professionals responsible for cooperation with other organizations and institutions. "Collects data, analyzes them, and reports to the Council. The President of the Council is team head".²⁶ The Commissariat for Refugees and Migration and Migration of the Republic of Serbia is obliged, through its units, to: "coordinate and organize primary admission and cooperation with admitting communities; to create the conditions for the successful reintegration of this category of population (prevention of human trafficking, promoting the principles of positive discrimination and realizing additional activities relevant for implementation of the Poverty reduction Strategy, etc.); and for the resolving the issues relevant for preventing secondary migration" (The

²⁵ *Official Gazette of RS*, no. 15/09.

²⁶ More available on: <http://www.kirs.gov.rs/articles/aboutread.php?lang=ENG> [Accessed 10 September 2014].

Government of the Republic of Serbia 2009b: 22, Section 2.1 Activities and Measures). The Commissariat has readjusted the existing collective centres for the admission of the returnees according to readmission agreements. There are three Centres for Emergency Admission of the Returnees in Serbia in which basic services have been provided to returnees in the period of three to fourteen days. These centres are based in Backa Palanka, Sabac and Zajecar. “In February 2006, the Readmission Office was opened at Belgrade airport within the then Ministry of Human and Minority Rights of Serbia and Montenegro for the primary reception of returnees and information assistance. The Commissariat for Refugees of the Republic of Serbia has now the jurisdiction over the Office” (Group 484 and Nexus 2012: 15) and is responsible for the primary admission of any returnees.

3. Relevant policies on local and/or regional level

When it comes to *emigration*, according to legislation, the process is centralised nationally. If the foreign employer contacts NES branches Serbia, they are obliged to inform NES Headquarters and the Ministry of Labour and Social Affairs and to refer the employer to the relevant ministry/NES Headquarters since these are the competences of the Ministry of Labour and Social Affairs. Should there be a need for job matching in employing unemployed persons who are registered at the NES, the relevant ministry can ask NES branches to pre-select and to conduct interviews with candidates in order to inform them of working conditions. The NES as well as the Ministry of Labour and Social Affairs are authorised and responsible for checking contracts between foreign employers and Serbian workers.

When it comes to *the diaspora*, municipalities in Serbia, in their local strategies for development, recognise the diaspora as a resource for local development and the local economy. But, very limited numbers of municipalities have implemented this strategic goal and developed cooperation with the diaspora. Although, local offices for the economic development and cooperation with diaspora exist, local government bodies randomly establish cooperation with diaspora in Serbia.

When it comes to *readmission*, there are trustees, appointed by local governments in cooperation with the Commissariat for Refugees and Migration who register returnees, provide information on rights, obligations and opportunities. “The Centre for Social Welfare provides: counselling and mediation; public kitchen (providing one meal a day); one-time financial assistance, in the Centre for Social Welfare in the municipality in which returnee resides; a free one-way ticket to the place of residence; temporary placement in a shelter – the Centre for Social Welfare shall issue a decision on individual returnee accommodation. After obtaining their personal documents, the returnee is entitled to apply the National Employment Service and thus becomes a user of the services provided by this service”.²⁷

²⁷ Ibidem.

4. Engagement of non-state actors

Serbian civil society organisations are focused on the elimination of obstacles related to the recognition of the qualifications of the Serbian diaspora, gained at universities in Europe and worldwide. Group 484 (www.grupa484.org.rs) advocates more effective cooperation with emigration and diaspora in the context of development. In coalition with other civil-society organisations, Group 484 advocates efficient legislation for the recognition of foreign diplomas: the Belgrade Foundation for Political Excellence, the Serbian City Club and Repats Serbia (<http://www.ossi.rs/>). The associations of the Serbian Diaspora are particularly devoted to the preservation of the Serbian language and script, culture, traditional values, literature, music and other aspects of the ethnic identity. Numerous institutions have enabled this preservation: the Serbian Orthodox Church, various community associations (for example the Serbian Association in Sweden; the Serbian Cultural Forum in Austria; the Serbian Unity Congress) and a series of charitable institutions.²⁸

5. Stakeholders and actors active in emigration and diaspora policy

The Coordination Body for Migration Monitoring and Management was established by the Serbian government.²⁹ According to this Strategy, the Coordination Body is responsible for: “guidance on the operations of ministries and special organizations in defining goals and priorities of the migration policy; guidance on the operations of ministries and special organizations in the monitoring and management of migration” (The Government of the Republic of Serbia 2009a: 14, Section 2 Institutional Framework).

