The ‘New Normal’ in Migration Management in Serbia in Times of the COVID-19 Crisis

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ABSTRACT

The COVID-19 pandemic has had severe consequences for the large-scale movement of populations within and across borders. Moreover, the crisis has had serious impacts on origin, transit and destination countries, as well as on migrant workers and their families. This paper aims to enhance the understanding of migration contexts in times of crises, as well as migrant-specific vulnerabilities, including the characteristics of stranded migrants in Serbia. Two phenomena have interacted to influence the shape and intensity of mobility in the country during the pandemic: that of citizens returning from abroad in the wake of the economic downturn and changing labour markets, and that of irregular migrants and asylum seekers stranded in transit along the Western Balkan Migration Route. An emphasis is placed on the challenges faced by migrants, as well as those faced by the country itself in terms of migration governance and management in times of crisis, questioning the existence of barriers to access to support. Despite the fact that these different groups of migrants will experience crises differently, it is important to explore the capacity of the country to assist them, both while in their country of origin and while in transit.

Introduction

There is no single legal framework that ensures comprehensive protection of migrants in times of crisis. During such situations, governments may not have the capacity to protect nor provide assistance and support to their own citizens, making the issue of protecting foreign nationals upon their territory an even greater challenge. The duties to ensure protection and assistance for migrants caught in crises rest with the respective countries of destination, transit and origin in a manner consistent with international humanitarian and human rights law. However, in crisis situations, countries may experience a variety of instabilities that can inhibit their ability to provide the necessary response in terms of adequate assistance. Therefore, a better-coordinated and seamless
homogenization of migration management and humanitarian approaches in the facilitation of an appropriate response to the immediate and mid- to long-term pressures of and upon migrants during times of crises is of immense importance.

The ongoing COVID-19 pandemic—especially during the proclaimed states of emergency in numerous countries in 2020—has had a major impact on the living realities of migrants, be they labour or forced ones, as well as their needs and aspirations. This health crisis has posed extraordinary and unprecedented challenges to societies across the globe, giving rise to serious economic and social consequences for countries of origin, transit and destination, as well as for migrant workers and their families themselves. Globally, governments have adopted measures that have introduced significant changes in people’s everyday livelihoods, which have also affected migrants at local, regional and global levels. The attention of the international community has been particularly focused towards issues concerning migrants’ rights and healthcare. During the pandemic, migrant workers became comparatively more vulnerable to job losses than the domicile populations of their host countries, while many suffered from reduced income levels, a factor which encouraged many to return to their countries of origin. International students who had part-time jobs to help supplement their livelihood needs while studying abroad also faced a similar situation. In addition, during the states of emergency, irregular migrants and refugees/asylum seekers found themselves stranded in the countries of transit, without any prospective of movement and mobility. Being encamped in the countries of the Western Balkans Migration Route (North Macedonia, Serbia and Bosnia & Herzegovina), they often resided in environments deemed as posing a high risk for the transmission of COVID-19. This unfavourable situation has been detrimental to their health and their social and economic conditions, and has triggered various forms of discrimination, marginalization and stigmatization, further cementing their position as one of the most vulnerable groups in societies. While border restrictions later decreased, the push-backs became more intensive, and irregular migrants once again found themselves confronted by serious movement and mobility restrictions.

Two phenomena interacted and influenced the shape and intensity of mobility during the state of emergency announced by the Government of the Republic of Serbia in mid-March 2020 as a response to the COVID-19 pandemic, in accordance with the Constitution and legislation: those of returnees (predominantly migrant workers and their families) and of irregular migrants and asylum seekers. In both cases, public opinion ranged from acceptance to calls for the government to halt migrants’ (both returnees and irregular) entry into the country. The case of Serbia lent heavy support to the statement made by Beets & Willekens (2009) that the migration management during periods of downturn should be guided by short- and long-term perspectives on the role of migration in the overall development of a state.

Clearly, the COVID-19 pandemic has posed a serious challenge to our global understanding of migration. Furthermore, it has required that societies re-design their migration policies and implement an adapted form of migration management in this drastically altered context. This paper attempts to highlight the effects of the COVID-19 pandemic on labour and forced migration, as well as on the trends in public attitudes towards these in light of the effects of pandemic management mechanisms in Serbia. In the European context, evidence and reports on reduced migration flows and changed migration patterns have primarily been collected and prepared for EU member states.
Less attention has been paid to the countries at the periphery, i.e., those in the Western Balkans, including Serbia. This is surprising, when it is borne in mind that, even in 2020, in spite of the COVID-19 pandemic and accompanying restrictions, the Western Balkans region remains an important hotspot for the EU, both in terms of labour-related and forced migration. Discussion also focuses on extant dilemmas to which no definitive answer has yet been found: How will the country and its institutional framework cope with the large number of returnees and increasing number of refugees and migrants taking the Western Balkan Migration Route in a scenario of closed borders, economic downturn, prejudice and intolerance?

