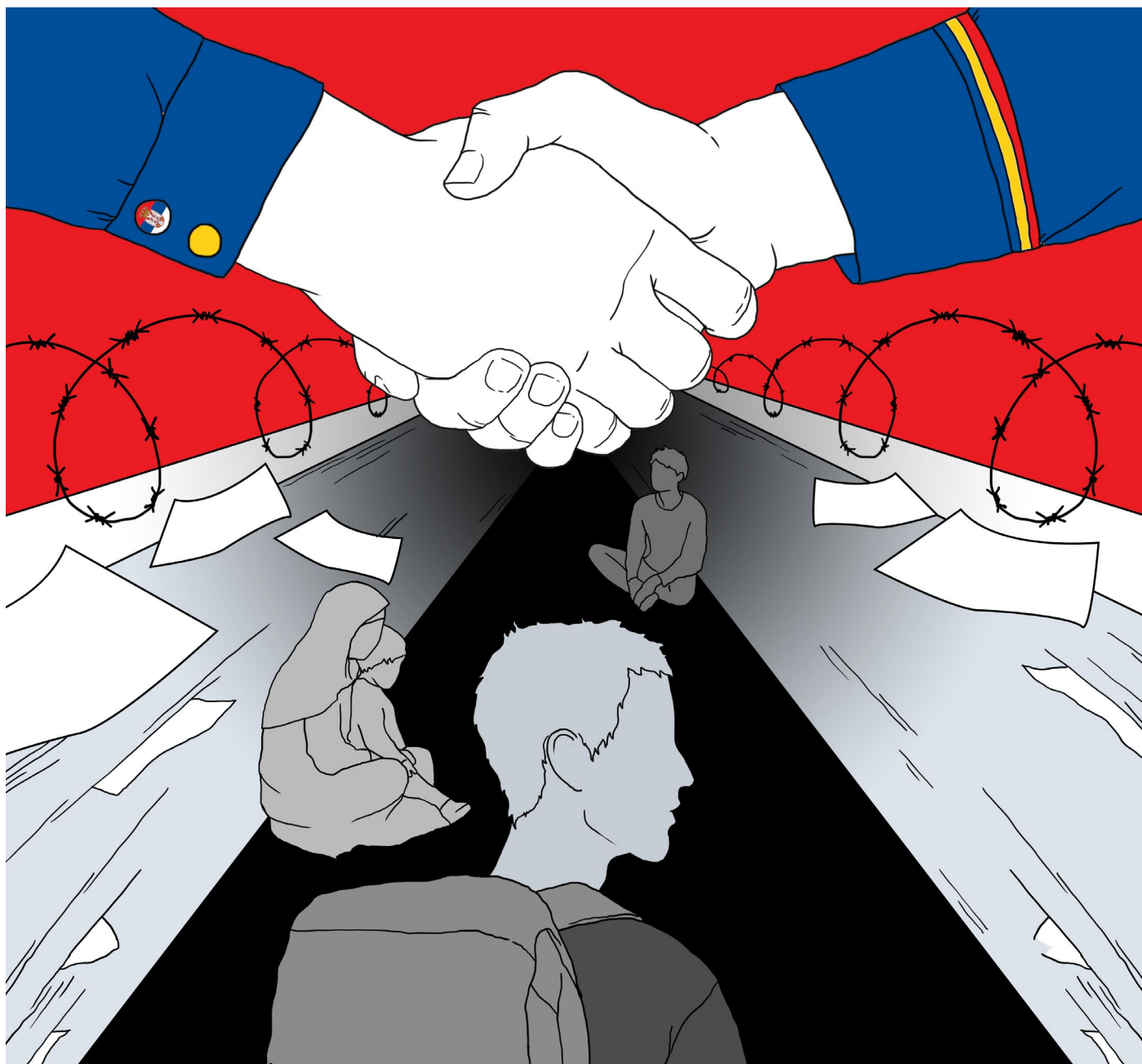


Formalizing Pushbacks – The use of readmission agreements in pushback operations at the Serbian-Romanian border



KlikAktiv – Center for Development of Social Policies is a grass-root NGO from Serbia which provides free legal and psychosocial support to people on the move, asylum seekers and refugees in Serbia. KlikAktiv is based in Belgrade, but conducts regular field visits to informal squats in border areas where hundreds of people on the move are forced to reside while they are trying to reach the European Union (EU). Since Serbia is a final non-EU country on the Balkan refugee route, it also serves as a “buffer zone” for the EU. KlikAktiv is actively collecting testimonies on push-back practices from neighboring countries and monitors the situation at the EU’s external borders. For any additional information feel free to contact KlikAktiv: info@klikaktiv.org



EDITORIAL NOTES

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Graphics and design are by Jelena Jaćimović.



Border between Serbia and Romania. Photo credits: Tanjug

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SUMMARY

This report analyses the practice of readmissions of third country nationals from Romania to Serbia based on the "Agreement between the European Community and the Republic of Serbia on the readmission of persons residing without authorization" (hereinafter: readmission agreement or agreement).

