Current Roma migration from the EU Candidate States

'The scope and features of Roma irregular movements, the reactions of the host countries and the effects on the EU Candidate States'

A project financed under the EU Odysseus Programme

Study prepared by ICMPD, based on information provided by the countries involved.

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PREFACE

In the framework of the EU Odysseus project on "Current Irregular Migration of Roma to the Member States," ICMPD staff, lead by the Project Manager Mr. Martijn Pluim, drafted this report on the basis of information provided by the States participating in the project, desk research and conversations with many of the actors involved. A first version of the report was presented in Bratislava, during the conference organised there on 18-19 December 2000 in order to discuss measures to avoid a continuation of the irregular migration of groups of Roma in EU Candidate countries. Many participants proposed changes and additions to the report, which have been taken into account as much as possible to produce this final version. The country outlines have been scrutinised by the authorities in the countries concerned.

Herewith, we would like to thank all participants in the project for their constructive co-operation during the implementation of the project and for the information and reports we received.

We would also like to express our gratitude to the governments of Norway, Switzerland and United Kingdom for the provision of financial contributions to the project, in addition to the funds approved of by the EU Odysseus Funding programme. Finally, our thanks go to the Government of the Slovak Republic for all the assistance provided in connection with the Conference and the project as such.

As far as the recommendations and value judgements in the report are concerned, ICMPD is responsible.

Vienna, February 2001

Jonas Widgren
Director

I. INTRODUCTION

1. Between 1997 and 2000, a number of European Union (EU) Member States as well as other states (including EU Candidate Countries, Australia, Canada, Norway and Switzerland) were confronted with an inflow of Romani[1] asylum seekers from various EU Candidate States in Central and Eastern Europe. As they were confronted with an increase in asylum requests by citizens from European states that are considered to be safe and are to become EU Members, the receiving States implemented many different measures in their attempt to lower the number of those applications that were considered to be based on unfounded claims. In several cases, this ultimately led to imposition of visa obligations against Candidate States, for example by the UK, Denmark and Finland with regard to Slovakia. On other occasions, restrictive adjustments of the immigration regulations were implemented partly as a direct reaction to these flows. These restrictive measures imposed by the affected countries mostly managed to stem the flows, at least temporarily.

2. Therefore, the International Centre for Migration Policy Development (ICMPD)[2] considered it to be important to analyse the background to these recent flows, in order to find out which measures can be taken to avoid them and how to react when they take place, without compromising the existing asylum procedures or putting a strain on relations with Candidate States by imposing visa obligations. This was done in the framework of a project funded by the European Commission's Odysseus programme[3] and by the Governments of Norway, Switzerland and the United Kingdom. The project brought together the most relevant countries and institutions in an effort: (i) to obtain a more elaborate picture of the problem; (ii) to find short and medium term

[1] In this text, the term Roma refers to members of all the various Romani and Gypsy groups. The term Roma is used to refer to a plurality of members and to the groups as a whole, while Romani is used as an adjective.

[2] ICMPD is an inter-governmental organisation with headquarters in Vienna. ICMPD was created in 1993 at the initiative of Switzerland and Austria and was granted diplomatic status in Austria in 1997. The purpose of the Centre is to promote comprehensive and sustainable migration policies and to function as a service exchange mechanism for governments and organisations on mainly European migration issues. A major task is to develop a pan-European co-operation framework, so as to ensure that the countries in Central, Eastern and South Eastern Europe are fully included in a common European migration and asylum regime. Presently, a total of about 20 governments support ICMPD in various ways. Its Steering Group is composed of Austria, Czech Republic, Hungary, Poland, Slovenia and Switzerland. The Member States finance the basic infrastructure. Sweden assists the Centre financially on a project basis. Germany and Hungary second staff to ICMPD.

[3] The project, 'Study and Conference on Current Irregular Roma Migration to the EU Member States' lasted from 1 August 2000 until 28 February 2001. In the framework of the project, a conference was organised in Bratislava on 18-19 December 2000 which gathered 60 participants from 16 States, the EU, several International Organisations and leaders of the main international Roma organisations.

solutions for the present situation; and (iii) to come to a constructive co-operation between the parties involved, whereby all features of this particular form of migration could be addressed.

3. During the course of the project, many countries involved forwarded country reports, based on a questionnaire sent to them in an earlier stage. The information received proved to be essential for the writing of this report. However, the contents of the country reports differed widely, and therefore one will notice differences in the amount and type of information provided on each country below. All countries are still invited to provide their comments and additional information.

II. THE CURRENT ROMA POPULATION IN EUROPE

4. The compilation of recent and reliable data on the Romani population in different European states is problematic for a number of (related) reasons such as the sometimes non-reliable governmental resources; the fact that none of the countries keep statistics according to ethnicity; the reluctant position and fear of Roma to identify themselves as such in national census; and, in some cases, political motivations on the side of the Roma and Governments. A proportion of the Roma/Gypsy representatives and populations are opposed to any form of collection of data on an ethnic basis, arguing, that in the past these data have always been used against them. Opposing this is the position of Roma leaders who believe that quantitative and qualitative data are necessary if one wants to be able to develop, implement and evaluate policies and projects aimed at improving the situation of Roma/Gypsies, combat discrimination and, in particular, bring proof of discrimination before the judicial authorities.[4]

5. Despite the constraints mentioned above, it can be estimated that there are around 12-15 million Roma living all around the world. There are approximately 7-9 million Roma in Europe, 6 million of whom are living in Central and Eastern Europe. The minimum and maximum estimates from one of the more reliable sources are given below:

[4] Project on Ethic Relations (PER), *Roma and Statistics,* 2000

Table 1: Romany population in Europe
(Based on: Minority Rights Group, 95/4; figures between brackets were provided on the basis of a questionnaire distributed in the framework of the project)

Country	**Minimum**	**Maximum**
Albania	90,000	100,000
Austria	20,000	25,000
Belarus	10,000	15,000
Belgium	10,000	15,000
Bosnia – Herzegovina	40,000	50,000
Bulgaria	700,000 **[313,000]**	800,000
Croatia	30,000	40,000
Cyprus	500	1,000
Czech Republic	250,000	300,000
Denmark	1,500	2,000
Estonia	1,000	1,500
Finland	7,000	9,000 **[10,000]**
France	280,000	340,000
Germany	110,000	130,000
Greece	160,000	200,000
Hungary	550,000 **[450,000]**	600,000 **[800,000]**
Ireland	22,000	28,000
Italy	90,000	110,000
Latvia	2,000	3,500
Lithuania	3,000	4,000
Luxembourg	100	150
FYR of Macedonia	220,000	260,000
Moldavia	20,000	25,000
Netherlands	35,000	40,000
Norway	500 **[300]**	1,000 **[400]**
Poland	50,000	60,000
Portugal	40,000 **[40,000]**	50,000 **[50,000]**
Romania	1,800,000	2,500,000
Russia	220,000	400,000
Serbia	400,000	450,000
Slovakia	480,000	520,000
Slovenia	8,000	10,000
Spain	650,000	800,000
Sweden	15,000	20,000 **[25,000]**
Switzerland	30,000	35,000 **[35,000]**
Turkey	300,000	500,000
Ukraine	50,000	60,000
United Kingdom	90,000	120,000
Total Europe (rounded)	**6,800,000**	**8,900,000**

6. In many countries, ethnic affiliation is based on self-declaration, as it is a sovereign right of each person to determine his/her ethnicity. However, as mentioned, Roma often prefer not to state their ethnicity, as they feel that by doing so, they could be opening themselves to discrimination. This is the reason why the official numbers of Roma in national censuses are often much lower. None of the Western countries classifies foreign nationals according to ethnicity but, rather, according to nationality. Thus, there are often no exact statistics regarding the percentage of foreign Roma among the numbers quoted for each country and the figures above are based only on estimates. The percentage of foreign-born Roma is often not indicated in the statistics, and if it is, this percentage greatly varies per country. In Finland, for example, the percentage of foreign-born Roma is very low, whereas in Sweden and Switzerland the share of foreign-born Roma is quite substantial. In Sweden, for example, 80 % of the Romani population is estimated to be foreign-born, with Yugoslavia, Finland, Poland, the Czech Republic, Slovakia and Hungary being the most common countries of origin.

7. In all countries, the number of nomadic Roma is relatively small and in most countries, Roma live a settled way of life. Only in the UK and Norway there is a larger percentage of Roma who are nomadic. Although the UK Home Office does not currently hold data on the size of the Roma community they estimate that approximately 100,000 Roma, including Irish Travellers, live on official campsites, which are privately or council-owned. The majority of the, very small, Romani community in Norway travels throughout the year, despite owning apartments. In Switzerland, out of the 35,000 Roma, 5,000 lead a nomadic existence. It must be stressed that the settlement of many Roma was not always voluntary. In many countries, especially those that were under communist rule, laws were implemented in the past which forced the Roma to settle.

8. All the collected country reports recognise the diversity of their Romani communities. Some of them also point out that the features that are ascribed to the Roma in a particular country, such as, for example, high unemployment, specific criminal activities, living situation etc., apply in fact mostly to members of specific groups of Roma. In Poland, for example, the Bergitka Roma are much more affected by unemployment than the Polish Roma or the Kalderash and Lovari. According to

information from Bulgarian officials, the Kardarashi Roma in Bulgaria are relatively well off, and often have prosperous businesses, but also create more crime-related problems in comparison to other Romani groups, whereas the Turkish Roma in Bulgaria have efficiently used their knowledge of the Turkish language to set up small trade business with Turkey. One must also take into account the different dialects spoken by the Roma. Many Romani groups speak a dialect in which they mix the local language with Romani words. Several states indicated that the different dialects pose one of the biggest problems for the education of Roma, as their children often do not understand the teachers and there are not enough qualified teachers who speak the local Romani dialect. To recognise these differences is a first step in recognising the importance of projects adjusted to the specific features of each group.

