

IZBEGLICE (REFUGEES), AZILANTI (ASYLUM SEEKERS) AND ILEGALNI MIGRANTI (ILLEGAL MIGRANTS) IN ADMINISTRATIVE AND PUBLIC DISCOURSE IN SERBIA: AN OVERVIEW OF CONCEPTS IN A DIACHRONIC PERSPECTIVE

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The present discourse concerning asylum and irregular migration, with all its concepts and institutions, techniques and code of conduct, was introduced in the Republic of Serbia through the EU Accession process. As a prerequisite for visa liberalization with the EU (achieved in 2009), Serbia signed readmission agreements with the EU and its member-states and adopted the Asylum Law (Zakon o azilu 2007) and the Law on Foreigners (Zakon o strancima 2008). However, related notions and legal instruments existed in the periods that preceded it. In this text I offer a diachronic overview of conceptual and procedural differences and discuss their entanglements, merging, spilling over and confrontation. In such a way, my aim is to point out their use as political statements in particular, as performatives affecting national and international political contexts.

Keywords: refugees, asylum, migrants, Serbia, concepts

1. INTRODUCTION

Since the mass migration movements from Asia and Africa toward Europe in 2015, we have been witnessing developments which could be referred to as a “fight on labelling”

people on the move: discussions whether they are migrants or refugees go from strictly administrative settings, where the label determines someone's access to rights, through political discourse, where this or that phrase serves as the basis for the justification of measures to be taken, through academic discourse, where scholars either support or try to deconstruct the adequacy of emic uses of the labels, all the way to everyday "expert" conversations between members of the general public at open markets, in public transport, on the social media, etc., where collocutors agree or disagree on assertions that "these people are not refugees, but economic migrants" or "they are true refugees" as if *refugeeness* or *migrantness* were something observable, essential, accessible at first glance.¹ However, this would be a mere figure of speech if it were not for the fact that wording influences worlding, and that the label given to a person, and more often to a whole group, did not have the capacity to profoundly affect their lives (on labelling, see Wood 2007; Zetter 1991).

The words *migrant* and *refugee* serve to justify and/or officially legitimize a set of actions, attitudes, feelings, and administrative measures to be employed not only in the treatment of persons who are moving and to the movement itself, but also to define roles, relations, behaviors, and rights and responsibilities of all the actors involved, either institutional or individual. (Stojić Mitrović 2019: 25)

The perlocutionary force (Austin 1990) of these labels, the fact that we induce changes in the world by saying them, does not end here nor does it affect only the people directly involved in using these phrases, either as their targets or labelers, but it can go one context further, where the treatment of migrants and migrations and how it is conducted can be transformed into an instrument to achieve unrelated political and economic goals: the implementation of migration policies, related administrative measures, and the official discourse in Serbia is being transformed into one of the most prominent instruments to gain access to the EU, to its funds and institutions (Stojić Mitrović 2019: 25; see Bezec et al. 2016; Stojić Mitrović et al. 2020). In other words, wording concerns not only biopolitics, but traditional politics as well. To call protagonists of the movement across Serbian territory *refugees* or *migrants* and act accordingly, became an instrument unto itself: an instrument of demonstrating the capability to "respect European core values" (in treating the people on the move humanely, as was the dominant paradigm in 2015) and/or "protect European borders" (as became the discursive leitmotif that justified securitization in 2016 or militarization in 2020). Therefore, labelling has a strong perlocutionary component (Austin 1990), which transgresses direct use and even immediate effects and can aim instead at more distant targets. It must be stressed that this complex course could be understood less as a result of thorough planning and more accurately as a series of improvisations and ad hoc measures: the process is characterized by constant negotiations and modifications which reflect and try to influence the current geopolitical position of the Serbian state, shifts in

¹ This paper is the result of the research project *The European Irregularized Migration Regime at the Periphery of the EU: From Ethnography to Keywords* (Evropski režim iregulariziranih migracija na periferiji EU: od etnografije do pojmovnika), ERIM (HRZZ IP-2019-04-6642).

the migration policies of the neighboring countries, and the characteristics of the migrants' arrival as they move toward the EU (Stojić Mitrović 2019: 23).

The present discourse concerning asylum and irregular migration, with all its concepts and institutions, techniques and code of conduct, was introduced in the Republic of Serbia through the EU Accession process. As a prerequisite for visa liberalization with the EU (achieved in 2009), Serbia signed readmission agreements with the EU and its member-states and adopted the Asylum Law (Zakon o azilu 2007)² and the Law on Foreigners (Zakon o strancima 2008).³ However, related notions and legal instruments existed in the periods that preceded it.

In this paper I would like to offer a diachronic overview of the conceptual and procedural differences and open the discussion on their entanglements, merging, spilling over, confronting and to outline some of the modes in which they shaped the reception of migrants in Serbia in practice. The goal of the text is to indicate how the legislation and its application becomes an instrument for reaching distant political goals, which are not directly related to the attempts to regulate migration but more to affirm the political position in the international arena.

2.1. THE SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA AND UNHCR: *ASYLUM AND REFUGEE AS POLITICAL (UNDER) STATEMENTS*

Serbia, together with Slovenia, Croatia, Bosnia and Herzegovina, North Macedonia and Montenegro, comprised constitutive republics of the Socialist Federal Republic of Yugoslavia (SFRY). The Yugoslav government, even though socialist, never came under direct Soviet influence, and built its own policy of neutrality, marked by a constant balance between the West and the East. Strong discrepancies with Soviet communism, which led to the so-called Tito-Stalin split in 1948, opened Yugoslavia's doors for economic and political cooperation with the Western states and gave it a specific status among other socialist countries as "the most western socialist state of the Eastern bloc" (see, for example, Congressional Record 1963: 16559). During the Cold war period, Yugoslavia refused to align with the Warsaw pact, and took a neutral position. It initiated the Non-Aligned Movement, which gathered the so-called developing world states, with the idea of avoiding official alignment with or against any large power bloc (Dinkel 2018).

International dialogue fostered after the Second World War resulted in the creation of a set of legal instruments aimed at protecting victims of armed political conflicts (U.S.

² In 2018, a new law regulating asylum was adopted (Zakon o azilu i privremenoj zaštiti 2018).

³ Similarly, in 2018, a new law on foreigners was adopted (Zakon o strancima 2018).

Government Printing Office, 1951).⁴ The so-called reservations on part of Yugoslavia on a set of Geneva conventions for the Protection of War Victims, which it signed on 12 August 1949, the first day when it was possible (the signing period was from 12 August 1949 to 12 February 1950), indicated the direction of its decisive policy toward political independence combined with openness toward international cooperation in relation to the protection of civilians (Ibid.: 253–255). This paved the way for the subsequent approval of the Geneva Convention Relating to the Status of Refugees, also known as the 1951 Geneva Convention, and permitting the work of UNHCR on its territory.

The specific political position of Yugoslavia led to the creation of a distinctive system for the protection of foreigners: SFRY ratified the 1951 Geneva Convention in 1960 (Krstić 2012: 66) and the 1967 New York Protocol in 1967,⁵ but it had never formulated concrete legislative and institutional instruments of the asylum procedure as understood today (Jelačić 2013). However, in practice, the situation was different, protection was indeed provided, but in a rather specific manner:

Faced with a growing number of asylum seekers from the neighboring countries, Eastern Europe and Africa in the early 1970s, and ill-equipped to deal with them, SFRY invited UNHCR to establish an operation in the country. UNHCR signed an *Accord de Siège* with the authorities and established an office in the capital of Belgrade in 1976. From the opening of the office until 2008, for a full 30 years, UNHCR decided on the basis of the Geneva Convention as to who meets the criteria to receive international protection, i.e. refugee status in the territory of Yugoslavia. With one additional obligation: since the state delegated the jurisdiction to UNHCR but it did not delegate its prerogatives in terms of granting asylum on its own territory, UNHCR's additional task was to find a country of permanent residence for each and every person, that is, a foreigner, whose refugee status it determined. So, they were all relocated. No one could obtain refugee status from the UNHCR office and remain in Yugoslavia. It was like: "All right, we pretend we have nothing to do with it, yes, we tolerate you, if you give someone protection, go ahead and move him."⁶

As the majority of people granted asylum in the Belgrade office were from the so-called Eastern bloc states, this condition could be interpreted as avoidance of overt confrontation with the governments of these, otherwise allied states. Indeed, all persons that received international protection in SFRY, were transferred mostly to the USA, Canada or Australia.

