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ASYLUM APPLICANTS FROM THE WESTERN BALKANS

COMPARATIVE ANALYSIS OF TRENDS, PUSH-PULL FACTORS AND RESPONSES

Table of Contents

DISCLAIMER.....	6
LIST OF ABBREVIATIONS.....	7
EXECUTIVE SUMMARY.....	8
<i>Main characteristics of asylum applicants from Western Balkans countries.....</i>	<i>8</i>
<i>Main push factors.....</i>	<i>9</i>
<i>Main pull factors</i>	<i>9</i>
<i>Measures taken by MSAC.....</i>	<i>9</i>
<i>Conclusion</i>	<i>10</i>
INTRODUCTION	11
1. Background and objectives.....	11
2. Sources and methodology	11
3. Scope of the analysis	12
4. Structure of the analysis	12
CHAPTER 1: CHARACTERISTICS OF THE RECENT ASYLUM FLOW FROM WB COUNTRIES TO MSAC.....	14
1. Introduction	14
2. Number of applications for international protection.....	14
3. Seasonality of the trend.....	15
4. Profile, geographical origin and routes taken by asylum seekers	21
5. Decisions.....	28
6. Conclusion.....	32
CHAPTER 2: PUSH FACTORS	34
1. Introduction	34
2. General societal problems of minorities or specific ethnic groups	35
A. <i>The situation of Roma</i>	<i>36</i>
B. <i>The situation of Albanians in FYROM and Serbia</i>	<i>39</i>
C. <i>The situation in Bosnia-Herzegovina / Republika Srpska</i>	<i>40</i>

3.	Access to labour market and unemployment	40
4.	Social infrastructure.....	42
5.	Existence of parallel social systems	43
6.	Health infrastructure	45
A.	<i>Deficient health systems</i>	45
B.	<i>Health problems of particular groups</i>	47
7.	Education issues in the country of origin	48
8.	Conclusion.....	49
CHAPTER 3: PULL FACTORS		50
1.	Introduction	50
1.	The length of asylum procedure.....	51
2.	Allowances in selected countries.....	52
A.	<i>National practices in regard to allowances</i>	53
B.	<i>Policy changes with regard to allowances</i>	54
3.	Existing diaspora in the Member States	54
4.	Possibilities to find legal or illegal work.....	56
5.	Accommodation.....	56
6.	Medical care	57
7.	Return programmes and related packages	58
8.	The role of travel agencies.....	60
9.	Conclusion.....	60
CHAPTER 4: MEASURES TAKEN TO INFLUENCE PUSH AND PULL FACTORS		61
1.	Introduction	61
2.	Measures taken by MS to influence pull factors	61
3.	Measures taken by MS in the countries of origin.....	72
4.	Measures taken by countries of origin to mitigate push factors and safeguard the visa-free regime	74
5.	Conclusion.....	79

CONCLUSION	80
REFERENCES	82
ANNEXES	88
Annex 1	88
Annex 2	90

DISCLAIMER

The information provided in this comparative analysis has been carefully gathered, evaluated and analysed. However, this document does not claim to be exhaustive. The analysis is based on Eurostat asylum statistics, replies from Member States to questionnaires, interviews with a number of interlocutors during a study visit to selected Western Balkan countries, as well as on a literature review.

This document is not conclusive as to the merit of any particular application for international protection. Terminology used should not be regarded as indicative of a particular legal position.

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LIST OF ABBREVIATIONS

AFP	Agence France Presse
AP	Associated Press
AVR	Assisted Voluntary Return
BAMF	Federal Office for Migration and Refugees (Germany)
BiH	Bosnia and Herzegovina
CEAS	Common European Asylum System
	CGRS Office of the Commissioner General for Refugees and Stateless Persons (Belgium)
CoE	Council of Europe
COI	Country of Origin Information
EASO	European Asylum Support Office
ERCAS	European Research Centre for Anti-Corruption and State-Building
ERRC	European Roma Rights Centre
EU+	See MSAC
FYROM	The Former Yugoslav Republic of Macedonia
HRW	Human Rights Watch
ICMPD	International Centre for Migration Policy Development
IGC	Intergovernmental Consultations on Migration, Asylum and Refugees
IOM	International Organisation for Migration
IRB	Immigration and Refugee Board Canada
IWPR	Institute for War and Peace Reporting
MSAC	EU Member States and Associated Countries (i.e. including Switzerland and Norway). Also the term EU+ is used.
RIC	Roma Information Centre
ROE	Rest of Europe
RSD	Refugee status determination
SMB	Swedish Migration Board
SETIMES	Southern European Times
UNHCR	United Nations High Commissioner for Refugee
UNODC	United Nations Office on Drugs and Crime
USDOL	United States Department of Labor
USDOS	United States Department of State
WB	Western Balkans countries (i.e. Albania, Bosnia Herzegovina, the Former Yugoslav Republic of Macedonia, Kosovo ¹ , Montenegro and Serbia)

¹ This designation is without prejudice to positions on status and is in line with United Nations Security Council Resolution 1244/99 and the Advisory Opinion of the International Court of Justice on the Kosovo declaration of independence

EXECUTIVE SUMMARY

The present comparative analysis examines contemporary asylum flows from Western Balkan (WB) countries of origin (Albania, Bosnia Herzegovina, the Former Yugoslav Republic of Macedonia, Kosovo, Montenegro and Serbia) to EU Member States and Associated Countries (MSAC).

In particular it seeks to:

1. Accurately describe the main characteristics of the recent flow of WB citizens applying for international protection in MSAC
2. Examine the principal factors determining decisions by WB citizens to leave their country and apply for asylum in the EU (push factors)
3. Examine the factors which affect their choice of destination country (pull factors)
4. Look at measures put in place by MSAC to efficiently process applications from WB citizens and other complementary measures

In conclusion, the report attempts to identify the measures which have proved to be the most effective in dealing with large numbers of applications for international protection where many may be unfounded, while ensuring full consideration of each individual claim and ensuring protection for those who need it.

Main characteristics of asylum applicants from Western Balkans countries

Applications for international protection from Western Balkans citizens have become an increasingly important part of the asylum caseload at EU level (in recent years substantially exceeding the numbers from any other single country of origin), despite the vast majority of claims being considered as unfounded by MSAC². The flow is limited to a small number of MSAC and in some cases greatly affects their asylum systems' ability to process other claims.

The number of applications is variable over time (while showing a general upward trend) and strongly seasonal (increasingly so in recent years), with the major peaks being seen just before winter. This seasonality is particularly acute in the case of claims from Serbia and FYROM and thus may be correlated to the particular factors affecting the Roma community there, since these constitute the majority of the applicants from these countries.

The composition of the WB flow varies over time, with certain WB countries being more important in some years compared to others, though Serbia, FYROM, Kosovo and Albania are the numerically most important overall. In terms of numbers, asylum seekers from Western Balkans consist mainly of Roma from Serbia and FYROM, and Albanians from Albania and Kosovo. Areas of origin vary, and no single condensations can be pinpointed. Apart from the larger cities in origin countries, however, the main areas appear to be in Kosovo, or around Kosovo, i.e. Northern Albania, Southern Serbia and Northern FYROM are typical areas of origin.

Though WB citizens face one of the highest rejection rates of asylum claims of any countries of origin, the rate varies by destination country and by country of origin, with Albania seeing the highest number of positive decisions and FYROM the lowest overall. There appears to be no correlation between propensity to apply for asylum and the recognition rate in the receiving country.

² Overall, asylum applications from WB citizens in 2012 (53,000 applications) represented 16% of the total number of claims made. These claims were rejected at first instance in 96% of cases.

Main push factors

The most important push factor behind the decision of some WB citizens to claim asylum in MSAC are considered to be the societal problems of specific groups, which are closely linked – especially in the case of Roma – to unemployment and poverty. In turn, problems accessing the labour market lead many to rely on social infrastructure and services (including welfare benefits) that are insufficient – thus constituting a third push factor. Finally, it should be noted that also insufficient and poorly accessible health care constitutes a push factor for a small but significant number of applicants.

The push factors in different Western Balkan countries show similar patterns. Firstly, all main countries examined experience serious challenges linked to the transitional change from communist regimes to national democratic/capitalist systems, further aggravated, especially in Serbia and Kosovo by recent wars. This situation, combined with ethnic and cultural differences means that in transitional states with fragile job markets, still evolving health and education systems and under-resourced social structures, minorities tend to experience financial, social and health-related problems in a more pronounced way than the majority population.

While such factors are overwhelmingly not considered by MSAC to constitute sufficient grounds for the awarding of protection under international or national legislation, it should be stressed that not all asylum applications are considered unfounded and, in some cases, cumulative measures of discrimination may amount to persecution, which is a ground for protection. As a result, all asylum applications from Western Balkan countries continue to require an individual assessment.

Main pull factors

The principal factors determining the choice of destination country are mainly economic in nature. MSAC experts see the linked issues of (particularly cash) benefits provided during the asylum procedure and the related issue of long processing times as the main factors determining both the decision of WB citizens to apply for asylum and where they apply for asylum. The presence of an existing diaspora may be a stronger factor than that estimated by MSAC given the almost perfect correlation between the stock of residence permits and the list of MSAC most affected by the WB flow. The possibilities to find legal or illegal work (judged to be a major factor in Austria, Switzerland, Luxembourg and Belgium) may be important depending on the profile of the applicants. Tangible benefits other than cash, such as health care may be particularly important as pull factors for certain individual profiles of applicant.

Responses from interlocutors in the Western Balkan countries generally agree with this assessment: WB asylum seekers travel to Europe because they wish to improve their quality of life and economic situation. Individual success stories often work as a catalyst. Benefits in Member States, even though considered low in the Member State itself, may still be very appealing to Western Balkan nationals compared to national standards.

Measures taken by MSAC

A catalogue of measures has been taken by MSAC to reduce both push and pull factors. In regard to pull factors, according to the possibilities provided by their national law to deal with the substantial numbers of claims for international protection that they receive from WB nationals, MSAC have, *inter alia*, used accelerated procedures or shortened the duration of the normal asylum procedure

(from application to final decision and return); reorganised their processing and resources to deal with peak flows; reduced cash benefits provided during the procedure; and strengthened voluntary or forced return programmes. Measures undertaken in source countries have included: high-level visits, information campaigns and support for long-term migration and development projects.

Conclusion

A package of measures, which must include at minimum very short procedures for manifestly unfounded applications (while allowing the possibility of normal procedures where cases have any merit) and reduced cash benefits appears to be the most effective contribution to reducing numbers of largely unfounded applications.

MSAC and WB countries both appear agree that, at root, the phenomenon of use of the asylum systems of MSAC to make manifestly unfounded applications has an economic cause, which is exacerbated particularly in Serbia and FYROM for ethnic minorities.

A raft of measures have been undertaken in WB countries targeting particularly minorities both to improve conditions generally in the country of origin to remove the root cause as far as possible, but also to attempt to stop citizens who are judged to be leaving in order to make an unfounded claim. Both of these approaches have difficulties: in the former case the measures and effects are by nature very long term, in the latter, detecting “intention” is notoriously difficult and legally questionable.

Concentration on reducing pull factors would therefore seem to be the most effective of the possible measures in the shorter term.

INTRODUCTION

1. Background and objectives

This report is the result of a request by several of the Member States represented in the Management Board of EASO for an analysis of the Western Balkans flow. This comparative analysis was drafted by EASO acting as a centre of expertise in asylum, in line with its task of gathering and analysing information to support Member States.

It examines contemporary asylum flows from Western Balkan (WB) countries of origin (Albania, Bosnia Herzegovina, the Former Yugoslav Republic of Macedonia, Kosovo, Montenegro and Serbia) to EU Member States and Associated Countries (MSAC).

In particular it seeks to:

1. Accurately describe the main characteristics of the recent flow of WB citizens applying for international protection in MSAC (hereafter “the flow”) - who, from where, to where, over which period of time
2. Examine the principal factors determining decisions by WB citizens to leave their country and apply for asylum in the EU (push factors)
3. Examine the factors which affect their choice of destination country (pull factors)
4. Look at measures put in place by MSAC to efficiently process applications from WB citizens and other complementary measures

In the conclusion, the report attempts to identify the measures which have proved to be the most effective in dealing with large numbers of applications for international protection where many may be unfounded, while ensuring full consideration of each individual claim and ensuring protection for those who need it. The resulting analysis aims to provide decision- and policy-makers tools for understanding and better managing applications for international protection from WB citizens in the future and other flows with similar characteristics.

2. Sources and methodology

In order to provide information for the report, a number of initiatives were undertaken to ensure as comprehensive and detailed information as possible was available to the drafters. These included, on 21-22 March 2013, the organisation of a Practical Cooperation workshop at EASO Headquarters in Malta, attended by representatives from Belgium, Germany, France, Hungary, Luxemburg, Malta, Poland, Sweden, Switzerland, UNHCR and FRONTEX. The main subjects covered were an assessment of push and pull factors, a mapping of measures taken to control these factors, as well as return-related questions.

Three questionnaires were also developed. The first was an initial questionnaire sent to MSAC before the Western Balkans Workshop in March 2013, the analysis of which formed the basis for discussions among participants. One month after the workshop, a second questionnaire was sent to MSAC in order to support the present analysis and to complement information acquired during the workshop. Finally, a third questionnaire was sent in May 2013 to the authorities of WB states, to gather information on the current WB flow to MSAC directly from relevant authorities in source countries.

To further clarify the responses received from the authorities of WB states to the third questionnaire, a study visit was organised to the capital cities of Albania, FYROM, Kosovo and Serbia. Respondents included non-governmental organisations dealing with migration issues (especially assisting returnees), government representatives and UNHCR offices in the respective WB countries.³

Finally, extensive analysis was made of Eurostat statistical data and desk reviews of relevant literature and legislation were made as needed.

Given the sources used above, some comments are necessary on the methodology used in the report. In the first place, it will be noted that EASO did not conduct an in-depth study in which a statistically significant sample of actual asylum seekers from WB countries were interviewed, as this was beyond the resources available to the Agency. Secondly, the main sources of information regarding likely push and pull were thus the opinions of experts involved in various aspects of dealing with the phenomenon both in the region and affected MSAC, with all the limitations this entails. The report aims to describe the main characteristics and factors reported and to assess them against statistical data and relevant literature in order to arrive at conclusions that are as well-grounded as possible. The report therefore makes extensive use of footnotes indicating the precise source of any information provided.

3. Scope of the analysis

It should be recalled that the present study deals only with asylum claims made by WB citizens in MSAC and no analysis was possible of the likely much wider (legal or irregular) migratory movement from this region to the EU+, though it is well-known that very significant percentages of WB populations live and work in the EU+ and remittances from those who have emigrated constitute a very important source of income in the region.⁴

Moreover, as the analysis is based on replies from the MSAC dealing most with applicants from the WB, an analysis was not made in the report of why other MSAC do not receive these applicants.

Finally, the report does not analyse in depth the question of to what extent making unfounded applications to MSAC asylum systems constitutes a method of circumventing border controls, though some information on this point is provided in the sections dealing with Kosovo, the only remaining non visa-liberalised country in the region.

4. Structure of the analysis

In line with the methodology adopted for the analysis and the character of the sources used, the analysis is presented in chapters outlining the key dimensions of the phenomenon.

Chapter 1 provides an analysis of profiles of applicants and looks at data regarding the number of asylum applicants from the WB in MSAC and asylum decision rates. The analysis gives information on

³ See Annex 1 for details

⁴ See, for example, *The Impact of the Economic Crisis on the Western Balkans and their EU Accession Prospects*. EUI Working Papers. RSCAS 2012/64. Robert Schuman Centre for Advanced Studies. ISSN 1028-3625. p.4: "in the years before the recent economic crisis Albania, Bosnia-Herzegovina, Montenegro and Serbia were among the top twenty countries in the world in terms of remittance inflows as a percentage of GDP. In 2008, remittances as a share of GDP had reached 17.2% in Bosnia, 16.5% in Kosovo, 14% in Serbia and 12% in Albania. In 2010 Albania's stock of emigrants numbered 1.4 million (45.4% of the population), whose countries of destination have been Greece, Italy, FYROM, Germany, UK, France and the US. Bosnia-Herzegovina's stock of emigrants was 1.4 million (38.9 % of the population) heading mostly to Croatia, Germany, Austria, Slovenia, Sweden, Italy and Switzerland. Most remittance flows to FYROM come from Germany and Italy."

the composition of the different asylum flows from the WB and shows how the influx has evolved: which specific countries and areas asylum-seekers come from, in which countries they apply for international protection, and how their applications are dealt with at first instance. This analysis is based largely on Eurostat data.

Chapter 2 examines which particular push factors cause WB citizens to leave their home countries and apply for asylum in the EU. This analysis is based mainly on information gathered during a study visit to the countries of origin and WB states' answers to questionnaires.

In Chapter 3, the major pull factors that cause asylum applicants to seek international protection in particular MSAC are examined. In the analysis, information obtained in the dedicated EASO Practical Cooperation meeting and MSAC's answers to questionnaires is used.

Chapter 4 is dedicated to examining the measures, both preventive and reactive, taken by both WB countries and MSAC to manage the flow of persons claiming asylum in the EU+ and their effectiveness.

In the conclusion, the report attempts to identify the measures which have proved to be the most effective in dealing with large numbers of applications for international protection where many may be unfounded, while ensuring full consideration of each individual claim and ensuring protection for those who need it.

CHAPTER 1: CHARACTERISTICS OF THE RECENT ASYLUM FLOW FROM WB COUNTRIES TO MSAC

1. Introduction

This chapter analyses the recent asylum flow from Western Balkan (WB) countries to EU Member States and Associated Countries (MSAC). It describes the historical evolution of the flow in terms of:

- Number of applications for international protection filed by nationals of WB countries,
- Seasonality of the trend over time,
- Geography (origins and destinations of applicants)
- Profile of applicants (ethnicity, religion, wealth, mode of travel, other factors)
- Decisions on applications for asylum

Throughout the report, where appropriate, Western Balkan countries are considered together for a number of reasons: their common EU perspective (i.e. the expectation that they will eventually become candidates for EU accession), their geographical proximity to the EU, the fact that applications from most of these countries are processed under an accelerated or prioritised procedure because they are considered manifestly unfounded and/or the country or origin is considered to be “safe” in the most important destination countries⁵, their common past (5 of 6 having been part of Yugoslavia) and similar current economic and social conditions.

Statistical information is usually presented for the period from January 2008 to June 2013 (marked as 2013H1 in the graphs below) inclusive unless otherwise shown.

2. Number of applications for international protection

In the last five years⁶, the number of asylum seekers from WB countries, when considered together, has in every year since 2009 consistently represented the largest portion of the overall caseload of requests for international protection made in the MSAC by applicants from all countries of origin (see Figure 1).

⁵ For more information on the use of safe country of origin lists or manifestly unfounded procedures in selected MSAC, see Chapter 4.

⁶ EU level statistical information has only been available since 2008. It is gathered by Eurostat on the basis of EU Regulation on migration and international protection statistics (EC) 862/2007.

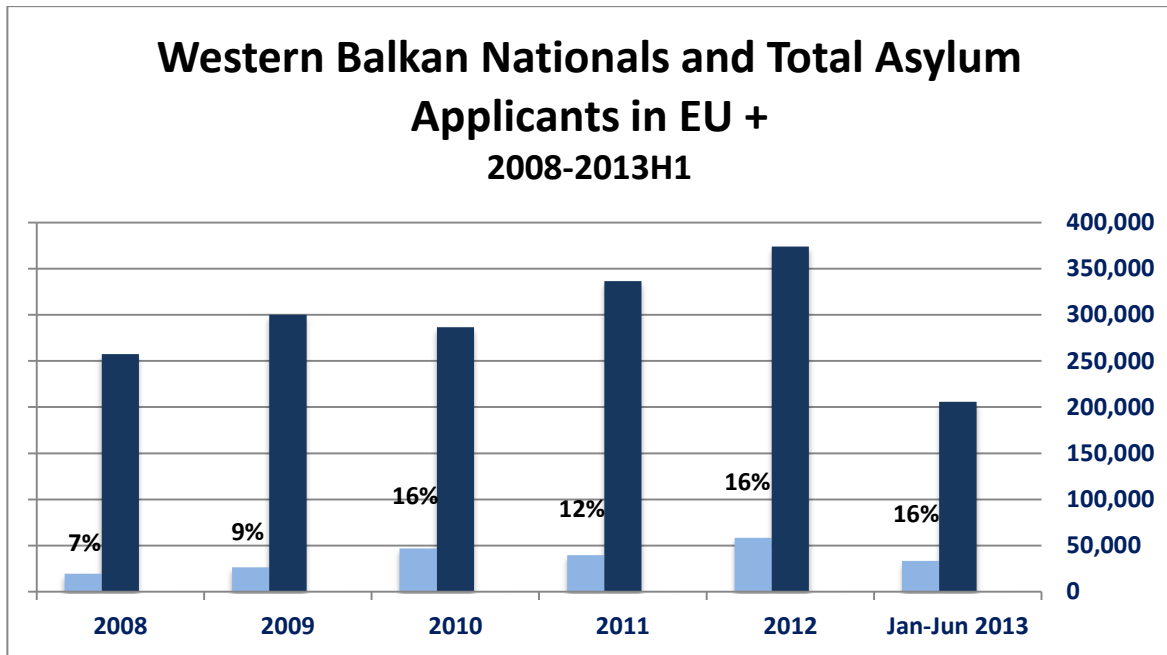


Figure 1. WB applicants as a proportion of total applicants from all countries of origin in the EU+

As shown in Figure 2, the overall number of applicants from Western Balkan countries has also been increasing steadily since 2008 (with the exception of 2011 when numbers went down).

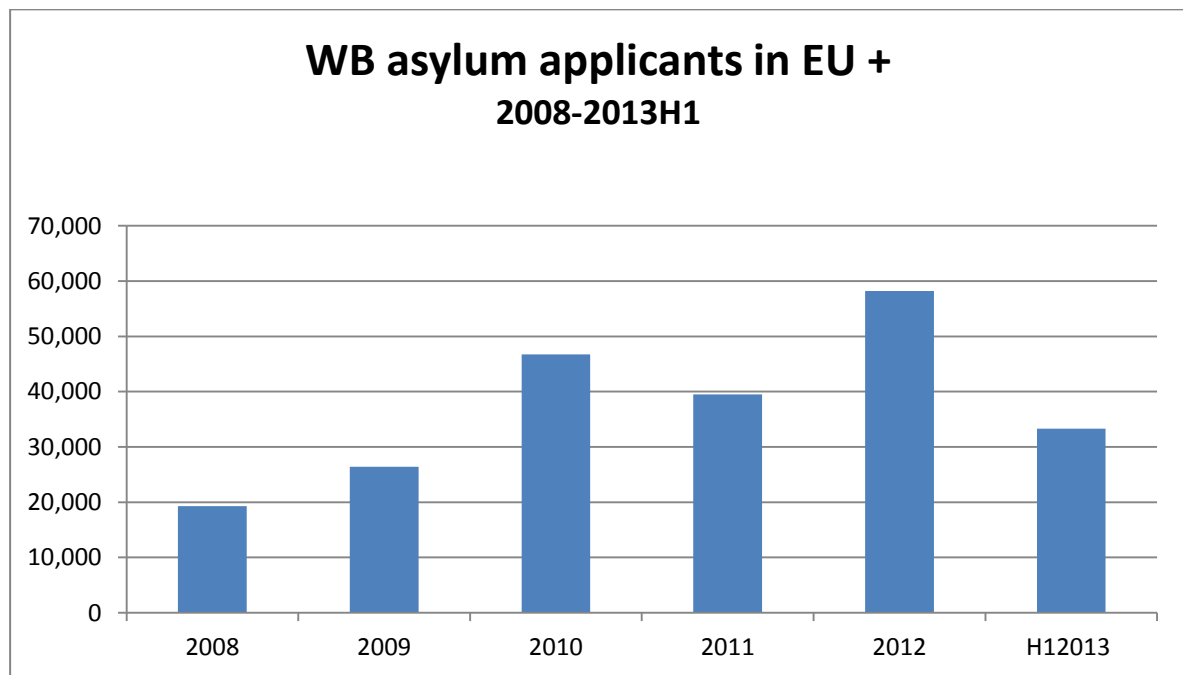


Figure 2. Total applicants for international protection by WB citizens in EU+ countries by year

3. Seasonality of the trend

The WB flow is clearly seasonal, a trend which has become evident (see Figure 3), particularly from late 2009 onwards, with a small peak in March and a very large peak in October of each year being seen, plus, usually, a drop in applications during the middle of summer⁷.

⁷ The summer drop was not seen in 2013 due to the situation in HU, which is treated in detail later in the analysis.

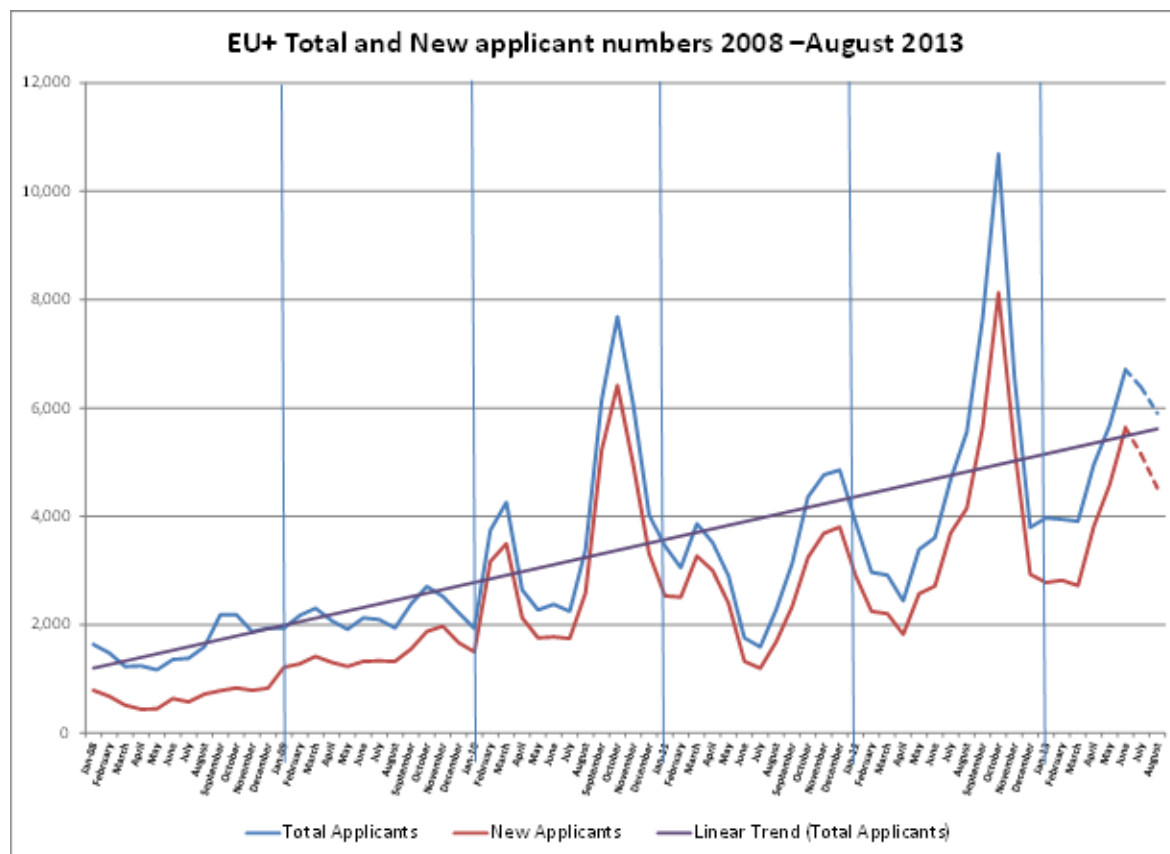


Figure 3. Total and new applicants from WB countries in EU+ by month

Figure 3 also shows that the proportion of “subsequent applications”⁸ is significant for the WB flow.

⁸ According to EUROSTAT guidelines the difference between total and “new” applicants should be understood as “subsequent applicants”, i.e. persons who made a “further application for international protection after a final decision has been taken on a previous application, including cases where the applicant has explicitly withdrawn his or her application and cases where the determining authority has rejected an application following its implicit withdrawal in accordance with Article 28(1).”

Applications from WB citizens are not evenly distributed across EU+ states but are concentrated in a limited number of MSAC as shown in Figure 4⁹.

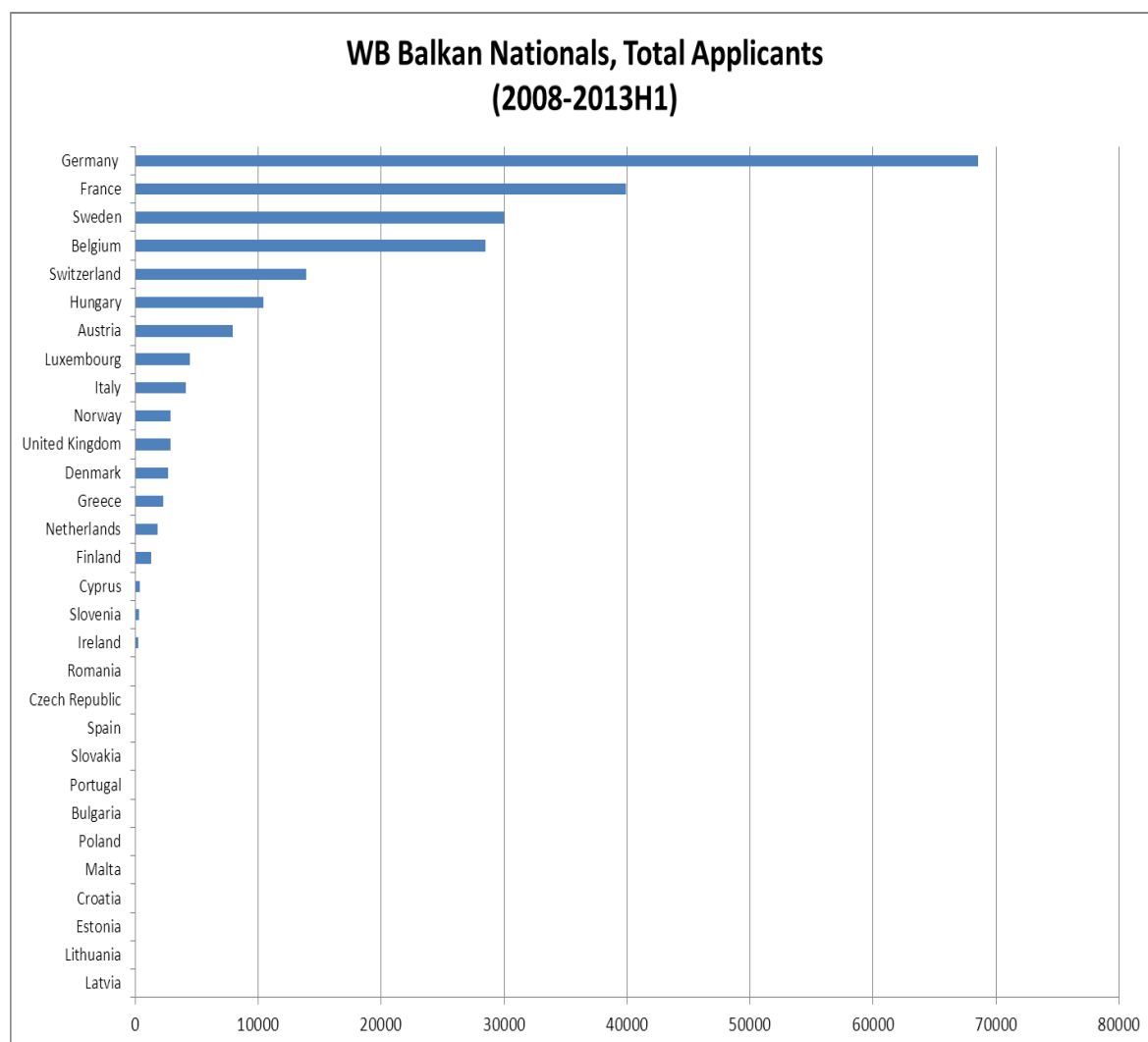


Figure 4. Total applicants from WB countries by MSAC, 2008-2013H1

As can be seen in Figure 5, the seasonal trend, particularly the large peak in the fourth quarter (Q4) of each year, holds for most destination countries, especially the Top 5 destination countries (Germany, France, Sweden, Belgium and Switzerland).

⁹ The present report will be largely based on data received from the Top 8 receiving MSAC.