9. Almost all states have special programmes aimed at improving the living situation of the Roma. These differ from special education, training and employment programmes to specific social support, improvement of the housing situation and cultural support. The necessity to work closely together with Roma organisations is recognised by many of the states, although there still seems to be an overrepresentation of non-Roma in the implementation of these governmental projects. A closer co-operation between different Romani organisations and representatives, especially on a local level, can be expected to support an increase in the involvement of more Roma during the implementation of projects.

10. Most reports recognise that the main problems for a large part of the Romani population in Central and Eastern Europe, but also in other European countries, are the same, but as mentioned above, not equally divided among different groups of Roma. They include low education, high unemployment, bad housing situation, substance abuse, discrimination by the majority population, a very weak representation in national parliaments and a lack of land property or capital which could improve productivity. The disappearance of many of the typical Roma professions, the economic restructuring after 1989 and a low level of education are seen as the main reasons for the high unemployment.

III. SHORT HISTORY OF ROMA IN EUROPE

11. The following brief overview provides some historical information about the Romani people, whose history is often virtually ignored or neglected in publications dealing with European history.[5] One of the aims is to help the readers understand the historical reasons behind the current distrust that Roma have of most governmental authorities and to clarify some myths about Romani nomadism and the historical reasons for Romani migrations.

12. Although the stereotype of Roma as wandering people is incorrect since settled Roma have long been in the majority, migration and westward surges have been a recurrent feature of Romani history in Europe.[6] At various times of their European history many Roma have moved virtually continuously from one place to another, either by necessity or out of choice. Migration has for them been both a defence against external aggression and discrimination and a means of securing a livelihood.[7] In general, it has been recognised that more than within any other ethnic group in Europe, one sees within the Romani population the readiness to take the risk of migrating in order to improve their current living situation. Non-identification with the country they are living in, combined with a lack of confidence in the social structure and legal institutions, are among some of the main reasons why some Roma take this decision to leave relatively easily, provided the means for travelling are available.[8] While the nomadic or semi-nomadic way of life has always been preferred by some Roma throughout their European history, many have chosen to settle at various times in history. Paradoxically, the laws in many places have forced sedentarisation on those who preferred to stay nomadic while in other places or at other times, restrictive or repressive laws have kept those who wished to settle constantly on the move.

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[5] Since it is impossible to cover in detail within the scope of this section the rich history of the various Romani groups in all European countries, the information provided here is unavoidably somewhat generalised. Readers who wish to understand Romani history in its entire complexity are advised to refer to the sources quoted in this section for more information.

[6] Angus Fraser, "The Present and the Future of the Gypsy Past," in *Cambridge Review of International Affairs* vol. XIII/2 (spring/summer 2000), 17.

[7] "The Roma of Central and Eastern Europe," (INTERNET) Available World Wide Web, URL: http://www.unhcr.ch/refworld/pub/state/97/box6_2.htm.

[8] Council of Europe 1998, European Committee on Migration: Problems arising in Connection with the International Mobility of the Roma in Europe

13. The origins of the Romani people have been subject to speculations and academic discussions since about the middle of the 15th century, resulting in a variety of exotic theories.[9] Today, based on linguistic evidence, physical anthropology and ethnic parallels, there is a broad consensus that Roma originated in Northern India,[10] which they left a thousand or more years ago. However, there is no general agreement on what the reasons for their departure were, whether they left as a single group or in several waves, and who exactly they were in terms of ethnic origin, occupation and caste.[11] It is most likely that the Roma have been made up of many different groups of people who in addition have absorbed outsiders throughout their history.[12] The early migrations took the Roma through Persia and Armenia and their appearance in Europe was first recorded in the early 1300s in South-eastern Europe (Byzantium, Greece and the Balkans) from where they spread to Central and Eastern Europe in the 1400s and Western and Northern Europe in the early 1500s.[13]

14. Accounts of the early Romani situation in the Balkans are limited but it is likely that during the first centuries of their stay in the Balkans, Roma lived, worked and moved around freely and unmolested.[14] This was also the case for Roma in various parts of the Ottoman Empire throughout its existence.[15] On the other hand, the period from the 1400s until 1856 represents one of the worst periods of mistreatment for Roma in Wallachia and Moldavia. During this time they were systematically subjected to slavery by reduction to servitude and became the property of the ruling prince or the monasteries and boyars. The earlier case was rather an example of serfdom, since the Crown Roma (subjects to the ruling prince) had only to pay an annual tribute but were not obliged to stay in one spot; however, the second was an example of strict slavery in which Roma were at the disposal of their masters and had

[9] For more details see e.g. Fraser, "The Present and the Future," 18-19.
[10] "Roma (Gypsy) Origins & History," (INTERNET) Available World Wide Web, URL: http://www.romani.org/local/romhist.html and Angus Fraser, *The Gypsies* (Oxford: Blackwell, 1992), 10-32.
[11] Fraser, *The Gypsies*, 28.
[12] Ian Hancock, "Origins of the Romani People," *Patrin Web Journal*, (INTERNET) Available World Wide Web, URL: http://www.geocities.com/Paris/5121/history.htm.
[13] "Roma (Gypsy) origins" and Fraser, *The Gypsies*, 33-45.
[14] Nicolae Gheorghe, "Origin of Romas' slavery in the Rumanian principalities," *Roma* 7(1) cited in Ian Hancock, *The Pariah Syndrome*, Web version from the Patrin Web Journal, (INTERNET) Available World Wide Web, URL: http://www.geocities.com/Paris/5121/pariah.htm, Chapter 2, page 3.
[15] Margaret Brearley, *The Roma/Gypsies of Europe: A Persecuted People*, Policy Paper 3 (London: Institute for Jewish Policy Research, December 1996), 6.

no personal rights (e.g. could be sold, exchanged or given away).[16] In Transylvania where serfdom was not abolished until 1848, bondage (which had in some cases allegedly also amounted to slavery)[17] was also imposed on Roma.[18]

15. The initial movements of Roma from the Balkans westwards - to Central and Western Europe - in the early 1400s could have been a result of the Ottoman advance. While the Ottoman Empire after its expansion most likely offered Roma no worse conditions than they had before, the immediate disruption and danger connected to the warfare during the advances would have been a good impetus for migration. The initial reception of Roma in Central and Western Europe was relatively positive. At first they often presented themselves as pilgrims, claiming and obtaining subsidies in a somewhat organised fashion, and were treated with a measure of consideration.[19] As many of the incoming Roma were skilled metal workers and musicians, they were highly regarded for their skills in some countries, such as Hungary, on their arrival and were therefore declared royal servants.[20] Although in some places Roma experienced signs of rejection upon their arrival or shortly after,[21] their relationship with the rest of the society was quite symbiotic until about the mid-sixteenth century.

16. However, with the changes in the medieval social order and economy and the demonisation of vagrancy,[22] the response of most European powers to Roma had become uniformly negative by the end of the eighteenth century. Roma became the subjects of various repressive laws ranging from trading and movement restrictions through persecution and expulsion to assimilation and extirpation.[23] Roma, especially the nomadic ones, were banned from entering various countries on the pain of torture, flogging, branding or even death and the so-called Gypsy hunts became a common

[16] Fraser, *The Gypsies*, 57-59. See also Hancock, *The Pariah Syndrome*, Chapter 3 and David M. Crowe, *A History of the Gypsies of Eastern Europe and Russia* (New York: St. Martin's Griffin, 1995), Chapter 4.
[17] Hancock, *The Pariah Syndrome*, Chapter 6, page 1. Hancock argues that Roma were employed not merely as serfs but as slave labour also in other parts of Hungary.
[18] Fraser, *The Gypsies*, 107.
[19] Ibid., 60-82.
[20] Crowe, *A History of the Gypsies*, 70.
[21] Arne Mann, *Romsky dejepis* (Bratislava: Kalligram, 2000), 9.
[22] Thomas Acton, "Modernization, Moral Panic and the Gypsies," *Sociology Review* 4, no. 1(September 1994), 4-6.
[23] See Fraser, *The Gypsies*, 129-189.

practice in some countries.[24] Many Roma were also transported to overseas colonies as a method of expulsion.[25] Those Roma who were allowed to stay were subject to attempts at systematic sedentarisation and assimilation. Paradoxically, in some places such as royal Hungary, the efforts to regulate Roma through various restrictions on their lifestyle and trade actually forced previously settled Roma to adopt a nomadic way of life.[26]

17. In the Austrian Habsburg Empire, during the reign of Maria Theresa and her son Joseph II, Roma were forced to settle, become subject to taxes and compulsory service to the lords of the manor, abandon the name Gypsy in favour of appellations such as New Settlers or New Hungarians, take on military service and craft apprenticeship and give up their children for upbringing in non-Romani families. They were also forbidden to intermarry among themselves and to set themselves apart in dress, speech or occupation. Some of these measures were also enacted for example in Prussia during the reign of Frederick the Great, in Spain throughout the 16th, 17th and 18th centuries[27] and in the Russian Empire during the 18th century.[28] Compared to the expulsion and extirpation laws at the beginning of this period, the Enlightenment assimilation policies signified some kind of progress. In the less industrialised regions of Europe, most Roma had settled and taken up occupations similar to those of their neighbours, while in the most industrialised and urbanised regions they maintained a certain degree of nomadism while taking on new trades in order to adjust to the new economic system. Some had even achieved considerable status through their musical contributions, especially in Hungary and the Russian Empire; however, the majority of them continued to live in considerable poverty.[29]

18. Attitudes towards Roma, especially in Western Europe, sharpened again during the second half of the nineteenth century when a new wave of Romani migrations westwards started as Balkan Roma fled the region to escape upheavals caused by war, revolution and the abolition of slavery in Romania. New policies to prevent incoming

[24] Brearley, 6. For details of such repressive laws in various countries see e.g. Brearley, 6; Fraser, *The Gypsies*, Chapter 6; and Donald Kenrick and Grattan Puxon, *The Destiny of Europe's Gypsies* (London: Sussex University Press, 1972), Chapter 3.
[25] See Fraser, *The Gypsies*, 168-171.
[26] Crowe, *A History of the Gypsies*, *xi.*
[27] Fraser, *The Gypsies*, 156-168. See for details of further restrictive laws.
[28] Crowe, *A History of the Gypsies*, xiii.
[29] Fraser, *The Gypsies*, 190-146 and Crowe, *A History of the Gypsies*, xiii-xiv.