*Only when times are hard is Serbia good for everyone*\(^1\)\(^7\)

One of the key responses to the coronavirus outbreak in China in December 2019 was the imposition of an international travel ban and the introduction of quarantine for international arrivals. Subsequently, most countries imposed a ban on the arrival of not only foreigners, but also of returning nationals.\(^1\)\(^8\) The negative impact of the virus on economic activity, a direct result of restrictive measures such as lockdowns, curfews and travel bans enacted in an attempt to reduce the spread of the virus, triggered large flows of returnees and repatriates. In many cases, cross-border workers, seasonal workers and healthcare professionals returned home.\(^1\)\(^9\) Within the context of the current COVID-19 crisis, the phenomenon of the return and reintegration of migrants became one of the major issues of concern for national governments, intergovernmental bodies, and global civil society organizations engaged in migration issues, both in the countries of destination and countries of origin.\(^2\)\(^0\) The closure of national borders has indirectly evidenced the high level of dependence of the global economy and likewise of individual national economies on labour migration.\(^2\)\(^1\) Migrant workers are often the biggest losers in times of crises, due to their situations being characterized by short-term labour contracts, precarious employment statuses and the vulnerabilities of the sectors in which they work. With more migrant workers returning (or being prevented from going abroad for work), the reduction in the flow of money sent back by them in the form of remittances also has a major financial impact on households in developing countries.\(^2\)\(^2\)

As stated above, the directions of migration flows shifted significantly (and rapidly) as a result of the pandemic, with this primarily manifested in mass returns of migrant workers in response to the negative impact of the pandemic on the economies of host countries\(^2\)\(^3\) but also due to migrants’ concerns about the spread of the virus, their families’ wishes to return, and the migrants’ desires to be with their families during a time of crisis.\(^2\)\(^4\)\(^2\)\(^5\) Thus began a wave of return of millions of migrants to their countries of origin.\(^2\)\(^6\) The return of migrants to developing countries has posed a particular problem for the functioning of such states and their apparatuses. While most countries did not restrict the entry of their citizens, due to the unfavourable epidemiological situation many showed a reluctance to accept migrants who wanted to, or were forced to, return.\(^2\)\(^7\)\(^2\)\(^8\) At the same time, returnees faced employment incapacities and limited access to social protection networks in their countries of origin. In addition, many were subjected to discrimination by community members who believed that they posed a significant threat in terms of COVID-19 transmission as a result of their return.\(^2\)\(^9\)\(^3\)\(^0\)
Such characteristics of return migration were also witnessed by the countries of the Western Balkans. A report on the impact of the pandemic on the diaspora of Bosnia & Herzegovina indicates that those most severely affected were persons with unregulated status in their destination country, who returned to their country of origin due to job loss or reduced income.\(^3\) The situation was similar in Croatia, where the decision to return was largely dependent on the possibility of finding a (new) job in the country of destination, with return to the country of origin only being considered a ‘back-up’ option.\(^3\) The Republic of Serbia, as a country with a history characterized by a pattern of emigration, was no exception to these occurrences. Multiple waves of emigration have marked the country’s recent history, with an initial wave beginning in the 1960s, followed by two further identifiable accelerations of the trend; from 1990 to 2000, and again from 2010 to the present day. This, combined with the broad range of destination countries, led to a multi-faceted migratory phenomenon, with varying degrees of connection between migrants and their country of origin. As stated by Glick Schiller, Basch & Blanc-Szanton (1992) ‘migrants no longer break ties with their home society nor undergo a process of assimilation, but instead, build social fields that link together origin and settlement’.\(^3\) Members of the Serbian diaspora have been engaged in such transnational activities for decades, making a significant contribution to the overall development of the country of origin through social and economic remittances.\(^3\) The relatively high level of remittances—amounting to as much as 15% of GDP—bears testament to the intense ties between migrants and their home country, but is at the same time also indicative of a high degree of circulation of migrants.\(^3\) Further, recently adopted laws and strategies pertaining to the strengthening of relationships between Serbia as a country of origin and its diaspora are indicative of the fact that the country (or, more precisely, its current administration) views its citizens abroad as an asset.\(^2\) In the current circumstances, the coronavirus pandemic has triggered massive reverse migration to Serbia. Reasons for returning home have been stated to include precarious employment conditions, loss of income, and limited health insurance and social security coverage in the destination countries.\(^2,3\)