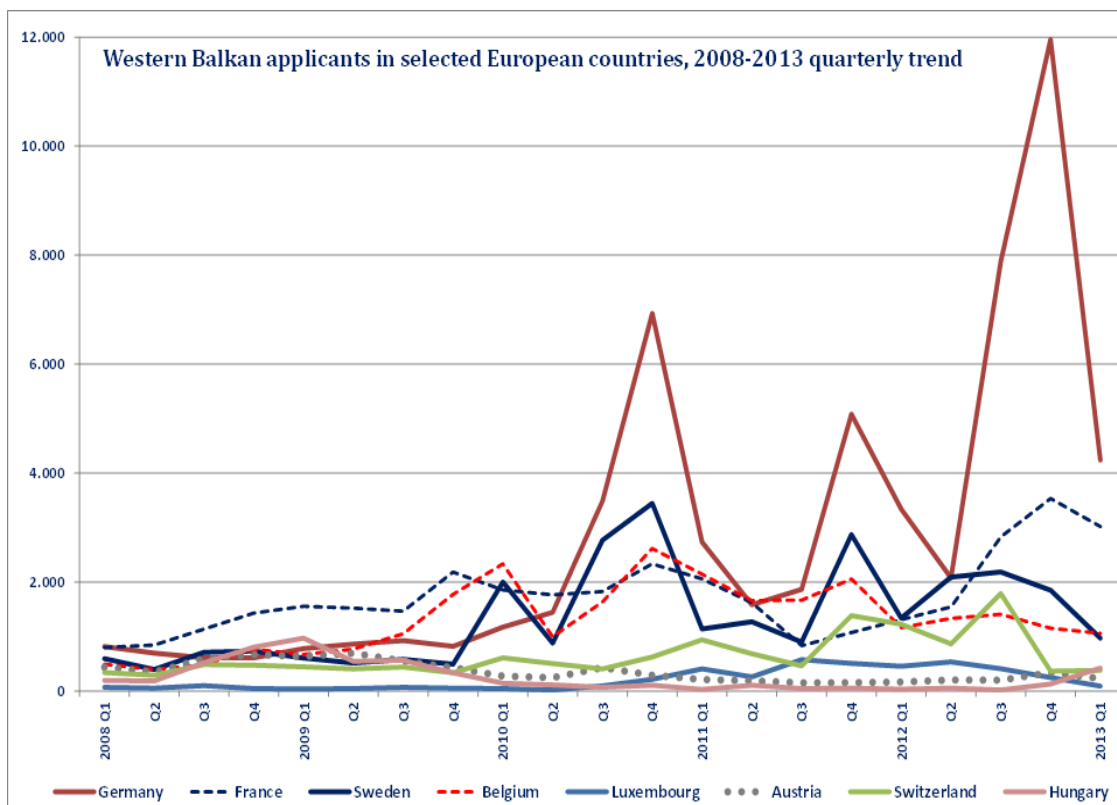


Figure 5. Number of WB applicants in the Top 8 MSAC

However, as can be seen in Figure 6, the seasonality of the overall flow is determined mainly by asylum applicants from Serbia and FYROM. Flows from Albania and Kosovo are much less seasonal. The low absolute numbers of applicants who are citizens of Bosnia Herzegovina and from Montenegro mean, proportionally, that they have less effect on the overall trend.

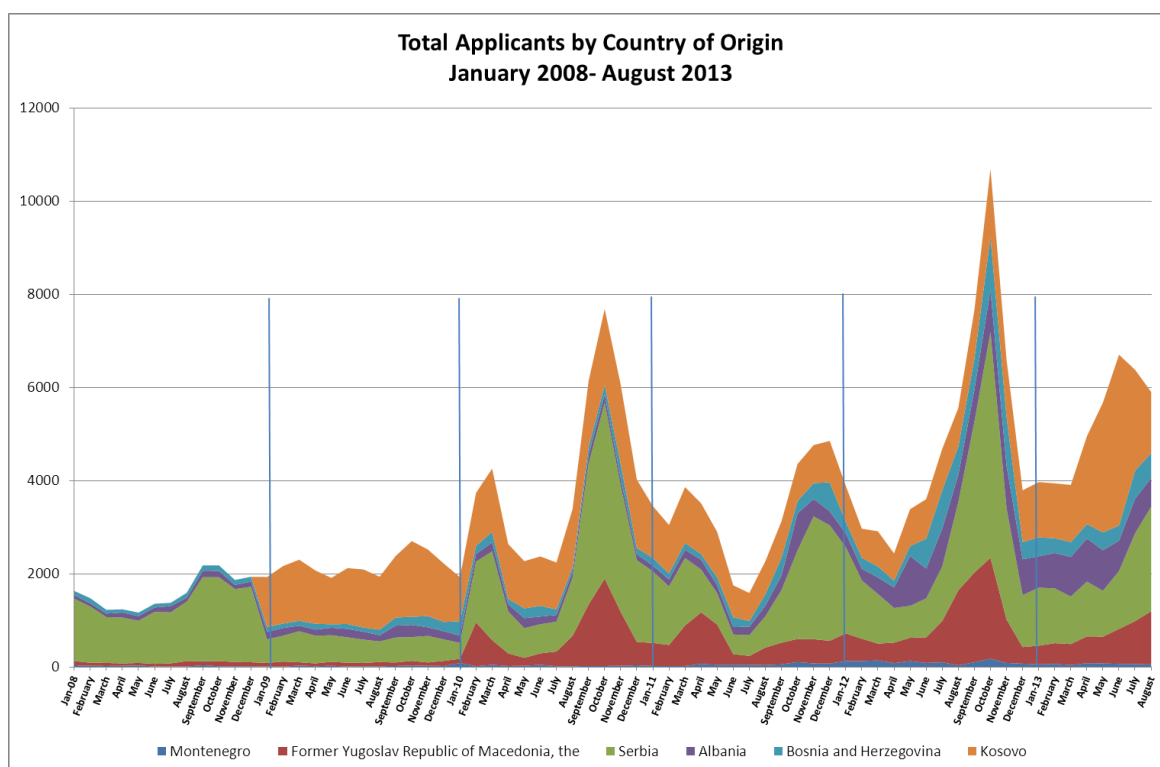


Figure 6. Composition of WB applicants in EU+ by month

WB applicants are not equally likely to go to the top destination countries overall in MSAC. Figure 7 shows, for example, that Germany and Sweden are the preferred destination countries for those holding Serbian passports, and France, Belgium, Germany and Hungary for Kosovars. France is also the destination of choice for Albanians and Germany for citizens of FYROM.

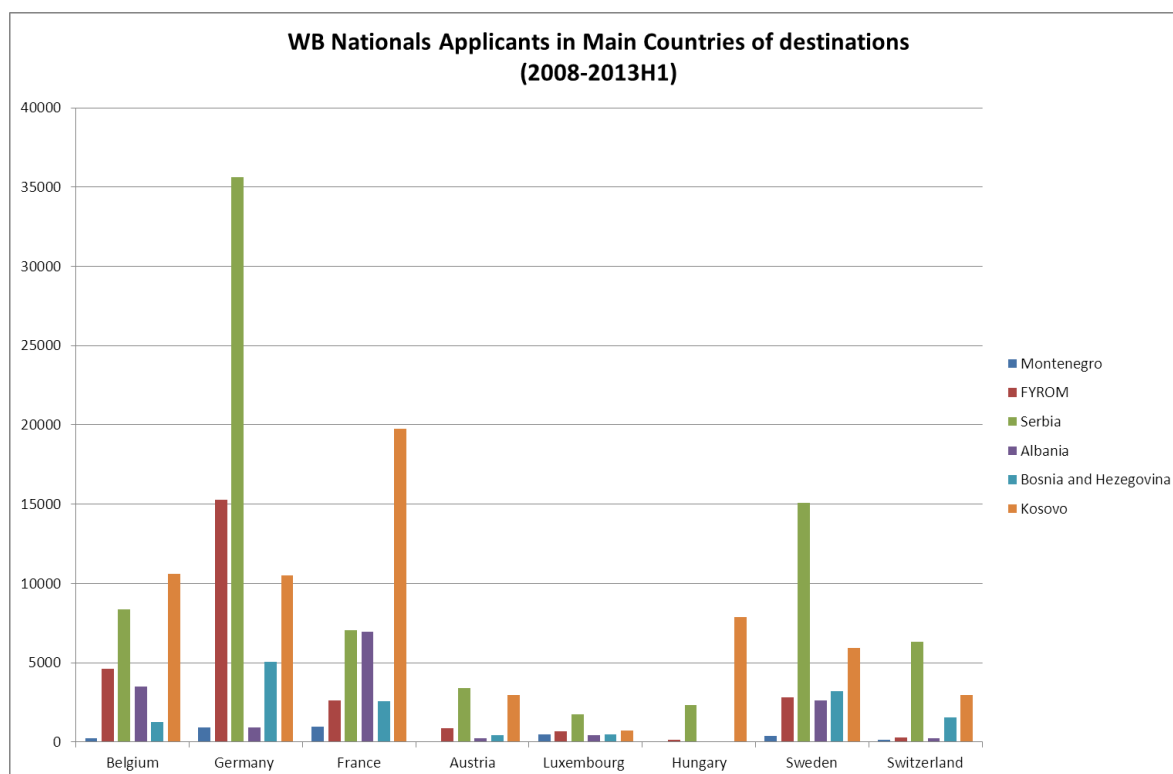


Figure 7. Numbers of WB applicants by country in Top 8 receiving MSAC

The relative importance of each single WB country in the composition of the flow also varies over time. Figure 8¹⁰ shows this.

¹⁰ Data for 2008 not shown because Kosovo was not recorded separately from Serbia in that year.

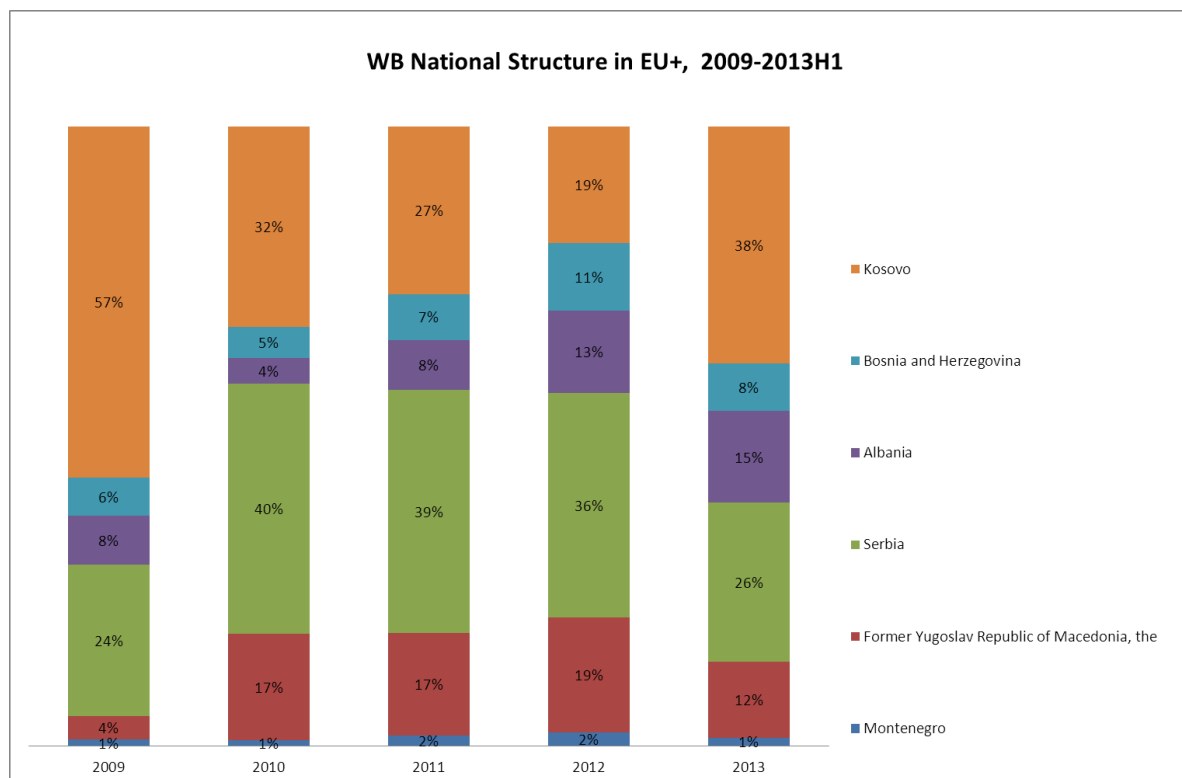


Figure 8. Composition of overall WB flow to EU+ countries by year

Moreover, different MSAC have dealt with a different proportion of the overall flow from year to year, as shown in Figure 9.

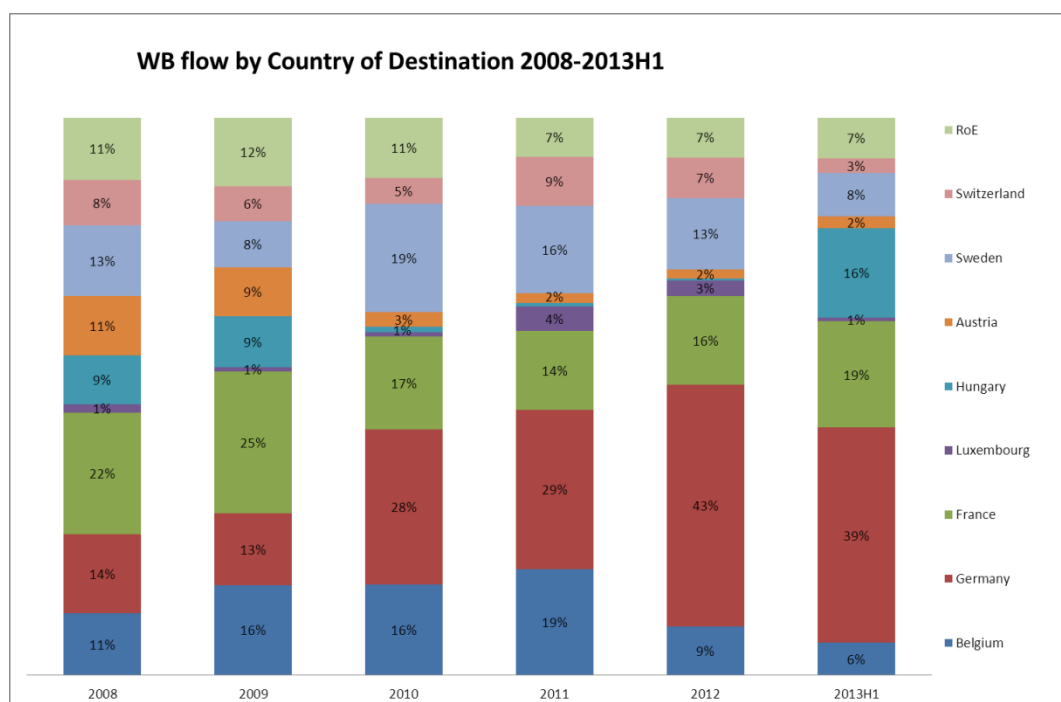


Figure 9. Relative proportion of overall WB flow dealt with by Top 8 MSAC

Applications for asylum from WB countries - summary

The WB flow has in recent years consistently represented the largest caseload of asylum seekers across the EU+. The flow is steadily increasing (except for 2011) and has become increasingly seasonal, with large peaks just before winter each year. This seasonality is determined overwhelmingly by the flows from FYROM and Serbia. The flow is directed towards only a small number of MSAC. There is a significant proportion of repeated applications in the overall number of applications. Applications from WB citizens are not evenly distributed across MSAC, with Germany, France, Sweden, Belgium, Switzerland and Hungary receiving largest numbers. Applicants from individual WB countries are not equally likely to go to the top destination countries (e.g. Serbian nationals tend to go to Sweden and Germany, Kosovars to Hungary and France, FYROM to Germany and Albanian nationals to France). The relative proportion of each WB country in the overall flow varies by year and as does the proportion of the total flow dealt with by each MSAC.

4. Profile, geographical origin and routes taken by asylum seekers

While the statistics above provide a good overview of the complexities of the WB flow, their accuracy is limited to the level of country of origin. Taking a closer look at the ethnicity¹¹ and precise geographical origin of asylum seekers helps to underscore the heterogeneity of the WB flow. The analysis below focuses on the four WB countries from which the largest numbers of asylum seekers come.

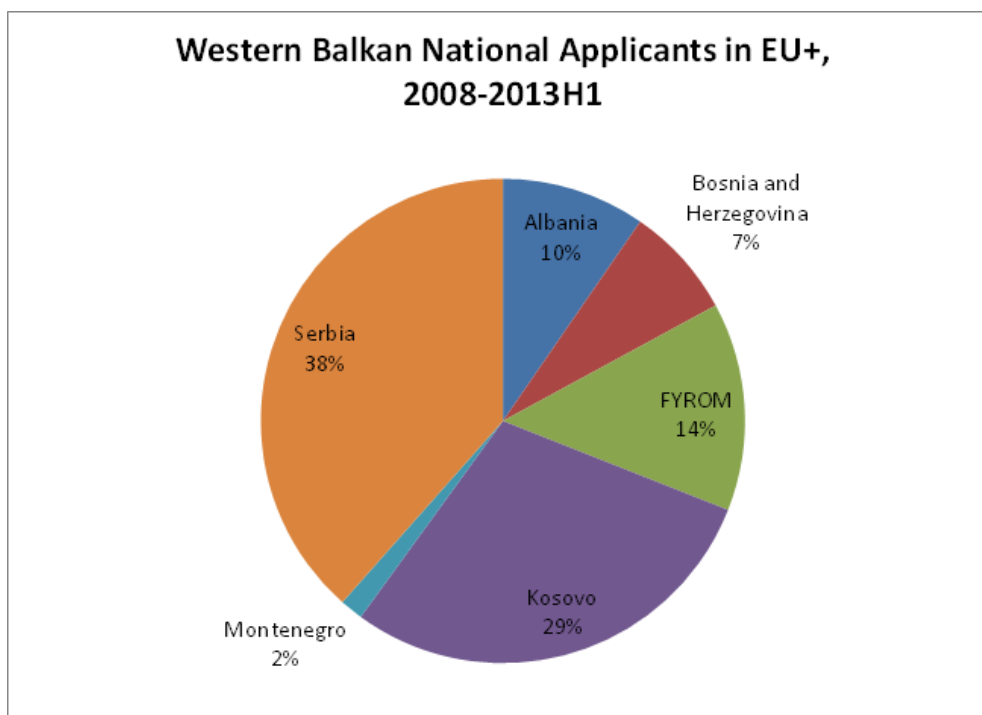


Figure 10. Composition of overall WB flow to EU+ countries for the period 2008 – first half 2013

¹¹ While the concept of what constitutes “ethnicity” is far from universally agreed upon, throughout what follows commonly used names for the different, generally recognised ethnic groups present in the Balkans are used. Careful attention should be paid to the source of the data provided so as to promote understanding of how the concept is used in each particular instance.

Albania

Asylum seekers from Albania are mostly ethnic Albanians (ca. 90%) coming from the northern part of the country and from the capital, Tirana.¹² Only Germany reported that Albanians were also coming in 2011 and in 2012 from the city of Durrës and in 2013 from the city Bajram Curri, close to the border with Kosovo. Some 6 to 10 per cent of applications from Albania in Germany were made by Roma from Albania, whose religion is either Muslim or Catholic¹³. Asylum seekers from Albania usually travel to their destination countries by land with buses, cars and vans. Only Belgium and Sweden reported that some also travel by air. France and Luxembourg mentioned that some Albanian citizens use boats to cross the sea to Italy as part of their journey.

Figure 11 shows the main destination countries in the EU for Albanian asylum seekers. Numbers of Albanian applicants for asylum in Greece diminished over time¹⁴ while France has become an increasingly important country of destination during the same period. Belgium was the main destination country in 2011. There has been a sharp rise in the number of Albanians seeking asylum since 2008 and particularly in 2012.

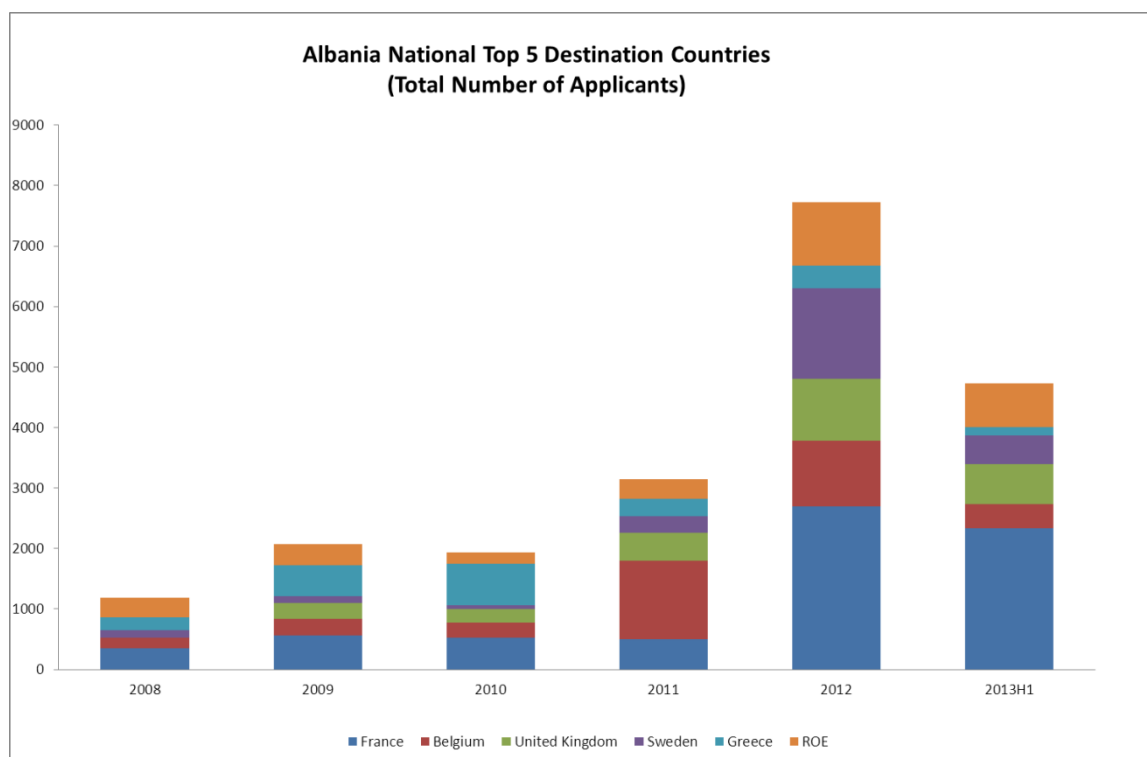


Figure 11. Numbers of Albanian asylum applicants in the EU+ by country of destination¹⁵

¹² Based on the questionnaire replies from Austria, Belgium, Finland, France, Germany, Hungary, Luxembourg, Netherlands, Slovenia, Sweden, Switzerland. Percentage figures are very approximate and are meant to give only a guide to the relative proportion of different profiles of asylum seeker from each WB country.

¹³ Germany is the only country that provided precise data on ethnicity and religion from year 2011 to 2013. In 2011 Germany noted 93% ethnic Albanians and 6% Roma. 58% were Muslim and 21 % Catholic. In the year 2012, 91 % were ethnic Albanians and 7% Roma. Their religion was 50% Muslims, 28% Catholic and 8% Christian Orthodox. In 2013 there was a large increase of asylum seekers of Muslim religion, representing 81% of the total, compared to 8% Catholic and 6% Christian Orthodox. Other Member States only provided estimations.

¹⁴ The Albanian flow to Greece has highly specific characteristics and a large part of the asylum claims made are likely to have been in order to circumvent border controls up to the advent of visa liberalisation. See Front Annual Risk Assessments of recent years for details.

¹⁵ ROE = Rest of Europe.

Applicants from Albania - Summary

The group is composed of ca. 90% ethnic Albanians and 10% Roma; coming from Tirana, Durres, Elbasan and Kukes, Peshkopi, Bajram Curri, Malsie, Shkoder and Lezhe (mostly Albanians). Albanian nationals apply for international protection in France, United Kingdom, Sweden, Belgium, and to a lesser degree in Greece.

Serbia

Serbian asylum seekers are mostly Roma, coming from the cities of Belgrade and Novi Sad and towns such as Novi Pazar, Krusevac, Vranje and Nis, with a large group coming from Southern Serbia near the border with Kosovo. Ethnic Albanians from the towns of Bujanovac and Preshevo (the so-called Preshevo valley) are also a small but significant portion of asylum seekers from Serbia. Some of the MSAC that replied to the questionnaire¹⁶ reported very few ethnic Serbs seeking asylum. Asylum seekers from Serbia travel to the EU by car, van or bus. The majority are Muslims, followed by Orthodox and other Christian denominations.

Figure 12 shows the evolving numbers of applications by Serbian applicants since 2008 and shifts in destination countries. France, Germany, Sweden and Austria were top destination countries for Serbian asylum seekers in 2008. In 2009, the numbers dropped considerably, only to surge in 2010, particularly in Germany, Sweden, and Belgium. In 2011, despite an overall drop compared to the year before, Luxembourg experienced a sudden influx of Serbian asylum seekers and their number also continued to increase in Switzerland. Germany and Belgium remained on a similar level as before, whereas in Sweden numbers went down. In 2012, the most popular destination by far was Germany, which has consistently been the top destination country since 2010. Although less significantly than in Germany, (slight) increases compared to the previous year could also be noted in Denmark, France, Austria, Sweden and Switzerland, whereas the number of Serbian applicants decreased significantly in Belgium and Luxembourg.

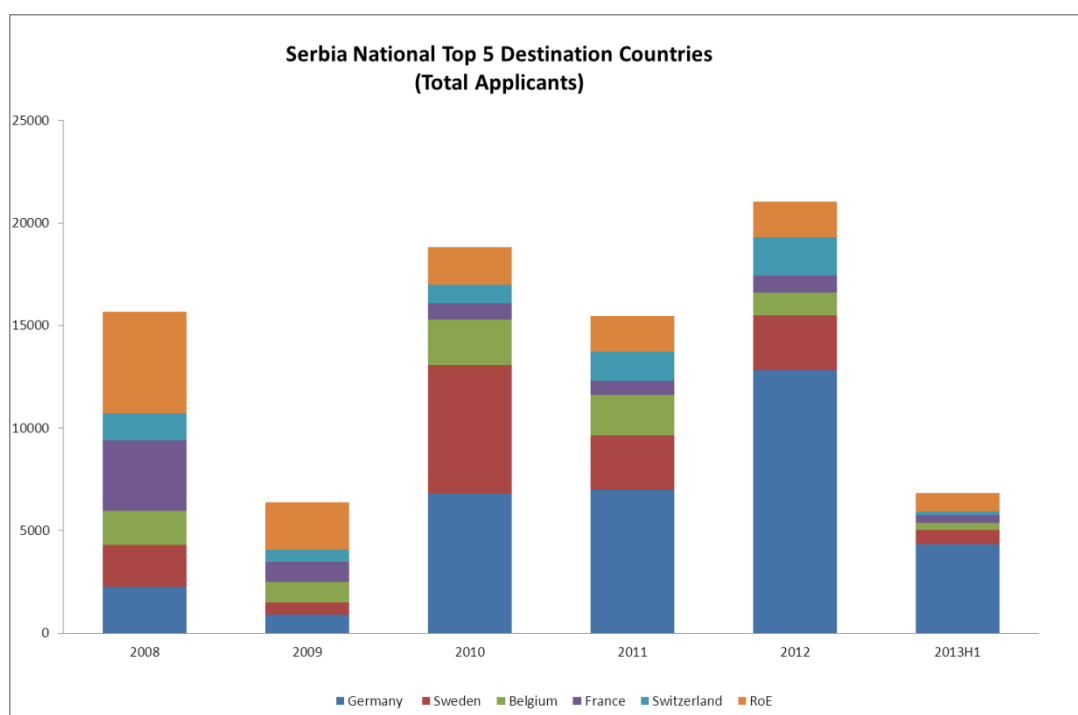


Figure 12. Numbers of Serbian asylum applicants in the EU+ by country of destination

¹⁶ Questionnaire replies were received from Austria, Belgium, Finland, France, Germany, Hungary, Luxembourg, Netherlands, Slovenia, Sweden, Switzerland.

Applicants from Serbia - summary

The group is composed of ca. 85% Roma, 10% ethnic Albanians and 5% others. Ethnic Albanians are mostly traveling from Presevo Valley to Belgium and France. Roma come from Belgrade, Novi Sad and Novi Pazar, Krusevac, Vranje, Nis, Leskovac, Prokuplje, Kraljevo and are mostly applying for international protection in Germany, Sweden, Switzerland and France.

Kosovo

Asylum seekers from Kosovo originate from different parts of the country; they are mostly ethnic Albanians and Roma, and most of them are Muslim. Whereas in Germany¹⁷, Sweden¹⁸ and Switzerland¹⁹ the majority of asylum seekers from Kosovo are Roma, in France and Belgium²⁰ they are mostly of ethnic Albanian origin. In Luxembourg, most applicants for Kosovo are ethnic Serbs. They travel overland at their own initiative, rather than in organised groups, by van, truck, car or bus. Only Belgium reports that some also travel by plane.

The main destination countries for asylum seekers from Kosovo are traditionally Belgium, France, Germany, Sweden, Switzerland and lately also Hungary. Figure 13 shows how destination countries have changed over the years. France has received by far the most asylum-seekers from Kosovo, with the exception of the first half of 2013 when numbers in Hungary increased exponentially after a change in national law restricted the detention of asylum-seekers only to special cases²¹. During the first half of 2013 indeed Kosovars were by far the largest component of the WB flow overall. Kosovo is the only non visa-liberalised WB state and it seems likely that the recent rise in requests for asylum there were in reality a way of circumventing border controls as Kosovar citizens applied in Hungary and then left open reception centres where they were placed for other countries in the Schengen area. This phenomenon underlines that the re-introduction of border controls may not necessarily automatically result in lower numbers of asylum applications.

¹⁷ In Germany Roma represented 58% of asylum seekers from Kosovo in 2011, 67% in 2012 and 73% in 2013.

¹⁸ Sweden does not register the ethnic background of asylum seekers. When a sudden increase of asylum seekers appears at a given time efforts are made to understand why a particular group is leaving their country of origin. Such research aims to better understand the situation and take relevant actions within the Swedish Migration Board (i.e. internal planning). In the case of WB, a mapping of the characteristics of asylum seekers was made during a very limited period during mid-2012. Since the mapping was limited in time only very few conclusions can be drawn.

¹⁹ In Switzerland around 50% of asylum seekers from Kosovo are Roma.

²⁰ Other countries did not send exact data. According to Belgium about 75% of applicants from Kosovo are ethnic Albanians.

²¹ See EASO Quarterly Report Q1 2013, p. 22

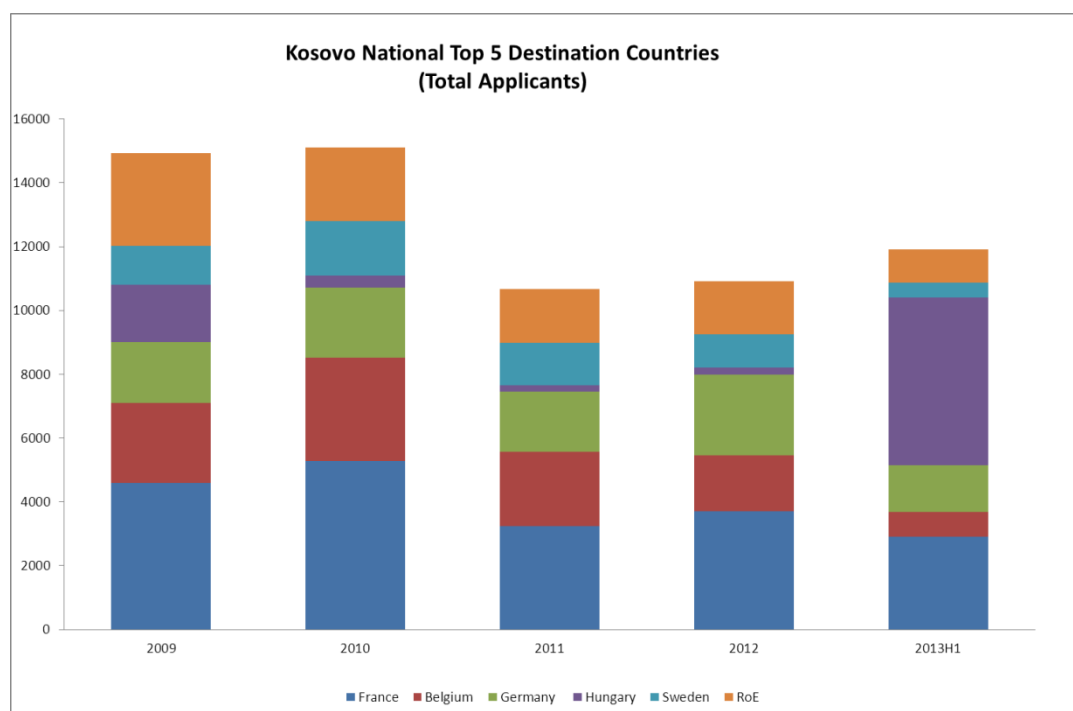


Figure 13. Numbers of Kosovar asylum applicants in the EU+ by country of destination

Applicants from Kosovo - summary

The group comes from different areas of origin, circa 20% are Roma, 10% ethnic Serbs and 70% ethnic Albanians. The majority of Kosovar applicants in Belgium and France are ethnic Albanians, whereas in Germany and Switzerland, the majority of applicants from Kosovo are Roma. Luxembourg mainly received applications from Kosovo Serbs, and also Switzerland received applications from ethnic Serbs (from Mitrovica and Gjilane).

FYROM

The ethnic composition of the asylum applicants from FYROM is quite similar to Serbia. Asylum seekers from FYROM are mostly Roma, with percentages ranging from 50% of FYROM applicants in Belgium to 80% in Switzerland. The percentage of ethnic Albanians from FYROM reaches around 50% in Belgium, whereas in other Member States ethnic Albanians represent only between 2% (in Germany) and 25% (in France). Asylum seekers from FYROM are in general Muslim, although Germany also reported a small percentage of Orthodox Christians. Asylum seekers from FYROM originate mostly from the northern part of the country, from Gostivar, Tetovo, Skopje and Kumanovo and to a lesser extent from municipalities Stip, Kocani and Prilep in other parts of FYROM²². From Bitola, a town in the South, Roma travel to Luxembourg, France and Germany. They travel mostly by bus, car or van. Again, only Belgium reported that some travel also by air.

Figure 14 shows that the most popular destination country for citizens from FYROM is Germany. Whereas the number of applicants from FYROM decreased in Belgium and Sweden from 2010, numbers increased in Switzerland and especially Germany.