Roma from settling and to encourage further sedentarisation were enacted in various countries, starting with the Netherlands in 1868, followed by Germany in 1871 and spreading through most of Western Europe. In this spirit, Prussia concluded around 1906 bilateral agreements with nine other countries with the aim of stopping Romani nomadism.[30] In Eastern Europe, on the other hand, the situation stabilised as far as to allow the beginning of a Romani Renaissance. In the 1920s and 1930s numerous Romani organisations and publications in Romanes sprang up and the first significant attempts of Roma to organise internationally appeared.[31] These activities were, however, interrupted after the National Socialists were voted into power in Germany in 1933 and issued the so-called "Nuremberg Laws" in which the Roma, together with the Jews, were listed as a dangerous 'alien race.' Other laws provided for the expulsion and sterilisation of foreign Roma in the Third Reich. German Roma were forced into concentration camps from 1935; after 1941 they were followed by Roma from Austria, Bohemia and Moravia, parts of western Poland, Romania, Croatia, Serbia and the Soviet Union; and after 1944 also by those from Hungary and the rump state of Slovakia. Bulgarian and Macedonian Roma suffered few losses due to the protection of King Boris III. The victims of the Romani holocaust in Europe during the Second World War (WWII) are estimated to be between 300,000 – 500,000.[32] Unlike the Jews, the Roma of Europe have not as of yet managed to obtain collective compensation for their physical and property losses although Romani individuals have recently been able to claim some compensation through various channels such as the International Organisation for Migration.[33]

19. One of the side effects of the persecution of the Roma during WWII, apart from the destruction of the majority of the Roma intellectual, cultural and political elite, was the massive redistribution of Europe's surviving Romani population as a result of large-scale deportations, flight from persecution (e.g. from Slovenia and Croatia to Italy) and post-war transfers of populations and territory (e.g. expulsion of Sudeten Germans from Czechoslovakia and return of deported Poles from the Soviet Union).

[30] Fraser, *The Gypsies*, 245-256.
[31] For details see Ian Hancock, "The Roots of Romani Nationalism," *Nationalities Papers* XIX, no. 3 (fall 1991): 2551-268.
[32] Fraser, *The Gypsies*, 256-269 and Crowe, *A History of the Gypsies*, xiv-xv.
[33] David Crowe, *Roma: History Behind the Headlines*, an unpublished manuscript for a forthcoming publication, 51 and RomNews, "IOM responsible for fund to Roma and other Holocaust victims," 11 December 2000, (INTERNET) Available World Wide Web, URL: http://www.romnews.com.

When the "Iron Curtain" came down, most Roma found themselves under communist rule. While immediately after the war many Roma still lived a life of nomadism, poverty and illiteracy, the communist regimes went into considerable effort to alter this situation through programmes designed to improve Romani literacy, job skills and living conditions. These programmes were however couched within the framework of forced assimilation and were accompanied by laws prohibiting nomadism as well as setting up Romani cultural, sport or political organisations and publishing Romani literature. In addition, in several states Romani children were regularly channelled into schools for the mentally challenged and it was not uncommon to sterilise Romani women without their informed consent. Yet the right to full employment at least ensured that the living standards of many Roma were roughly comparable with those of the non-Romani population.[34] The Romani population living in Western Europe suffered similar economic and social problems to those Roma behind the Iron Curtain. They had escaped the harsh communist sedentarisation laws, but were nevertheless subject to various laws on the one hand restricting their freedom of movement, yet on the other effectively keeping them constantly on the move by prohibiting them from settling in or even entering some communes. Some of these laws were simply amended or even original versions of the restrictive laws put in place before WWII. In addition, the poverty and illiteracy rates of Western Roma reached considerably higher levels than those of Roma in the communist countries.[35]

20. Occasional Romani westward surges due to political turbulence continued to take place, for example after the Hungarian uprising of 1956. A certain percentage of Roma could also be found among refugees fleeing the communist regimes in Central and Eastern Europe as well as among the *Gastarbeiters* flowing into Germany from Turkey, former Yugoslavia, Greece and elsewhere.[36] In addition, in the 1960s, the relaxation of frontier regulations stimulated movement of Roma from the former Yugoslavia into Austria, France, Germany, Italy and the Netherlands.[37] Since in most communist countries, Romani political and cultural organisations were restricted or forbidden, it was in the West that Romani political mobilisation continued with the

[34] Frederik Folkeryd and Ingvar Svanberg, *Gypsies (Roma) in the Post-Totalitarian States* (Stockholm: the Olof Palmer International Center, 1995).
[35] Fraser, *The Gypsies*, 282-288.
[36] Ibid, 271.

establishment of various organisations and most notably of the International Romani Union (IRU), an umbrella organisation which has organised several World Romani Congresses[38] and has in 1979 obtained a consultative status at the United Nations' Economic and Social Council. The involvement of Roma from the communist countries in this movement was at first limited due to political circumstances, but with time has nevertheless become more and more dominant with increasing liberalisation in some countries as well as migration of Eastern Roma to the West.[39]

21. After the fall of communism in Central and Eastern Europe, the situation of the Roma improved in certain aspects and worsened in others. In many countries, it was the first time that the Roma were able to have their representatives in national parliaments and could create their own political organisations. The state repression of Romani culture also loosened and various social and cultural organisations have in fact started to receive state support.[40] Many countries have adopted new constitutions recognising the rights of specific minority populations, including the Roma.[41] On the other hand, in many countries new citizenship laws have been introduced, which have often inadvertently discriminated against the Roma.[42] In addition, Roma became the first victims of the economic restructuring that took place in all post-communist countries. The unemployment rate for Roma in certain regions has reached 80-100% and school and kindergarten attendance of Roma grew even more scarce due to their difficult economic situation and other factors. Although Hungary, for example, was able to avoid this trend, the drop out rate among Romani children at secondary level remains high. Economic deprivation of the non-Romani citizens led to stronger support for extreme right parties, ethnically-motivated violence against Roma increased and newly gained freedom of speech was regularly misused to incite racism. Racially-motivated abuse and violence often met with insufficient response from government agencies, local officials, security services and judges.[43] The resurgence of

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[37] Fraser, *The present and future*, 17.
[38] However the First World Romani Congress in 1971 in London was actually organised by IRU's predecessor, the International Gypsy Committee.
[39] See Thomas Acton and Ilona Klimova, "The International Romani Union - An East European Answer to West European Questions? *Shifts in the Focus of World Romani Congresses, 1971-2000"* in Will Guy (ed.) *Between Past and Future: the Roma of Central and Eastern Europe* (Hatfield: University of Hertfordshire Press, forthcoming Spring 2001).
[40] Mann, 42-44.
[41] However in practice Roma have often been excluded from benefiting from such arrangements.
[42] "The Roma of Central and Eastern Europe."
[43] Ibid. and Fraser, *The Gypsies*, 289-290.

racially motivated attacks, along with economic deprivation and the Balkan wars led to a new westward migration of Roma, particularly those from Romania and Yugoslav countries during the early 1990s, followed by Roma from other countries in Central and Eastern Europe in the late 1990s. Although these new Romani asylum seekers have not been particularly welcome in Western Europe, their arrival has had a positive effect on Romani political mobilisation and has stimulated a new Romani politics in the West.[44]

IV. FEATURES OF ROMA MIGRATION IN THE SECOND HALF OF THE 1990S

22. The above-mentioned circumstances have influenced the international movements of Roma in recent years, many of which take place in the form of seeking asylum, as there are almost no other migration alternatives available. According to the information received by ICMPD from the different host countries, one can divide the Roma applying for asylum into three groups which are described below, although overlap or a combination of the factors described below is likely in some cases.

I. The first group of Roma asylum seekers concerns those Roma who in their municipalities suffered from open discrimination and violence, sometimes inflicted on them by government officials. In several cases, members of this group did deserve and do receive some form of residence permit, humanitarian status or even asylum in the different host countries. Their numbers are relatively small, which becomes especially clear when analysing the information provided by the host countries.

II. The second group comprises mostly more wealthy Roma, who use the asylum system as a means of entering the EU, hoping to thereby improve their economic situation. A remarkable, and among asylum seekers relatively unique, feature of part of this group is that there are indications that some of them are travelling in a more or less organised way, using the asylum systems for economic reasons in several EU Member States as well as other countries. These Roma appear in relatively large numbers, (for example 20 to 100 people per week) during several weeks or months. They try to stay in the asylum system as long as possible and in several countries withdraw their cases shortly before a final decision has been taken. Regularly it has been proven

[44] For details see Acton and Klimova.

that they have applied for asylum in other countries and some applicants even re-appear several times in the same country. The Roma belonging to this group hesitantly co-operate in their repatriation, but very often re-appear in the host countries.

