Feasibility Study on Irregular Migration in Western Balkans

FINAL REPORT

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Acknowledgements

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List of Acronyms

AVR	Assisted Voluntary Return
BCP	Border Crossing Point
BiH	Bosnia and Herzegovina
BMS	Border Management System
COO	Country of Origin
CRP/K	Civil Rights Program Kosovo*
CSBC	Control of State Border Crossing
FYROM	The Former Yugoslav Republic of Macedonia
ICITAP	International Criminal Investigative Training Assistance Program
ILECU	The International Law Enforcement Cooperation Unit
MARRI	The Migration, Asylum, Refugees Regional Initiative
MIS	Migration Information System
MLSP	Ministry of Labour and Social Policy
MoI	Ministry of Interior
MoS	Ministry of Security in Bosnia and Herzegovina
MoU	Memorandum of Understanding
MS	Member States
MYLA	Macedonian Young Lawyers Association
PCC	Police Cooperation Centre
RTS	Regional Technical Specialists
SELEC	Southeast European Law Enforcement Centre
SFA	Service for Foreigners' Affairs
SIS	Schengen Information System
TCN	Third Country Nationals
TIMS	Total Information Management System
ToR	Terms of Reference
UAMs	Unaccompanied Minors
UNHCR	United Nations High Commissioner for Refugees
VIS	Visa Information System
VoTs	Victims of Trafficking

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1. Executive Summary

1.1. Background

This report is the product of a response to a request by the European Commission to undertake a feasibility study in order to ascertain the current situation within the Western Balkans in regard to transit irregular migration from outside the region, particularly from Pakistan, Afghanistan, Somalia, and Algeria, and to identify practical solutions to address this issue. A core team was established to undertake the Feasibility Study, consisting of a migration expert from the IOM Vienna Regional Office and an expert from IOM Sarajevo.

The purpose of this study is to provide an overview of the current situation within the Western Balkan region, focusing on Albania, Bosnia and Herzegovina, the Former Yugoslav Republic of Macedonia, Kosovo[*], Montenegro, and Serbia. In this context and also because of the relatively short timeframe given for its production, this report should not be regarded as an all-encompassing account of the situation in each country, but rather it constitutes a concise regional overview that serves to provide the justification and framework for the comprehensive, practical, and pragmatic recommendations made, in line with the overall objective of the study.

As agreed with the EC, the study constitutes a regional analysis of the issue from four crucial standpoints, namely the exchange of information, readmission agreements and joint returns, reception facilities, and interpretation/language analysis. These four issues constitute key elements in the systematic management of irregular migration and are inherently interlinked; deficiencies in the current capacities are mutually reinforcing, and thus enhancing mechanisms in one sphere will serve to improve the management of another.

To ensure that the regional recommendations of the report remained consistent with the situation in each country and reflected the wide range of priorities, interests, and national particularities, field assessments were carried out by the core team throughout the entire targeted area.

IOM utilised the well-established structures the organisation has in the whole Western Balkan region, building on the existing networks and contacts to meet with key national stakeholders, including senior representatives of all competent bodies for migration, asylum, and border management. In addition, the study visits included meetings with UNHCR, MARRI, and other external actors, as well as representatives of the EU Delegations, in order to take into account a broad range of views and analysis on the subject covered.

Therefore, this report constitutes a concise overview of the current situation concerning transit irregular migration throughout the Western Balkans region and identifies positive areas for intervention in response to this phenomenon, proposing comprehensive, practical, and pragmatic recommendations to tackle irregular migration towards the European Union. The report also includes country chapters, which provide a general overview of the local situation and current national capacities, constituting a solid basis for identifying and developing initiatives at the sub-regional and national levels.

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[*] This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo Declaration of Independence. All reference to Kosovo in this report, whether the territory, institutions or population in the text shall be understood in full compliance with UN Security Council resolution 1244 and without prejudice to the status of Kosovo.

1.2. Current Situation

The nature of transit irregular migration in the Western Balkans region has altered in recent years, with countries in the region now experiencing an increasing number of irregular migrants from extra-regional countries of origin transiting through the Western Balkans, with Afghanistan, Pakistan, Palestine, Syria, and Algeria constituting the principal countries of origin.

The border between Greece and Turkey has constituted an area utilised by a significant number of irregular migrants from Asia and Africa attempting to enter the EU, from where these migrants transit the Western Balkans, with routes commencing in the Former Yugoslav Republic of Macedonia and, to a lesser degree, Albania. The border between Turkey and Greece was recently strengthened with the assistance of Frontex and the deployment of an additional 1800 officers along the Evros river at the beginning of August 2012, with the result that the number of migrants crossing this border has decreased significantly; however, the long term impact of such measures and their ability to further control the migration flows remain to be seen, as does the phenomena of migrants crossing into Greece via surrounding islands, which has been a consequence of these measures[1].

The major route in the Western Balkans passes through Serbia to enter Hungary, whilst the other passes through Albania or Kosovo*, Montenegro, and BiH, to enter Croatia. In this context, the entire region is affected by this phenomenon. The rise in the number of extra-regional irregular migrants transiting through the Western Balkans has also served to increase the number and scope of criminal organisations facilitating the movement of irregular migrants, and it is obvious that the widening of the EU external borders with the Western Balkans, as a consequence of the accession of Croatia to the EU, is likely to worsen the situation.

This has impinged on the abilities of the competent authorities in the region to manage these flows. While countries in the region have enacted legislation and introduced mechanisms to manage irregular migration flows, these interventions have typically taken place at the national level. Though these mechanisms constitute a solid basis from which to build on at the regional level, the increase in extra-regional irregular migrants transiting through the region, combined with the increased numbers of rejected asylum seekers readmitted from the EU, is serving to increase the pressure on the already strained resources of these governments.

Focusing interventions at the national level is likely to lead to disparities between the capacities of states in the region in managing these irregular flows, which will likely result in a 'waterbed effect', whereby facilitators and irregular migrants will traverse those borders that are perceived to be easier to cross, and irregular migratory pressures will therefore shift to other surrounding countries, impeding efforts towards managing migration flows systematically.

In this context, it is apparent that there is a need for further regional coordination and cooperation to curb irregular migratory flows towards the EU. Irregular migration in the Western Balkans is inherently a multilateral concern, and desired outcomes are most likely to be achieved if countries in the region cooperate and coordinate to resolve them. In this context, the report recommends enhanced strategic cooperation at the regional level as a priority, in order to build and benefit from synergies across borders, as well as increase the effectiveness and efficiency of such intervention.

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[1] FRONTEX: "Situational update: Migratory situation at the Greek-Turkish border".
http://www.frontex.europa.eu/news/situational-update-migratory-situation-at-the-greek-turkish-border-HATxN9

1.3. Key Findings

1.3.1. Exchange of Information

It was highlighted in most of the countries in the region that the scope of irregular migration is becoming increasingly well organised, with increased level of recidivism of irregular migrants. Furthermore, Western Balkan countries report a high proportion of asylum abuse/asylum shopping, whereby a significant part of asylum seekers abscond prior to the outcome of the asylum procedure, which serves to increase the number of irregular migrants accounted for in each of the WB countries. In this context, it is evident that there is insufficient share and exchange of information between countries in the region, which serves to hinder the ability of competent bodies to manage these increases in irregular migration flows in a systematic manner.

Enhancing mechanisms for the sharing of information on applicants for international protection and those irregular migrants who crossed the national borders among the countries in the Western Balkan region would constitute an effective response to irregular migratory flows through the Western Balkans and consequently into the EU.

However, both the legal framework and capacities at the national levels in the region at present preclude such an initiative. It is therefore crucial to develop a framework agreement for all countries in the Western Balkans that outlines the specific terms and conditions regarding the level of participation of countries and serves to enshrine the principles governing the exchange of information, in order to set the basis for establishing a mechanism of data and information exchange. Furthermore, it is essential that all countries participate to develop this framework, agreeing on specific measures that allow the sharing of costs and avoid the negative consequences of a Dublin-type of regulation. At the same time, such a framework will contribute to the strengthening of the capacities of all countries to the same technical level, facilitating necessary changes to national legislation, and providing modern IT hardware and software as necessary. Technical interventions are crucial elements and should constitute a cornerstone of any intervention aimed at enhancing information exchange.

Such initiatives would facilitate the establishment of a mini-EURODAC-type system as a long-term priority, which would not only serve the purpose of facilitating a more cost-effective management of mixed migration flows, including asylum seekers, but would also establish an electronic system that is fully compatible with the EURODAC network upon EU accession. Therefore, this would constitute a timely and much needed long-term investment in the preparation of all Western Balkan countries for possible EU accession, in addition to facilitating the creation of vital mechanisms to tackle the multi-faceted issue of irregular migration more effectively. The establishment of a mini-EURODAC-type system would also allow countries to more effectively tackle the issue of multiple applications by asylum seekers using a number of false identities, an emerging issue in the region.

1.3.2. Readmission Agreements and Joint Returns

Readmission agreements between most of the countries in the Western Balkans are functioning at present. However, it is clear that readmissions only between Western Balkan countries do not constitute a sustainable solution to the issue of irregular migrants stranded/apprehended in the region, as they do not preclude these migrants attempting to pass through either the same or other Western Balkan country again in order to reach EU Member states.

Conversely, readmission agreements with extra-regional countries of origin would be of significant

assistance in reducing irregular migratory pressures. However, the negotiating power of the Western Balkan countries in concluding such agreements with countries of origin is somewhat confined, and even the limited number of signed agreements do not at present facilitate a significant return of irregular migrants.

The provision of support for joint operations in relation to voluntary and non-voluntary return could benefit countries in the region through facilitating increased economies of scale, though there is a need to further assess the impact of some specific activities included in those operations. However, a regional centralised system for the coordination of AVR activities led by an international organization/regional initiative could have a positive impact on the effective management of these operations, and national stakeholders interviewed affirmed support for such an initiative. With consideration of the right of the individual to request asylum, a crucial element for the success of AVR is that irregular migrants are provided with the option of returning to their country of origin at any stage of their stay/transit, and certainly prior to the initiation of any readmission/forced return process.

1.3.3. Reception Facilities

In regard to reception facilities, progress in countries in the region varies, depending on existing infrastructure and policies, as well as on the number of irregular migrants and asylum seekers accommodated in such facilities. However, there is a need to enhance reception facilities within all countries assessed, through both enhancing existing facilities and establishing new facilities, the latter in the absence of reception facilities or to supplement existing facilities in the context of both the augmented needs of the countries and the future changes in the regional situation caused by events such as the accession of Croatia to the EU. Some of the countries in the region have expressed an interest in the establishment of reception facilities that are mobile/temporary, to facilitate relocation to different areas according to emerging needs, which would serve to significantly reduce the costs involved in transferring migrants from border areas and would also streamline the process of such transfers.

In addition to initiatives focused on the infrastructure, the study highlighted that it would be beneficial to develop standard operating procedures within the reception centres for migrants and asylum seekers in the Western Balkan countries that incorporate standardised provisions on the human rights of migrants, including vulnerable groups, most pertinently unaccompanied minors (UAMs), women, and families. Ensuring compliance of the operating procedures in each country with EU and international standards and good practices will also assist countries in the region in aligning these structures with the EU *acquis*, within the context of the EU accession process. Such an approach will ensure that facilities across the region are able to achieve the same level of capacity, and facilitate better monitoring of those countries that require further support.

1.3.4. Interpretation and Language Analysis

The rise in the number of irregular migrants from extra-regional countries has created a situation whereby countries in the Western Balkan region do not currently have access to interpreters for all languages spoken by these migrants, nor the financial resources to independently ensure the provision of interpreters. Adequate communication with migrants is crucial, as such measures can ensure that the asylum procedure is conducted fairly, as well as assists authorities in identifying the migrant, and determining if they are of vulnerable status and have supplementary needs.

In a number of the countries within the region, competent bodies rely on the assumption that most

irregular migrants arrive within a group, and that one of this group will be able to converse to a degree in English, which inherently poses a number of human rights and law enforcement issues. Furthermore, the lack of mechanisms to identify the migrant also serves to extend the asylum process, as well as the process of return within the Centres for Foreigners, which places a significant additional burden on these facilities, which are currently operating at over capacity in some cases.

In this context, access to a pool of interpreters would significantly enhance the process of identifying migrants, not only in the context of managing migration in a more orderly fashion, but also in augmenting the protection of migrants' rights.

In regard to language analysis, this is performed in such cases in which there are doubts concerning the claimed country of origin of an asylum seeker. Doubts in regard to nationality may arise as a result of an applicant being unable to speak to an adequate level the primary language expected of his/her claimed country or region of origin or an applicant disclosing contradictory statements or other unreliable evidence regarding his/her country/region of origin. Though language analysis does not seem to constitute a priority in the region at present, the piloting of language analysis on a small-scale would provide an insight into the scope for such a mechanism to be established at a wider level in the long-term.

1.4. Key Recommendations

With the aim of providing recommendations for concrete measures to enhance the situation in the four assessed areas, a range of detailed, targeted, and comprehensively defined suggestions for potential interventions have been compiled. All recommendations were discussed with the relevant counterparts in the Western Balkans and are based on the most pertinent needs identified. The recommendations listed below are expanded upon within Section 4 of the report, and include the requisite processes as well as indicative cost estimation.

1.4.1. Information Exchange

- Establish a mechanism for sharing EURODAC-type of information between countries in the region;
- Establish regular regional meetings, including the participation of experts from EU Member States, in order to harmonise national migration-related policy, legislation, and operational procedures in line with the EU acquis and best practices;
- Strengthen the information exchange through existing mechanisms, including Police Cooperation Centres (PCCs), International Cooperation Units, and ILECUs.

1.4.2. Readmission Agreements and Joint Returns

- Support countries in the region in operating assisted voluntary returns back to the country of origin in a cost effective manner and assess feasibility and scope of joint return flights from the Western Balkans region;
- Strengthen Western Balkan consular cooperation in countries of origin in terms of identifying third country nationals and facilitating the return of these persons;
- Ensure that country of origin information is available to the Western Balkan countries.

1.4.3. Reception Facilities

- Develop harmonised standard operating procedures;
- Build the capacities of human resources;
- Facilitate the exchange of good practices;
- Facilitate dialogue between countries in the region on good practices in accommodating irregular migrants and migrants with special needs;
- Develop or update mini-dictionary, language tools, glossaries, and information leaflets on rights and responsibilities for the use by staff of reception centres and asylum seekers/irregular migrants in languages typically spoken;
- Support establishment of further centres as required on a country by country basis.

1.4.4. Interpretation and Language Analysis

- Create and update regional pool of interpreters;
- Implement a pilot initiative involving language analysis for one country of origin and encompassing a small case-load.

2.   Terms of Reference (ToR)

2.1. Background

2.1.1. Description of the research issue.

This study focuses on irregular migration through the Western Balkans region, concentrating on international flows of migrants transiting the countries on their way towards the European Union.

2.1.2. Outline of research methods to be implemented in order to obtain research objective.

Questionnaires, interviews, and discussions with national key stakeholders in migration management, as well as international organizations and regional initiatives dealing with irregular migration and/or asylum, analysis of statistical data and information, research documents and reports.

2.2. Objective

2.2.1. Overall objective to be accomplished under the study.

The overall objective of this assessment is to map out the current situation on irregular migration throughout the Western Balkans region and to identify potential areas for intervention as a regional response to reduce irregular migration flows from outside the region, particularly from Pakistan, Afghanistan, Somalia, and Algeria, and to propose concrete recommendations to tackle irregular migration towards the European Union.

2.2.2. Outline of specific objective.

To carry out a sector feasibility study with a focus on following key areas:

- Reception facilities for irregular migrants and asylum seekers: Capacity and needs.
- Information exchange systems.
- Readmission agreements with non-EU countries.
- Pool of interpreters and linguistic experts: Use of communication tools (video links etc.) and possibility to use existing linguistic expertise in EU Member States to help establish the correct origin of an asylum seeker.

2.2.3. Detailed outline of methodology for analysing the obtained data.

The core team working on the feasibility study consisted of a migration expert from the IOM Vienna Regional Office, and an expert from IOM Sarajevo. The team also benefited from the technical expertise of the Regional Technical Specialists (RTS) in the areas of Immigration & Border Management and Counter-Trafficking & Voluntary Return issues; additionally they were able to count on the support of a pool of national and international experts working on the different service areas that are relevant to this assessment at the IOM Missions in the concerned countries, as well as the IOM HQ in Geneva.

The RTSs provided assistance in the formulation of the questionnaires as well as serving as a point of contact for any questions that arose during the research. In addition, they participated directly in a number of the assessment visits and guided and informed the activities of all involved.

The IOM Vienna Regional Office expert served as a core researcher with broad thematic expertise in technical cooperation issues, especially in the area of immigration, as well as constituting a point of reference for all activities related to the field visits. This expert drafted the questionnaire for the interviews, shared it for comments with the RTSs and other relevant IOM experts, and subsequently finalised the methodology. The core researcher carried out the country assessments in Albania, Montenegro, Bosnia and Herzegovina, and Serbia and drafted the final report. The IOM Sarajevo expert participated in the country assessments in Bosnia and Herzegovina, Kosovo*, the Former Yugoslav Republic of Macedonia, and Serbia, and provided inputs to the methodology and recommendations, and assisted in drafting and editing the final report.

Furthermore, focal points were appointed in every IOM Western Balkan mission[2], in order to facilitate the meetings with the stakeholders during the country assessments and to provide the core team with relevant background information for the study visits.

Overall methodology

Assessment visits were carried out in Albania, Bosnia and Herzegovina, the Former Yugoslav Republic of Macedonia, Kosovo*, Montenegro, and Serbia. IOM utilised the well-established contacts the organisation enjoys throughout the Western Balkan region to meet with key national stakeholders to facilitate the formulation of comprehensive recommendations that are based on concrete inputs from stakeholders, covering the full range of priorities, interests, and national particularities. In terms of governmental stakeholders, the core team had meetings with all competent bodies for migration, asylum, and border management in each country. Furthermore, the assessments also included visits to Reception facilities, to ensure that the recommendations were based on the realities on the ground in each country. All national authorities responded positively to experts' requests in relation to the study, and emphasised the need in all the four identified key focal areas for external intervention. In addition to national authorities, the study visits included meetings with UNHCR, MARRI, and other external actors, as well as representatives of the EU Delegations, in order to take into account broader views and analysis on the subject covered and to ensure appropriate information of key stakeholders on this study.

As this is a regional study, the national chapters are presented after the summary of recommendations and the regional chapter. However, it is important to emphasise that these country specific assessments provide a more thorough overview of the situation within each country within the four focal areas and shall constitute an essential part of the report as presented. National chapters also constitute an important element for continuing discussions of these issues with national stakeholders as well as a solid basis for developing initiatives at the country level.

In order to develop concrete recommendations as requested by the European Commission, the study visits put special emphasis on:
- The **current situation** in each country in regard to the four key priority areas, including legislative frameworks, operational and technical capacities, and administrative aspects;
- **On-going and planned initiatives** at the national and/or regional level**;**

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[2] IOM Tirana, IOM Sarajevo, IOM Belgrade, IOM Skopje, IOM Pristina, and IOM Podgorica.

- **Priorities** for external support within these spheres.

The country assessments took place as follows:

Bosnia and Herzegovina:	22-24 October 2012
Kosovo*:	05-07 November 2012
The Former Yugoslav Republic of Macedonia:	07-09 November 2012
Montenegro:	12-14 November 2012
Albania:	14-16 November 2012
Serbia:	26-28 November 2012

2.3. Outputs / Areas of Research

The feasibility study aimed to propose viable and cost-effective solutions on how to address each priority mentioned under 2.2. in an efficient manner with clear identification of:

- Needs;
- Operational responses;
- Financial costs;
- Best methodology;
- Timing/ action plan.

3.   Introduction to the Thematic Priorities

As indicated by the EC, the assessment focused on four thematic priorities: information exchange, language analysis, readmission and return, and reception facilities for migrants. Though these are presented separately in the recommendations section, it is clear from the study visits that the thematic areas are inherently interlinked, and that deficiencies in the current mechanisms and capacities therein are mutually reinforcing.

The assessment prioritised the inclusion of a human rights perspective in all focal areas, ensuring that the recommendations were formulated in such a way as to ensure respect for the human rights and dignity of all migrants as a priority.