The Commissariat for Refugees and Migration performs, *inter alia*, “professional, operational and administrative-technical matters for the Coordination Body for the Monitoring and Management of Migration” (Ibidem). The Commissariat is also responsible “for gathering, compiling and analysing the data necessary for proposing measures related to migration management policy, for providing information relevant to the development of strategic documents in the field of migration to the state authorities, autonomous province and local self-government; for updating the Migration Profile for Serbia etc.”³⁰

The Law on Migration Management obliges local authorities to create local councils for migration. These will conduct migration policies locally. According to the Law, these Councils are responsible for “the creation of the local programmes, measures and the activity plans regarding efficient migration management policy”³¹. The total number of the councils is 128 and they gather various stakeholders including civil society organisations.³²

²⁸ The Serbian Unity Congress (<http://www.serbianunity.com/serbianunitycongress/>); Serbian Association in Sweden (<http://svenskserber.se/>); Serbian Cultural Forum in Austria (<http://www.skforum.at/>); the Serbian Government’s Office for the Diaspora (<http://www.dijaspora.gov.rs/en/>).

²⁹ *Official Gazette of RS*, no. 13/09.

³⁰ More: Law on Migration Management, Article 10, available on: http://www.kirs.gov.rs/docs/Zakon_o_upravljanju_migracijama.pdf [Accessed 10 September 2014]; and on: <http://www.kirs.gov.rs/articles/aboutmig.php?lang=ENG> [Accesses 10 September 2014].

³¹ More: Law on Migration Management, Article 10, available on: http://www.kirs.gov.rs/docs/Zakon_o_upravljanju_migracijama.pdf [Accessed 10 September 2014].

³² More available on: <http://www.kirs.gov.rs/articles/aboutmig.php?lang=ENG> [Accessed 10 September 2014].

6. A short list of relevant agreements

A short list of relevant agreements with a link to the relevant website (if possible in EN or FR):

- agreements on social insurance with 26 countries: <http://www.pio.rs/eng/international-agreements.html>;
- administrative Agreements for the Implementation of the Agreement on social insurance: <http://www.zso.gov.rs/english/administrativni-sporazumi.htm>;
- agreements on (temporary) employment with Bosnia and Herzegovina: http://interact-project.eu/my_files/;³³
- agreements on (temporary) employment with Belarus: http://interact-project.eu/my_files/;
- detachment agreement with Germany: http://interact-project.eu/my_files/;
- readmission agreement with EU:
<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32007D0819>;
- readmission agreement with Montenegro:
http://migracije.org/bilateralni_i_multilateralni_sporazumi_izmedju_zemalja_u_regionu;
- readmission agreement with Republic of Albania:
http://migracije.org/bilateralni_i_multilateralni_sporazumi_izmedju_zemalja_u_regionu;
- readmission agreement with the Republic of Macedonia:
http://migracije.org/bilateralni_i_multilateralni_sporazumi_izmedju_zemalja_u_regionu;
- readmission agreement with the Kingdom of Norway:
http://migracije.org/bilateralni_i_multilateralni_sporazumi_izmedju_zemalja_u_regionu;
- readmission agreement with the Republic of Croatia:
http://migracije.org/bilateralni_i_multilateralni_sporazumi_izmedju_zemalja_u_regionu;
- readmission agreement with Canada:
http://migracije.org/bilateralni_i_multilateralni_sporazumi_izmedju_zemalja_u_regionu
- readmission agreement with Swiss Confederation:
http://migracije.org/bilateralni_i_multilateralni_sporazumi_izmedju_zemalja_u_regionu

7. An assessment of implementation and non-implementation

Within the programme *Support for National Efforts for the Promotion of Youth Employment and Management of Migration*, an IOM expert has mapped all the existing data on migration and their sources. The expert has offered a possible log-frame for a labour migration strategy for 2010-2020 for Serbia: *Towards Developing a Policy on Labour Migration in the Republic of Serbia*. Three key objectives are proposed: 1) creating an effective and result-oriented administrative framework for labour migration policy development and monitoring; 2) Streamlining existing mechanisms to support the inclusion of migration affected – or potential migrant – population into the Serbian labour market (readmitted and returning nationals, population from the areas with high propensity to migrate, unemployed youth); and 3) Active Measures for supporting the implementation of the first two objectives (IOM 2010: 16).