Intensive return migration to the Republic of Serbia occurred in two periods: before and immediately after the declaration of the state of emergency. The state of emergency was declared in Serbia on\(^3\) 15 March 2020. On the following\(^3\) day, i.e., March 16, a Decision on Declaring a State\(^4\) of Emergency was passed, and on March 19, the Serbian borders were closed. According to the Ministry of the Interior, in the period from March 7 to 15, the entry of 228,311 citizens of the Republic of Serbia was recorded across all border crossings. The second period, namely the lockdown from March 16 to April 7, saw the entry of 89,989 persons being recorded. In addition, a significant number\(^4\) of Serbian citizens remained ‘stranded’ at airports around the world waiting for help from the government. By April 6, around 5,000 citizens who relied on state assistance had been returned by organized airline transport, mostly from Europe, the United States and several countries in Asia.\(^4\)

The key means of migration management were the measures of placing returnees under health supervision and the imposition of an obligation to self-isolate.\(^3\) Namely, from March 16, citizens of the Republic of Serbia who entered Serbia from countries identified as hotbeds of the pandemic had to spend 28 days in isolation/quarantine, while those who came from other countries were made to spend 14 days in self-isolation at
home. In the event of violation of this, offenders were threatened with a sentence of up to three years in prison. In accordance with measures introduced to halt the spread of pandemic, the highest state institutions and officials appealed to citizens of Serbia abroad to postpone their return to the Republic of Serbia until further notice.\textsuperscript{44}

The return of almost 320,000 migrants in a very short period of time posed a great challenge for the government, as well as for the returnees themselves, since a portion of the media blamed them for spreading the virus, with the deterrence of returnees from making their journeys home becoming a ‘hyper-sensitive’ topic.\textsuperscript{45} Returnees were also identified as importers of the infection, and the main culprits for its spread in Serbia, by the authorities. Further appeals to not return to the country and to refrain from abusing the ‘free healthcare’ that Serbia provides were made.\textsuperscript{46} A statement given by the President of Serbia implying that it had been a mistake to allow citizens of the Republic of Serbia returning from abroad to enter the country was widely condemned by returnees and the majority of the public alike.\textsuperscript{47} Considering the pronounced degree of stigmatization towards returnees from abroad, the Commissioner for the Protection of Equality pointed out that they had not violated any law, and that they had the right to return to their country, providing that, like all other citizens, they respect isolation and all other prescribed measures.\textsuperscript{48} However, the poor hygienic conditions in which returnees were forced to stay at airports and border crossings before being sent to self-isolation or quarantine without any specific information only made the process of their (re)integration in their home country more difficult. In the following months, the attitude of Serbian officials towards returnees changed significantly, as the state came to recognize them as a valuable resource for overall development. High-level officials stated that it would be best for Serbia if the returnees were to remain in the country after the pandemic, because they could contribute in the field of labour shortage and to the raising of fertility levels.\textsuperscript{49} In addition, contrary to his earlier statements, the President of Serbia called on returnees to stay in the country, because the economic conditions would improve after the pandemic, and income levels would be higher.\textsuperscript{50}

The results of an online survey of 305 returnees, conducted during April and May 2020 by researchers from the Institute for Sociological Research of the Faculty of Philosophy in Belgrade, revealed that many were people who had found themselves abroad on short (tourist, business or family) visits; therefore, when the pandemic broke out, they had no option other than to return to their homes. These were followed by migrants who found themselves in Serbia on short visits when the borders closed; some of whom had lost jobs abroad due to the fact that they were ‘trapped’ in Serbia. Finally, among the respondents who purposely returned to the country, the most-represented categories were those of returnees who lost their sources of income abroad, students whose faculties and campuses had closed, and those whose legal status in their host country was not regulated. For most of these, return to the country during the pandemic represented an existential necessity.\textsuperscript{51}

However, after the lifting of the state of emergency (6 May 2020), at least one-third of returnees returned to their previous destination countries, with the initial ones among these being those who had returned from countries where labour markets were in urgent need of workers, especially in the healthcare sector, with others having a ‘wait and see’ approach, preferring to postpone their departure for an indefinite period of time, in order to determine how the situation with the pandemic and accompanying measures and
restrictions might progress. It is important to highlight that the decision to arrive in and depart from Serbia was largely dependent on measures taken by destination countries, rather than the home country itself. Measures continued to change in accordance with the epidemiological situation into the first quarter of 2021.\textsuperscript{52}

Since remittances and migration are closely linked, rising unemployment and inactivity levels due to the pandemic have directly affected migrants’ revenues at a time when recipients are in need of greater support.\textsuperscript{53} From January to July 2020, foreign remittances to Serbia amounted to EUR 1.6 billion, compared to the EUR 3.5 billion (8 percent of GDP) sent in remittances in the same period in 2019. Taking into account that one in ten households in Serbia receives remittances, this will have a major impact, and could give rise to a new group of people exposed to poverty in Serbia.\textsuperscript{54}

\textit{Stranded and marginalized—the living reality of irregular migrants and asylum seekers during the state of emergency}

The difficulties faced by irregular migrants and asylum seekers during the ongoing COVID-19 pandemic are particularly severe. A lack of prevention and healthcare facilities in their (often crowded) camps and temporary settlements, many of which are in low- and middle-income countries, increase the threat of a virus outbreak.