Information Exchange/Feasibility of mini-EURODAC

In order to evaluate the feasibility of mini-EURODAC within the Western Balkans framework, it was first necessary to assess if the individual Western Balkan countries have systems in place that facilitate the collection of data on foreigners, including the possibility of capturing biometric identifiers. Therefore, the country visits included as a first step the evaluation of the country situation in regard to data collection on foreigners, including both irregular migrants and asylum seekers, and then possibilities of more advanced regional cooperation and data exchange were explored, including, but not necessarily limited to, to the introduction of a mini-EURODAC system, as well as a regional mini-Dublin type of agreement.

Readmission agreements and feasibility of joint return operations

Readmission agreements reiterate and define the obligation of a country to readmit its own citizens. Some readmission agreements also set out the conditions under which the state parties are obliged to readmit citizens of third countries who have passed through their territory. Readmission agreements constitute an essential tool in tackling irregular migration through establishing a contractual framework, based on reciprocal obligations, for the readmission of irregular migrants to countries of transit.

The assessment ascertained the scope for the establishment of additional readmission agreements between the countries of the Western Balkans and extra-regional countries, particularly those that account for a large proportion of the irregular migrants passing through the region. Although such an initiative cannot be easily and quickly applied, it could serve to assist countries in the region in managing irregular migration flows in a more orderly and systematic manner.

To potentially complement such readmission agreements, the assessment also examined the feasibility of joint return operations, which would benefit countries in the region through increased economies of scale. One possible option for return assistance would be assisted voluntary return, which constitutes an important part of any effective and humane migration management framework. A further option that was explored through the assessments is the forced return of third country nationals and feasibility of joint return operations.

Reception facilities

The assessment also explored the existing capacities and requisite needs in terms of facilities, equipment, and special accommodation for vulnerable migrants, as well as capacity building needs of

each country in regard to operating Reception facilities, both for asylum seekers and foreign nationals. The recommendations for this area, due to the different state of play in different countries were formulated at the national level. Regional capacity building activities were also proposed in order to utilise good practices and ensure their spill-over in the region.

<u>Language analysis/expertise for interviewing asylum seekers and irregular migrants</u>

The assessment analysed the scope for both interpretation and language expertise within and/or amongst the countries. It is apparent that countries in the region are facing an increase in irregular migrants from extra-regional countries, most of whom do not possess travel/identity documents, and countries are experiencing a lack of qualified interpreters for such required languages. This results in difficulties in establishing the true identity and country of origin of such migrants, as well as in communicating adequately with them during the procedures that subsequently ensue.

In regard to language analysis, this is performed in such cases in which there are doubts concerning the claimed country of origin of an asylum seeker. The claims of an asylum seeker in regard to nationality might incite suspicions when an applicant is unable to speak to an adequate level the primary language expected of his/her claimed country or region of origin; an applicant´s dialect or accent is inconsistent with his/her claimed country or region of origin; the applicant discloses contradictory statements or other unreliable evidence regarding his/her country/region of origin; the applicant has a lack of knowledge about his/her claimed place of origin which is inconsistent with his/her level of education, profession, and general knowledge expected to know; and/or the applicant presents unreliable documentation regarding his/her country/region of origin, such as to cast doubt on his/her being entitled to hold such identity documentation.

4.   Recommendations of the Feasibility Study

Introduction

With the aim to provide recommendations for concrete measures to enhance the situation in the four assessed areas (reception facilities, information exchange, readmission/return mechanism, language analysis/interpretation), this Feasibility Study on Irregular Migration in the Western Balkans[3] includes a range of detailed, targeted, and comprehensively defined suggestions for potential interventions. All recommendations were discussed with the relevant counterparts in the Western Balkans and are based on the most pertinent needs identified; however, although all countries agree in principle on their implementation, issues such as existing national legislations or limited resources/capacities are preventing their immediate and simultaneous application throughout the region. In that context, these recommendations are divided into short- and long-term actions, which together aim at reforming and enhancing the current situation in all four assessed areas, and ultimately creating an EU-compliant system of migration management throughout the Western Balkan region.

Short-term measures constitute those activities for which there is an immediate need as a matter of high priority and/or where the prerequisites are already in place for such interventions. Those activities deemed to be of long-term nature encompass actions for which a long-term perspective is expedient due to the suggested duration of the activity itself, as well as those activities which would require respective changes in the national systems, especially in the related legal framework on the national and bi-/multilateral level. Furthermore, certain long-term initiatives are envisaged as building upon and being complementary to those short-term initiatives, through which technical, legislative, and capacity based activities have been put in place in order to facilitate the smooth implementation of such an intervention.

In contrast to most of the national interventions implemented within the last few years, only a few large-scale regional initiatives focusing on migration management have been implemented in the Western Balkan region. As a result of these national initiatives which have been carried out through both EU and bilateral funds, there are a number of national mechanisms and capacities related to the enhanced management of migratory issues are already in place. The tools and mechanisms adopted at the national level constitute a solid basis from which to build on at the regional level. However, the main issue that emerged during the assessment is that even the most developed national systems are unable to cope with the exceptional situation created by an increasing volume of irregular migration flows within the entire Western Balkan region. In order to produce immediate results and, at the same time, ensure the long-term impact and sustainability of the interventions, the solution to this situation must necessarily be twofold; firstly, national interventions are required that target the existing gaps, and, secondly, enhanced regional cooperation is necessary, in order to build and benefit from synergies across borders, as well as increase to the effectiveness and efficiency of such interventions.

The changes in the nature of regional migration flows, most pertinently the increase in the number of irregular migrants originating outside of the region, from countries such as Pakistan, Afghanistan, Somalia, and Algeria, have affected all countries in the region. The countries are not only facing the negative effects of analogous irregular migration patterns, namely an increase in extra-regional mi-

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[3] The feasibility study covers geographical region of Western Balkans including Albania, Bosnia and Herzegovina (BiH), Kosovo*, the Former Yugoslav Republic of Macedonia, Montenegro, and Serbia. Therefore, at any point that the terms "region" and "regional" are mentioned, the recommendations are referring to the countries specified above.

grants transiting through the region, but as these migrants transit through multiple countries in the region and sometimes return to those same countries two or more times while attempting to reach the EU, the costs for managing these irregular migratory flows have increased significantly and place a considerable financial burden on each country in the region.

It is important to emphasise that the assessment has confirmed that the vast majority of these migrants are entering the Western Balkans from Greece and transiting through the region in an attempt to enter again the European Union. As the countries in the Western Balkans region are currently unable to tackle this issue in a sustainable and orderly fashion, the current counter measures rarely result in irregular migrants stranded at the external borders of the EU being returned to their country of origin, and thus do not prevent those migrants trying to enter the EU illegally all over again. Therefore, without the provision of sustainable, cost-effective, and systematic mechanisms to reduce irregular migratory pressures on the EU external borders, the situation is likely to continue or even get worse.

In this context, the long term solution can only be a well-coordinated regional solution. Strengthening the mechanisms for tackling irregular migration in one country without having a concerted regional approach will most likely result in a 'waterbed effect', whereby the irregular migratory pressure will just shift to other surrounding countries, impeding efforts towards managing migration flows systematically.

Adopting a regional approach helps to ensure that countries are able to reach the same level of capacity in migration management. Enhancing regional cooperation is therefore an appropriate measure to meet the different facets of the issue of irregular migration, so as to ease the pressure on the EU borders as well as to ensure the implementation of cost effective and EU-compliant approaches. Therefore, building regional capacities will facilitate the development of harmonised standard operating procedures that are based on EU standards, assisting countries in the region in aligning structures and mechanisms with the EU *acquis*, which is a crucial component in the context of any EU accession process. In this context, supporting these countries in aligning structures and mechanisms with the EU *acquis* constitutes an astute investment with a long-term perspective, well in advance of any future accession of these countries to the EU.

In order to provide a comprehensive set of recommendations that meet the wide-ranging and interlinked needs of each country in the region, this chapter also includes recommendations that could have an impact on issues related to human rights, including asylum and protection of refugees; it is understood that interventions in those areas will need to be further discussed, coordinated, and agreed upon with relevant national and international stakeholders, such as UNHCR.

Recommendations

4.1. Information Exchange

The Feasibility Study tried to explore the potential for transferring good practices from EU Member States (MS) and establish a mechanism within the region to facilitate the exchange of information on asylum seekers and irregular migrants among Western Balkan countries. In the context of any future EU accession process and the relevant integration measures therein, all countries in the region will have to comply with EURODAC regulations upon accession. Thus, the final goal shall be to establish a mini-EURODAC-type system/mechanism (including the possibility to conclude a regional mini-Dublin type of agreement) that will not only serve the purpose of facilitating a more cost-effective management of mixed migration flows, including asylum seekers, but will also establish an electronic system that is fully compatible with the EURODAC network upon the EU accession of those countries involved.

Furthermore, considering there is a similar need for the countries accessing the EU to harmonise their systems with EC Regulation No 862/2007, concerning community statistics on migration and international protection, the proposed interventions related to information exchange should also involve harmonising statistical data within the Western Balkan region according to that regulation. Therefore, an intervention of this nature constitutes a timely and much needed investment in the preparation of all Western Balkan countries for a possible EU accession, in addition to facilitating the creation of vital mechanisms to tackle irregular migration more effectively.

In the framework of the country visits that the experts conducted within this feasibility study, the interviewed stakeholders expressed a general interest in establishing EURODAC-type databases (in line with EC Regulation No 862/2007) at a national level, but posed some issues of conditionality when discussing the opportunity to share data between countries. Although it is clear to all stakeholders that such system would facilitate the identification of irregular migrants and multiple asylum applicants using different (false) identities, existing national legislation and various technical and financial issues impede the establishment of these databases at present in some of the countries in the region.

In regard to regional exchange of information on asylum seekers and apprehended irregular migrants, the Western Balkan countries in general support this initiative. Nevertheless, some countries in the region have reservations regarding this exchange especially concerning the coupling of EURODAC with the Dublin regulation, which could result in an additional burden being placed on some countries due to the difficulties of further readmission/return to countries of transit and origin. Some of the countries in the region have emphasised that, whilst open to enhancing the exchange of information at the regional level, both in regard to mini-EURODAC and mini-Dublin, the involvement of other strategically key countries is a prerequisite for their involvement. Most pertinently, whilst BiH is open to the enhanced exchange of information at the regional level, both in regard to mini-EURODAC and mini-Dublin, it was emphasised that the participation of Montenegro and Serbia in any initiative would be a prerequisite for their involvement. Likewise, Serbia prioritises the involvement of the Former Yugoslav Republic of Macedonia. Therefore, a regional approach of this nature requires the political commitment of at least BiH, Montenegro, Serbia, and the Former Yugoslav Republic of Macedonia to ensure its greatest impact. In this context, the study has constituted a crucial element in attaining buy-in from key stakeholders within these countries. More detailed information on the support of individual states for this mechanism can be found in the national assessments chapters on information exchange under the heading "Information exchange with other countries in

the region".

Some of the countries in the region have also shown an interest in the establishment of mechanisms to replicate the Schengen Information System (SIS) and Visa Information System (VIS) on a regional level, but the limited timeframe of this study did not allow any in-depth discussion on the possible implementation of such mechanisms at the regional or bilateral level. However, it is clear that the establishing of a mini-SIS would have a positive impact on the managing of irregular migration flows, allowing the competent authorities to obtain and share information regarding certain categories of persons, documents, and goods posing a threat to national security, or just to enhance border control procedures and mechanisms. Similarly, a regional VIS database could facilitate information exchange on visa issuance, providing access to information, including biometric data, on visa applications by Third Country Nationals requiring a visa to enter the Western Balkan countries.

With the establishment of a mini-EURODAC-type system, countries in the region would be able to better tackle the issue of people abusing the asylum system through submitting multiple applications using different (false) identities. Multiple asylum applications by the same person and false declaration of nationality, termed nationality swapping, were identified as emerging issues by the stakeholders during the assessment.

Through an enhanced sharing of information on applicants for international protection and those irregular migrants who illegally crossed the national borders among the countries in the Western Balkan region, it would be possible to augment mechanisms for an effective response to irregular migratory flows through the Western Balkans and consequently into the EU. Moreover, such a system would allow countries to focus their attention on those migrants in genuine need of asylum and dedicate more time and resources to ensuring the protection of their rights.

However, both the legal framework and capacities at the national levels in the region at present preclude such an initiative. Furthermore, the link between the sharing of EURODAC-type information and the effective implementation of a regional Dublin-type of agreement is seen as a threat to those Western Balkan countries that already have a higher caseload of asylum seekers due to their geographical location along the main routes for irregular migrants from Turkey towards the EU.

In this context, the recommended intervention shall aim at bringing all Western Balkan countries to an equal technical level and, at the same time, facilitating necessary changes in national legislation and the development of requisite agreements in the region, as well as provide modern IT hardware and software to facilitate enhanced information exchange.

Measures such as the development of cross-border agreements and cost-sharing mechanisms require the existence of regular regional meetings in order to harmonise migration-related policy, legislation, and operational procedures. Though such meetings should build on existing regional initiatives, there is still a need to provide additional financial support to ensure the long-term sustainability of such a facilitated dialogue on migration management.

4.1.1   Establish a mechanism for sharing EURODAC-type of information between countries in the region.

Short-term

a)   Develop a framework agreement for all countries in the Western Balkans that outlines the specific terms and conditions regarding the level of participation of countries and serves to enshrine the principles governing the exchange of information, in order to set the basis for establishing a mechanism of data and information exchange;

b)   Based on the framework, conduct a technical and legal assessment on the status of national databases and systems (including those collecting biometric data) related to the registration of asylum seekers and irregular migrants in each country, in order to identify and define:

- ◦ minimum standards for information exchange in compliance with EURODAC standards and rules;
- ◦ necessary legislative amendments and technical prerequisites required to establish national computerised registration systems for irregular migrants and asylum seekers, similar and compatible with the EURODAC system implemented in EU MSs;
- ◦ modalities for a multi-lateral agreement on sharing such data;
- ◦ compliance with EC Regulation No 862/2007.

c)   Through thematic regional platforms (see also 4.1.2), explore modalities for the exchange of information on irregular migration between participating countries, in accordance with EC Regulation No 862/2007, and including the sharing of information on visa issuance.

Estimated duration: 18 Months (to take place in parallel with 4.1.2)
Indicative cost: EUR 650.000 Euro

Long-term

a)   Provide technical assistance for the upgrade/establishment of national computerised registration systems for irregular migrants and asylum seekers, incorporating biometric identifiers (fingerprints) in all Western Balkan countries, in accordance with EU rules and standards, and ensure compliance to EC Regulation No 862/2007 and full compatibility with the EURODAC system of EU MSs;

b)   Develop the capacities of all countries in the Western Balkan region to ensure that they are able to operate the system in accordance with EURODAC rules and standards as well as the EC Regulation No 862/2007;

c)   Strengthen and harmonise the legal provisions according to the EU *acquis* in regard to asylum, biometric data collection, data protection, and information exchange.

Estimated duration: 36 months
Indicative cost: 3.0 Million Euro

4.1.2   Establish regular regional meetings, including the participation of experts from EU Member States, in order to harmonise migration-related policy, legislation, and operational procedures.

Short-Term

a)   Building on existing regional initiatives/international organisations, establish/organise thematic regional platforms for regular and continued dialogue on the harmonisation of migration-related policies, legislation, and common standards on operational procedures across the Western Balkan region.

Estimated duration: 18 months (to take place in parallel with 4.1.1)
Indicative cost: 250.000 Euro

<u>Long-Term</u>

a)   Develop regional agreements to facilitate information sharing mechanisms in alignment with EU standards and good practices, with a view to possible future EU accession;
b)   Build capacities in Western Balkan countries to operationalize regional agreements on information exchange through the incorporation and enhancing of already existing national structures;
c)   Explore modalities to ensure self-sustainable continuation of regional meetings subsequent to any short-term intervention.

Estimated duration: 36 months – up to max. 5 years
Indicative cost: 800,000 Euro

4.1.3   Strengthen the information exchange through existing mechanisms, including Police Cooperation Centres (PCCs), International Cooperation Units, and ILECUs.

<u>Short-Term</u>

a)   Identify gaps within the existing mechanisms for the management/exchange of operational information between agencies and institutions involved in migration management;
b)   Define minimum common SOPs in relation to the collection and the exchange of information at and between existing mechanisms, including PCCs/ILECUs throughout the Western Balkan region.

Estimated duration: 24 months
Indicative cost: 500.000 Euro

4.2. Readmission and Return Mechanisms

In the context of the return of irregular migrants, the Feasibility Study ascertained the interest of all Western Balkan countries in further developing return instruments, identifying a lack of available funds and constraints in determining the true identity of irregular migrants as the main obstacles in this area. In terms of cost effectiveness and determination of identity/identity verification, it is apparent that only limited results can be achieved at the national level, and it is therefore crucial to reinforce regional cooperation and explore possibilities for a joint return mechanism to coordinate voluntary and forced returns of third country nationals to their country of origin. Such a mechanism would serve to assist participating countries in the region in managing irregular migration flows in an orderly and systematic manner.

There are three mechanisms utilised by the Western Balkan countries to facilitate the return of irregular migrants: readmission; assisted voluntary return (AVR); and forced return. It is apparent that, at present, readmission agreements between most of the countries in the Western Balkans are functioning. However, it is also clear that readmissions only between Western Balkan countries do not constitute a sustainable solution to the issue of irregular migrants stranded/apprehended in the region. At present, readmission agreements allow for return of irregular third-country nationals to the country through which they have transited, however they do not preclude these migrants attempting to pass through either the same or other Western Balkan country again in order to reach EU Member States. As long as irregular migrants that are outside the asylum procedure are not returned to their country of origin, there is a high chance of them circulating within the region. Therefore, the Western

Balkan countries are principally expending an excessive proportion of their limited budgets through readmission agreements in identifying and transferring these people from one country to another.

Conversely, readmission agreements with countries of origin of irregular migrants outside the Western Balkan region would be of significant assistance in reducing irregular migratory pressures. However, the negotiating power of the Western Balkan countries in concluding such agreements with countries of origin is somewhat confined, and even the limited number of signed agreements do not facilitate a significant return of irregular migrants. The feasibility of increasing the negotiating power by having Western Balkans countries negotiating joint readmission agreements with countries of origin was assessed through the study, but it is not a feasible solution in the near future; most pertinently, there are differences in national policies that would limit the opportunity to garner a common approach towards a specific country. Furthermore, it is unlikely that, even in working in coordination, Western Balkan countries will be able to make available attractive bargaining tools in support of readmission agreement with countries such as Afghanistan.

The provision of support for joint operations in relation to voluntary and non-voluntary return could benefit countries in the region through facilitating increased economies of scale, as well as an orderly management of return of irregular migrants. However, although the overall cost effectiveness of having joint operations is evident, there might be a need to further assess the impact of some specific activities included in those operations. For example, the organisation of joint return flights depends on a range of factors, including the total number of returnees and the respective countries of origin, and there is thus a need for assessments and sharing of specific information.

A regional system for the coordination of AVR activities, beyond joint return flights, could have a positive impact on the effective management of these operations. A crucial element for the success of AVR is that irregular migrants are provided with the option of returning to their country of origin through AVR without interfering with the asylum procedures, but prior to the initiation of any forced readmission process. The option to return through AVR should also be offered to irregular migrants throughout their entire stay in the host country, including the period of accommodation in a Reception Centre.

The regional coordination in AVR would include also consular cooperation in regard to identification and the setting up of mechanisms for the irregular migrants to access AVR in any of the host countries, independently from readmission/forced return. Most pertinently, the provision of AVR from any host country will reduce the costs involved in accommodating these migrants (while waiting for readmission/forced return and then AVR) as well as those expenditures related to the operational component of readmission. This regional coordination scheme would incur the establishment of a regional fund for AVR that would cover the related costs independently from the location in which the migrant is hosted.

A principal recommendation voiced by a majority of national stakeholders interviewed, concerns the establishment of a regional allocation for an AVR Fund, managed by an international organization or regional initiative, which would have the benefit of allowing the organisation/initiative to respond swiftly to changes in trends across the region, and mobilise resources timely and in relation to emerging/pressing needs, through allocating funds where most needed. This regional allocation would also constitute a more logical and effective intervention than AVR at the national level, as the numbers at the national level in many countries in the region are not constant and might alter over time, and would also allow the intervention to be led from one central location, decreasing the management and administrative costs involved.