KlikAktiv collected testimonies on push-backs and published them in a report "New developments alongside the Balkan refugee route: illegal push-backs from Romania to Serbia", which is available [here](#). However, at the same time while Romanian police officers were conducting immediate push-backs on a daily basis, KlikAktiv also observed another trend – Romanian authorities were deporting higher numbers of third country nationals, including people seeking international protection, back to Serbia applying the readmission agreement between the European Union and Serbia without effective assessment of protection needs or asylum claims. This report provides an analysis of some cases and the most common practices that were observed on the ground. The cases presented are also documented with decisions of relevant authorities and other material proof.

One of the several documented cases in this report is one in which the a person seeking international protection was deported from Romania to Serbia immediately after he was caught on Romanian territory. **However, KlikAktiv also documented cases of asylum seekers who were deported from EU member states (Austria, Germany, Belgium and Slovakia) to Romania based on the Dublin regulation and were then deported back to Serbia based on the readmission agreement.** One such case of chained deportation is the one of an asylum seeker who was deported from Austria to Romania and then deported to Serbia under the readmission agreement is presented in the second chapter of this report.

In all of these cases, the protection seekers did not have access to the effective asylum procedure in Romania although they did try to request asylum, but instead they were deported back to Serbia. Upon the readmission to Serbia, the protection seekers were again denied access to the asylum procedure. Instead, the protection seekers were forced to reside in informal settlements (squats) on the northern Serbian borders, undocumented and without access to basic necessities such as accommodation, food and clothes. **These cases of "formalized push-backs" between Romania and Serbia clearly violated the people's right to seek asylum and the principle of non-refoulement.**

READMISSION AGREEMENT BETWEEN EU AND SERBIA

In 2007 Serbia and the European Union have signed the *Agreement between the European Community and the Republic of Serbia on the readmission of persons residing without authorization (2007/819/EC)*¹ which gives legal grounds for EU member states to legally return i.a. third country nationals and stateless persons back to Serbian territory.

The agreement should facilitate rapid and effective readmission procedure of Serbian citizens, EU citizens and third-country nationals. The agreement regulates the return of Serbian nationals from the EU in case they don't have, or no longer have, legal residency in the member state as well as the return of EU nationals from Serbia under the same conditions.

Besides its own nationals Serbia also has an obligation under this agreement to accept third country nationals from the EU. A third-country national is any person who holds a nationality other than that of Serbia or one of the EU member states. Article 3 of this agreement proclaims Serbia's obligation to accept all third-country nationals or stateless persons who have illegally and directly entered the territory of the member states after having stayed on, or transited through, the territory of Serbia, unless they have other legal grounds for residency in the member state.

PUSH-BACKS VS. RETURNS BASED ON READMISSION AGREEMENT

Ever since the emergence of the migration route which leads from Serbia through Romania and further to the western EU countries, the Romanian border police increased its presence alongside the border and both cases of push-backs and wrongful/ unlawful application of the readmission agreement have increased. For the purpose of clarification, a short overview of these two terms and practices will be provided in the following text.

Push-back describes an illegal action of state actors (but in some cases non-state actors are also involved) in which people are forced back over state borders on the territory of another country without the possibility to apply for asylum and seek international protection. The term push-back graphically describes what is happening on the ground – protection seekers are usually being physically pushed back by the police, often with the use of violence and other inhuman or degrading treatment, over the state border and on the territory of a previous country along the refugee route. Push-backs are usually taking place at the “green border” - parts of the border line away from the official border crossing point as to avoid the police patrol of the other country. Push-backs violate various fundamental human rights, including the prohibition of torture. KlikAktiv documented cases of push-backs on the ground and analyzed them in the report “New developments alongside the Balkan refugee route: illegal push-backs from Romania to Serbia”, which is available [here](#).

On the other side, the readmission procedure is an administrative procedure of readmitting people to the territory of the previous country or their country of origin. Readmissions are conducted on the grounds of bilateral or multilateral agreements between two or more countries. The agreement regulates the scope and the particular procedure of return case of readmission, the returning country sends an official request for readmission to the receiving country, and only if the request is accepted, the return of the person concerned is being conducted. Readmissions are conducted on the official border crossing points and are followed by official state-issued documentation.

In practice, push-backs are much more common than readmissions. This is because push-backs are more effective as they don't require any administrative procedure, paper-work nor acceptance of the other country.

¹ Text of the agreement is available [on this link](#).

However: **Article 17 of the readmission agreement defines *non-affection* clause stating that this agreement shall be without prejudice to the rights, obligation and responsibilities of the EU, the member states and Serbia arising from international law including the Convention on the Status of Refugees from 1991 and its protocol from 1967, as well as the international conventions determining the State responsible for examining applications for asylum lodged.** Meaning that the person who seeks international protection in the member state cannot be readmitted back to Serbia until his/her asylum claim is properly assessed by the member state's authorities.

Still, in practice, the formal grounds provided by the agreement are used by EU member states to return third-country nationals, despite their intention to claim asylum in the EU, to the territory of Serbia if they have previously transited or resided in Serbia.