III. The third group consists of Roma whose basic reason to migrate is a combination of factors. In many cases, they were seriously misinformed and fell victim to dreams after seeing positive media coverage on the future that Roma might have in Canada or the UK. They are disappointed after they discover that their chances of obtaining a residence permit are extremely small or even non-existent. After returning to their home country, their situation is worse than before their departure because they invested their savings or created large debts in order to be able to pay for their journey. In several instances, it was suggested that Roma are lured into giving up their residence and moving westward by opposition politicians, who try to profit politically from the unfavourable situation of the Roma in Central and Eastern Europe. Also usurers are known to 'stimulate' Roma with debts to try to earn money in the West. The experience of, for example, Belgium has shown that people belonging to this group co-operate freely in their repatriation, and mostly do not re-appear in the asylum systems again

23. Obviously, migration of the second and third group of Roma has several negative implications for all parties involved. As mentioned earlier, this migration usually takes place mainly for economic reasons, which provide no legitimate ground for asylum according to the Geneva Convention relating to the Status of Refugees of 28 July 1951, and therefore host countries regard this to be an abuse of the asylum system. Furthermore, the wealthier Roma that are asking for asylum are those people who could play an important role in improving the situation of the poorer Roma in their home countries if they would invest their money and knowledge in local businesses which could create employment opportunities for other Roma. In addition, this form of migration tends to stigmatise all Romani asylum seekers and further perpetuates the prejudiced and stereotypical negative image of Roma which is unfortunately also common in the EU. The measures taken by the host countries following a higher influx of Roma tend to diminish the chances of genuine Romani asylum seekers. The fact that the situation of Roma who belong to the third group

would be better had they not tried to access the asylum systems of the different countries is obvious.

24. Without the recent higher numbers of Romani asylum seekers, the situation of the Roma would most likely have never received the international attention it now has. It would, however, obviously be wrong to suggest (as has been done by some Roma opinion-makers), that decreasing numbers would again lead to a lower interest in Roma issues. The standards of the Council of Europe, the EU Copenhagen criteria, the work of OSCE-ODIHR (Office for Democratic Institutions and Human Rights) and continuous monitoring by international organisations guarantee that the improvement of living conditions for minority groups, including the Roma, will stay on the international agenda for as long as needed. The report presented by the OSCE High Commissioner on National Minorities Mr. Max van der Stoel in March 2000 provided an in-depth analysis of the living situation of Roma in the whole OSCE-area, as well as a number of practical recommendations that could improve this situation.[45] It can be expected that the OSCE, as well as other organisations will continue to work on the improvement of the situation of the Roma, in co-operation with the Governments concerned and the Roma, and will support where possible the implementation of these important recommendations.

25. For host countries, the influx of asylum seekers who are likely to have manifestly unfounded claims is problematic, as it puts an additional and unnecessary strain on an often already over-burdened asylum system. Unfortunately, the social tensions following the influx of Roma, often related to the fact that media pay more attention to Roma than to other asylum seekers, make the issue especially sensitive. In several host countries, local media coverage of the Romani asylum seekers has been rather negative and disproportional to their numbers. This has led to a situation in which the 'Roma issue' has become in many cases politicised and as such has been abused by populist local politicians.

26. In several cases, host countries considered the imposition of visa requirements as the only possibility to limit the new inflow. As an example, one can see below the

45 Organisation for Security and Co-operation in Europe High Commissioner on National Minorities, *Report on the Situation of Roma and Sinti in the OSCE Area* (The Hague: OSCE HCNM, 2000).

extent to which Slovakia has been affected by the implementation of visas for its citizens.

Table 2: Visa Imposition by West European states against the Slovak Republic 1998 – 2000	
Belgium	13 April – 31 July 2000; 5 September 2000 -
Denmark	30 November 1999 -
Finland	7 July - 6 November 1999; 15 January 2000 – 15 July 2000
Ireland	19 October 1998 -
Luxembourg	20 April –16 May 2000
Norway	27 July – 6 November 1999; 7 December 1999 – 15 August 2000
United Kingdom	7 October 1998 -

The situation whereby Candidate States are confronted with new visa regulations following the outflow of Roma is damaging to the EU association process and increases resentment against the Roma among the non-Romani population of those countries, who would without the Romani outflow still be able to travel freely to the EU.

V. ROMA MEDIA

27. As mentioned before, lack of or even false information on asylum systems in host countries is one of the reasons for recent Roma migration. Especially movements to the UK and Canada seem to have been influenced for a large part by positive media coverage on the situation of Roma in these countries. At this moment, there is no universal or global media seeking to reach the whole Romani community. Therefore, Roma usually get information through the existing mainstream media, in the language spoken by the majority population, or in several areas via local Roma media. There are about 120 different Roma media in Europe: newspapers, periodicals, radio and TV stations. These media are either private and function on a commercial basis, or are sponsored and controlled by the state. Most of them work under serious financial constraints.

28. There are some initiatives which need to be mentioned. RomNews, based in Germany, is the only news agency in which Roma journalists publish various articles in Romani language. The Office for Democratic Institutions and Human Rights (ODIHR) together with the Soros Foundation and the European Community Phare Programme support the development of Roma media and broadcasting in Romanes.

The Roma Press Centre, created in 1997 in Budapest, Hungary, is an initiative of the Roma Media Fund (RMF) of the Soros Foundation and focuses on providing Hungarian mainstream media with more objective information about Roma community. The Centre also provides training for young Romani journalists. Romani media in general have not yet succeeded in creating a leading role within the Roma community and do not serve as the best providers of information for them. Furthermore, a just and precise presentation of the Roma community in the mainstream media has not yet been achieved.[46]

29. The focus of Roma media needs to concentrate more on the subjects closely related to their lives and provide them with information on international, regional and local news based on verified and objective information. Information on how to participate in projects, or on how to apply for EU funding, can be useful to stimulate more Roma organisations to be involved in the projects. In addition, information should be provided whom Roma need to contact in the case of serious violence or aggression used against them. Furthermore, it is vital that the Roma community is well informed about migration and its results, which were often damaging for families who spent a substantial amount of money in order to migrate, and were later forced to leave the recipient country. News about racial discrimination, education and various projects in this field, health care, employment and political participation are just some of the necessary topics on which the Roma community needs to be impartially and objectively informed.

VI. EXPERIENCES OF THE HOST COUNTRIES

30. The information below describes the experience of a number of host countries with recent inflows of asylum seekers from the Candidate States, and the effects of the measures taken by those states.

31. The number of asylum seekers from Candidate States rose rapidly in several host countries during the last three years, and a significant part of this increase can be attributed to the movements of Roma. The ethnic origin of the Romani asylum seekers is usually established based on their own statements, on the fact that they ask to be interviewed in Romanes, or is revealed through the in-depth interviews. The language

[46] Orhan Galjus, "Stateless: Roma and the media today," *Roma Rights*, No. 4, (Budapest: European

as such is not the main indicator, as many Roma do not speak Romanes. It should be stressed that none of the countries had exact figures available on the number of Roma, as statistics were based only on nationality. The fact that refugees may claim asylum because of persecution on ethnic grounds, however, made relatively precise estimations on ethnic origin possible in some countries.

32. The Governmental reports indicated that almost all of the applicants for asylum from the Czech Republic, Slovakia and Poland were Roma. All participating host countries estimated that the share of Roma among asylum seekers from these countries was between 85 and 99%. The percentage of Romanian asylum seekers of Romani origin is estimated to be lower, between 30 and 60%. With regard to the Bulgarian applicants, many of them declare themselves to be of Turkish origin, although according to some EU Governments there are indications that many of them are in fact Roma who speak Turkish and are Muslims by family tradition. Therefore, in the case of Bulgaria, the percentage of Romani asylum seekers is difficult to estimate. With respect to Hungary, the influx is in general very low and no relevant estimates were submitted. The one exception in this regard is Canada, which has received large numbers of Hungarian asylum seekers, mostly Roma, but in several cases also non-Roma Hungarians claiming to be Roma.

33. Roma coming from the Czech Republic, Poland and Slovakia enter the EU in most cases legally and with valid passports, while the ones arriving from Bulgaria and Romania enter the host country often in an illegal way, without visa or without any travel documents. In many cases, Roma asylum seekers were in the possession of very recently issued passports which had registration numbers that were close to each other. A number of, but not all, host countries reported that Roma seeking asylum on their territory had already previously applied for asylum in other EU countries. According to host country reports, in several cases Roma withdrew their applications shortly before the decision was announced, or after a number of other Roma received negative decisions on their applications. Shortly after that, these Roma disappeared or left the country.

Roma Rights Center, 1999), 69-72.

34. Although the involvement of professional smugglers has not been proven, there are informal structures through which those Roma who are using the asylum system for economic reasons can easily get the most relevant information. It is known in the host countries that a large number of Roma are very well informed about the rights of asylum seekers, the exact procedures and their length, as well as about the social benefits available. This information either comes via friends and family or via travel agencies who provide this information as an extra service.

35. All host countries reported that Roma usually state repeated skinhead violence, poverty, lack of protection against extreme right aggression, unemployment, public discrimination by the majority society, harassment by local (police) officials and the lack of appropriate education opportunities in the countries of origin as reasons for their asylum application. However, the host countries have in almost no cases granted Roma asylum seekers asylum or residence permits. This is justified from the point of view of the host countries by the fact that all of the Candidate States do have democratic and legal structures in place to support the Roma. Furthermore, according to asylum officials, the situation in the countries of origin does not amount to the need of protection by other states. Even if it is argued that states in some cases do not provide sufficient protection or that the Roma were discriminated against, this does not equal state persecution. Canada is an exception, as approximately 15% of Hungarian asylum seekers received refugee status in 2000. An even higher percentage of Czech Roma received asylum status in Canada, which caused an dramatic increase in their numbers in Canada, until Canada decided to impose visa regulations against the Czech Republic.

36. Since the start of the political transition period in 1989-1990 in Central and Eastern Europe, migration of Roma has increased due to positive factors such as freedom to travel, but also due to negative factors such as impoverishment of communities following the economic restructuring in post-communist countries, and an increase in ethnic tensions. After the political changes, the Central and Eastern European countries have been subjected to social conflicts and often to open violent confrontations between Roma and non-Romani members of local communities and/or extremist parties.