All countries in the region emphasised a preference for return within the framework of AVR, as an effective tool for humane and orderly migration management, which allows migrants to return to their country of origin in dignity. However, voluntary return is seen as a tool that could serve only part of the total caseload of irregular migrants and needs to be considered in parallel to other return management mechanisms. Cooperation among Western Balkan countries on forced return issues would need to be further explored, building upon the EU experience wherever appropriate, feasible, and cost-effective, as well as coordinated with organisations such as DCAF that are already active in this field. At present, none of the Western Balkan countries holds a defined position on this issue, principally as a result of a lack of experience/expertise, but there is a genuine interest in gaining knowledge on an issue that could assist in preserving limited budgets.

4.2.1 Support countries in the region in dealing with assisted voluntary returns back to the country of origin and assess feasibility and scope of joint return flights from the Western Balkans region.

Short-term

a) Through thematic regional platforms (see also 4.1.2) establish a framework for a regional AVR fund, managed by an international organization/regional initiative, to deal with assisted voluntary returns to countries of origin, including establishing relevant standardised procedures;

b) Establish a national legal framework for and pilot the implementation of AVRs of extra-regional migrants to their countries of origin;

c) Through thematic regional platforms (see also 4.1.2) and in coordination with FRONTEX, DCAF, and others, ascertain scope in all countries in regard to implementing joint return operations (both AVR and forced return), including facets such as regional cooperation agreements, caseloads, and agreed point of departure, and assess coordination mechanisms for joint return, building upon the EU model/experience and best practices;

d) Create standard operating procedures for joint returns;

e) Undertake an assessment on reintegration opportunities in selected countries of origin with the highest caseload of migrants willing to return.

Estimated duration: 18 months
Indicative cost: 400.000 - 900.000 Euro (depending on the temporary AVR system and related caseload)

Long-term

a) In coordination with relevant regional institutions, facilitate signing of bilateral and/or multilateral agreements, as well as MoUs to enable joint return operations, to include transfer/hosting of irregular migrants in reception facilities prior to the return from those countries that have direct/suitable connecting flights with the country of origin;

b) In coordination with relevant regional institutions, enhance capacities of escort officers in all countries of the Western Balkans region to implement safety measures and monitor human rights standards on return flights to a common standard;

c) Set up a mechanism to monitor and evaluate the implementation of such joint return operations and share best practices/lessons learned through thematic regional platforms (see also 4.1.2);

d) Implement AVRs to countries of origin;

e)   Through thematic regional platforms (see also 4.1.2), explore the opportunity to complement the AVR mechanisms through the provision of reintegration support, in order to provide returnees and their families with the necessary tools for their self-sufficiency and access to local services, as well as incentives for voluntary and sustainable return.

Estimated duration: dependent on available funding and relevant case load for a minimum of 36 months
Indicative cost: 2.0 - 3.0 Million Euro

4.2.2   Strengthen WB consular cooperation in countries of origin in terms of verification of identity of third country nationals and facilitating the return of these persons.

Short-term

a)   Through thematic regional platforms (see also 4.1.2) bring together relevant law enforcement and representatives of Ministries for Foreign Affairs as well as all competent national migration authorities in the Western Balkan region, thus ensuring decisions made are feasible and implemented upon, in order to share relevant experiences on bilateral consular/diplomatic cooperation and map contributions that each country can make in terms of consular and diplomatic support;
b)   Develop concrete tools and mechanisms for bilateral/regional cooperation in support of return mechanisms and readmission.

Estimated duration: 18 months
Indicative cost: 250.000 Euro

Long-term

a)   Facilitate signing of bilateral and multilateral MoUs on consular cooperation of Western Balkan countries in countries of origin;
b)   Monitor the implementation of such agreements and share best practices/lessons learned through thematic regional platforms (see also 4.1.2).

Estimated duration: 48 months
Indicative cost: 350.000 Euro

4.2.3   Ensure that country of origin information is available to the Western Balkan countries.

Short-term

a)   Through thematic regional platforms (see also 4.1.2), define priority countries of origin and define structure and methodology for obtaining country of origin information, as well as common templates and minimum standards;
b)   Build capacities of staff in conducting research on countries of origin from a wide range of sources and developing country of origin information reports according to the agreed templates and standards;
c)   Establish mechanisms to ensure that country of origin information is readily available to relevant authorities within the country;
d)   Establish mechanisms for the collection, sharing, analysis, and processing of information and data between countries in the region.

Estimated duration: 18 months
Indicative cost: 250.000 Euro

Long-term

a)   Conduct joint research activities in all the priority countries of origin to complement/update available data;
b)   Facilitate common trend analysis on migratory flows between countries in the Western Balkans region;
c)   Train and support analysts in undertaking fact-finding missions in countries of origin.

Estimated duration: 36 months
Indicative cost: 0.8 - 1.5 Mill Euro (depending on the selected countries)

4.3. Reception facilities for asylum seekers and irregular migrants

The issue of the accommodation of irregular migrants and asylum seekers in the region is very complex and delicate, particularly in consideration of the fact that it requires significant financial investment, long-term planning, and protection of human rights, as well as encompassing policy and security issues. In this context, the study has highlighted that progress in countries in the region varies, depending on available infrastructure and existing policies, as well as on the number of irregular migrants and asylum seekers accommodated in such facilities. Looking at the differing needs and challenges of the countries in the region in regard to activities within this sphere, specific recommendations for each country are listed separately, and encompass both capacity building and the construction of Centres for Foreigners and Centres for Asylum to meet the needs of each country as appropriate. At this juncture, it is important to emphasise the immediate need to increase reception capacity in Serbia, as well as highlight the imperative need for substantial refurbishment work of the facilities in the Former Yugoslav Republic of Macedonia and the need to have the Centre for Foreigners and Centre for Asylum in Montenegro operational as soon as possible. Though there are similar needs in other countries as well, they are not as immediate a priority in the context of the reception of irregular migrants and/or asylum seekers; nevertheless these needs should to be closely monitored and adequately considered as they may potentially become priorities in the context of events such as the accession of Croatia to the EU.

In relation to the reception capacity of Serbia, discussions are ongoing between EU and national authorities on the possible financial support to the establishment of a new Reception Centre for Asylum Seekers; although there is as yet no final decision on this issue, it is crucial that any intervention is closely coordinated to provide complementary activities to any initiative funded as appropriate. Therefore, the recommendations below are based on the situation at the time of submission, but there is scope for this situation to alter swiftly.

Some of the countries in the region have expressed an interest in the establishment of reception facilities that are mobile/temporary, to facilitate relocation to different areas according to emerging needs. This option needs to be further assessed, as it would serve to significantly reduce the costs involved in transferring migrants from the border areas in which they are typically detained to the Reception Centre for Foreigners, and would also streamline the process of such transfers.

It is apparent from the study that it would be beneficial to develop Standard Operating Procedures that incorporate standardised provisions on human rights of migrants, including vulnerable groups, most pertinently unaccompanied minors (UAMs), women, and families.

There is a scope to enhance initiatives within this sphere through the implementation of regional initiatives, which will allow for regional coordination based on the status of the facilities in each country. Such an approach ensures a comprehensive and systematic response, including exchange of good practices and capacity building activities.

It is clear that Western Balkan countries acknowledge the benefits of a regional approach and regional activities already taking place; a delegation from BiH recently visited the Asylum Centre in the Former Yugoslav Republic of Macedonia in order to witness first-hand the daily routine at the Centre and to gain best practices and lessons learned in the context of the Asylum Centre being established near to Sarajevo. Likewise, authorities in BiH have implemented training for relevant authorities in Montenegro in operating a Reception Centre for Foreigners, further attesting to the scope for regional exchange of best practices and lessons learned within the sphere of closed and open Reception facilities. This exchange of best practices is particularly pertinent in the context of the small numbers of staff employed within these centres, for which capacity building efforts at the national level would not be cost-effective, particularly in regard to bringing in experts from EU Member States.

Furthermore, regional capacity building will facilitate the development of harmonised procedures in reception facilities throughout the region, based on EU and international standards and good practices, assisting countries in the region in aligning these structures with the EU *acquis*, within the context of the EU accession process. Such an approach will ensure that facilities across the region are able to achieve the same level of capacity, and facilitate better monitoring of those countries that require further support.

A cross cutting issue that emerged in all countries during the study is the link between readmission/return and the situation within countries of origin, in terms of facilitating an enhanced awareness of changes in the political and social situation in countries of origin, and therefore in the feasibility of return. All countries agree that having more and better quality information on the countries of origin would have a significant impact on a fair, effective, and efficient refugee status determination procedure. In this context, as a cross-cutting issue, it is evident that synergies amongst institutions of the different Western Balkan countries in return (see **4.2.1**) and in country of origin information (see **4.2.3**) constitute a sustainable and cost-effective measure in alleviating the costs involved in hosting

irregular migrants and asylum seekers.

4.3.1 Regional Activities

<u>Short-Term</u>

a)   Ensure compliance of the operating procedures in each country with EU and international standards in regard to protection of human rights of migrants in reception facilities for asylum seekers and for irregular migrants;

b)   Build the capacities of human resources at the reception facilities in order to achieve the same level of capacity across the region, focusing on capacity building in pre-screening; interviewing techniques; human rights; treatment of foreign nationals; and identification of vulnerable groups;

c)   Facilitate the exchange of good practices, building upon the existing practice of study visits at the intra-regional level;

d)   Through thematic regional platforms (see also 4.1.2), facilitate dialogue between countries in the region in accommodating irregular migrants and migrants with special needs;

e)   Develop or update mini-dictionary, language tools, glossaries, and information leaflets on rights and responsibilities for the use by staff of reception centres and asylum seekers/irregular migrants in languages typically spoken, including also English pronunciation, in order to facilitate communication within these facilities.

Estimated duration: 24 months
Indicative cost: 600.000 - 800.000 Euro (depending on the staff involved)

4.3.2   National Activities

4.3.2.1. Albania

<u>Short-term</u>

a) Construct modular/transferable reception facility (prefabricated containers) to allow relocation to different BCPs according to future needs;

Estimated duration: 9 months
Indicative cost: approx. 300.000 Euro (to be determined following an initial technical assessment)

a)   Construct permanent reception facility in Gjirokaster[4], including separate facilities for unaccompanied minors;

b)   Build technical capacity of border crossing points to collect and check finger prints through the provisions of live scanners (ADAM system) at all border crossing points.

Estimated duration: 18 months
Indicative cost: 600.000 Euro

4.3.2.2. BiH

<u>Short-term</u>

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[4] Most of the irregular migrants in Albania are apprehended in the area of Gjirokaster

a)   Support authorities in BiH in opening the Centre for Asylum that has been constructed.
Estimated duration: 9 months
Indicative cost: approx. 350.000 Euro (to be determined following an initial technical assessment if funds are not made available by BiH institutions)

Long-term

a)   Depending on progression of the situation, support BiH authorities in the establishment of a new Centre for Foreigners in north-west BiH, with a capacity of 20-30 migrants, for urgent cases returned through the Readmission Agreement with Croatia;
b)   Establish reception facilities for vulnerable groups such as Victims of Trafficking and unaccompanied minors, under the management of the authorities in BiH.

Estimated duration: 36 months
Indicative cost: approx. 1 Mill. Euro (to be determined following an initial technical assessment)

4.3.2.3. The Former Yugoslav Republic of Macedonia

Short-term

a)   Provide support in renovating the Centre for Foreigners;
b)   Refurbish the Centre for Asylum.

Estimated duration: 12 months
Indicative cost: approx. 500.000 Euro (to be determined following initial technical assessments)

Long-term

a)   Subject to a continuing rise in the number of irregular migrants transiting through the country, establish a new Centre for Foreigners in the south of the country.

Estimated duration: 18 months
Indicative cost: approx. 1 Mill. Euro (to be determined following an initial technical assessment)

4.3.2.4. Kosovo*

Short-term

a)   Follow up on existing plans to establish a new Centre for Foreigners with a capacity for 70-100 migrants.

Estimated duration: 18 months
Indicative cost: approx. 1 Million Euro (to be determined following an initial technical assessment)

4.3.2.5. Montenegro

Short-term

a)   As a priority, ensure that the current reception facilities for asylum seekers and irregular migrants are opened, including capacity building complimentary to what has already been provided, refreshment of standard operating procedures, and provision of equipment;

b)   Create facilities for UAMS.

Estimated duration: 18 months
Indicative cost: approx. 500.000 Euro (to be determined following initial technical assessments)

4.3.2.6. Serbia

<u>Short-term</u>

a)   Develop contingency mechanisms to ensure adequate humanitarian responses to the issue of spillover at the current Asylum Centre, that has put pressure on the local community;

b)   Follow-up on existing plans to construct a third Reception Centre for Asylum Seekers;

c)   Refurbish/establish facilities for temporary accommodation of UAMs and families at all centres.

Estimated duration: 18 months
Indicative cost: approx. 900.000 Euro (to be determined following an initial technical assessment)

4.4. Language Analysis/ Interpretation

As the nature of irregular migration flows in the Western Balkans have altered, the majority of asylum seekers and irregular migrants are now extra-regional. As described above, countries in the Western Balkan region do not currently have access to interpreters for all languages spoken by these migrants, nor the financial resources to independently ensure the provision of interpreters for all of these languages.

A regional pool of interpreters, to which each country would have access, could alleviate the issues faced by each country in communicating with extra-regional asylum seekers and irregular migrants, and would constitute a cost-effective approach, for which countries in the region would share resources, and would be facilitated by both videoconferencing and on-the-spot interpretation.

In certain countries in the region, current legislation precludes the use of videoconferencing for the purpose of interviewing asylum seekers, which inherently places limits on the establishment of regional mechanisms with which to conduct interviews of this nature. In this context, the intervention might require the change/amendment of existing laws as any mechanism established shall be in accordance with existing national legislation.

The findings of the study demonstrate that the provision of support in this sphere is crucial, as the countries are currently undertaking an approach which is pragmatic, rather than constituting a viable solution in the long-term, particularly if irregular migration flows from extra-regional countries continue to rise.

Adequate communication with migrants through interpreters is crucial, as such measures can assist in ensuring that the asylum procedure is conducted fairly, as well as in assisting authorities in identifying the migrant, and determining if they are of vulnerable status, and have supplementary needs. Furthermore, communicating properly with irregular migrants and asylum seekers can assist authori-

ties in determining such facets as whether they were trafficked or smuggled and might be in need of additional assistance.

The creation of a pool of interpreters to be utilised by each country in the region is a solution that was welcomed by all the counterparts met during the study as a long-term and cost-effective solution. However, the study has also shown the need to regulate issues related to data protection, human rights, and confidentiality, in addition to more technical matters such as the purchase of equipment to facilitate a secure link being developed between the interpreter and the migrant if in different locations.

The establishment of a regional fund managed by an international organization/regional initiative to administer the pool of interpreters would be beneficial, allowing interpreters to be mobilised in a timely fashion, and ensuring that funds are allocated where needed. Providing funds at the national level could be problematic, as changes in the migration flows in the region may leave one country with insufficient financial resources to meet the interpretation needs, whilst another country might not require the funding allocated. Therefore, as for AVR, a regional fund would have the benefit of allowing the organisation/initiative to respond swiftly to trends at the regional level. However, in contrast to AVR, in which EU MS are also relying on international actors to conduct AVR activities, in the case of the pool of interpreters, the final goal would be to progressively hand over the management of this regional service to the countries in the region.

Language analysis potentially constitutes a useful tool to establish the country of origin of irregular migrants/asylum seekers without any documents where there are doubts about the country of origin. The feasibility study has shown that language analysis does not constitute a priority in the region at present. However, in consideration of the EU recent experience in this field[5], the piloting of language analysis on a small-scale would provide an insight into the scope for such a mechanism to be established at a wider level in the long-term, so would be an auspicious measure.

Therefore, the recommendations below concerning the establishment of a regional pool of interpreters constitute an approach which is unlikely to involve considerable financial resources, but will have a demonstrable effect on the extent to which authorities in the region are able to manage asylum procedures and a rise in irregular migration in an orderly fashion, whilst taking into account and better meeting the needs of the migrant.

4.4.1. Regional Pool of Interpreters

Short-term

a)   Through thematic regional platforms (see also 4.1.2), identify available interpreters for the most widely spoken languages of irregular migrants and asylum seekers in the region, as well as any national criteria pertaining to interpretation for asylum seekers and irregular migrants in each participating country;

b)   Harmonise national systems/criteria to allow the use of a shared pool of interpreters;

c)   Through thematic regional platforms (see also 4.1.2) and according to national legislation and EU standards, establish a framework for a regional fund managed by an international organization/regional initiative to administer a pool of interpreters, and develop protocols and

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[5] According to Article 15 of the EASO Regulation a list of interpreters shall be set up for those special circumstances in which MS are confronted with a situation in which they face a lack of interpreters for certain languages. However, it was decided not to continue with the pool of interpreters as it would be very costly and at the same time most Member States hire interpreters privately.

standardised procedures for the use of interpreters;

d)   Identify and purchase required infrastructure, such as videoconferencing equipment, in each participating country and create secure communication networks for interpretation, as well as provide user training, in accordance with national legislation;

e)   Monitor the implementation of such systems and share best practices/lessons learned (including within relevant EU member states) through thematic regional platforms (see also 4.1.2);

f)   Develop protocols for the sustainable management of the pool of interpreters within the region, and identify mechanisms for the sharing of costs between countries and manage handover of the pool of interpreters to countries in the region.

Estimated duration: 18 months
Indicative cost: 1.2 - 1.8 Million Euro

<u>Long-term</u>

a)   Build the capacity of the countries to manage the pool of interpreter through training and learning-by-doing.

Estimated duration: 12 months
Indicative cost: 300.000. Euro

4.4.2   Language Analysis

<u>Short-Term</u>

a)   Through thematic regional platforms (see also 4.1.2), implement a pilot initiative involving language analysis for one country of origin and encompassing a small case-load, to include the setting up of mechanisms, identification of staff, and the provision of training based on existing best practices;

b)   Through thematic regional platforms (see also 4.1.2), facilitate Western Balkan countries sharing information and best practices/lessons learned on language analysis with EU member states.

Estimated duration: 18 months
Indicative cost: 300.000 Euro

<u>Long-Term</u>

a)   Through thematic regional platforms(see also 4.1.2) monitor the implementation of the pilot activity, and analyse its cost-effectiveness to assess the scope for introducing language analysis at the wider level within countries in the region;

b)   Implement language analysis at a wider level in each country, based on the results of the pilot initiative.

Estimated duration: 48 months, with the recommendation to be continued as long as no other sources of national/international funding in each Western Balkan country have been identified.
Indicative cost: 1.0 Million Euro

5.   Regional Situation Analysis

From the country assessments undertaken, it is clear that there has been a significant increase in the number of irregular migrants from extra-regional countries that transit the Western Balkans on their way to reach EU Member States. In most of the countries, it was noted that the scope of irregular migration is becoming increasingly well organised, with increased level of recidivism of irregular migrants. Western Balkan countries report a high proportion of asylum abuse/asylum shopping, whereby the significant majority of asylum seekers abscond prior to the outcome of the asylum procedure. UNHCR is actively trying to ensure that the rights of asylum seekers are respected; nevertheless the recognition rate of refugees is very low in the whole region; in 2011, only 17 persons were granted refugee status in the whole region of Western Balkans, including Croatia.

The principal **countries of origin** of irregular migrants transiting through the region now lie in North Africa and Asia, most pertinently Afghanistan, Pakistan, Somalia, Palestine and Algeria.

Furthermore, a concerning trend has been the significant rise during 2012 in the number of Syrian nationals transiting through the Western Balkan region in a bid to reach EU Member States. The Frontex Risk Analysis Network FRAN Quarterly for the period July – September 2012[6] reported that, compared to the previous quarter, detections of illegal border-crossings undertaken in EU Member States by Syrians doubled to nearly 4,000 in the quarter. Pertinently, even though the strengthening of the border between Turkey and Greece led to a fall in the detections of Syrians, this decrease was less pronounced than for other nationalities, attesting to the desperate urgency with which many Syrians are attempting to escape the crisis in Syria. In this context, enhancing border management alone is unlikely to curtail the flow of Syrians attempting to enter the EU. It is critical that any intervention within this sphere ensures that countries in the region have measures in place to ensure that the human rights of migrants are ensured, both in reception and return and readmission, particularly in the context of women, UAMs, and families.