In February 2020, media reported on the situation at the Greek-Turkish border, with renewed tensions and pushbacks resulting from the failure of the EU-Turkey deal. One could conclude that those events would have a strong influence on discussions about European solidarity and border management. However, the crisis sparked by the COVID-19 pandemic overshadowed existing migration debates in Europe.\textsuperscript{55} With the outbreak of the pandemic and associated loss of political focus on the plight of refugees and migrants, Turkish authorities dismantled a makeshift camp on March 26, and transferred approximately 4,000 people away from the border to place them in quarantine, indicating the stemming of yet another brewing crisis along the Western Balkan Migration Route.

The Republic of Serbia occupies a central position along the Western Balkan Migration Route, and has been facing constant migratory pressure since 2015, when migration along the route was at its peak. It is still predominantly a transit country, albeit now with a prolonged stay of irregular migrants and asylum seekers. This is due to the constant influx, mostly from its southern neighbour, North Macedonia (in August 2020, 88\% of arrivals were recorded from North Macedonia, with only 6\% and 5\% being from Bulgaria and Albania (through Kosovo\textsuperscript{3}) respectively),\textsuperscript{56} and closure of the borders of neighbouring countries (that form the EU’s external borders) significantly reducing the outflow. However, it is also an indirect consequence of measures being implemented internationally to combat the COVID-19 pandemic. During the state of emergency, Serbia’s government introduced a series of measures and acts in order to prevent the spread of the virus among all citizens and other persons, including irregular migrants, asylum seekers and those granted the right to asylum. Already on March 16, a \textit{Decision on Temporary Restriction of Movement of Asylum Seekers and Irregular Migrants Accommodated in Asylum Centers and Reception Centers in the Republic of Serbia} was published and came into force. The Decision temporarily restricted the movement of
asylum seekers and irregular migrants outside accommodation centres, and provided for a heightened level of their surveillance within the centres themselves. Movement out of the centres was restricted to exceptional circumstances (such as visiting a doctor), provided that permission had been obtained in advance from the Commissariat for Refugees and Migration of the Republic of Serbia, the government body for refugees and migration in charge of the centres. In line with this, the country developed a COVID-19 testing strategy regarding accommodations for asylum seekers called the National Protocol for treatment of a person suspected of infection caused by new coronavirus SARS-CoV-2, and a special guideline for asylum and reception centres: Recommendation for action in transit reception centres and asylum centres regarding the prevention of new coronavirus infections SARS–CoV-2, prepared by National Committee for Communicable Diseases.

On the day of the declaration of the state of emergency, 5,912 persons were accommodated in asylum and reception centres in Serbia. In response to the pandemic, and according to the above-mentioned measures, the Commissariat for Refugees and Migration transferred all irregular migrants and asylum seekers sleeping rough in cities, accommodated in private houses, forests and woodland near the borders, or makeshift camps, into 19 official asylum and reception facilities spread throughout the country (see Table 1). This resulted in an increase in the number of people accommodated in the centres to 8,000 people in just two days, with this figure reaching a total of 9,100 by the beginning of May.

The UNHCR also reported an increased number of irregular migrants in Serbia, from 6,724 at the end of February to 8,692 at the end of March. Table 1 presents occupancy rates in the asylum and reception centres at the end of March 2020.

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<th>Table 1. Occupancy rates in asylum and reception centers in Serbia, end of March 2020.</th>
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Sources: 60, 61
As demonstrated in Table 1, almost all centres were overcrowded. The occupancy rates were below capacity only in three of the centres, where they ranged from 77.2% to 92.5% and 92.6%. In other centres, they ranged from 103.6%, up to 400% and 454% in Kikinda and Sombor respectively. The majority of irregular migrants were from so-called ‘major source countries of refugees’: Afghanistan, Syria, Pakistan, Bangladesh, Iraq, Iran, Morocco, etc.62 The freedom of their movement in the already-overcrowded centres was additionally hindered due to their varied ethnic backgrounds.4 Namely, even prior to the restrictions of movement imposed due to COVID-19, there were regular reports by the management of the centres of conflicts between migrants with different ethnic backgrounds.5 One of the conflicts between Kurds and Afghans ended in serious bodily harm to a number of migrants, and necessitated their hospitalization. On numerous occasions, conflicts required the intervention of police officers.63 More importantly, strong concerns were raised about migrants’ inability to practice so-called ‘social distancing’ and the lack of protective equipment, while the maintaining of an adequate level of hygiene was practically impossible.64 Additionally, it was only intended that the accommodation in the centres be provided on a short-term basis, with living conditions not being suited to longer durations of occupancy.