37. Still, one must keep in mind that, compared to the large number of Roma living under difficult circumstances, only a relatively small, but heterogeneous group of Roma is migrating, for different reasons and from different backgrounds. From the point of view of the Candidate countries, as well as the host countries, economic reasons are the main push factors for the movements. As most of the future Member States have acceded to all relevant international human rights instruments, and fulfil the EU Copenhagen criteria, they want to be considered as safe countries of origin by those receiving States which do not already consider them to be safe.

38. As is noted in several reports one should indeed pay attention to the positive steps that the Governments of the Candidate Countries have taken to deal with the situation of the Romani minority. Although some countries, like Hungary, started earlier than others, all of them have considerably amended the laws and/or created governmental bodies aiming at improving the situation of Roma and attitudes towards them. Furthermore, many Governments have implemented numerous initiatives to improve the situation and public recognition of Roma. Although the central Governments of the different states very often put a lot of efforts into improving the situation, these efforts are often thwarted at the local level. The local authorities are responsible for implementing housing and education projects and are often uncooperative, either because of prejudice, or because they believe that for short-term political reasons it would be unwise for them to appear 'being soft on the Roma'. Several interlocutors from the Candidate States noted that it might take one or two generations before the attitude towards Roma improves in their countries, linked as this is to cultural differences and long-term prejudices.

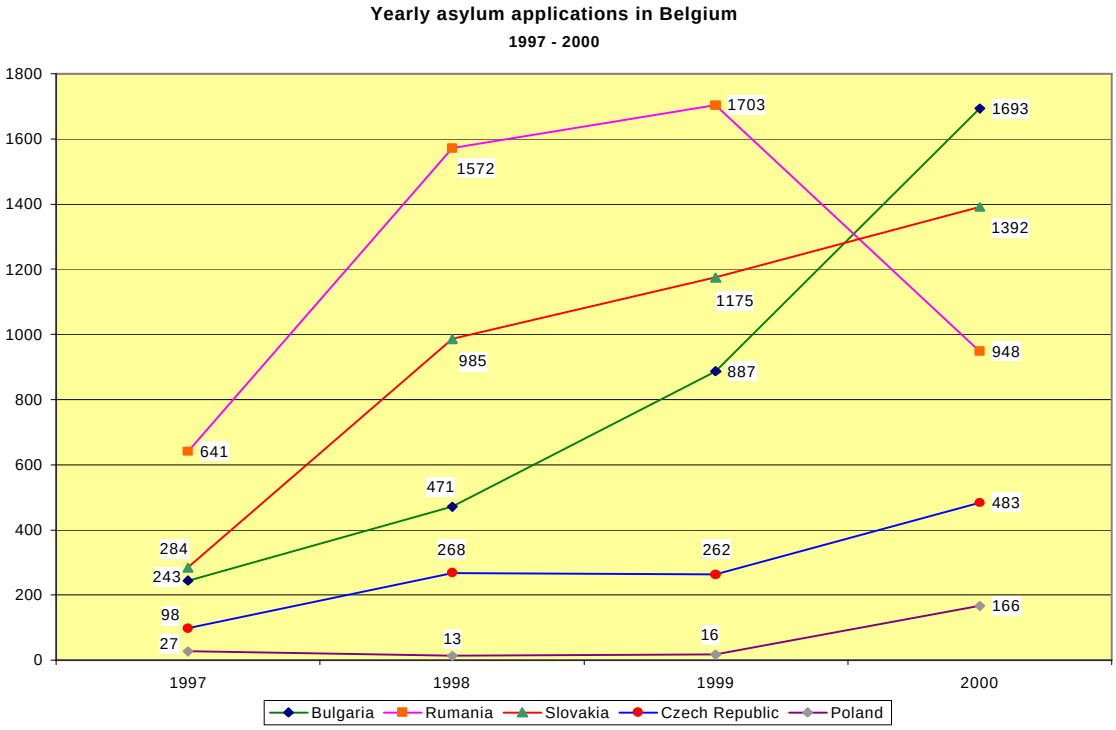
Belgium

39. Belgian authorities estimate that almost 100% of the Slovak, Czech and Polish asylum seekers are of Romani origin. With regard to Romania, it is estimated that 50% of the applicants are Roma; for Bulgarians this figure is 70%. The table below shows the exact number of asylum applications from these countries:

Table 3: Yearly number of asylum applications in Belgium by citizens from selected Candidate Countries

	Bulgaria	**Poland**	**Romania**	**Slovakia**	**Czech Rep.**
1997	243	27	641	284	98
1998	471	13	1572	985	268
1999	887	16	1703	1175	262
2000	1693	166	948	1392	483

Belgium introduced visa requirements for Slovak citizens on April 13, 2000 and lifted them on July 31, 2000. The imposition of visas caused an immediate drop in the number of asylum seekers. However, very soon after the visa requirement was abolished again, the number of Slovak asylum seekers rose rapidly. This led to the reintroduction of visas on September 9, 2000. Following this, the number of applications dropped to only 17 in the period from 1 to 16 October, 2000, instead of hundreds of applicants the previous months. Still, looking at the annual figures, one can clearly see in the graph below that, except for Romania, the figures for citizens from the above-mentioned countries are still rising with an especially dramatic increase of Bulgarian applicants.



40. In addition to this, there were also other measures that Belgium occasionally took in reaction to the arrival of larger numbers of asylum seekers. Slovak asylum seekers, for example, were assigned to an open centre and instead of financial support, they received help in kind. Furthermore, they have a priority status in the treatment of their files, in order to prevent them from receiving social support over a longer period of time. In addition to these measures, a special action was taken only for the Slovak Roma. At the end of 1998, in order to deal with the cases faster, the Belgium Aliens Office temporarily moved to areas which acquired larger Slovak populations, such as

Ghent. This measure proved to be very efficient as the number of Slovak asylum seekers dropped rapidly soon after the establishment of the temporary office in Ghent. The effect of the repatriation of a large group of Roma to Slovakia on 5 October 1999 was also dramatic. (See the table 3-5 below for the effects of the above-described measures).

41. Following EU regulations, Bulgarian and Romanian citizens need a visa when entering Belgium. Upon arrival, and after submitting their application, asylum seekers often fail to provide a travel document with this visa, or only have a visa for entry into another EU country. As these applicants also belong to those nationalities whose cases enjoy priority, they are sheltered in an open centre instead of receiving financial support. In accordance with Belgian law, single people travelling without valid travel documents and visas are sent to a detention centre. It was observed that a higher number of detentions caused a decline in the number of asylum seekers. After the procedure is closed negatively, and/or if the person is illegally staying in Belgium, s/he will be sent back to the home county as fast as possible. This measure has also proved to be very effective for lowering the influx. The efficient informal networks via which potential asylum seekers receive information on the possibilities to enter a host country prove to work also when it comes to 'negative' information.

Table 4: Monthly number of asylum applications in Belgium by citizens from Bulgaria

Bulgaria	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
1998	4	11	10	9	18	12	13	45	37	64	99	149
1999	21	20	18	31	26	45	29	173	236	102	98	88
2000	79	62	64	83	102	139	101	331	396	201	97	38

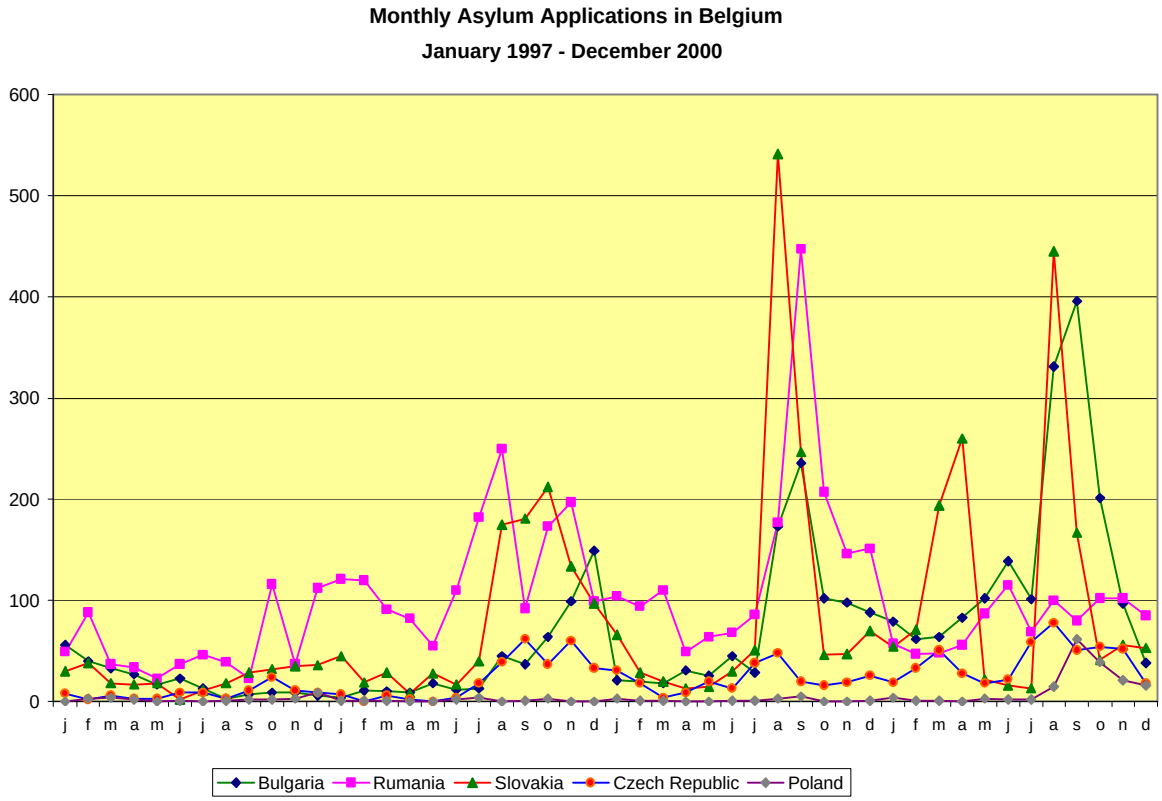
Table 5: Monthly number of asylum applications in Belgium by citizens from Romania

Romania	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
1998	121	120	91	82	55	110	182	250	92	173	197	99
1999	104	94	110	49	64	68	86	177	447	207	146	151
2000	57	47	48	56	87	115	69	100	80	102	102	85

Table 6: Monthly number of asylum applications in Belgium by citizens from Slovakia

Slovakia	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
1998	45	19	29	8	28	17	40	175	181	212	134	97
1999	66	29	20	13	15	30	51	541	247	46	47	70
2000	54	71	194	260	22	16	13	445	167	41	56	53

42. The Belgian experience shows that several restrictive measures have a short-term effect on new inflows. Introducing measures as described above had an immediate effect on the number of new applications in the following months. However, the impact of the measures seems to have weakened gradually and appears to demand regular reinforcement. The typical pattern of inflows, in peaks, during several months, and often in reaction to certain developments in the asylum procedures, can be seen clearly in the graph below.