The entries of irregular migrants usually take place at the green borders. Most of the irregular migrants that entered the Western Balkans did so through transiting Greece from Turkey. Recently, there has been a shift in the routes of extra-regional transit migration through the Western Balkans. The most common **routes taken** by irregular migrants transiting through Western Balkans start in the Former Yugoslav Republic of Macedonia and encompass all countries in the region; *the major route passes through Serbia* (Presevo-Niš-Novi Sad-Subotica) to enter Hungary, whilst the other passes through Albania, Montenegro, and BiH, to enter Croatia. In this context, all countries in the region are affected by this phenomenon, and it is apparent that the situation in certain countries in the region is reaching a point at which the structures in place are insufficient.

All of the countries in the region have adopted **legislation** on migration, including Laws on Foreigners, Asylum, and on Border Control. These laws and by-laws are currently under review in some countries, such as in the case of Albania and Kosovo*, in order to guarantee full harmonisation with the EU *acquis*. In regard to administrative arrangements on migration issues, there has been newly adopted legislation in most of the Western Balkan countries that places the responsibility for movement and residence of aliens to one national institution, principally the Ministry of Interior (as in the case of the Former Yugoslav Republic of Macedonia, Montenegro, and Serbia) or the Ministry of Security (as referred to in Bosnia and Herzegovina).[7] In most of the countries in the region, there have

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[6] Frontex, FRAN Quarterly, Issue 3, July-September 2012.
[7] MARRI, Migration Papers 2012, p.8.

been separate administrative units created to deal with the residence and movement of aliens. However, it needs to be highlighted that these issues are not under the exclusive competence of only one agency. Furthermore, in order to respond to the increasing flows of irregular migrants, the Western Balkan countries have developed institutional arrangements for combating irregular migration, usually placed under the Ministries of Interior. Within these Ministries, the Western Balkan countries have established organizational units (e.g. departments) focused on combating irregular migration.

Increasingly, the Western Balkan countries are developing their own **Migration Profiles** and working to harmonise statistics in line with the Eurostat Regulation. Updated Migration Profiles have been recently developed in Bosnia and Herzegovina, Serbia, and Albania, whilst Kosovo* is due to develop a Migration Profile in 2013. Migration Profiles allow for the comparison of data at the regional level, and serve to strengthen the formulation of effective migration policies based on qualitative information.

There are on-going initiatives in the Western Balkans aimed at regional cooperation and the **exchange of information** at the regional level. The Southeast European Law Enforcement Centre (SELEC), of which Albania, BiH, the Former Yugoslav Republic of Macedonia, Montenegro, and Serbia are Member States, is working to enhance coordination in preventing and combating cross-border crime, including serious and organized crime. Furthermore, SELEC is focusing on information exchange in regard to cross-border criminal intelligence as well as data collection and risk analysis in this area.

The Migration, Asylum, Refugees Regional Initiative (MARRI) is made up of six Member States; Albania; BiH; Croatia; the Former Yugoslav Republic of Macedonia, Montenegro, and Serbia. The aim of MARRI is to promote closer regional cooperation and a comprehensive, integrated, and coherent approach to the issues of migration. One of the principal projects implemented by MARRI in the sphere of information exchange is the "Establishment of network for co-operation between border police on international airports in MARRI Member States". This project facilitates the exchange of bulletins or alerts on false documents, as well as the participation of Member States in information exchange through both annual meetings and establishes formal communication links, namely telephone, fax, and email.

Furthermore, joint contact centres for police cooperation are being established between countries in the region. Joint contact centres for police cooperation provide law enforcement agencies with enhanced means for exchange of information, to facilitate timely and adequate actions to be taken at borders, particularly in the fight against irregular migration.

The International Law Enforcement Cooperation Unit (ILECU) is an EC funded project that operates in Albania, Bosnia and Herzegovina, Croatia, Kosovo*, the Former Yugoslav Republic of Macedonia, Montenegro, and Serbia. ILECU serves to enhance and consolidate law enforcement cooperation and networking amongst these states, through the establishment of coordination units focused on strategic and operational cooperation and coordination. All of the Western Balkan countries have established functioning international law enforcement cooperation units (ILECUs) that facilitate enhanced combating of transnational crime.

However, there are still issues faced by all countries in the region for which initiatives to augment the exchange of information between countries would serve to enhance mechanisms for managing any changes in the nature of irregular migration flows in the region. One of the most pertinent issues faced by countries in the Western Balkan region is the identification of irregular migrants. This issue

is accentuated by the rise in irregular migrants from extra-regional countries, most of whom are not in possession of any identity documentation; the lack of mechanisms for cooperation with these countries of origin serves to lengthen the process of determining identity further and precludes possibilities for their effective return.

Return and readmission in the region is problematic; countries in the region have signed readmission agreements with other countries in the region, but few have been signed with extra-regional countries. Whilst bilateral negotiations have taken place in recent years with extra-regional countries, very few readmission agreements have been signed. There is however effort to conclude readmission agreements with third countries such as Turkey and Moldova, and some countries in the Western Balkans, such as Bosnia and Herzegovina, have already signed readmission agreements with these countries. However, these readmission agreements often have inadequately formulated third country clauses, so in practice do not constitute an agreement that facilitates return of third country nationals/irregular migrants from the region.

Whilst national systems include mechanisms for facilitating the voluntary return of irregular migrants to their countries of origin, the effectiveness of these mechanisms are hindered by a lack of funds and consequently the return of extra-regional irregular migrants to their country of origin is an infrequent practice. This is attested to by the numbers of extra-regional migrants returned to their country of origin in 2012; for example, out of 1721 irregular migrants accommodated at the Reception Centre for Foreigners in Serbia in 2012, only 40 were successfully returned to their country of origin.

In this context, rather than existing as a long-term solution, mechanisms such as readmission agreements at the present stage often have the effect of simply transferring the problem of irregular migration to a transit country within the region, and in many cases do not prevent those migrants from attempting to re-enter the EU illegally.

There is disparity between countries in the region in regard to the provision and standard of **Reception Centres for Foreigners and Reception Centres for Asylum**. At present, Albania, Serbia, and the Former Yugoslav Republic of Macedonia are operating both Reception Centres for Asylum and Reception Centres for Foreigners; BiH is operating a Reception Centre for Foreigners, and is due to open a Reception Centre for Asylum during the first part of 2013; Kosovo* only operates a Reception Centre for Asylum; and Montenegro does not currently operate either a Centre for Asylum or a Centre for Foreigners, though both are due to be operational in the forthcoming period.

The increase in the number of irregular migrants transiting through the region, and of persons claiming asylum, augments the significance of countries in the region completing the reforms necessary to better manage the process of accommodating irregular migrants and asylum seekers. A fully functioning reception system not only enhances efficiency with which the requisite processes can be undertaken, but also respects the human rights of all persons accommodated, with a particular focus on vulnerable persons, such as UAMs, women, and families. In this context, countries in the region need support in ensuring that living conditions are at an acceptable standard, that the dignity of those accommodated is maintained, and that their basic needs are met.

In the context of the human rights of migrants and asylum seekers being met, the rise in asylum applications in Serbia had led to a situation in which there are a significant number of people living in the area surrounding the Asylum Centre. Typically, the majority of these persons are registered asylum seekers that remain on a waiting list until a bed becomes available within the Centre, with women, children, and those that are sick or injured given priority. Most pertinently, the welfare of this

population is a concern; the Centre is at its capacity and there are currently no contingency mechanisms in place to ensure adequate humanitarian responses to this spillover. In consideration of the potential for a rise in the number of asylum seekers in the region coupled with the limited capacity of asylum centres in the region, it is likely that this could become an increasing issue within further countries in the region.

Adequate and timely access to **interpreters and language analysis mechanisms** is an increasing issue in the region in consideration of the significant rise in irregular migrants transiting through the region. It is evident that countries in the Western Balkan region do not currently have access to interpreters for all languages spoken by these migrants, particularly pertinent in the case of Pashto, Dari, and Urdu. Furthermore, the countries do not have the financial resources to independently ensure the provision of interpreters for all of these languages. Therefore, the approach adopted as a default mechanism by many of the countries in the region involves the utilisation of other asylum seekers or irregular migrants claiming to be from the same country of origin for interpretation purposes. This not only raises issues in regard to the quality of interpretation, but also in the potential for the person acting as translator constituting a trafficker/smuggler.

False declaration of nationality, termed nationality swapping, constitutes an important issue on the irregular migration routes through the Western Balkans. Language analysis constitutes a potentially useful mechanism to detect and effectively counter this practice. In this context, language and dialect analysis could constitute a positive initiative for countries in the region when it is strongly suspected that an asylum applicant has provided false information regarding their place of origin.

Though not directly related to the study, it is important to consider the additional pressures being placed on the facilities of EU Member States by nationals of the Western Balkan countries claiming asylum. The Frontex Western Balkans Annual Risk Analysis 2012[8] posits the risk of a large and sustained misuse of international protection systems in EU Member States by nationals of the five visa-exempt Western Balkan countries, most pertinently from Serbia and the Former Yugoslav Republic of Macedonia. It is important to consider that a significant rise in citizens from Western Balkan countries seeking asylum is a cause for concern in EU countries. Therefore, any interventions that take place in this context should be harmonised with the recommendations of this report.

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[8] Frontex, Western Balkans Annual Risk Analysis 2012.

6.   National Assessments

This chapter will cover the country assessments based on the study visits undertaken in Albania, Bosnia and Herzegovina, Kosovo*, the Former Yugoslav Republic of Macedonia, Montenegro and Serbia, with a focus on the above-mentioned thematic priorities of the EC within this feasibility study.

Each of the country assessment has been based on the outcomes of the study visits of the experts, as well as further literature review. The aim of the national assessments was to evaluate the actual state of play in the above mentioned thematic areas, including legal, administrative, and technical aspects. Furthermore, the national assessments also stress any other priority needs of the countries in regard to migration management that have been voiced by the national stakeholders.

The information in national assessment chapters, in case not cited otherwise, has been collected during the interviews with relevant national stakeholders in the course of the feasibility study. The contact list of all stakeholders with whom IOM met during the assessments can be found in Annexes 1-6.

6.1. Bosnia and Herzegovina (BiH)

6.1.1. Information exchange

In regard to legal prerequisites in BiH, Article 103 of the Law on Movement and Stay of Aliens and Asylum (Obligation to Register the Alien's Characteristics) stipulates the enrolment of foreigner's data:

"Aliens who do not possess valid passports or other documents that can be used to cross the state border of BiH (valid travel document), aliens who illegally reside in BIH, aliens who were accepted in accordance to international readmission agreements on cooperation for readmission of persons whose residence is illegal, aliens whose visa has been annulled, residence cancelled, aliens who are the subject of expulsion from BiH and aliens under supervision, shall be obliged to allow themselves to be photographed, fingerprinted and have their physical and biometric characteristics registered".

Furthermore the Law on the Protection of Personal Data[9] governing the BiH Migration Information System is in place and guarantees adequate data protection standards. In regard to asylum seekers, the enrolment of data is stipulated in the Law on Movement and Stay of Aliens and Asylum, the changes to which were adopted on 14 November 2012. The Ministry of Security (MoS) has taken over management of all aspects of the asylum procedure from UNHCR; when an asylum claim is made, the Service for Foreigners' Affairs (SFA) issue a confirmation of the claim to the Sector for Asylum, which takes fingerprints and conducts the interview. The Sector for Asylum within the MoS HQ is equipped with biometric scanners.

In BiH, all international Border Crossing Points (BCPs) are equipped with biometric passport readers and connected to the Integrated System of Control of State Border Crossing (CSBC), and organizational units of the Border Police. Furthermore, the CSBC was upgraded with a new application[10] facilitating access from all border crossings to relevant external and internal databases, relevant for bor-

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[9] http://www.coe.int/t/dghl/standardsetting/dataprotection/national%20laws/BiH_DP_LAW.pdf

[10] The SPIN network is a wireless communications network for BiH police structures at the State-level that was established on 30 June, 2009. All the BCPs that are linked by SPIN also have video cameras (CCTV). Through SPIN they are able to access electronic databases (e.g. MIS and Interpol).

der checks. The working group headed by the MoS agreed to the concept of biometric capture and enrolment of fingerprints and this provision was also included in the revised Law on Movement and Stay of Aliens and Asylum in Article 103. This will be a part of the rulebook to be defined, which will include such facets as which fingers for which categories.

In the past, the range of migration stakeholders in the country used different databases, which were seldom inter-linked and accessible to other relevant actors. Registers of foreigners were paper-based without any biometric data. However, the updated Migration Information System (MIS) significantly improved this situation by interlinking the main stakeholders and providing them access to this central database on foreigners. IOM, within the EU funded projects CARDS 2003 and 2005, "Support to Migration Management Capacities", assisted in the creation of the MIS. The MIS network connects migration and asylum related databases via a secure electronic system and is accessible to the Ministry of Foreign Affairs and embassies and consulates of BiH abroad; the Sectors for Immigration and Asylum at the Ministry of Security; the Service for Foreigners' Affairs (SFA); and the Border Police.

The MIS was recently updated and now includes a module for border controls; visa module; residence module; component for refugees and displaced persons; component for foreigners with criminal history and evidence of punishment; asylum module; and a biometric module, the latter of which is currently in progress.

MIS has many benefits, among them the possibility to obtain a complete history about a foreign national in BiH within a few seconds; a significant reduction in the cost of different cards/licenses; a reliable system for the control of foreigners in BiH; a significantly shorter time necessary to obtain the relevant information about the foreigner; and a reduction in the human resources required.

In regard to the biometric component of MIS, ICITAP[11] is currently implementing a project with the overall aim of providing immediate and needed functionality to the Service for Foreigners' Affairs (SFA). The technical assistance package aims at establishing the biometric database within SFA, permitting the collection of biometric information from persons applying for temporary and permanent residence, irregular migrants and aliens placed under surveillance in the immigration centre, and aliens whose visa has been cancelled through a legal decision on expulsion. The system will also include aliens that do not possess valid passports or other documents that can be used to cross the state border, and aliens that are accepted in accordance with international readmission agreements on cooperation for readmission of persons whose residence is illegal. Additionally, ICITAP plans to provide training, equipment, and software to equip three ports of entry certified to validate biometric data in real time. The project aims to provide the SFA with all necessary equipment for fingerprint enrolment, through which sixteen field offices and the Immigration Centre will be equipped with the enrolment devices and connected through the SPIN to the central biometric database of the MIS. The outcome of the project will be a computerised, biometric database that will enable the exchange of information amongst various agencies, including INTERPOL.

Information exchange with other countries in the region:

BiH is open to the enhanced exchange of information at the regional level, both in regard to mini-EURODAC and mini-Dublin. However, it was emphasised that the participation of Montenegro and Serbia in any initiative would be a prerequisite for the involvement of BiH.

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[11]ICITAP-International Criminal Investigative Training Assistance Program of the US Department of Justice.

6.1.2. Readmission agreements/Joint cooperation in return

BiH singed a readmission agreement with the European Union which entered the force in January 2008, and readmission agreements were subsequently signed with all EU Countries. As for the non-EU countries, readmission agreements have been signed and ratified with Switzerland, Norway, Croatia, Serbia and Montenegro[12], Albania, and the Former Yugoslav Republic of Macedonia. In addition, readmission agreements have been signed but not yet ratified with Turkey, and Moldova. The Readmission Agreement with Turkey contains an inadequately formulated third country national clause. Therefore, the return of third country nationals to Turkey is not a systematic procedure under the Agreement as it stands.

The Sector for Immigration is responsible for the implementation of the readmission of BiH nationals, which includes such activities as identity and citizenship checks, whilst the SFA is responsible for the readmission of third country nationals and stateless persons, as well as for return from BiH.

BiH continues to readmit the majority of persons under the Readmission Agreement with Croatia, encompassing BiH nationals without a residence permit in Croatia; BiH nationals readmitted to Croatia because of transit through Croatia on their way to other countries; and third country nationals or stateless persons that have illegally entered Croatia from BiH. The Readmission Agreement with Croatia is used to monitor irregular migration flows, primarily in the area concerning the readmission of third country nationals who, after legally or illegally entering BiH, continued towards Croatia and other European Union countries. The Border Police of BiH provides regular reports on the readmission of irregular migrants who entered Croatia via BiH territory. In 2010, 295 persons were readmitted from Croatia, and in 2011, the number of readmitted persons increased by 11.53% to 329, including 88 foreign nationals and 241 BiH nationals.

According to the MoS data, there was a significant increase in 2011 in the readmission of Afghan nationals in BiH under the Readmission Agreement with Croatia. According to the report of the SFA, a total of 220 persons were readmitted in 2011. In the last few years, BiH has made progress in the area of return management of irregular migrants. This was enabled particularly through establishing the Sector of Readmission, Receipt, and Accommodation within the SFA and through establishing the Immigration Centre in 2008.

In regard to future plans for the negotiation of further readmission agreements, authorities in BiH emphasised that the process of negotiation with extra-regional countries of origin is lengthy and difficult, as BiH is unable to offer attractive conditions for these countries, unlike the EU who is able to push this through visa facilitation agreements. Furthermore, even the EU has not managed so far to negotiate readmission agreements with many countries of origin such as Afghanistan, and Western Balkan countries are in an even weaker position to negotiate one. Finally, the situation in certain countries of origin does not allow for return due to security considerations, such as in the case of Syria. In this context, further solutions besides readmission agreements will need to be assessed that would facilitate return of extra-regional irregular migrants.

Authorities in BiH particularly support the provision of AVR, emphasising that it constitutes the most sustainable return mechanism, as well as limiting the scope for migrant to subsequently attempt further irregular transit through BiH and the Western Balkans region. However, it was highlighted that the country does not have the financial resources and would require support to implement AVR on

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[12]At the time of signing, Serbia and Montenegro was one country.

any significant scale.

6.1.3. Detention/Reception facilities

Placing foreign nationals under supervision is a measure stipulated within the Law on the Movement and Stay of Aliens and Asylum, whereby first a decision is issued to place the foreigner under supervision and the foreign national is then placed in the Immigration Centre at Lukavica. The Immigration Centre is managed by the SFA. The original capacity of the centre when it opened in 2008 was 40 beds. The new Immigration Centre building and the procedures were modelled on the Dutch system. The expanded centre has a capacity of 120 beds at present. The establishment of the Immigration Centre strengthens return management and allows for a secure system prior to returning those foreign nationals who do not have the right to stay on the territory of BiH and who are not willing to leave the country voluntarily. Furthermore, those foreign nationals returned under readmission agreements or those posing a threat to public order or national security in BiH are placed within the Centre.

In 2011, a total of 218 foreign nationals were accommodated at the Immigration Centre, with the majority of irregular migrants from Serbia, Turkey, Afghanistan, and Palestine. In 2012, up to and including the period of the study visit, 48 foreign nationals were placed at the Immigration Centre based on readmission agreements; 220 persons were readmitted, of which 87 returned through the AVR programme in cooperation with IOM; 47 persons returned voluntarily to their countries of origin; 62 persons were readmitted based on the readmission agreement with Serbia, 12 based on the readmission agreement with Montenegro, 6 based on the readmission agreement with Croatia, and 1 based on the readmission agreement with Slovenia; and an additional 5 forcible removals were performed.

The Immigration Centre has facilities to accommodate men and women separately, with well-equipped premises in which families can be jointly accommodated. The Immigration Centre was built and equipped to the highest standards, in order to ensure comfortable accommodation, with high quality food, good sanitation, primary health care, and the provision of sports and recreational facilities. All of these conditions and rights are prescribed by the Rulebook on Standards of Operation and Other Issues of Importance for Work of Immigration Centre, adopted by the Council of Ministers in 2008. Whenever available, foreign nationals have access to interpreters for the language they understand in the Immigration Centre, and free legal aid is provided by two NGOs, "Vasa prava" ("Your Rights") and "Fondacija lokalne demokratije" ("Foundation for Local Democracy"), with which the Ministry of Security of BiH has signed an Agreement on Cooperation and Legal Aid. The employees of the Centre are trained to organise the social life of foreign nationals placed in the institution, as well as to provide health care and other services. Also, persons who stay in the Immigration Centre are provided with legal aid and consular services, which means that they are held and treated in accordance with the best practices and international standards.

However, there are some procedures and legal provisions that need to be improved in BiH in regard to detention:[13]
- Maximum detention period shall be 180 days and non-derogable;
- No irregular migrant workers shall be placed under detention during appeal proceedings;

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[13] Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, Concluding observations of the Committee on the second periodic report of Bosnia and Herzegovina, adopted at its seventeenth session (10–14 September 2012).