According to the Annex 3 and Annex 4 of the agreement, the authorities of the member state only have to prove that the person concerned has entered the requesting member state from Serbia which could be done by testimonies of the person concerned, other witnesses or border police officers or material proofs the police finds among the concerned person's belongings. That can be bus tickets from Serbia, receipts, documents/decisions issued by Serbian authorities, Serbian money, SIM card, etc. In cases when people are apprehended in the proximity of the border, just as they enter the member state, no additional proof is necessary as it is clear that they have entered the member state from Serbia.

Once the request for readmission is submitted, Serbian authorities have ten days to respond to it. If there is no reply to the request, the transfer is deemed to be accepted. The transfer itself has to be done in the period of three months after the request has been approved. According to Article 10 of the agreement, member states can submit the request for readmission within one year after its authorities have gained knowledge that the third country national does not fulfill the legal conditions to stay in the territory of that member state.

Since the majority of people on the move don't possess their national travel document, the member state issues a *European travel document for the return of illegally staying third country nationals* so they can legally cross the border and enter Serbia. This travel document serves as "single crossing" document, meaning it is valid only for exiting the member state and entering Serbia and cannot be reused. During the readmission process people on the move are escorted by the police authorities of the member state to the official border crossing where they are handed over to the Serbian authorities.

The agreement on readmissions between the EU and Serbia proclaims general rules on the readmission procedure, while all specific rules on how the procedure will be conducted between individual EU member states and Serbia are regulated by individual protocols. On 8th June 2011, ministers of internal affairs from Serbia and Romania signed a protocol between the two governments which accompanies the readmission agreement between the European Union and Serbia².

The protocol proclaims that a readmission of third country nationals can be done through the airports "Henri Coandă" in Bucharest and "Traian Vuia" in Timișoara

2 The text of the protocol can be found (only in Serbian language) [on this link](#).

from the Romanian side and “Nikola Tesla” in Belgrade from the Serbian side. Besides airports, third country nationals can be returned on one of the following land border crossing points: “Portile de Fier I – Djerdap I”, “Naidas – Kaludjerovo”, “Stamora Moravita – Vatin” and “Jimbolia – Srpska Crnja”. The protocol also states that all costs of the readmission will be covered by the state that is requesting the readmission.

ROMÂNIA
ROMANIA / ROUMANIE

DOCUMENT EUROPEAN DE CĂLĂTORIE
PENTRU RETURNAREA RESORTISANȚILOR ȚĂRILOR TERȚE
AFLAȚI ÎN SITUAȚIE DE ȘEDERE ILEGALĂ

EUROPEAN TRAVEL DOCUMENT
FOR THE RETURN OF ILLEGALLY STAYING
THIRD COUNTRY NATIONALS

DOCUMENT DE VOYAGE EUROPÉEN
DESTINÉ AU RETOUR DES RESSORTISSANTS
DE PAYS TIERS EN SÉJOUR IRRÉGULIER

Autoritatea emitentă: Inspectoratul General pentru Imigrari
Issuing authority/Autorité délivrance:

Nr. document: 0000907
Document no./Document N°:

Valabil pentru o călătorie de la: 14/06/2021
Valid for one journey from:
Valabil pentru o călătorie de la: 14/06/2021
Valable pour un voyage de:

până la: 13/07/2021
to/à:

Nume: [REDACTED]
Name/Nom:

Prenume: [REDACTED]
Surname/Prénom:

Data nașterii: 01/02/2002
Date of birth/Date de naissance:

Sex: M
Sex/Sexe:

Cetățenia(-iile): AFGANISTAN
Nationality(-ies)/Nationalité(s)

Semne particulare:
Distinguishing marks/Signes particuliers:

Adresa în țara de origine (dacă se cunoaște):
Address in the country of return (if known)/Adresse dans un pays de retour (si elle est connue):

Emis la: I.G.I. - Directia Migratie
Issued at/Délivré à:

Data: 14/06/2021
Date/Date:

Semnătura: [Signature]
Signature/Signature:

