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Visa Policy – Part of the Migration Management System in Serbia

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After the European Commission published its latest Serbia Report, the Serbian visa policy issue came up high on EU and Serbian officials' as well as local public's list of priorities. Serbia was requested to align its visa policy as soon as possible and to cancel the visa-free regime especially for the nationals of Burundi, Tunisia, Cuba and India. The key reasons provided for such a decision are [Frontex statistics](#) indicating that the Western Balkan Route has remained the most active migration route for illegal border crossings into EU in 2022. Additional arguments provided are the statistics indicating an increase in the number of asylum applications lodged by nationals of these countries in EU Member States.

The local population regards the visa policy issue through the risk of implementing the proposed measure of last resort involving the suspension of the visa-free travel to the EU for Serbian citizens. Serbian officials have extended [assurances](#) that they will take the necessary steps and that "by the end of the year, Serbia will align its policy with the EU's visa policy, so that nobody could use it to illegally reach the west through it." For now, the Government of the Republic of Serbia has made a Decision abolishing visas for entry to the Republic of Serbia for the nationals of the Republic of Burundi who are holders of diplomatic and official passports.¹ Such a decision has not yet been made for the nationals of Tunisia, although the officials in Brussels as far back as in October [welcomed](#) Serbia's important step towards aligning with the EU visa policy envisaging visa abolishment for nationals of Burundi and Tunisia.

Alignment with the EU's visa policy is certainly one of the conditions in the EU accession process, which can be observed and regarded completely independently from the increased illegal movements towards the EU. On the other hand, visa policy and control of foreigners' stay and movement are a part of a wider migration management system. In this regard, it seems important to clarify some of the circumstances related to a wider migration management context and effects that the imposition of visas on some of the above countries may have on illegal movements on the Western Balkan Route, and on the preservation of the visa-free regime for the Serbian nationals travelling to the EU.

Findings of the European Commission's Report on Serbia: Serbia took no steps to align with the EU visa policy

The [European Commission's Report](#) states that Serbia's visa policy is not fully aligned with the EU list of third countries whose nationals are visa exempt or visa-required. The following countries that are on the EU list of visa required countries enjoy visa-free travel to Serbia: Armenia, Azerbaijan, Bahrain, Belarus, Bolivia, Burundi, China, Cuba, Guinea Bissau, India, Indonesia, Jamaica, Kyrgyzstan, Kuwait, Kazakhstan, Mongolia, Oman, Qatar, Russia, Suriname, Tunisia and Turkey. Then it says that "Serbia continued to implement relevant measures to prevent the abuse of the visa-free system it has with the EU under the post-visa-liberalisation process. Serbia did not take concrete steps to further align with EU visa policy."² The part about migration notes that the Western Balkan migratory route continues to be firmly established and to exert pressure on the entire region. Serbia played an active and constructive role in the management of the mixed migration flows towards the EU and continued to cooperate effectively with its neighbours and EU Member States. The Report also states that in 2021 measures were taken towards 12,852 irregular migrants, and that 14,806 migrants were prevented from entering the Serbian territory (a total number of accommodated persons is 68,308).

Statistical data of the Republic of Serbia – transit nature of the migration flow

According to [UNHCR data](#), in January – September 2022 period, authorities reported 84,512 new arrivals in government centres, which is almost twice as much as in the same period in 2021. Records from September indicate that out of a total of 8,151 registered arrivals, 6,183 persons were accommodated in government centres, whereas almost 2,000 of stayed outside the official accommodation capacities.

1 Decision abolishing visas for entry to the Republic of Serbia for the nationals of the Republic of Burundi who are holders of diplomatic and official passports, 'Official Gazette of RS', No. 115/2022. The previous Decision abolishing visas for entry to the Republic of Serbia for the nationals of the Republic of Burundi ('Official Gazette of RS', No. 39/2018) of 2018 envisaged that holders of all Burundi passports could enter, transit through and stay in Serbia without a visa.