⁴ "In the light of the experiences of World War II, there was recognized by all governments the urgent necessity for rather extensive revisions for the above-mentioned [before WWII] earlier conventions for the purpose of bringing them up to date, making them easier to apply uniformly and less susceptible to different interpretations, and providing more effective protection of the categories of persons covered. It was considered equally important to secure by treaty international legal protection for civilians in belligerent and occupied territories. The generally unsatisfactory stop-gap measure to apply the prisoners-of-war convention to certain categories of civilians during World War II had pointed up the need for a separate treaty establishing humane standards of treatment for civilians in time of war" (U.S. Government Printing Office 1951, A3).

⁵ http://demo.paragraf.rs/demo/combined/Old/t/t2003_09/t09_0095.htm (accessed 27 September 2020).

⁶ Interview from 2014 with an UNHCR representative in Serbia.

Protection of foreigners through the UNHCR mandate (Bianchini 2010: 368), that is, by allowing this UN organization to operate on and from its territory, was not the only one available in SFRY: in its Constitution it was stated that the right to asylum would be granted to persons being persecuted due to their support of democratic ideas and movements, social and national liberation, freedom and rights of human personality or freedom of scientific or artistic creation (Ustav SFRJ 1974, article 202).⁷ In practice, protection was obtained through *ad hoc* decisions of the Yugoslav government: it was given collectively, to people coming from countries disturbed by political upheavals, such as the Hungarian revolution in 1956, the arrival of the Warsaw pact army in Czechoslovakia in 1968, the assassination of Allende in Chile in 1973, the coup d'état in Argentina in 1976, and so on. In 1980, SFRY enacted a law regulating the movement and stay of foreigners (Zakon o kretanju i boravku stranaca 1980), where the distinction between the categories of asylum and refugee was firmly established (Stojić Mitrović 2014 a). While *asylum* referred to “foreigners who were persecuted for their support of democratic ideas and movements, social and national liberation, freedom and the rights of human personality or for the freedom of scientific or artistic creation,” the term *refugee* was defined as a person who “left the country, whose nationality s/he holds or in which s/he has permanent residence, in order to avoid persecution due to his/her progressive political strivings or his/her national, racial or religious affiliation” (Zakon o kretanju i boravku stranaca 1980, articles 44, 50). As pointed out elsewhere, the underlying idea was that a state had the sovereign right to choose to whom it would grant asylum perceived as a political one, while the status of refugees was considered to conform to the internationally agreed standards (Stojić Mitrović 2014 a: 1108). In practice, asylum was given to political dissidents who were seen as political allies, but refugee status also had a defining political note: it was given to all the nationals of certain states seeking protection after violent political overturns, when leftist governments were replaced in their countries of origin. With the UNHCR office in Belgrade which dealt with a part of people seeking protection on the territory of Yugoslavia but not having substantial interaction with Yugoslav institutions, together with autonomous protection of people in need, the state managed to politically balance between the East and the West, and remain in line with the political ideas and values it openly propagated.

2.2. IZBEGLICE AS AN ETHNO-NATIONAL GROUP IN NEED OF HUMANITARIAN ASSISTANCE DURING THE 1990s

After the death of the Yugoslav leader Josip Broz Tito in 1980, the state faced an intense economic and political crisis, which resulted in the dissolution of Yugoslavia. “The conflict was presented as based on ethnic and nationalist differences between the groups involved. Thus the dominant form of migration was the co-ethnic one: people searched

⁷ This formulation was copied into the 1990 Constitution of the Republic of Serbia (Ustav Republike Srbije 1990, article 50).

for protection in the group of the same ‘ethnic origin’, or in the state perceived as their ‘national or ethnic homeland’” (Bez nec et al. 2016: 30; see Zlatanović 2015: 539 on co-ethnic migration).

The Federal Republic of Yugoslavia (FRY), established on 27 April 1992 as one of the successors of SFRY, was comprised of the former republics of Serbia and Montenegro. FRY was under several rounds of economic and political sanctions by the UN Security Council, and even participation in sport and cultural events was limited until 2001. Sanctions resulted in economic deterioration and political isolation of the FRY. However, according to official reports, more than 600,000 persons from the other former Yugoslav republics sought refuge in the FRY (UHNCR et al. [1996]: 19). Both units brought separate legal instruments to regulate the reception of refugees. While Montenegro issued a by-law,⁸ Serbia responded with the adoption of a special Law on Refugees in 1992 (Zakon o izbeglicama 1992),⁹ which explicitly defined *refugees (izbeglice)* exclusively on ethno-national basis, and the reasons for their displacement as a direct consequence of ethno-national aspirations of other ethno-national groups: “Serbs or members of other nationalities, who due to the pressures of Croatian or the governments of other republics,¹⁰ genocide threats, as well as persecution and discrimination on the basis of their religious or national belongings, or political views, were forced to leave their places of residence and flee onto the territory of the Republic of Serbia” (Zakon o izbeglicama 1992, article 1). This law focused on the admission of people, their accommodation and provision of aid, on humanitarian support in general, and not on defining the procedure for the determination of the legal and administrative status of the people (Stojić Mitrović 2014 a; a more detailed account is available in Krstić 2012: 68). This resulted in the creation of a specific image of *a refugee*: colored by a distinctive ethno-national connotation (a person who speaks the same language and belongs to/supports the same ethno-national group and is perceived to flee the place of origin exactly on that basis) and in need of direct humanitarian assistance. The dominant media imagery of the 1990s ex-Yu refugees was characterized by representations of misery, poverty, columns of people fleeing with just a few personal belongings, children, women and the elderly staring into cameras in silence. This imagery, which could be interpreted as aiming to evoke sorrow, empathy and compassion, combined with the notion of the same ethno-national belonging pervading both the political discourse and legislation, was in stark contrast with the not always positive reception of ex-Yu refugees in the general

⁸ <http://www.un.org.me/Library/Refugees-Asylum-Seekers-and-Statelessness/8%20Strategija%20za%20trajno%20rje%C5%A1avanje%20pitanja%20raseljjenih%20i%20interno%20raseljjenih%20lica%20u%20Crnoj%20Gori.pdf> (accessed 27 September 2020).

⁹ http://www.kirs.gov.rs/media/uploads/Migracije/O-migracijama/Zakon_o_izbeglicama.pdf (accessed 27 September 2020).

¹⁰ http://www.kirs.gov.rs/media/uploads/Migracije/O-migracijama/Zakon_o_izbeglicama.pdf (accessed 7 October 2020). In the 2010 amendment of the Law on Refugees (Zakon o izbeglicama 1992), *Croatian* was left out from Article 1, which was reformulated as: “Persons who escaped due to the events from 1991 to 1998 and their consequences or were expelled from the former Yugoslav republics to the territory of the Republic of Serbia, and cannot, for fear of persecution or discrimination, or do not want to return to the territory from which they fled, including those who opted for integration” (see Krstić 2012: 67).

population,¹¹ brutal violations of the rights of refugees¹² including forced mobilization,¹³ as well as in contrast with the inadequate administrative system, which continued to keep refugees legally outside of society (UNHCR et al. [1996]) – only in 1997, with the Law on Citizenship of the Federal Republic of Yugoslavia (Zakon o jugoslovenskom državljanstvu 1996), did refugees obtain slightly easier access to Serbian citizenship. However, this law set restrictive conditions for obtaining citizenship: only those citizens of the SFRY who had residence on the territory of the FRY before it was established on 27 April 1992, could automatically get FRY citizenship, which practically excluded the majority of refugees. Those who arrived after that date, could be “granted Yugoslav citizenship only by the federal or republic ministries of internal affairs, which had discretionary powers whether or not the requirements were met, and were bound to ‘take into account the interests of security and defense and the international position of Yugoslavia’ (Article 48)” (Belgrade Centre for Human Rights 2004: 54). Only after the political changes in 2000, the law was amended in 2001 to allow for easier access to citizenship for persons from SFRY actually residing on the territory of Serbia, and it excluded the previously existing condition to prove “loyalty to the receiving state” (Dimitrijević 2008: 306).