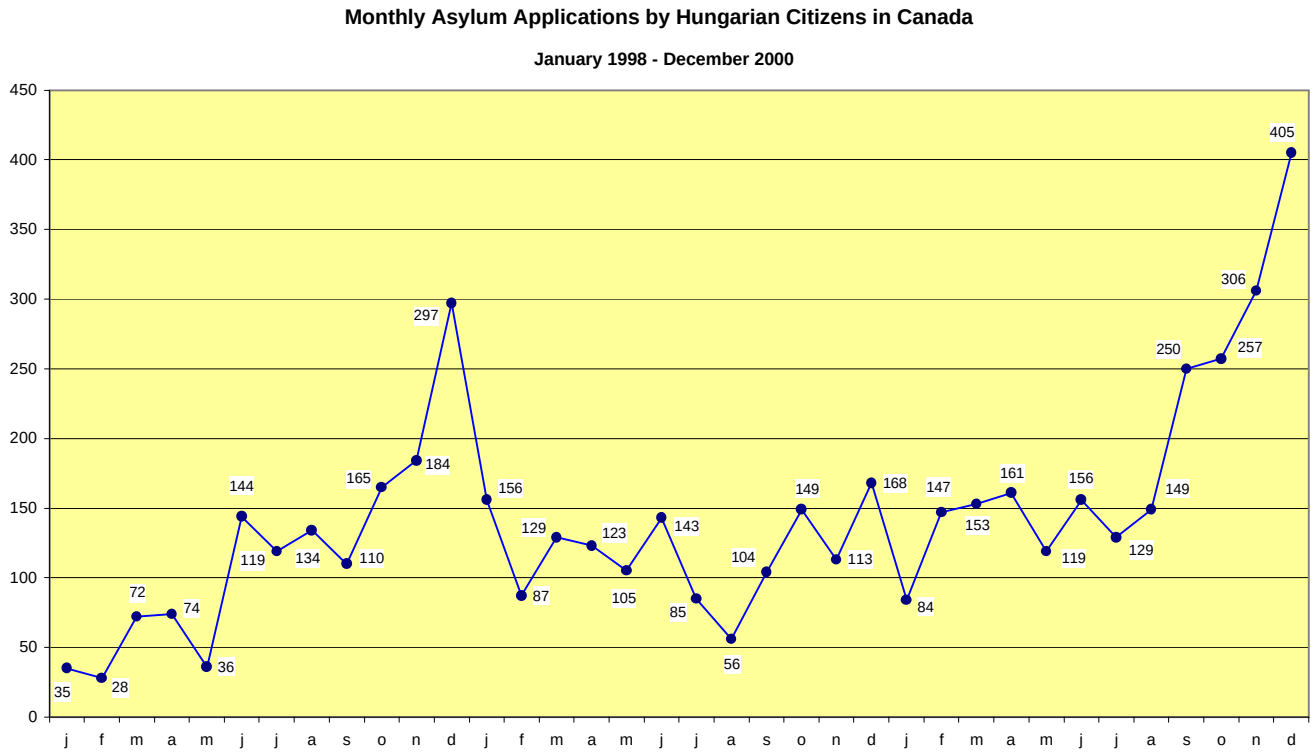
43. In January 2001, Belgium introduced new measures to curb the constant increase in the general number of asylum seekers. Among others, the procedures will be shortened and all applicants will be housed in open reception centres. It is planned that the whole asylum procedure, inclusive of appeal, will not last longer than several weeks. It is expected by Belgium authorities that these measures will also lead to a lower number of asylum seekers from the Candidate countries, as many of the pull factors are taken away.

Canada

44. Hungary, Norway, Slovenia and Switzerland are the only non-EU nations in Europe whose nationals do not require visas to enter Canada. Canada receives

essentially no refugee claimants from Norway or Slovenia, but a large number from Hungary. From experience, most Hungarian refugee claimants in Canada are members of the large Roma community in Hungary. On the other hand, there are relatively few Roma in either Slovenia or Norway, which probably accounts for the lack of asylum applicants**.**

45. In the mid-1990s, nationals of the Czech Republic were able to enter Canada without a visa. During the period of this visa exemption, increasing numbers of Czechs made refugee claims in Canada, again, most claiming to be members of the Roma community. After Canada re-imposed a visitor visa requirement in 1997, Czech Roma virtually ceased applying for asylum in Canada. This visa requirement is still in place, which prompted the Czech Republic to announce the imposition of visas for Canadian citizens as of April 2001.



46. From the experience with the Czechs and Hungarians, the conclusion can be made that Canada is a very popular destination among Europe's Roma communities and that were Canada to lift visa requirements on other central or eastern European countries with large Roma communities, Canada might well expect a significant

increase in refugee claims from those countries. Whether that would in turn have the effect of decreasing Roma migration to western European countries is open for speculation.

47. Therefore, one of the factors forming part of the answer to the question as to why only Hungarian Roma make refugee claims in Canada is that besides the Slovenian and Norwegian Roma, they are the only nationals within the European Roma community that have this option available to them. As to the success of the claims, one has to bear in mind that in Canada the refugee determination system (the IRB, Immigration and Refugee Board) operates very independently, and that every refugee claim is judged on its own merits on the basis of standards which in many ways differ from those by European asylum eligibility agencies. It is a non-confrontational process, and IRB board members are not required to provide written reasons when they accept a claim. Although the majority of refugee claims made by Hungarian nationals are rejected, the acceptance rate was in 2000 still about 15% of all claims filed. However compared to the recognition rate of Roma applicants in EU countries (0-1%), the chances for a successful claim are obviously much better in Canada. According to the Canadian authorities, Hungarian refugee claimants in Canada display an unusually high rate of disappearance after having filed the claim. This suggests that the refugee determination process is being used largely as a vehicle to enter Canada, and refugee status is not in itself the end goal for coming to Canada.

Czech Republic

48. The Czech Republic is one of the countries that can be classified both as a country of origin and as a receiving state. In the period between 1 January 2000 and 15 December 2000 there was a total of 723 Slovak asylum seekers registered. Slovak asylum seekers started arriving in the Czech Republic as early as 1994 but until 31 December 1999 these were mostly individual applications and during this whole period there were only 49 applications from Slovak asylum seekers registered in the country.

49. Following in depth research by the Czech Government with regard to arrivals in 2000, the following details became available. Most of the 723 asylum seekers came with their families; there were only 48 individual applications. A very high percentage

(43%) concerned children up to the age of 15. On the other hand, only 9% of the applicants fell into the group aged 41-60. The division male/female is roughly equal, which is normally not the case with other asylum seekers. Another remarkable feature was that Roma nationality was stated only by a small number of applicants (54 cases), whereas 72% of the applicants stated the Slovak nationality.

50. Most of the applicants come from the towns in the district of Michalovce, in eastern Slovakia. From the total number of 320 adult applicants, 269 came to the Czech Republic with an intention to apply for asylum. Some of the asylum seekers applied already before in various countries, such as Hungary, Switzerland and Germany. Two hundred persons were in the possession of a passport upon their arrival, the rest possessed a valid identity card or birth certificate for their children.

51. Until 15 December 2000 a total of 1,100 decisions had been taken by both the first and the second instance. Of these, 559 applications were dismissed at first instance, of which 176 were dismissed as manifestly unfounded. 518 appeal applications were submitted and of these 226 were dismissed in the second instance. Some 110 persons appealed. None of the applicants have been granted asylum. Approximately 300 applicants withdrew their application. 298 persons have so far been repatriated.

52. As for the reasons why asylum seekers started arriving in bigger numbers from January 2000, it was suggested during the conference in Bratislava that this might be related to changes in the Czech asylum procedures. Since the beginning of 2000, asylum seekers do not have to await their decision in an open centre, as was the case before, but can choose to live on their own, and will receive social benefits.

Finland

53. Although the Finnish Government does not keep separate statistics for Roma inflows, it is estimated that almost all asylum seekers from Slovakia, the Czech Republic and Poland are of Roma origin. According to the Finnish Authorities, no Roma asylum seekers have been granted asylum or humanitarian status during the last five years. As a reason for not granting asylum, it was stated that the applicant's situation in the country of origin has not provided sufficient reasons for protection. Because of the relatively high number of applicants from Slovakia, Finland

introduced a visa requirement for this country in the periods between July 7 - November 7, 1999 and between January 15 - July 15, 2000. Furthermore, Finland also took other measures, such as an amendment to the Alien's Act accelerating the procedure if the applicant comes from a safe country of origin/asylum. This measure, which was implemented in the third quarter of 2000, proved to be very efficient in curbing the numbers of asylum seekers. Since the implementation of this measure, no imposition of visa regulations has been necessary.