²² Data obtained from the answers provided by FYROM authorities to the questionnaire.

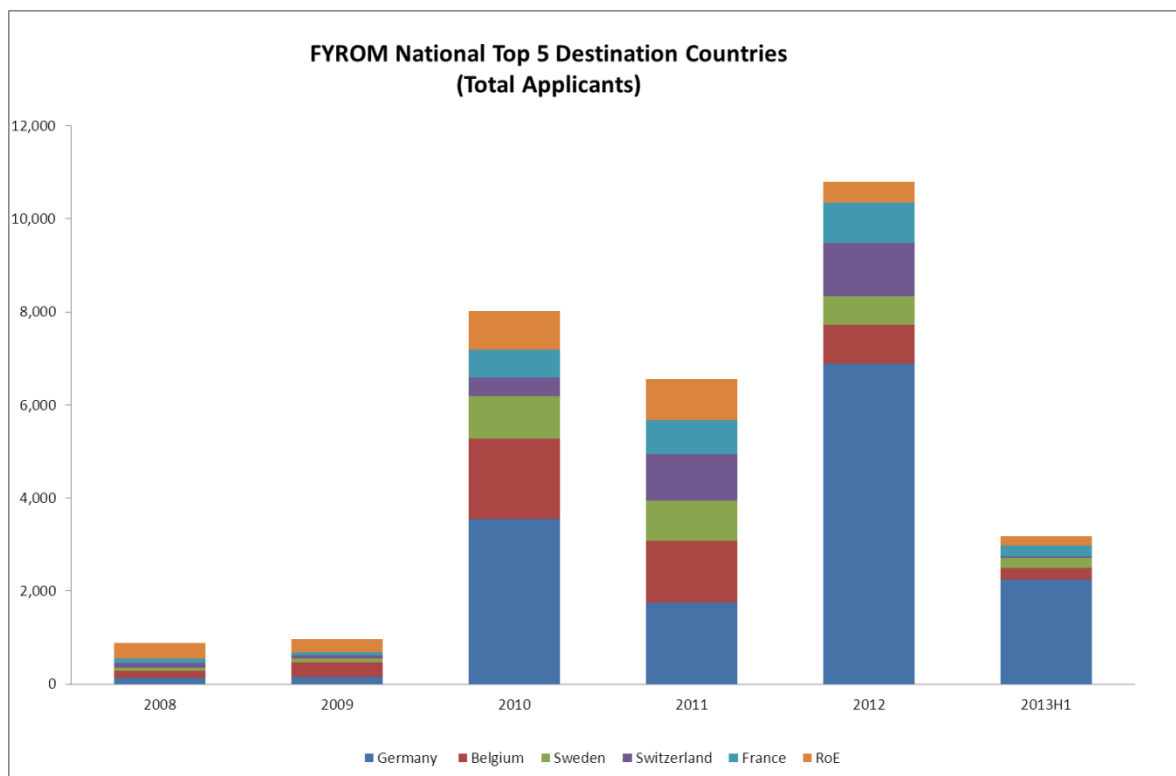


Figure 14. Numbers of FYROM asylum applicants in the EU+ by country of destination

Applicants from FYROM - summary

The group is composed of circa 70% Roma, 25 % Albanians and 5% others. Germany, Luxembourg and Switzerland receive mostly Roma applicants. Ethnic Albanians go mostly to Belgium and France. The most reported places of origin are Tetovo, Skopje, Kumanovo, Kocani, Stip, Ohrid, Prilep, Veles and Bitola, from which Roma are coming.

Bosnia Herzegovina²³

Numbers of Bosnian applicants for asylum have been rising steadily since 2008 and have principally made claims in Italy and France, but more recently particularly in Germany and Sweden. There is little data about the ethnic composition of Bosnia applicants for international protection in MSAC but what there is indicates a high proportion of Roma in applications made in Germany.

²³ Information on Bosnia and Herzegovina provided in the present report is more limited than for the other countries since since only 3 MSAC significantly affected by the flow provided information on BiH in their answers to the EASO questionnaire. Authorities from Bosnia-Herzegovina responded to the EASO questionnaire only in October 2013, which made it impossible to obtain further details during a study visit. According to their estimation mostly Roma and Bosniaks are leaving the country to apply for asylum abroad.

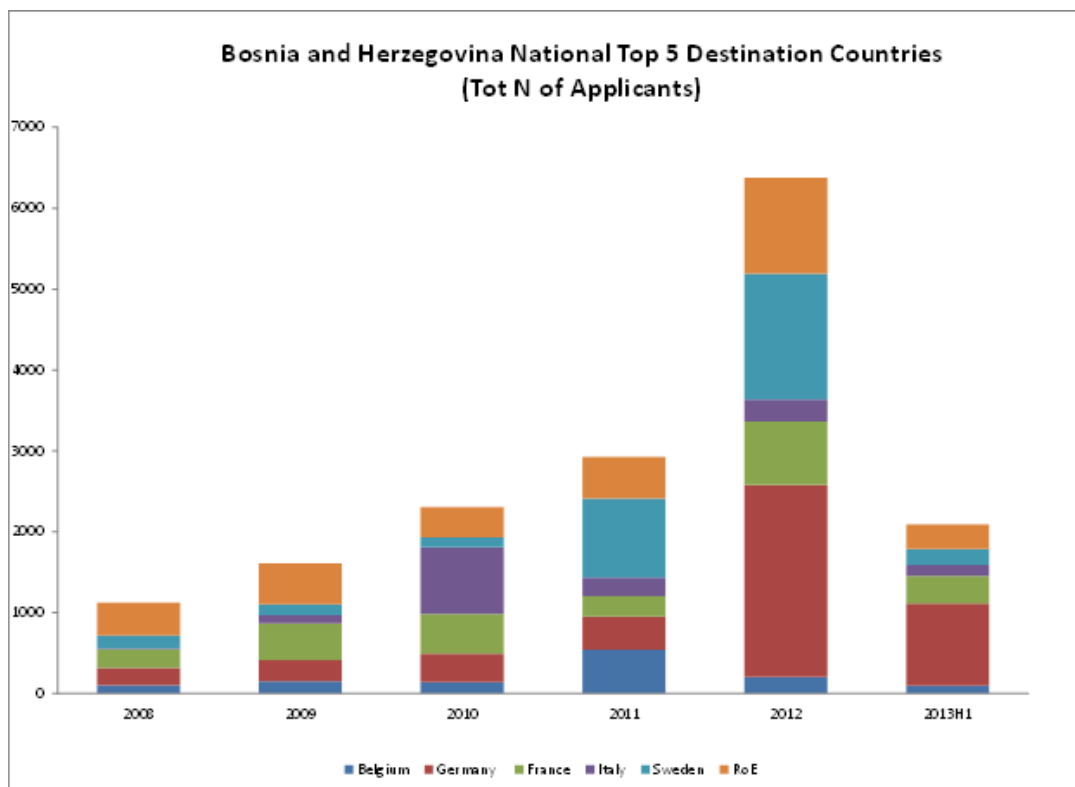


Figure 15. Numbers of BiH asylum applicants in the EU+ by country of destination

Applicants from BiH - summary

Limited information from some MSAC²⁴ and the BiH Government on ethnic composition indicates that applicants from Bosnia and Herzegovina are Roma, and some Bosniaks who are mainly coming from Republika Srpska. After a steady rise in numbers of applications from 2008, numbers more than doubled in 2012. Main area of origin for applicants from Bosnia-Herzegovina is the Northeastern part of the country, and cities like Tuzla, Bijeljina, Zvornik, Gradačac and Brčko.

²⁴ Data on ethnic composition was provided by Germany, France and the BiH Government. Sweden provided also data on main areas of origin.

5. Decisions

In the period from 2008 to the first half of 2013, 9,560 positive decisions were made by EU+ countries out of a total of 162,200 WB decisions made - that is to say a recognition rate²⁵ of 5.9%. Receiving MSAC therefore clearly considered the vast majority of application for asylum from WB nationals to be unfounded.

This low recognition rate has decreased over time, as the numbers of applicants have increased.

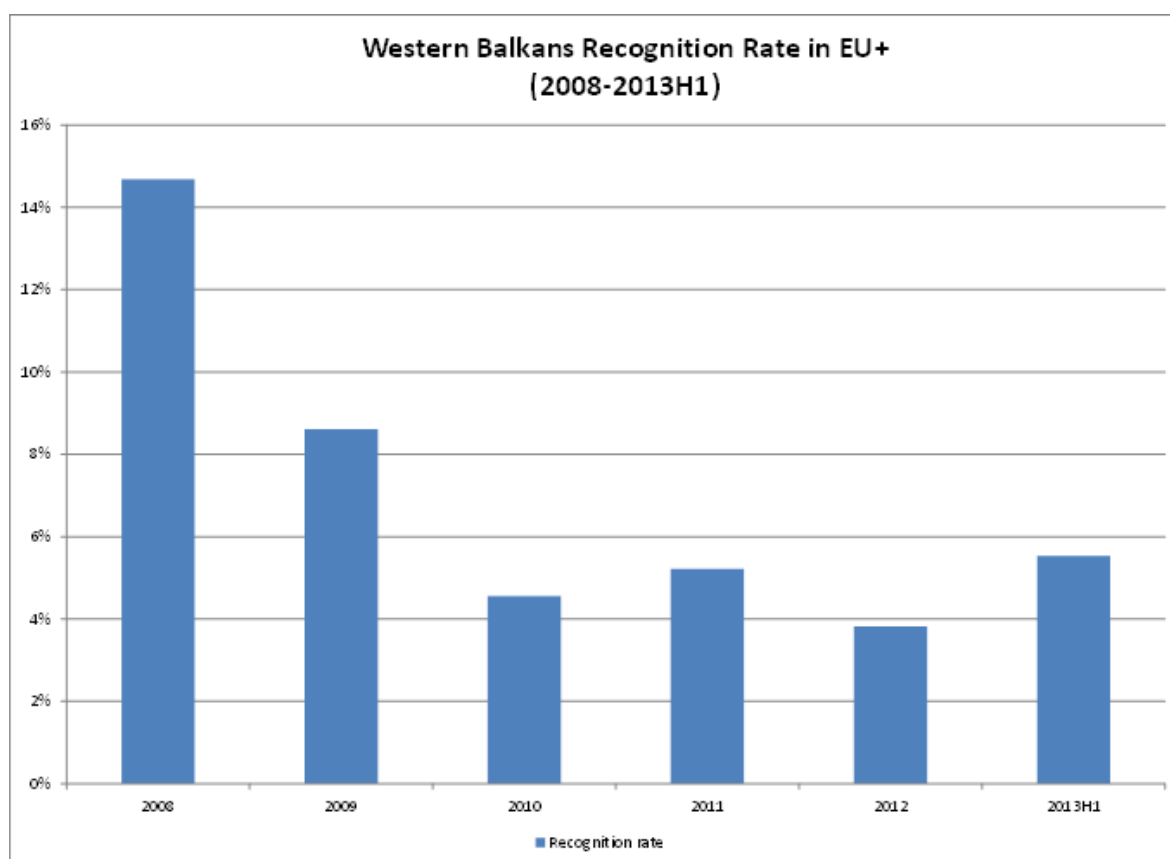


Figure 16. Overall recognition rate for WB countries in EU+

While low overall, when WB countries are considered separately, significant differences in protection rates emerge.

²⁵ I.e. the granting of refugee status under the Geneva Convention, subsidiary protection or national protection status for humanitarian reasons.

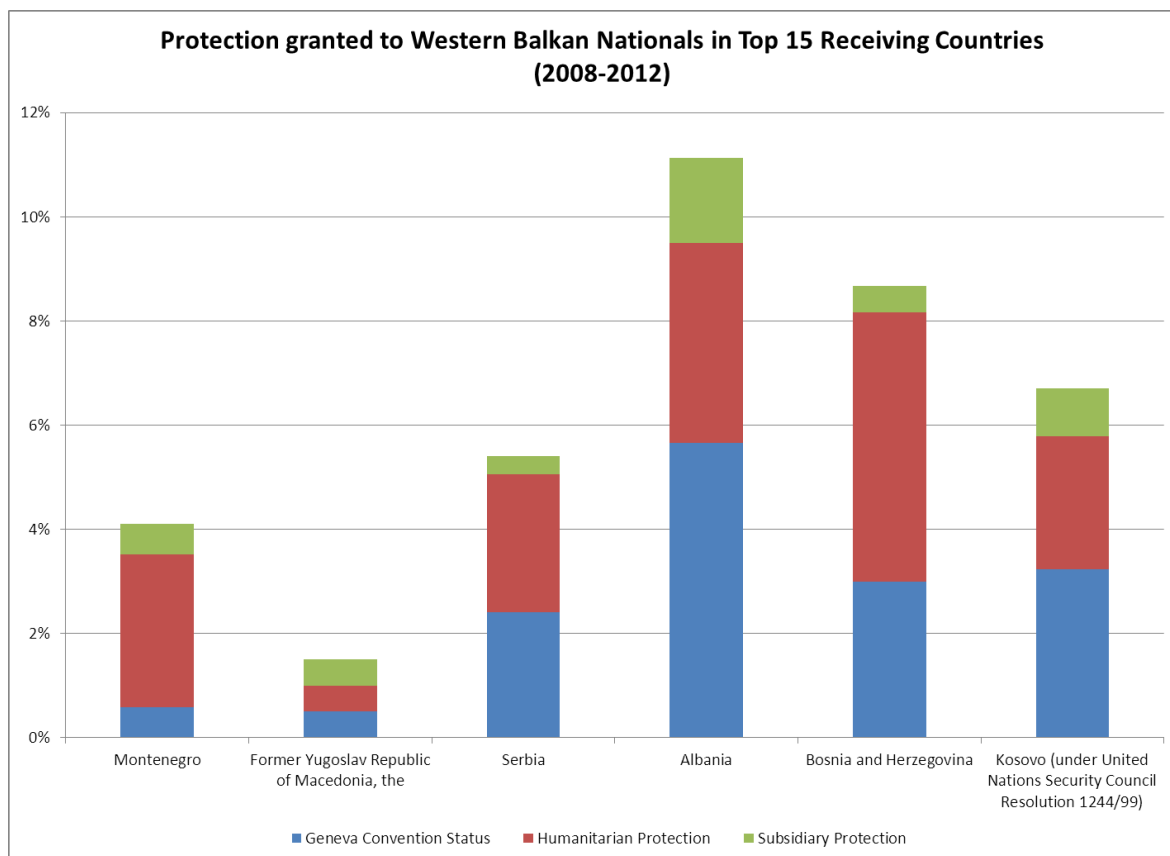


Figure 17. Recognition rate in Top 15 destination countries by WB country of origin

Across the EU, Albania has the highest recognition rate and the highest use of Geneva Convention status. Bosnia Herzegovina sees the highest use of national humanitarian legislation and has the second highest recognition rate overall (though numbers of applications are low). FYROM has the lowest recognition rate of all WB countries.

Certain comments can be made about the recognition rates for applicants from Bosnia Herzegovina, who represent the largest group of WB applicants granted national humanitarian protection in EU+, as illustrated by Figure 17 above. Most of the decisions granting national humanitarian protection to Bosnians (almost half of the total number) were issued in Italy, followed by Switzerland. This shows that country-level regulations concerning protection provided for humanitarian reasons also play an important role in the overall picture, in addition to statuses regulated at the EU level (refugee status according to the Geneva Convention and subsidiary protection).

However, one should bear in mind that the nature of the national forms of protection is quite diverse as they can cover both humanitarian reasons (situation in the country of origin or health condition of the individual preventing their return) and reasons of a more technical nature (return not feasible due to practical obstacles, such as lack of and impossibility to obtain travel documents). As most MSAC do not register or provide a detailed breakdown of exact reasons for which national forms of protection were granted, a more detailed analysis is not possible in the framework of the present report.²⁶

²⁶ Another relevant feature of the national forms of protection is that those are usually granted with a residence permit granted for a fixed period of time, such as one year, and need renewal if conditions justifying the award of protection still prevail. Therefore, figures reported for subsequent years may concern the same individuals, if they indeed applied for renewal.

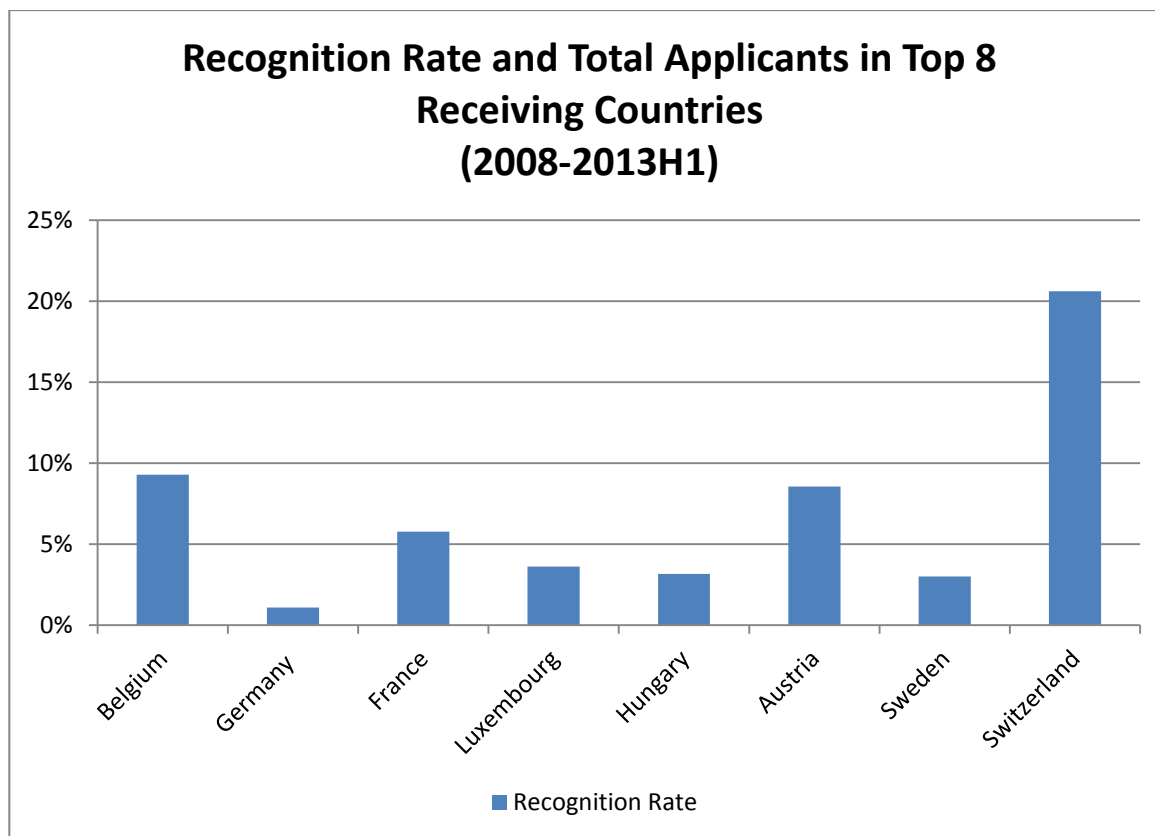


Figure 18. Average recognition rate of Top 8 destination countries for WB total flow

As figure 18 shows, the recognition rate varies by country of destination. This variation will depend on country of origin and profile of applicant but also policy and legislation in certain MSAC. Recognition rates may have a direct impact on national policies, as they are often an important element for MSAC to determine whether or not a country of origin can be added to or kept on a “safe country list”, which usually is directly correlated with the acceleration of procedures.

There appears to be no correlation between likelihood to apply for asylum and the recognition rate of the receiving country.

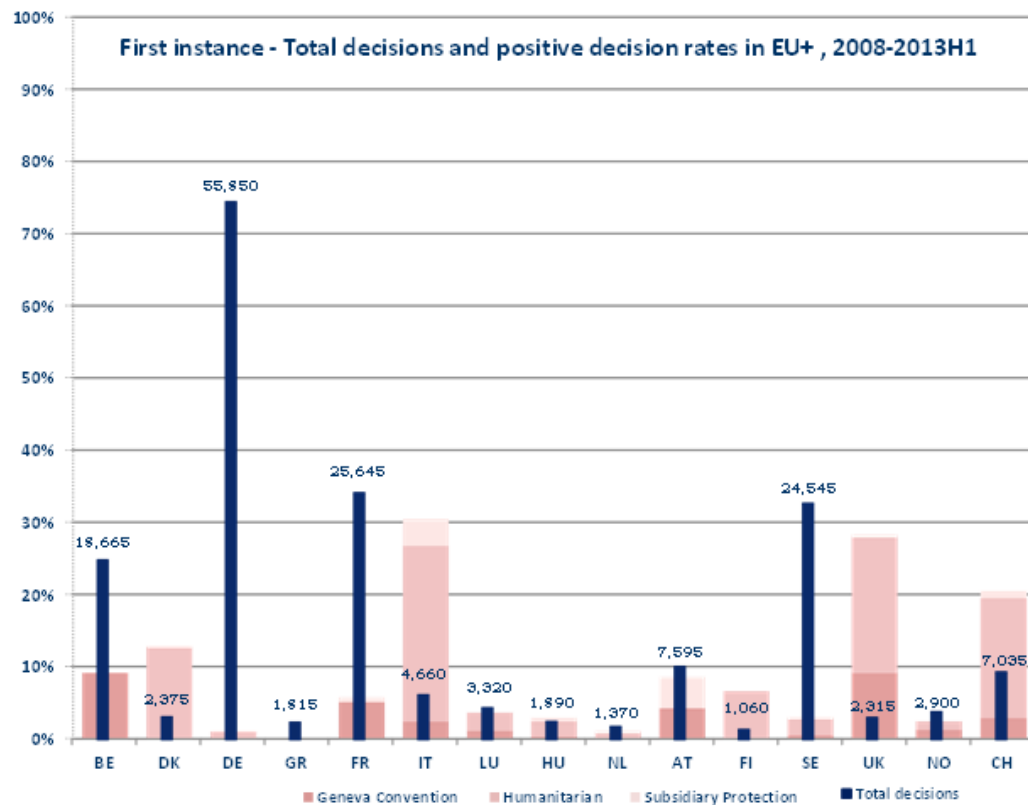


Figure 19. Recognition rate and decision numbers for WB citizens by type of protection granted in Top 15 destination countries

Figure 19 above shows clearly that the MSAC facing the highest numbers of applications also have some of the lowest recognition rates. Of those MSAC which do grant protection, a large portion of is granted under national humanitarian legislation rather than under the Geneva Convention. Use of Subsidiary Protection is almost non-existent except in Italy and Austria.

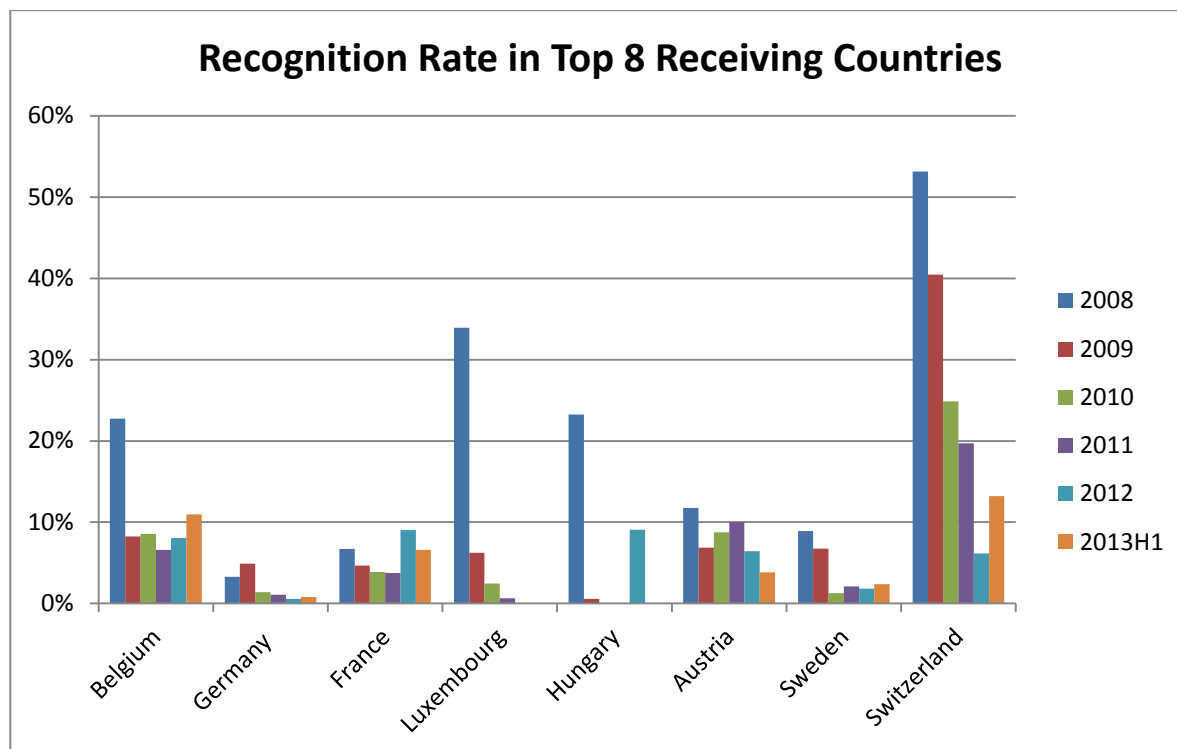


Figure 20. Recognition rate for WB flow in Top 8 destination countries over time

Finally, the fall in recognition rates over time holds for all main receiving countries, but the rate of decrease varies very considerably among them.

Italy, for example, has high recognition rates but has not seen significant numbers of applications (9th place in EU+). Germany by contrast shows very low recognition rates in general but has faced by increasingly large numbers of applications from WB citizens even as the already low rate went down.

Decisions on asylum applications from WB citizens - summary

WB citizens face one of the highest rejection rates on asylum claims of any countries of origin. This rate has increased over time (to 96% in 2012), as the numbers of applicants have increased. The rate varies by destination country and by country of origin, with Albania seeing the highest number of positive decisions and FYROM the lowest overall. There appears to be no correlation between propensity to apply for asylum and the recognition rate of the receiving country.

6. Conclusion

Based on the detailed analysis provided above, it appears clear that the Western Balkans flow has become an increasingly important part of the asylum caseload at EU level (in recent years substantially exceeding the numbers from any other country of origin), despite the vast majority of claims being considered as unfounded by MSAC. The flow is limited to a small number of MSAC and in some cases greatly affects their asylum systems' ability to process other claims.

The number of applications is variable over time (while showing a general upward trend) and strongly seasonal (increasingly so in recent years), with the major peaks being seen just before winter. This seasonality is particularly acute in the case of claims from Serbia and FYROM and thus

may be correlated to the particular factors affecting the Roma community there, since these constitute the majority of the applicants from these countries.

The composition of the WB flow varies over time, with certain WB countries being more important in some years compared to others, though Serbia, FYROM, Kosovo and Albania are the numerically most important overall. The numbers of asylum seekers from Western Balkans consist mainly of Roma from Serbia and FYROM, and Albanians from Albania and Kosovo. Areas of origin vary, and no single condensations can be pinpointed. Apart from the larger cities in origin countries, however, the main areas seem to be in Kosovo, or around Kosovo, i.e. Northern Albania, Southern Serbia and Northern FYROM are typical areas of origin.

Though WB citizens face one of the highest rejection rates of asylum claims of any countries of origin, the rate varies by destination country and by country of origin, with Albania seeing the highest number of positive decisions and FYROM the lowest overall. There appears to be no correlation between propensity to apply for asylum and the recognition rate in the receiving country.

In what follows we will investigate what factors might determine the characteristics of the flow described above.

CHAPTER 2: PUSH FACTORS

1. Introduction

In this chapter, we identify and further explore the major reasons for applicants from the Western Balkans to leave their country and seek asylum in the EU+. For this, we base ourselves mainly on the asylum motives presented by the applicant during the asylum procedure in a MSAC. In the second questionnaire²⁷, the MSAC were requested to estimate in how many asylum applications a number of factors already identified in the first questionnaire (e.g., labour market problems, societal problems of particular social groups, etc.) were brought forward by the applicant. It is to be noted, however, that many MSAC do not systematically keep track of this kind of information. In the absence of quantitative data, these estimations, which are based on the impressions of experts, must suffice to give an indication of the size of the phenomenon.

In order to assess the frequency of each aspect being invoked as a push factor, MSAC experts were asked in the questionnaire to give an estimation of the prevalence of this factor in the claims, i.e. whether this is indicated in almost all applications (over 80% of the applications), in many applications (30-80%), in some applications (5-30%), or seldom or never indicated (under 5%). Although in practice often interlinked, the most important push factors analysed in the present chapter are listed according to their prevalence in replies of the top 8 destination countries to the questionnaire as illustrated in the table below.

Figure 21. The prevalence of different asylum motives in asylum applications in the top 8 receiving MSAC (between January 2011 and April 2013) in Member States replying to the questionnaire²⁸.

	AT	BE	CH	DE	FR	HU	LU	SE
Societal problems of particular groups								
Labour market								
Lack of social infrastructure								
Parallel social systems such as Vendetta								
Health care related problems								
Lack of education								

80-100%	30-80%	5-30%	Under 5%	N/A
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The table above indicates that societal problems of particular ethnic groups and issues related to the access to the labour market are most commonly invoked grounds in the applications for international protection made by the citizens of WB countries.

²⁷ Cf. Sources and methodology.

²⁸ It should be noted that the MS dealing with the largest proportion of the claims overall, Germany, is missing from the table as it did not provide any estimations of the prevalence of specific elements in asylum applications.

Societal problems encompass a wide range of issues relating to discrimination and social exclusion, which result in a plethora of additional challenges faced by particular groups in many areas of their public and private life. Similarly, limited access to the labour market (or lack of such access whatsoever) inevitably leads to lower financial status and ultimately poverty, affecting the existence and prospects of an individual at a very basic level. Both issues remain closely interlinked, with discrimination prompting unemployment, which in turn further exacerbates social exclusion.

The close link between the two issues poses an additional challenge in the context of asylum procedures, whereby a certain challenge (such as unemployment), not being per se a valid ground for claiming international protection, may however still be a manifestation of the underlying discrimination and exclusion, amounting - under certain conditions - to a persecutory treatment. Hence, a close analysis of those factors using a holistic approach is needed.

In what follows and in line with the significance assigned to each factor by the MSAC responding to the questionnaire, we first look at **societal problems of particular (ethnic) groups**, such as discrimination and social exclusion). Next, an overview of the **labour market** and unemployment situation in the different Western Balkan countries is given. Diverse issues in **health care and social benefits systems** are often indicated in asylum claims, although to a lesser degree than labour market access and societal problems of particular groups. Finally, **parallel societal systems** (related to vendetta etc.) are sometimes mentioned in the asylum claims, as well as **issues related to education**.

For each of these elements, some background information is given on the situation in the respective countries of origin with the key aim to further illustrate and contextualise the major push factors identified²⁹. It should be noted that the information in this chapter is not intended to be not conclusive as to the merit of any particular application for international protection³⁰.

2. General societal problems of minorities or specific ethnic groups

Analysis of questionnaire responses shows that societal problems of minorities in the Western Balkans are mentioned as a major factor in asylum applications in most of the MSAC. Hungary, Slovenia, the Netherlands and Denmark reported that general societal problems of minorities or specific ethnic groups (discrimination, racial violence etc.) are mentioned in almost all asylum applications (more than 80%). Also in applications filed in Luxembourg - over 80% of which are from FYROM and Kosovo - ethno-specific problems are indicated. In Switzerland, over 80% of the applications from FYROM, Kosovo and Serbia include problems specific to certain ethnic groups. In Austria, Finland and Sweden, 30 to 80% of the applications include societal problems of specific ethnic groups. This is also the case in Belgium for asylum-seekers from Serbia and FYROM, and in Luxembourg for applicants from Serbia. None of the Member States answering the questionnaire gave an estimation of the importance of this factor of less than 30%.³¹

The following ethnic groups were reported to apply for asylum in MSAC: from Albania mostly ethnic Albanians apply, whereas from Kosovo, applications are made by ethnic Albanians, Roma, Ashkali and Egyptians. From FYROM, applicants consist mainly of ethnic Albanians and Roma, with some Ashkali, Egyptians and Turks. From Serbia, we see particularly Roma and only a small number of ethnic Serbs.

²⁹ This chapter uses existing relevant COI information to provide background to push factors identified by MSAC on the basis of their WB caseload. It thus excludes issues that may constitute relevant grounds for international protection but have not been explicitly found to be major push factors (such as issues related to gender, gender identity and sexual orientation, the situation of IDPs/refugees from Kosovo in Serbia, etc.).

³⁰ For COI Reports, EASO follows the EASO COI Report Methodology, cf. <http://easo.europa.eu/wp-content/uploads/BZ3012618ENC.pdf>.

³¹ As outlined in the introduction to this chapter, these estimations provided by MSAC are based not on quantitative data, but on impressions of experts, with the sole aim to give an indication of the size of the phenomenon.

Thus ethnic groups estimated to most frequently note societal problems based on minority status are Roma in all studied countries of origin, as well as Albanians in Kosovo and FYROM.