³³ Since it is not possible to find Agreements on (temporary) employment either with BiH or Belarus, nor Detachment agreement with Germany online, documents have been uploaded on Interact platform (category Legal documents).

The public debate in Serbia is now more focused on the obstacles related to the recognition of a foreign diploma. Highly-skilled returnees are faced with very expensive and long procedures for diploma recognition. Although, new Laws on Higher Education have been debated, there is no interest in improving the current situation. Many NGOs in Serbia advocate the procedure which exists in neighbouring countries. In Croatia, there is a specialized office “responsible for this procedure. It has seven employees, and it operates within the Agency for Science and Higher Education. The procedure consists of the formal recognition of the value of the acquired qualifications, or knowledge and skilled acquired by qualifications, without comparison of study programs” (Group 484 2011b: 25).

The engagement of the Serbian government in supporting Serbian emigration abroad is not systematic. In the Working Plan for 2013, the Office for the Diaspora planned to map and identify Serbian Language schools abroad and to support their activities. It also planned to support the official recognition of their work in destination countries, but nothing has been done. Serbian Language schools are mostly financed and supported by Diaspora associations, such as the Serbian Council of Great Britain. Governmental support is randomly organised through the restricted scale of projects for Serbian Diaspora Associations.

According to the Election Law, Serbian citizens living abroad are entitled to vote, but only in embassies and consular premises, if the Ministry of Interior was notified of their place of residence abroad prior to their leaving. According to the Law on Residence, all Serbian citizens are obliged to notify the Ministry of Interior of their new place of residence abroad. Voting by letter or electronically is not allowed. Diaspora members have passive voting rights, but there is not a separate voting unit for the diaspora alone, as Serbia is treated as one electoral unit.

The law on Serbian citizenship³⁴ in Article 23 prescribes that “Serbian nationals or individuals from another nation or ethnic group from the territory of the Republic of Serbia, who are not residing in the territory of the Republic of Serbia, can be given Serbian citizenship if they are 18 years old and if they are not deprived of working capacity and if they submit a written statement where they state that the Republic of Serbia is their state. Subject to conditions defined in the par. 1 of this Article, a person born in another republic of the former Social Federal Republic of Yugoslavia who had citizenship of that republic or who is a citizen of another state created in the territory of the former Socialist Federal Republic of Yugoslavia, and who reside in Serbia as a refugee, expatriate or displaced person or who have been exiled abroad, can be given Serbian citizenship”.³⁵ This legislative solution has practically eliminated the obstacles for obtaining citizenship for all members of the diaspora, and thus offers access to rights in Serbia.

Most returnees are Roma and low-skilled migrants. The National Employment Strategy 2011-2020³⁶ recognizes the need for the social inclusion of the Roma, especially those who do not speak Serbian. “The educational authorities and schools have had a very flexible approach to the problems of the children of returnees. In cases where documents are not available, children are enrolled in schools conditionally, and the method for the validation and acceptance of previous education is established for the children of returnees. The most common problems are the fact that the children of the returnees do not speak Serbian or can barely speak it, and the lack of initiative in the schools to organize additional classes” (Group 484 2011a: 83).

³⁴ *Official Gazette of RS*, no. 135/04.

³⁵ Law on the citizenship of the Republic of Serbia, Article 23, available on: <http://www.mup.gov.rs/domino/zakoni.nsf/Law%20on%20Citizenship.pdf> [Accessed 10 September 2014].

³⁶ *Official Gazette of RS*, nos. 55/05, 71/05 – correction, nos. 101/07, 65/08 and 16/11.

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