Foto
Photo/Photo

Known in Serbia as

born on 01.02.2002

Stampa
Stamp/Cachet

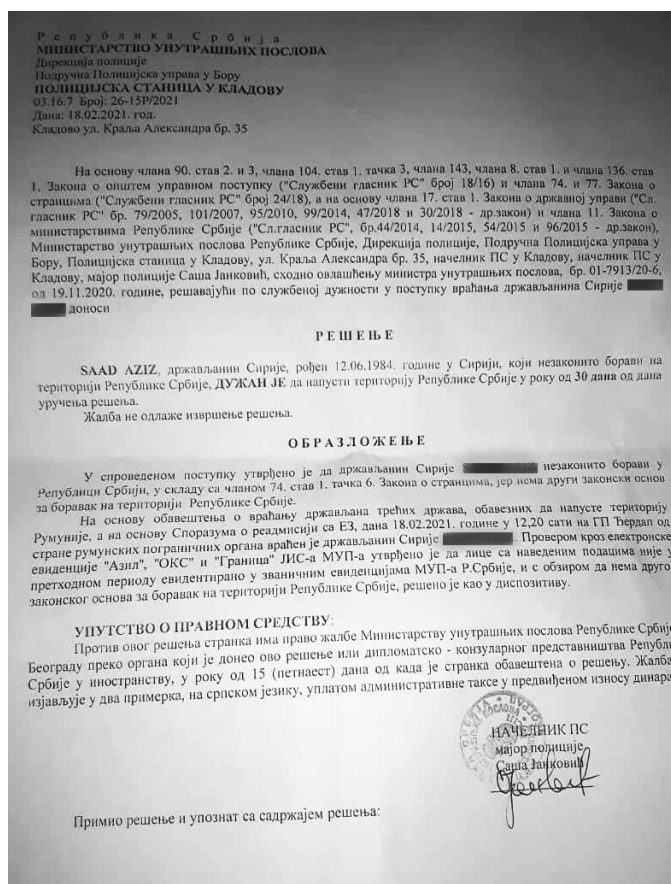
Photo 1: Picture of the European travel document issued by the Romanian authorities in one of the documented cases

NO ACCESS TO THE ASYLUM PROCEDURE IN SERBIA

Over the past years, most of the people on move have not had access to asylum procedure in Serbia. Police stations in the cities on the north of the country, where the majority of people reside and where they are being accepted after the readmission, refuse to register people on the move as asylum seekers and ignore their asylum claims.³ This practice forces people to turn to smuggling networks where they are at risk of human trafficking and different types of exploitation. Therefore, people who are in need of international protection are forced to stay in one of the transiting camps or in informal settlements run by smugglers, in very poor conditions, without access to basic necessities such as food, heating and clothes.

The situation is no different for people who have been readmitted from EU member states. As a rule, Serbian police declares that the person concerned has entered and stayed in Serbia without legal grounds and is therefore obliged to leave the territory. Serbian police initiates the return procedure by issuing a decision on return. Article 74 and 77 of the national Law on Foreigners state that a person who doesn't have legal residency will be issued a decision with the order to voluntarily leave the territory of Serbia within 30 days. In case the person doesn't respect this decision, meaning if s/he doesn't leave the territory of Serbia voluntarily, the forced removal procedure will take place. The decision hinders an application for asylum in Serbia.

Photo 2: Decision on return issued by the Serbian police in one of the documented cases



People with a decision on return are excluded not only from the asylum procedure but also from the limited shelters existing for asylum applicants in Serbia. Therefore, the people have no other choice but to head to one of the informal settlements in the north of Serbia and try to re-enter the EU. This practice also leaves them at risk of potential chain push-backs to third countries or to the countries of origin in the return procedure.

³ Over the past two years, Klikaktiv has referred dozens of people on the move, who have expressed intention to seek asylum, to the police stations in cities on the north of Serbia for the registration, but in all cases, the police refused to register them and to provide access to the asylum procedure. This includes vulnerable cases such as unaccompanied minors, single mothers with children, families, people with severe health conditions, etc. In 2020 only 2.830 people were registered as asylum seekers on the whole territory of Serbia and in 2021 that number went even lower to 2.306 people, despite the fact that the number of people on the move was on the rise in this period.

I - CASES OF READMISSIONS BETWEEN ROMANIA AND SERBIA

Over the period of almost two years (July 2020 – May 2022) KlikAktiv's team met people who were readmitted from all surrounding EU countries on the base of the agreement – Croatia, Hungary and Romania. Also, according to the information available on the [official website](#) of the National Mechanism for the Prevention of Torture (NMPT), within the Ombudsman's office, Serbia is deporting people back to Bulgaria under the same agreement. According to the news from the website, in 2022 NMPT supervised the removal of nine people to Bulgaria – five citizen of Syria ([here](#)) and four citizens of Afghanistan ([here](#) and [here](#)). It should be emphasized that NMPT does not supervise every removal and therefore it can be assumed that the actual number of people who were readmitted to Bulgaria is much higher. However, towards Serbia, Romania was using this option far more frequently than Croatia and Hungary.

The first case of readmission from Romania that KlikAktiv encountered on the field was in August 2020. It concerned a Syrian family – father, his 10-year old son and the father's cousin. They showed KlikAktiv's team pictures on their phone of the *European travel document for the return of illegally staying third country nationals* (in further text: European travel document) which was issued to them by the Romanian police which readmitted them back to Serbia based on the agreement. According to the family's testimony, they were caught by the Romanian police very soon after they crossed the border. Romanian police officers took them to the police station where they spent around six hours. The family asked for asylum but their request was ignored by the Romanian police officers. No access to legal aid or to interpretation into a language they can understand was provided to them. They communicated to the Romanian police officers in English, although they speak only the bare minimum. They were given several papers to sign – all in English or Romanian. After those six hours in the police station they were taken to the official border crossing point where they were handed over to the Serbian border police. As they stated, the Serbian police placed them in a police car, drove for a couple of kilometers and then just left them on the side of the road. They walked for hours before they found a taxi that drove them to a refugee squat in the village Majdan, where KlikAktiv's team met them.