Germany

54. The migration movements of Roma to Germany started in the early 90s, the first big group of asylum seekers being from Romania. Approximately 60,000 Romanian Roma sought political asylum in Germany in the period 1990-1995. After 1995 this number decreased and in 1999 there were only 20 applications for asylum by Romanian Roma. The first year when a substantial number of asylum seekers from Slovakia, Czech Republic and Hungary sought asylum in Germany was 1997. In many cases Roma applying for asylum came from the same regions or towns, like Kosice in Slovakia. Furthermore, it has been proven that in certain cases the asylum seekers had previously sought asylum in other countries, mainly the Slovak and Czech asylum seekers whose claims had been rejected in Great Britain before they came to Germany. With regard to the social structure of the Roma asylum seekers, it was reported that in general Roma migrate in groups and arrive together with their families. A specific feature of the Roma applicants was the multiple identity of Romanian asylum seekers in the period of 1990-1994, when they applied for asylum in different places under different names in order to receive more social benefits.

55. According to German statistics, no Roma were granted refugee status, the main reason being that, according to German asylum regulations, Romania, Bulgaria, Hungary, Slovakia and Czech Republic are classified as safe countries of origin in which there is no danger of political persecution or inhuman and degrading treatment from state agents.

56. As a reaction to general migratory movements, Germany has since 1993 decided to make a number of amendments in its legislation. The asylum procedures have become swifter and asylum seekers are being registered before the procedure starts in

order to find out if they have not already applied for asylum in another country. Furthermore, Germany has concluded a repatriation agreement with Romania and there are various return programmes in co-operation with different countries.

Norway

57. During the last four years, Norway has had an inflow of Roma seeking asylum. Despite the fact that their ethnicity is not registered, based on Government experience it is estimated that 100% of asylum seekers from Poland and Slovakia are Roma. For Romania this percentage lies between 80 and 90%. The number of applications can be found in Table 6 below. The figures show that the numbers of Romani asylum seekers, especially from Romania and Slovakia, have been increasing rapidly in Norway during the past four years.

Table 7: Monthly number of asylum applications in Norway by citizens from selected Candidate Countries

	1997	1998	1999	2000 (Jan-1 Dec)
Bulgaria	-	-	-	11
Czech Republic	-	-	-	22
Poland	-	-	-	63
Romania	19	77	153	621
Slovakia	1	1	233	453
Total	**20**	**78**	**386**	**1170**

58. The patterns of the flows show interesting differences. The applicants from Romania arrive by bus via Sweden, where they are suspected to have stayed for some time before coming to Norway. However, as this is difficult to prove, Sweden cannot be established as their safe first country of asylum. There have not been any asylum seekers from Romania granted either asylum or residence permit in Norway.

59. Norway did not have a visa requirement for Slovak citizens until 1999. In July 1999 about 100 asylum seekers arrived during approximately three weeks. Norway decided to introduce visas for Slovakia and changed its entry policy for Slovak citizens on 27 July 1999. The asylum inflow from Slovakia stopped and on 6 November 1999, the visa requirement was lifted. Within one month, Norway received 133 asylum seekers from Slovakia and the visa was re-introduced on 7 December 1999. Following consultations with the Slovak authorities, Norway decided to revise its visa policy again on 16 August 2000. Within one week, Slovak citizens started to

ask for asylum again in Norway. Between 16 August 2000 and 1 November 2000, 441 asylum seekers from Slovakia arrived in Norway.

60. Most of the Slovak asylum seekers arrive with valid travel documents and many of them have had previous stays in Denmark and Finland, where their claims for asylum have been rejected. Looking at the weekly inflow from Slovakia in the weeks immediately after 16 August 2000, one can see that the inflow stopped, even without a visa requirement.

Table 8: Number of asylum applications in Norway by Slovakian citizens in 2000 (week 34 - 45)												
Week	34	35	36	37	38	39	40	41	42	43	44	45
Inflow	27	47	42	75	126	84	34	7	6	5	0	0

61. The main reason for this change seems to be the rapid assessment of asylum cases by the Directorate of Immigration. Since September 2000, the Directorate has interviewed Slovak asylum seekers shortly after their arrival and has taken a decision immediately afterwards. In most cases, the Directorate found that there was no objective reason for fear of persecution and the applicants were sent back to Slovakia without being allowed to wait for the decision of their appeal. Only if some elements of the case require further enquiry may the applicants stay in the country until a final decision is made.

Portugal

62. During recent years, Portugal has not seen any remarkable inflow of asylum seekers from the Candidate States. However, between 1993-1995, a number of Romanian Roma entered Portugal as asylum applicants. All of the applications were considered to be for economic reasons. According to the Portuguese authorities, in most cases the asylum application was just a way to guarantee social support over a certain period of time. Once they had achieved this goal, the Roma supposedly lost interest in their applications and left.

Sweden

63. The situation in Sweden is quite different, as there was no extremely high influx of Roma registered during the last three years. Nevertheless it was noted that if there is an inflow of Roma in Sweden, this usually takes place in ‘peak –periods’. Often,

these are Roma from the same family or the same place of origin, or they are friends of Roma that are already asylum seekers themselves. Interestingly, most Roma do not provide any travel documents when applying for asylum in Sweden. According to the Swedish asylum officials, the general situation in the Candidate countries proves not to give any grounds for granting asylum. Only humanitarian reasons, like illness or specific family situations can prove to be grounds for a humanitarian status.

Switzerland

64. In the period between 1995—1999 none of the ethnic Roma from Poland, Romania, Slovakia, Bulgaria and the Czech Republic were granted asylum or humanitarian status. The reason for this is that, according to the Swiss authorities, the situation in the countries of origin does not provide sufficient need of protection in third countries. All the countries of origin have democratic legal institutions which guarantee state protection. The concept of safe countries is a part of Swiss legislation. The Swiss Asylum Law stipulates that applications or appeals by asylum seekers from safe countries are dismissed without entering into the substance of the matter, unless there are indications of persecution. As the influx of Roma migrants to Switzerland has not reached numbers as high as in some EU Member States, no new visa requirements have been introduced. The visa requirements for Bulgaria and Romania have already existed for many years.

United Kingdom

65. Between January 1996 and June 1997, the number of Slovak nationals claiming asylum in the United Kingdom remained constant at 5 to 10 per month. During the autumn of 1997, this figure doubled. Most of the arrivals came via France to Dover. In July 1998, a further influx occurred when some 125 applications were received, a figure which almost doubled to 230 the next month and remained at this level in September 1998. Following the imposition of a visa regime in October 1998, this number dropped sharply; since July 1999, the maximum number of applications has been 5 per month. Until the end of 2000, 40 decisions were taken on applications from Slovak nationals, all of them negative.

66. The Czech pattern of inflow is similar to that of the Slovaks: 5-10 applications a month from 1996 until July 1997, when the figure doubled and remained 30 a month

until October 1997, when a sudden influx resulted in 85 applications. Following a gradual monthly increase, the numbers peaked again in September 1998 (90). The second peak was in August 1999, with 255 new applications. It stayed at this level until March 2000 (230), after which there was a sharp decrease in new applications to 35 per month. Recently, numbers have shown a slight increase again, with around 65 applications in August and September 2000. Until the end of August 2000, 645 decisions were made on applications from Czech nationals. None were granted asylum.

67. Following a long period of rather stable inflow of 25-45 per month, the number of Romanian nationals applying for asylum doubled and continued to increase in August 1998. The largest influx of Romanian nationals occurred between November 1999 and April 2000, peaking in February 2000 at 305 applicants. Since June 2000, the numbers decreased and stabilised at around 140 per month. During the period 1998-2000, over 95% of the Romanian applicants entered the country without the correct visa. The applications were primarily made in transit to another destination; most applicants stated that they had no intention to fly on to this supposed destination and it was always their intention to seek asylum in the UK. Many of the applicants had been told by friends or family that this was the easiest way to enter the UK.

68. Contrary to other countries, the UK has a long tradition of inflow of Roma from Poland. Polish nationals have constituted significant numbers since 1996. Between January 1996 and April 1998, the number of monthly applications received from Polish nationals remained below 100, except for the period October - December 1996 which saw figures reaching 255 and then dropping again to 95. After June 1998, the number of applications rose steadily again, until a peak was reached in December, traditionally the month with the highest yearly inflow (1996: 255, 1997: 90, 1998: 265, and 1999:350). In 2000, no Polish asylum seekers, an estimated 85% of whom are Roma, have been granted asylum.

69. As mentioned before, a visa requirement for Slovakia was introduced in October 1998, as a direct response to the increasing number of asylum applications, the majority of which appear to be unfounded. The imposition of a visa regime resulted in a sharp decrease in the number of applications. The UK considers that the majority of

asylum applications from Poland, the Czech Republic, Slovakia, Romania, Hungary and Bulgaria are motivated by economic and social betterment and that these claims are unfounded, although each case is decided on its individual merits within the terms of the 1951 Geneva Convention. No Slovak, Czech or Hungarian applicant has been granted asylum in 2000. One Polish, one Bulgarian and one Romanian national were granted asylum.

70. Following the dramatic rise in asylum applications in the UK from all nationalities over the last few years, the Immigration and Asylum Act 1999 was introduced, focusing mainly on deterring unfounded applications, and protection for those asylum seekers who can demonstrate a well-founded fear of persecution. The Act provided for amendments to the national asylum support service, which is now carried out principally in kind, through vouchers that provide for basic needs. Furthermore, asylum seekers are dispersed throughout the country on a no-choice basis.

CONCLUSION AND RECOMMENDATIONS

71. As can be concluded from the experience of various countries presented above, the three main 'tools' that have proven to be most effective with regard to limiting the flows of economically motivated asylum claims of the group in question are: (i) shorter procedures, (ii) replacing social benefits with an in-kind system and (iii) imposing visas against the country of origin involved. Shorter asylum procedures can be understood as an improvement of the overall speed of the asylum procedure, also by applying a 'short track' procedure for manifestly unfounded claims, including applicants originating from a 'safe country' or a 'safe third country'. In some of the receiving countries which apply the latter procedure, the applicants are not allowed to wait for the outcome of an appeal, but are returned to their home countries beforehand. A crucial element of the faster procedures in such countries is an efficient return programme in the case of a negative decision in the first instance. While ensuring that the fairness of the procedure is not endangered, thus granting refugee status provided the second instance so decides, the country becomes much less attractive for bogus applicants.

