



European Migration Network

Ad-Hoc Query on the consequences of the lifting of visa obligation for FYROM, Montenegro, Serbia on December, 19 2009

Requested by BE EMN NCP on 18th February 2010

Compilation produced on 22 March 2010

Responses from Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, Germany, Hungary, Ireland, Latvia, Lithuania, Malta, Netherlands, Portugal, Slovak Republic, Sweden (17 in Total)

Disclaimer: The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

1. Background Information

As of 19 December 2009, citizens of the Former Yugoslav Republic of Macedonia, Montenegro and Serbia are allowed to travel to all countries of the Schengen area without visa. According to a BBC press release dd. 15 January 2010 from 19 December 2009 through the beginning of this week, as many as 150,000 people are reported to have left Macedonia (this is 7.5 per cent of the country's 2 million population, mainly ethnic Albanians). Belgium already experienced a sharp increase of asylum applications, mainly from the FYROM, but also from Serbia.

It would be very much appreciated if we could receive your answers **by 12th March 2010**.





2. Responses¹

		Wider Dissemination? 2	Q1. Does your country experience an increase of asylum applications from the FYROM, Montenegro and Serbia after the visa-free regime was introduced (19 December 2009)? Q2. Does your country apply the Safe Country of Origin Principle and if yes:
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¹ If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

FR EMN Ad-Hoc Query on the arrangements made by your MS in the aftermath of January 12, 2010 Haiti earthquake




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			<p>a) Do you apply this principle for the FYROM, Serbia and/or Montenegro? b) How does this procedure work in practice?</p> <p>Q3. Does your country have a special procedure for EU candidate countries (FYROM was granted candidate status by the European Council in December 2005) or potential EU candidate countries (Serbia, Montenegro, Albania, Bosnia-Herzegovina)</p>
	Austria	No	The EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that their response is not disseminated further.
	Belgium	Yes	<p>Q1. Yes. In January 2010 Belgium received 60 applications from the FYROM (11 in January 2009) and 167 applications during the first half of February 2010. In January 2010 we received 58 applications from Serbia (37 in January 2009). No increase for Montenegro.</p> <p>Q2. Belgium does not apply a safe country of origin policy</p> <p>Q3. Belgium does have an accelerated procedure, but this only applies for EU-asylum applicants.</p>
	Czech Republic	Yes	<p>1) No, we do not experience any increase in the number of asylum applications from the state nationals of FYROM, Montenegro or Serbia.</p> <p>2) No, the 3 states are not on the list of safe countries of origin.</p> <p>No, we do not have any special procedure for EU candidate countries.</p>
	Denmark	Yes	<p>Q1. No. In January 2010 Denmark received 5 asylum applications from Serbia and 0 from FYROM and Montenegro. In January 2009 Denmark received 6 asylum applications from Serbia, and 1 from FYROM and 0 from Montenegro.</p> <p>Q2. No, as a general principle according to the Danish Aliens Act all applications for asylum are dealt with concretely and individually regardless of what country the asylum seeker comes from.</p> <p>A minority of cases are considered manifestly unfounded. This means that the Immigration Service assesses that the applicant is clearly not eligible for asylum. These cases are sent to the Danish Refugee Council (NGO), which will make a statement on the case. If the Danish Refugee Council agrees with the Immigration Service that the application is manifestly unfounded, the application will be rejected without contest. If, on the other hand, the Danish Refugee Council disagrees, the Immigration Service will generally maintain its rejection of the application, but will refer the case to the Refugee Appeals Board for a final ruling.</p> <p>In certain cases, asylum applications are processed according to an expedited version of the manifestly unfounded procedure. This happens when the asylum seeker comes from a country where, according to the most up-to-date information available, it is unlikely that he/she would risk persecution. In these cases, the asylum seeker will not be asked to fill out an application form, and he/she is quickly referred for an interview with the Immigration Service. The Danish Refugee Council will then give a statement on the case. If this is in accordance with the ruling of the Immigration Service, the application will be rejected as soon as possible. Serbia, FYROM and Montenegro belong in this category.</p>

² A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."