In the period between August 2020 and December 2021, KlikAktiv met another twelve people with similar testimonies during field visits to squats alongside the Serbian border area with Hungary and Romania. After they were readmitted from Romania to Serbia, only five of them decided to try to re-enter the EU through Romania. The other seven people decided to try to re-enter the EU through Hungary. Unfortunately, most people didn't save any material poof of their readmission procedure. Some lost the documents and some destroyed it on purpose because they were afraid that it might cause them problems if the police finds those documents on them. KlikAktiv documented three cases with material proof of readmission, but for the purpose of this report only one of them will be presented.

A.M.S FROM AFGHANISTAN

KlikAktiv met A.M.S. in June 2021 in city Sombor, where he was sleeping in abandoned trains on the train tracks.

A.M.S., a 26-year old man from Afghanistan, presented pictures of Romanian documents on his phone. What was specific in his case is the fact that he had access to the asylum procedure in Romania - he had a picture of the Romanian ID card for asylum seekers issued on his name.



Photo 3: ID card for asylum seekers issued to A.M.S. by Romanian authorities

He entered Romania on 20th March 2021 and was caught by the police near the city Timișoara. He said to the police immediately that he wants to apply for asylum, so the police registered him and referred him to a camp where he stayed until he was readmitted back to Serbia on 14th May 2021.

According to his testimony, he only had one 20-minute interview in Romania regarding the reasons why he left his country of origin during which he was not able to fully explain the reasons for leaving Afghanistan. He received several decisions and notifications in Romanian language and only one notification in English language, although he doesn't understand nor speak any of the two languages. According to the documents that KlikAktiv had insight to, his asylum application was rejected in an accelerated procedure in Romania. KlikAktiv took his testimony with the assistance of a Pashto interpreter, since that is the only language he understands and speaks. The notification in English states that he has a right to file a complaint to court on the negative decision, but he claims that he didn't have access to legal aid nor was he informed in a language that he understands about this right. Therefore, he didn't submit a complaint and was immediately readmitted back to Serbia.