A. The situation of Roma³²

Despite some positive changes — recognition of minority status, establishment of political parties and cultural organisations, publication of books and newspapers in their language — the Roma's problems in Eastern Europe and the Balkans have largely remained after the fall of communism.³³

As will be explained throughout this chapter, the main problems Roma face regard access to government services and health care, good-quality housing and schools, and high rates of unemployment and discrimination on the labour market. These problems are partly rooted in the "otherness" of their lifestyle and values, in their distrust of government and outside help, and in the governmental lack of interest and inability to tackle Roma problems.³⁴ They were also disproportionately affected by the transition towards democratic and capitalist systems: the communist era of relative welfare, access to health care, and assured (though low-paying) jobs in heavy industry gave way to a free-market economy where employment was not guaranteed. With few resources and little education, the Roma were seldom able to compete for jobs or start their own businesses.³⁵ Thus Roma in Albania, Kosovo, FYROM and Serbia have various problems, some of which are common to all countries considered, whereas some are country-specific.

Albania

In Albania, problems of Roma and Balkan-Egyptians centre on the access to, and quality of, housing, employment, health care, and education. They may also face harassment.

The Amnesty International Annual Report 2013 reported issues in access by Roma to adequate housing, providing examples of evictions and displacement due to threats and attacks, combined with insufficient police protection. For example, an inquiry into excessive use of force and ill-treatment by police was opened by the Ombudsman after seizures of vehicles of Roma in July 2012 implementing an administrative ban on collection of scrap and other recyclable materials, affecting the livelihoods of an estimated 800 Roma families.³⁶

The U.S. Department of State noted problems in education, i.a. due to resistance by some schools to accepting Roma and Egyptian students, particularly if they appeared to be poor, and their marginalisation, when accepted, including by physical separation from other students. Also the cost of school books and equipment and the fact that children drop out of school to start working, particularly in rural areas, contributes to low scholarship rates.³⁷ As an example, in 2006, only 24,6 % of Roma children were estimated to have completed primary education.³⁸

³² Here, Roma, Ashkali and Egyptians are considered jointly as Roma, due to similarities in values, culture, lifestyle, as well as due to historical and current interaction with the majority.

³³ For the sociological history of Roma, see e.g., Fraser, Angus (1992). *The Gypsies*. Oxford: Blackwell. Kenrick, Donald (1998). *Historical Dictionary of the Gypsies (Romanies)*. London: Scarecrow. Liegeois, Jean Pierre and Gheorghe, Nicolae (1995). *Roma/Gypsies: A European Minority*. London: Minority Rights Group. Tanner, Arno (ed.) (2004). *The Forgotten Minorities of Eastern Europe - The History and Today of Selected Ethnic Groups in Five Countries*. Helsinki: East-West Books. Vossen, Rüdiger (1983). *Zigeuner – Roma, Sinti, Gitanos, Gypsies zwischen Verfolgung und Romantisierung*. Frankfurt: Ullstein GmbH.

³⁴ Tanner, Arno, The Roma of Eastern Europe: Still Searching for Inclusion, Migration Information Source, 5/2005, <http://www.migrationinformation.org/Feature/display.cfm?ID=308>, accessed 7.5.2013, For a larger discussion on Roma and otherness, please see Olomoofe, Larry, In the Eye of the Beholder: Contemporary Perceptions of Roma in Europe, Roma Rights Quarterly, nr 3, 2007, <http://www.errc.org/cikk.php?cikk=2881>, accessed 11.11.2013

³⁵ *Ibid.*

³⁶ Amnesty International Annual Report 2013 Albania, <http://www.amnesty.org/en/region/albania/report-2013>, accessed 10.5.2013

³⁷ USDOS - US Department of State: Country Report on Human Rights Practices 2012 – Albania, <http://www.state.gov/j/drl/rls/hrrpt/2012/eur>, page 24, accessed 10.5.2013

³⁸ Open Society Institute, Monitoring Education for Roma, 2006, Annex 1, http://www.opensocietyfoundations.org/sites/default/files/monitoring_20061218.pdf, accessed 8.10.2013

Bosnia and Herzegovina

The last census in Bosnia and Herzegovina dates from 1991 and gave a figure of 8,864 Roma, but the size of the Roma population has been variously estimated as ranging between 40 to 100,000 persons.³⁹ A report for the UN Human Rights Council of 2012 reported that Roma were the most disadvantaged minority in the country and noted that, under the “Decade of Roma Inclusion 2005-2015” initiative, action plans were elaborated on education, employment, health care and housing but these were poorly funded and had “failed to significantly address the underlying problems of communities or improve the situation of many Roma. Employment of Roma and Roma enrolment in education are disturbingly low”.⁴⁰

According to the European Commission, four action plans under the Roma Strategy are in place as part of the country’s preparation for eventual EU membership. However, though some progress was made with regard to housing, “only limited steps have been taken on health, employment and education” and the financial and other resources for the implementation of action plans need to be increased and coordination among authorities at all levels strengthened before real improvements in the situation of Roma can take place.⁴¹

Serbia

In Serbia, Roma face problems particularly in health care⁴², accommodation⁴³, registration, education⁴⁴ and discrimination on the labour market⁴⁵. Also situations of harassment are reported.

A Praxis 2011 report noted up to 1,000 individual eviction cases in two years in the period 2009-11.⁴⁶ The Amnesty International Annual Report 2013 on Serbia noted that in 2012, forced evictions continued in Belgrade. Evictions of some 1,000 Roma from the Belvil settlement were also reported, with some Roma returning to southern Serbia and many becoming homeless. Both those returned and those registered in Belgrade faced inadequate accommodation (no running water or adequate sanitation, placement in remote segregated container settlements affecting access to work). The city of Belgrade proposed isolated locations for the solid housing financed by the European Commission, thus creating segregated settlements. In November 2012, the Commissioner for Protection of Equality found discrimination by the Belgrade City authorities against Roma, as certain contractual conditions only concerned their containers, resulting in the eviction of 11 families.⁴⁷

³⁹ OSCE, Report on minority institutions, measures against discrimination and steps for inclusion of Roma in local decision-making in Western Balkans (legal situation; constitutions; supportive services), May 2013, http://www.ecoi.net/file_upload/1226_1370359982_102083.pdf, accessed 9.10.2013

⁴⁰ UN Human Rights Council, Report of the Independent Expert on minority issues on the situation of minorities in Bosnia and Herzegovina, 31.12.2012, http://www.ecoi.net/file_upload/1930_1358958375_ahrc2249add-1-english.pdf, page 2, accessed 9.10.2013

⁴¹ European Commission, Progress report on country’s preparation for EU membership (democracy and rule of law, human rights and protection of minorities, economic criteria and ability to assume obligations of membership), 10.10.2012, http://www.ecoi.net/file_upload/1226_1350306051_bosnia-rapport-2012-en.pdf, page 20, accessed 9.10.2013

⁴² See e.g. Praxis, Analysis of the main obstacles and problems in access of Roma to the rights to health and health care, Belgrade (2011), <http://www.praxis.org.rs/index.php/en/reports-documents/praxis-reports/item/142-praxis-analysis-of-the-main-obstacles-and-problems-in-access-of-roma-to-rights-to-health-and-health-care>, accessed 7.11.2013

⁴³ See e.g. Praxis, Analysis of the main obstacles and problems in access of Roma to the rights to adequate housing, Belgrade (2011), <http://www.praxis.org.rs/index.php/en/reports-documents/praxis-reports>, accessed 7.11.2013

⁴⁴ See e.g. Praxis, Analysis of the main obstacles and problems in access of Roma of Serbia to the right to education, Belgrade (2011), http://www.praxis.org.rs/images/praxis_downloads/praxis-analysis-of-the-main-problems-and-obstacles-in-access-of-roma-in-serbia-to-the-right-to-education.pdf, accessed 7.11.2013

⁴⁵ See e.g. UN Serbia, Realizing Roma rights, Belgrade (2008), <http://rs.one.un.org/organizations/6/Kompletna-Ostvarivanje-prava-Roma.pdf>, accessed 7.11.2013

⁴⁶ Praxis, Analysis of the main obstacles and problems in access of Roma to the rights to adequate housing, Belgrade (2011), <http://www.praxis.org.rs/index.php/en/reports-documents/praxis-reports>, page 8, accessed 7.11.2013

⁴⁷ Amnesty International Annual Report 2013 Serbia, <http://www.amnesty.org/en/region/serbia/report-2013>, accessed 10.5.2013

Citing a 2010 Open Society Foundations Report⁴⁸, the European Roma Rights Centre notes a recent decrease of Roma children in special education, due to legal and policy changes in 2009 aimed at inclusive education. There is a disproportionate enrolment of Roma children in facilities tailored for students with developmental difficulties,⁴⁹ though projects were also launched by the Ministry of Education to promote education for Roma children. As an example, mayors from 42 municipalities signed a commitment to improve the education of Roma children in Serbia through the Delivery of Improved Local Services Project (DILS). The Roma integration component of DILS is aimed to meet the educational, health and social needs of local Roma children and to reduce the gap in educational success between Roma and non-Roma children.⁵⁰ This is a complicated task, as, according to a Praxis (NGO) report, the tradition of transferring Roma to “special schools” is long.⁵¹

Kosovo

In Kosovo, the problems are partially the same, ranging from unemployment and civil registration problems to hygiene, health and education. The U.S. Department of State noted the latter, combined social and economic discrimination, leading to substantial dependency on humanitarian aid⁵², while the OSCE has noted a lack of coordination between measures adopted in the area of education and their practical implementation as well as discrepancies among specific regions in tackling issues of suitable housing.⁵³

FYROM

In FYROM, major human rights concerns in 2012 included discrimination and societal violence against minorities, especially Roma. The U.S. Department of States reported denial of job opportunities to Roma by employers, lack of access to public welfare funds, overrepresentation of Romani children in segregated “special” schools for students with intellectual disabilities, proprietors denying Roma entrance to their establishments. Despite efforts by the EU and UNHCR, some Roma lack identity cards necessary to obtain government services.⁵⁴

The above mentioned challenges were echoed by the Council of Europe Commissioner for Human Rights following his visit to FYROM in November 2012. Poverty, unemployment, separate neighbourhoods with often unacceptable living conditions and barriers in access to social and economic rights were found due, *inter alia*, to lack of civil status and personal identity documents. Measures undertaken by FYROM authorities in 2011 to prevent their nationals from making “unfounded” asylum applications in EU member states were assessed as disproportionately affecting Roma and through exit control measures and confiscation of travel documents were effectively amounting to travel bans.⁵⁵

⁴⁸ Open Society Institute, Roma Children in Special Education in Serbia: Overrepresentation, Underachievement, and Impact on Life, 2010, p. 70, <http://www.opensocietyfoundations.org/sites/default/files/roma-children-serbia-20101019.pdf>, accessed 30.09.2013.

⁴⁹ European Roma Rights Centre, Written Comments by ERRC Concerning Serbia Regarding EU Accession Progress for Consideration by the European Commission during its 2013 Review <http://www.errc.org/cms/upload/file/ec-progress-report-serbia-2013.pdf>, page 4, accessed 11.6.2013

⁵⁰ Roma Education Fund, <http://www.romaeducationfund.hu/news/ref/news-and-events/roma-inclusion-component-dils-program-serbia>, accessed on 8.10.2013

⁵¹ Praxis, Analysis of the main obstacles and problems in access of Roma of Serbia to the right to education, Belgrade (2011), http://www.praxis.org.rs/images/praxis_downloads/praxis-analysis-of-the-main-problems-and-obstacles-in-access-of-roma-in-serbia-to-the-right-to-education.pdf, page 39-40, accessed 7.11.2013

⁵² USDOS - US Department of State: Country Report on Human Rights Practices 2012 Kosovo <http://www.state.gov/j/drl/rls/hrrpt/2012/eur/204301>, page 29, accessed 27.8.2012

⁵³ OSCE, Contribution to the Progress Review of the Action Plan of the Strategy for the Integration of Roma, Ashkali and Egyptian Communities in Kosovo, 2009–2015, <http://www.osce.org/kosovo/94856>, page 5, accessed 11.5.2013

⁵⁴ USDOS - US Department of State: Country Report on Human Rights Practices 2012 - FYROM, <http://www.state.gov/documents/organization/204523.pdf>, page 24, accessed 2.5.2013

⁵⁵ Muižnieks, Nils, Council of Europe Commissioner for Human Rights; Following his visit to “the former Yugoslav Republic of Macedonia” from 26 to 29 November 2012, Strasbourg, 9 April 2013,

Roma Information Centres in FYROM, which have been established in eleven municipalities, aim to raise awareness of access to social and economic rights, however economic and infrastructural capacity affects the work done, as does lack of public servants status and limited job security of their staff.⁵⁶ As regards specific healthcare issues of Roma, initiatives taken included the engagement of female mediators, improved access, and amount of information leading to more insured persons, vaccinated children, counselling and preventive centres within health care institutions.⁵⁷

B. The situation of Albanians in FYROM and Serbia

Ethnic Albanians make up about a quarter of Macedonia's 2.1 million inhabitants.⁵⁸ Relations between the ethnic Macedonian and Albanian communities in FYROM have been strained for decades, and tensions escalated again in 2012. Several incidents were reported in 2011-12, and ethnic Albanians continue to complain about under-representation in government ministries and public enterprises (despite limited improvements since 2001) as well as civil service and other governmental institutions.⁵⁹

According to the European Forum for Democracy and Solidarity, the June 2013 election campaigns took a new toll on the traditionally bad ethnic relations, especially in the areas dominated by ethnic Albanians in the northwest of the country. Also tensions between FYROM's two ethnic Albanian parties ran high, with several attacks taking place against the offices of both the Democratic Union for Integration (DUI) and the Democratic Party of Albanians (DPA), including an attack during which eight shots were fired at the office of the DUI in Tetovo.⁶⁰

In Serbia, many claims coming from ethnic Albanians are based on the historically tense situation in the Preshevo valley in the South of the country near the border with Kosovo and FYROM. The Albanian community in the Valley suffers from poverty, unemployment and discrimination, remaining underrepresented in the public institutions, primarily in the police and the judiciary⁶¹. The nature of such problems in Preshevo valley has provided space for the disenchanted groups to emerge and become more violent⁶². A complicating factor in the assessment of asylum claims based on such situations is that many Kosovo Albanians are holders of Serbian passports⁶³.

<https://wcd.coe.int/com.instranet.InstraServlet?Index=no&command=com.instranet.CmdBlobGet&InstranetImage=2265118&SecMode=1&DocId=2002190&Usage=2>, page 4, accessed 2.5.2013.

⁵⁶ Muižnieks, Nils, Council of Europe Commissioner for Human Rights; Following his visit to "the former Yugoslav Republic of Macedonia" from 26 to 29 November 2012, Strasbourg, 9 April 2013, <https://wcd.coe.int/com.instranet.InstraServlet?Index=no&command=com.instranet.CmdBlobGet&InstranetImage=2265118&SecMode=1&DocId=2002190&Usage=2>, page 19, accessed 2.5.2013

⁵⁷ Council of Europe, Third Report Submitted By Serbia Pursuant To Article 25, Paragraph 2 Of The Framework Convention For The Protection Of National Minorities [ACFC/SR/III(2013)001], 14. 3. 2013, http://www.coe.int/t/dghl/monitoring/minorities/3_FCNMdocs/PDF_3rd_SR_Serbia_en.pdf, page 69-70, accessed 15.5.2013

⁵⁸ European Forum for Democracy and Solidarity, http://www.europeanforum.net/country/fyr_macedonia, accessed 8.10.2013

⁵⁹ USDOS - US Department of State: Country Report on Human Rights Practices 2012 - FYROM, 10.5.2013 <http://www.state.gov/documents/organization/204523.pdf>, page 24, accessed 2.5.2013.

⁶⁰ European Forum for Democracy and Solidarity, http://www.europeanforum.net/country/fyr_macedonia, accessed 8.10.2013.

⁶¹ See Autonomy For The Northern Part Of Kosovo: Unfolding Scenarios And Regional Consequences. Kosovar Institute For Policy Research And Development. Policy Paper Series 2012 / 05. July 2012. http://www.kipred.org/advCms/documents/46046_Autonomy%20for%20the%20northern%20part%20of%20Kosovo%20-%20Unfolding%20scenarios%20and%20regional%20consequences.pdf

⁶² A new armed group "Lëvizja e Lirisë" (The Freedom Movement) appeared on 17 May 2012 carrying out attacks on a Serbian police checkpoint in the Bujanovac village of Dobrosin - bringing back memories of the attacks carried out by the Liberation Army of Preševo, Medveđa and Bujanovac (UÇPMB) which was officially disbanded in 2001.

⁶³ See, for example, "Kosovo Citizens go Passport Shopping in Serbia", EU Observer.com, 16.09.2010, <http://euobserver.com/news/30816>, accessed on 6.11.2013.

C. The situation in Bosnia-Herzegovina / Republika Srpska

Apart from the Roma minorities mentioned previously, also some other ethnic groups find themselves to some extent socially excluded in Bosnia-Herzegovina. According to UNHCR, 5% of ethnic Muslims and Croats remained in areas controlled by Serbs, and a small number of Serbs remained in areas controlled by Croats and Bosnians. Due to a lack of employment and educational opportunities, and lack of basic infrastructure, rejected asylum-seekers are more prone to return to places where they are an ethnic majority, than to places where they used to live before the war.⁶⁴

USDOS reports that "minority returnees often faced intimidation, discrimination in hiring, and obstructions in their access to education, health care, and pension benefits, as well as poor infrastructure."⁶⁵

Specifically in the Republika Srpska, reports are made of minority returnees being socially excluded by the Serb majority population. According to the International Crisis Group, job opportunities are the biggest problem for returnees to Republika Srpska, with Serbs being deliberately selected by both public and private companies over Bosniaks and others⁶⁶

USDOS also mentions attacks on minority religious sites, and reports that the Republika Srpska government deregistered the residences of potential Bosniak returnees to the RS, "effectively inhibiting or preventing their return and/or political participation upon their return."⁶⁷

3. Access to labour market and unemployment

As indicated above, belonging to a particular ethnic group may result in discrimination leading to social exclusion, resulting in lack of access to the labour market and ultimately causing poverty. Whereas poverty in Western Balkan countries is far from limited to minority groups, their situation is further aggravated as a direct result of social exclusion. While interlinked as phenomena, in the context of the asylum procedure, societal problems carry more weight in terms of adjudicating a claim for international protection. As poverty as such is not a valid ground, it may be reasonably concluded that at least some of the applicants decide to bring the issues of social exclusion to the forefront of their application, although their actual motivation lies in their low financial status resulting from unemployment in the country of origin⁶⁸.

In Switzerland and Slovenia, asylum seekers from the Western Balkans in almost all applications referred to difficulties in access to the labour market as the reason for which they left the country of origin. In Luxembourg, Finland and in Hungary from 30 to 80 % of asylum seekers did so. Access to labour market is mentioned in some applications (5-30%) in Sweden and Austria. Of the Member

⁶⁴ UNHCR, From the unmixing to the remixing of peoples: UNHCR and minority returns in Bosnia, <http://www.unhcr.org/520a4ccf9.html>, page 1, accessed on 30.10.2013

⁶⁵ USDOS - US Department of State: Country Report on Human Rights Practices 2012 - Bosnia and Herzegovina, 19 April 2013 http://www.ecoi.net/local_link/245173/355097_en.html (accessed 30 October 2013)

⁶⁶ International Crisis Group, What Does Republika Srpska Want?, October 2011, Europe Report N°214, page 25 <http://www.crisisgroup.org/~media/Files/europe/balkans/bosnia-herzegovina/214%20Bosnia%20---20What%20Does%20Republika%20SRPSKA%20Want.pdf>, accessed on 28.10.2013.

⁶⁷ USDOS - US Department of State: Country Report on Human Rights Practices 2012 - Bosnia and Herzegovina, 19 April 2013 http://www.ecoi.net/local_link/245173/355097_en.html (accessed 30 October 2013)

⁶⁸ For example, Institute for Democracy and Mediation Center for European and Security Affairs. "Stories behind Visa Liberalization: Asylum Seekers and Irregular Migration". February 2013. p.5. Though based on a very small sample, this study's conclusions are that "The experience of Albanian asylum seekers surveyed under this analysis in Belgium, France, and Greece suggests that reasons like short asylum application procedures, easy fulfilment of criteria set by host country authorities as well as easy access to the country when applying for asylum constitute the main "incentives" attracting asylum seekers to undertake this endeavour. The factors for asylum seeking presented to asylum authorities by applicants show that the most prominent reasons are the economic ones".

States answering the questionnaire, only Belgium reported that only in less than 5% of asylum applications asylum seekers from all Western Balkan countries mentioned access to labour market.⁶⁹

As outlined in the following sections, most Western Balkan countries face a high unemployment rate. In general, the unemployment rate is higher for women and the less educated, and some countries have a high level of youth unemployment.

Albania

Poor access to the labour market is a problem in Albania, where the unemployment rate was 13% in 2012 and 12.8% in the second quarter of 2013⁷⁰, but actual rates may exceed 30% due to preponderance of near-subsistence farming⁷¹. Unemployment typically is a concern for women, vulnerable groups, younger people and returnees.⁷² Many ethnic Albanians have left the country and remittances continue to be an important source of revenue.⁷³

Albania continues to be one of the poorest countries in Europe, despite some growth, partly due to a largely informal economy, with little movement between the informal and formal sector, and poor energy and transportation infrastructure.⁷⁴ Of those employed, 18.1% work in the public sector, whereas 81.9% work in the private sector. The agriculture sector largely dominates the employment structure: agriculture 44.5%; trade 11.7%; processing industry 7.1%; construction 8.4%.⁷⁵

Bosnia and Herzegovina

In 2013, the unemployment rate in Bosnia and Herzegovina is estimated at 44% - second only to Kosovo - mainly because of the difficult economic situation caused by the current crisis and years of stagnation after the civil war, exacerbated by organisational problems caused by its tripartite structure. BiH has taken a number of loans from the IMF to finance its budgetary deficits.⁷⁶

According to Council of Europe, a more integrated approach to employment, encompassing all relevant sectoral policies, "would be needed to address the country's considerable labour market challenges"⁷⁷. However, BiH's complex constitutional and organisational composition means that entity governments lack ability to implement the needed labour market measures. Employment in agriculture is 20.5%, in industry 32.6% and the highest in services with 47%.⁷⁸

Serbia

⁶⁹ As outlined in the introduction to this chapter, these estimations provided by MSAC are based not on quantitative data, but on impressions of experts, with the sole aim to give an indication of the size of the phenomenon.

⁷⁰ Trading Economics, <http://www.tradingeconomics.com/albania/unemployment-rate>, accessed 8.10.2013

⁷¹ CIA World Factbook Albania, <https://www.cia.gov/library/publications/the-world-factbook/geos/al.html>, accessed 4.6.2013. According to the same source "The agricultural sector, which accounts for almost half of employment but only about one-fifth of GDP, is limited primarily to small family operations and subsistence farming because of lack of modern equipment, unclear property rights, and the prevalence of small, inefficient plots of land."

⁷² European Union, Commission Staff Working Document, Albania 2012 Progress Report, http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/al_rapport_2012_en.pdf, page 48, accessed 20.9.2013

⁷³ BBC News, Albania profile, 27.6.2013, <http://www.bbc.co.uk/news/world-europe-17679574>, accessed 20.9.2013

⁷⁴ Nations Online, Albania, <http://www.nationsonline.org/oneworld/albania.htm>, accessed 20.9.2013; UN Office of the High Commissioner for Human Rights, Common core document forming part of the reports of States parties Albania [28 March 2012] [HRI/CORE/ALB/2012], 3.9.2012, http://www.ecoi.net/file_upload/3256_1366037023_2012-09-03-alb.pdf, page 8, accessed 5.5.2013

⁷⁵ UN Office of the High Commissioner for Human Rights, Common core document forming part of the reports of States parties Albania [28 March 2012] [HRI/CORE/ALB/2012], 3.9.2012, http://www.ecoi.net/file_upload/3256_1366037023_2012-09-03-alb.pdf, page 8, accessed 5.5.2013

⁷⁶ Council of Europe, The functioning of democratic institutions in Bosnia and Herzegovina, 13.9.2013, page 18, http://www.ecoi.net/file_upload/1226_1379406374_xrefviewpdfbih.pdf, accessed 9.10.2013

⁷⁷ Council of Europe, Conclusions of the European Committee of Social Rights following 2nd state report, January 2013, http://www.ecoi.net/file_upload/1226_1359466895_bosniaherzegovina2012-en.pdf, page 5, accessed 9.10.2013

⁷⁸ CIA World Factbook on Bosnia and Herzegovina, <https://www.cia.gov/library/publications/the-world-factbook/geos/bk.html>, accessed 15.10.2013

As noted by the UN Committee on Economic, Social and Cultural Rights, unemployment in Serbia is a long-term, structural and transitional phenomenon, with the global economic crisis worsening the already high levels of unemployment (particularly affecting women), low participation of employment in the private sector, and low mobility of the workforce.⁷⁹ Unemployment in November 2011 was 24%, an increase of 10% compared with 2007.⁸⁰ Agriculture amounts to 21.9% of the employment structure; industry 19.5%; and services 58.6%.⁸¹

Kosovo

According to a German BAMF/IOM factsheet of 2013, poverty and unemployment are the main factors that still threaten Kosovo's stability, with 40,000 people requiring government assistance due to lack of regular income and more than half a million working in Western countries (mainly Germany and Switzerland) and sending money home. Kosovo has the highest unemployment rate in the Western Balkans (with around 45% of the working-age population without a job and 325,261 persons registered as unemployed at the end of 2011. Forty per cent of poor people are below the age of 20, and 60 per cent of the poor are less than 30 years old, whereas half of the citizens of Kosovo are under the age of 25 meaning that some 30,000 people entering the labour market every year face a high risk of unemployment.⁸²

FYROM

The labour market in FYROM is marked by low participation and employment rates and high unemployment, affecting in particular young workers, women and the less educated⁸³. According to the FYROM Statistical Office unemployment was 31.4% in the year 2011⁸⁴. The employment structure in FYROM is as follows: agriculture: 11.4%; industry: 25.8%; services: 62.8%.⁸⁵

4. Social infrastructure

The lack of social infrastructure (intact social services system, welfare benefits and social structures for the disabled) was assessed by Switzerland and Slovenia as an important push factor in almost all applications from WB citizens, whereas this factor was mentioned in many applications in Austria and Hungary. The lack of social infrastructure was only mentioned explicitly by a limited number of asylum seekers from the Western Balkans in Sweden, Denmark, Belgium and Luxembourg (for applicants from Serbia, FYROM and Kosovo), and it was hardly ever mentioned as a factor for asylum applications made in Luxembourg (by applicants from Albania), France or Finland.⁸⁶

⁷⁹ UN Committee on Economic, Social and Cultural Rights, Consideration of reports submitted by States parties under article 16 and 17 of the Covenant; Second periodic reports submitted by States parties; Serbia [24 March 2011] [E/C.12/SRB/2], http://www.ecoi.net/file_upload/1930_1365686481_e-c-12-srb-2-en.pdf, page 7, accessed 17.5.2013

⁸⁰ The Economist, Mostly Miserable, 19.6.2012, <http://www.economist.com/blogs/easternapproaches/2012/06/balkan-economies>, accessed 8.10.2013

⁸¹ CIA World Factbook Serbia, <https://www.cia.gov/library/publications/the-world-factbook/geos/al.html>, accessed 14.6.2013

⁸² Bundesamt für Migration und Flüchtlinge (BAMF) Kosovo factsheet, 2013, http://www.bamf.de/SharedDocs/MILoDB/EN/Rueckkehrfoerderung/Laenderinformationen/Informationsblaetter/cfs_kosovo-dl_en.pdf?__blob=publicationFile, page 6, accessed 10.9.2013

⁸³ Mojsoska-Blazevski, Nikica and Nedjati Kurtishi, The Macedonian Labour Market: What makes it so deferent? American College Skopje, 13.11.2012, http://mpira.ub.uni-muenchen.de/42045/1/MPRA_paper_42045.pdf, page 2, accessed 30.5.2013

⁸⁴ State Statistical Office of the Republic of Macedonia, Macedonia in Figures, 2012, page 32, 2012, http://www.stat.gov.mk/Publikacii/Mak_Brojki_2012_A.pdf

⁸⁵ CIA World Factbook Macedonia, <https://www.cia.gov/library/publications/the-world-factbook/geos/mk.html> (last update 14 September 2013), accessed 14.6.2013

⁸⁶ As outlined in the introduction to this chapter, these estimations provided by MSAC are based not on quantitative data, but on impressions of experts, with the sole aim to give an indication of the size of the phenomenon.

In Albania, according to the 2012 European Union progress report, persons with disabilities and Roma minority still suffer from lack of social inclusion and implementation of policies in that regard is challenged by insufficient funding.⁸⁷

In Bosnia and Herzegovina, individuals face discrimination “in employment, housing, and social services in regions that are not dominated by their own ethnic group”⁸⁸ and social services agencies tend to be underfunded and understaffed.⁸⁹

With regard to Kosovo, the Council of Europe reports continued obstacles faced by returnees as regards access to social services and called for resolute and strategic measures to promote the effective equality of Roma, Ashkali and Egyptian communities in accessing these services.⁹⁰

The European Commission reports some progress in the field of social inclusion in Serbia, including: adoption of implementing legislation on the Law on Social Welfare concerning allowances and the introduction of earmarked transfers to local municipal governments for community services; improvement of social services, amended legislation on accessibility of social services (including the right for beneficiaries to complain), and active measures to increase social inclusion of the Roma.⁹¹

In FYROM, some limited progress has been reported in the treatment of the socially vulnerable and/or persons with disabilities in terms of deinstitutionalisation of social services and increased involvement of civil society in social care provision. However, limitations were noted with regard to the fiscal and administrative decentralisation of social services, swift implementation of adopted policies and social integration of people with disabilities.⁹²

The Roma Information Centres in FYROM, which have been established in eleven municipalities so far, aim to raise awareness of access to social and economic rights, however economic and infrastructural capacity affects the work done, as does lack of public servants status and limited job security of their staff.⁹³

In these four countries, social services are poor mainly because they are under-financed and suffer from budgetary restrictions. Without registration at birth and thus provision of personal documents it is not possible to use public benefits, like health care, education, and social services or even gain access the regular labour market. WB countries are aware of this issue and are trying to improve Roma registration, thus allowing them access to public services, through various programmes.

5. Existence of parallel social systems

The existence of parallel social systems (manifested in hostile acts such as blood feud or vendetta) forms another major factor in applications in some of the Member States. In contrast to previously mentioned issues, however, the phenomenon seems to limit itself to Albanians in Kosovo, and

⁸⁷ European Union, Commission Staff Working Document, Albania 2012 Progress Report, http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/al_rapport_2012_en.pdf, page 48 accessed 20.9.2013

⁸⁸ Freedom House, Annual report on political rights and civil liberties in 2012, January 2013, <http://www.freedomhouse.org/report/freedom-world/2013/bosnia-and-herzegovina>, accessed 9.10.2013

⁸⁹ USDOS - US Department of State: Country Report on Human Rights Practices 2012 - Bosnia and Herzegovina, 19 April 2013 http://www.ecoi.net/local_link/245173/355097_en.html, page 26 (accessed 09 October 2013)

⁹⁰ Council of Europe, Advisory Committee on the Framework Convention for Protection of National Minorities, Third Opinion on Kosovo adopted on 6 March 2013, 10.9.2013, http://www.coe.int/t/dghl/monitoring/minorities/3_FCNMdocs/PDF_3rd_OP_Kosovo_en.pdf, accessed on 8.10.2013.

⁹¹ Serbia 2012 Progress Report Accompanying The Document Communication From The Commission To The European Parliament And The Council Enlargement Strategy And Main Challenges 2012-2013 {COM(2012) 600 final} [SWD(2012) 333 final], http://www.ecoi.net/file_upload/1226_1350307531_serbia-rapport-2012-en.pdf, page 46, accessed 3.5.2013

⁹² The Former Yugoslav Republic Of Macedonia 2012 Progress Report Accompanying The Document Communication From The Commission To The European Parliament And The Council Enlargement Strategy And Main Challenges 2012-2013 {Com(2012) 600 Final} [SWD(2012) 332 final], http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/mk_rapport_2012_en.pdf, page 16, accessed 5.7. 2013

⁹³ Muižnieks, Nils, Council of Europe Commissioner for Human Rights; Following his visit to “the former Yugoslav Republic of Macedonia” <https://wcd.coe.int/com.instranet.InstraServlet?Index=no&command=com.instranet.CmdBlobGet&InstranetImage=2265118&SecMode=1&DocId=2002190&Usage=2>, page 19, accessed 2.5.2013

particularly in Albania. In answers provided to the questionnaire consequences of parallel social systems were indicated as an asylum motive in almost all (more than 80 % of the total) Western Balkans applications in Belgium, Hungary and Switzerland. Their asylum caseloads consist to a large extent of Albanians from northern parts of Albania and from Kosovo, as well as Roma from the same areas. This ground was also mentioned by applicants in Finland, Luxembourg, Slovenia and Denmark, indicated in many (30%-80%) of the applications. Here again, this asylum motive is primarily mentioned by ethnic Albanians from Kosovo and Albania.⁹⁴

In terms of definitions, there are different meanings of the term “blood feud” and of “blood feud killings”, used by different institutions and actors. According to the UN Special Rapporteur on Extrajudicial Executions, in traditional understanding a blood feud killing can be considered as a pre-meditated familial avenging of lost blood – that is, where the family of a murdered victim kills a member of the perpetrator’s family to restore the honour and blood lost as a result of the initial murder, although a less strict definition would see any revenge killing between families as a blood feud “regardless of any reference to the need to restore blood and honour or of guidance by any blood feud-related considerations”⁹⁵. In still broader understandings, even a revenge killing without a familial dimension (e.g. killings between gangs) could be counted as the result of a blood feud.⁹⁶

In addition to the definitional differences described above, under-reporting, limited coverage of issues and a tendency to over-state, or to rhetorically take normal killings under the umbrella of blood-feud make it extremely hard to estimate the scope of the phenomenon.