Izbeglice thus produced complex imagery, where the emphasis on the humanitarian hid the political understructure and uses in the perpetuation and energizing of ethno-national confrontations and power struggles on the national, regional and international level. The existential precarity which manifested itself above all in the form of constant questioning of their right to remain, rendered them as some awkward parts of the society and players in the political scene, *us*, but not *us* fully, allies and supporters, but whose loyalty was yet to be proven.

2.3. AZILANTI AS CITIZENS OF THE REPUBLIC OF SERBIA IN THE EU

Immediately after the Slobodan Milošević regime was overthrown in 2000, the Federal Republic of Yugoslavia and its successors, The State Union of Serbia and Montenegro and

¹¹ For example, Nin weekly reports that the admission of refugees was highly politicized: certain groups of people were simply not admitted, but forced back or moved to specified locations outside borders of the FRY, to Republika Srpska or Republika Srpska Krajina, but also to some areas in the FRY where dominant population declared as not being ethnic Serb. Negative stereotyping was present (some of the attributes which were used are: *invasive, criminal, uncivilized, aggressive*), and, as the money arriving for refugees diminished and political situation changed not in favor of the FRY, the administrative obstacles for issuance of basic documents intensified (Gojčić 1997). See also <https://www.portalnovosti.com/ovdje-ubijani-tamoponizavani> (accessed 26 September 2020).

¹² An overview of the violations conducted by the state in relation to the ex-Yugoslav refugees is available at: <http://www.hlc-rdc.org/wp-content/uploads/2015/11/Pod-lupom-Kr%C5%A1enje-prava-izbeglica-u-SCG1.pdf> (accessed 27 September 2020).

¹³ <https://www.ian.org.rs/arhiva/publikacije/erdut/knjiga/knjiga%20srp.pdf> (accessed 27 September 2020).

the Republic of Serbia, introduced accession to the EU as the major political goal. This was followed by legislative and institutional transformations (within the EU administrative framework of developing human rights, democracy, rule of law, free market economy, reconciliation and strengthening cooperation of the Western Balkan states etc.) where migration policy was one of the central issues. Especially within the so-called visa liberalization process, formalized by the Visa liberalization with Serbia Roadmap (2008),¹⁴ Serbia took on the obligation to impose control of movement of its own as well as third-state nationals toward EU member-states, for which it received financial and other support from the EU, directly, or through the NGO sector (Stojić Mitrović and Vilenica 2019). The movement across and within Serbian borders was to be controlled by both technical and administrative means, that is, the introduction of biometric passports, the application of specialized technical equipment, as well as new legislation and institutional infrastructure. The Law on State Border Protection (Zakon o zaštiti državne granice 2008),¹⁵ the Law on Travel Documents (Zakon o putnim ispravama 2007), the Asylum Law (Zakon o azilu 2007), the Law on Foreigners (Zakon o strancima 2008), the Law on Migration Management (Zakon o upravljanju migracijama 2012), readmission agreements with the EU, its member-states and neighboring states, established new procedures and concepts, and allocated jurisdictions to re-formed or newly formed institutions.

First provisions in this process were directed toward the control of movement of Serbian nationals, who sought asylum in the EU member states, trying to escape transgenerational structural violence, never-ending political tensions and poverty (in 2010, 14,615, while in 2018 Serbian citizens logged 4,445 new applications in the EU).¹⁶ Serbia was to control movement of its own nationals through the issuance of biometric passports, “targeted control on exit borders” (that is, through racial profiling, since the Roma people comprise the majority of asylum seekers in the EU, see, for example, Knezevic Kruta 2019: 198) and readmission agreements, which obliged it to accept back its nationals who were refused stay in the EU member states, and organize their accommodation and other provisions when needed. With the funding provided by the EU, the state and civil sector initialized different “awareness campaigns”¹⁷ to prevent its own nationals from seeking asylum in the EU by pointing to risks of human trafficking, extremely low recognition rates and possibilities for other forms of legalizing work and stay in the EU.

In public discourse, *azilanti* began to be attached to Serbian nationals who are not “ethnic Serbs”: “Yes, there are a lot of asylum seekers from Serbia, but they are Roma

¹⁴ <https://www.esiweb.org/pdf/White%20List%20Project%20Paper%20-%20Roadmap%20Serbia.pdf> (accessed 20 July 2020).

¹⁵ In 2018, new law regulating border control was adopted (Zakon o graničnoj kontroli 2018).

¹⁶ [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=File:Number_of_first-time_applicants_for_asylum_from_citizens_of_enlargement_countries,_EU-28,_2008-2018_\(number_of_persons\)_CPC2019.png](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=File:Number_of_first-time_applicants_for_asylum_from_citizens_of_enlargement_countries,_EU-28,_2008-2018_(number_of_persons)_CPC2019.png) (accessed 20 July 2020).

¹⁷ <https://www.easo.europa.eu/sites/default/files/public/BZ0213708ENC.pdf> (accessed 27 September 2020).

and Albanians” (to paraphrase a Serbian journalist),¹⁸ as well as to those who come from extreme poverty.¹⁹ The sheer number of people with Serbian citizenship seeking asylum in the EU member states and being declined has been presented as a threat to visa-free travel, established after years and years of political and institutional transformations and negotiations (Jokanović 2011). This narrative has been occasionally reappearing, and it was most recently widely utilized in 2014–2015 regarding the migration of people with identification documents issued by the institutions of Kosovo, which Serbia does not recognize:²⁰

The Minister of Foreign Affairs, Ivica Dačić, stated today that mass migrations of Albanians from Kosovo are not a problem for Serbia and that citizens can rest assured that there would be no reintroduction of visas. [...] “The European Union and those countries that have recognized Kosovo should not be hypocritical and when they negotiate the status of Kosovo, they say – you have nothing to do with Kosovo, and when there are routes of illegal migration, they should consider them citizens of Serbia”, Dačić said. They are those who insisted on the freedom of movement of Kosovo Albanians.²¹

Moreover, in Serbia, similarly as in other places in Europe, it was very common to hear or read narratives in the media that questioned the intentions of these people: they were often presented as *fake asylum seekers*, those who used the asylum system as a means for achieving something other than international protection, either as a way to enter a country, legalize their stay, or get various advantages, for example, financial benefits such as “pocket money”, free accommodation, food, money for voluntary return, etc. (Stojić Mitrović 2018). As I mentioned elsewhere, this added a special layer of connotation to this phrase: dishonesty and inclination to fraud (Stojić Mitrović 2018).

Thus, the concepts of *izbeglice* and *azilanti* are perceived as categories that are easily conceived of as referring to a kind of primordial group identity and not a situation in which persons find themselves, as collective and not individually assessed categories. While *izbeglice* are mostly *Serbs*, but not quite citizens of Serbia, *azilanti* are citizens of Serbia, but not quite *Serbs*.

¹⁸ <https://www.lopusina.com/2016/07/11/rasizam-na-evropski-nacin/> (accessed 20 July 2020).

¹⁹ “In Serbia, a certain number of so-called ‘fake asylum seekers’, i.e. domestic citizens seeking asylum in the EU countries, even though they are not subjected to persecution on the grounds required for getting asylum, recently appeared. After visa liberalization for the citizens of the Republic of Serbia in December 2009, in the next year alone 17,000 people from Serbia sought asylum in the EU countries, especially in Sweden, Belgium and Germany. This primarily concerns poor citizens who sought asylum, believing that their life in the EU countries would be easier. About 95% of them are Roma, and the rest are mostly Albanian minorities from Preševo and Bujanovac. These people often sell off all their assets to get a started in life in the foreign country, and if they are returned on the basis of the readmission agreement, it poses the question whether it is fair to apply to them special benefits that are provided to others returnees” (Krstić 2012: 19).

²⁰ According to United Nations Security Council Resolution 1244. <https://unmik.unmissions.org/united-nations-resolution-1244> (accessed 20 July 2020).

²¹ “Dačić: Nema uvođenja viza zbog migracija sa Kosova”. *Radio O21*, 14 Feb 2015. <https://www.O21.rs/story/Info/Srbija/101433/Dacic-Nema-uvođenja-viza-zbog-migracija-sa-Kosova.html> (accessed 1 July 2020).