Accounts from people living in the centres point to serious issues of overcrowding, especially in the Obrenovac Reception Centre (near Belgrade), where over 2,000 people were accommodated at the time, despite its capacity for only 400–500 people. Furthermore, evidence presented to Balkan Insight’s Balkan Investigative Reporting Network stated that the restrictions worsened the plight of migrants in Serbia, with this being supported by photographs of people in the Obrenovac centre queuing in tightly packed lines for food and eating in crowded halls, with no enforcement of social distancing measures or provision of personal protective equipment.65

Clearly, the accommodation of 7,149 of adult men, 393 adult women and 1,110 children, including 540 unaccompanied and separated minors,66 required the urgent action by the Commissariat, which had to expand its capacities and take care of an additional 3,000 people; 50 percent more than the pre-pandemic capacity. Accommodation capacities were increased in permanent structures by transforming common rooms into dormitories, and tents were pitched as a temporary solution for shorter stays. This was complemented by the urgent procurement of mobile sanitation facilities.6 As a result, the situation regarding shelter had improved significantly by the end of April. Still, the Commissariat reported that the level of privacy was compromised in seven of its centres, with a strikingly bad situation in relation to this in five of them (Kikinda, Obrenovac, Preševo, Principovac and Sombor): The centres in Kikinda and Principovac are exclusively designated for the accommodation of male migrants, the centres in Preševo and Sombor also almost exclusively accommodate male migrants—with 99% and 96% of their occupancy being adult males respectively—with the remaining occupants being minors (both accompanied and unaccompanied), and, finally, the centre in Krnjača is intended for the accommodation of families, with the occupancy makeup being 41% adult males, 23% adult females and 36% children.67 Almost all centres hosted at least a small number of unaccompanied minors, as social protection facilities designed for the care of minors stopped taking in additional unaccompanied and separated minors during the state of emergency.
From 18 March 2020 the army took over the role of increased surveillance and security at and around these facilities. Were irregular migrants and asylum seekers to attempt to leave the centres without the correct permissions, they could have faced a punishment of imprisonment for up to 3 years. For all new arrivals in asylum/reception centres, health screening by healthcare professionals was obligatory, and a mandatory 14-day period of isolation was introduced. After screening, if there was any suspicion of the presentation of symptoms of COVID-19, PCR testing was ordered. All procedures were approved by the Ministry of Health and the Institute of Public Health of Serbia, and were carried out exclusively under the supervision of Serbia’s state health system.68

One of the legal consequences of the proclaimed state of emergency in relation to irregular migrants and asylum seekers was the de facto inability of activists and professionals from non-governmental organizations to enter asylum and reception centres. Prior to the state of emergency, the non-governmental sector was highly active in supporting irregular migrants by providing them with a range of soft services: psychological and psycho-social support, support to mothers with children and the creation of child-friendly areas and corners, supporting children in educational activities, informing migrants about their rights and advocating for them, providing specific food items, etc.69 The number of migrants covered by such services provided by the non-governmental sector was rather high, which led to the statement that ‘non-governmental organizations have been managing the whole process with the Commissariat, the Department of the Interior and other public stakeholders on an equal footing’.7 The restrictive measures introduced by the government brought an abrupt halt to these activities on site, and forced them online and via telephone contact, with services that continued to be provided consisting primarily of counselling and informational activities directed towards irregular migrants and asylum seekers. Non-governmental professionals have claimed that an increase in anxiety levels could be observed among irregular migrants and asylum seekers, due to the fact they felt they were not provided with sufficient and adequate information of relevance to them and their situation during the state of emergency.8 Also, non-governmental professionals reported increased levels of intra-family violence during the state of emergency, although no cases of domestic violence were reported to the Commissariat by irregular migrants and asylum seekers. The Asylum Office was slow to adapt its working mechanisms to the situation brought about by the pandemic, and no decisions on asylum applications were made whatsoever during the state of emergency.

Officially, the centres were not affected by the virus until June and, when entering the camps during the state of emergency, all visitors were instructed by Commissariat staff to wear a mask and to sanitize their hands and shoes upon entry. Up until August, only four cases of coronavirus infection had been confirmed among the refugee/migrant population since the onset of the pandemic, and all of these had successfully recovered.70

Even with a relaxation of the measures and the sharp decline in number of migrants in asylum and reception centres, with 4,325 persons accommodated in them and another 920 staying rough outside centres, mainly in Belgrade and the border areas, as of August 2020, five asylum/reception centres—primarily accommodating mainly single men—remained overcrowded, as previously mentioned.71

After the lockdown ended, the Serbian army was reassigned to guard three migrant camps in a municipality bordering Croatia, which hosted 2,000 people in total. The Commissioner for Refugees and Migration stated that the army’s presence was to ensure
peace ‘not because something happened, but so that it does not happen’, adding that ‘thanks to the engagement of the army, there have been no infected migrants and there are no excesses towards the outside community’.72