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			Q3. Denmark applies the above-mentioned procedure to applicants from the 3 abovementioned countries as well as Albania and Bosnia-Herzegovina.”
	Estonia	Yes	<p>Q 1. No. Estonia does not have experiences with FYROM citizens.</p> <p>Q 2. Yes, Estonia applies the Safe Country of Origin Principle. According to the Act on Granting International Protection to Aliens when determining a safe third country, it shall be taken into account and assessed whether or not the asylum seeker has connections with the country which provide grounds for the conviction that it is reasonable for the asylum seeker to settle in that country. When assessing the safety of a safe third country, the asylum seeker shall be given a possibility to justify as to why that country cannot be considered a safe third country.</p> <p>The following circumstances shall be taken into account and assessed in determining a safe country of origin:</p> <p>1) to what extent the legislation of the country and the application thereof guarantees the protection of persons from persecution and abuse, the principle of prohibition of expulsion or return provided for in the Geneva Convention and a system of efficient legal protection instruments against the violation of the said rights and freedoms;</p> <p>2) Whether or not the country has acceded to the main international agreements concerning human rights and if, as a general rule, it adheres to the provisions thereof.</p> <p>A country can be considered a safe country of origin for a specific asylum seeker if the asylum seeker has not presented substantial reasons as to why the country cannot be considered a safe country of origin for him or her and the asylum seeker has the citizenship of that country or he or she last resided in that country as a stateless person.</p> <p>The Police and Border Guard Board shall determine a safe third country and a safe country of origin.</p> <p>Q 3. No</p>
	Finland	Yes	<p>Q1. Only a slight increase. Between December 2009 and February 2010 Finland received 19 applicants from the above mentioned countries (Serbia 10 (increase), Serbia and Montenegro: 1, Macedonia: 8)</p> <p>Q2. Finland does not apply a safe country of origin –policy or procedure to these countries in question. EU 27 and USA are normally regarded safe countries of origin.</p> <p>Q3. In addition to countries concerned, there is no such special procedure. Accelerated asylum procedure provided in the national Aliens Act applies to asylum seekers from EU 27 or USA.</p>
	Germany	Yes	<p>Q1. Marginal increase of asylum applications from the FYROM, Montenegro and Serbia in Germany.</p> <p>FYROM: December 2009: 11 asylum applications January 2010: 10 asylum applications February 2010: 17 asylum applications</p> <p>Montenegro: December 2009: 6 asylum applications January 2010: 2 asylum applications February 2010: 3 asylum applications</p>

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			<p>Serbia: December 2009: 36 asylum applications January 2010: 68 asylum applications February 2010: 75 asylum applications</p> <p>Q2. Relevant legislation on a Safe Country of Origin Principle including a list of safe countries of origin is available. However, as regards FYROM, Montenegro and Serbia, these countries are not considered to be "safe".</p> <p>Q3. Special provisions in the asylum procedure for asylum seekers coming from EU candidate countries don't exist.</p>
	Hungary	Yes	<p>Q1. Hungary has not yet experienced such a big increase of asylum applications from these three countries, however, not so much time has passed and we only have statistics until the end of January. Since 19 December 2009 until 31 January 2010 there were no applications from Montenegro, there was 1 application from FYROM and 10 applications from Serbia (between 30 November 2009 and 19 December 2009 we received 5 applications from Serbia). Nevertheless, Serbian applicants constituted one of the top nationalities of asylum applicants in 2009, regardless of the visa obligation.</p> <p>Q2. Hungary does not apply the safe country of origin principle (no national list exists on safe countries of origin). It is decided in the individual cases whether the country of origin can be regarded as a safe country of origin for the applicant.</p> <p>Q3. Hungary does not have a special procedure for applicants coming from EU candidate or potential candidate countries.</p>
	Ireland	Yes	<p>1) Citizens of FYROM, Montenegro and Serbia all require visas to enter Ireland. There has therefore been no upsurge of applications resulting from the visa-free regime.</p> <p>2) The safe country of origin principle is currently applied to South Africa and Croatia.</p> <p>Ireland does not have any specific procedure for EU-Candidate countries</p>
	Latvia	Yes	<p>Q.1 No. The responsible authorities have not received any asylum applications from the citizens of the former Yugoslav Republic of Macedonia, Montenegro and Serbia till now.</p> <p>Q2. According to the Asylum Law the concept of a safe country of origin has been introduced. It is one of the grounds when the asylum application can be examined under accelerated procedure. Till now the concept a safe country of origin has not been applied in the framework of accelerated procedure.</p> <p>Q.3 No. There are no special procedures for EU candidate countries or potential EU candidate countries in the Republic of Latvia.</p>
	Lithuania	Yes	<p>1. No.</p> <p>2. The safe country of origin principle is applied while examining every particular case. Lithuania does not receive asylum applications from these countries (there has been only 1 application), therefore we do not have enough practice to answer to this question.</p> <p>3. No.</p>