72. By taking away the possibilities for the refugees to receive support in cash, another pull factor can be eliminated. Many countries of origin drew attention to this

factor as one of the most important reasons for some of the Roma to ask for asylum. The creation of open centres instead of cash provided to hire an apartment, as well as providing vouchers instead of money, are two examples of measures which could lead to a system which is less affected by abuse. Again, genuine refugees, who have well founded fear of persecution, will not be deterred or hindered by the circumstance that they do not receive cash benefits.

73. The most effective, but at the same time most sensitive measure which could stem flows of irregular asylum seekers, is the (re-) introduction of visa obligations. As has been shown by the figures above, all countries which used this measure, succeeded in their goal of limiting new inflows of asylum seekers from the country of origin involved. Apart from its effectiveness, the advantage of the visa measure is the speed with which it can be implemented. While the two other options mentioned above are almost as effective as visa, especially when combined, they demand in many cases a drastic revision of existing procedures. Furthermore, these measures can be extremely costly. However, the imposition of visa obligations does have the negative effect of harming the friendly relations with the countries concerned. Although most of the negative effects can be smoothened by the adoption of different types of visas, with for example a longer duration, multiple entry possibility and simple procedures, the symbolic and political value of visa measures is very important. Also, the negative media attention in the affected country should be taken into consideration, especially because in many cases, all Roma will be seen as the cause of this measure.

74. With regard to the push factors, most international organisations agree that the living situation of the Roma has to improve in the majority of the Candidate Countries. The present prejudiced opinion of and discrimination by the majority population with regard to Roma and the violent acts carried out by extremists should be seriously addressed, although the elimination of common prejudices against the Roma will probably take a very long time. In co-operation with Roma organisations, the implementation of larger numbers of small scale projects in communities with higher numbers of Roma should be stimulated. Special attention should be drawn to projects whereby the local non-Roma inhabitants can co-operate with the Roma, so that a new positive form of contact is created.

75. Better ways of communication among all Roma should be searched. The creation of a Europe wide radio station aiming at all Roma, as was proposed by a Swiss Foundation, could be one way of ensuring improved information flows, also with the aim of deterring irregular migration. Moreover, Roma should be informed that their chances for asylum are very limited, and in many cases may lead to an actual worsening of their living situation, as they will be returned.

76. As was also mentioned in the conclusions of the Bratislava conference, the dialogue established between the state officials of the host countries, the countries of origin as well as the Roma organisations, should be continued. Regular meetings on an informal basis, as well as improved information flows between all actors involved could lead to the rapid implementation of measures which could stem large movements before they take place. Such dialogue and subsequent measures should concentrate not only on addressing the pull factors, but also on the push factors in the country of origin.

77. The harmful effects on the relations between EU and Candidate States caused by the movements of a small number of people should be avoided to the extend possible, in order to eliminate negative effects to the EU enlargement process. It is in the interest of all parties involved to prevent an abuse of the asylum system, and to guarantee a better future for the Roma in their home countries.

Annex I

Agenda and programme for the Conference on Current Irregular Roma Migration to the EU Member States

Bratislava, 18 –19 December 2000

Monday, 18 December 2000

8.30-9.30 Registration at the Conference venue at Hotel Sorea

10.00-11.00 **Opening session**

Statements by:

Gen. JUDr. Jan Michalko, Head of the Ministerial Office, Ministry of Interior of the Slovak Republic
Ms. Anita Gradin, former EU Commissioner for Justice and Home Affairs
Mr. Emil Scuka, President of the International Romani Union
Mr. Jonas Widgren, Director General of the International Centre for Migration Policy Development

11.00-11.15 Coffee break

11.15-12.00 **Sharing Experiences: the inflow of Roma, its features, the reactions, their effects - position of the host countries**

The main aim is to explore specific problems host countries are experiencing with regard to asylum abuse of Roma asylum-seekers from the EU Associated States

Statements by:

Ms. Sonja Hämäilänen, Finnish Ministry of Interior
Mr. Freddy Roosemont, Belgian Ministry of Interior, Aliens Office
Mr. Graham Watt, UK Home Office

Discussion

12.00-13.00 **The Candidate Countries: their position on the issue, how have they been affected by the issue, do/can they co-operate with the Roma and the host countries in the search of solutions**

Statements by:

Mr. Roman Kristof, Inter-ministerial Commission for Roma Community Affairs, Czech Republic
Ms. Antoaneta Angelova, Ministry of Interior, Bulgaria
Mr. Vincent Danihel, Commissioner for the Roma Community, Slovakia

Discussion

13.00-15.00 Luncheon

15.00-15.45 **The Roma asylum seekers: how to ensure protection for those who really need it**

Statements by:
Mr. Jean-Claude Concolato, Representative, UNHCR
Mr. Rudko Kawczynski, Chair of the board of Directors, Roma National Congress
Mr. Nicolae Gheorghe, Adviser on Roma and Sinti issues, OSCE-ODIHR

15.45-16.30 **General Discussion**

Points for discussion, in addition to the items mentioned above.

- Political sensitivity with regard to the inflow of asylum seekers from the EU Associated States, the role of the media and the role of the Roma;
- Adjustment of the EU asylum systems: how to ensure the effectiveness of 'faster procedures';
- Roma and people-smuggling: are professional smugglers involved, or are 'family'-structures the main technical support; what is the role of 'travel-agencies';
- How important are pull factors like high social (cash) benefits in the host countries etc.;
- How important is misinformation as a push factor for the Roma.

16.30-17.00 Coffee break

17.00-18.00 **Continuation of the General discussion**

18.00-19.00 Reception offered by the Slovak hosts

Tuesday, 19 December 2000

09.15-10.30 **Continuation of the General Discussion**

10.30 **Presentation of the draft conclusions**

10.30-11.15 Coffee break

11.15-12.00 **Adoption of conclusions**

12.15-13.00 **Closing statements**

13.00-14.00 Buffet lunch

Annex II

Conclusions of the Chair of the EU Odysseus Conference on Current Irregular Roma Migration, organised by ICMPD in Bratislava on 18-19 December 2000

1. The initiative to launch the Conference had met with considerable interest among EU and other States receiving irregular Roma migration as well as from EU Candidate States and major Roma organisations. The Conference gathered participants from 16 States (Australia, Austria, Belgium, Bulgaria, Canada, Czech Republic, Finland, Hungary, Ireland, Norway, Poland, Romania, Slovakia, Sweden, Switzerland, and United Kingdom) as well as from the European Commission, OSCE, UNHCR, IOM, IGC and ICMPD and from Roma interest organisations, notably the International Romani Union and the Roma National Congress. Participants from the EU States mostly represented asylum/immigration agencies. The effort to bring all these countries and institutions around one table to discuss this very problem was warmly welcomed. The substantive introductory statements at the opening session of the Conference were instrumental in setting the framework for the Conference.

2. Many statements at the Conference underlined that the living conditions of Roma generally give rise to great concern. At the same time, EU Candidate countries in Central and Eastern Europe are committed to the EU Copenhagen criteria on democracy and human rights and had undertaken measures to improve the rights and living conditions of Roma. Most of the countries concerned were considered as safe from an asylum eligibility perspective. Very few Roma from countries concerned have in recent times been recognised as refugees according to the 1951 Convention, although there were some such cases. It was therefore generally recognised that prospects for Roma asylum seekers from Candidate countries to obtain refugee status were very slim, at the same time as few other immigration channels were available.

3. Generally, it was considered that consistent efforts were needed in the next decades to improve the living, employment and education prospects of Roma all over Europe and to relentlessly fight against discrimination of Roma. It was said in several statements that the EU financial support to improve the living, employment and education conditions of Roma had to be better targeted and should acquire a larger volume.

4. At the same time, it was stated that the numerically fairly limited but conspicuous irregular movements of Roma asylum-seekers not eligible for asylum during the last years were damaging the interests of Roma, as well as the ongoing discussions on the integration into the EU of the Candidate countries. Especially the imposition of visa regimes following larger movements of Roma, has been politically and economically harmful for the Candidate States.

5. Discussions were held on various measures which could reduce the problems under examination. As movements were bound to continue in spite of scarce asylum/ immigration openings, political and financial measures referred to under paragraph 3 above were again underlined. It was also underlined that measures are needed at the EU level to ensure the further introduction of common standards as regards reception conditions and asylum systems, so as to avoid that systems of certain countries seem more preferable than others. Reinforced co-operation with regard to return

programmes and information sharing between officials of all sending and receiving countries (and between pairs of them) is necessary. This first initiative in Bratislava to enable dialogue at European level between all countries concerned and international Roma organisations was deemed to be very useful by all parties concerned, and ICMPD was encouraged to continue to provide a platform for such dialogue.

6. States and organisations are invited to propose a structure, *modus operandi* and funding possibilities for the continuation of this dialogue. Creating an early warning system with regard to new flows of Roma asylum seekers, comparing best practices and improving the working relations between all parties, including the Roma organisations, could be among the activities of this platform.

7. The draft report prepared in the framework of the project will be amended and updated by ICMPD, in particular to indicate that also EU Candidate countries are targets of irregular Roma migration. Furthermore, clarification was needed on the definition of a number of expressions used in the report. All countries and institutions are invited to provide comments in writing before the end of January 2001.

8. The participants thanked the representatives of the international Roma organisations for their very constructive contributions to the meeting, and encouraged continued dialogue on relevant issues, also at national and local level.

9. They also thanked the Slovak Government for hosting the meeting and the Norwegian, Swiss and UK Governments for contributing to its financing, in addition to the European Commission Odysseus programme.