These connotations were present, alive and deeply rooted when third-state nationals, those who were neither *Serbs* nor citizens of Serbia, came into the focus of migration policies, practices and discourse in Serbia and clashed with the assessment of asylum claims on the individual level demanded by the Geneva Convention and ensuing national laws. However, it was here that things became even more complicated.

2.4. ILEGALNI/NEREGULARNI/EKONOMSKI MIGRANTI (ILLEGAL/IRREGULAR/ECONOMIC MIGRANTS)

The terminology which is dominating the contemporary discourse has only recently been established in Serbia. Although the law regulating the movement and stay of foreigners in SFRY (Zakon o kretanju i boravku stranaca 1980, articles 25, 34) addresses the prohibition of entry into the country or the cancellation of residence to foreigners, it does not offer a specific category related to what is today called irregular migration. Only the beginning of the Process of Stabilization and Accession of Serbia to the European Union (launching confirmed in 2003)²² led to the gradual adoption of the term *illegal migration* in the bilateral communication between Serbia and the EU. The reason for this was not a change in migration practices, which demanded the recognition of a new category of persons, or a new manner of crossing borders, but of directly political nature, to harmonize national legislation with the one existing in the EU. This was a long process which developed in phases.

For example, certain modus operandi had been established, despite the lack of specific legal and administrative provisions. In the U.S. Committee for Refugees and Immigrants World Refugee Survey 2005 – Serbia and Montenegro report we read:

The Government routinely imprisoned undocumented asylum seekers from outside the former Yugoslavia up to 30 days, throughout which they had no access to counsel, when it did not summarily deport them... Those the Government could not identify or document, including those whose documents traffickers had taken, generally remained in detention indefinitely without judicial review or independent monitoring of their conditions... Asylum seekers had to have a police permit to travel within the country, but UNHCR cautioned against travel as authorities could suspect and charge them with attempting to leave the country illegally. (U.S. Committee for Refugees and Immigrants 2005)

Only the framework of the visa liberalization process led toward the establishment of categories of *illegal/irregular migration/migrants*; moreover, these derived not from laws, but from strategies. For example, neither the Asylum Law (Zakon o azilu 2007) nor the Law on Foreigners (Zakon o strancima 2008) recognize any particular category of migrants or migration that would be labelled *irregular* or *illegal*. However, in the strategy for “combat-

²² Overview of the process is available at <http://europa.rs/serbia-and-the-eu/milestones/?lang=en> (accessed 20 July 2020).

ing illegal migration” for the period 2009–2014 (Strategija suprotstavljanja ilegalnim migracijama za period 2009–2014, 2009), adopted by the Serbian Government on March 26, 2009 as the first of this kind, the terms *illegal migration* and *illegal migrants* appear and are defined as follows: *Illegal migration* is any movement of a population from one country to another, which does not comply with the applicable regulations of the country of origin and destination, as well as a stay in a particular country contrary to the applicable regulations of that state. *Illegal migrant* is a foreign national who illegally entered/exited another country (entry outside a border crossing, entry with a forged or otherwise irregular travel document) for residence or permanent residence. Persons who have legally entered the country but who did not leave the country after their legal stay expired have the same meaning. This strategy also introduced the concept of a *potential illegal migrant*, which refers to any person who is not allowed to enter the territory of a particular country, as well as a person who does not obtain a positive decision on a visa application (Strategija suprotstavljanja ilegalnim migracijama za period 2009–2014, 2009: Annex 1). Also, this strategy states very explicitly that illegal migration is administratively treated as a form of organized crime (ibid., Article 1). Later, in the 2009 migration management strategy document (Strategija za upravljanje migracijama 2009), the term *illegal migration or migrant* was used as the equivalent of *irregular migration or migrant*.²³

This terminology mainly remained in professional, policing discourse, and was only rarely taken up by the media. Migration of third-country nationals was rather invisible until 2011, the time of the first organized protests by local residents against the presence of migrants in Banja Koviljača (Stojić Mitrović 2014 b). From 2011 to 2015 it only sporadically made headlines and always in relation to *asylum*. The expression *azilanti* was commonly used and not necessarily in a derogatory context, to refer to third country nationals,²⁴ interchangeably with *migranti* (migrants) or *ilegalni migranti* (illegal migrants), that is,

²³ And as a side note, the term *ilegalci*, which is colloquially used to depict migrants unrecognized as having justified basis to be in Serbia, had actually been used for political activists and spies in SFRY.

²⁴ It is necessary to mention that unlike in the SFRY period, where *asylum* and *refugee* were separate categories, with the legislative transformations within the visa liberalization process, they became phases of the same proceeding: “*Asylum* shall be understood to mean the right to residence and protection accorded to an alien to whom, on the basis of a decision of the competent authority deciding on his/her application for asylum in the Republic of Serbia, refuge or another form of protection provided for by this Law was granted; [...] *an asylum seeker* shall be understood to mean an alien who has filed an application for asylum on the territory of the Republic of Serbia, on whose application a final decision has not been taken; a *refugee* shall be understood to mean a person who, on account of well-founded fear of persecution for reasons of race, sex, language, religion, nationality, membership of a particular social group or political opinions, is not in the country of his/her origin, and is unable or unwilling, owing to such fear, to avail him/herself of the protection of that country, as well as a stateless person who is outside the country of his/her previous habitual residence, and who is unable or unwilling, owing to such fear, to return to that country; *refuge* shall be understood to mean the right to residence and protection granted to an refugee who is on the territory of the Republic of Serbia, with respect to whom the competent authority has determined that his/her fear of persecution is well-founded; *subsidiary protection* shall be understood to mean a form of protection the Republic of Serbia grants to an alien who would be subjected, if returned to the country of origin, to torture, inhumane or degrading treatment, or where his/her life, safety or freedom would be threatened by generalized violence caused by external aggression or internal armed conflicts or massive violation of human rights” (Zakon o azilu 2007, article 2 [unofficial translation, available at <https://www.refworld.org/docid/47b46e2f9>].

irrespective of their administrative status. Biopolitical polarization, which is extensively discussed in academic literature (De Genova and Roy 2020; Anderson 2008) has only gradually, and in the course of several years, been absorbed into the public discourse as essentially related to a specific category of persons, either opposed to or as an extension of *azilanti*.

As explained elsewhere (Belgrade Centre for Human Right 2014, Belgrade Centre for Human Rights 2013), the Serbian asylum system represents a variant of the so-called policy of non-doing (McConnell and t' Hart 2014), when policy is defined, legislation enacted, institutions established, but practice does not fit in and a policy of inaction, deliberate or not, is discursively justified by a number of economic, institutional, human resources and many other reasons (Stojić Mitrović 2016). In Serbia, people would get a document confirming that they expressed intention to seek asylum (“a 72 hour paper”, see Beznec et al. 2016), but were prevented from continuing the asylum procedure, since the following phase could be accomplished only from within asylum centers – not getting into an asylum center deprived people of obtaining the status of an asylum seeker and kept them in a liminal position (see Stojić Mitrović and Meh 2015). Since the capacities for accommodation were far from sufficient, the expression of the intention to seek asylum expired. Asylum centers were the only type of official accommodation centers until 2015, and people on the move gathered in their proximity, in addition to a big squat in the north (Beznec et al. 2016). On one hand, the state fulfilled the EU demands to establish the asylum system, on the other, it continued with the practices of inaction, similarly as in the previous period and refugees of the 1990s: the politics of uncertainty (Stel 2020). With this, it avoided administrative binding of third-country nationals to Serbia and the responsibility for them, produced vulnerabilities which only facilitated their need to continue their journey, kept people in legal limbo and thus made them prone to untransparent practices conducted by the state authorities effectively excluding them from the society. Unlike refugees from the former Yugoslavia, people on the move did not have the social capital to improve their situation and overcome obstacles. In public discourse, *azilanti* and *migranti* was used interchangeably, adequately reflecting the rather confused practice.