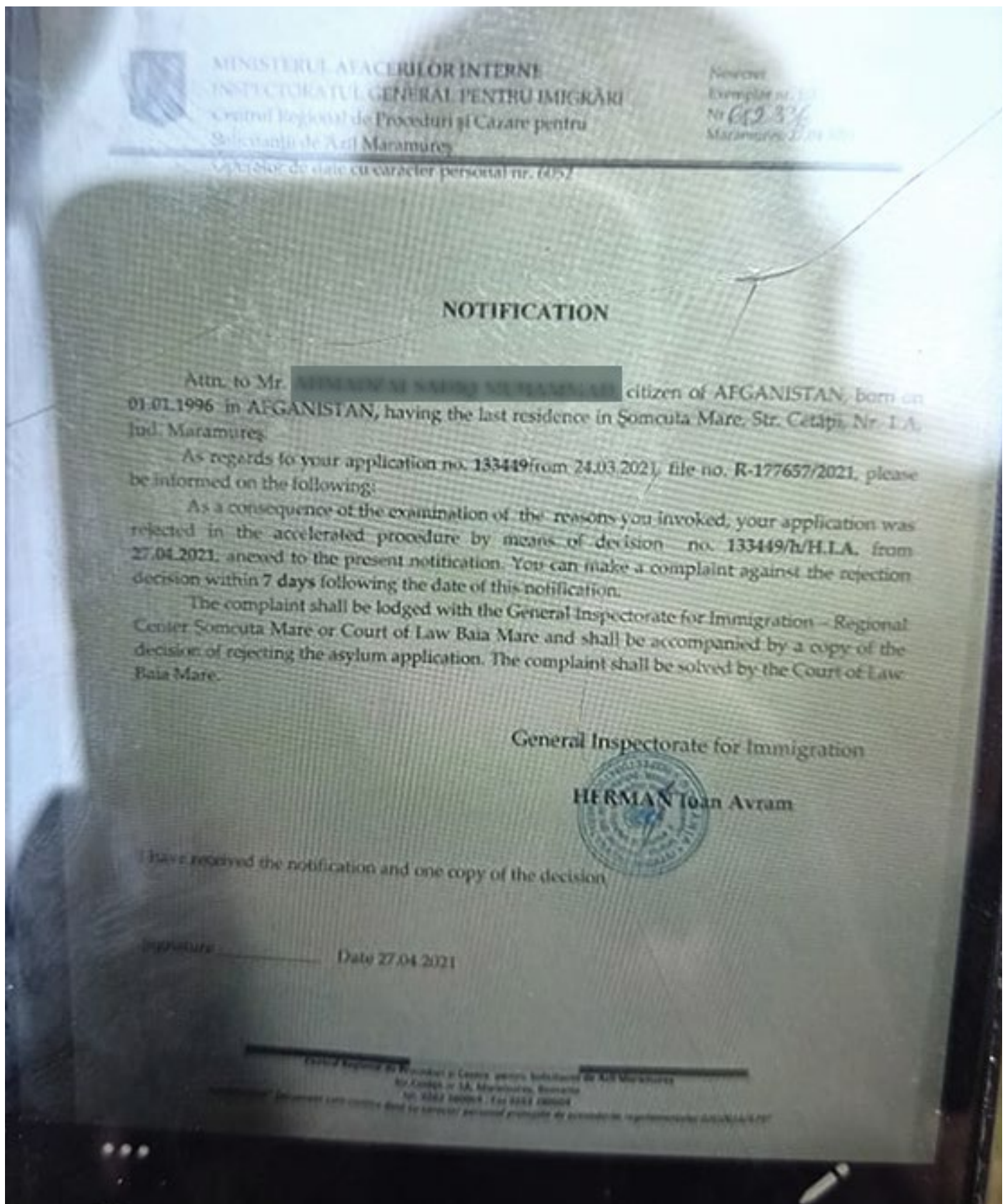


Photo 4: Notification issued by the Romanian authorities – the only one that was issued in English language

He couldn't specify at which border crossing he re-entered Serbia, but he stated that the Serbian police ignored his request to seek asylum in Serbia and to be referred to an asylum camp, although they did accept his readmission to the country. Therefore, his only option was to reside in the informal settlement on the train tracks in Sombor. From the moment when he was readmitted until KlikAktiv's team met him on the field he tried to cross into Hungary five times but was pushed-back every time.

II - DUBLIN CASES: DEPORTED TO ROMANIA AND CHAIN DEPORTATION TO SERBIA

Over the period of almost two years, KlikAktiv also collected testimonies of people who crossed through Serbia and Romania on their way to western EU countries only to face deportation back to Romania, based on the Dublin regulation. Only a few days after they were returned to Romania they were deported once again - this time to Serbia. KlikAktiv collected a total of four verbal testimonies where people were deported from Austria, Germany, Belgium and Slovakia under the Dublin regulation back to Romania and then further to Serbia, but gathered material proof for only two cases.

The first testimony that was collected of such a practice came from a man from Afghanistan who managed to reach Slovakia in early 2021, but was previously fingerprinted in Romania. KlikAktiv met him in June 2021 in the city Šid, at the border with Croatia. He didn't have any material proof or documents to support his testimony, since he previously left it behind in one of the squats where he was sleeping. According to this testimony, he stayed five days in a detention center after his deportation to Romania, before he was deported back to Serbia. He said that he wanted to apply for asylum in Romania but he was denied this option. He stated that he had only one short interview with a Romanian police officer during which he was offered a choice: to be deported back to Serbia or back to Afghanistan. A similar case was reported by another man from Afghanistan who was deported from Belgium to Romania and then to Serbia in September 2021.

Besides these two cases, KlikAktiv collected testimonies and material proof of two other cases: S.A. from Syria who was deported from Austria and A.A. also from Syria who was deported from Germany to Romania, both based on Dublin regulation. The case of S.A. will be presented in detail.

CASE OF S.A.:
READMISSION TO SERBIA FOLLOWING A DUBLIN
DEPORTATION FROM AUSTRIA TO ROMANIA

KlikAktiv's team first met S.A. from Syria in May 2021 when he was residing in the transit camp in Sombor. Transit camps are temporary accommodation facilities run by the state but whose status is not regulated by law. Instead, an access to these camps is completely arbitrary and with extremely bad conditions. KlikAktiv collected dozens of testimonies over the past three years regarding the poor living conditions in transit camps (and especially regarding the camp in Sombor) which included forced labour in exchange for a place inside the camp, transmissible skin diseases, shortage of food, etc. On the other side, Serbian state also manages asylum camps but places inside them are reserved only for asylum seekers.




Photo 5: ID card for asylum seekers issued to S.A. by Austrian authorities

According to his testimony, he reached Austria in March 2020 and applied for asylum. He presented the picture of an ID card for asylum seekers issued by the government authority of Austria on the name of S.A., citizen of Syria, as a proof of his statement. In February 2020, prior to reaching Austria, S.A. stayed a couple of days in a hostel in Serbia and then he crossed through Romania and Hungary. According to S.A.'s testimony, he did not apply for asylum in Romania and he was not fingerprinted by the Romanian police when he first entered Romania. However, in July 2020 he received an official decision from the Austrian authorities stating that he will be deported back to Romania based on the Dublin regulation. The Austrian court decision confirming the return order is available to KlikAktiv and entails details to the procedure. According to it, Romania informed Austria upon request that S.A.'s asylum application was registered on 24.02.2020 but that he left the country before further procedural steps, e.g. fingerprinting, were taken. Romanian asylum authorities closed S.A.'s asylum procedure on 31.03.2020. A following take charge request was accepted by Romania according to Art. 18 (1c) Dublin III Regulation. He was deported back to Romania at the end of January 2021.

According to his testimony, he had only one 10-minute interview with Romanian officials regarding his asylum application upon return. It took place at the airport in

Bucharest upon his arrival. He was only asked why he had left Syria and from which country he entered Romania in February 2020. He didn't have the possibility to explain in details the reasons for leaving Syria. However, at the end of the interview, he claimed asylum in Romania, since he could not go back to Syria without the risk for his life and safety. Also, he stated that he didn't have access to legal aid nor was he informed about his rights at any point in time during his removal from Romania.