- • Detention orders against foreign nationals shall only be taken as a last resort, on a case-by-case basis, and strictly in compliance with applicable international standards;
- • An effective forced-return monitoring system shall be established based on a legal basis for such a system;
- • A provision shall ensure that foreigners have access to legal aid and information on available remedies to appeal decisions ordering their detention;
- • Timely access shall be ensured for detained foreign nationals to effective legal remedies;
- • In regard to prolonged detention of migrant workers whose citizenship has been revoked and about their expulsion to countries where they may face a serious risk of being subjected to ill-treatment;
- • Ensure that foreigners who have been deprived of their citizenship have access to effective legal remedies to submit the reasons why they should not be expelled to a third country, in particular when they would face a risk of ill-treatment upon return to that country;
- • Give priority to alternatives to detention in immigration centres and ensure that custodial measures are only taken as a last resort, when non–custodial measures are unavailable to uphold the right to family life;
- • Unaccompanied minors and families with minors shall only be detained as a measure of last resort;
- • Consider extending the time limit for lodging appeals against decisions on expulsion.

6.1.4. Language analysis/pool of interpreters

Interpretation:

As already stated above, BiH is currently facing extra-regional irregular migration flows, with the main countries of origin including Afghanistan, Pakistan, Palestine, and Syria. Typically these irregular migrants do not possess travel or identity documents, being aware that these will not be of assistance when attempting to enter the Schengen Area. This causes issues in determining the country of origin of the irregular migrant and in identifying the transit country utilised, serving to lengthen the process of asylum or return/readmission considerably.

BiH lacks the necessary capacity for interpretation within the asylum procedure for certain languages, most pertinently Pashto, Dari, Urdu, and Punjabi. Therefore, there is interest amongst the relevant authorities in BiH in the creation of a regional pool of interpreters, through which interviews could be conducted with asylum seekers in BiH via video-conferencing/Skype.

Language analysis:

There are no mechanisms in place in BiH for language analysis. However, this is something that the authorities would be interested in. As seen from the Border Police statistics, a number of irregular migrants were readmitted within the region to the countries they transited without having their citizenship established. This creates an issue whereby the country to which the migrant is being readmitted then has to recommence the process of determining the country of origin.

6.2 Kosovo*

6.2.1. Information exchange

The Belgrade-Pristina dialogue, facilitated by the EU, has recently led to the IBM agreement between the two countries, and concrete progress has been made in terms of cooperation at the common border/boundary line. Information exchange at a regional level in the context of Kosovo* is still problematic; Kosovo* is not recognised by BiH or Serbia, and this non-recognition will preclude the exchange of information between the two countries and Kosovo*. Furthermore, Kosovo* is not a member state of MARRI, and despite an application made by Kosovo*, the request has not been tabled yet in the relevant MARRI forum.

However, Kosovo* is making positive progress towards bilateral cooperation and the realisation of exchange of information with neighbouring states. A protocol for joint border controls of border crossings was signed with Albania and initial steps are being made for information exchange between Kosovo* and neighbouring states through the establishment of joint contact centres for police cooperation with Albania and the Former Yugoslav Republic of Macedonia. Furthermore, bilateral Police Cooperation Agreements have been signed with Albania and the Former Yugoslav Republic of Macedonia, whilst the Agreement with Montenegro is still in process. Cooperation with neighbouring countries will also be addressed through the ongoing national IPA project, Support to the Development of Integrated Border Management and Fight against Drug Trafficking, through which the relevant competent bodies in Kosovo* will be supported in enhancing international cooperation as one of the three pillars of IBM in order to establish an efficient and effective system to attain open borders in a controlled, safe, and secure manner. The implementation of IBM is ongoing under the coordination and close supervision of the EU, based on the Protocol for IBM, through which four border crossing points have become functional, namely Merdare, Bernjak, Jarinje, and Dheu i Bardhe, whilst two others, in Mutivode and Muqibabe, will become functional by the end of February 2013.

This constitutes one of the many EU-funded projects that have contributed to strengthening the rule of law in Kosovo* through the further reform of the Kosovo* Police and in particular the Border Police. For example, the project EU Equipment for Kosovo Border Police (EU-BMS 1 and EU-BMS 2), served to equip the Kosovo* Border Police with the necessary IT equipment in order to enable them to successfully undertake all necessary tasks at the border.

The Law on State Border Control and Surveillance states that Borders Police Officers of Kosovo* are authorised "to conduct controls of fingerprint and palm trace and of other biometric data in the relevant evidences, to perform operational control records (required) and other records and electronic data bases of people, objects and means of transportation."

Article 49 of the Law concerns the establishment of a National Centre for Border Management, in order to "*achieve effective coordination, facilitation of exchange of information and data and greater efficiency of the system for integrated border management*". A joint working group, made up of the Ministry of Internal Affairs, Border Police, Kosovo* Customs, and Kosovo* Food and Veterinary Agency, drafted the standard operating procedures for the Centre, and on 11 January, 2013, the Centre was inaugurated within the Ministry of Internal Affairs and became operational. The Centre will not only serve to strengthen cooperation amongst government departments, but will strengthen border management through such aspects as requiring advance traveller data from airlines operating in Kosovo*. The Centre is in line with the three pillars of the approved National Strategy on Integrated State Border Management 2012-2017, namely cooperation within the agency, cooperation between

different state agencies, and international cooperation.

The Government of Kosovo* has approved the Administrative Instruction on the functionalising, duties and responsibilities of the Centre, which will operate within the MOI and be supported by the abovementioned IPA IBM project, and encompass officers of the Border Police, Customs Service, the Food and Veterinary Agency, as well as representatives of other state agencies. The Centre will monitor activities at BCPs and the green line and coordinate the actions of the agencies involved in border control and border supervision in order to prevent illegal acts, trafficking and smuggling of goods and people as well as the prevention and detection of possible cases of corruption at border points.

In the context of those seeking asylum in Kosovo*, Article 12 of the Law on Asylum stipulates to the obligations of the asylum seeker to "*cooperate for obtaining biometric data*". The type of biometric data to be collected and the right of access is regulated by the Law on Protection of Data (Article 80), which guarantees standards for the protection of data on asylum seekers.

Article 77 of the same Law concerns the communication of personal data to the country of origin or descent, stating that fingerprints, photographs and biometric data of an asylum seeker may be shared with foreign authorities by the authority in Kosovo* responsible for return in order to execute the decision of return to the country of origin or descent. In regard to communication of personal data – including fingerprints, photos, and biometric data – to third states and international organizations, Article 78 states:

"In order to implement the Law on Asylum, DCAM and bodies that review complaints shall have the rights to communicate personal data to foreign authorities and international organizations entrusted with duties in this context, providing that the state or international organizations concerned guarantee a similar protection of transmitted data."

In this context, there is provision within the Law on Asylum that allows Kosovo* to share information with relevant authorities of countries within the region. The Law on Protection of Personal Data, adopted by the Government of Kosovo* in 2010, is in line with EU directives and safeguards the protection of personal data, and is enforced by the independent National Agency for Protection of Personal Data.

Kosovo* utilises the Border Management System (BMS), which is Schengen-compatible. BMS hardware and software systems have been deployed and configured to all BCPs and Regional Command Centres, and all international BCPs are equipped with biometric passport readers. Utilising this equipment, the Kosovo* Border Police is able to capture fingerprints, iris, and facial images of foreign nationals that are refused admission at Pristina Airport or at a BCP; arrested for attempting to illegally enter or exit Kosovo*; violate customs procedures; or apply for asylum or immigration benefits.

Information exchange with other countries in the region:

Kosovo* would be interested in the exchange of information via mini-EURODAC, but are inherently realistic about the limitations therein.

6.2.2 Readmission agreements/Joint cooperation in return

In the context of non-recognition of Kosovo*, some states have signed repatriation agreements with Kosovo*, through which the obligation is only on the side of Kosovo*; in this way, the agreement can

function even if the country does not recognise Kosovo*. Kosovo* have signed 19 readmission/repatriation agreements with the following countries: Albania, France, the Former Yugoslav republic of Macedonia, Switzerland, Germany, Denmark, Norway, Austria, Slovenia, the Benelux countries, Czech Republic, Montenegro, Sweden, Finland, Hungary, and Bulgaria. Negotiations are underway with Croatia, Estonia, and Malta and project agreements are in place with Italy, Latvia, Turkey, and the Former Yugoslav Republic of Macedonia.

Strategies within Kosovo* concerning readmission tend to focus on the readmission of Kosovo* nationals from EU Member States, and a major strategic priority of Kosovo* concerns enhancing the reintegration of readmitted Kosovo* nationals.

Return of irregular migrants to their country of origin is an issue for authorities in Kosovo*; there are no readmission agreements with extra-regional countries, and Kosovo* has limited resources with which to facilitate return. Though project agreements are in place with the Former Yugoslav Republic of Macedonia and Turkey, it is likely that Kosovo* will face similar problems to BiH in returning third country nationals to these countries. Like BiH, authorities in Kosovo* emphasised that the process of negotiating readmission agreements with extra-regional countries of origin is likely to be a lengthy and difficult process, not only because Kosovo* is unable to offer benefits to these countries and the other issues listed above, but also because of the non-recognition of Kosovo* amongst certain countries of origin, most notably Algeria, Syria, Morocco, and Tunisia.

Kosovo* does not have a state level body dedicated to the management of return of irregular migrants. This lack of a coordination body is accentuated by the lack of a Reception Centre for Foreigners, as well as the aforementioned issues.

Though the most feasible option for return at the regional level is that through which joint returns would take place within the region from an agreed upon location, it is likely that the most auspicious locations would be Sarajevo and Belgrade, the capitals of the two countries within the region that do not recognise Kosovo*, which would impinge on the ability of Kosovo* to partake of such a regional initiative. Furthermore, Kosovo* has not concluded a working agreement with Frontex, thus cooperation involving Frontex is likely to be problematic, though a request for direct cooperation has been addressed and is in process.

6.2.3. Detention/Temporary custody

The Reception Centre for Asylum opened on 28 March 2012 and is fully functioning as an open centre under the auspices of the Centre of Asylum-seekers within DCAM. The Centre operates within the framework of the Law of Asylum, as well as the Centre's own internal Standard Operating Procedures. The Centre was built and equipped to the highest standards, and the asylum procedures in Kosovo* are established in line with the EC Directive on reception conditions for asylum-seekers (2003/9/EC).

Under the Law on Asylum, the asylum procedure shall in principle last no more than six months from the day of submission of application for asylum, with the average length of time for an asylum claim encompassing around three months. First-instance decisions are made by DCAM; asylum seekers have the right to submit an appeal against the decision to the National Commission for Refugees, with appeals against second-instance decisions being submitted to the competent court.

The Centre has capacity for 50-70 asylum seekers, which satisfies all requirements at present in Ko-

sovo*. The number of asylum seekers has dropped in the last few years; 268 asylum requests were made in 2010; 188 in 2011; and 31 up to November 2012.

As described above, Kosovo* has witnessed a rise in irregular migrants from extra-regional countries, most pertinently Afghanistan, which accounted for 107 of those that claimed asylum in 2010, and 67 of those that claimed asylum in 2011, as well as Somalia, Tunisia, Nigeria, and Sudan. In 2012, Algeria has been the country of origin of the highest proportion of asylum seekers, ahead of Afghanistan.

In terms of the breakdown of irregular migrants by gender, there were three females in 2012, all of whom were from Afghanistan and travelling with families, which encompassed a total of five minors up to the age of 11 and one minor between the ages of 12 and 17.

Migrants can claim asylum at the border of Kosovo* or at the DCAM offices, at which point the necessary procedures take place, including scanning the fingerprints and taking photographs of the asylum seeker. The procedural requirements for an asylum case are undertaken by the Immigration Police, which supports the asylum seeker in completing their asylum application, takes fingerprints and photographs, and then informs the Centre. Even if an asylum seeker turned up at the Centre, they still have to go with the Immigration Police to undertake all necessary administrative steps listed above.

During their stay in the Centre, DCAM aims to ensure that the asylum seekers have access to an interpreter for a language that they understand. The Centre has outdoor facilities, language courses are offered, and there is the provision of psychosocial support wherever deemed necessary. The Centre enjoys good cooperation with UNHCR and Civil Rights Program Kosovo (CRP/K), an NGO with which the Centre has signed an agreement. CRP/K provides free legal assistance and counselling for asylum seekers in Kosovo*, and provides any required support to beneficiaries in procedures before court. Furthermore the Centre works alongside the Ministry of Health, Ministry of Social Welfare, and Ministry of Education. In this context, asylum seekers are provided with legal aid and consular services, and are held and treated in accordance with best practices and international standards.

Though each migrant undergoes a medical examination and healthcare is provided, it would be beneficial to have dedicated health services available within the Centre. At present, asylum seekers visit an adjacent centre for medical check-ups, which is located external to the boundaries of the Centre. However, issues are likely to arise concerning which body would be responsible for funding this service, the Ministry of Health or the Municipality.

Article 18 of the Law on Asylum concerns supplementary provisions for vulnerable categories of asylum seekers, notably women, minors, and persons suffering from mental or physical illness, for whom the Government will issue sub-legal acts in relation the asylum procedure.

In regard to the provision of separate facilities for families and women, these categories have their own rooms, and apartments are available for families, but they are not physically separated from men. This could cause issues in that the lack of a Reception Centre for Foreigners means that migrants that would otherwise be in a Centre for Foreigners do occasionally reside in the Centre. In this context, there might be issues concerning the protection of vulnerable categories, particularly women, unaccompanied minors, and victims of trafficking (VoTs).

In regard to asylum claims, there is no quick access to information on country of origin (COO) in Kosovo*. The authorities in Kosovo* emphasised that they would benefit from the provision of accu-

rate, relevant and up-to-date information on asylum seekers' COOs to be used by officials at all stages of the asylum determination process. This is particularly pertinent in the context of the rise in asylum seekers from extra-regional countries, for which authorities in Kosovo* would benefit from an enhanced awareness of the potentially changing political and social situations within these countries.

Kosovo* does not currently operate a Reception Centre for Foreigners. Of those asylum seekers that remain within the Centre until their asylum claim is rejected, most then often remain in the Centre for a couple of days before moving on. This is an issue that will require resolving, as this creates a situation in which irregular migrants are likely to continue pursuing entry to the EU subsequent to unsuccessful asylum claims, if they even remain in Kosovo* until the asylum decision is made.

The authorities in Kosovo* plan to build a new Centre for Foreigners. The location has been decided upon and construction is due to be initiated, with a budget of EUR 350,000 foreseen for 2013. However, in the meantime, there is a need for a solution to the fact that there no dedicated facilities exist at present to hold irregular migrants.

6.2.4. Language analysis experts/pool of interpreters

<u>Interpretation</u>

As with other countries in the region, Kosovo* is currently facing extra-regional irregular migration flows, with the main countries of origin including Afghanistan, Algeria, Syria, Somalia, Morocco, and Tunisia. Irregular migrants do not typically possess travel/identity documents and in many cases questions arise in regard to country of origin as well as the transit country utilised.

This constitutes a crucial issue, as the authorities in Kosovo* are unable to begin the asylum process until the country of origin has been determined, and thus the process can be lengthened considerably. Furthermore, the asylum seeker rights to a fair asylum procedure might be affected by the difficulties encountered in communicating with the relevant authorities in Kosovo*.

Article 25 of the Law on Asylum (Hearing session regarding the asylum motives) states that *"DCAM shall urge the services of an interpreter, aiming to ensure to the asylum seeker the procedure in the language that he/she understands"*. In this context, DCAM utilises the services of a group of translators from a company hired by the Ministry of Internal Affairs, though the authorities confirmed the difficulties faced in having translators available to provide all required translation services taking into consideration the rise in extra-regional irregular migrants. There is limited availability of translation to/from Pashto, and translation to/from other crucial languages, such as Dari, Urdu, and Punjabi is not available in Kosovo*.

There is interest amongst the relevant authorities in Kosovo* in the creation of a pool of interpreters, through which interviews could be conducted with asylum seekers in Kosovo* via video-conferencing/Skype. Furthermore, such an initiative would help facilitate DCAM in ensuring that asylum seekers are provided with an interpreter that can translate to/from their spoken language during the asylum procedure, in line with Article 25 of the Law on Asylum. However, if as suggested above, management of this interpreter pool is undertaken by MARRI, Kosovo*´s access to such a pool could be contentious, as Kosovo* is not yet a member.

There are no mechanisms in place in Kosovo* for language analysis. However, this is something that the authorities would be interested in. However, it was emphasised that such an initiative would necessitate external financial support, as Kosovo* does not have the financial resources to independently introduce such an initiative at present.

6.3. The Former Yugoslav Republic of Macedonia

6.3.1. Information exchange

The Resolution on Migration Policy 2009-2014 sets as a priority the "*Deepening of the international cooperation in the area of information exchange information and participation in the regional early warning systems*", for which the principal competent institution is the Ministry of Internal Affairs. The country has developed an integrated database for foreigners, which is yet to become operational as a result of funding and technical difficulties. The integrated database for foreigners is supposed to register exhaustive number of categories of foreigners including: irregular migrants, asylum seekers, refugees, foreigners granted with temporary residence permit, foreigners granted with permanent residence permit, and foreigners issued with visas. The database was supposed to be operational by the end of June 2012. However, the process has been delayed due to resource capacities. Even the tentative date when it will become operational is not clear as it has been delayed on numerous occasions.

Exchange of information at the national level is coordinated through the National Coordination Centre for Border Management. The Centre became functional in 2007 and operates through its own premises in Skopje. The Centre conducts monitoring of all BCPs and maintains coordination. The Coordination Centre facilitates significant exchange of data with relevant institutions in the Former Yugoslav Republic of Macedonia, including the Ministries for Finance, Agriculture, Transport, and Health, and approximately 5,000 data are exchanged in one calendar year. The information exchanged between institutions/ministries/agencies in the National Coordination Centre for Border Management is on an operative level and usually intensified when a problematic case appears at the border.

Through AENEAS 2008 and with the support of Frontex, MoUs were signed in November 2008 with Albania, BiH, Croatia, Montenegro, and Serbia on establishing a system of statistical information exchange on irregular migration. In addition, a regional Early Warning System was established. To ensure standardisation of information exchange, a template for this has been provided. Under these MoUs, the exchange of data focuses on key areas within the sphere of irregular migration: detections of irregular border-crossing; detections of facilitators; detections of irregular stay; refusals of entry; asylum applications; and detections of false documents. The data collated is categorised by border type and by land border section. In this context, there is a system for exchange of information, and it is important that any initiatives are synergised to avoid overlap. At the national level, within the project Integrated Border Management in the Western Balkans, funded by the European Union within the IPA Multi-beneficiary Programme 2008, a pool of national trainers for Risk Management was established. Two national trainings were also organised, which included sessions on exchange of information related to risk assessment and risk management between various institutions, as a vital component of any Integrated Border Management system.

At a bilateral level, the Former Yugoslav Republic of Macedonia enjoys a strong working relationship

with neighbouring countries within the sphere of tackling irregular migration. The country has signed an agreement with Montenegro on police cooperation, as well as agreements with Albania and Serbia to develop Joint Contact Centres for exchange of information between Border Police of participating countries. Negotiations for an agreement with Kosovo* on police cooperation and establishing a Joint Contact Centre are also being finalised.

The legal basis for the Joint Contact Centres is in place, but the Sector for Border Affairs and Migration emphasised that support is needed in establishing suitable premises and equipping the Centre with all requisite infrastructure. Furthermore, it was emphasised that administrative capacities in the country need to be enhanced in the context of exchange of data. These Centres will provide significant benefits to participating countries in managing mixed migration flows. These Centres will be complemented through the establishment of joint BCPs, for which plans are in place but financial support is required. Protocols for joint border patrols have been implemented through mixed patrols with Albania and Kosovo*. Cross-border cooperation with Kosovo* is still in a relatively formative stage, though is developing and an agreement has been signed with Kosovo* on joint border controls and supervision. The Cross-Border Cooperation Program between the Former Yugoslav Republic of Macedonia and Kosovo* was adopted in 2010, and EU funding will be used to construct joint premises at the BCP crossing point at Belanovce-Stançiq, which will constitute a crucial element in the further development of cross-border initiatives.