In light of the overall situation of fear and uncertainty resulting from the new virus, a wave of anti-migrant sentiment arose, just as it did in other parts of Europe. A series of unsettling events were witnessed, with right-wing extremists aggressively campaigning against refugees and migrants, spreading fake news about large numbers of migrants entering the country on a daily basis during the state of emergency with no health checks, claiming that some of them were infected, and that migrants were committing violent crimes throughout the country. A violent group of extremists opened its Facebook page titled ‘STOP to the settling of migrants’ which quickly garnered over 330,000 members during the period of the state of emergency alone.73 Public appearances by the Commissioner for Refugees and Migration and offers of solid evidence that this was not the case were of little help in refuting these claims. Additionally, due to protests by citizens in one of the municipalities following the Commissariat’s announcement of its intention to open new facilities for the accommodation of irregular migrants and asylum seekers, the decision on opening new facilities was halted.74 While Serbia and its institutions had acted in a humanitarian and hospitable manner since the beginning of the refugee ‘crisis’ in 2015, especially in comparison to the neighbouring countries, this xenophobia became a new attitude adopted by people, spreading towards the political centre. However, counter to this, significant amounts of positive public attention were gained by the offer of migrants and refugees to help Serbia, with a number of concrete actions, such as sewing cotton masks during the lockdown, gaining a great deal of positive media attention.75

Even though the measures during the state of emergency must be considered rather strict towards both citizens and foreigners residing in Serbia alike, they were yet more strict towards irregular migrants and asylum seekers. Based on their irregular status, they were forbidden from movement during the periods in which Serbian citizens and foreign residents were permitted to circulate. The external borders of Serbia, which had become impossible to cross, were additionally confounded by internal borders for them: the asylum and reception centres became their single and confined living reality. This severe restriction on movement for irregular migrants and asylum seekers contributed to their further marginalization, and provoked concerns about their human rights and discrimination against them.7677 These restrictions can be seen to be representative of an increasingly securitized approach to irregular migration management in Serbia, as will be detailed below; when the lockdown was lifted, the number of irregular migrants and asylum seekers started to drop significantly.78

Is there a difference between the treatments of returnees and irregular migrants?

The COVID-19 crisis is likely to have a significant impact on migration management and policies, both globally and on a national scale. It is difficult to estimate how long the impact of the epidemic will last—or its fullest extent—on the lives of people and on national economies. At the time of writing this paper, it is too early to have a clear view of the full impact of the crisis on migration flows. However, several consequences have been evident, others are becoming more visible, while others still as yet remain unclear.
Researchers suggest that “the ongoing COVID-19 pandemic and governmental responses to it could reshape migratory movements, shift migration routes, and alter the composition of migrant populations worldwide.” Overall patterns of movement are closely related to economic conditions in places of destination and origin, relationships that connect people between origins and destinations, and the agglomeration of experiences of individuals and members of their community within destinations. On the other hand, according to Triggs (2020) “[the] pandemic has curtailed access to asylum and threatened refugee rights, but has also shown the value of protecting displaced people.”

Migrants, refugees and displaced persons have been often excluded from programmes adopted by governments to prevent the spread of the virus and to secure the health and economic wellbeing of those within their borders. It is widely claimed and accepted that actions must be applied to all persons, irrespective of their immigration status, and should be in line with established international human rights norms, including non-discrimination, rights to health and to information, and the right to not be returned to places where a risk of serious harm exists.

In Serbia, with regard to the domestic legal framework applicable to labour rights and their protections, it should be noted that this is to be applied in a state of emergency in the same way as it is in regular circumstances. However, in situations in which the National Assembly is unable to convene, the Government of the Republic of Serbia has the power to adapt the existing legal framework, altering the conditions of its application by limiting, expanding or amending the content and scope of regulations, i.e., to interpret the provisions in a specific way, taking into consideration the unique circumstances related to the protection of the population in the situation of a pandemic. Furthermore, during a state of emergency, all ratified international instruments for the protection of human rights are to be applied without amendments. This primarily refers to the conventions of the United Nations and the Council of Europe.

As stated above, considering irregular migrants and asylum seekers, the Government adopted the Decision on Temporary Restriction of Movement of Asylum Seekers and Irregular Migrants Accommodated in Asylum Centers and Reception Centers in the Republic of Serbia, the National Protocol for treatment of a person suspected of infection caused by new corona virus SARS-CoV-2 and a special guideline for asylum and reception centres: ‘Recommendation for action in transit reception centers and asylum centers regarding the prevention of new corona infections SARS—CoV-2’, drafted by the National Committee for Communicable Diseases. The regulations and procedures adopted and implemented were rather restrictive towards irregular migrants and asylum seekers. Their enforced settlement in camps and restriction of movement were motivated by the need to ‘prevent the uncontrolled movement of persons who may be carriers of viruses and their arbitrary leaving of asylum centers and reception centers’. The assumption of ‘uncontrolled movement’ was not related to any groups in society other than irregular migrants and asylum seekers, which is arguably to be interpreted as an instance of discrimination. On the other hand, the granting of a change of status, i.e., being granted asylum, which could potentially lead to a different set of regulations to which to abide, was reduced to a minimum, due to difficulties in the work of the national Asylum Office. Therefore, asylum seekers were confronted with a factual inability to change their circumstances during the proclaimed state of emergency. As a result, during
the state of emergency their status seemed to be interpreted as if it was illegal; their movement was restricted, since they were not able to leave the centres, with limited exceptions to this in relation to health concerns.