Albania

Albania amended its Criminal Code, increasing the severity of punishment for murder as part of a blood feud⁹⁷ and took measures to combat corruption in the national bodies dealing with the issue and issuing certificates “authenticating” the reality of the feud.⁹⁸ However, according, for example, to the U.K. Home Office, there remain active blood feuds in Albania,⁹⁹ although it is difficult to monitor the scale of the problem due to discrepancies in statistics on blood feuds and related killings.¹⁰⁰

As concerns the killings themselves, figures used by civil society groups also vary widely. The UN Special Rapporteur refers to an organisation with extensive field operations reporting significant reductions over the last five years; only a few blood feud killings per year would still occur.¹⁰¹ Other local media and non-governmental organizations refer to dozens of blood-feud killings per year and

⁹⁴ As outlined in the introduction to this chapter, these estimations provided by MSAC are based not on quantitative data, but on impressions of experts, with the sole aim to give an indication of the size of the phenomenon.

⁹⁵ UN Special Rapporteur on extrajudicial executions, Mr. Philip Alston Mission to Albania (15-23 February 2010), <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=9838&LangID=E>, accessed 5 .5. 2013

⁹⁶ *Ibid.* “The broadest and most questionable definition would count *any* killing because it may, at some point, lead the victim’s family to seek revenge against the perpetrator’s family. An equally questionable approach is to count among families characterized as self-isolated “due to blood feud” cases in which no killing had occurred and without any strong or formal element of self-isolation, but where a physical assault, a threat, or some intense dispute had created a family or neighbourly feud.”

⁹⁷ Based on the changes of the Criminal Code of the Republic of Albania in May 2013, the punishment for murder on blood feud grounds is extended to 28 years in prison or to life sentence, while in the old Criminal Code it was 20 years in prison or life sentence. When this crime is conducted under the conditions of no less than two aggravating circumstances, based on the Article 50 of the new Criminal Code, the act is punished with 38 years in prison or life sentence.

⁹⁸ “The Albanian Ministry of Interior has reportedly established a task force to address the problem of counterfeit documents about blood feuds used by asylum seekers. Both the Albanian police director and the Minister of Interior have vowed to prosecute those who prepare such counterfeit documents”. UKBA, Albania COI report, 30 March 2012, Section 9.32, p. 40, <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/coi/albania/report-03-12.pdf?view=Binary>, accessed 8.10.2013.

⁹⁹ Operational Guidance Note Albania, May 2013, <http://www.bia.homeoffice.gov.uk/sitecontent/documents/policyandlaw/countryspecificasylumpolicyogns/albania-ogn?view=Binary>, page 12-15, accessed 24.9.2013

¹⁰⁰ Balkan Insight, Blood Feuds Still Blight Albanian Lives, Report Says, 3.4.2013, <http://www.balkaninsight.com/en/article/blood-feuds-still-blight-albanian-lives-report-says>, accessed 11.9.2013

¹⁰¹ UN Special Rapporteur on extrajudicial executions, Mr. Philip Alston Mission to Albania (15-23 February 2010), <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=9838&LangID=E>, accessed 5 .5.2013

to hundreds of children living in isolation as a consequence.¹⁰² Some media reports have even referred to hundreds of blood feud killings per year.¹⁰³ According to government statistics used by the UN, however, such killings fell steadily from 45 in 1998, to one in 2009.¹⁰⁴ Balkaninsight refers to the Ombudsman's report, which states there were 98 murders due to vendettas from 2001 to 2011, including five in the first nine months of 2012.¹⁰⁵

As indicated in an IRB query response, Albania's criminal code foresees a punishment of no less than 25 years or life imprisonment for homicides in the context of blood feuds, and prosecution of blood feud-related crimes does take place. However, as the justice system suffers from corruption, bribes can be used to reduce charges.¹⁰⁶

UNHCR Tirana stated that vendetta is a mechanism of social conscience, developed within a number of Albanian communities, in the constant lack of state authority and presence. This is the reason why the set of Albanian traditional laws – the Kanun - replaced the state-imposed law in force in those communities, especially in isolated and mostly mountainous areas of the countries.¹⁰⁷

It should be noted that, as illustrated by Figure 16, applications from Albania have the highest percentage of recognitions and Geneva Convention status is the most common form of protection used in these cases. While MS do not usually keep metadata on specific reasons for granting of status and Geneva Convention protection status may cover a multitude of different situations, in recent years, most of the positive decisions for Albanians in Belgium, as well as over 60 % of those in France have been, according to estimations by the respective authorities, related to vendetta.

Kosovo

Blood feud in Kosovo particularly occurs in the mountainous peripheries, as well as in other areas near the Albanian border. There was a re-emergence of blood feuds in Kosovo since the end of the war in 1999. According to sources cited by the Immigration and Refugee Board of Canada, there were an estimated 50 murders linked to blood feuds in Kosovo from 1999 to 2004.¹⁰⁸

6. Health infrastructure

A. Deficient health systems

Answers to the questionnaire indicate that the lack of health care infrastructure may constitute quite a strong subsidiary push factor, mentioned in almost all (more than 80%) applications in Slovenia; in many applications (30-80%) in Austria, Finland, Luxembourg (for applicants from FYROM) and Switzerland (for applicants from Serbia, FYROM); in some applications (5-30%) in Luxembourg (for

¹⁰² Balkan Insight, Blood Feuds Still Plight Albanian Lives, Report Says, 3.4.2013, <http://www.balkaninsight.com/en/article/blood-feuds-still-blight-albanian-lives-report-says>, accessed 11.9.2013

¹⁰³ UN Special Rapporteur on extrajudicial executions, Mr. Philip Alston Mission to Albania (15-23 February 2010), <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=9838&LangID=E>, accessed 5.5.2013

¹⁰⁴ Ibid.

¹⁰⁵ Balkan Insight, Blood Feuds Still Plight Albanian Lives, Report Says, 3.4.2013, <http://www.balkaninsight.com/en/article/blood-feuds-still-blight-albanian-lives-report-says>, accessed 11.9.2013

¹⁰⁶ IRB - Immigration and Refugee Board of Canada: Statistics on blood feuds; state protection and support services available to those affected by blood feuds, including whether individuals have been prosecuted for blood-feud-related crimes (2007 - September 2010) [ALB103573.E], 15 October 2010 (available at ecoi.net), http://www.ecoi.net/local_link/148535/249717_en.html, accessed 8.11.2013.

¹⁰⁷ Meeting with UNHCR Tirana on 22. July 2013 during EASO study visit

¹⁰⁸ Immigration and Refugee Board of Canada, Kosovo: Blood feuds (gyakmarra) and availability of state protection, 28.8.2009, <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=topic&topicid=45a5fb512&toid=47f22b8b2&publisher=&type=&coi=&docid=4e426e862&skip=0>, accessed 23.9.2013

applicants from Albania, Serbia and Kosovo), Sweden, Belgium and Switzerland (for applicants from Albania and Kosovo).¹⁰⁹

Albania

Since the collapse of the Communist regime, the health care system in Albania has suffered from many problems. During the political turmoil in 1991-92 and the prevailing political violence, nearly 25% of city health centres and about 65% of the village health stations were destroyed¹¹⁰.

Health care is provided for free through a vast network of primary health care centres, clinics and hospitals for outpatient specialized cases in 36 districts of the country. However, there is a lack of specialist treatment and medical supplies outside Tirana, with accident and emergency care being generally limited throughout the country, despite a high number of currently registered drugs¹¹¹.

Corruption in healthcare remains a widespread phenomenon¹¹². Those citizens, who use bribes to facilitate bureaucratic procedures, do so most commonly in relation to the healthcare system¹¹³.

Kosovo

The White Paper from 2009 of the Assembly of the Republic of Kosovo, describes how healthcare in Kosovo was severely affected by the failures of the socialist system, as well as by damages during the period from 1997-1999. Despite rehabilitation and reforms in the health system since 1999, actual regeneration and progress in building effective capacities is missing.¹¹⁴

Kosovo has no health insurance system. Although its citizens have free access to public health care, many health services and drugs need to be paid for by the individuals themselves¹¹⁵.

Despite the significant investments made with the support of the international and NGO community, the International Federation of the Red Cross (IFRC) assessed the healthcare system in Kosovo as unable to cater for the basic current health need, the healthcare provision as highly deficient and access to specialized health service as very limited.¹¹⁶

The European Research Centre for Anti-Corruption and State-Building (ERCAS) reports that there is widespread corruption in Kosovo with regard to access to basic public services, including health care, but also education and public administration. Bribes and gifts commonly offered to doctors are being justified by low salaries of doctors, judges and teachers; refusals by doctors to treat patients without payments of a bribe were reported¹¹⁷. Health problems were listed by the Kosovo authorities themselves as a possible reason for Kosovar citizens to seek asylum in EU Member States.¹¹⁸

¹⁰⁹ As outlined in the introduction to this chapter, these estimations provided by MSAC are based not on quantitative data, but on impressions of experts, with the sole aim to give an indication of the size of the phenomenon.

¹¹⁰ Nuri, B. In: Tragakes, E., ed. *Health care systems in transition: Albania*. Copenhagen, European observatory on Health Care Systems, 2002: 4(6) http://www.euro.who.int/_data/assets/pdf_file/0009/96426/E80089.pdf, page 4, accessed 2.5.2013

¹¹¹ U.K. Border Agency, Albania COI Report, 30. March 2012 <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/coi/albania/report-03-12.pdf?view=Binary>, page 100, accessed 11.6.2013

¹¹² SETIMES, In Albania, an underfunded healthcare system leads to bribery, 24.1.2013 http://www.setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/features/2012/01/24/feature-03, accessed 15.5.2013

¹¹³ United Nations Office on Drugs and Crime, Corruption in Albania: Bribery as Experienced by the Population. 2011 http://www.unodc.org/documents/data-and-analysis/statistics/corruption/Albania_corruption_report_2011_web_small.pdf, page 4, accessed 30.4. 2013.

¹¹⁴ Assembly of the Republic of Kosovo, White Paper, Kosovo Inclusion Challenges, October 2009, <http://www.assembly-kosova.org/common/docs/kosovo-social.pdf>, page 21, accessed 6.5.2013

¹¹⁵ Bertelsmann Stiftung, BTI 2012 — Kosovo Country Report. Gütersloh: Bertelsmann Stiftung, 2012, <http://www.bti-project.de/fileadmin/Inhalte/reports/2012/pdf/BTI%202012%20Kosovo.pdf>, page 6, accessed 2.5.2013

¹¹⁶ Kosovo Consolidated Development Operational Report January – June 2013 <http://reliefweb.int/sites/reliefweb.int/files/resources/Kosovo%20MYR%20MAAKV001.pdf>, page 5, accessed 27.8.2013

¹¹⁷ ERCAS, A Diagnosis of Corruption in Kosovo, September 2010, <http://www.againstcorruption.eu/wp-content/uploads/2012/09/WP-8-Diagnosis-of-Corruption-in-Kosovo-new.pdf>, page 9, accessed 6.5.2013

¹¹⁸ Answers to EASO questionnaire.

Serbia

No progress in the area of public health in Serbia was reported by the European Commission in 2012, with the overall financial sustainability of the system being assessed as “in peril” due to the poor financial condition of the public health fund, and health and education being affected by corruption.¹¹⁹ In 2011, the Serbian government acknowledged the frequent reports of corruption and vowed to eliminate corruption in healthcare¹²⁰, with media reporting a number of arrests.¹²¹

FYROM

The health system in FYROM is insurance-based. According to the World Health Organisation the Health Insurance Fund (HIF) faces challenges with regard to the collection of contributions and fluctuating debts in payments for health services.¹²²

Health services are provided by both public and private health organisations, with the public primary health care (PHC) organizations being privatized in an attempt to increase the quality through competition, resulting in an outflow of qualified medical personnel from public to the thus growing private sector.

Also in FYROM, health care is subject to corruption. United Nations Office on Drugs and Crime reports that “more than a half (58%) of citizens who pay bribes pay them to doctors”.¹²³

Bosnia and Herzegovina

In BiH citizens receive health care from both public and private providers, however the public sector is plagued by a number of weaknesses in terms of inefficiency of service provision including poorly motivated staff, poor working conditions and geographical imbalances. Moreover, the private sector is not developing in ways that address the weaknesses of the public sector; poorly regulated, it operates as an isolated entity, which is “strongly profit-driven.”¹²⁴ The public sector in general is judged by many observers to be corrupt. In the higher education and health-care sectors, common services are reported to often require “bribes or other irregular payments or gifts.”¹²⁵

B. Health problems of particular groups

In the questionnaire Member States were asked specifically about the importance of health-related problems for particular groups as a push factor.

Health problems of particular ethnic groups were mentioned as a push factor in almost all applications (more than 80%) in Luxembourg (for applicants from FYROM) and Switzerland (for

¹¹⁹ Serbia 2012 Progress Report Accompanying The Document Communication From The Commission To The European Parliament And The Council Enlargement Strategy And Main Challenges 2012-2013 {COM(2012) 600 final} [SWD(2012) 333 final], http://www.ecoi.net/file_upload/1226_1350307531_serbia-rapport-2012-en.pdf, page 60, accessed 3.5.2013

¹²⁰ SETIMES, Serbia vows tough medicine against healthcare fraud, 10.10.2011, http://www.setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/features/2011/10/10/feature-04, accessed 3.5.2013

¹²¹ SETIMES, Serbia battles brain drain of healthcare workers, 24.12.2012, http://www.setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/features/2012/02/24/feature-04, accessed 6.5.2013

¹²² World Health Organization, Country Cooperation Strategy at Glance, the Former Yugoslav Republic of Macedonia, Updated May 2011, http://www.who.int/countryfocus/cooperation_strategy/ccsbrief_mkd_en.pdf, accessed 2.5. 2013

¹²³ UNDOC, United Nations Office on Drugs and Crime, Corruption in FYROM: Bribery as Experienced by the Population. 2011 http://www.unodc.org/documents/data-and-analysis/statistics/corruption/Corruption_report_fyr_Macedonia_FINAL_web.pdf page 8, accessed 30.4. 2013

¹²⁴ Slipicevic, Osman, and Adisa Malicbegovic. "Public and Private Sector in the Health Care System of the Federation Bosnia and Herzegovina: Policy and Strategy, January 2012, <http://www.scopemed.org/fulltextpdf.php?mno=17034>, page 1, accessed 9.10.2013

¹²⁵ USDOS - US Department of State: Country Report on Human Rights Practices 2012 - Bosnia and Herzegovina, 19 April 2013 http://www.ecoi.net/local_link/245173/355097_en.html, page 26 (accessed 09 October 2013)

applicants from Kosovo, FYROM and Serbia); in many applications (30%-80) in Austria and Luxembourg (for applicants from Serbia, Kosovo); in some applications (5-30%) in Finland, Switzerland, and Luxembourg (for applicants from Albania) and seldom or never (less than 5%) in Slovenia.¹²⁶

Switzerland in its responses to the questionnaire specified that especially Roma asylum seekers often report health challenges.

In addition to the widespread corruption in health care systems mentioned earlier, access to the public health care system is rendered even more difficult for some Roma in Western Balkan countries, as they were not registered at birth and therefore lack personal documents. UNHCR's latest survey on persons at risk of statelessness in Serbia finds that 1.5 % of the Roma population are not registered in birth registry books, 5.4% have no ID cards and 2.3% are not registered in citizens' registries.¹²⁷ UNHCR attributes this lack of birth registration to discrimination and marginalisation.¹²⁸

In FYROM, the Council of Europe Commissioner for Human Rights has called on an urgent development of targeted policies, addressing Roma access to schooling, labour market, health care and accommodation¹²⁹. Initiatives taken in Serbia to address the specific health care issues of Roma included the engagement of female mediators, improved access, and amount of information leading to more insured persons, vaccinated children, counselling and preventive centres within health care institutions.¹³⁰

7. Education issues in the country of origin

Education issues in the country of origin are less frequently indicated in asylum applications as being one of the reasons for leaving the country. In the answers to the questionnaire, it was mentioned mainly by Slovenia and to a lesser degree by Denmark and Switzerland (in regard to applicants from Serbia and FYROM). Also in Austria, Finland, Luxembourg and Switzerland issues relating to education are sometimes brought forward by applicants.¹³¹

In general, the educational systems in Western Balkan countries are still experiencing challenges linked to the breakdown of the former communist system.¹³²

In addition, as mentioned previously in this chapter, minorities in Western Balkan countries continue to face difficulties accessing basic services, including education, and Roma are overrepresented in the so-called "special schools".¹³³ There are also reports of widespread corruption with regard to access to education, similarly as for access to health care.¹³⁴

¹²⁶ As outlined in the introduction to this chapter, these estimations provided by MSAC are based not on quantitative data, but on impressions of experts, with the sole aim to give an indication of the size of the phenomenon.

¹²⁷ UNHCR, Persons at Risk of Statelessness, June 2011, p.5, <http://www.unhcr.rs/media/statelessness.pdf>, accessed 8.10.2013.

¹²⁸ *Ibid.*

¹²⁹ Muižnieks, Nils, Council of Europe Commissioner for Human Rights; Following his visit to "the former Yugoslav Republic of Macedonia" <https://wcd.coe.int/com.instranet.InstraServlet?Index=no&command=com.instranet.CmdBlobGet&InstranetImage=2265118&SecMode=1&DocId=2002190&Usage=2>, page 4, accessed 2.5.2013

¹³⁰ Council of Europe, Third Report Submitted By Serbia Pursuant To Article 25, Paragraph 2 Of The Framework Convention For The Protection Of National Minorities [ACFC/SR/III(2013)001], 14. 3. 2013, http://www.coe.int/t/dghl/monitoring/minorities/3_FCNMdocs/PDF_3rd_SR_Serbia_en.pdf, page 69-70, accessed 15.5.2013

¹³¹ As outlined in the introduction to this chapter, these estimations provided by MSAC are based not on quantitative data, but on impressions of experts, with the sole aim to give an indication of the size of the phenomenon.

¹³² See, e.g., Stensaker, Bjoern et. al. De-Institutionalization and Reconstruction of Higher Education Systems. The case of the Western Balkan countries, forthcoming in Higher Education Research and Policy (HERP), forthcoming 2014, <http://www.herdata.org/research/de-institutionalization-and-reconstruction-of-higher-education-systems-the-case-of-the-western-balkan-countries/69>, accessed 4.7.2013

¹³³ Cf. section "The situation of Roma".

¹³⁴ Cf. section "Health problems of specific groups".

8. Conclusion

Based on the responses of MSAC experts and other key interlocutors, the most important push factor behind the decision of some WB citizens to claim asylum in MSAC would appear to be the societal problems of specific groups, which are closely linked – especially in the case of Roma – to unemployment and poverty. In turn, problems accessing the labour market lead many to rely on social infrastructure and services (including welfare benefits) that are insufficient – thus constituting a third push factor. In search of a better life, they move to more developed countries where more possibilities exist to sustain their families (either in the form of paid labour or welfare benefits). In the case of Albania and to a lesser degree Kosovo, blood feud continues to be brought up by many applicants in their asylum claims, although the actual extent of this phenomenon seems to be limited. Finally, it should be noted that insufficient and poorly accessible health care in the region may also constitute a push factor for a significant number of applicants.

Thus the push factors in different Western Balkan countries show similar patterns. Firstly, all main countries examined experience serious challenges linked to the transitional change from unified communist regimes to national democratic/capitalist systems, further aggravated, especially in Serbia and Kosovo by recent wars. This situation, combined with the ethnic and cultural differences explained previously in this chapter leads to certain logic: In a transitional country with fragile job markets, still evolving health and education systems and deficient social structures, minorities tend to experience financial, social and health-related problems in a more pronounced way than the majority population.

While such factors are overwhelmingly not considered by MSAC to constitute sufficient grounds for the awarding of protection under international or national legislation, it should be stressed that not all asylum applications are considered unfounded and, in some cases, cumulative measures of discrimination may amount to persecution, which is a ground for protection.¹³⁵ As a result, MSAC note that all asylum applications from Western Balkan countries continue to require an individual assessment.

¹³⁵ UNHCR, Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, HCR/IP/4/Eng/REV.1 Reedited, Geneva, January 1992, UNHCR 1979, article 53, <http://www.unhcr.org/3d58e13b4.html>, accessed 4.10.2013

CHAPTER 3: PULL FACTORS

1. Introduction

In this chapter, we identify and investigate the factors which may determine the country that is chosen as a destination over other possible choices by asylum-seekers from WB countries. Prior to the initial Practical Workshop in March 2013, MSAC authorities were asked to list potential pull factors causing some WB citizens to claim asylum in certain European states. After this, in a follow-up questionnaire, MSAC respondents were asked – based on their expert opinion – to rate the importance of the pull factors identified as most relevant to the WB flow. Potential pull factors were distinguished as having a **strong influence**, **some influence** or **no influence** at all on applicants' destination choice. As will be shown, the factors are in practice often interlinked.

Figure 22. The prevalence of different asylum motives in asylum applications (between January 2011 and April 2013) in top 8 destination MSAC.

	AT	BE	CH	DE	FR	HU	LU	SE
A long processing time	Strong influence	Some influence	Strong influence	Strong influence	Some influence	Some influence	Strong influence	Some influence
Cash benefits	Strong influence	No influence	Strong influence	Strong influence	Some influence	Some influence	Strong influence	Some influence
The role of existing diaspora	Some influence	Strong influence	Strong influence	Some influence	Strong influence	No influence	Strong influence	Some influence
Possibilities to find legal or illegal work	Strong influence	Strong influence	Strong influence	Some influence	Some influence	Some influence	Some influence	Some influence
Geographical proximity	Some influence	Some influence	Strong influence	Strong influence	N/A	Strong influence	Some influence	Some influence
The role of travel agencies and organizers	No influence	Some influence	Strong influence	Strong influence	N/A	Strong influence	Some influence	Some influence

Strong influence	Some influence	No influence	N/A
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Based on the estimations made by national experts in the questionnaires, the top 8 destination countries considered a **lengthy asylum procedure** to be one of the most important factors. Some of the Member States receiving the largest asylum flows from the Western Balkans, such as Austria, Germany, Luxembourg, and Switzerland considered this to be the major pull factor. Sweden considered the total period of stay (from arrival to return), rather than the processing time of the asylum applications, to be of influence as a factor attracting applications for asylum from the region. Long processing time was also mentioned as a very important pull factor by different interlocutors¹³⁶ during the study visit to the Western Balkans.

The reason a lengthy procedure may be particularly appealing is due to the cash and other benefits received during the period in which applications are being processed. The two factors are thus inextricably linked: the longer the processing time, the longer the applicant can enjoy certain benefits.

¹³⁶ Information from meeting with the Serbian Ministry of Interior on 31.7.2013, meeting with UNHCR Tirana on 22.7.2013, meeting with the FYROM Ministry of Foreign Affairs on 25.7.2013, meeting with the FYROM Ministry of the Interior on 25.7.2013, meeting with the Kosovo Ministry of Interior on 29.7.2013.

As regards the **cash benefits**, the availability and level of benefits differs among Member States. In their answers to the questionnaire, Austria, Germany, Luxembourg and Switzerland considered cash and other benefits as a major pull factor, rating it as having a “strong influence”.

Other factors which were judged to have quite an important influence by MSAC included the **existence of a diaspora** in the MSAC, which is linked to the **possibility to find legal and illegal work** (diasporas facilitate considerably access to work).

Also **other benefits**, such as health care and accommodation provided during the asylum process were considered as important or somewhat important by all responding Member States.¹³⁷

The **geographic proximity** was perceived by some MSAC to be of some influence in the choice of destination country.

The **role of travel agencies** in creating and facilitating flows of asylum-seekers was considered an important factor for the choice of destination country by Germany, Switzerland and Sweden¹³⁸, whereas in other countries, this seemed to have only some or no influence.

In the following sections, a number of the most important pull factors identified by MSAC are discussed in more detail.

1. The length of asylum procedure

The analysis of this factor is challenging due to difficulties in distinguishing between the length of the first instance procedure (whether in a normal, prioritised or accelerated procedure)¹³⁹ and the effective total processing time (including reception, appeal and, eventually, return)¹⁴⁰.

States facing large influxes of WB asylum seekers have all instituted steps to make processing time shorter, however the way in which they have done this varies extensively. Though the EU asylum *acquis* sets out a framework of “accelerated procedures”¹⁴¹, not all MS use them in their national legislation.

Where states cannot use a different type of procedure, they prioritise the caseload, dealing with WB claims ahead of those of other source countries. Where various types of accelerated procedures are in place, in Austria, Belgium, Denmark, Finland, Germany, Luxembourg, Sweden and Switzerland, they may be used according to different criteria. These may include: when applicants come from countries included in a national “safe country list”; when applications are considered to be

¹³⁷ These factors have not been included in Figure 22 as information provided by MSAC on the importance of “other benefits” was not deemed sufficiently conclusive. Different interpretations were made of what these “other benefits” include. Based on the answers of MSAC to open questions a number of benefits were selected and further explained in following sections of this chapter (e.g., accommodation, medical care, return allowances).

¹³⁸ The rise in numbers of asylum applications from Albanian nationals during spring 2012 and of nationals from Bosnia Herzegovina summer 2012 was partly due to travel agencies (see Chapter 4).

¹³⁹ On the question of processing times in general for normal procedures, based on the responses to the questionnaire, the following was established: In law, the length of the procedure at first instance in a regular procedure ranges from 6 months (for Austria and Slovenia) to 30 days in Hungary. In practice, the average length of the procedure at first instance varies from three months (Austria), to four months (Belgium, Sweden, Switzerland and Germany) and up to 11 (Finland) and 12 months (Slovenia). In the Netherlands, a fast 8-day procedure (which may be extended up to 13) is the norm, and only cases that cannot be decided within this timeframe are transferred to an extended procedure.

¹⁴⁰ Member States were asked to provide information on the average length of asylum procedures, comprising regular and accelerated procedures, as well as the second (appeal) instance. Data was requested for 2011, 2012, and the first three months of 2013, concerning applicable deadlines in law and actual average length of the procedures in practice (the latter based on an educated estimate by the respondents, rather than on a large sample analysis of a number of cases). In this section “length of the procedure at first instance” refers to the number of days/months from the registration of an application until decision, whereas “total processing time” refers to the number of days/months from the registration of an application to the final decision at the last available instance.

¹⁴¹ Article 23, 4th paragraph of Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status, see <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:326:0013:0034:EN:PDF> accessed 23.9.2013.

“manifestly unfounded”; or when (depending on the national legislation) other circumstances are relevant (e.g. repeated applications are made where no new facts are presented).

In law, the length of the procedure at first instance in an accelerated procedure ranges from 48 hours (for Switzerland) to 5 days (Austria), 15 working days (Belgium), 90 days (Sweden) and 180 days (Slovenia). In practice, the average length of the procedure at first instance in an accelerated procedure either corresponded to the deadline imposed by the law or was slightly longer.

The data provided by the MSAC regarding **total processing time** in regular procedures was very limited, with only Austria providing both the figures in law (12 months) and in practice (3 months and ten days). Other countries either provided the figures concerning the situation in law (varying from 7 to 12 months), or in practice (varying between 8 months 20 days and 11 months 20 days).

As regards total processing times in accelerated procedures, the data was even more limited, with information only available for Slovenia and Austria with the length in law of 7 and 45 days, respectively.¹⁴² However, the relevance of that particular aspect is limited, as even longer processing times in appeal instances are mitigated by the fact that the appeal may not have a suspensive effect (or the suspensive effect may not be automatic and may rather need to be specifically requested and granted) and the applicant may be subject to removal while the appeal procedure is pending.

The MSAC most affected by the current asylum inflows (Germany, Sweden, Belgium, Austria) have relatively short processing times with an average actual processing times of 3 to 4 months. At the same time, there are countries such as Finland and Slovenia, with significantly longer¹⁴³ processing times, which have not been confronted with large numbers of applicants from the Western Balkans. This may indicate that a longer processing time does not therefore, in itself, constitute a pull factor, unless combined with additional elements such as the direct link between a longer procedure and availability of free housing, financial allowances, and other benefits and services provided to the applicants in the course of the procedure.

2. Allowances in selected countries

Probably the most tangible part of the reception benefits offered to asylum applicants are the daily allowances. In the questionnaire, MSAC were asked to provide information on their daily allowances in, respectively: the regular procedure, the accelerated procedure, and the appeal stage.

The data obtained through the questionnaire was not fully comparable, as MSAC apply different criteria for the provision of allowances, and levels of cash allowances depend on which types of services are included in the in-kind reception benefits. Different approaches exist, depending on whether the applicant is a minor, whether money for meals is incorporated or not, and whether free accommodation is provided or not.

Despite these considerations, and taking into account the different levels of living costs in MSAC, some preliminary observations can be made: firstly, the MSAC receiving a large number of asylum-seekers from Western Balkans (Germany, Sweden, France) all have comprehensive allowance programs; secondly, there are significant variations in the level of daily allowances, even between MSAC that have more or less comparable living costs¹⁴⁴. As an example, daily allowances in Luxembourg are up to €1.20 for adult asylum seekers under 18 years¹⁴⁵, whereas the minimum in Belgium is €7.40. Also Austria and Switzerland have allowances at a rate of €1.30, whereas the

¹⁴² It should be noted that due to the nature of the procedure in the appeal instance, especially when conducted by a judicial body and not an administrative one, the length of total processing time may not always be subject to precise legal deadlines.

¹⁴³ According to responses to the questionnaire average processing time in Slovenia in the normal procedure at first instance is 372 days and in accelerated procedure 88 days. In Finland processing time in the normal procedure at first instance was 268 days in the first quarter of 2013 and in accelerated procedure it was 68 days.

¹⁴⁴ For a living cost index, see, for example, http://www.numbeo.com/cost-of-living/rankings_by_country.jsp.

¹⁴⁵ Please note that Luxembourg has seriously reduced allowances in 2012, as explained in detail later in this chapter.

Netherlands, Sweden and Germany have daily allowances of approximately €7.00. Of those MSAC answering the questionnaire, Slovenia seems to have the lowest daily allowance. In some MSAC, such as Luxembourg and Austria, low daily allowances are compensated by a variety of in kind benefits.

In general, allowances and benefits remain the same, independent of whether the applicant is in a normal or accelerated procedure, or in an appeal phase.

A. National practices in regard to allowances

MSAC have different approaches to when and how allowances are received. In most of the MSAC, substantial allowances are given in an early phase of the procedure. The frequency of allowances can be daily, weekly or monthly. Several MSAC have measures in place to minimise misuse of allowances, e.g. by using vouchers or monitored bank accounts, or by focusing on in kind support. None of the Member States indicated that they have a process for checking systematically how the received money is used.

In **Austria** asylum-seekers in need receive financial benefits after lodging a claim. Asylum seekers in reception centres receive €40 as “pocket money” per month. Also in **Belgium**, benefits are offered immediately after the lodging of the application. They are offered during the whole procedure; including the period after the lodging of a full jurisdiction appeal with the Council for Aliens Law Litigation and also in case of an admissible appeal with the Council of State. The pocket money and living allowance are paid on a weekly basis. In the collective reception centres, pocket money is paid in cash. In the individual reception facilities, cash payment is avoided as much as possible. Occasionally, cheques or vouchers are used, but most commonly a supervised bank account is used.

In **Germany**, the provision of the benefits starts immediately after lodging the asylum application and is the responsibility of each Federal State. During accommodation in the initial reception centres of the Federal States the basic benefits (e.g. accommodation, clothing, and food) in general are granted as in kind allowances. Pocket money is granted in cash. After the transfer to a community institution or a municipality the benefits are granted as a combination of in kind and cash allowances. The payment procedure of the cash benefits differs among Federal States. In some countries the money is directly paid to the asylum seeker, in others the payments are processed via bank accounts (if available). The usage of vouchers to cover the grant for basic need is permitted but is only used in exceptional cases.

In **Finland**, the supplementary reception allowance depends on the applicants’ special needs such as special medical or transportation needs. All allowances are given in every phase of the procedure. Payments are made mostly in cash and on a bank account only if the applicant’s identity is clear.

In **Hungary**, asylum seekers receive pocket money for a monthly period if they maintain a habitual residence at the reception centre, directly after lodging their claim until the final decision of the authority (or in case of court review until the final verdict of the court). They receive pocket money¹⁴⁶ in cash and a “hygienic package” in cash or kind according to their choice, paid monthly. They are entitled to food support, which is dispensed to asylum seekers weekly. Based on their choice they receive it in cash or in non-monetary form.

In **Luxembourg**, each asylum applicant starts receiving social and financial benefits directly after lodging an asylum claim. The benefits are given on a monthly basis but financial benefits are provided only via transfer to a bank account.

In **the Netherlands**, the “asylum-seekers and other categories of aliens (provisions) regulations” (Rva) provide for the weekly payment of pocket money. Excluded categories of applicants are those

¹⁴⁶ A person staying at the Reception Centre at least twenty-five days in one calendar month shall be entitled to a monthly cash allowance. The amount of the monthly cash allowance depends on the age, on the marital status of the applicants and on their ability to work. In case of minors, single parents and persons seeking recognition placed in asylum detention the monthly cash allowance is 7125 HUF. Adults staying at the reception centre are allowed to get 2850 HUF.

who have adequate means to provide for the necessary costs of living themselves, those who do not arrive at the reception centre within 24 hours after referral, and those who have been declared 'undesired aliens'. Furthermore, asylum seekers whose application has been rejected in the accelerated asylum procedure and who have lodged an appeal against the rejection, have no right to reception benefits (except during the "departure phase" of 28 days). If an appeal is lodged when an asylum seeker is already staying in a reception centre, s/he maintains the right to reception facilities. The asylum procedure is preceded by a rest and preparation period of at least 6 days. During the rest and preparation period the asylum seeker has a right to accommodation and receives food "*in natura*".