After this initial interview at the airport, S.A. was placed in a 14-days quarantine as a safety and obligatory measure at the time, due to the Covid-19 outbreak. He was in quarantine in a hotel near the airport, before he was transported to a detention centre. There he spent seven more days before he was readmitted to Serbia on 18.02.2021.

 **MINISTRY OF INTERNAL AFFAIRS**
GENERAL INSPECTORATE FOR IMMIGRATION
OFFICE FOR IMMIGRATION ILFOV

Nesecret
No. 4153/179 /S.I.-IF/
Bucharest, 11.02.2021.

RETURN DECISION UNDER ESCORT FROM ROMANIAN TERRITORY

To Mr. [REDACTED] citizenship SIRIA, born 01.12.1993, domicile/residence SIRIA, we inform you on the following:

In accordance with the provisions in Article 81, paragr. 2, letter a and e, Article 83, paragr. 2 and Article 83, paragr. 3 letter a and d corroborated with Article 89, paragr. 1 from the Government Emergency Ordinance No. 194/2002 regarding the regime of aliens in Romania, republished, with subsequent modifications, your stay on the Romanian territory is illegal, for that, **you are forced to leave Romanian territory following the measure of removal under escort from Romanian territory.**

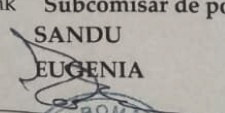
The reason for the above measure taken against you consists in the fact that you crossed illegally the Romanian border at the date 22.02.2020 and in your case asylum procedure was ended and you didn't respected the obligation of leaving Romania in legal term.


In accordance with the provisions in Article 106¹-106² from the Government Emergency Ordinance no. 194/2002 regarding the regime of aliens in Romania, with subsequent modifications, you do not find yourself in any of the cases in which you can benefit of Tolerance for remaining on the Romanian territory.

In accordance with the provisions in Article 106³, paragr. 2 corroborated with Article 106⁴ paragr. 8 from the Government Emergency Ordinance no. 194/2002 regarding the regime of aliens in Romania, republished, with subsequent modifications, it was taken against you the measure of prohibiting your entry in Romania for a period of **5 (five) years.** **

The reason for the above measure taken against you consists in the fact that you crossed illegally the Romanian border.

We inform you that during the entry ban, an alert on refusal of entry shall be entered in Schengen Information System in accordance with the provisions of Article 24 of Regulation (EC) no. 1987/2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II)

I. HEAD OF DEPARTMENT
Professional rank Subcomisar de poliție
Surname SANDU
Name EUGENIA
Signature 



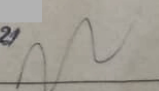
I was informed:
Surname [REDACTED]
Name [REDACTED]
Date 11.02.2021
Signature 

Photo 6: Return decision under escort from Romanian territory issued to S.A. by the Ministry of Internal Affairs, General Inspectorate for Immigration

Despite the fact that he had spent three months in Serbia before he spoke with KlikAktiv, during which he was constantly trying to cross into Hungarian territory and reach Austria again, he still had all official documents from the readmission procedure with him. None of the documents and decision that were issued by the Romanian authorities was translated into a language he understands. They were mostly written in Romanian and only a few of them in English.

Romanian authorities issued him the *European travel document for the return of illegally staying third country nationals*. Also, he received:

- a return decision under escort from Romanian territory dated 11.02.2021, according to which his asylum procedure was ended;
- an order on the custody for the period of up to 30 days which allows authorities to keep him in detention for a month while waiting for forced removal;
- a notification for aliens with illegal stay issued by the Ministry of Internal Affairs from 11th February 2021 with information regarding data protection which is stored and checked through EURODAC database, Memo issued by the Immigration General Inspectorate.