2 [Serbia Report 2022](#), p. 64.

Countries of origin of persons who expressed intentions to seek asylum in Serbia in first half of 2022

Country of origin	Number of persons
 Afghanistan	835
 Burundi	543
 Syria	155
 Pakistan	124
 Morocco	54
 Cuba	28
 Guinea-Bissau	24
 Ghana	21
 Bangladesh	20
 India	18
 Palestine	14
 Russia	14
 DR Congo	12
 Iran	11
 Turkey	11
 Cameroon	10
 Other countries	87
Total:	1,981

Source: [UNHCR](#)

As it was the case in the previous period, most of the persons who in the first six months of 2022 were issued certificates of registration of foreigners who expressed intentions to seek asylum in Serbia were registered in regional police directorates (1,301 persons), then at Nikola Tesla Airport (285), whereas at border crossings 334 such persons were registered.³ Statistical data on the measures applied to irregular migrants in 2022 have not been officially published yet.

There are no publicly available data on the number of people from the countries currently assessed as the highest-risk countries who passed through Serbia, nor can non-governmental organisations offer approximate assessments. According to organisations, a small number of nationals of the countries enjoying a visa-free regime with Serbia, currently being assessed as the highest-risk countries, address official institutions and use government accommodation capacities,⁴ and they are mostly present at gathering places close to major cross-border exit points along Serbian borders.

FRONTEX statistics – migrant influx as in 2016

According to [FRONTEX preliminary calculations](#), in the first nine months of this year, nearly 228,240 irregular entries were detected at the external borders of the European Union, which represents an increase of 70% compared with the same period of last year. This is also the highest total number of irregular entries recorded for the first three quarters of the year since 2016. The Western Balkan route continues to be the most active migratory route into the EU with 106,396 detected illegal border crossings, while in September alone there were 19,160 detections, twice as many as a year ago. Most of the detected persons were nationals of Afghanistan, Syria and Turkey.

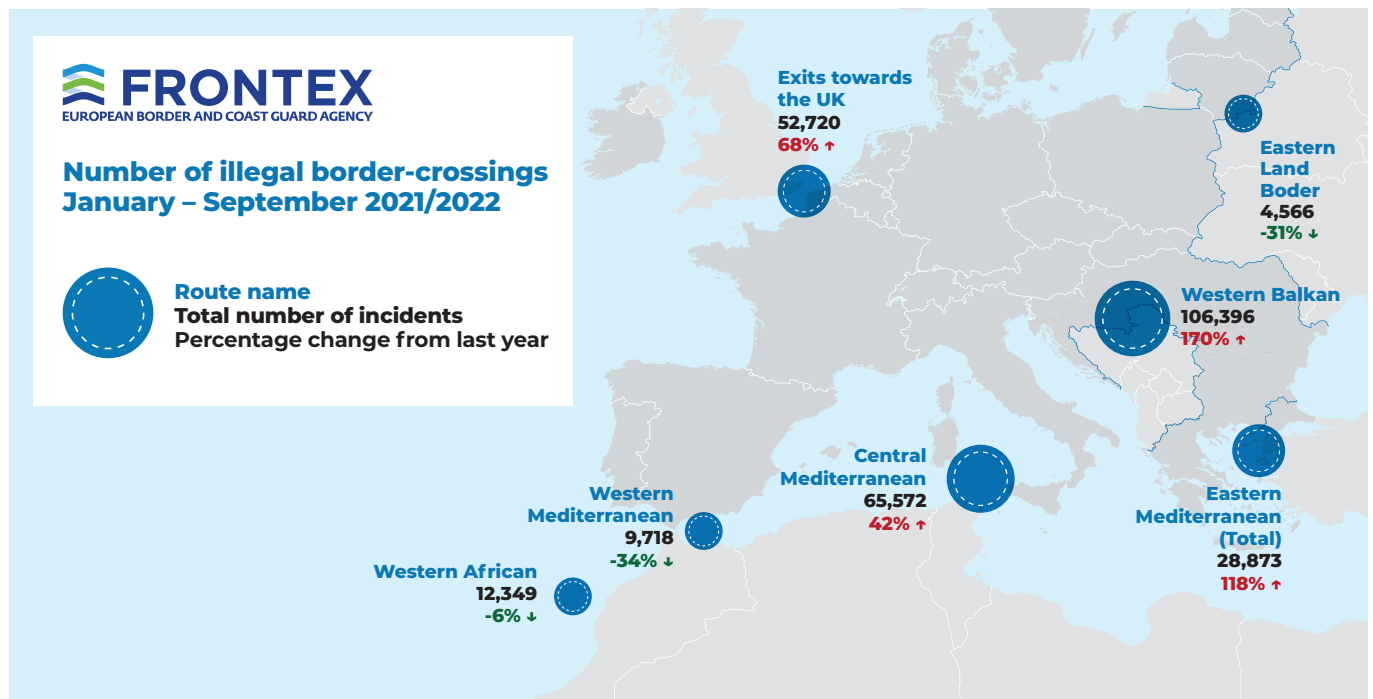
As the Report notes “the high number of illegal border crossings can be attributed to repeated crossing attempts by migrants already present in the Western Balkans.” Factors affecting high number of flows include movement of migrants already present in the region, as well as the people arriving to Serbia by air due to the visa-free regime. A particularly high increase has been recorded on the route through North Macedonia and Serbia. It should be mentioned that the Report also [notes](#) that more than 11 million Ukrainian nationals have entered EU from Ukraine since the start of the war, which doubtlessly indicates a high pressure on the reception capacities of Member States.