Information exchange with other countries in the region

The authorities in the Former Yugoslav Republic of Macedonia are very positive towards cross-border exchange of information, both quantitative and qualitative, as well as the active role of MARRI in any exchange. Furthermore, the Former Yugoslav Republic of Macedonia believes that a role of SELEC in coordinating regional operations should be further explored. There are concerns within the Former Yugoslav Republic of Macedonia regarding the establishment of a mini-EURODAC, principally that it could be used as a tool for countries in the region to return irregular migrants to the Former Yugoslav Republic of Macedonia, if they have passed through the country or been registered at any stage of their journey from Turkey via Greece. There is therefore a need to ensure that any mechanism would be mutually beneficial to all countries in the region, and would not be used simply to return irregular migrants to the Former Yugoslav Republic of Macedonia as the first access country in the region, but rather to identify their country of origin and thus facilitate the timely and orderly return of these migrants to their countries of origin.

6.3.2. Readmission agreements/joint cooperation in return

As regards readmission, the Former Yugoslav Republic of Macedonia has signed a Readmission Agreement with the EU, which entered into force in January 2008. Besides this readmission agreement, several bilateral Readmission Agreements and protocols have been approved and are operating, including Albania (2004/2005), Denmark (2007), Croatia (2007), Bosnia and Herzegovina (2008), Moldova (2008), Serbia (2010), and Switzerland (2012). The country is currently in the process of negotiating Readmission Agreements with Iceland, Ukraine, and Kosovo*, whilst protocols for implementation of the readmission agreement with the EC have been signed and entered into force with Estonia, Bulgaria, and Austria. Furthermore, implementation protocols have been finalised with Germany and the Benelux countries.

Though Greece, as an EU Member State, is a signatory of the readmission agreement with The Former Yugoslav Republic of Macedonia, the execution of returns from The Former Yugoslav Republic of

Macedonia to Greece under this readmission agreement constitute a major issue of concern. A protocol for implementation of the readmission agreement with Greece does not exist; a protocol has been drafted, but authorities in Greece are yet to ratify this. Authorities emphasised that the benefits of enhanced measures for return would be maximised if complemented by the facilitation of open communication with Greece within the sphere of readmission. Six requests for readmission have been sent to Greece in the last few years, encompassing nearly 40 migrants. However, only two cases of readmission have successfully taken place, one group of 15 and one group of 6 all of whom were in possession of valid documents issued by Greek authorities that confirmed their transit route through the country.

As a result of the difficulties in returning third country nationals to Greece, The Former Yugoslav Republic of Macedonia is in a situation whereby returning all migrants to their country of origin is unfeasible with the limited resources of the country. This is particularly pertinent as other countries in the region are seeking to return third country nationals to The Former Yugoslav Republic of Macedonia, after which it is the responsibility of The Former Yugoslav Republic of Macedonia to facilitate their return to their country of origin. *The Resolution on Migration Policy 2009-2014* sets as a priority the conclusion of readmission agreements with the countries of origin with which no such contract has been concluded yet, which falls under the responsibility of the MIA and the Ministry of Foreign Affairs.

The authorities in The Former Yugoslav Republic of Macedonia support the provision of both forced and voluntary return, and would support initiatives to begin as soon as feasible, though emphasised that voluntary return is preferable as it offers the best opportunity for sustainable return, and also tackles the issues concerning identification of migrants, thus facilitating an enhanced return procedure. In this context, joint AVR should be coupled with reintegration support, to ensure a holistic approach that best ensures that migrants will not simply try to re-enter upon being returned to their country of origin. In regard to joint return flights, the authorities in the Former Yugoslav Republic of Macedonia would support such an initiative. However, an emphasis was made on the need for the enhanced mechanisms for cooperation to better facilitate this.

6.3.3. Detention/Reception facilities

There are currently two Reception facilities in The Former Yugoslav Republic of Macedonia for migrants: the Reception Centre for Foreigners and the Reception Centre for Asylum Seekers. *The Reception Centre for Foreigners* is a closed centre, and operates under the Sector for Border Affairs and Migration. The Centre has a capacity of 100, divided into two principal sections; one for victims of trafficking (VoTs) (40) and the other for irregular migrants (60). The section for VoTs has separate entry points and they do not share facilities. VoTs stay within the Centre during a reflection period, before being granted a Temporary Residence Permit and moved to a specialised centre. Within the section for irregular migrants, there are separate sections for families, and women and UAMS are separated from men. In the case of UAMs, a social worker is immediately assigned as a guardian.

Legislation states that the maximum amount of time allowed to be spent here is 12 months, but changes in the Law on Foreigners will reduce this to six months. The photographs and fingerprints of the migrants are taken at the centre itself, and the information is subsequently sent to Interpol, making a query in their database in regard to involvement in any criminal activities. The structure itself is old and there is an urgent need for certain quite extensive renovation, as the Centre is prone to flooding, and there are issues concerning the uninterrupted provision of electricity and heating.

The Centre has witnessed a rise in the number of irregular migrants, particularly from extra-regional states: 161 were accommodated at the Centre in 2010; 211 in 2011; and 421 in 2012 until the period of the study visit. As described above, principal countries of origin are Afghanistan, Pakistan, Somalia, and Algeria. At present, the Centre is fulfilling the needs in the context of accommodating irregular migrants detained within the country. However, a continuing rise in the number of migrants accommodated at the Centre would necessitate either an expansion of the current centre, perhaps alongside the aforementioned renovations, or for construction of a new centre. The relevant authorities emphasised their support for a new centre to be constructed near to the southern border of the country, though a lack of financial resources means that there are currently no plans in place. In addition, the authorities need support in regard to the provision of food that takes into account cultural and religious sensitivities; social and occupational activities; medical assistance for migrants accommodated; and legal aid within the Centre.

The Reception Centre for Asylum Seekers is an established open centre built with the assistance of the European Union/European Agency for Reconstruction, operational as of 2008, with the capacity to accommodate 100 asylum seekers. The Centre operates under the Ministry of Labour and Social Policy (MLSP), and legal assistance is provided by the UNHCR Legal Network, most notably through the Macedonian Young Lawyers Association (MYLA). The principal countries of origin of the asylum seekers are as above, and around 740 foreign nationals applied for asylum in 2011, and approximately 585 had applied up to October 2012. In accordance with the national legislation, the Centre for Asylum is an open centre and asylum seekers are able to leave at any point, though the House Rules state that they have to return to the Centre by 22:00 each day. Asylum seekers are required by the Law on Asylum and Temporary Protection, Article 18: Submission of Request and Recognition of the Right to Asylum, to undergo fingerprint scans and have their photographs taken, the administration of which is done at the Centre, as are the interviews led by the Department for Asylum.

The Centre is fully functioning and the structure itself is newer than the Reception Centre for Foreigners. However, it still suffers from issues surrounding the propensity of some asylum seekers, typically those that use the Centre for only a couple of days before leaving, to cause damages to the infrastructure. The situation at present is that an estimated 90% of asylum seekers leave the Centre prior to the asylum procedure being finalised, thus almost all decisions are made in absentia. As yet, there have been no positive asylum decisions reached in the country since 2008.

As for the Centre for Foreigners, the Centre has issues in the lack of availability of translators in consideration of the rise in asylum seekers from extra-regional countries. This serves to lengthen the asylum procedure, which takes on average two to three months. Though most asylum seekers have left the Centre prior to the conclusion of the procedure, protracted processes may serve to put further pressure on the capacities of the Centre in the future. Furthermore, staff numbers are based on 2007 estimates, since which time there has been a significant rise in persons accommodated at the Centre.

It was made clear during the visit that problems occasionally arise between asylum seekers and physical disputes intra and inter asylum seekers groups present a challenge for the management of the Centre. A country of origin information team could be of benefit in this context too, to ensure mechanisms that prevent asylum seekers from groups potentially in conflict being accommodated together.

A delegation from BiH recently visited the Centre for Asylum, in order to witness first-hand the daily goings on in the Centre and to gain best practices and lessons learned in the context of their centre

established near to Sarajevo. This attests to the scope for regional exchange of best practices and lessons learned within the sphere of closed and open reception facilities. The Head of the Centre emphasised the benefits of the establishment of a platform to facilitate the exchange of best practices and lessons learned between operational staff in Reception Centres in the region.

6.3.4. Language analysis/pool of interpreters

Interpretation:

As in other countries in the region, almost all irregular migrants apprehended in the country are not carrying any travel or identity documents, and the institutions adopt something of a pragmatic and ad-hoc approach. The Rulebook of the Reception Centre for Asylum Centre states that asylum seekers have a right to the process being conducted in a language that they understand. However, having permanent access at the national level to interpreters for all required languages, although assessed as a pertinent need, would be somewhat unfeasible without continuous financial support. There is little availability of relevant languages at the Court through the official court translators' roster, and the Centre for Foreigners at times liaises with Embassies to determine identity, and enjoys close co-operation with the Embassy of China, Embassy of Algiers, and Embassy of Tunisia.

This is a crucial issue, as it was emphasised that the Centres are therefore often unable to conduct an interview with the migrant prior to them being accommodated at the Centre, at which point they might change their story according to what they are told by the other migrants, considered to be the most successful tactic to extend the process.

Therefore, the same issues apply in The Former Yugoslav Republic of Macedonia as in other countries in the region, with the authorities facing issues in determining the identity of irregular migrants. It became apparent in both, the Reception Centre for Asylum and the Reception Centre for Foreigners, that the relevant authorities rely on the assumption that most irregular migrants arrive within a group, and that one of this group will be able to converse to a degree in English, which inherently poses a number of issues. Besides the potential for human rights abuses and the issues in allowing one person to speak for a wider group, from a law enforcement perspective, this poses problems in that the person translating could be in fact the smuggler/trafficker of the fellow migrants.

In this context, access to a pool of interpreters would significantly enhance the process of identifying migrants, not only in the context of managing migration in a more orderly fashion, but also in better ensuring the protection of the migrant. As highlighted in the Centre for Asylum, the lack of mechanisms to identify the identity of the migrant extends the process, which can place an additional burden on Centre for Asylum. Therefore, the relevant authorities in the country strongly support a pool of interpreters, as well as the provision of video-conferencing equipment.

Language Analysis:

There is currently no procedure in place for language analysis in The Former Yugoslav Republic of Macedonia. Both the Centre for Asylum and the Centre for Foreigners support the provision of language analysis through video-conferencing for the purpose of identifying the country of origin of irregular migrants and asylum seekers travelling without documents. The relevant legislation in The Former Yugoslav Republic of Macedonia does not provide any obstacles to the adoption of such an approach. To facilitate such a mechanism, both Centres would require the purchase of requisite infrastructure and capacity building of staff.

6.4. Montenegro

6.4.1. Information exchange

A Border Management Information System is installed in border crossing points (BCPs) that enables the registration of Montenegrin and foreign citizens at their entrance and exit, the registration of vehicles crossing the border, the control of persons being searched for, the control of documents, the control of vehicles being searched for and the registration of events of relevance. All BCPs are connected to Interpol 24/7 MIND.[14]   Under IPA 2009-2010, funds have already been allocated to equip 5 BCPs with biometric equipment in order to verify at the BCPs directly if the identified persons are in any of the international search/wanted lists, whereas currently such verifications are done in Podgorica through the Criminal Police Sector.

The MoI keeps a separate register of foreigners in Montenegro. The Border Police administers the registry of Montenegrin nationals and foreign nationals with permanent residence, temporary residence, or stay of up to 90 days. Furthermore there are databases in the statistical office such as migration-related databases at MONSTAT (the Montenegrin Statistical Office) which receives information from different Ministries and Institutions.

In regard to collection of information on asylum, there is as yet no electronic database on asylum seekers in place. The Asylum Office registers the asylum seekers in paper files and gathers pictures and fingerprints in addition to personal data. Therefore, the establishment of an electronic database has been identified as an area of priority by the Montenegrin authorities. The Asylum Office would also need to be trained on the modalities of gathering biometric information (scanning of fingerprints) and on the use of AFIS. It was suggested that BCPs shall be directly connected to the AFIS of the Asylum Office. The human resources of the Asylum Office would also need to be strengthened in order to be able to deal with the increased caseload Montenegro is facing.

In regard to police cooperation and the fight against organised crime, Montenegro has continued to strengthen international cooperation in all these areas, according to the most recent EU Progress Report[15]. A Police cooperation agreement was signed with Croatia and the former Yugoslav Republic of Macedonia, whereas a Memorandum of Understanding (MoU) was signed with BiH on jointly fighting corruption, organised crime, drug trafficking, and terrorism. In terms of Police Cooperation Centres to which Montenegro would second police officials, none of them are as yet functional.

In regard to EURODAC-type of information exchange with Western Balkan countries, Montenegro supports this initiative; however the main obstacle at the moment is the non-existence of an electronic database of asylum seekers. It was suggested by the authorities that a possible solution in regard to the software for capturing fingerprints could be the purchase of an AFIS licence for the Asylum Office (cost approx. 20.000 EUR). This would however not ensure a fully-fledged EURODAC, but rather compatible software.

The following legal instruments are in place that allow for data to be collected from asylum seekers: Rulebook on the Procedure and Manner of Taking a Photograph, Finger Prints, Signature and Other Data from an Asylum Seeker (the "Official Gazette of MNE" No. 04/07); Rulebook on the Form of Asylum Application and the Form of the Record of an Application Orally Made (the "Official Gazette of MNE" No. 04/07); and the Decree on the Contents and Manner of Keeping Records in the Field of

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[14]MIND is a Mobile Network Database that offers solutions for the linked countries to check data against INTERPOL´s databases.
[15] EC, Montenegro 2012 Progress Report, COM (2012) 600, p. 52.

Asylum (the "Official Gazette of MNE" No. 09/08). In regard to data protection, essential progress has been made through the adoption of the Law on Personal Data, the Information Secrecy Act, and the Law on Free Access to Information.

Recently there were internal discussions in Montenegro amongst the principal migration stakeholders (MoI, Border Police, and Asylum Office) on how to intensify intra-institutional cooperation in tackling irregular migration. These discussions led to the establishment of a Working Group that produced a list of counter-measures – in total of 19 recommendations - which shall be implemented within a foreseeable period of time in order to improve inter-institutional and international cooperation in the fight against irregular migration.

Information exchange with other countries in the region:

As already mentioned above, Montenegro is open in regard to information exchange in this area, though highlighted the benefit of all the countries in the Western Balkans joining such an initiative. The main priority would then be to establish an electronic database in Montenegro and to make sure that data protection rules are applied. In regard to possibilities for sharing of information, it was also suggested by the Police Directorate to conduct the information exchange via exchange servers linked to the national databases, whereby these databases would need to have secure links e.g. via the Interpol Network, which would allow the Western Balkan countries to limit the information they wish to share.

6.4.2. Readmission agreements/joint cooperation in return

Based on the Decision on the Proclamation of Independence of Montenegro, the bilateral readmission agreements that the State Union of Serbia and Montenegro was a party to, have been assumed and applied.

Montenegro has signed readmission agreements/implementing protocols with the EU and bilateral agreements with following third countries: Croatia, BiH, Albania, Norway, Switzerland, Kosovo*, the Former Yugoslav Republic of Macedonia, Moldova (only signed), and Serbia (only synchronised, to be signed soon). Furthermore, Montenegro is also in the process of negotiating a readmission agreement with Turkey, which has been put on hold for the moment. In regard to their functionality, the stakeholders that the experts met during the country visit stated that the readmission agreement with Kosovo* is not as effective as it could be. Apparently Montenegro faced similar difficulties in regard to the implementation of the readmission agreement with Albania, but these have been resolved and readmission with Albania now works very well.

According to the Strategy for Integrated Migration Management in Montenegro 2011-2016, the Government of Montenegro has as priorities establishing the full functionality of readmission agreements/implementing protocols in place and signing additional readmission agreements with countries of origin, including Moldova, Turkey, and the Russian Federation.

There are two institutions responsible for readmission agreements, namely the MoI for regular readmission and the Police Directorate for accelerated procedures. In addition to regular readmission agreements, Montenegro also has accelerated procedures which allows for return of irregular migrants within 72 hours after apprehension. These accelerated readmission agreements have been signed with most of the neighbouring Western Balkan countries besides Serbia.

All of the readmission agreements signed include also third country national's clauses, allowing for the return of third country nationals transiting through Montenegro as well as of stateless persons.

In regard to cooperation in joint returns, both voluntary and forced, the stakeholders in Montenegro are fully supportive of this initiative. The Asylum Office mentioned that they have an average case-load of approximately 8 persons per month willing to return voluntarily to their country of origin. Assisted voluntary return is viewed as the most sustainable return mechanism, guaranteeing as it does the highest standards as regards human rights, as well as limiting the chances for further irregular entry to Montenegro due to the provision of sustainable options at home.

Aside from voluntary returns, the stakeholders in Montenegro also cited the possibilities for joint forced returns for irregular migrants in Western Balkans. Currently the Montenegrin authorities are experiencing difficulties especially in regard to verification of the identity of irregular migrants. Most of the asylum seekers have no documentation and there exists little consular representation in Montenegro of the most pertinent countries of origin. Even in cases of consular representation, this does not mean that identification process can be completed, due to the fact that many of the countries of origin do not have a proper civil registry and thus identity cannot be established, hampering efforts to return a migrant to his/her assumed country of origin. Therefore as a prerequisite for the joint returns, Montenegrin stakeholders support a legal agreement based on which cooperation within the Western Balkan region in regard to verification of the identity of irregular migrants could be guaranteed. This would allow for accelerated return procedures, encompassing both voluntary and forced returns. In regard to procedures for joint flights/forced returns, the MoI stressed the necessity of a strong legal basis in order to ensure that a person to be returned from one country does not apply for asylum in the country from which the joint return takes place. Furthermore, human rights standards during escort would need to be applied and these flights would need to have monitoring officers from civil society in order to ensure a sufficient protection mechanism. The stakeholders in Podgorica also emphasised the possible restraints of such mechanism, including possible scenarios in which a country of origin does not accept the joint returns of its own nationals. They therefore highlight the need to have a strong partner that would support Western Balkan countries on these issues, such as the EU/Frontex.

6.4.3. Detention/Reception facilities

There is currently neither a Reception Centre for Asylum Seekers nor a Reception Centre for Irregular Migrants that is fully operational. Both centres have been constructed and they are located in close vicinity of each other in Spuž, Municipality of Danilovgrad, though it should be highlighted that these Centres are located close to a prison, which could pose issues. The majority of migrants in Montenegro apply for asylum (currently around 220-300) and are accommodated in temporary facilities in Konik. However, Konik is also home to a camp for IDPs and such a concentration of migrants in one single area in Montenegro might potentially cause some tensions with the local population. According to UNHCR there have been recent reports of violent accidents in the temporary accommodation facilities.

According to the Strategy for Integrated Migration Management in Montenegro 2011-2016, the Police Directorate enforces measures of deportation of foreigners and issues decisions on the placement of foreigners in the Reception Centre. A person seeking asylum will be provided with accommodation in the Reception Centre for Asylum Seekers by the Bureau for the Care of Refugees.

According to the stakeholders in Montenegro, both Centres were supposed to be officially opened at

the end 2012. However, according to the Government, some minor issues with electricity are precluding their opening. The construction of the Reception Centre for Irregular Migrants was carried out in the framework of the EU project "Support to Migration Management in Montenegro", funded by the EU Delegation in Montenegro and the Government of Montenegro, and implemented by the International Organization for Migration. The Reception Centre for Foreigners is placed under the Department for Foreigners and Suppression of Illegal Migration and accommodates foreigners who cannot be immediately expelled from the country or whose identity cannot be verified.

As already mentioned above, the centres are in the immediate vicinity of each other. Some of the stakeholders have already voiced possible problems that might arise out of the close vicinity of these two facilities and thus suggest the relocation of the Asylum Centre. As these centres were planned some years ago, at which time the numbers of irregular migrants or asylum seekers[16] were low, their capacities are rather low: 46 for the Centre for Irregular Migrants and 65 for the Centre for Asylum Seekers. Therefore, there might be a need in future to build additional centres and provide for facilities for unaccompanied minors, as these currently do not exist in either centre.

In regard to main countries of origin, according to the information provided by the Asylum Office[17], 70-75% are from Maghreb countries; 10% are from Afghanistan and Pakistan; 10% are from Nigeria and Sierra Leone; and the rest are from India and Bangladesh.

In regard to further needs for the reception centres, Montenegrin stakeholders voiced following issues:

The Department of Foreigners and Suppression of Illegal Migration is currently using five official vehicles. All vehicles are older than 10 years and have a mileage above 200,000 kilometres each. As the Reception Centre facility is built in Spuž, the Municipality of Danilovgrad (around 15 km from Podgorica), it will be necessary to provide adequate motor vehicles to be used for the transportation of migrants to the relevant institutions in the Municipality of Podgorica. The use of vehicles is also required for the transport of migrants needed to receive specialised health care, for conducting identity verification procedures, and transporting illegal migrants to the airport or other border crossing points for repatriation.