In **Sweden**, all asylum seekers in need of financial benefits receive them directly after lodging the claim. They receive the financial benefits in a bank account (monthly or every two weeks). Benefits are given in a normal procedure, an accelerated procedure and in the appeal phase. Asylum seekers with adequate financial means are not entitled to the benefits. Benefits consist of daily allowance and accommodation but may also be other benefits of monetary value.

In **Switzerland**, the cantons are responsible for social welfare. Information provided was therefore limited to indicating the amount of money the cantons receive per person and per day from the Confederation. Asylum seekers receive benefits throughout the procedure, including in the return process. If possible, benefits are granted in kind and not in cash. There are however cantons that pay benefits into the asylum seeker's bank account. As to the frequency of benefits: this depends on the organisation of the responsible canton and the nature of the benefit. It can be daily, weekly or monthly.

In **Slovenia**, asylum seekers receive financial benefits monthly after they have stayed in a reception facility for one month. The financial benefits are paid in cash.

B. Policy changes with regard to allowances

Only a few MSAC have endeavoured to mitigate the pull factor created by financial benefits by decreasing allowances and access to other benefits, at least to be on par with the neighbouring and other EU+ countries. Of the MSAC that provided answers to the questionnaire, Austria, Belgium, Finland, Netherlands, Switzerland, Sweden and Slovenia have not made any cuts in recent years. In Germany, the decision of the Federal Administrative Court of July 18th 2012 has led to a considerable increase in the benefits provided during the asylum procedure (up to + 54 % for a single person).

Sweden has the possibility by law to reduce daily allowances if an applicant remains non-cooperative, e.g., if the applicant does not cooperate regarding verifying his or her identity or does not cooperate in other ways to making removal possible.

Also **Hungary**, has introduced measures to withdraw pocket money if the applicant does not cooperate, absconds or provides fraudulent information on his or her income.

In **Luxembourg**, the monthly pocket money has been actively reduced in 2012 by way of legislation¹⁴⁷. In addition to this pocket money, applicants receive in kind benefits through vouchers. Under the new system, adults receive 25€ per month and minors 12.50€ per month, whereas previously adults received 122.09€ and children received between 32.45€ and 151.04€ depending on age¹⁴⁸.

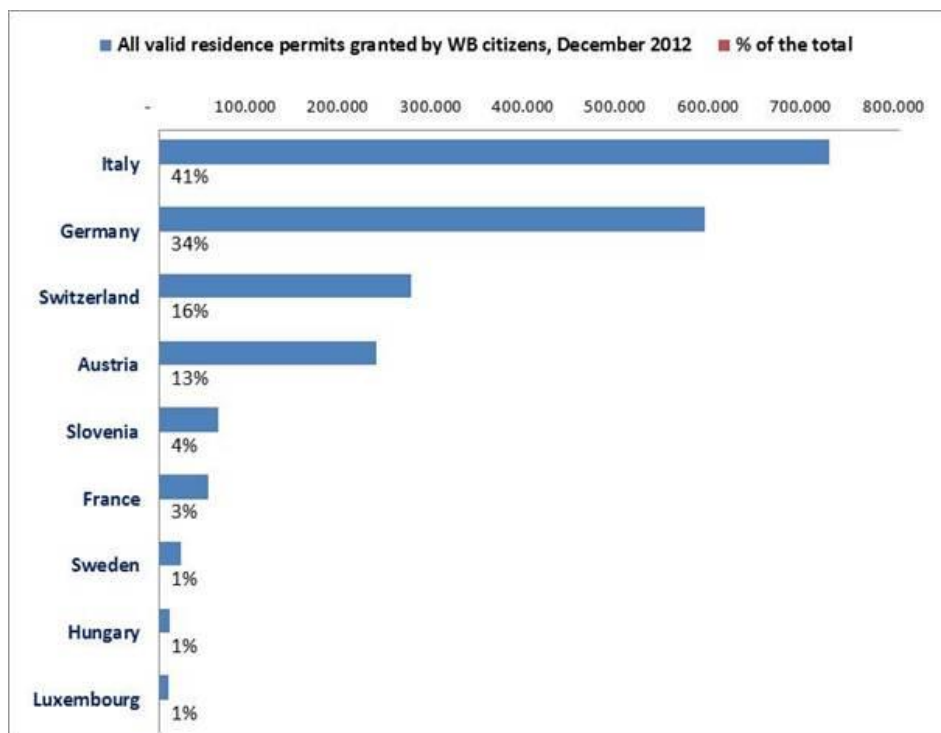
3. Existing diaspora in the Member States

¹⁴⁷ Règlement grand-ducal du 8 juin 2012 fixant les conditions et les modalités d'octroi d'une aide sociale aux demandeurs de protection internationale, please see <http://www.legilux.public.lu/leg/a/archives/2012/0123/2012A1586A.html> accessed 23.9.2013.

¹⁴⁸ It should be noted that these measures do not only apply to applicants from the Western Balkans.

When asked about the pull factor of a pre-existing diaspora of a particular WB country in a respective MSAC, all respondents, except Hungary and Finland, replied that this was an important factor.¹⁴⁹

Figure 23 below shows that the stock of residence permits in Europe indeed corresponds (with the significant exception of Italy) with our list of Top 8 receiving countries, confirming the analysis of the MSAC¹⁵⁰.



*No data for BE, DK, EL, LV, PL, RO, UK

Figure 23. Valid residence permits granted by WB citizens, December 2012

During the study visit¹⁵¹ to the Western Balkans the pull factor of an existing diaspora was often stressed. Many interlocutors stressed that those deciding to apply for asylum in the MSAC hear from friends and relatives about their success (whether true or not) in EU countries and are encouraged to adopt the same methods and try to succeed in the EU+.

In this context, it is important to mention that the classical understanding of diaspora needs to be understood here in a broader sense by embracing various categories of migrants, including short-term ones, not just the traditional diaspora¹⁵². This is due to the impact of globalization and expansion of modern communication technology, which allows for much closer networking and rapid information sharing even among people who have stayed in the destination country for a very short period of time, including those who have just arrived.¹⁵³ Therefore, even in MSAC with seemingly no

¹⁴⁹ As outlined in the introduction to this chapter, these estimations provided by MSAC are based not on quantitative data, but on impressions of experts, with the sole aim to give an indication of the size of the phenomenon.

¹⁵⁰ It should be noted that the stock of residence permits may not cover all diasporas, but rather recent ones. As diasporas become older they usually qualify for citizenship in most MSAC and therefore will “drop out” of the residence permit data, becoming, statistically, indistinguishable from the main population. The exception of Italy may go back to the very large influxes received during the wars in ex-Yugoslavia and the 1991 uprising in Albania.

¹⁵¹ Information gathered from meetings with UNHCR offices in Tirana on 22.7.2013, Skopje on 24.7.2013 and Pristina on 26.7.2013, on Ministry of Interior meetings in Tirana on 23.7.2013 Ministry for Foreign Affairs in Skopje on 25.7.2013, Ministry of interior in Pristina on 29.7.2013 and Ministry of Interior in Belgrade on 31.7.2013.

¹⁵² As it relates to the underlying concept of homeland and usually refers to a more established and homogenous group of nationals of one country living in another country, see: William Safran *Diasporas in Modern Societies: Myths of Homeland and Return* Diaspora, vol.1, no.1, 1991, pp.83-99, and Rogers Brubaker *The ‘Diaspora’ Diaspora* Ethnic and Racial Studies, vol. 28, no.1, 2005, pp.1-19.

¹⁵³ See e.g. W. Andy Knight *Conceptualizing Transnational Community Formation: Migrants, Sojourners and Diasporas in a Globalized Era* Special Issue on Migration and Globalization, Canadian Studies in Population Vol. 29(1), 2002, Alberta, pp. 1-30, Roza Tsagarousianou

major established diaspora in the traditional sense (as evidenced by the number of residence permits issued to this group), the mere presence of citizens of the same country of origin is enough to trigger communication and information channels, with all the risks it entails should the distributed information be misleading and unfounded.¹⁵⁴

4. Possibilities to find legal or illegal work

Possibilities to find work are believed by some MSAC experts to sometimes be an important pull factor. Whereas Slovenia, Belgium, Luxembourg (as regards nationals from Kosovo and Albania), Austria, Switzerland and Denmark believe this is a strong factor, Sweden, Germany, Hungary and France consider the opportunity to find work to be only of some influence, and Finland and Luxembourg (as regards nationals from FYROM and Serbia) do not consider this to be an important pull factor.¹⁵⁵

During the study visit, the governments of Albania¹⁵⁶, Kosovo¹⁵⁷ and FYROM¹⁵⁸ mentioned that finding legal or illegal work are important factors for asylum seekers to decide where to go and apply for asylum. As mentioned previously in the report, all Western Balkan countries have high unemployment rates and low minimal and average salaries, which explain the appeal of finding well-paid jobs in an EU Member State.

However, the actual importance of this factor depends largely on the profile of the applicants, as some groups of applicants may be actually more attracted by the benefits provided in the asylum procedure than in finding paid work and their specific skills gained in the country of origin will qualify them to varying degrees depending on the specificities of different MSAC labour markets.

5. Accommodation

MSAC were asked to explain their accommodation arrangements for asylum-seekers in: a) a regular procedure; b) an accelerated procedure; and c) an appeal phase. The possibilities included hotels, private apartments or houses, state-led or -sponsored collective housing (such as in a reception centre, in containers or other forms of temporary housing), or allowances with which the applicant needs to cover accommodation costs.

Responses in the questionnaire show that all MSAC that replied are offering asylum seekers some kind of accommodation, in accordance with the Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers¹⁵⁹.

All these MSAC provide accommodation in authorities' reception centres during the different phases of the asylum procedure but only Slovenia and Hungary offer solely accommodation in government reception centres. These centres are adjusted to the needs of different groups of asylum seekers and have special departments for vulnerable groups.

Rethinking the concept of diaspora: mobility, connectivity and communication in a globalised world Westminster Papers in Communication and Culture Vol. 1(1), 2004, London, pp.52-65.

¹⁵⁴ Frontex, Western Balkans Annual Risk Analysis 2013, p.28-31, http://www.frontex.europa.eu/assets/Publications/Risk_Analysis/WB_ARA_2013.pdf, accessed 9.10.2013. For Albanians specifically, see also: Institute for Democracy and Mediation Center for European and Security Affairs, European Fund for the Balkans *Stories behind Visa Liberalization: Asylum Seekers and Irregular Migration*, 2013, p.21, http://idmalbania.org/sites/default/files/publications/liberalizimi_i_vizave_-_english_v3.pdf, accessed 9.10.2013.

¹⁵⁵ As outlined in the introduction to this chapter, these estimations provided by MSAC are based not on quantitative data, but on impressions of experts, with the sole aim to give an indication of the size of the phenomenon.

¹⁵⁶ Meeting with Albania police Headquarters delegation on 23.7.2013

¹⁵⁷ Meeting with Kosovo Ministry of Interior representatives, on 29 July 2013

¹⁵⁸ Meeting with FYROM Ministry of Interior delegation on 25.7.2013

¹⁵⁹ Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers, article 14, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:031:0018:0025:EN:PDF>, accessed 19. 9.2013

Apart from accommodation in reception centres Belgium offers also accommodation provided by the Social Service, Red Cross and NGOs for all asylum seekers in various phases of the asylum procedure.

Germany, France and Sweden offer accommodation in hotels in all phases of the procedure but Germany and Sweden offer hotels only in exceptional cases. Accommodation in rental apartments is offered by Denmark, France, Germany, Sweden, Switzerland, but only France and Switzerland offer them also during an accelerated procedure. Usually families and vulnerable groups have more chances to be placed in private accommodation outside of official reception centres.

Countries dealing with bigger numbers of WB asylum seekers generally offer a wider variety of accommodation facilities because of saturation in certain periods of their standard reception facilities. If necessary and in cases of high numbers of asylum seekers, Sweden also provides accommodation in camping sites, etc., while in similar cases Germany and Luxembourg may offer accommodation in prefabricated/containerised housing.

Accommodation allowances are offered by Austria, Germany and Denmark. Denmark offers accommodation allowances only to married couples and to families, while Austria offers monthly allowances to support those placed in apartments.¹⁶⁰

No correlation is evident between the standard of accommodation facilities provided (e.g. rental apartments in Switzerland versus only open reception facilities in other states) and the size of influx. It therefore appears to be of limited importance as a factor determining the destination country.

6. Medical care

Countries that responded to the second questionnaire offer medical care in line with the EU Directive laying down minimum standards for the reception of asylum seekers¹⁶¹, which notes that health care shall include, at least, emergency care and essential treatment of illness and that Member States shall provide necessary medical or other assistance to applicants who have special needs.

While basic health services are provided during the asylum process in all states, there are differences in the level of access to medical services for more specialised treatments. Most MSAC offer asylum seekers access to public health care in all phases of the procedure - including expert opinions (consultancy), operations and medication. Slovenia and Luxembourg (in the first 3 months) offer dental treatment only in urgent cases. Germany, Luxembourg and Slovenia offer glasses, wheelchairs, prosthetic equipment, consultations and operations to asylum seekers only when necessary. Asylum seekers in all phases in Belgium, Finland, Luxembourg, Hungary and Sweden are eligible to more extended health care services; they have access to public health centres, dentists, experts and operations and to medication. Belgium provides spectacles for all asylum seekers, wheelchairs and prosthetic equipment in some, but not all cases and in Luxembourg prosthetics are given only in emergency cases. In Sweden asylum seekers received the benefits necessary to have an adequate standard of life, e.g., by providing the funds necessary for buying winter clothes, glasses, disability equipment, etc. In Austria, Denmark, France and Switzerland the government pays for public health care insurance and all asylum seekers have the same medical benefits as nationals for all phases of asylum procedure. The same is true for minors in Finland, Slovenia, and Sweden and for all vulnerable groups in Hungary. In Sweden asylum seekers are treated the same as nationals in

¹⁶⁰ According to email correspondence with the Federal Asylum Office Austria on 25.6.2013, an individual in case of private accommodation is granted € 120 rental allowance and € 200 food allowance per month. This funding for the amount of € 320 has to cover all costs for accommodation, food and other expenses. A family receives a total of € 240 rental allowance per month. Additionally each adult member of the family receives € 200 and each minor € 90 food allowance monthly. In case of private accommodation "pocket money" cannot be granted, however each person in private accommodation receives an additional € 150 for clothing and each pupil € 200 for school supplies annually.

¹⁶¹ Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers, article 15, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:031:0018:0025:EN:PDF>, accessed on 19. 9.2013

need of care. Germany and Slovenia offer also psychological support to asylum seekers. All countries who responded offer full health care to pregnant women.

It is clear that such services and treatments can constitute a very significant pull factor for those with serious medical problems that cannot be treated either because of deficient health systems and/or limited access of particular ethnic groups to health systems in source countries. This may explain why the latter were ranked as push factors of importance in some cases, though there is insufficient information to provide evidence of this pull factor influencing the final choice of the destination country.

7. Return programmes and related packages

Some MSAC consider assisted voluntary return and reintegration support to represent an important pull factor.¹⁶² Depending on the level of support, allowances and benefits given in the context of return can make asylum-seeking itself lucrative, or at least a zero cost operation, independent of the outcome or processing time for the application *per se*. Whereas some countries continue to have comprehensive return policies, others have limited either the benefits themselves or the countries of origin from which the asylum-seekers are coming, as considered in the forthcoming paragraphs. Some Member States do not consider returns and return packages to be a strategic priority.

In **Austria**, €50 “pocket money” (in order to buy food and a bus ticket in the home country) is provided to all persons who do not have financial resources, regardless of whether the return is voluntary or forced (and regardless of nationality). In addition to the pocket money, support in case of voluntary return may amount to €370 for adults and up to €200 for children under the age of 14 if the person has been in Austria for more than 3 months. There is no difference between singles or families.

Some countries like **Belgium** have limited the benefits associated with return. In order to avoid “asylum shopping”, persons from visa-free Western Balkan countries can be returned to their countries of origin for free but they do not get any return fees or reintegration allowances. Kosovars still have access to the return allowance (but no reintegration allowance)¹⁶³. Assistance for vulnerable persons is still possible in situations of extreme vulnerability. In case of forced return, no benefits are given, except possible assistance for persons with special needs.

Germany does not provide return grants (start-up assistance and travel aid) in accordance with the national return programmes REAG and GARP to European third country nationals who are entitled to enter Germany without a visa and who entered Germany after the visa liberalisation rules came into force. Therefore only persons from Kosovo may receive return grants. Citizens from the other WB States under the visa liberalisation rules only receive financial aid, which covers exclusively the travel costs. This travel aid is increased for persons from Kosovo, who may receive assistance of 750 € for each adult/juvenile and 375 € for every child with an age of 12 or below. In order to support and supplement the reintegration of returnees, German authorities of the Federation and the Länder Baden-Württemberg, Mecklenburg-West Pomerania, Lower Saxony, North Rhine-Westphalia, Saxony-Anhalt and Thuringia have gathered in the „URA 2“ project, contributing to a successful and sustainable return management in the Republic of Kosovo.

Hungary provides only material travel support. At the request of the person aiming to return voluntarily to the country of origin or to a third country, the authority can provide a flight ticket to

¹⁶² As outlined in the introduction to this chapter, these estimations provided by MSAC are based not on quantitative data, but on impressions of experts, with the sole aim to give an indication of the size of the phenomenon.

¹⁶³ The Kosovars have the right to receive a return allowance of 250 euro per adult (125 for minors) because there is no visa liberalisation for Kosovo, contrary to the other Western Balkan states. They no longer receive a reintegration bonus as this was considered to have a pull-effect.

the designated destination and cover the costs related to travelling (train, bus ticket). There is no differentiation between nationalities.

In **Luxemburg**, asylum seekers from Albania, FYROM and Serbia who return voluntarily to their respective countries do not get any return package. Only the return bus ticket is paid by the Ministry of Foreign Affairs. Asylum seekers from Kosovo who choose to return voluntarily to their country are assisted by International Organization for Migration (IOM).

Voluntary return programs are typically conducted in cooperation with IOM. For **Finland**, Assisted Voluntary Return (AVR) with IOM offers the applicant the possibility to return voluntarily to his/her country of origin with financial support towards his/her reintegration. IOM will make the applicant's travel arrangements, assist him/her at airports and pay him/her financial support for his/her reintegration, if he/she is eligible to receive it. One can apply for transportation and medical assistance during travel.¹⁶⁴

In the **Netherlands**, (rejected) asylum seekers from countries with visa obligations to the Netherlands can benefit from return assistance in case of voluntary return. The package and support can depend on nationality but basic assistance by IOM is offered for all. This assistance contains a one-way ticket to an airport that is as close as possible to the final destination. On top of this basic assistance asylum seekers can apply for extra financial and fixed-sum assistance. However, asylum seekers from countries without visa obligations to the Netherlands cannot benefit from this extra assistance. The financial assistance offered by IOM, is €1,750 for an adult or an unaccompanied minor and €880 for a child. The in-kind reintegration assistance, which can amount to €1,500, can be offered by IOM and several Dutch NGOs and covers *inter alia* education (in skills), help in finding housing, transporting goods etc.

In **Switzerland**, asylum seekers coming in the past 2 years from visa-free Balkan countries (Serbia, FYROM, Albania, Bosnia-Herzegovina and Montenegro) no longer receive any return assistance, unless they are vulnerable. In such cases, medical assistance may be granted. Asylum seekers coming from Kosovo in an accelerated procedure receive 100 CHF (per adult). Asylum seekers who entered Switzerland before 25 March 2013 (when the 48-hour procedure was introduced for Kosovo citizens), in a normal procedure, can receive the following benefits:

- Return counselling
- Organisation of the journey home
- Financial start-up assistance: 1000 CHF (approx. €800) per adult; 500 CHF (approx. €400) per minor
- Material assistance: 3000 CHF (approx. €2,400) per family or per single adult. It can be business projects, training programmes, help with accommodation.
- Medical assistance: according to the needs.

Sweden reports in the questionnaire that from end of 2009 to end of December 2011 there was a possibility for persons returning to Kosovo to apply for a re-establishment support in cash. The amount was 30 000 SEK (approx. €3,400) per adult, 15 000 SEK (approx. €1,700) per child and at the most 75 000 SEK (approx. €8,500) per family. Citizens of other Western Balkan countries were not entitled to apply for this support; they only received necessary funds for return transport. This re-establishment support is not longer available.

The Swedish Red Cross is involved a project that support persons returning to for example Kosovo and Serbia in order to facilitate the progress of return and increase the possibilities for reintegration.¹⁶⁵ Reintegration projects within the Swedish Migration Board's strategy on reintegration 2013-2014 will, however, not target the WB countries.

¹⁶⁴ More information in www.vapaaehtoinenpaluu.fi.

¹⁶⁵ For more detailed information about the project and the beneficiaries: <http://www.redcross.se/detta-gor-vi/stod-till-migranter/atervandande/>.

In conclusion, return programs vary, the most typical ingredients being various return allowances, assistance in the return travel, as well as return counselling. Kosovars frequently differ in their return treatment compared to nationals of the other WB countries of origin: Basically, all Kosovars obtain return assistance of some sort, whereas for visa-free Balkan countries (Serbia, FYROM, Albania, Bosnia and Herzegovina and Montenegro), the return benefits are in various ways limited.

8. The role of travel agencies

In the answers to the questionnaire the role of travel agencies was mentioned as a strong pull factor by Hungary, Switzerland and Luxembourg (for asylum seekers from Serbia). According to Belgium, Sweden, Denmark, Germany and Luxembourg (for asylum seekers from Albania) travel agencies only have some influence. Austria, Finland, Slovenia and Luxembourg (for asylum seekers from FYROM and Kosovo) do not consider travel agencies to have any influence.¹⁶⁶

Interviews conducted in Serbia, FYROM, Kosovo and Albania lead us to conclude that the influence of travel agencies or human smugglers has diminished since visa liberalisation but may still exist. This appears to be important in Kosovo, the only non-visa liberalised WB country. As applicants from Albania, Serbia and FYROM do not need visas and can easily arrange traveling for themselves, it is clear that the role of travel agencies there is not as important as it might have been before the implementation of the visa-free regime. With this said, there is still evidence of such activities. Luxembourg, for example, reported receiving informal information that various travel agencies in Serbia advertise Luxembourg as being an “interesting destination” in Europe as well as Belgium, Germany and Sweden, who are “advertised” as having generous regulations in the field of residence and reception. According to Luxembourg, the European Commission, EUROPOL and FRONTEX informed them that travel agencies may even lend the required amount of money to passengers to enter the Schengen area. The money is given back with interest to the agencies, or the bus driver, upon arrival at destination.¹⁶⁷

9. Conclusion

From the above, it appears that the principal factors determining the choice of destination country are economic in nature. MSAC see the linked issues of **long processing time** and **(particularly cash) benefits** as the main factors determining both the decision of WB citizens to apply for asylum and where they apply for asylum. The presence of an **existing diaspora** appears to be perhaps stronger than estimated by MSAC given the almost perfect correlation between the stock of residence permits and the list of MSAC most affected by the WB flow. The **possibilities to find legal or illegal work** (a major factor in Austria, Switzerland, Luxembourg and Belgium) may be important depending on the profile of the applicants. Tangible **benefits other than cash, such as health care** may be particularly important as pull factors for certain individual profiles of applicants.

Interlocutors consulted by EASO during its interviews in the region confirmed that applicants from Western Balkan countries generally travel to Europe because they wish to improve their quality of life and because they need jobs. Individual success stories often work as a catalyst. Benefits in Member States, even though considered low in the Member State itself, may still be very appealing to Western Balkan nationals compared to national standards.

¹⁶⁶ As outlined in the introduction to this chapter, these estimations provided by MSAC are based not on quantitative data, but on impressions of experts, with the sole aim to give an indication of the size of the phenomenon.

¹⁶⁷ E-mail correspondence with Ministère des Affaires étrangères Direction de l'Immigration from 4.7.2013

CHAPTER 4: MEASURES TAKEN TO INFLUENCE PUSH AND PULL FACTORS

1. Introduction

The last chapters have shown how the principal factor determining the decision of Western Balkans citizens to make mostly unfounded asylum claims in MSAC is mainly poor economic opportunities in the countries of origin, which fall disproportionately on the shoulders of ethnic minorities in the region. It was also seen that the asylum systems of the destination countries may themselves constitute a sufficient pull factor for a significant proportion of the WB flow, due to the benefits that are offered while an asylum claim is being processed.

With these factors in mind, this chapter describes measures taken by MSAC and Western Balkans countries to reduce or mitigate push factors in the region and pull factors in destination countries and attempts to analyse their effectiveness¹⁶⁸.

2. Measures taken by MS to influence pull factors

The large numbers and seasonality that characterise the WB flow put an increased burden on the asylum systems of MSAC in terms of time and resources spent. Destination countries have thus endeavoured to reactively deal with the influx itself, as well as proactively control and reduce future flows. Measures taken to deal with the caseload of WB nationals have included prioritisation of asylum applications (i.e., by focusing the work of decisions makers on the WB flow and drafting in extra staff or staff usually engaged on other activities), shortening of processing time, changing parts of the normal procedure (while guaranteeing individual consideration of claims), applying accelerated procedures (and related use of “safe country of origin” lists)¹⁶⁹, and reduction or change in format of benefits provided during the process.

In order to aid assessment of the measures introduced in regard to applications from specific profiles of applicant, the national specificities involved and the efficacy of the measures, each is considered by country of destination below.

Luxembourg

In Luxembourg, all WB countries except Serbia and Kosovo were added to the list of “Safe Countries of Origin” in 2007. In April 2011, Serbia was added as well. If a country is included in the list of safe countries, a refugee status determination (RSD) may be made via an accelerated procedure. If this is the case, the decision must be taken within two months from the first interview of the applicant. An appeal can be made before the Administrative Tribunal within 15 days of receiving the decision. The Administrative Tribunal takes its decision within 2 months of receiving the claim for appeal. No appeal can be made against the decision of the Tribunal. Since Kosovo was added to the safe list of country of origin at the end of June 2013, all Western Balkan Countries are now considered as safe countries. However, each application in Luxembourg is subject to an individual assessment before an accelerated procedure is triggered.

¹⁶⁸ Unless otherwise stated, the information in this chapter is based on study visit interviews in the Western Balkans (see Annex 1 for complete list) or Member States and Associated Countries responses to questionnaires (see Annex 2).

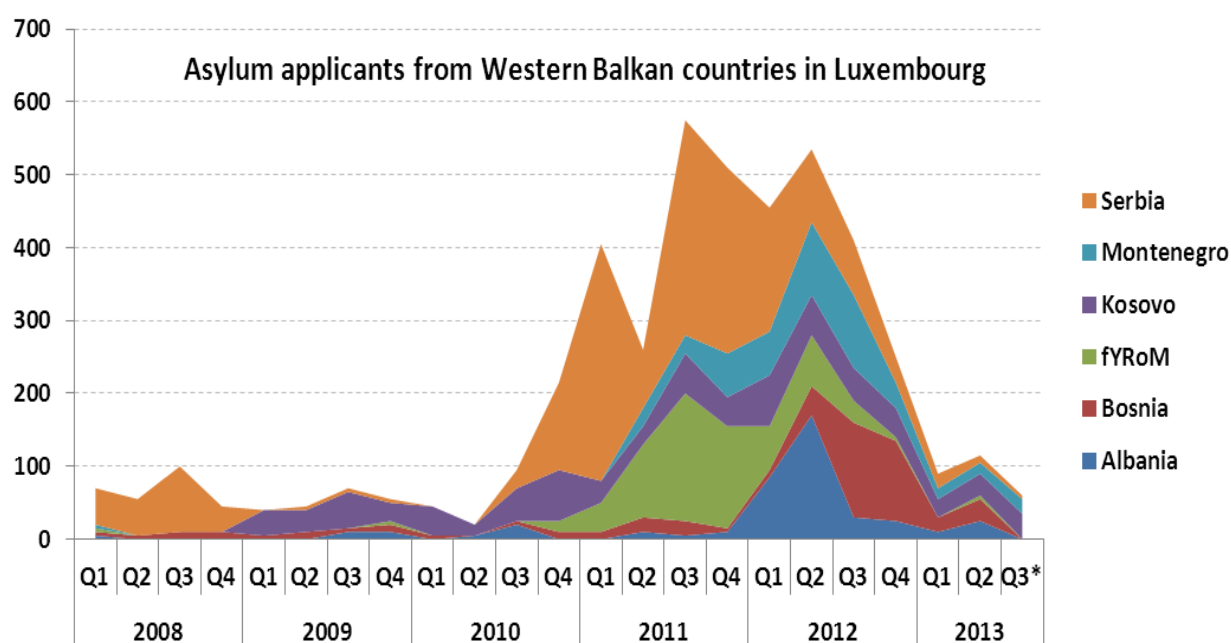
¹⁶⁹ i.e. such as those described in the recast Asylum Procedure Directive Art 16a and b, which allow shorter reasonable time limits for certain procedural steps than those provided for the normal asylum procedure in the Asylum Procedure Directive.

Luxembourg also introduced a number of measures such as: increase of staff (in November-December 2011 and in November 2012-January 2013); reduction of benefits (in 2012) provided to applicants, such as “pocket money” (a subsistence allowance) whereby the (monthly) amount was cut for all asylum seekers to 1/5 of the former amount¹⁷⁰; promotion of voluntary return by handing out information leaflets on the option of voluntary return to applicants from the Western Balkans from the very beginning of the asylum procedure.

For rejected asylum seekers Luxembourg issues an entry ban in every case of forced return and against asylum seekers who come back to Luxembourg after having been returned (voluntarily or forced) to their country of origin. These entry bans are entered in the Schengen Information System for a time period of 3 years.

Luxembourg considered the measures that resulted in a reduction of the length of the asylum procedure (reallocation of resources, shorter processing time and accelerated procedure), the reduction of benefits, and the promotion of voluntary return to be the most effective in terms of reducing the number of applications. According to the authorities, forced return measures have proved the least effective among all measures taken.

Figure 24 shows how the number of applications from Western Balkan citizens started decreasing in the second half of 2011 - possibly as a result of having added Serbia to the Safe Country of Origin list in April 2011 and having shortened processing times by hiring new staff at the end of 2011. Numbers of Serbian asylum seekers did not rise subsequently. However, the number of WB applicants remained at high levels as Serbian applicants were replaced by nationals from Albania, Montenegro and to a lesser extent Bosnia. Numbers declined rapidly after the seasonal peak in Q3 2012. Nevertheless, the number is still relatively high compared to previous years, such as 2008 and 2009.



*Data for Q3 2013 includes only July 2013 since August and September figures are not yet available

Figure 24. Asylum applicants from WB countries in Luxembourg, 2008-2013

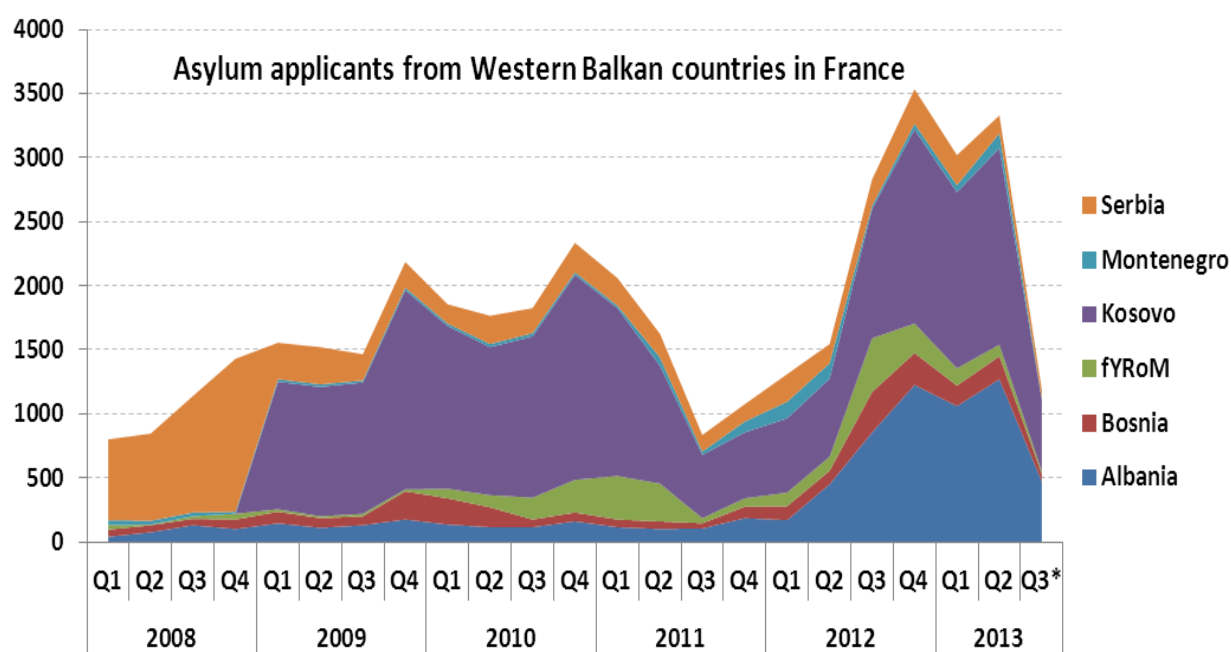
¹⁷⁰ In addition to lower cash benefits people receive material benefits through vouchers. The monthly allowance for adults was reduced from 122,09 € to 25€.

France

In France FYROM, Bosnia Herzegovina and Serbia are considered as safe countries of origin, which means the asylum procedure is accelerated for these nationals. The accelerated procedure takes maximum 15 days, shortened to 4 days in case of detention. Applicants in the accelerated procedure are not offered accommodation mostly in hotels and apartments and receive full daily allowances. Appeals have no suspensive effect.