However, in 2015 the situation radically changed. Following the UNHCR campaign in the wake of the World Refugee Day on June 20 to spread awareness on reports of an *unprecedented number of refugees* and the *refugee crisis*, this debate entered the Serbian public. National and local media alike ran articles and/or expert interviews trying to disentangle this ambivalence and established “terminological negotiability” (Lukić Krstanović 2016: 62) as the new normal in public discourse:

It is a common practice in the domestic and foreign media, as well as the public, to call people fleeing the war in Syria, Iraq and Afghanistan migrants, and even illegal migrants. The expert public warns that 95% of the situations are actually refugees, whose status

html (accessed 20 July 2020)). This unofficial translation of the Zakon o azilu 2007, uses the phrase *alien* instead of more common variant *foreigner*.

provides a much wider range of human rights than those of, say, economic or political migrants. A refugee, for example, is not obliged to legally cross the borders on the way from his own country where there is a state of war, to the final destination, because he is fleeing from his home country in order to save his bare life. “The basic right of a refugee is, when he comes to the territory of a third country, what we call the state of refuge, he must not be returned to a state where he would be threatened by persecution. A refugee must not be punished for illegally crossing the state border, that is, for illegally staying in the state of refuge,” Pavle Kilibarda, a researcher at the Belgrade Center for Human Rights, told RTV. (Žigić 2015)

Day after day, the world media report on thousands of people arriving in Europe from crisis and poor areas of the world, while the debate on whether they should be described as refugees or migrants continues,

Blic daily reports and continues:

There is a significant difference in legal terms between these phrases – a refugee is a person who has the right to protection under international law, and a migrant is a person who moves in search of a better life.²⁵

Radio O21 concludes:

They call them migrants, asylum seekers, refugees. Neither the state authorities nor the experts dealing with migration and refugee issues agree on what to call these people. The question is not linguistic but political: it depends on the answer whether they would let you cross the border or leave you in front of the Hungarian wall.²⁶

The state acknowledged that the question of identification is difficult to answer by appointing a special body formed in the spring of 2015, Working Group for Solving Problems of Mixed Migration Flows. However, the performative potential of calling people *refugees* or *migrants* was also recognized: “The concept of refugee was used to evoke empathy, and migrants to stress the economic and voluntary aspect of migration” (Stojić Mitrović 2019: 23). But the perlocutionary force of these phrases when used in specific contexts is something that should be mentioned. The Serbian state and especially its institution responsible for the accommodation of migrants, the Commissariat for Refugees and Migrations, represents its approach to treating migrants while in Serbia as non-violent and dignified, stressing that accommodation centers are of the open type and that needs of specific groups are fulfilled,²⁷ as means to affirm that it respects human rights and the rule of law, demands formulated in the negotiation chapters 23 and 24 within the EU Accession process. Furthermore, by emphasizing the “extraordinarily humane approach”

²⁵ “DEBATA O IMENU Migranti, ili izbeglice?”. *Blic*, 28 Aug. 2015. <https://www.blic.rs/vesti/drustvo/debata-o-imenu-migranti-ili-izbeglice/e2dwqy9> (accessed 1 July 2020)

²⁶ “Migranti ili izbeglice – nije lingvističko već političko pitanje”. *Radio O21*, 15 Aug. 2015. <https://www.O21.rs/story/Info/Srbija/115288/Migranti-ili-izbeglice-nije-lingvisticko-vec-politicko-pitanje.html> (accessed 1 July 2020).

²⁷ <http://rs.n1info.com/Svet/a215836/Svi-prihvatni-centri-spremni-za-zimu.html> (accessed 1 October 2020).

in direct confrontation with the treatment of people on the move in the neighboring states (“The others are beating them, Serbia is helping”,²⁸ “They are the first ones who do not treat us as animals”²⁹), it was possible to infer that Serbia is done with its violent ethno-national past. Serbian institutions could build international reputation that they have “the know-how” with regard to the humane reception of large numbers of people in a short time span.³⁰ This reputation opened the door for better access to European funds.³¹ Indeed, in December 2015, the state opened its first negotiation chapters in the EU Accession process.³²

Helping refugees was not limited to the state: without accessing status, the *refugee crisis* was the dominant, uncritically accepted frame through which migration was treated and talked about in the humanitarian sector, as it brought additional moral justification for their work. The phrase *izbeglice* was occasionally intentionally used in order to affect the emotions of the Serbian public by introducing a direct relation with the refugee experiences from the 1990s. For example, the first open call for donations in Belgrade, after which the distribution hub *Miksalište* was formed, directly evoked Serbs fleeing Croatia in 1995, 20 years earlier to the day.³³

It is precisely this possibility of relating ex-Yu refugees to people turning to the Serbian asylum system that was decisively negated in anti-migrant discourse: “They are economic migrants, I know what a refugee is,” “You cannot compare refugees from Yugoslavia with these guys,” “We waited in front of embassies in lines to get our documents, we did not breach laws”, “We behaved in a civilized manner in camps”, are just some of the narrations encountered on the social media especially in anti-migrant groups in Serbia.³⁴ Furthermore, the *refugeeness* was denied on a visual basis, as people were said to be too male, too young, wealthy, healthy and so on, to be *real refugees*.

In actual reception practice, the administrative dichotomy between *refugees* and *migrants* does not bear much importance, since the number of people being granted refuge is both proportionally and absolutely rather small (200 positive decisions since 2008 out of almost a million intentions to seek asylum issued),³⁵ and people are treated equally irrespective of their administrative status (they can access services or be deported regard-

²⁸ <https://www.blic.rs/vesti/drustvo/drugi-ih-tuku-srbija-pomaze/h60h099> (accessed 20 July 2020).

²⁹ https://www.b92.net/info/vesti/index.php?yyyy=2015&mm=09&dd=10&nav_category=12&nav_id=1037338 (accessed 20 July 2020).

³⁰ <https://www.rts.rs/page/stories/sr/story/9/Politika/2043138/Vu%C4%8D%C4%87%3A+Hvala+No+uve%C5%A1koj%2C+izbeglice+nam+nisu+veliki+problem.html> (accessed 20 July 2020).

³¹ <http://europa.rs/tag/podrska-eu-za-izbeglice-i-migrante/> (accessed 20 July 2020).

³² <https://www.rts.rs/page/stories/sr/story/9/politika/2139802/dan-za-istoriju-srbija-otvorila-prva-poglavlja-pregovora-sa-eu.html> (accessed 1 October 2020).

³³ <https://p-portal.net/savamala-otvorenog-srca-prikupljanje-pomoci-za-migrante/> (accessed 20 July 2020).

³⁴ <https://www.facebook.com/groups/512775282720731/> (accessed 20 July 2020).

³⁵ <http://rs.n1info.com/Vesti/a611553/Komeserijat-U-Srbiji-4.800-migranata-od-2008.-godine-173-osobe-dobile-azil.html> (accessed 20 July 2020).

less of the paper they do or do not hold) (Stojić Mitrović 2019: 23). Nevertheless, when the official EU policy got an openly securitarian turn in 2016 (see Bezec et al. 2016), *refugees* gave way to *migrants* for Serbian politicians.³⁶ “Protecting borders of Europe” by deterring *migrants* from entering Serbia and leaving further toward the EU was now the main way of operational and even institutional integration of Serbia into the European Border Regime, achieved through increased police cooperation of ex-Yugoslav states and the EU member states and negotiation of Frontex, which is being deployed on territories of states which are not part of the EU (for a more detailed account see Stojić Mitrović et al. 2020).

Interestingly, to avoid the dichotomy between *refugees* and *migrants* and connotations these phrases entail, in official NGO reports the terms *beneficiaries* and *people in need* are used most often (Stojić Mitrović 2019: 23).

The concept of *economic migrants* entered the Serbian public discourse as a direct follow up of a UNHCR campaign that began in spring 2015 (not only in Serbia): “these people are not migrants, they are refugees”, as the chief of the UNHCR in Serbia told during the opening night of the Miksalište distribution hub in August 2015.³⁷ The explanation of the concept of refugees in the glossary which could be found in 2015 on the page of UNHCR, was directly confronted to the concept of economic migrants: while refugees are forced to flee due to some objective circumstances, migrants, and especially economic migrants, choose to migrate themselves.³⁸ In later versions, this emphasized dichotomy was moderated.³⁹ However, this dichotomy, that refugees and economic migrants are fundamentally different and that this difference is discernible, if not even obvious, pervades contemporary official reception practices and public discourse. The phrase *economic migrant* is used to stress that a person has no right to asylum and refugee status, as he/she is not forcefully displaced by wars, and has no right to legally enter or stay in a state. It univocally establishes poverty as one of the main motives for migration and, ipso facto, as something that automatically results in the rejection of the asylum claim, that is, one of the only available ways for legalization of status for the majority of Earth’s human population.