6.4.4. Language analysis/pool of interpreters

Interpretation:
In Montenegro, there is an official list of Court Interpreters under the auspices of the Ministry of Justice with an official rate. However, due to financial limitations, these interpreters are not used very often and instead interpreters provided by UNHCR and interpreters of the Asylum Office are being used. The increase in the number of extra-regional asylum seekers constitutes a large caseload for a modestly staffed Asylum Office, currently constituting five permanent staff. The Asylum Office has, besides English, French and Italian, one translator for Arabic and Berber languages, which is provided and funded by UNHCR. As for other languages, due to the fact that most asylum seekers arrive in groups with at least one person in the group speaking one of the languages mentioned above, communication and interpretation takes place via this person. As described in the chapter on the Former Yugoslav of Macedonia, this poses a number of human rights and law enforcement issues. The Asylum Office require additional resources that would allow them to access and utilise more interpreters and therefore suggested interpreting via video conferencing, to which there would not be any legal

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[16] Between 2007-2010 there were only 28 asylum claims in Montenegro.
[17] Information provided by the Asylum Office in the framework of the country visit.

obstacles in Montenegro.

Language analysis:
Currently there is no procedure in place for establishing the country of origin based on language analysis. Currently the country of origin of asylum seekers is not tested even if there are doubts that he/she is from the country stated. The Police Directorate suggests establishing video conferencing equipment in the reception centres in order to allow language analysis to be done via utilisation of the consular staff from the embassies of countries of origin.

6.5. Albania

6.5.1. Information exchange

The Total Information Management System (TIMS) is a computerised system designed in 2004 for supporting the border police in preparing reports and statistics. TIMS collects data on: entry and exit of Albanian nationals and foreigners; entrance and departure of vehicles (according to plate numbers and types); deportees and suspicious nationals; information regarding visas issued at BCP; wanted and arrest orders; documents declared lost, stolen, invalid and blocked at borders; and stolen and lost vehicles, and provides access to the INTERPOL database. It is installed at all border crossing points of Albania and is connected to the central server at the General Directorate of the State Police. Since July 2012, TIMS at BCPs has also been linked to the civil registry database.

All irregular migrants and asylum seekers pre-screened by the Border and Migration Police are fingerprinted and processed electronically with the use of life scanners, attached to the TIMS Biometric enrolment system, currently installed at 9 BCPs in Albania. At the moment, work is progressing on updating the electronic register on foreigners within TIMS in regard to temporary and permanent residence, and these modules will also be available via TIMS soon. According to the stakeholders interviewed, TIMS system is now compatible with the information systems used in neighbouring countries and fully compatible particularly on the border with Kosovo* in regard to the exchange of data on border crossings. The Regional Border and Migration Directorates (8 in total) are also connected through the same system, which enables the exchange of information in real time vertically and horizontally. TIMS has also been installed at the MFA as part of the Visa Centre, which provides for broad high speed data transmission link between the MoI, the MFA, and all diplomatic representations of Albania abroad. Since January 2011, access to TIMS' Module "e-Work Permits" has been given to MoLSAEO (Migration Department), the State Labour Inspectorate and Regional Employment Offices in the country.

As regard the data captured from asylum seekers, according to the Article 22/3 (Identity of Asylum Seekers) of the Law on Asylum, "*the Directorate of the Criminal Police preserves and keeps the data, gathered as defined in paragraph 2 of this article, in separate files in order to ensure the protection of the asylum seeker*". This data from pre-screening, including biometric fingerprint data, is also accessible to the Border Police via TIMS. However, the rest of the asylum procedure and data relevant to asylum is retained by the Directorate for Citizenship and Refugees.

In regard to data protection, it is important to highlight the amendments made to the Law on Personal Data Protection implemented recently, which ensured further alignment with the EU acquis.[18] According to Article 5 of the Law (Modalities of personal data processing), personal data processing

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[18]EC, 2012 Progress Report, Albania, 10.10.2012.

shall be conducted with a definite, clear, and legitimate purpose, without exceeding the scope they are processed for and not for a longer period than it is necessary to achieve the purpose of processing. In regard to the data transfer of personal data abroad, according to Article 14, it may "only be forwarded from the Republic of Albania to a foreign user, in following case: a) when the data subject has given a written consent; b) when it is permitted by law; c) when the conditions of data processing, as defined with by the present law, are satisfied by the foreign jurisdiction where the user operates."

Regional cooperation and good neighbourly relations are anchored in Albania´s foreign policy and form an essential part of Albania's process of moving towards the European Union.[19] In regard to general information exchange with neighbouring countries, Albanian stakeholders noted that there is no consolidated cooperation in the region, with Albania often omitted from Western Balkan information exchange frameworks as a result of the common past of ex-Yugoslav countries. However, statistical data has been exchanged since 2009, along with monthly information exchange with Frontex. Bilateral cooperation activities are functioning well and the recent developments include: a protocol for joint border patrolling signed with Kosovo*; a plan to establish a new joint BCP with Montenegro; an agreement on exchange of information signed with the Former Yugoslav Republic of Macedonia; and current work on the establishment of real time exchange on the Sukobin/Muriqan joint BCP with Montenegro. Furthermore, a Police Cooperation Centre (PCC) on the border with the former Yugoslav Republic of Macedonia shall soon open, and there are plans to open further PCCs with Kosovo*, Montenegro, and Greece. Early warning on irregular migration established through the Police Cooperation Convention for Southeast Europe functions with all neighbouring countries besides Kosovo*, since Kosovo* is not part of this convention, although there is a bilateral agreement signed concerning early warning. There is also enhanced cooperation with Montenegro in regard to return of irregular migrants within the context of joint patrols, due to the fact that irregular migrants can be informally returned within joint patrols.

In regard to asylum trends, it needs to be noted that Albania is not a country with many asylum claims at present; in 2012, only 26 asylum claims were made. According to UNHCR in Albania, many migrants do not claim asylum in Albania as they are afraid that this would prevent them from claiming asylum in other countries.

<u>Information exchange with other countries in the region:</u>

In regard to mini-EURODAC, Albania is ready to commence the exchange of information on asylum seekers with neighbouring countries, and has the resources and technical equipment in place for this activity. The institution that administers the database of asylum seekers is the Department of Citizenship and Refugees and the National Commissioner for Refugees at the MoI. As for technical solutions, stakeholders in Albania suggest creating a new database and not connecting the existing national databases with an exchange server. Albanian stakeholders noted that when creating the new database, it is necessary to have in mind a clear picture of the structure prior to the signing of any cooperation agreement.

6.5.2. Readmission agreements/joint cooperation in return

As regards readmission, Albania has signed a Readmission Agreement with the European Community, which entered into force on 1 May, 2006. Besides the EC-Albania Readmission Agreement, several

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[19]Idem.

bilateral Readmission Agreements and protocols are in place. In regard to readmission agreements with neighbouring countries and countries of the Western Balkans, Albania has signed the following agreements: a readmission agreement and protocol with Croatia; a readmission agreement and protocol with the Former Yugoslav Republic of Macedonia; and readmission agreements with BiH, Kosovo*, Montenegro, and Serbia. Albania also signed readmission agreements with Moldova and Turkey, though these are not yet in force. In regard to readmission agreement with Greece, the agreement was signed, but the protocol on implementation needs to be finalised.

It was highlighted that the functioning of the readmission agreements varies depending on the country:
• Agreement with Montenegro: The third country nationals (TCN) clause was established in favour of Montenegro. TCNs are returned immediately if discovered in the border area based on the principle of presumption. According to authorities in Albania, more people were readmitted than actually transited Albania and therefore there was a period when Albania unilaterally blocked the readmission agreement with Montenegro. In 2011, there were 70 cases of TCNs readmitted from Montenegro to Albania, and in 2012 only 6.
• Agreement with the Former Yugoslav Republic of Macedonia: according to the stakeholders interviewed, this agreement is not functional, despite having been signed. Nevertheless, it was also highlighted that there is not a big caseload.
• Agreement with Greece: Though the implementing protocol still needs to be finalised, readmission is functioning in the cases in which the Greek authorities have a proof that TCNs transited through Greece.
• Agreement with Italy: There are few cases and no problems, as according to stakeholders almost no TCNs transit via this corridor.

As already stated above, most of the irregular migrants were apprehended in the border area with Greece, around Gjirokaster, meaning most of them entered Albania via Greece. The procedure in regard to their readmission is the following. According to the acknowledged list of proofs stipulated in the readmission agreement between Albania and Greece, there needs to be clear evidence that these TCNs transited Greece. During the case processing, the TCNs are placed in the reception centre for irregular migrants in Karec[20]. The majority of TCNs are readmitted to Greece as in most of the cases they have clear evidence to prove that they have transited via Greece. According to the sources of the MoI, around 1000 irregular migrants were apprehended coming from Greece in 2012. There is no accelerated readmission procedure with Greece even though Greece ratified a Police Cooperation Agreement with Albania, Article 4 of which enshrines that the parties promise to readmit those apprehended in the vicinity of the border. Therefore, even if the TCNs were found in immediate vicinity of the Greek border, they first have to be brought to Tirana/Karec for identification purposes and proof that they have transited Greece, and only then they can be readmitted. According to MoI sources, approximately 300-400 irregular migrants were readmitted to Greece in 2012. The rest of TCNs who transited via Greece accept to return voluntarily to Greece during pre-screening procedures. They are issued expulsion orders (as per the Law on Foreigners) and returned to Greece.

In regard to joint returns, the Albanian authorities support this initiative. However, authorities stated that a prerequisite for this initiative is effective information exchange in the region, which would assist in identifying the caseload and appropriate mechanisms for joint returns. Furthermore, the joint returns would need to have a strong legal base which should include both the preparatory stage as well as the actual implementation measures. Albanian stakeholders also mentioned that they have

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[20]Karec is the detention centre for irregular migrants situated in the vicinity of Tirana.

been trained by the Austrian Federal Police/Frontex trainers on how perform air escorts and could pass this knowledge on to other countries in the region and take responsibility for escorts at the beginning of any intervention. It was also highlighted that the joint returns could both take place to the countries of origin via aircraft, as well as to Greece via buses.

Furthermore, besides joint forced returns, the authorities showed strong support for voluntary return as sustainable return mechanism. The difficulties that Albanian authorities experience in regard to identification of irregular migrants could thus be alleviated and return procedures accelerated.

One of the recommendations that came out during the study visit was the standardisation of the types of statements/material/evidences that are considered to be a proof for possible readmission to the transited countries. According to the Albanian authorities, these lists of proof differ significantly and unifying these types of proofs would facilitate the return procedures. It was suggested that this issue shall be dealt with through the joint committees dealing with bilateral readmission agreements.

6.5.3. Detention/Reception facilities

There are currently three reception facilities in place in Albania for migrants: he National Reception Centre for Asylum-Seekers; a closed detention centre in Karec; and the shelter for victims of trafficking, in which there have been no foreign victims of trafficking in 2011 and only 2 reported during 2012. The Border and Migration Police have also temporary accommodation facilities for processing of those cases which were apprehended in the vicinity of specific border areas.[21] These are currently utilised for interviews and other purposes related to readmission, and were refurbished by IOM, UNHCR, and OSCE through a CARDS project in 2005. Nevertheless, some of these temporary reception facilities are in need of further refurbishment.

The National Detention Centre for Irregular Migrants is a closed facility, opened in 2010 and situated in Karec. It has a total capacity for 150-200 foreigners. The maximum capacity of the centre experienced since opening was 47 foreigners. According to the statistics of the Detention Centre, in the period from January to June 2012, there were a total of 438 foreigners detained in the Centre, the majority from Algeria (222), Palestine (73), Tunisia (45), Afghanistan (43), and Syria (32). Articles 79 and 80 of the Law on Foreigners stipulates detention of foreigners in a closed centre for those foreigners with order of removal, removal by force or expulsion, and those foreigners who are readmitted based on readmission agreements. Furthermore, detention for security reasons is also used when the identity of the foreigner or his/her reasons of stay is unclear and need to be verified. The Detention Centre was also visited by the Special Rapporteur on the Human Rights of Migrants in December 2011 and the recommendations from his visit in regard to the Centre include the provision of alternatives to detention and carrying out human rights assessment of the centre, focusing on accessibility of the centre, right to be informed on the fundamental rights in the language that detainees understand, and independent monitoring.[22] In regard to the accessibility of the Centre, the Special Rapporteur was concerned that the centre, situated 20 km outside Tirana, is in an isolated locality almost inaccessible due to the extremely bad road conditions. Such inaccessibility seriously obstructs the enjoyment of detainees' right to legal defence as well as independent monitoring by national and international bodies. The current conditions of the road leading the centre are yet to be improved. However, according to unconfirmed information, this recommendation has been taken into consideration by the Government. A plan for improved road access to the Detention Centre has been approved and the required funds confirmed, and the process has passed from the central to the local

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[21]Gjirokaster (Kakavije, Treurat), Saranda (QafeBote, Livadhja), Korca (Kapshtice, Qafe-Thane).
[22]Report of the Special Rapporteur on the human rights of migrants, Mission to Albania, 10 April 2012.

administration.

The recently convened UN Committee on the Rights of the Child, in their conclusion on Albania expresses concern that foreign children migrating to Albania, including unaccompanied children, are considered irregular migrants and detained in the National Detention Centre for Irregular Migrants. Furthermore, this commission also expressed concern over deportations of these children without their having access to a legal guardian or legal procedures determining their best interests.[23]

The National Reception Centre for Asylum Seekers is located 6 kilometres from the centre of Tirana. There were 60 asylum seekers and refugees accommodated at the Centre at the time of the study visit. The maximum capacity of the Centre is 200 individuals, and if necessary, it can accommodate up to 300-350 persons. The Centre was established by UNHCR in 2004, and has 15 permanent staff, operating under the Department for Citizenship and Refugees, within the Ministry of Interior. Refugees are also accommodated at the Centre due to the fact that the state was unable to finance private accommodation for them as stipulated in the Law on Asylum. The main extra-regional countries of origin of asylum seekers are Libya, Tunisia, Egypt, Palestine, and Syria. There are no particular needs pertaining to this centre.

6.5.4. Language analysis experts/pool of interpreters

Interpretation
According to Article 25 of the Law on Asylum (Interpreters), in case the "asylum seeker does not have sufficient command of the Albanian language, he/she shall be provided with a qualified interpreter so that he/she can freely communicate during all phases of procedures envisaged in this Law." It is important to note that according to the law, the interpreter needs to be qualified, though not necessarily licensed. Interpretation skills were highlighted by Albanian stakeholders as a major issue, whereby a pool of interpreters in this area would be highly appreciated. Language expertise and interpretation in Albania for asylum seekers and irregular migrants in the framework of pre-screening is modest, especially in regard to languages that are not so widely spoken. The language expertise is not sufficient even though all BCPs have a list of interpreters for most of the languages available. However, hiring interpreters is costly; therefore the licensed interpreters are rarely used for pre-screening purposes. UNHCR has a modest budget and tries to assist with interpreters in Farsi, Hindu, Chinese and Arabic. As for English, French, Turkish, and Russian, the Border Police has some skills in these and does not use interpreters for these languages. The average length of a pre-screening interview is 2-3 hours, and longer in the case of vulnerable migrants. The costs for interpretation and translation are set in instruction of the Ministry of Justice No. 3165 dated 12.05.2004, with the current fee for interpretation totalling 3000 Albanian Lek/hour (approximately 22 EUR/Hour).

In regard to regional cooperation on interpretation for asylum seekers, Albanian stakeholders suggest keeping a list of available interpreters updated and sharing it with other countries in the region. These interpreters could then be available for telephone/Skype interviews in the relevant countries. However, a prerequisite for this would be that the interpreters also speak English in order to communicate with the migration authorities. A further problematic area identified is the Country of Origin information, which shall be attached to every asylum decision according to the Law on Asylum. This is not the case at present, though there is a plan to appoint one person within the MoI, Directorate for Nationality and Refugees, to be responsible for this area. As a further possible tool facil-

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[23] Committee on the Rights of the Child, Sixty - first session,17 September – 5 October 2012, Consideration of reports submitted by States parties under article 44 of the Convention, Concluding Observations- Albania.

itating communication with foreign nationals, stakeholders suggested updating and publishing a new edition of the mini-dictionary[24], to encompass more languages and more phrases.

Language analyses

Albanian authorities did not express a need for support in language analysis for those foreigners for whom doubts arise concerning their country of origin. Most of the irregular migrants are readmitted to neighbouring countries and the rest return voluntarily. The irregular migrants are typically quite cooperative in regard to their identification and view Albania only as a transit country.

6.6 Serbia

6.6.1. Information Exchange

According to latest EC Progress report[25], there has been progress achieved in the area of external borders and Schengen. The infrastructure and equipment at BCPs has been enhanced and a TETRA[26] radio communication system installed. Furthermore, there have been additional border police posts connected with the central database of the MoI.

Within the current EU funded project in Serbia "Capacity Building of Institutions Involved in Migration Management and Reintegration of Returnees in the Republic of Serbia", managed by IOM, detailed assessments were carried out on data collection, storage, aggregation, and exchange with competent authorities. The information and findings from this detailed assessment are also used for this chapter on information exchange in Serbia.[27]

Pursuant to the Law on Foreigners, the MoI maintains the following records on:
- foreign citizens with permanent residence permit;
- international offenders with prohibited entry to the Republic of Serbia;
- foreign citizens with temporary residence permit;
- foreign citizens with annulled temporary residence;
- prohibition of entry and exit of foreign citizens;
- foreign citizens serving protective measure of expulsion or security measure of deportation;
- issued passports and identity cards for foreign citizens;
- notified, disappeared, found passports and other documents for foreign citizens;
- temporarily ceased passports;
- notification of temporary residence of foreign citizens;
- notification of permanent residence and departure of foreign citizens and change of address;
- foreign passports used for entry and exit from the Republic of Serbia;
- foreign citizens in transit across the territory of the Republic of Serbia ;
- visas issued at border check points and rejected visa applications at border check points.

The data from above mentioned records are entered in the Central Database (uniform information system), and may be used for performing activities within their legally prescribed competences by:
- Authorized police officials in MoI and other relevant authorities within MoI;

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[24] The mini-dictionary was designed in order to facilitate the communication at the detention centre for foreigners.
[25] EC SWD(2012) 333, Serbia, 2012 Progress Report, 10 October 2012.
[26] TETRA system is a Terrestrial Trunked Radio network for secure and reliable communications of the MoI and police forces.
[27] IOM, Narrative report on data collection, storage, aggregation and exchange with competent authorities, 2012.

- Authorized state officials from the MFA;
- Diplomatic and Consular offices of the Republic of Serbia.

In regard to data on asylum, Article 19 of the Law on Asylum of 2008 stipulates the jurisdiction of the Asylum Office of the Border Police and the Ministry of Interior for issues related to asylum. The Asylum Office is responsible for collecting the data on asylum applications and making decisions on the equivalent level. Once the intention for applying for asylum is completed, the applicant is taken to the Asylum Centre or to the Asylum Office within the Ministry of Interior, where his/her fingerprints are taken, as well as personal data. That individual is then placed in one of the Asylum Centres. Within 15 days of the initial expression of intent to apply for asylum, the applicant is required to complete and submit the application for asylum. The standard form is filled in at the asylum centre, with an NGO providing free legal and social assistance to persons seeking asylum, if necessary. Officials of the Asylum Office are present while the application form is filled in and they receive the form from the applicant. These officials enter all the data manually in simple Excel tables as a single file (one person per line). This single file is continually updated with new information on decisions on the application for asylum and decisions upon appeal.

The MoI keeps the internal records on asylum. Records of persons who have applied for asylum are kept in an internal access application. There is a plan to develop the application in the unique information system.

In regard to data on readmitted migrants, Border Administration maintains the statistics by gender, age, and border crossing (monthly) for persons who were returned under the readmission agreement. Only Belgrade Airport has information concerning whether the person is returned under the readmission agreement (80% of persons are returned via Belgrade airport)."[28]

Information exchange with other countries in the region:

In regard to regional information exchange, Serbia was active in joint operations, regular exchanges of data and best practices, and training activities with Frontex and participates in the Western Balkans Risk Analysis Network.[29] Increased cooperation was noted between Serbia and Hungary, followed by an agreement signed between the two countries on border controls in January 2012. Furthermore, police cooperation with Bulgaria has been strengthened through joint patrolling at the Serbian-Bulgarian border. According to the latest EC Progress Report, "further modernization and upgrading of equipment and infrastructure is needed, both at border crossing points and for surveillance purposes, including access to relevant Interpol databases. The border police needs to further improve its risk analysis capacities."