3 Belgrade Centre for Human Rights, [Right to Asylum in the Republic of Serbia Periodic Report for January–June 2022](#)

4 For example, [according to the data from March 2022](#) under 12% of the total number of persons accommodated in government centres.



The number of illegal border-crossings, January-September 2022 as compared to the same period last year



Source: Frontex

Visa issue may not be considered separately from the migration policy

In 2018, Serbia faced a similar request due to the increased influx of Iranian nationals. According to the media, during the visa-free regime with this country, which lasted for over a year, more than 15,000 Iranian nationals were staying in Serbia, and many of them used their time in Serbia to make attempts to reach some of the European Union countries, while at the same time, the number of asylum applications lodged by Iranian nationals also increased. Unlike in the previous situation when the effect of the visa abolishment was shortly after reflected on the territory of the European Union, in the current situation, the visa-free regime with some of the countries was introduced over 5 years ago. Therefore, it is justified to bring up the issue of interpretation of the circumstances that could contribute to the increase in 2022, which requests an urgent response. The analysis will leave out the political factors that have affected the situation, due to the Serbia's position on the conflict between Russia and Ukraine.

These factors definitely include limited capacities of the EU Member States. The situation in Ukraine has demanded mobilisation of significant resources for the reception of persons from the Ukrainian territory, and any kind of additional pressure on their systems is a warning that an urgent response is necessary. One of such responses was an attempt to decrease the influx of those countries' nationals for which there is an a priori refutable assumption that they do not deserve the international protection.

On the other hand, when it comes to Serbia, the issue of illegal movements towards the EU territory of nationals of the countries with which there is a visa-free regime in place, may be considered separately from the mixed migration flows challenges detected in the Serbian migration management system. Nationals of the countries enjoying a visa-free regime enter the territory of Serbia legally, unlike the foreigners who are identified in the so called mixed migration flows. However, to leave the Serbian territory and attempt to illegally enter some of the European countries, they use the same/similar routes at external borders, manners for crossing the borders, places of gathering close to borders, support of smuggling networks, etc.