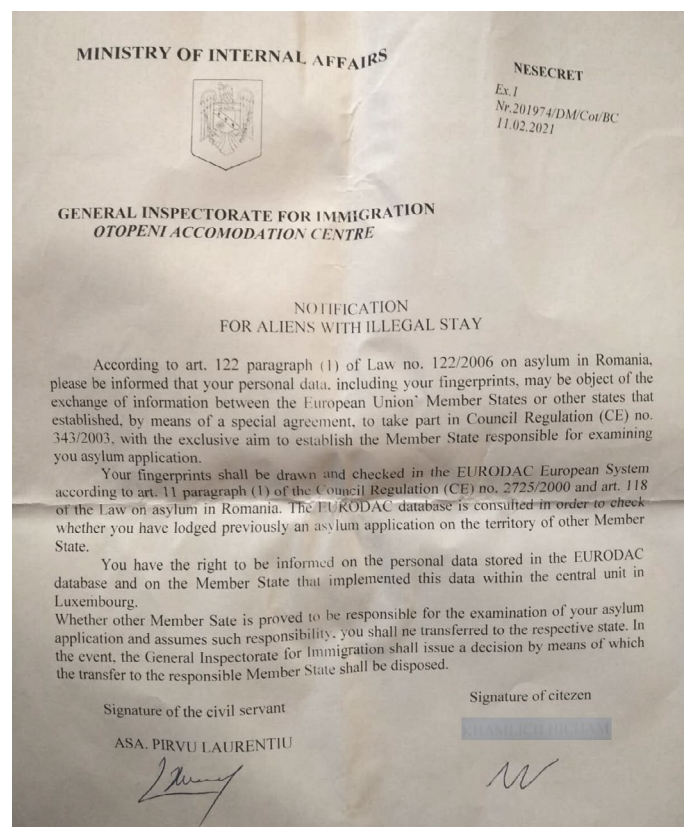
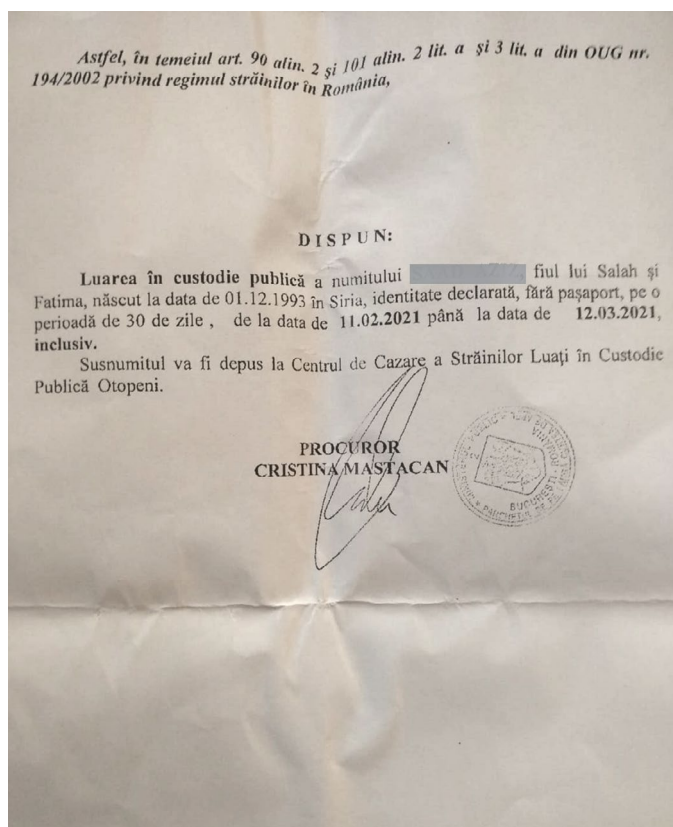


Photo 7: Notification on custody for the period of up to 30 days in Romanian language

Photo 8: Notification for aliens with illegal stay issued by the Ministry of Internal Affairs

Immediately upon his readmission to Serbia, the Serbian Ministry of Interior, Police station in city Kladovo, ordered him to leave the territory of Serbia in the period of 30 days. He didn't have access to the asylum procedure in Serbia nor any type of protection or support since he was issued the above-mentioned decision.

Since he was not allowed to apply for asylum in Serbia, S.A. had the option of seeking shelter in one of the transit camps or in one of the squats (informal settlements)

in Serbia. The transit camp in city Sombor, where he was staying when KlikAktiv met him, provides the bare minimum to people on the move. The camp is usually overcrowded, the food is often limited and KlikAktiv collected several complaints on forced labor inside the camp. These types of conditions are what await all people on the move who have been readmitted or pushed back from Romania to Serbia.

After several failed attempts, S.A. succeeded to reach Austria again.

CONCLUSIONS AND RECOMMENDATIONS

Using the readmission agreement to deport asylum seekers is yet another way to prevent people from seeking protection in the EU. Push-backs are still the most commonly used police measure to prevent protection seekers from leaving Serbia towards the EU. But as described in the report, deportations under the readmission agreement are increasingly becoming part of this illegal and brutal border regime at the EU's external borders to Serbia.

As showed by the case studies presented, fundamental human rights are neglected during the readmission procedure. On the Romanian side protection seekers do not have access to an effective asylum procedure, nor are they provided with interpretation services or access to legal aid. In addition, the case study proves that also asylum applicants who were returned to Romania under the Dublin Regulation are affected by the application of the agreement and thus are at the imminent risk of chain deportation to Serbia without access to the asylum procedure in the EU. On the Serbian side their asylum claims are ignored once again, exposing protection seekers to homelessness and deprivation. The situation forces protection seekers to keep trying to enter the EU successfully without being readmitted or pushed back.

By using the readmission agreement to deport asylum seekers from EU member states to Serbia authorities refer to a formal administrative procedure although the agreement cannot be applied to asylum seekers. Article 17. limits the scope of the agreement and provides exemptions of readmitting for people seeking international protection under the agreement.

In the approach of using readmissions to deport protection seekers without assessing their asylum claims properly, KlikAktiv and PRO ASYL see the attempt of “formalizing” push-backs. EU member states and Serbia must uphold international law, refugee and human rights. Authorities must refrain from applying it on people seeking international protection.

Supported by:

**stiftung
PRO ASYL**