In regard to the feasibility of a mini-EURODAC system in Serbia, the interviewed stakeholders from MoI stated that Serbia is at the moment not ready to share information with other countries, as the Law on Data Protection does not allow them to exchange this information. However, there are plans to amend this law. Furthermore, Serbian stakeholders stated that the pre-condition for participation of Serbia in regional mini-EURODAC system would be participation of the Former Yugoslav Republic of Macedonia.

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[28]IOM, Narrative report on data collection, storage, aggregation and exchange with competent authorities, 2012.
[29] EC progress report, 10 October 2012.

During the meeting with UNHCR Serbia, it was mentioned that on national EU member state level, few people have actual access to the EURODAC database and this only for the purpose of checking if a person applied for asylum somewhere else. UNHCR advocated that a similar principle should be adopted in Serbia. However, there is an EC amended proposal for the revision of the EURODAC regulation, allowing access to the database also to EU Member States national law enforcement authorities, as well as EUROPOL for law enforcement purposes.[30]

6.6.2. Readmission agreements/joint cooperation in return

Besides the readmission agreement with the EU and bilateral agreements with various EU Member States, Serbia has signed readmission agreements or implementing readmission protocols with Croatia, BiH, Norway, Canada, the Former Yugoslav Republic of Macedonia, Montenegro, Moldova, and Switzerland. In regard to bilateral readmission agreements with neighbouring EU countries, Serbia signed readmission agreements with Hungary, Bulgaria, and Romania. There is an ongoing negotiation of a readmission agreement with Greece, whereby the Readmission Protocol has not been signed yet.

According to the interviewed stakeholders, in regard to third country nationals returned through readmission agreements with neighbouring countries, Serbia receives these because they transited Serbia. However, neighbouring countries rarely accept any third country nationals to be readmitted from Serbia.

MFA stakeholders highlighted the particularly difficult and lengthy process of negotiation of readmission agreements with neighbouring countries of the Western Balkans. The implementing protocol for the readmission agreement with the Former Yugoslav Republic of Macedonia still needs to be finalised and the implementing Protocol for the readmission agreement with Montenegro is signed but needs to be ratified.

As most of the irregular migrants arrive via the Former Yugoslav Republic of Macedonia, Serbian stakeholders highlighted the situation in regard to readmission with this country. At the moment, there is no readmission to the Former Yugoslav Republic of Macedonia taking place, besides those irregular migrants that were detected during joint border patrols. However, according to the Border Police, only three joint border patrols have taken place with the Former Yugoslav Republic of Macedonia and these only take place once a month, whereby the patrols switch between patrolling on each country's side of the border. Irregular migrants have only been detected whilst patrolling on the Serbian side of the border, with the total number detected totalling less than ten. According to stakeholders in Serbia, more efforts are needed aimed at building capacities on both sides of the border between Serbia and the Former Yugoslav Republic of Macedonia in relation to the smooth implementation of the Readmission Agreement.

However, the principal problem that the Serbian authorities face in regard to return of irregular migrants is in identification. Most of the irregular migrants do not possess any identity/travel documents and view Serbia only as a transit country. The majority of them are not willing to return and want to continue further on to the EU and therefore do not cooperate in regard to their identification. Missing identification within the period of detention was also one of the reasons why the majority of the irregular migrants detained in the Detention Centre for Foreigners are released. The ma-

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[30] EC, COM(2012) 254 final.

jor difficulty that the authorities face is the lack of consular support for issuing travel documents, particularly for nationals of Afghanistan and Pakistan.

The Director of the Detention Centre for Foreigners, suggested restarting a voluntary return programme. According to him, the potential caseload would be around 20-50 people a month, especially those from North African countries willing to return voluntarily to their country of origin. In regard to legal pre-requisites, the experts asked the MoI about the possibilities for voluntary return, as it is not specifically mentioned in the Law on Foreigners. MoI stipulated that although there are no specific provisions on voluntary return in the Law on Foreigners, there are no provisions that could possibly hinder the implementation of assisted voluntary return.

In regard to cooperation in joint returns, Serbia views this activity as difficult to implement at the moment due to the complications that Serbian authorities are facing with the identification of irregular migrants. The Serbian stakeholders mentioned the possibility of joint return operations to countries of transit carried out by busses, in order to reduce the financial burden.

During the interview with the MFA, the successful consular cooperation between Serbia and Montenegro was mentioned, which is based on an annually reviewed Memorandum of Understanding (MoU) between the countries. This MoU has been well utilized and facilitates cooperation in regard to identification, return, and readmission. There are plans to negotiate a similar consular cooperation agreement/MoU with BiH in order to facilitate access to consular representation in those countries of origin where BiH does not have representation.

6.6.3. Detention/Reception Facilities

There are currently three reception facilities in Serbia for migrants: one Reception Centre for Foreigners and two Reception Centres for Asylum Seekers.

The Reception Centre for Asylum at Bogovadja constitutes the largest asylum centre in Serbia. The Centre was established in July 2011, and is not a purpose-built centre, but rather a former recreation centre for youth that has been refurbished. The Centre is operated by the Red Cross.

The Centre has a capacity for 150 asylum seekers, though it has operated at above capacity since December 2011; for example, 229 asylum seekers were accommodated in July 2012, utilising classrooms and the kitchen as accommodation facilities. The present cost of accommodating one asylum seekers is EUR 8 per day, which totals around EUR 50.000-60.000 per month, exclusive of other costs such as heating and maintenance of the facilities.

The rise in asylum applications had led to a situation in which there are a significant number of people living in the area surrounding the Centre; at the time of the visit, there were approximately 200 migrants living outside. Of this number, around 120 were registered asylum seekers that were on a waiting list for a place in the Centre, with women, children, and those that are sick or injured given priority when a bed becomes available. The Head of the Centre stated that these people typically wait to see if a bed becomes free before moving on. However, this is unlikely to constitute more than an estimate, as keeping a record of all persons outside the centre is an inherently problematic task. This situation attests to the fact that asylum seekers are increasingly organised; not only are they aware of where the Asylum Centre is located, but many arrive directly at the Centre in taxis.

The rise in the number of persons living in the surrounding area has led to a rise in tension between them and the local community, which had initially been welcoming, as well as amongst the asylum seekers themselves. The tension amongst the local community has arisen from incidents of break-ins and theft that have been attributed to this population. Furthermore, there are concerns for the well-being of this population during winter; the Centre is at its maximum capacity and there are currently no contingency mechanisms in place to ensure adequate humanitarian responses to this spillover.

The principal countries of origin of asylum seekers are Somalia and Afghanistan, though Sudan, Syria, Morocco, Palestine, Iraq, Iran, and Bangladesh also constitute countries of origin with significant numbers. In addition, there has been a significant rise in asylum seekers from Syria. Interpretation support is provided by NGOs.

Within the Centre, there are 20 places for those categories of asylum seekers considered to be vulnerable, such as single women and families. However, there are no facilities within the Centre for UAMS.

Once they have undertaken the required initial procedures, asylum seekers are registered in a database operated by the MoI and receive ID cards. The average length of stay in the Centre is 4-5 months. Asylum seekers are able to leave the Centre for up to three days, during which time their room is reserved; it is apparent that most asylum seekers who leave the Centre for this length of time attempt to cross the border with Hungary in order to enter the EU. According to the Head of the Centre, 50-80% of those return to Serbia after failing to enter the EU.

The Reception Centre for Asylum Banja Koviljacais is situated around 130 km from Belgrade, close to the border with BiH. It was built for the purpose of accommodating asylum seekers and has capacity for 86 persons. It is typical that there are more people accommodated in the Centre; for example, in November 2012, 96 persons were accommodated, with a dozen persons on the waiting list. The fluctuation in the centre is very strong, and every few days a vacancy appears. Asylum seekers must report their absence and when they exceed it or leave without reporting, their place may be given to another person provided they do not return within the next 24 hours.

In relation to the reception capacity of Serbia, discussions are ongoing between EU and national authorities concerning possible financial support for the establishment of a new Reception Centre for Asylum Seekers; although there is as yet no final decision on this issue, it is crucial that any intervention is closely coordinated to provide complementary activities to any initiative funded as appropriate.

The Reception Centre for Foreigners opened in 1980 and has a capacity of 147 beds. Those accommodated in the Centre are irregular migrants to be returned to their country of origin. This Centre operates through the legal basis established by the Law on Police, Law on Foreigners, and Law on Asylum. The procedure is that upon an irregular migrant being detected, the MoI is informed, which takes the decision on accommodating the migrant at the Centre for Foreigners. The MoI takes photographs and fingerprints of the irregular migrant, and they are transported to the Centre. As almost all of those accommodated at the Centre are not in possession of identity documents, one of the principal tasks of the Centre is to establish the identity of the migrant; fingerprints are checked with Interpol to verify if they are on any watch lists. If identity is established, the process commences to obtain a laissez-passer and facilitate the return of the migrant to their country of origin. In 2012, until the time of the visit, a total of 1721 foreign nationals had been accommodated at the Centre, the majority of which were single men, with only two families being accommodated at the Centre over

the year. According to the Law on Foreigners, UAMs can be accommodated at the Centre, though the procedure followed is that they are sent to a centre for abandoned children.

The principal countries of origin of those accommodated are Afghanistan, Pakistan, and Algeria, the 3 countries of which accounted for 1080 of this total number. For migrants of these countries, establishing identity is extremely problematic. In this context, of the 1721 accommodated in 2012, only 40 were successfully returned to their country of origin, principally as a result of issues in determining the identity and country of origin of the migrants, coupled with the lack of resources to facilitate the return. The lack of consular support in identifying and facilitating the return of irregular migrants from Afghanistan and Pakistan was highlighted as a significant issue. As stated above, during the visit to the Centre, it was emphasised that supporting AVR would constitute a worthwhile initiative; it is forecast by the Head of the Centre that there would be scope for the assisted voluntary return of around 20-50 migrants a month, particularly those from North African countries, such as Algeria, Morocco, and Tunisia.

The Law on Foreigners places an upper limit for detaining an irregular migrant of 90 days – which can be extended by a further 90 days if they are deemed to be obstructing the procedure – after which they are released from the Centre and given an order to exit the country within 15 days. Therefore, the vast majority of irregular migrants accommodated at the Centre are able to continue their attempt to enter the EU subsequent to being accommodated in the Centre. Those migrants that claim asylum are transferred to the Centre for Asylum, though the number of those that claim asylum from the Centre for Foreigners is low compared to other countries in the region; only 8 of the 1721 accommodated in 2012 requested asylum. In addition to the AVR, which was stated as a priority, the principal needs of the Centre relate to enhanced mechanisms for interpretation, as well as repainting and refurbishing.

6.6.4. Language analysis experts/pool of interpreters

<u>Interpretation/pool of interpreters</u>

According to a recent report on forced migration in Serbia, a key problem in regulating irregular migration is the language barrier as migrants rarely speak other languages and there are not sufficient resources for interpreters.[31] UNHCR assists the government in this regard and provides funds for interpretation during asylum procedures. Furthermore, a local NGO providing legal aid to asylum seekers also assists with interpretation for Urdu and Farsi, which is also funded by UNHCR.

Due to the different countries of origin and the languages spoken by the asylum seekers, significant resources are required to enable proper interpretation in all the languages. Currently, interpretation often takes place through other asylum seekers who claim to be from the same country of origin or it takes place in English, whereby the knowledge of asylum seekers is often very limited. In order to cut the costs for interpretation[32], the asylum seekers of the claimed same country of origin are asked to be present at the same time at the Asylum Centre for interview.

In regard to the Detention Centre for Foreigners, the House Rules of the Centre were translated into the main international foreign languages. Interpretation, when needed, is organised through NGOs.

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[31] Group 484, Challenges of Forced Migration in Serbia, 2011.
[32] As usually the interpreters have to travel from Belgrade to the Asylum Centres.

There are however legally stipulated cases in which the use of interpreter is mandatory, such as when the case is being assessed in the court. The MoI then needs to provide for an interpreter.

<u>Language Analysis</u>

At the moment there is no procedure in Serbia that would facilitate identification of the country of origin of asylum seeker based on language analysis. The area of language analysis was not identified as a priority area by national stakeholders.

Annex 1

COUNTRY VISIT, BOSNIA AND HERZEGOVINA, 22 – 24 October 2012

<u>Monday, 22 October</u>

09:00   **IOM mission in BiH**
Mr Gianluca Rocco, Chief of Mission

14:00   **Office of the High Representative**
Mr Predrag Sofranac, Political Advisor

16:00   **UNHCR**
Ms Maureen Master, Protection Officer

<u>Tuesday, 23 October</u>

11:30   **Service for Foreigners Affairs**
Mr Dragan Mektic, Director

13:00   **Service for Foreigners Affairs, Reception Centre**
Mr Slobodan Ujic, Head of the Reception Centre

15:00   **Ministry of Security, Sector for Immigration**
Mrs Murveta Dzaferovic, Assistant Minister

16:00   **Delegation of the European Union to BIH**
Mrs Elisabet Tomasinec, Political Advisor

<u>Wednesday, 24 October</u>

09:00   **ICITAP (International Criminal Investigative Training Assistance Program)**
Ms Mary Theisen, Legal Advisor

10:00   **Ministry of Security, Sector for General and Border Security**
Mr Ermin Pesto, Assistant Minister and National Coordinator for IBM

11:00   **Border Police**
Mr Vinko Dumancic, Director

Annex 2

COUNTRY VISIT, KOSOVO*, 5-7 November 2012

<u>Monday, 5 November</u>

09:00	**Meeting with IOM Project Managers**
10:30	Meeting with **Ministry of Internal Affairs/DCAM** *Mr Shkodran Manaj, AD and Heads of Divisions*
13:30	**Head of Division for Foreigners, Visas and Residence permits** *Mr Alban Arifi*
15:00	**Visit to Asylum Centre** *Mr Fitim Zariqi, Head of the Centre*

<u>Tuesday, 6 November</u>

09:00	Meeting with **EULEX** *Mrs Stela Haxhi, Migration Management Expert*
11:00	Meeting with **UNHCR** *Mr Bujar Reshtani*
14:00	Meeting with **ICITAP** *Mr George Clark, Senior Advisor*

<u>Wednesday, 7 November</u>

09:00	Meeting with **Border Police**
10:30	Meeting with **Directorate for Migration and Foreigners**

Annex 3

COUNTRY VISIT, THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA, 7 – 9 November 2012

Wednesday, 7 November

12:30	**IOM Skopje** *Ms Suzana Zakovska, Head of Office* *Ms Ivona Zakoska-Todorovska, Migrant Assistance*
14:30	**MARRI (Migration, Asylum, Refugees Regional Initiative)** *Mr Trpe Stojanovski, Director*

Thursday, 8 November

09:30	**Sector for Border Affairs and Migration, Ministry for Internal Affairs** *Mr Marinko Kocovski, Assistant Director, Head of Border Police* *Mr Jovanco Asprovski, Senior Police Advisor, Cross-Border Crime and Illegal Migration* *Ms Lidija Velkovska, Police Advisor, Cross-Border Crime and Illegal Migration* *Ms Suzana Ilievska, Head of Department for Foreigners* *Ms Bratka Dejanovska Milcevska, Head of Department for Asylum*
12.00	***National Coordination Centre for Border management*** *Mr Goce Dzuklevski, National Coordinator*
14:30	**Reception Centre for Foreigners, Gazi Baba (MoI)** *Ms Biljana Trnkovska Alulovska, Manager of the Reception Centre*
16:00	**Delegation of the European Union to FYR Macedonia** *Ms Barbora Zamrska, Political and JHA Officer* *Ms Danica Stosevska,Task Manager*

Friday, 9 November

09:30	**UNHCR (United Nations High Commissioner for Refugees)** *Mr Mohammad Arif, Representative* *Mr Tihomir Nikolovski, Protection Officer*
11:00	**Reception Centre for Asylum Seekers, Vizbegovo (MoLSP)** *Mr Dejan Ivkovski, Head of Unit for Asylum, Migration and Humanitarian Aid, Ministry of labor and Social Policy*
13:00	**ICMPD (International centre for Migration and Policy Development)** *Ms Melita Gruevska Graham, Country Representative*
14.30	***Wrap up at IOM Skopje***

Annex 4
COUNTRY VISIT, MONTENEGRO, 12 – 13 November 2012

Monday, 12 November

10:00	**IOM mission in Montenegro**
	Ms Elisa Tsakiri, Chief of Mission

13:00   **Police Directorate, Border Police Sector**
                       Department for State Border Surveillance
                       Mr Vukoman Zarkovic, Head of Department

14:00   **Police Directorate, Border Police Sector**
                       Mr Vesko Vukadinovic, Assistant Director
                       Department for Foreigners and Suppression of Illegal Migration
                       Mr Dragan Stevanovic, Head of Department

16:00   **UNHCR**
                       Ms Brita Helleland, Representative

Tuesday, 13 November

10:00   **Ministry of Interior**
                       Dept. for Integrated Border and Border Crossing Management
                       Mr Milan Paunovic, Head

12:00   **Police Directorate, Border Police Sector**
                       Department for Control of Crossing of the State Border
                       Mr Slavko Vojinovic, Head

14:00   **Ministry of Interior**
                       Department for Internal Administrative Affairs
                       Foreigners, Migration, Visa and Readmission Section
                       Mr Abdulah Abdic, Head
                       Asylum Office
                       Ms Sandra Bugarin, Head

15:00   **Delegation of the European Union to Montenegro**
                       Ms. Dawn Adie-Baird

Wednesday, 14 November

09:00   **Police Directorate, Criminal Police Sector**
                       Department for International Police Cooperation
                       Mr Dejan Djurovic, Head

Annex 5

COUNTRY VISIT, ALBANIA, 14 – 16 November 2012

<u>Wednesday, 14 November</u>

14:00   **Department of Border and Migration**
                 Mr Pëllumb Nako
                 Deputy General Director for Border and Migration
                 Albanian State Police

14:30   **Technical meeting on Information Systems**
                 Mr Genc Merepeza
                 Chief of Green Border Sector
                 Directorate of Operational Services

<u>Thursday, 15 November</u>

09:30   **Meeting with UNHCR**
                 Ms Edlira Baka, Officer

12:00   **Visit to the Durres BCP and reception facilities**
                 Mr Nuri Loca
                 Director of the Regional Directorate of Border and Migration

<u>Friday, 16 November</u>

09:00   **Technical meeting on Readmission, reception facilities situation and needs**
                 Mr Ylli Kumrija, Mr Nikoll Ndoci
                 Department of Border and Migration

10:30   **Visit to the operations room**
                 Department of Border and Migration

Annex 6

COUNTRY VISIT SERBIA, 26-28 November 2012

Monday, 26 November:

09:00   **IOM**

11:00   **Bogovadja Asylum Center**
                          Mr Stojan Sjekloca, Director of Centre

Tuesday, 27 November:

10:00   **Ministry of Interior**
                          Ms Jelena Vasiljevic, Assistant Head of Border Police Directorate, MOI
                          Mr Radisa Ristovic, Head of Department for Border, Border Police Direc-
                          torate, MOI
                          Mr Mitar Djuraskovic, Head of Department for suppression of cross-border
                          crime and illegal migration, BPD, MOI
                          Ms Zorica Vulic, Head of Section for Foreigners, Department for Foreigners,
                          Border police Directorate, MOI

13:00   **Commissariat for Refugees**
                          Mr Vladimir Cucic, Commissioner, Commissariat for Refugees and Migration
                          Mr Ivan Gerginov, Assistant Commissioner, Commissariat for Refugees and
                          Migration

15:00   **"Padinska Skela" Reception Center for Foreigners**
                          Mr Dragan Roncevic, Head of Sector for reception of foreigners

Wednesday, 28 November

11:00   **UNHCR**
                          Mr Dusan Aralica, Associate Protection Officer
                          Ms Stephanie Woldenberg, Protection Officer

13:00   **Ministry of Foreign Affiars**
                          Minister Counselor, Head of the Visa Policy Department, Mr Nebojsa
                          Vusurovic