The phrase *economic migrants* dominates the contemporary discourse in Serbia. A lot of Serbian nationals use facilitated entrance into the German labor market resulting in increased emigration (Radulović 2019) which is presented as the main demographic problem in Serbia, adding to “depopulation”, which is again read mostly as a problem when “depopulation” refers to the departure of “Serbs”, and especially “educated Serbs”:

³⁶ <https://www.danas.rs/politika/vucic-srbija-nece-biti-parking-za-migrante-ako-zatreba-zatvoricemo-granicu/> (accessed 20 July 2020).

³⁷ For similar phrasing see <https://www.cenzolovka.rs/iz-prve-ruke/zasto-mediji-izbeglice-pretvaraju-u-migrante/> (accessed 29 September 2020).

³⁸ The UNHCR page has been altered, but reflections on older version of the glossary can be found on <https://www.unhcr.org/news/latest/2016/7/55df0e556/unhcr-viewpoint-refugee-migrant-right.html> or https://www.humanityinaction.org/knowledge_detail/an-alternative-vocabulary-for-reporting-on-migration-issues-on-politics-ethics-and-the-news-medias-contested-migration-terminology/ (accessed 29 September 2020).

³⁹ <https://www.refworld.org/docid/56e81c0d4.html> (accessed 10 October 2020).

for example, the Serbian tabloid Alo! puts statistics under the headline “Statistics are Devastating. Serbs, if we continue like this, there will be NO more of us!”⁴⁰ Settling of third-state nationals from Africa and Asia in depopulated areas has sporadically been mentioned in the media, but also immediately refused as a solution “due to cultural/religious differences”. In the end of 2019, the narrative that the Serbian state is secretly planning to settle thousands of migrants from the Middle East and Africa to Serbia began to get unprecedented attention in the Serbian public, as visible through numerous protests, petitions and social media groups which demanded the removal of migrants from Serbia. Very often, funding for the permanent solution to accommodating refugees from the former Yugoslavia, such as provision of construction material, houses or flats, has been presented as intended for “buying houses for migrants”, and the state has been accused of favoring foreigners to its own citizens.⁴¹ Similarly, readmission agreements are causing discussions in which the top officials are accused of betraying citizens and “endangering them by migrants”, for shady personal economic benefits.⁴² Even a lexical construction of *doing migration to a place* is present (“stop migration of Serbia”, “stop migration of Kikinda”).⁴³ During the state of emergency introduced in March 2020 in order to deal with the Covid-19 pandemic, a Facebook group, *STOP naseljavanju migranata* (STOP Settlement of Migrants), grew by 300,000 new members in ten days (Stojić Mitrović et al. 2020).⁴⁴ One of the narratives was that the state introduced lockdown and curfew hours to keep citizens at home, so they would not be able to witness while migrants were being imported and settled across Serbia (for an analysis of these narratives, see Marinković 2020). An active part of this group organized into “Narodne patrolne” (People’s patrols), conducting “patrols” in areas where people on the move gather, and they “instruct” them to leave and not to “make problems” while in Serbia.⁴⁵ They also organize anti-migrant protests in different parts of Serbia⁴⁶ and activities such as simultaneous protests in support of similar anti-migrant and anti-mask groups in Europe.⁴⁷ These forms of public activism indicate not only that a negative connotation of the term migration is becoming the norm, but also that migration is persistently read from an ethno-national position, and even a position of international nationalism.

⁴⁰ “STATISTIKA JE PORAŽAVAJUĆA Srbi, ako nastavimo ovako, više nas NEĆE BITI!”, 29 Jun 2018. <https://www.alo.rs/vesti/drustvo/srbi-ako-nastavimo-ovako-vise-nas-nece-biti/172975/vest> (accessed 1 July 2020).

⁴¹ https://www.rtv.rs/sr_lat/drustvo/komesarijat-demantuje-vest-o-kupovini-kuca-migrantima_992916.html, <https://www.blic.rs/vesti/drustvo/komesarijat-drzava-migrantima-ne-kupuje-kuce/bczz2wz> (accessed 1 October 2020).

⁴² The latest spree was caused by the revelation of a deal between Serbia and Austria: <https://www.danas.rs/politika/centar-za-ljudska-prava-trazi-od-vlasti-detalje-sporazuma-o-vracanju-migranata-iz-austrije/> (accessed 1 October 2020).

⁴³ <https://www.facebook.com/Srbijaprotivmigranata/videos/176948540373589> (accessed 1 October 2020).

⁴⁴ <https://www.facebook.com/groups/512775282720731> (accessed 10 October 2020).

⁴⁵ <https://www.bbc.com/serbian/lat/srbija-51761864> (accessed 1 October 2020).

⁴⁶ <https://www.soinfo.org/vesti/tag/narodna%20patrola/> (accessed 1 October 2020).

⁴⁷ <https://www.facebook.com/narodnapatrola> (accessed 1 October 2020).

3. CONCLUSION

In public and social media, people are being transformed into amorphous masses of victims, villains, or fragmented numbers, quotas, percentages; elliptical narratives are often focused on “exemplar” events and more or less loosely build on de-contextualized official reports, strategies, risk analysis, and other forms of outputs with epistocratic ambition,⁴⁸ thus openly supporting or going against simplistically presented official policies or “hidden agendas”, i.e., perceptions of migration-related assemblages, hegemonic structures, their counterparts, actors, agencies and their relations. Terminology, “how to call these people”, serves as an overarching label, which implies a whole set of meanings, assumptions, world views. As Lukić Krstanović notices, “migration terms are now becoming an instrument, not only for normativisation of migrant protection and (inter)national security, but also for causing complete commotion among the public, i.e., creating stimuli with affective value in the process of categorizing people” (Lukić Krstanović 2016: 64).

Unlike the terminology of asylum and refugee, which had their counterparts in the preceding domestic legislation and public discourse, the EU Accession process first brought *illegal migration/migrants* and its more politically correct version of *irregular migration/migrants* and later *economic migrants* into speaking about and treating people who were neither former co-citizens nor “co-ethnics”. Illegal/irregular migration/migrants as well as asylum, were initially just concepts, phrases used in legislation needed to meet the demands in the EU negotiation process. Their initial perlocutionary force, to paraphrase Austin, was to show that Serbia is adopting EU-tailored legislation and institutional organization, to make a political statement that it is on its way to EU membership. Only later did they begin to profoundly affect the lives of people on the move and to serve as symbols able to mobilize the local population to articulate their dissatisfaction with the current state of affairs. These uncertainties were not always closely related to migration per se, but were framed as existential threats (Huysmans 2006) and channeled through the concept and imagery of the *migrant*. To paraphrase Austin (1990) again, changed terminology now obtained a perlocutionary force masked into an illocutionary one: calling someone a *refugee*, *azilant*, *illegal/irregular/economic migrant* is not a simple act of naming, or making a judgement, or filling-in an administrative field; it represents allocating a special position, role and relation with other groups. Terminology becomes a metaphor, an “abstraction through which the expression used as metaphor loses its reference to an individual object and takes on a general value” (Ricoeur 1994: 107).

In this text the concepts were described to indicate one particular use: that of political statements. From *asylum* and *refugee* in complementary activities of the SFRY government and UNHCR, which affirmed the position of SFRY in-between the East and West and as the torchbearer of the Non-Alignment Movement, through restricting *refugees* to certain ethno-national groups, limiting visual imageries and using fleeing people to tip the

⁴⁸ On migration-related epistocracy, see Stojić Mitrović 2016

balance in regional political fights for power and territories and to pump up ethno-national feelings during the 1990s, through the definition of *azilanti* as “internal-others” that can easily endanger the painstakingly obtained facilitation of movement and political and economic course toward EU by the state and its citizens, to the use of *refugees* and (*economic*) *migrants* alike to push the accession process, get access to funds and become an indispensable operational partner of the EU as well as to accentuate belonging to *Europe*, through values, behaviors and self-identification against *azilanti*, *refugees* and *migrants*, these terms showed strong performative potential. Mechanisms of political worlding through wording can get their contours precisely by deconstructing the use of performatives and manipulations with inscribed meanings on the national and international arena.