Kosovo and Albania were also considered as safe countries of origin until March 2012, when a decision of the Conseil d'Etat (the French highest administrative court) withdrew those two countries from the list.

The number of applicants from Albania and Kosovo increased between March and October 2012 with the highest influx of Albanians since 2008 (in the last quarter of 2012 amounting to 1,225 applications) and an increase in the number of Kosovar applicants (1,515 in 4th quarter of 2012). The chart below shows a decrease in asylum applications in last quarter of 2012.



* Data for Q3 2013 is limited to July 2013 since August and September data is not yet available

Figure 25. Asylum applicants from WB countries in France, 2008-2013

Switzerland

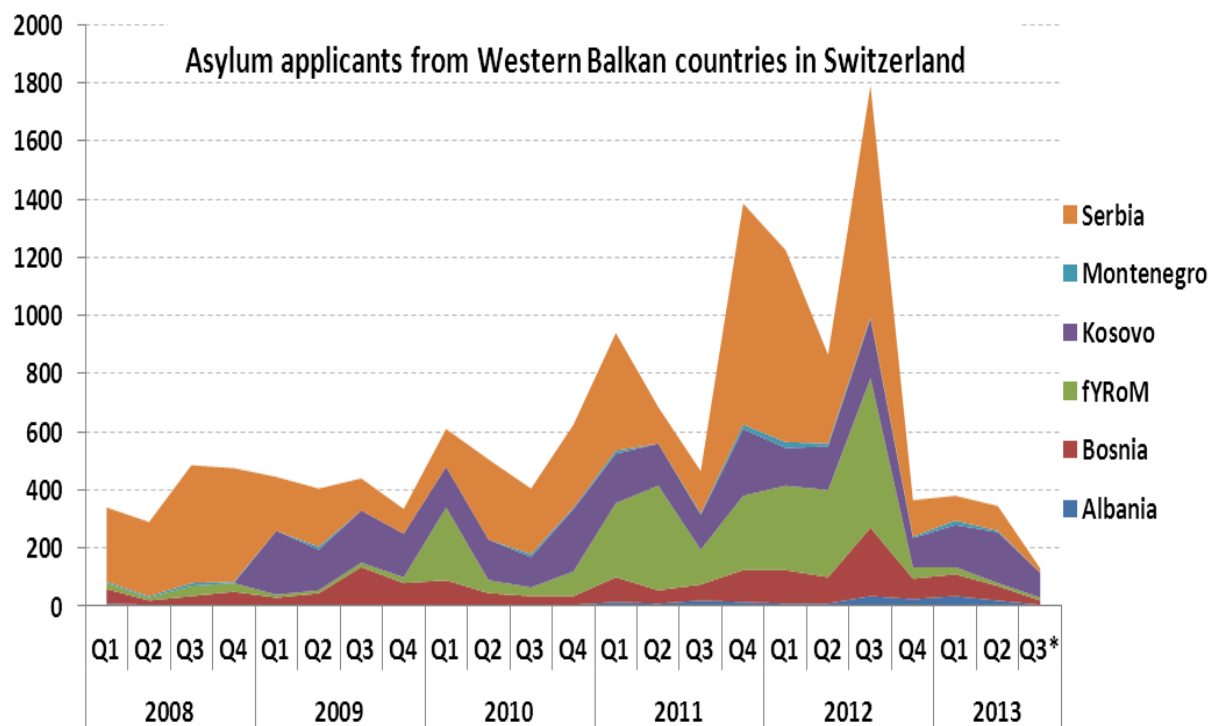
Among all measures Switzerland has taken, authorities believe that the introduction of the 48-hour procedure was the most effective. The main goal of this procedure was to process asylum applications from European safe countries of origin efficiently, so that decisions could be taken quickly. Various teams consisting of experts on asylum issues, representatives of relief organizations and interpreters were set up in the reception and administration centre in Basel, where the procedure is carried out for WB nationals. A decision is made within 48 hours from the individual's first application in all cases in which the legal post-interview statement of the reasons for the asylum application is available and where no further information is required. All the procedural guarantees, particularly the possibility of appeal through the Federal Administrative Court, remain in place – with the usual quality criteria being applied despite the fast-tracked procedure. After its introduction in

August 2012, daily allowances¹⁷¹ and return assistance were also curtailed¹⁷². Asylum-seekers in the accelerated procedure receive accommodation, medical treatment and other social benefits - for example schooling for children - in the (reception) centre, where applicants are required to stay until the end of the procedure. They do not receive cash benefits.

Rejected applicants from visa-exempt countries who fail to leave the country by the deadline will normally have a travel ban imposed. The same applies to people who have disrupted public safety, those who have made multiple applications without good reason, and in cases of blatant abuse. The ban applies to the entire Schengen area, but only comes into effect retroactively, so that the persons concerned can travel home voluntarily but will be prevented from re-entry by border authorities, who must make a thorough check (i.e. including a SIS check) for third-country nationals.¹⁷³

Swiss authorities highlight that the combination of all these measures, as well as communication about them, produced the best effect. Promotion of voluntary return¹⁷⁴ and measures relating to forced return were considered to have had only some effect.

The graph below would appear to bear out the effectiveness of a short procedure. This is the only graph in which a clear effect is so noticeable directly after the measures were introduced and continuing at the same low level thereafter.



*Data for Q3 2013 includes only July 2013 since August and September figures are not yet available

Figure 26. Asylum applicants from WB countries in Switzerland, 2008-2013

¹⁷¹ Email correspondence with the Swiss Office for Migration on 13.9.2013.

¹⁷² According to Swiss Government Press release from 21.8.2012 people from the visa-exempt Balkan states have been excluded from the payment of a return allowance since the visa obligation was lifted. This measure has been implemented since April 2012, except for vulnerable persons and special cases. Press release from Swiss Government released on 21 August 2012, <http://www.bfm.admin.ch/content/bfm/en/home/dokumentation/medienmitteilungen/2012/2012-08-21.html>, accessed on 25.9.2013.

¹⁷³ *Ibid.*

¹⁷⁴ West-Balkan Return Assistance Programme for Vulnerable Persons and Minorities in Kosovo (2007-2009): Counselling, organisation or returns, start-up aid (CHF 2000 for an adult person and CHF 1000 for a minor), extending a social network, accommodation assistance (maximum CHF 3000), creating an economic basis (maximum CHF 3000), medical assistance. Following visa liberalization (01.01.2010 for Serbia and FYROM), return assistance was curtailed so that only in exceptional cases vulnerable persons and persons in need of medical assistance may still apply. Individual assistance remains unchanged within the scope of the Kosovo Return Assistance Programme.

Austria

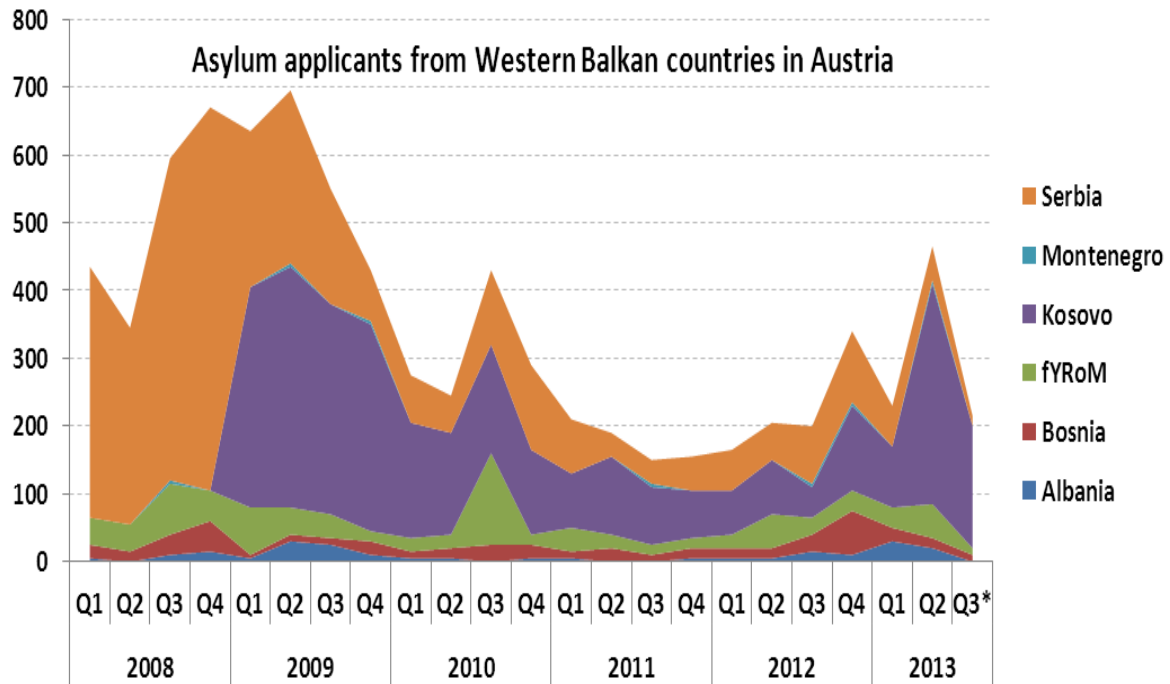
Austria introduced a so-called “Fast Track-Procedure”¹⁷⁵ concerning applications that do not qualify for special preliminary proceedings in the middle of 2008. This resulted in the speeding up of the decision-making process while retaining all rights and remedies available for asylum seekers and allowing the individual consideration of applications. Austria also began to use the “safe countries of origin” concept in 2009 which mandated use of the quicker procedure¹⁷⁶. Processing time at first instance (from registration of claim to decision, excluding appeal) in an accelerated procedure takes de facto 7 working days and processing time until final decision where an appeal is made takes de facto 50 working days. However, if there is any evidence for the need of protection, the case will be handled in a standard procedure. In the standard procedure, processing time at first instance is 3 months and time until final decision is 100 days.

Measures to promote voluntary return were also put in place. Citizens from Serbia, FYROM and Kosovo who are willing to voluntarily return to their home country are offered an assisted voluntary return project, which is co-funded by the European Return Fund and the Austrian Federal Ministry of the Interior. The return for participants is fully organised and paid within the project. In addition a financial support of up to € 370 is given in cash. For returnees to Kosovo, a reintegration project was implemented by IOM Vienna from September 2008 to June 2012 and another one by ICMPD (International Centre for Migration Policy Development) starting in September 2010, which is still in progress. Both projects are co-funded by the European Return Fund and the Austrian Federal Ministry of the Interior. The aim of both projects is to provide the participant with an individually customised program of reintegration measures such as professional business trainings, support with the foundation of small businesses including the purchase of equipment and tools, or job-seeking actions. Additional support is provided for returnees with special needs (such as single parent families, unaccompanied minors or participants with medical needs). The support is given as in-kind assistance worth up to a maximum amount of €3,000.

Figure 27 below shows us that from 2009, after the introduction of the Safe Countries of Origin List, the number of WB asylum seekers to Austria went down and did not come back up to the level before 2009, though high seasonal peaks in Q3 2010 and 2012 were noticeable, mainly determined by applications from Kosovars.

¹⁷⁵ According to email correspondence with Bundesministerium für Inneres on 29.9.2013 fast track procedure does not mean that there is a change of the RSD procedure at the first instance; the principal of “considering each claim on its individual merit” is still in place. The Federal Asylum office (1st instance) can disallow the suspensory effect of an appeal against a negative ruling submitted by an asylum seeker coming from countries on the list of safe countries of origin. The 2nd instance within one week can revoke such a decision by the 1st instance if expulsion, deportation or forcible return to the country of origin would constitute a real risk of his/her life or health.

¹⁷⁶ Came into effect respectively on 1 July 2009 for Bosnia-Herzegovina, Kosovo, Croatia, FYROM, Montenegro, Serbia; and on 14 December 2010 for Albania.



*Data for Q3 2013 includes only July 2013 since August and September figures are not yet available

Figure 27. Asylum applicants from WB countries in Austria, 2008-2013

Germany

Germany had relatively low numbers of applications from WB nationals until 2010. There was then a very significant rise in applications, the very large majority of which were from Serbian Roma and Roma from FYROM. These applications occurred with very visible seasonal peaks in October. The October peak in 2012 was the highest until now and is likely to be connected to the Constitutional Court decision of 18 July 2012 to increase cash benefits for asylum seekers¹⁷⁷. As a result of the decision, the daily allowance for asylum seekers varies from €7 for children under 6 years to €11, 80 for single persons (i.e. over €350 per month). For the purposes of comparison, the average net salary in Serbia in June 2013 was €390¹⁷⁸ and social support for a single person was €67¹⁷⁹ per month in May 2013. The minimum salary was €177¹⁸⁰.

According to Art. 16 a para. 3 of the German Constitution safe countries of origin can be determined by law. In the case an asylum applicant originates from a safe country of origin as a rule her/his application can be rejected as manifestly unfounded (Art. 29 a Asylum Proceedings Act). Germany has a list of safe countries of origin but at present only EU countries, Senegal and Ghana are on it. WB are thus not included on this list. Germany does not have an accelerated procedure defined in law, but may prioritise procedures as necessary, with or without reference to the Safe Country of Origin list. In each individual case, a caseworker can decide that the case is manifestly unfounded, if:

- Criteria for granting status are clearly not met
- It is clear that an application has been made in order to gain entry into Germany for economic or other, non-protection-related reasons
- The person meets the criteria for exclusion.

¹⁷⁷ See http://www.bverfg.de/en/decisions/ls20120718_1bvl001010en.html

¹⁷⁸ Paragraf portal, http://www.paragraf.rs/statistika/01_stat.htm (accessed on 8.8.2013)

¹⁷⁹ Ministry of Labour, Employment and Social Policy, <http://www.minrzs.gov.rs/latinica/socijalna-davanja-visina.php> (accessed 8.8.2013)

¹⁸⁰ Paragraf portal, http://www.paragraf.rs/statistika/02_stat.htm (accessed on 8.8.2013)

For manifestly unfounded applications, the appeal period is shortened to one week and the appeal has no automatic suspensive effect (although urgent motion for suspension may be filed).¹⁸¹ In conclusion, although there is not an official accelerated procedure, the “manifestly unfounded” procedure does include some of the typical elements that usually constitute an accelerated procedure, especially if combined with prioritisation of case processing and shortened processing times as a result of organisational measures.

In order to deal with the large peak of 2012 in the period from mid-October till mid-December the Federal Office for Migration and Refugees introduced the following special measures regarding applications from Western Balkans applicants:

- Moving all decision makers to work on applications from Serbia and FYROM only
- Seconding qualified staff from other sections to work on applications from Serbia and FYROM. By order of the Federal Minister of the Interior the Federal Office for Migration and Refugees was supported by 60 officers of the Federal Police in the branch offices. Besides that 75 persons were taken on as assistants for the registration office for asylum proceedings.
- A special project team was established with 30 already asylum-experienced officers with the intention to support the branch offices. This project team was responsible for follow-up applications which are ready for the decision process and for WB cases with disease-related background
- Promotion of voluntary return
- Organising information campaigns with Belgium
- Establishing contacts with governmental authorities with IOM

The procedure was also shortened in some particular cases, e.g. by carrying out personal hearings without the standard questionnaire on information regarding identity, origin and family background if applicants from Serbia and FYROM presented biometric passports.¹⁸² Moreover, “informative hearings” usually used for subsequent applications took place less often.¹⁸³

Due to these measures the processing time for applications from Serbia and FYROM - from the date of application till the administrative decision – was reduced from 78.6 to 45.1 days for applicants from Serbia and from four weeks to 9 days for applicants from FYROM. Since the introduction of the special measures the number of pending cases concerning the WB countries was also reduced.

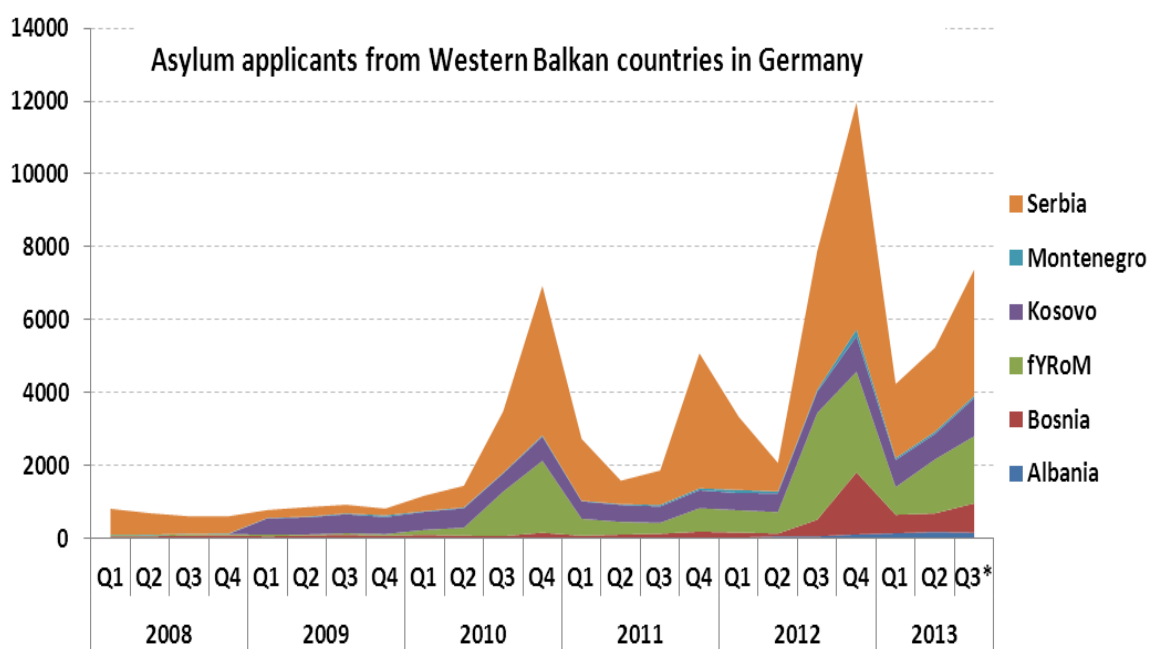
Germany considers the promotion of voluntary return to be less effective than measures shortening the decision-making time. Forced return measures vary by the different Federal states, and it is hence difficult to make a country-wide estimation of the effectiveness of this measure.

Despite the important measures taken by German Federal Office for Migration and Refugees the largest pull factor, reception benefits, remained and cannot easily be addressed. The figure below would seem to indicate that another seasonal peak is building in Germany in 2013.

¹⁸¹ Inter-Governmental Consultations on Migration, Asylum and Refugees (IGC), Asylum Procedures: Report on Policies and Practices in IGC Participating States 2012, December 2012, p. 215-216. Available at: <http://www.igc-publications.ch>

¹⁸² According to the Federal Office for Migration and Refugees Germany, for applications from Serbia and FYROM the personal hearings are carried out without the catalogue of 24 questions if applicants present biometric passports. This catalogue of 24 questions is used for clearing certain information regarding identity, origin and family background. Abandoning the catalogue of 24 questions reduces the time of the personal hearing with approximately 30 to 45 minutes per applicant.

¹⁸³ According to email correspondence with Federal Office for Migration and Refugees Germany, a hearing concerning subsequent applications (applications, which are filed by a foreigner after the withdrawal or non-appealable rejection of a previous asylum application) is called informative hearing.



*Data for Q3 2013 is limited to July and August 2013 since September data is not yet available

Figure 28. Asylum applicants from WB countries in Germany, 2008-2013

Sweden

According to the Swedish authorities, the use of an accelerated procedure and re-entry ban, as well as the promotion of voluntary return and measures related to forced return¹⁸⁴, have proven effective in dealing with large numbers of applicants from WB. Swedish authorities have also been able to efficiently utilise EC and bilateral agreements on readmission with the WB countries.

Sweden prioritises asylum applications from WB countries and uses an accelerated process. In 2013, processing time in Sweden at first instance (from registration of claim to decision, excluding appeal), in an accelerated procedure takes de facto 20 working days while in a normal procedure processing time at first instance is 90 days. According to the Swedish Aliens Act, an asylum claim may be assessed under an accelerated procedure if it is deemed by the Migration Board to be manifestly unfounded. This was done in 50% of the cases of asylum applications from WB citizens.

During a period from end of 2009 to end of 2011 there were possibilities for persons returning to Kosovo to apply for a reestablishment support (in cash). The amount was 30,000 SEK (€3,400) per adult, 15,000 SEK (€1,700) per child and at the most 75,000 SEK (€8,500) per family. In 2010, 219 persons were granted the support and in 2011, 418 persons. From December 2011 it was no longer possible for persons from Kosovo to receive the support. For returns to Serbia and FYROM there has been no assistance except for the journey back home. The journey to the country of origin is paid by the Swedish Migration Board if the returnee does not have the funds to pay the ticket for him or herself, which is almost always the case.

The Swedish Aliens Act provides criteria for issuing re-entry bans for persons for whom, for example, the asylum application has been rejected as manifestly unfounded and who misused the asylum procedure. These rejected applicants will be banned from entering Sweden and the countries of the Schengen zone for a period of up to five years¹⁸⁵

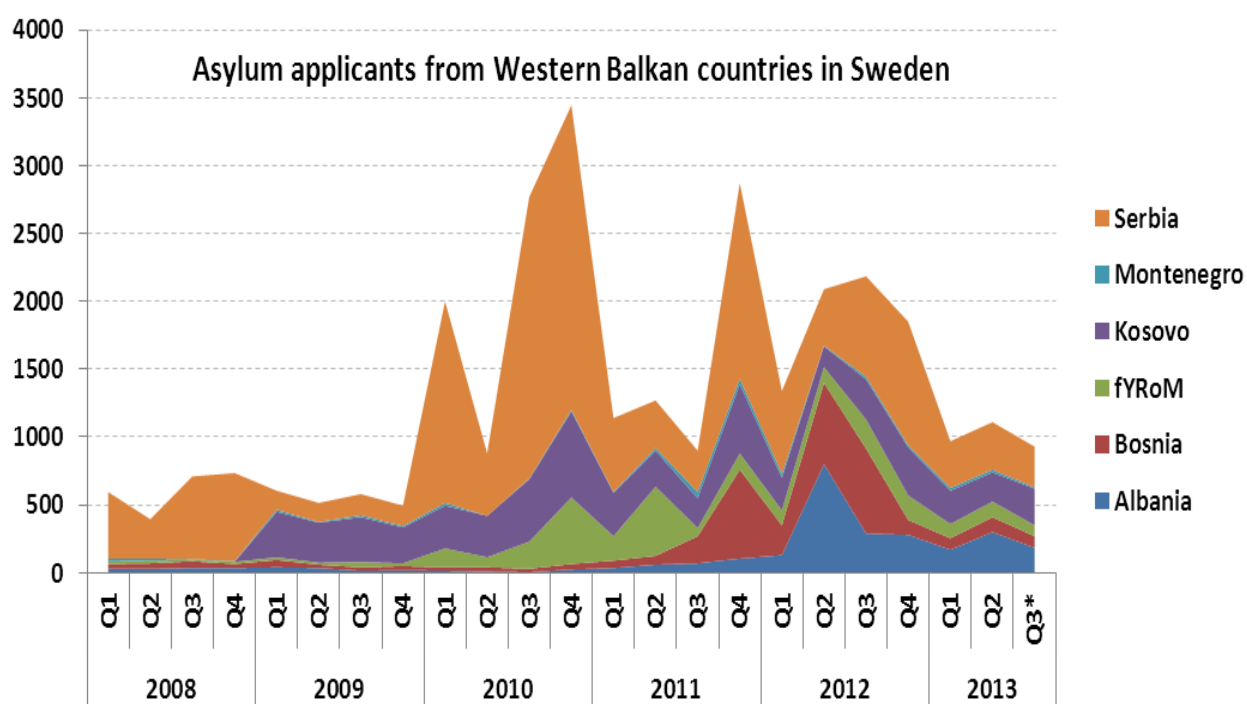
¹⁸⁴ Sweden reports that can sometimes it be difficult to determine the identity of persons concerned. This problem mainly regards minorities.

¹⁸⁵ Cf. Swedish Migration Board Website, http://www.migrationsverket.se/info/487_en.html#h-Reentryban, accessed 8.10.2013.

According to the Swedish Migration Board the rising numbers of asylum seekers from Albania and Bosnia Herzegovina in 2012 that can be seen on the graph below were to some extent due to rumours in the region, saying that Sweden granted asylum for socio-economic reasons. It was also reported that human smugglers in Bosnia Herzegovina consciously spread incorrect information to people regarding the possibility to receive a residence permit in Sweden in order to earn money. The persons arriving in Sweden from these countries were persons from the rural areas with poor knowledge of how the asylum system works. Many persons felt deceived upon arrival in Sweden as many had sold their property in order to fund the travel for their family¹⁸⁶.

The Swedish Migration Board is investigating the most efficient “lean” forms of processing including having experienced staff making the decision on which type of procedure should be used as early in the process as possible. The improvements in the administrative procedure are part of the lean work method where the strive towards continuous improvements is part of daily work activities and started immediately after the first major wave of applications in 2010.¹⁸⁷

We can see on the graph how after 2011 the peaks were smaller and the number of Serbian asylum seekers went down. The peak in 2012 was largely due to the arrival of Albanian and Bosnian asylum seekers as explained above.



*Data for Q3 2013 is limited to July and August 2013 since September data is not yet available

Figure 29. Asylum applicants from WB countries in Sweden, 2008-2013

Belgium

On 24 November 2011, Belgium introduced the possibility to designate safe countries of origin and the Royal Decree implementing this concept came into force on 1 June 2012. All Western Balkan countries with visa liberalization are on this list. For nationals of these countries claiming asylum, individual treatment of their application is still guaranteed, but it is subject to an accelerated (15 working day) procedure at the Office of the Commissioner General for Refugees and Stateless Persons (CGRS) and requires a higher burden of proof. Only a non-suspensive appeal for annulment,

¹⁸⁶ Email correspondence with Swedish Migration Board, Division for European and International Cooperation, Unit for International Strategies on 23.8.2013

¹⁸⁷ Ibid.

solely on a point of law, is possible and the Council for Aliens Law Litigation (the appeal body) will have to render a judgment within two months. Since the appeal does not have an automatic suspensive effect, the right to reception will in principle cease within 30 days, which corresponds to the expiry date of the Order to Leave the Territory.

Other measures were also undertaken, such as prioritisation of applications from WB. Pursuant to art. 52/2, § 2, 3 of the Belgian Aliens Act, the State Secretary for Migration and Asylum instructed to give priority to the treatment of asylum applications lodged by persons originating from Serbia and FYROM in the period from 1 to 30 April 2010 and from 18 October 2010 onwards, implying that applications must be decided in first instance within 2 months. After the introduction of the list of safe countries of origin in June 2012, this measure is still in force. Prioritisation runs parallel to the accelerated procedure for safe countries, insofar as this applies to a decision on the substance.

Measures were introduced to shorten procedure time: immediately after the start of the first sharp increase of asylum applications from Serbia and FYROM in February 2010, the CGRS developed an internal action plan to prioritize the treatment of the applications from these two countries. The main elements of this action plan were:

- Reduction of the period between the application date (asylum applications in Belgium are lodged with the Immigration Department) and the first instance interview at the CGRS. This was achieved partly by giving the asylum interview date on the day of the application, whereas normally the asylum applicants are invited for the first interview by letter some weeks after the lodging of the application.
- Increase of the number of protection officers treating applications from these two countries. This was achieved by the deployment of personnel from other geographical sections and the Legal Service (in total 10 persons), but also by recruitment of new employees. Due to the persisting high influx and growing backlog, the Belgian government decided to increase the number of staff considerably in 2011. During 2011, 98 protection officers and 8 administrative assistants were hired.
- Increase of the number of interviews by the protection officers and reduction in time allocated for each interview, using adapted interview techniques.
- Better profiling of the caseload to increase efficiency. As the profiles from the countries were quite similar, it was possible to develop very detailed questionnaires for each profile, linked to building blocks for the decision and examples of earlier decisions. For FYROM, for example, 13 profiles were identified.
- The development of very detailed “Subject Related Briefings” by the Documentation and Research Centre (CEDOCA), based on these profiles.

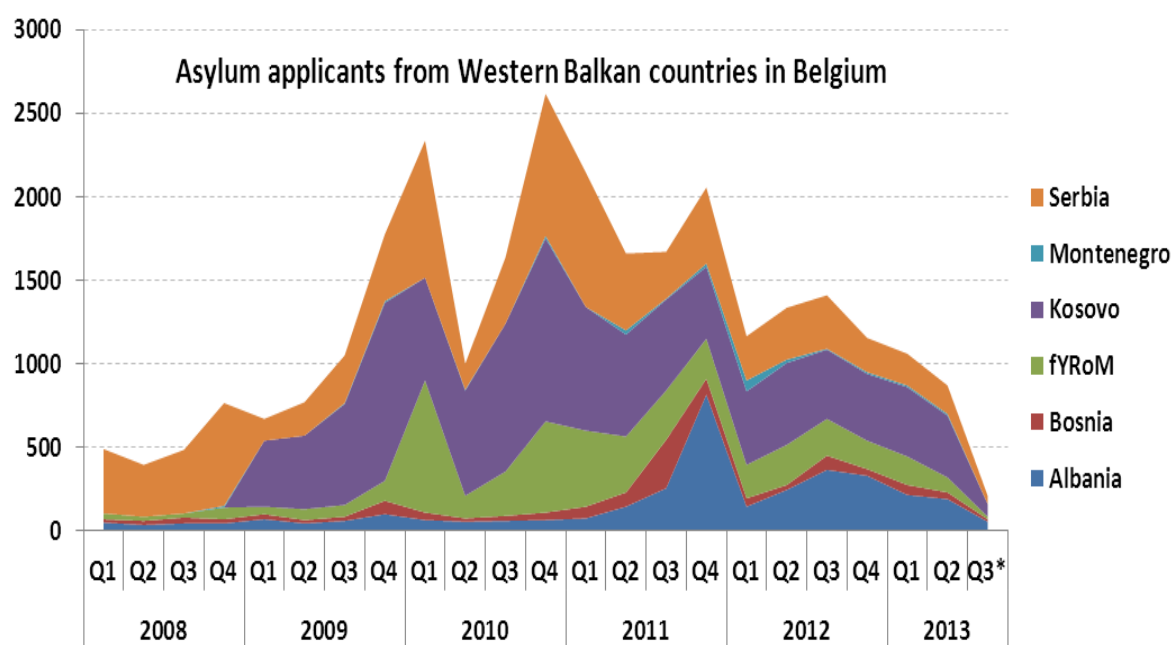
As a result, length of the procedure dropped from 123 days in 2011 to 25 days in 2013. In Belgium’s opinion, the recruitment of new caseworkers probably had the most direct effect on productivity, despite its cost.

Since May 2012, the Belgian authorities facilitated voluntary return, by organizing a bus service in cooperation with IOM for return to FYROM, Bosnia Herzegovina and Serbia. In June 2012, an information desk was opened in Brussels to improve the accessibility of information and counselling related to voluntary return. Fedasil, the governmental body responsible for reception and voluntary return, organized observation missions to Western Balkan countries for its return counsellors, which allowed them to gather updated information related to the return travel and onward travel routes inside the country, and to better understand local realities and challenges. Also forced return measures have proven to have some effect.

Entry bans are issued for almost all failed asylum seekers. Every foreigner who is the subject of a removal order receives information on the consequences of not following up this order, i.e. the risk of being issued an entry ban. The entry ban applies usually for 3 years and for all EU Member States and associated Schengen countries, and is registered in the Schengen Information System.

Although the actual impact is difficult to assess precisely, Belgium has found the combination of all above-mentioned measures to have resulted directly in a reduction of the number of applications from WB countries.

Belgium was attractive mainly for applicants from Kosovo, FYROM and Serbia until 2010, when the flow from these countries stabilised but was joined by a new influx from Albania, determining a peak in applications overall in Q3 2010. According to the CGRS the rise in asylum applications from Albania in 2011 was due to the fact that Belgium was targeted by traffickers who advised applicants to claim that they were victims of vendetta. The asylum seekers from Albania presented attestations of vendetta that were issued by a certain organisations. After extensive research most of these attestations proved to be false and by quickly handling these cases further influx was much reduced.¹⁸⁸ Since the start of 2013, applications from all WB countries have dropped considerably.



*Data for Q3 2013 includes only July 2013 since August and September figures are not yet available

Figure 30. Asylum applicants from WB countries in Belgium, 2008-2013

Denmark

Denmark introduced a number of measures to deal with a large flow of asylum seekers from Western Balkans. These included:

- Fast track asylum procedure for Western Balkans already processed in the manifestly unfounded procedure without right of appeal¹⁸⁹

¹⁸⁸ Email correspondence from 19.8.2013 with Office of the Commissioner General for Refugees and Stateless Persons in Belgium.

