

The EU and Serbia should not restrict freedom of movement of Serbian citizens in the Schengen area

Since December 19, 2009, Serbian nationals traveling within the Schengen area for less than three months are exempt from visa requirements. However, to be effective, this decision was conditioned to Serbia signing an EC readmission agreement with the aim of facilitating the return of Serbian citizens who would have no residence permit in the European Union (EU). More than 4,000 Serbian citizens are reported to have been removed to Serbia through this agreement as well as through other bilateral agreements, in 2010¹.

With the number of asylum seekers from Serbia being on the rise in many European countries, the UE keeps pressuring Serbia into reinforcing surveillance mechanisms at its borders². Consequently, Serbian authorities have asked transport companies to establish more stringent controls. They even consider restricting the right to leave the country to its citizens who would offer sufficient guarantees regarding their return to Serbia³. The main goal is to stop Serbian citizens from seeking asylum abroad.

Since early 2010, some representatives of the Serbian government described asylum seekers from Serbia as “lažni azilante” i.e. “bogus asylum seekers”. More recently, the Serbian Ministry of Interior called upon Roma people not to seek protection abroad since, according to him, this would be detrimental to Serbia’s national interests⁴. Such declarations strengthen the already important discrimination against the Roma community.

Moreover, this project is in breach of international conventions which both the EU and Serbia are party to. The exit of the Serbian territory is conditioned to the non-enjoyment of the fundamental right to seek asylum. Besides, article 13 of the Universal Declaration of Human Rights which guarantees to each individual the right “*to leave any country, including his own, and to return to his country*” would be breached as well.

It should be reminded that the European Court of Human Rights condemned, in many cases, those countries which withdrew or refused to deliver a passport to their citizens to stop them from leaving their country.

As requested by NGOs from Germany, Belgium and Luxembourg, which, in a collective [letter](#), ask Serbia not to infringe on freedom of circulation for its own citizens, Migreurop ask the European Commission and Serbia to refrain from all measures which would limit freedom of circulation of Serbian citizens and would constitute a violation of the right to seek asylum in Europe. We believe that the way towards the entrance of Serbia in the European Union should be in line with the respect of fundamental rights of its nationals and especially the most vulnerable.

The establishment of a free circulation area is a prerequisite to the normalisation of the relations between Serbian and the EU.

¹ Figures made public by the Serbian Ministry of Interior and vice Prime-Minister Ivica Dacic, during a press conference, on February 23, 2011.

² *Melchior Wathelet est en Serbie pour endiguer le flux de demandeurs d'asile*, RTBF (May 23, 2011), http://www.rtf.be/info/belgique/detail_melchior-wathelet-est-en-serbie-pour-endiguer-le-flux-de-demandeurs-d-asile?id=6153233

³ People should thus provide detailed information on their traveling project and on their capacity to cover the expenses induced during their stay in the EU. The Serbian authorities mentioned the possibility to pass a law to ban the issuance of passports for Serbian citizens whose asylum claim would have been rejected abroad.

⁴ EMG.RS (May 9, 2011) Dacic calls on Roma not to seek asylum in EU countries, <http://www.emg.rs/en/news/serbia/154621.html>.