Interestingly, one day after the state of emergency was lifted, on 7 May 2020, the Ministry of Health made a decision on the restricted movement in and out of asylum and reception centres. The decision allowed irregular migrants and asylum seekers to leave the centres only in exceptional cases again (first among which were health reasons) with the permission of the Commissariat. Since non-governmental organizations strongly opposed the decision, it was withdrawn on May 14, after which the number of irregular migrants and asylum seekers in the centres in Serbia began to decline.

The combination of healthcare concerns and subsequent economic concerns had a strong impact upon the policy response to COVID-19 in relation to migrants, whether returnees or irregular migrants. On the one hand, there was a massive lack of personal protective equipment combined with a sluggish response of the healthcare system to the emergency situation, due to under-equipped facilities and already-decimated human resources (as a result of a steady and intensive outflow of healthcare professionals migrating to Germany and other European countries). On the other, the impact of the COVID-19 pandemic upon the economy could not be foreseen in full, but it is irrefutable that negative consequences were expected. Therefore, healthcare concerns, aggravated by economic issues, resulted in a securitized approach to the management of the COVID-19 crisis and migration trends.\(^8\)\(^5\) Policing clearly became the most important measure, over and above a human-rights-led approach: on the contrary, human rights became curtailed under the veil of the mentioned concerns. As already mentioned, brutal public discourse, both towards the returnees and irregular migrants and asylum seekers, rose to the fore, although the intensities of this fluctuated somewhat. However, the narratives pertaining to the two types of migrants—returnees and irregular—soon started to diverge, with returnees ‘earning’ their status as full-fledged Serbian citizens, and irregular migrants’ ‘otherness’ and even ‘illegality’ being fully confirmed.

Evidence from the Western Balkans Route suggests that during the time of its ‘busiest usage’ it became a consolidated overland path towards the EU, made up of a network of hospitality camps; formal and informal provision of services including transportation, accommodation and other forms of support; and irregular and only partially visible individual mobilities. The presence of the migrants (and of the smuggling enterprises) in the Balkan region has become an essential element in justifying the tough language of border protection and security used by the governments of most countries in the area—with the exception of Serbia, which has strategically decided to play an entirely different, but somewhat complementary, role in this geopolitical narrative concerning the threat of an invasion of the respective national territories by uncontained waves of migrants.\(^8\)\(^6\)\(^8\)\(^7\)\(^8\)\(^8\), Serbia’s position towards irregular migrants and asylum seekers during their transit was in the nature of ‘move along, there’s nothing to see here’\(^8\)\(^9\) with supported escorts being provided to the borders of neighbouring countries while these remained open. The closure of the borders of neighbouring countries brought with it security and economic concerns regarding irregular migrants and asylum seekers for the Serbian government. It resulted in the government’s strong advocacy for the transit of migrants through Serbia to the EU institutions and officials, with the EU-Turkey deal bringing with it a huge relief.
However, the COVID-19 pandemic (and panic, once the spread of the virus began to be acknowledged in the country after its initial neglect) brought with it a new agenda in relation to irregular migrants and asylum seekers. A ‘new normal’ sharply emerged at intersections between health, security and migration concerns, giving rise to a combination of securitization and exclusion. Clearly, the government’s underlying discourse was that COVID-19-related restrictions imposed upon migrants were enacted in the name of their own ‘security’ and health. Their exclusion started with physical walls and the temporary placing in camps of all irregular migrants and asylum seekers that were present upon the territory of the country. This can be considered in terms of ‘borders-within-borders’: these double-layered closed borders—those of the country itself and of the accommodation centres—were followed by imaginary walls, i.e., borders, created by the hate speech and anti-migrant sentiments within society, which made migrants more vulnerable and entrapped within their physical walls. Beyond the apparent roles of borders as tools of exclusion, they added to the marginalization of irregular migrants and asylum seekers by effectively pushing them into the realms of illegality; criminalizing the act of straying beyond ‘their’ borders.

The armed forces’ presence in the vicinity of the accommodation centres was a visible sign of the securitized approach. It also added value to imaginary walls, producing spectacles on a continuous basis. Along with the army, on several occasions right-wing activists gathered around centres to ‘monitor the situation’ with sensationalized newspaper headlines often accompanying these ‘performances’. The role(s) of the media in producing and promoting an anxious and securitized approach to migration is frequently seen as crucial, due to the mass psychological dimension of securitization. The perceived threat that irregular migrants and asylum seekers will introduce the COVID-19 infection to the domicile population, on top of all other perceived threats connected with them, provided fertile ground for heightened concerns within society, additionally contributing to the further strengthening of the securitized approach. Still, the exclusion was differential, since healthcare was provided to migrants in the accommodation centres, and they were allowed to leave in order to receive additional healthcare support.