REFERENCES AND SOURCES

- Anderson, Bridget. 2008. “*Illegal immigrant*”. *Victim or Villain?* Oxford: ESRC Centre on Migration, Policy and Society (Working Paper No. 64), University of Oxford. Available at: https://www.compas.ox.ac.uk/wp-content/uploads/WP-2008-064-Anderson_Illegal_Immigrant_Victim_Villain.pdf (accessed 10 October 2020).
- Austin, John L. 1990. *Kako napravimo kaj z besedami*. Ljubljana: ŠKUC – Znanstveni inštitut Filozofske fakultete (Studia humanitatis).
- Belgrade Centre for Human Rights. 2004. *Human Rights in Serbia and Montenegro 2003. Legal provisions, practice and consciousness in the State Union of Serbia and Montenegro compared to international human rights standards*. Available at: <http://www.bgcentar.org.rs/bgcentar/eng-lat/wp-content/uploads/2013/04/Human-Rights-in-Serbia-and-Montenegro-%E2%80%93-A-Comprehensive-Report-for-2003-in-Serbian-and-English-2004.pdf> (accessed 27 September 2020).
- Belgrade Centre for Human Rights. 2013. *Right to Asylum in the Republic of Serbia 2012*. Available at: <http://azil.rs/en/wp-content/uploads/2018/04/Right-to-Asylum-in-the-Republic-of-Serbia-2012.pdf> (accessed 27 September 2020).
- Belgrade Centre for Human Rights. 2014. *Right to Asylum in the Republic of Serbia 2013*. Available at: http://azil.rs/en/wp-content/uploads/2018/04/Right_to_Asylum_in_the_Republic_of_Serbia-2013.pdf (accessed 27 September 2020).
- Beznec, Barbara, Marc Speer and Marta Stojić Mitrović. 2016. *Governing the Balkan Route: Macedonia, Serbia, and the European Border Regime*. Belgrade: Rosa Luxemburg Stiftung Southeast Europe.
- Bianchini, Katia. 2010. “The Mandate Refugee Program: a Critical Discussion”. *International Journal of Refugee Law* 22 /3: 367–378. <https://doi.org/10.1093/ijrl/eeq026>
- Congressional Record. 1963. *Proceedings and debates of the 88th Congress. First Session*, 109/12. Washington: The United States Government Printing Office.
- De Genova, Nicolas and Ananya Roy. 2020. “Practices of Illegalisation”. *Antipode* 52: 352–364. <https://doi.org/10.1111/anti.12602>
- Dimitrijević, Duško. 2008. “Regulisanje državljanstva na prostoru bivše SFR Jugoslavije”. *Međunarodni problemi* 60/2-3: 191–344.
- Dinkel, Jürgen. 2018. *The Non-Aligned Movement. Genesis, Organization and Politics (1927–1992)*. Leiden, Boston: Brill. <https://doi.org/10.1163/9789004336131>
- Gojić, Ljubica. 1997. “Čiji krst oni nose?” *Nin* 2409, 28 February. Available at: <http://www.nin.co.rs/arhiva/2409/5.html> (accessed 1 July 2020).

- Huysmans, Jef. 2006. *The Politics of Insecurity. Fear, Migration and Asylum in the EU*. Abingdon: Routledge. <https://doi.org/10.4324/9780203008690>
- Jelačić, Miroslava. 2013. "Može li se sistem azila u Republici Srbiji smatrati funkcionalnim i kakvi izazovi stoje pred njim u budućnosti?". In *Prvih deset godina razvoja sustava azila u Hrvatskoj (s osvrtom na sustave azila u regiji)*. Drago Župarić-Ilić, ed. Zagreb: Nacionalna zaklada za razvoj civilnog društva, 223-244.
- Jokanović, Vladimir. 2011. "Srbiji preti 'crni šengen'?" *Politika*, 11 February. Available at: <http://www.politika.rs/sr/clanak/166947/Politika/Srbiji-preti-crni-sengen> (accessed 1 July 2020).
- Knezevic Kruta, Jovana. 2019. "Contesting the Structural Constraints. A Case Study of Roma Asylum Seekers from Serbia". In *Constructing Roma Migrants*. Tina Magazzini and Stefano Piemontese, eds. Cham: Springer (IMISCOE Research Series), 195-208. https://doi.org/10.1007/978-3-030-11373-5_11
- Krstić, Ivana. 2012. *Zaštita prava migranata u Republici Srbiji. Priručnik za državne službenike i službenike u lokalnim samoupravama*. Beograd: Međunarodna organizacija za migracije – misija u Srbiji. Beograd: Međunarodna organizacija za migracije – Misija u Srbiji. Available at: http://www.kirs.gov.rs/media/uploads/Migracije/Publikacije/Zastita_prava_migranata_u_Republici_Srbiji.pdf (accessed 26 September 2020).
- Lukić Krstanović, Miroslava. 2016. "Use of Migration Terms in Public Discourse. Example of Serbia in the Last Hundred Years". In *Contemporary Migration Trends and Flows on the Territory of Southeast Europe*. Marijeta Rajković Iveta, Petra Kelemen and Drago Župarić-Ilić, eds. Zagreb, 49–69.
- Marinković, Lazara. 2020. "Naseljavanje migranata u Srbiji" i korona virus. Kako epidemija utiče na širenje lažnih vesti i antimigrantskih stavova". *BBC news/na srpskom*, 7 May. Available at: <https://www.bbc.com/serbian/lat/srbija-52524776> (accessed 1 October 2020).
- McConnell, Allan and Paul t' Hart. 2014. "Public Policy as Inaction. The Politics of Doing Nothing". Available at: <https://ssrn.com/abstract=2500010> (accessed 1 October 2020). <https://doi.org/10.2139/ssrn.2500010>
- Radulović, Biljana. 2019. "Potraga za boljim poslom, srpskim radnicima Nemačka najprivlačnija". *Politika*, 10 February. Available at: <https://www.rts.rs/page/stories/sr/story/125/drustvo/3416091/potruga-za-boljim-poslom-srpskim-radnicima-nemacka-najprivlacnija-.html> (accessed 1 July 2020).
- Ricoeur, Paul. 1994. *The Rule of Metaphor. Multidisciplinary Studies of the Creation of Meaning in Language*. London: Routledge.
- Stel, Nora. 2020. *Hybrid Political Order and the Politics of Uncertainty. Refugee Governance in Lebanon*. London: Routledge. <https://doi.org/10.4324/9780429434716>
- Stojić Mitrović, Marta. 2014a. "Serbian Migration Policy Concerning Irregular Migration and Asylum in the Context of the Eu Integration Process". *Etnoantropološki problemi* 9/4: 1105–1120. <https://doi.org/10.21301/eap.v9i4.15>
- Stojić Mitrović, Marta. 2014b. "Presenting as a Problem, Acting as an Opportunity. Four Cases of Socio-Political Conflicts Taking the Presence of Migrants as a Focal Object in Serbia". *Bulletin of the Institute of Ethnography SASA* 62/1: 67–82. <https://doi.org/10.2298/GEI1401067S>
- Stojić Mitrović, Marta. 2016. *Azil i neregularne migracije u Srbiji na početku XXI veka. Kulturne paradigme*. Ph.D. Thesis. Available at: <https://dais.sanu.ac.rs/handle/123456789/4499> (accessed 1 October 2020).
- Stojić Mitrović, Marta. 2018. "'Managing' the Polyphony. The Discourse of Fraud and Epistocracy in the Context of Migration". In *Contemporary Migration Trends and Flows on the Territory of Southeast Europe*. Marijeta Rajković Iveta, Petra Kelemen and Drago Župarić-Ilić, eds. Zagreb: FF Press, 181–193. <https://doi.org/10.17234/9789531756525.10>
- Stojić Mitrović, Marta. 2019. "The Reception of Migrants in Serbia. Policies, Practices and Concepts". *Journal of Human Rights and Social Work* 4: 17–27. <https://doi.org/10.1007/s41134-018-0077-0>