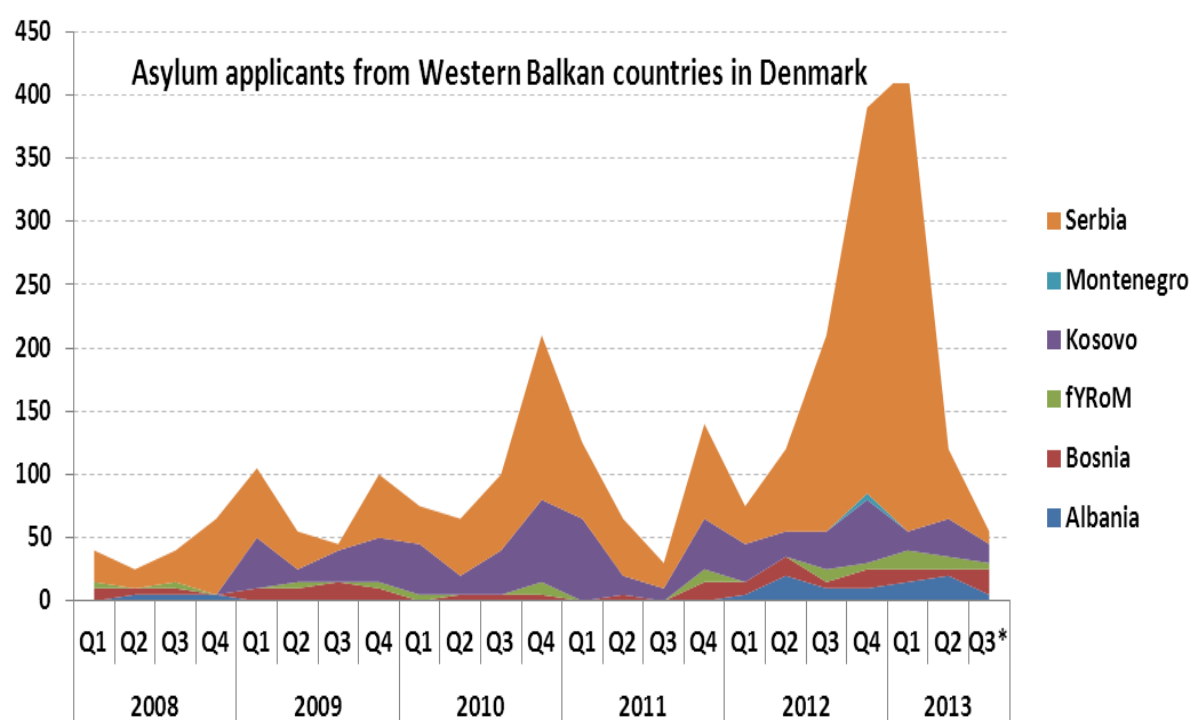
¹⁸⁹ Applications deemed manifestly unfounded are sent to the Danish Refugee Council, a non-governmental organisation, which provides a statement on the case following a separate interview of the applicant. If it agrees with the Immigration Service that the application is manifestly unfounded, the application will be rejected by the Immigration Service without a right of appeal. If the Refugee Council does not agree that the claim is manifestly unfounded, the Immigration Service may maintain – as is most often the case – its rejection but will refer the case to the Refugee Appeals Board for a final ruling. Cf. Inter-Governmental Consultations on Migration, Asylum and Refugees (IGC), Asylum Procedures: Report on Policies and Practices in IGC Participating States 2012, December 2012, p. 133. Available at: <http://www.igc-publications.ch>.

- Prioritised focus on applications for humanitarian residence
- Accommodation in asylum centres with cafeteria instead of own household
- Forced return of several large groups of rejected asylum seekers by charter flight

We can see from the graph that in the first months of 2012 the number of asylum seekers from Serbia – mostly Roma – started to increase significantly.

The Danish Government adopted a temporary regulation by 18 December 2012 granting rejected asylum seekers who voluntarily returned home the amount of 20.000 DKK (€2,650) for adults and 10.000 DKK (€1,300) per child – by application before 1 July 2013. This decision, however, did not apply to i.a. applications from the Western Balkans, who only receive €50 of pocket money and some food for the trip home. It cannot be ruled out that a rumour about this temporary regulation may have been a pull factor for some Western Balkans asylum seekers.

The increase of asylum seekers from Serbia in 2012 in April and May 2013, was followed by a steep decline. As with cases of rumour-based jumps in applications in other countries, we can see how a misunderstanding or miscommunication of some measures can lead to large short-term increases of asylum seekers and how long it takes for the real conditions to be communicated back to the source country.



*Data for Q3 2013 is limited to July and August 2013 since September data is not yet available

Figure 31. Asylum applicants from WB countries in Denmark, 2008-2013

3. Measures taken by MS in the countries of origin

Besides the measures taken by MSAC in their own countries and in regard to their national asylum systems, MSAC have also taken measures in the countries of origin, in order to mitigate push and pull factors. The following measures were the main ones mentioned:

High level visits

Several MSAC organised 'high level' meetings with the authorities of the countries of origin. Switzerland¹⁹⁰, for example, did this in the framework of the so-called 'migration partnerships' aiming at approaching migration comprehensively and achieving an equitable balance between the interests of Switzerland, its partner country and the migrants themselves. The asylum influx and possible measures to influence push and pull factors were discussed during these meetings (e.g. the social inclusion and improvement of living conditions of returning asylum seekers, minorities and vulnerable persons in general).

The Austrian Government organised trilateral meetings with Serbia and Hungary concerning capacity-building measures aiming at improving the Serbian asylum and reception system.

Sweden also organised several high-level visits¹⁹¹, but these measures were thought to have only a limited effect.

Local level visits and information campaigns

Belgium stressed the importance of communication strategies to change the potential applicants' perception of the asylum system. These strategies included prevention campaigns, active cooperation with NGOs in Roma communities and some others initiatives such as TV shows and radio announcements. The German Federal Office for Migration and Refugees joined an information campaign under Belgian leadership in Kosovo and northern FYROM. The project "Promoting Responsible Migration Decisions – Youth Outreach" was implemented from January 2012 until June 2012. The target group was the youth, especially within the Roma, Askhali and Egyptian community.

According to Switzerland, information campaigns were effective. Switzerland supports the Ministry of Internal Affairs in Kosovo, for example, in planning an information campaign aiming to reduce irregular migration movements by raising awareness amongst the population in general and potential emigrants in particular.

Sweden also organised visits and actions at the local level and. The Swedish Embassy in Belgrade had meetings with relevant Ministries in order to share information and inform themselves about any measures implemented in Serbia. The Embassy has also visited the Preshevo Valley to meet with organizations, local mayors and social offices to discuss the situation. Embassies in Sarajevo and Tirana during 2012 worked in close contact with the responsible Ministries.

In April 2012, the Minister of Cooperation and Humanitarian Action of Luxembourg visited Serbia, Montenegro and Kosovo, which was deemed to have limited effect.

Migration and Development projects

The German Federal Office for Migration and Refugees participated in the IOM run project "Migration and Socio-Economic Development in the Western Balkans-MIDWEB¹⁹²" from February 2011 until December 2012. Target countries of this project were, among others, Serbia, FYROM and Kosovo. The overall goal of MIDWEB was to intensify the cooperation with the governmental authorities of the Western Balkan countries involved in order to increase awareness of current

¹⁹⁰ Autumn 2012: Bosnia Herzegovina, Serbia and FYROM: Meetings between central authorities and local embassies at high officials and expert level. January 2013: the Director of the Federal Office for Migration visited the Serbia, Bosnia Herzegovina and FYROM and had meetings on ministerial level.

¹⁹¹ Visit by Minister of Migration Mr. Tobias Billström to Belgrade in June 2011 and to Kosovo in October 2011. Visit by State Secretary, Ms. Minna Ljunggren, to FYROM in October 2012.

¹⁹² Cf. http://www.iom.int/germany/en/projects_MIDWEB.htm

migration issues and their solutions. One of the main project activities was the temporary return of highly qualified nationals living in the EU or Switzerland to contribute to the development of their countries of origin via the creation of contacts with local authorities, companies, organisations and institutions. Another important project activity was the expansion of the network of Migrant Service Centres and the improvement of their services providing information, advice and referral services to migrants and potential migrants.

4. Measures taken by countries of origin to mitigate push factors and safeguard the visa-free regime

The governments of WB countries have implemented a number of initiatives either to remove or mitigate factors pushing some of their citizens to make unfounded asylum claims in MSAC. These have included various socioeconomic measures to enhance the well-being of vulnerable societal groups, awareness-raising campaigns, improved international cooperation, better birth registration (of Roma) and legal and other measures. Many of these initiatives have been set up in the context of the implementation of the visa-free travel regime with the EU.

All Western Balkan states except Kosovo are part of the regime which allows citizens of these countries holding a biometric passport, to travel to the EU Member States, without a visa, in accordance with Regulation 539/20011. The decisions to grant visa-free travel to citizens of these Western Balkan countries were based on thorough assessment of the progress made in the areas identified in the “roadmaps for the visa liberalisation dialogues” (document security, border management, asylum, migration, fight against organised crime and corruption, and protection of fundamental rights). As noted in the Commission’s “Third report on the Post-Visa Liberalisation Monitoring for the Western Balkan Countries” [hereafter the “Third Report”], “the visa-free regime is the most tangible benefit for the citizens of the Western Balkan countries in the process of their integration into the EU, and a very strong incentive for accelerating reforms in the area of justice and home affairs¹⁹³”. The European Commission launched a visa liberalisation dialogue with Kosovo on 19 January 2012 and handed the visa roadmap to Kosovo authorities on 14 June 2012, which sets out a comprehensive list of reforms that Kosovo was requested to implement.¹⁹⁴

In a statement presented on 8 November 2010 at the Justice and Home Affairs Council, the Commission explicitly underlined the importance of a continued effective implementation of all measures and reforms undertaken by the Western Balkan countries as part of their obligations for the visa dialogue and put in place a “post-visa liberalisation monitoring mechanism” to assess progress.

This mechanism was part of a wider effort of the European Commission to conduct high-level dialogues with countries of the Western Balkans explicitly in order “to take appropriate measures to reduce the impact of visa liberalisation in terms of unfounded applications for international protection in the European Union”¹⁹⁵.

France, Germany, Belgium, Luxembourg, the Netherlands and Sweden sent a joint letter to the European Commission prior to the JHA Council meeting of 25 October 2012 noting that most applications for international protection by Western Balkan citizens enjoying visa-free travel are ‘manifestly unfounded’ and seeking to make further steps with the introduction of a safeguard

¹⁹³ European Commission, Third Report on the Post-Visa Liberalisation Monitoring for the Western Balkan Countries in accordance with the Commission Statement of 8 November 2010, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0472:FIN:EN:PDF> 28.8.2012, page 2 (accessed on 13.9.2013)

¹⁹⁴ European Commission Press Release, First Commission report on progress by Kosovo towards visa liberalisation, 12.2.2013, http://europa.eu/rapid/press-release_IP-13-108_en.htm, accessed on 30.9.2013

¹⁹⁵ European Asylum Support Office, Annual Report on the Situation of Asylum in the European Union 2012, 2013 <http://easo.europa.eu/wp-content/uploads/EASO-Annual-Report-Final.pdf>, page 35 (accessed on 13.9.2013)

clause that would allow for the temporary reintroduction of a visa requirement for nationals of the Balkan countries who are normally allowed to travel within the EU without a visa¹⁹⁶.

In September 2013, the European Parliament adopted amendments to the EU visa rules (Regulation 539/2001), including a new visa waiver suspension mechanism to ensure that visa free travel does not lead to irregularities or abuse was introduced in European Commission Memo¹⁹⁷. In the same document EU Commissioner for Home Affairs was cited that “the visa suspension mechanism should only be used in exceptional circumstances as a last resort measure. The aim is to address emergency situations caused by the abuse of the visa-free regime by nationals exempted from the visa obligation.”

FYROM

In FYROM, a High Level Ministerial Committee for monitoring of the implementation of the visa-free travel regime with EU was set up, chaired by the Minister of Foreign Affairs, with participation of the ministers of all relevant institutions. Since its establishment this body has been engaged in setting up effective measures, assisted by expert working group.

Many national projects or projects in cooperation with different international partners have been set up, supporting socio-economic measures targeting vulnerable societal groups, particularly the Roma community in accordance with the Strategy and Action Plans on Roma Inclusion¹⁹⁸. These projects have a long-term scope and aim to increase the quality of life of the most vulnerable groups in the field of health, education, employment, housing, registration and more. Many local awareness-raising campaigns were organized in different parts of FYROM to send a clear message to the population that visa liberalisation does not mean FYROM nationals are entitled to asylum in the EU, that an application has very little chance of resulting in a positive decision (since FYROM is considered a safe country in many EU MS), and to explain the conditions to enter, stay and work in EU Member States.

Projects reported by the FYROM Government in responses to the EASO questionnaire included predominantly measures aimed at the Roma community¹⁹⁹ and focusing on social inclusion,

¹⁹⁶ EASO, Annual Report on the Situation of Asylum in the EU 2012, p. 33, available at: <http://easo.europa.eu/asylum-trends-analysis/annual-report-2012/>

¹⁹⁷ European Commission - MEMO/13/784, Cecilia Malmström on the adoption of a visa waiver suspension mechanism, 12/09/2013, [http://europa.eu/rapid/press-release MEMO-13-784_en.htm](http://europa.eu/rapid/press-release_MEMO-13-784_en.htm) (accessed on 13.9.2013)

¹⁹⁸ More information can be found on the website of FYROM Ministry of Labour and Social Policy, <http://www.mtsp.gov.mk/?ItemID=6FC822BBA79A61429117F41943673AE4>, accessed on 7.11.2013.

¹⁹⁹ **Roma Information Centers (RICs)** were opened, technically equipped and are fully functional. **ROMED (Training program for Roma mediators)** – supported by Council of Europe and carried out in 18 states in Europe (FYROM participating since 2011). 80 Roma mediators in the fields of education and health went through trainings and gained ‘mediators’ certificates from CoE. In order to provide better protection to children on streets, the **Action Plan for Children on Streets 2013–2015** was adopted. The Action Plan was developed in cooperation with all stakeholder and institutions responsible for providing child protection, as well as with the participatory involvement of the children on streets themselves. **Roma health mediators’ program** - 16 Roma health mediators in health centers in 8 municipalities were engaged to facilitate access of representatives of Roma community to health and social services. Provision of **scholarships to Roma pupils** continue, with 593 scholarships and 107 grants for mentorship awarded for the school year 2012/13. **Project "Inclusion of Roma children in kindergardens"** – the new project cycle for the school year 2012-2013 continued including 459 Roma children in 18 municipalities. **New Secondary School** - new combined secondary vocational and gymnasium school is under construction in the municipality of Shuto Orizari, where the majority of the Roma population lives. Under the **twinning Project with Austria (Agency for European integration and economic development) for support of integration of ethnic communities in the education system** a separate component is being carried out for training of parents and Roma mediators. **Medical scholarships** – the program for medical scholarships is realised within the Public Health Program. 75 medical scholarships for Roma students were assigned for the 2011/2012 school year out of 126 candidates who applied. For comparison, the number of assigned scholarships in 2010 was 48. **Campaign under the motto “The diploma creates leaders - learn medicine”** started, designed for young Roma - students of the medical faculties and universities, students in medical high vocational schools, doctors specialists and doctors on postgraduate studies. The purpose of the program is providing support for medical education, mentoring and training for health representation and communication skills. **Operational Plan for Active Employment Programs and Measures for 2013** – members of the Roma community were included as a vulnerable target group through the Programme for Inclusive Growth. **TAIEX Workshop for improving the access to labor market for the members of the Roma community** was held on 26-27 March 2013 for the representatives of the unit within the Ministry of labour and social policy and RICs. Ministry of transport and communications is disbursing the amount of **10.000.000,00 MKD** allocated in the 2013 Budget for **communal infrastructure projects for Roma settlements** to be realised in cooperation with the municipalities. **Project “Housing of socially vulnerable groups”** is being financed by 50% with a loan from COE Development Bank (25.350.000€) and 50% from the National Budget (25.350.000€).

participation in education and public health services, access to the labour market, registration, financial support, as well as campaigns directly aimed at providing information on the functioning of the EU asylum system and visa-free regime .

The FYROM Border police has strengthened checks on Macedonian citizens when leaving the territory of FYROM, scrutinising travel documents and possession of the required financial means to allow travel, conducting interviews with citizens on their destination and the purpose of their trips.

The European Commission in its “Third Report” notes that FYROM is progressing in replacing old identification documents with new biometric ones and that various measures have been introduced in the field of border management, asylum and migration but stresses that further efforts should be taken in the field of fighting organised crime and corruption. FYROM is recognised as having taken measures to improve life of vulnerable groups, particularly Roma²⁰⁰.

Serbia

To combat high numbers of unfounded asylum applications from Serbia, the Government of the Republic of Serbia has also undertaken different measures. In 2011, Serbia established the “Commission for monitoring the visa-free arrangement with the EU”. Members of the Commission include representatives of Ministry of Foreign Affairs, Ministry of Justice and Public Administration, Ministry of Finance, Ministry of Work, Employment and Social Policy, Commissariat for refugees, Office for EU integrations and the Office for Human and Minority Rights²⁰¹. Each of these instances enacts measures according to its own purview aimed at reducing the number of unfounded asylum applications submitted by Serbian citizens in EU Member States²⁰².

Cooperation in regard to the readmission procedure with the countries who signed the Readmission Agreements with the Republic of Serbia is evolving²⁰³. According to the Government of Serbia, over 95% of readmission requests, submitted in accordance with the agreement were resolved with a positive outcome²⁰⁴.

Together with IOM and the Red Cross, the Serbian Government has organised various awareness-raising campaigns about the rights of migrants, including returnees²⁰⁵ and developed radio and television clips, posters and fliers.

The Police Directorate and the Service for Combating Crime have surveyed passenger transportation companies and agencies specialised in passenger transportation services to EU Member States, in

Strengthening of RICs in promotion of suitable housing for Roma community – a project for strengthening of RIC in promotion of Roma housing was implemented until end of February 2013 in cooperation with OSCE. **On-field action is being realised to identify persons not registered in matricular books** Mobile legal offices work and are situated at the premises of non-governmental organisations in Skopje, Stip, Delchevo, Kocani, Tetovo and Gostivar. There are ongoing activities for informing and supporting the Roma population in regards to the applications for the “**Conditional Cash Transfer**” project (financial support to families, unemployment benefits - including Roma families). This programme grants financial supplements to households which are beneficiaries of social assistance but are not beneficiaries of child’s allowance, if they have children enrolled in secondary schools. The “**Project for Prevention - Stop for abusing of the visa liberalisation**” is being implemented by the Ministry of Interior in all municipalities in FYROM. For each municipality a separate project has been developed which include: **distribution of leaflets with detailed information on the visa free regime** (made on three languages Macedonian, Roma, Albanian) and **organising debates**. Informative meetings were held in **elementary and high schools** under the **project supported by OSCE “Prevention from Illegal Migration and Visa Free Travel”**. Target group are high school students from 3rd and 4th grade, their teachers and parents.

²⁰⁰ European Commission, Third Report on the Post-Visa Liberalisation Monitoring for the Western Balkan Countries in accordance with the Commission Statement of 8 November 2010, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0472:FIN:EN:PDF> 28.8.2012, page 6, accessed on 25.9.2013.

²⁰¹ According to email correspondence with MOI Serbia on 14.9.2013

²⁰² Republic of Serbia, Commission for monitoring the visa-free arrangement with the EU REPORT on measures taken in order to maintain the visa-free travel regime with the EU from 27.3.2013

²⁰³ European Commission, Third Report on the Post-Visa Liberalisation Monitoring for the Western Balkan Countries in accordance with the Commission Statement of 8 November 2010, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0472:FIN:EN:PDF> 28.8.2012, page 9, accessed on 25.9.2013.

²⁰⁴ The Republic of Serbia, Commission for monitoring the visa-free arrangement with the EU REPORT on measures taken in order to maintain the visa-free travel regime with the EU from 27.3.2013

²⁰⁵ Nine round tables were organized across Serbia – five round tables for civil society and representatives of research and academic communities which were attended by 86 persons and four round tables for the media where over 50 media outlets were actively involved in covering this topic in order to get full information about various categories of migrants and report properly about this subject thus creating public opinion. Returnees under readmission agreements were among key topics of discussion at all round tables.

order to determine the potential for organised abuse of the asylum system in destination countries and misinformation to citizens about asylum benefits.²⁰⁶

Serbia too has reinforced exit controls at the border to ensure Serbian citizens travelling to the EU have the correct documentation and sufficient financial resources²⁰⁷. It was mentioned by Serbia and FYROM government officials that current procedures at the border to safeguard the visa free regime are as intense as they can be without putting undue pressure on their citizens²⁰⁸. On the other hand, the European Commission suggests that “efforts to strengthen exit controls (in the Western Balkan countries) and entry controls (at EU borders) should be further enhanced.”²⁰⁹

However, while progress is reported in the field of document security and combatting organised crime, the European Commission reports no progress in the field of migration in Serbia and notes that “further serious efforts, including financial resources, are needed in order to improve the status and socio-economic conditions of the Roma.”²¹⁰

Albania

The Albanian government has set up a National Task Force in order to monitor the process of visa liberalisation with the EU, chaired by the Deputy Minister of Interior.

Albania has focused awareness-raising measures on specifically families and single men, aged from 20 to 40, from Malësi e Madhe and Shkodra Region with primary and secondary school education. Albanian authorities also started cooperation with Belgian and Swedish immigration and asylum authorities in conducting information campaigns and signed a cooperation agreement and Memorandum of Understanding on the exchange of information on migration and asylum with Austria and the United Kingdom. Albania also disseminates leaflets with specific information on asylum-related matters.

Police forces in Albania have strengthened their capacity with regard to the identification, investigation and criminal prosecution of those persons who falsify documents for the purpose of being used by persons applying for international protection. The Border police are also denying exit from the Republic of Albania to those who have been denied entry to the 28 countries of the EU/Schengen.

Albania moreover made changes to its Criminal code and increased the severity of punishment for murder as part of a blood feud²¹¹ and investigated and is tackling corruption in the national bodies dealing with the issue and issuing certificates “authenticating” the reality of the feud²¹².

²⁰⁶ The Republic of Serbia, Commission for monitoring the visa-free arrangement with the EU “Report on measures taken in order to maintain the visa-free travel regime with the EU”. This is also confirmed in European Commission, Third Report on the Post-Visa Liberalisation Monitoring for the Western Balkan Countries in accordance with the Commission Statement of 8 November 2010, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0472:FIN:EN:PDF> 28.8.2012, page 9-10 (accessed on 25.9.2013).

²⁰⁷ Glasnik Republike Srbije, number 110-4226/2011-001 Regulation on regulating manner of carrying out police powers of border police officers and responsibilities of the state border crossing, Belgrade 2. July 2011.

²⁰⁸ Information from study visit to Western Balkan meetings with MOI Serbia on 31.7.201 and with MOI FYROM on 25.7.2013.

²⁰⁹ European Commission, Third Report on the Post-Visa Liberalisation Monitoring for the Western Balkan Countries in accordance with the Commission Statement of 8 November 2010, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0472:FIN:EN:PDF> 28.8.2012, page 15 (accessed on 25.9.2013).

²¹⁰ European Commission, Third Report on the Post-Visa Liberalisation Monitoring for the Western Balkan Countries in accordance with the Commission Statement of 8 November 2010, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0472:FIN:EN:PDF> 28.8.2012, page 2 (accessed on 25.9.2013).

²¹¹ Based on the changes of the Criminal Code of the Republic of Albania in May 2013, the punishment for murder on the blood feud grounds is extended to 28 years in prison or to life sentence, while in the old Criminal Code it was 20 years in prison or life sentence. When this crime is conducted under the conditions of no less than two aggravating circumstances, based on the Article 50 of the new Criminal Code, the act is punished with 38 years in prison or life sentence.

²¹² “The Albanian Ministry of Interior has reportedly established a task force to address the problem of counterfeit documents about blood feuds used by asylum seekers. Both the Albanian police director and the Minister of Interior have vowed to prosecute those who prepare such counterfeit documents”. Section 9.32, p. 40, UKBA Albania: COI report. 30 March 2012. <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/coi/albania/report-03-12.pdf?view=Binary>.

In the framework of the commitment that Albania has taken to readmit its citizens under the Readmission Agreement but also to cover the return costs for Albanian citizens who abuse the process of visa free travel to seek asylum in the EU/Schengen countries, the State Police organised for the first time a repatriation operation for 51 Albanian citizens who had violated the rules of stay in the Schengen area, especially in the territory of Belgium. All costs for organising and executing this operation were covered by the Albanian state²¹³.

According to the Third Report on Post-Visa Monitoring, the implementation of the Strategy on improving Roma living conditions is still slow. There was progress in distributing biometric documents and some progress in different fields of fighting against crime.²¹⁴

Kosovo

Kosovo conducted several awareness-raising campaigns in the past three years. In 2011 the government launched 3 TV commercials in all official languages and in 2012 Kosovo introduced banners in electronic portals (mainly online media), in addition to billboards campaign. It also distributed flyers with the message “Illegal immigration endangers the future” at different border crossing points and to the consular sections of different embassies.

The Government of Kosovo has also strengthened its efforts to register all citizens at birth, with a particular focus to the RAE (Roma, Ashkali and Egyptian) community. The Government of Kosovo has extended the deadline for civil registration of children from RAE community. With the support of UNHCR, the Government is identifying unregistered children with the aim of registering them.

The Government of the Republic of Kosovo has established a Department of Reintegration of Repatriated Persons, to address the needs of repatriated persons. Since 2011, this department offers services of immediate help such as: housing, food, hygiene and medical care, and sustainable reintegration measures focusing on construction of new houses, reconstruction and employment.

Kosovo legislation on state border control and on foreigners as well as the Criminal Code foresees different provisions in order to prevent illegal migration. In this context, Kosovo authorities make checks at the border to ensure citizens fulfil conditions for leaving the country such as possession of visas, valid travel documents and permits of stay.

Bosnia and Herzegovina

In its answers to the questionnaire, Bosnia and Herzegovina reported about conducting information campaigns on the rights and obligations linked to the visa-free travel regime. These campaigns were organized at national, regional and local level.

In addition, several measures were taken to improve the socio-economic situation of the Roma community and agreements and memorandums were signed for easier implementation of envisaged measures. Some projects are implemented with participation of local NGOs. Measures are mostly long term oriented and aim at improving the life of Roma in different aspects, such as education, employment, health, housing, registration, etc.

Progress has been made in the field of issuing new biometric identity documents - 72% of all passports have been changed – and in border control in general. However, the European Commission in its “Third Report” noted that infrastructure development was still necessary to block the unauthorised Border Crossing Points already identified along the Bosnia and Herzegovina borders with Montenegro and Serbia. The implementation of the readmission agreement between Bosnia and the EU was, however, judged to run smoothly. Some progress was reported in development of

²¹³ Interview with State Police of Albania 23 July 2013. The return operation took place on 24 October, 2012.

²¹⁴ European Commission, Third Report on the Post-Visa Liberalisation Monitoring for the Western Balkan Countries in accordance with the Commission Statement of 8 November 2010, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0472:FIN:EN:PDF> 28.8.2012, page 2, accessed on 25.9.2013.

housing for Roma but continuing concerns were evident in regard to education, health and employment opportunities for the Roma community.²¹⁵

5. Conclusion

A catalogue of measures has been taken by MSAC to reduce both push and pull factors. In regard to pull factors, according to the possibilities provided by their national law to deal with the substantial numbers of claims for international protection that they receive from WB nationals, MSAC have, *inter alia*, used accelerated procedures, prioritised the WB caseload or shortened the duration of the normal asylum procedure (from application to final decision and return); reorganised their processing and resources to deal with peak flows; reduced cash benefits provided during the procedure; and strengthened voluntary or forced return programmes.

Measures undertaken in source countries have included: high-level visits, information campaigns and support for long-term migration and development projects.

A raft of measures have been undertaken in WB countries targeting particularly minorities both to improve conditions generally in the country of origin to remove the root cause as far as possible, but also to strengthen controls at the border in order to dissuade citizens who are judged to be leaving in order to make an unfounded claim from travelling.

Comparative analysis of the statistical data regarding subsequent numbers of applications for asylum from WB countries would appear to support the conclusion that MSAC that have been able to put in place the shortest procedures in combination with low cash benefits have seen lower numbers of applications as a result and thus that concentration on managing pull factors is the most effective approach in the short term.

²¹⁵ European Commission, Third Report on the Post-Visa Liberalisation Monitoring for the Western Balkan Countries in accordance with the Commission Statement of 8 November 2010, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0472:FIN:EN:PDF> 28.8.2012, page 6, accessed on 15.10.2013.

CONCLUSION

The Western Balkans flow has become an increasingly important part of the asylum caseload at EU level (in recent years substantially exceeding the numbers from any other single country of origin), despite the vast majority of claims being considered as unfounded by MSAC. The flow is restricted to a limited number of MSAC and in some cases greatly affects their asylum systems' ability to process other claims.

Profiles, origins and destinations

The flow is variable over time (while showing a general upward trend) and strongly seasonal (increasingly so in recent years), with the major peaks being seen just before winter. This seasonality is particularly acute in the case of claims from Serbia and FYROM and thus may be correlated to the particular factors affecting the Roma community there, since these constitute the majority of the applicants from these countries.

The composition of the WB flow varies over time, with certain WB countries being more important in some years compared to others, though Serbia, FYROM, Kosovo and Albania are the numerically most important overall. The numbers of asylum seekers from Western Balkans consist mainly of Roma from Serbia and FYROM, and Albanians from Albania and Kosovo.

Though WB citizens face one of the highest rejection rates of asylum claims of any countries of origin, the rate varies by destination country and by country of origin. There appears to be no correlation between propensity to apply for asylum and the recognition rate in the receiving country.

The most significant push factors

The most important push factor behind the decision of some WB citizens to claim asylum in MSAC are the societal problems of specific groups, which are closely linked – especially in the case of Roma – to unemployment and poverty. In transitional countries with fragile job markets, still evolving health and education systems and deficient social structures, minorities tend to experience financial, social and health-related problems in a more pronounced way than the majority population.

In turn, problems accessing the labour market lead many to rely on social infrastructure and services (including welfare benefits) that are insufficient – thus constituting a third push factor.

Other significant push factors (though not affecting significant numbers of claims) include insufficient and poorly accessible health care and, in the case of ethnic Albanians, blood feuds and political discrimination.

While such factors are overwhelmingly not considered by MSAC to constitute sufficient grounds for the awarding of protection under international or national legislation, it should be stressed that not all asylum applications are or are considered to be unfounded. As a result, all asylum applications from Western Balkan countries continue to require an individual assessment.

The most significant pull factors

From the above, it appears that the principal factors determining the choice of destination country are economic in nature.

MSAC see the linked issues of (particularly cash) benefits and long processing times as the main factors determining both the decision of some economically disadvantaged WB citizens to apply for asylum and where they apply for asylum.

The presence of an existing diaspora appears to be important, especially in communicating with prospective applicants. There is an almost perfect correlation between the stock of residence permits and the list of MSAC most affected by the WB flow. Individual success stories often work as a catalyst.

The possibilities to find legal or illegal work (a major factor in Austria, Switzerland, Luxembourg and Belgium) may also be important depending on the profile of the applicants.

Benefits in Member States, even though considered low in the Member State itself, may still be very appealing to Western Balkan nationals compared to national standards.

Measures

It appears evident from the catalogue of measures taken in various MSAC according to the possibilities provided by their national law, that the shorter the duration of the asylum procedure (from application to final decision and return) and the lower the cash benefits provided during it, the more clear is the effect on subsequent numbers of presumably unfounded applications for asylum.

Other measures, such as information campaigns and voluntary or forced return programmes are judged by MSAC to also have a role to play (depending on the specificities of the influx –for example when peaks appear to be caused by rumour or misinformation in the source country) but are less obviously responsible for subsequent reductions in applications.

A raft of measures have been undertaken in WB countries targeting particularly minorities both to improve conditions generally in the country of origin to remove the root cause as far as possible, but also to attempt to stop citizens who are judged to be leaving in order to make an unfounded claim. Both of these approaches have difficulties: in the former case the measures and effects are by nature very long term, in the latter, detecting “intention” is notoriously difficult and legally questionable. Concentration on pull factors would therefore seem to be the most effective of the possible measures in the shorter term.

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ANNEXES

Annex 1

List of interviews conducted during the study visit to Albania, Kosovo, FYROM and Serbia from 21 to 31 July 2013

22 July 2013

Meeting with UNHCR in Tirana

Meeting with representatives of Institute i Imigracion Zhvillim e Integrim (IMZHI) in Tirana

23 July 2013

Meeting with IOM Tirana

Meeting with a delegation of the State Police of Albania in Tirana

Meeting with Ministry for Labour and Social Affairs representatives in Tirana

24 July 2013

Meeting with representatives of UNHCR in Skopje

Meeting with representatives of NGO Linda in Kumanovo

Meeting with City Red Cross representative in Skopje

25. July 2013

Meeting with FYROM Ministry of Foreign Affairs representatives in Skopje

Meeting with FYROM Ministry of Interior representatives in Skopje

Meeting with FYROM Ministry of Labour and Social Policy, representatives of Department for Implementation of the Roma Strategy

26 July 2013

Meeting with representatives of UNHCR in Pristina

Meeting with representatives of ICMPD Rekoko project on Return and Reintegration in Kosovo

Meeting with director of Roma and Ashkalia Documentation Center Kosovo

29 July 2013

Meeting with representatives of Kosovo Ministry of Internal Affairs in Pristina

30 July 2013

Meeting with representative of OCHR and UNHCR in Belgrade.

Meeting with representative of NGO Praxis in Belgrade,

Meeting with representative of League for the Decade in Belgrade

31 July 2013

Meeting with delegation of Ministry of Interior Serbia in Belgrade.

Annex 2

List of MSAC responding to EASO questionnaires

Questionnaire 1

EU Member states that replied to the first EASO questionnaire sent out in January 2013 were: Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Lithuania, Luxembourg, Netherlands, Malta, Poland, Portugal, Slovenia, Slovakia, Switzerland, Sweden, United Kingdom.

Questionnaire 2

Countries that answered to the second EASO questionnaire sent out in May 2013 were: Austria, Belgium, Denmark, Finland, France, Germany, Hungary, Luxembourg, Netherlands, Sweden, Switzerland, Slovenia