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	Malta	Yes	<p>Q1. Does your country experience an increase of asylum applications from the FYROM, Montenegro and Serbia after the visa-free regime was introduced (19 December 2009)? MT: In Malta there has not been any increase of asylum applications from FYROM, Montenegro and Serbia, indeed there has not been any asylum applicants coming from these territories for the last couple of years.</p> <p>Q2. Does your country apply the Safe Country of Origin Principle and if yes: a) Do you apply this principle for the FYROM, Serbia and/or Montenegro? b) How does this procedure work in practice? MT: These territories are not enlisted in the Safe Country of Origin schedule according to the Maltese Refugees Act.</p> <p>Q3. Does your country have a special procedure for EU candidate countries (FYROM was granted candidate status by the European Council in December 2005) or potential EU candidate countries (Serbia, Montenegro, Albania, Bosnia-Herzegovina) MT: Malta does not have any special procedure for asylum applicants coming from these territories.</p>												
	Netherlands	Yes	<p>Q1. No.</p> <table border="1" data-bbox="613 646 1335 817"> <thead> <tr> <th>Asylum applications</th> <th>January 2009</th> <th>January 2010</th> </tr> </thead> <tbody> <tr> <td>FYROM (Macedonia)</td> <td>3</td> <td>0</td> </tr> <tr> <td>Montenegro</td> <td>0</td> <td>0</td> </tr> <tr> <td>Serbia</td> <td>2</td> <td>3</td> </tr> </tbody> </table> <p>Q2. The Netherlands does apply the Safe Country of Origin Principle. a) This principle is being applied to FYROM, Servia and Montenegro. b) Application of the safe-country concept leads to nationals of FYROM, Servia and Montenegro being either precluded from obtaining asylum/refugee status in the Netherlands or, at least, having raised against their claim a presumption of non-refugee status which they can rebut. In practice this means that exceptions to standard policy are made when there is doubt as to whether the individual applicant can return to his country without risk of ill-treatment.</p> <p>Q3. The Netherlands does not have a special procedure for EU candidate countries or potential EU candidate countries.</p>	Asylum applications	January 2009	January 2010	FYROM (Macedonia)	3	0	Montenegro	0	0	Serbia	2	3
Asylum applications	January 2009	January 2010													
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	Portugal	Yes	<p>Q1. No. PT didn't register any increase in the applications of these nationalities. Q2. PT does not have a safe country of origin policy. Q3. PT does not have an accelerated procedure for the EU candidate countries.</p>												
	Slovak Republic	Yes	<p>Q1. No, Slovak Republic does not experience an increase in number of asylum applications from FYROM, Serbia and/or Montenegro. Slovak republic did not receive any applications from above mentioned countries in February. In January Slovak republic received only 1 application from Serbia and none from the FYROM and Montenegro. Q2. Yes, Slovak Republic applies a Safe Country of Origin Principle. a) No, Slovak Republic doesn't apply this principle for the FYROM, Serbia and/or Montenegro.</p>												

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			<p>If the country of origin is on a list of the Safe Countries of Origin, the asylum should not be granted. It means that the Ministry shall reject an application for granting asylum as manifestly unfounded if the applicant comes from a safe country of origin; this shall not apply if in his/her case this country cannot be considered a safe country of origin (according to the Act on Asylum Nb. 480/2002, Art.12).</p> <p>b) This could be one of the reasons to deny the refugee status, this reason will be mentioned in decision on the asylum application.</p> <p>Q3. Slovak Republic does not have any special or accelerated procedure for EU candidate countries or potential EU candidate countries.</p>																												
	Sweden	Yes	<p>1. We have been able to get the statistics on asylum applications from the above mentioned nationalities up until the 25th of February 2010</p> <table border="1"> <thead> <tr> <th></th> <th>2009-09</th> <th>2009-10</th> <th>2009-11</th> <th>2009-12</th> <th>2010-01</th> <th>2010-02</th> </tr> </thead> <tbody> <tr> <td>Serbia</td> <td>47</td> <td>54</td> <td>39</td> <td>55</td> <td>55</td> <td>325</td> </tr> <tr> <td>FYROM</td> <td>11</td> <td>8</td> <td>3</td> <td>3</td> <td>8</td> <td>20</td> </tr> <tr> <td>Montenegro</td> <td>8</td> <td>-</td> <td>-</td> <td>2</td> <td>1</td> <td>11</td> </tr> </tbody> </table> <p>As shown by the figures there have been an increase in asylum applications to Sweden for all three nationalities although in a small scale for FYROM and Montenegro. The increase from Serbia in February is very big – an increase with almost six times as many asylum applicants in February as in the previous months.</p> <p>2. Sweden does not apply a safe country of origin policy. Sweden does have an accelerated procedure, but this applies for every applicant that meets the criteria, regardless of if he/she is a EU citizen of a EU candidate country.</p>		2009-09	2009-10	2009-11	2009-12	2010-01	2010-02	Serbia	47	54	39	55	55	325	FYROM	11	8	3	3	8	20	Montenegro	8	-	-	2	1	11
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