- Stojić Mitrović, Marta and Ela Meh. 2015. "The Reproduction of Borders and the Contagiousness of Il-legalisation. A Case of a Belgrade Youth Hostel". *Bulletin of the Institute of Ethnography SASA* 63/3: 623–638. <https://doi.org/10.2298/GE1503623S>
- Stojić Mitrović, Marta and Ana Vilenica. 2019. "Enforcing and Disrupting Circular Movement in an EU Borderscape. Housingscaping in Serbia". *Citizenship Studies* 23/6: 540–558. <https://doi.org/10.1080/13621025.2019.1634368>
- Stojić Mitrović Marta, Nidžara Ahmetašević, Barbara Bezec and Andrej Kurnik. 2020. *The Dark Sides of Europeanisation. Serbia, Bosnia and Herzegovina and the European Border Regime*. Belgrade: Rosa Luxemburg Stiftung for Southeast Europe.
- Strategija suprotstavljanja ilegalnim migracijama za period 2009–2014. godine. 2009. In *Službeni glasnik RS* 25/2009. Available at: <https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/vlada/strategija/2009/25/1/reg> (accessed 20 July 2020).
- Strategija za upravljanje migracijama. 2009. In *Službeni glasnik RS* 59/2009. Available at: <https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/vlada/strategija/2009/59/1> (accessed 20 July 2020).
- U.S. Committee for Refugees and Immigrants. 2005. *U.S. Committee for Refugees and Immigrants World Refugee Survey 2005 – Serbia and Montenegro. 20 June 2005*. Available at: <https://www.refworld.org/docid/42c928932f.html> (accessed 1 July 2020).
- U.S. Government Printing Office. 1951. *Geneva Conventions for the Protection of War Victims: Message from the President of the United States Transmitting Copies of the Geneva Conventions for the Protection of War Victims*. Available at: https://www.loc.gov/rr/frd/Military_Law/pdf/GC_message-1951.pdf (accessed 26 September 2020).
- UNHCR, Komesarijat za izbeglice Republike Srbije i Komesarijat za izbeglice Republike Crne Gore. [1996]. *Popis izbeglica i drugih ratom ugroženih lica u Saveznoj Republici Jugoslaviji*. Available at: <http://www.kirs.gov.rs/media/uploads/Dokumenti-i-publikacije/Izvestaji/Popis%20izbeglica%20i%20drugih%20ratom%20ugrozenih%20lica%20u%20SRJ%201996.pdf> (accessed 1 July 2020).
- Ustav Republike Srbije. 1990. In *Službeni glasnik RS* 1/90. Available at: <http://mojustav.rs/wp-content/uploads/2013/04/Ustav-iz-1990.pdf> (accessed 26 September 2020).
- Ustav SFRJ. 1974. In *Službeni list SFRJ* 1974. Available at: <http://mojustav.rs/wp-content/uploads/2013/04/Ustav-SFRJ-iz-1974.pdf> (accessed 26 September 2020).
- Wood, Goef. 2007. "Labels, Welfare Regimes and Intermediation. Contesting Formal Power". In *The Power of Labelling. How People are Categorized and Why it Matters*. Joy Moncrieffe and Rosalind Eyben, eds. London: Earthscan, 17–32.
- Zakon o azilu. 2007. In *Službeni glasnik RS* 109/2007. [Unofficial translation is available at: <https://www.refworld.org/docid/47b46e2f9.html> (accessed 1 July 2020)].
- Zakon o azilu i privremenoj zaštiti. 2018. In *Službeni glasnik RS* 24/2018–23. Available at: <https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/skupstina/zakon/2018/24/2/reg> (accessed 14 September 2020). [English translation available at: <http://www.unhcr.rs/media/docs/2018/LawOnAsylumAndTemporaryProtectionRS.pdf> (accessed 20 July 2020)].
- Zakon o graničnoj kontroli. 2018. In *Službeni glasnik RS* 24/2018. Available at: <https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/skupstina/zakon/2018/24/3> (accessed 20 July 2020).
- Zakon o izbeglicama. 1992. In *Službeni glasnik RS* 30/2010. Available at: <https://www.paragraf.rs/propsi/zakon-o-izbeglicama-republika-srbija.html> (accessed 19 July 2020).
- Zakon o jugoslovenskom državljanstvu. 1996. In *Službeni list SRJ* 33/96, 9/2001 and *Službeni glasnik RS* 135/2004. Available at: http://www.podaci.net/_z1/2125837/Z-jdrzav02v9633-04D5.html (accessed 19 July 2020).

- Zakon o kretanju i boravku stranaca. 1980. In *Službeni list SFRJ* 56/80, 53/85, 30/89, 26/90, 53/91 and *Službeni list SRJ* 24/94, 28/96, 68/2002. Available at: <http://www.informer.co.rs/docs/zakon-o-kretanju-i-boravku-stranaca.pdf> (accessed 26 Septemebr 2020).
- Zakon o putnim ispravama. 2007. In *Službeni glasnik RS* 90/2007, 116/2008, 104/2009, 76/2010, 62/2014, 81/2019. Available at: https://www.paragraf.rs/propisi/zakon_o_putnim_ispravama.html (accessed 1 October 2020).
- Zakon o strancima. 2008. In *Službeni glasnik RS* 97/2008. Available at: <https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/skupstina/zakon/2008/97/4> (accessed 20 July 2020).
- Zakon o strancima. 2018. In *Službeni glasnik RS* 24/2018, 31/2019. Available at: https://www.paragraf.rs/propisi/zakon_o_strancima.html (accessed 1 October 2020). [English translation available at: <http://www.mup.gov.rs/wps/wcm/connect/004ebee-f0a9-4116-9797-e24889136d03/law-on-foreigners+Official+Gazette+of+the+RS++no+24+2018.pdf?MOD=AJPERES&CVID=mpkHoAB> (accessed 20 July 2020)].
- Zakon o upravljanju migracijama. 2012. In *Službeni glasnik RS* 107/2012. Available at: <https://www.paragraf.rs/propisi/zakon-o-upravljanju-migracijama.html> (accessed 20 July 2020).
- Zakon o zaštiti državne granice. 2008. In *Službeni glasnik RS* 97/2008 and 20/2015. Available at: <https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/reg/viewAct/070c5976-f44c-46f0-b183-59adfb44fcb4> (accessed 20 July 2020).
- Zetter, Roger. 1991. "Labelling Refugees. Forming and Transforming a Bureaucratic Identity". *Journal of Refugee Studies* 4/1: 39–62. <https://doi.org/10.1093/jrs/4.1.39>
- Zlatanović, Sanja. 2015. "Methodological and Epistemological Challenges of Researching Co-Ethnic Migrations in a Post-War Area. (Методолошки и епистемолошки изазови истраживања коетничких миграција на послератном терену)". *Bulletin of the Institute of Ethnography SASA* 63/3: 537-550. <https://doi.org/10.2298/GE1503537Z>
- Žigić, Radoslavka. 2015. "Nisu migranti nego - izbeglice". RTV, 18 August. Available at: http://www.rtv.rs/sr_lat/drustvo/nisu-migranti-nego-izbeglice_630131.html (accessed 1 July 2020).

IZBJEGLICE, AZILANTI I ILEGALNI MIGRANTI U ADMINISTRATIVNOM I JAVNOM DISKURSU U SRBIJI: PREGLED KONCEPATA U DIJAKRONIJSKOJ PERSPEKTIVI

Sadašnji diskurs o azilu i iregularnoj migraciji, sa svim njegovim konceptima i institucijama, tehnikama i kodeksom ponašanja, uveden je u Republiku Srbiju kroz tzv. proces pristupanja Europskoj uniji. Kao preduvjet liberalizacije viznog režima s Europskom unijom (postignute 2009. godine), Srbija je potpisala sporazume o readmisiji s Europskom unijom i njezinim državama članicama, te usvojila Zakon o azilu (2007.) i Zakon o strancima (2008.). Međutim, bliski pojmovi i pravni instrumenti postojali su i prethodnim periodima. U ovom tekstu dajem dijakronijski pregled konceptualnih i proceduralnih razlika i govorim o njihovim preplitanjima, spajanju, prelijevanju i sučeljavanju. Time pokušavam indicirati prije svega njihovu uporabu u svojstvu političkih izjava, tj. kao performative koji utječu na nacionalni i međunarodni politički kontekst.

Ključne riječi: izbjeglice, azil, migrant, Srbija, koncepti