In spite of the comprehensive legislative structure outlined above, it is important to link both humanitarian response and migration management frameworks in order to effectively respond to the needs of migrants in times of crisis, meaning that governments should position the priority of migrant protection to the fore. A well-crafted strategy for dealing with different forms of migration at the national level combined with greater coordination between government agencies separately tasked with dealing with migration issues is of great importance. There is also a need to look again at existing national migration policies to identify the principal issues of concern, such as humanitarian, protection, development, security and cooperation challenges, which should take into account the assistance and protection of migrants arriving from, or faced with the prospect of returning to, areas affected by health crises. Also, there is a need to review or adopt international frameworks such as the Global Compact for Migration (GCM), which protects the safety, dignity, human rights and fundamental freedoms of all migrants at all times. The elements of inclusion, universalism and human rights towards migrants, which are currently lacking, should be compensated both within the legislation and through its implementation.
What’s next?

The consequences of the current crisis will have a greater impact on more precarious types of employment, often low-paid and low-skilled, where foreign workers are disproportionately employed, not uncommonly without a legal status. This is especially true for home countries like Serbia, which may experience sudden and large-scale returns, or be faced with families and communities having to cope with the loss of remittance incomes upon which they were previously dependent. In the destination countries, vital tasks may be left abandoned due to the sudden departure of migrant workers. Globally, discussions have been focused around the issue of how to better understand the ways in which the current crisis offers the opportunity to rethink policy approaches towards effective legal migration and decent and safe employment environments for migrant workers, so as to prevent (or at least limit) the most adverse consequences of the pandemic on the labour force and citizens across countries and social groups.

Special attention should be given in Serbia, as one of the main transit countries on the Western Balkan Migration Route, to stranded irregular migrants, since they often need particular forms of assistance and their plight remains an invisible and under-reported issue. They were/are facing the health crisis while simultaneously being confronted by a ‘double layer’ of exclusion. First, by being placed in camps, they are excluded from society, no matter how weak their pre-existing connections were. They have often been less visible, or even neglected, and may not be included in traditional humanitarian responses. They often find themselves in precarious situations resulting from the closure of borders, the building of fences, the cessation of asylum processing and resettlement procedures, and the halting of provision of supplies to refugees. Second, social distancing and similar concepts do not squarely apply to the reality of refugee camps or other cramped places, with migrants’ rights—where they still existed—being impeded by reduced access and implementation. Populist attempts have been made to exploit the crisis for political gain, using migration and migrants as scapegoats. During the crisis, irregular migrants and asylum seekers have been portrayed as being responsible for the spread of the virus. The feeling of suspicion towards migrants may stay or even become worse after the pandemic ends, depending on how events unfold. Nevertheless, once such emotions have taken hold, they are hard to eliminate. It is clear that stranded migrants are exposed to severe vulnerabilities and need protection and assistance, including international migration assistance. Even though the refugee issue has become a side-note of the current political debate, the plight of stranded migrants in crisis situations is emerging as a key challenge for the Serbian society and as a major issue for migration governance.

Notes


17. ‘Accused of underestimating the threat from COVID-19, Serbia’s leaders are now pinning the blame on returning Serbs, claiming many knew they were infected’, 3 April 2020, https://balkaninsight.com/2020/04/03/Serbia-pins-coronavirus-blame-on-returning-serbs-concealing-infection(accessed on 19 January 2021).


29. KNOMAD, op. cit., p. 6.


37. J. Pešić, op.cit., p. 479.


43. J. Pešić,op.cit., p. 447.


46. J. Pešić, op. cit., p. 472.

47. ‘Accused of underestimating the threat from COVID-19, Serbia’s leaders are now pinning the blame on returning Serbs, claiming many knew they were infected’, op. cit.

68. ‘Query to the EASO Network of Reception Authorities’, op. cit.
71. Ibid., p. 1.
75. D. Šantić and M. Antić, op. cit., p. 554.
76. BCLJP, op. cit., p. 35.
77. N. Kovačević, op. cit.
81. OECD, Policy Responses, op. cit.
84. Decision on temporary restriction of movement of asylum seekers and irregular migrants accommodated in asylum centres and reception centres in the Republic of Serbia, op. cit.
91. N. de Genova, S. Mezzadra and J. Pickles (eds), ‘New Keywords: Migration and Borders’, Cultural studies, 29(1), 2015, pp. 55-87.
94. N. de Genova, S. Mezzadra and J. Pickles (eds), op. cit.

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