It should be taken into account that the statics for 2022 indicate a continuous increase in the number of migrants transiting through the Republic of Serbia. On the one hand, the number of estimated new arrivals to Serbia has significantly increased compared to the same period last year, whereas the trend of short stays in the accommodation facilities has remained unchanged, and the length of their stay has even shortened. In addition, according to the data from the field, the increase in the number of new arrivals in the country has resulted in new informal migrants' gathering places in border areas and in active routes through all 'exit borders' – BiH, Croatia, Hungary and Romania. A decrease in the number of 'unsuccessful border crossings' and in the number of repeated attempts of border crossings has also been recorded.



Information share among migrants on the possibilities and certainty of crossing a border, besides favourable weather conditions, are important pull factors affecting the migration flow intensity. Moreover, greater availability of green borders and intensified activities and availability of smuggling networks have definitely affected movements of those nationals who are staying in the Republic of Serbia based on the visa-free regime.

This implies that the improvement of border surveillance system, control of foreigners' stay and movement, suppression of irregular migration and fight against smuggling of migrants will also produce effects both on the control and suppression of illegal movements of persons staying in Serbia based on the visa-free regime and arriving from the so called migration-related high-risk countries. Even if Serbia fully aligns its visa policy with the EU's visa policy, this does not mean that the EU will not re-impose conditioning in the situations of increased illegal movements from the territory of Serbia.

Due to labour shortages, increasingly discussed is the necessity of 'importing' labour force by concluding bilateral labour agreements. Some of the countries with which conclusion of such agreements is being discussed are also recognised as migration-related high-risk countries. In this regard, the improvement of all the above mentioned segments of the migration management system must be recognised as a priority to avoid unfavourable evaluations by the EU with regard to meeting the requirements that are subject of the EU monitoring mechanisms and to avoid conditioning with regard to preserving the visa-free regime for the Serbian nationals.

Under which conditions does the EU trigger the visa-free regime suspension mechanism?

In line with the mechanism adopted in 2017, the European Commission can initiate the visa-free regime suspension procedure for a country concerned, in the following circumstances:

1. a substantial increase (more than 50%) in the number people arriving irregularly from visa-free countries, including people found to be staying irregularly, and persons refused entry at the border;
2. a substantial increase (more than 50%) in the number of asylum applications lodged by persons coming from countries with low international protection recognition rate (around 3-4%);
3. a decline in cooperation on readmission;
4. an increased risk to the security of Member States.

The Commission can also trigger the mechanism in case certain requirements are no longer met as regards the fulfilment of the EU visa liberalisation benchmarks.



Recommendations:

- The Republic of Serbia needs to align its visa policy with the EU's visa policy, as soon as possible.
- It is particularly important that the Republic of Serbia enhance its capacities for controlling the movement and stay of foreigners in its territory, for combating irregular migration and smuggling of migrants, while complying with all international and national standards on the protection of migrants' rights; develop the system through a harmonised [improvement of the legislative framework](#), procedures used in practice, institutional and infrastructural capacities and enhancement of regional cooperation.
- Conclusion of bilateral labour agreements with migration-related high-risk countries needs to be accompanied by the conclusion of readmission agreements.

About prEUgovor

Coalition prEUgovor is a network of civil society organisations formed in order to monitor the implementation of policies relating to the accession negotiations between Serbia and the EU, with an emphasis on Chapters 23 and 24 of the Acquis. In doing so, the coalition aims to use the EU integration process to help accomplish substantial progress in the further democratisation of the Serbian society.

Members of the coalition are:

Anti-Trafficking Action (ASTRA)

www.astra.rs

Autonomous Women's Centre (AWC)

www.womenngo.org.rs

Belgrade Centre for Security Policy (BCSP)

www.bezbednost.org

Centre for Applied European Studies (CPES)

www.cpes.org.rs

Centre for Investigative Journalism in Serbia (CINS)

www.cins.rs

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www.transparentnost.org.rs

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