

**Roundtable on Refugee Protection and International Migration in the Western Balkans:  
Suggestions for a Comprehensive Regional Approach  
(10-11 December 2013, Vienna, Austria)**

**Summary Report**

**Introduction**

On 10 and 11 December 2013 UNHCR and IOM co-organized the regional expert roundtable *Refugee Protection and International Migration in the Western Balkans: Suggestions for a Comprehensive Regional Approach*. The meeting took place in Vienna, Austria and brought together 42 participants, including senior officials from the Western Balkan region (Albania, Bosnia and Herzegovina, Montenegro, Serbia, the former Yugoslav Republic of Macedonia, and Croatia as a Member State of the European Union), as well as representatives from Kosovo (S/RES/1244 (1999)),<sup>1</sup> the Migration, Asylum, Refugees Regional Initiative (MARRI), the European Commission, UNHCR and IOM.<sup>2</sup>

*Background*

The roundtable formed part of an initiative on refugee protection and international migration in the Western Balkans, supported by UNHCR and IOM. The objective of this initiative is to assist the Governments in the region in developing and operationalizing comprehensive national migration and asylum systems. It aims to strengthen the capacities of States and other stakeholders to address mixed movements of migrants and refugees from outside the region in a more predictable, efficient and protection-sensitive manner, and to foster national and regional dialogue and practical cooperation on relevant issues of common concern.<sup>3</sup>

Prior to the roundtable, national consultations and information meetings with government officials and civil society representatives were held in the region. They helped to identify areas where more targeted action at national and/or regional level could contribute to resolving existing challenges, taking into account the specific national context and realities of concerned countries.

*Objectives and methodology of the roundtable*

The purpose of the regional roundtable was to develop common understandings among countries building on the discussions that had taken place at national level. It provided a

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<sup>1</sup>References to Kosovo throughout this paper shall be understood to be in the context of Security Council resolution 1244 (1999).

<sup>2</sup>See the List of Participants (Annex 1).

<sup>3</sup>For more information about the initiative see the Concept Note on Refugee Protection and International Migration in the Western Balkans: Suggestions for a Comprehensive Regional Approach, September 2013.

platform for experts to jointly define the main challenges in the area of asylum and migration and to identify actions that could be taken to address them, building on existing good practices. Participants were asked to formulate concrete suggestions for action at both national and regional levels that could form part of a Regional Action Plan.

To allow for targeted discussions on some of the most pressing challenges that are common to all countries in the region, without aiming to be comprehensive, the following three key topics were selected for discussions at the roundtable: 1) Protection-sensitive entry systems; 2) Identifying and providing assistance to refugees, persons with specific needs and vulnerable migrants; and 3) Providing assisted voluntary return and reintegration for non-refugees. Brief presentations on each topic introduced good practices developed at national or global level in the respective area. These were followed by open discussions in working groups and in plenary.<sup>4</sup>

### *Outcomes of the roundtable*

This report summarizes the discussions held in the plenary and working group sessions of the roundtable. First, key cross-cutting issues and ideas that arose throughout all discussions are highlighted. The subsequent sections outline some of the main challenges and gaps in responses which the participants identified. They also highlight good practices which were brought up in the meeting and on which new initiatives can be built. Concrete recommendations for action, made by participants, have been used to compile an initial draft of a Regional Action Plan for further discussion. The Action Plan, organized in matrix format, is annexed to this report.<sup>5</sup>

### **Need for enhanced cooperation**

Enhancing regional cooperation is an essential element in strengthening refugee protection and migration management within the Western Balkans. Migration is by definition a cross-border phenomenon. Individual actions of countries bear only limited results and often lead to shifting the migratory pressures across the borders. Unequal standards of treatment or dysfunctional systems in one country can trigger (irregular) onward movements and be one of the factors contributing to the uneven distribution of asylum-seekers in the region. Lack of a concerted regional approach thus impedes efforts to manage migration flows in a systematic manner. While renewed efforts are needed at national level, enhanced regional cooperation and coordination are essential to ensure sustainable outcomes and effective protection of the rights of refugees and migrants. Such cooperation includes undertaking concrete joint activities at operational level, harmonizing policies, standards and practices, but also pooling of resources to ensure cost-effectiveness and avoid duplication of efforts.

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<sup>4</sup>For more information see the agenda of the roundtable (Annex 2).

<sup>5</sup>See Annex 3.

The initiative on refugee protection and international migration is therefore a timely and welcome basis for future joint action and enhanced dialogue. Government leadership of the process is imperative. It will be important to engage in the initiative other important countries on the migration route, such as Turkey, Greece, Bulgaria, Hungary and Slovenia, as well as the principal destination countries in Western Europe.

Close cooperation with and support of the European Union and its Member States is crucial not only in the context of the potential future EU accession of many Western Balkan States. EU Member States such as Greece and Bulgaria are struggling with similar challenges in the area of asylum and migration. In addition, most refugees and migrants enter the countries in the Western Balkans from Greece and EU Member States are also the destination for most. Shared challenges require shared responsibility. Cooperation with and measures in the countries of origin could also be considered, as appropriate.

Local civil society actors in the region have developed considerable expertise and their active engagement in various areas of asylum and migration management is deemed crucial by Governments which call for closer cooperation in order to complement and enhance the available response capacities.

MARRI has been established and mandated specifically to assist Western Balkan States in developing adequate strategies in the area of asylum and migration management. Enhanced role and capacity of MARRI could ensure provision of strengthened and better tailored support to governments, particularly in light of the increase in mixed movements and associated challenges. The initiative on refugee protection and international migration could usefully explore ways in which MARRI could be further strengthened.

Good practices of regional cooperation include several Joint Contact Centers for police cooperation across the region; joint border patrolling by border officials of neighboring countries; joint cross-border police actions to detect migrants moving irregularly and joint capacity building efforts. A recent good practice example with regard to the latter was the organization of the joint workshop for entry officials of the former Yugoslav Republic of Macedonia and Kosovo (S/RES/1244 (1999)). The Police Cooperation Convention for Southeast Europe (PCC) was mentioned as another useful tool for promoting enhanced regional cooperation in various areas of migration management.

More efforts are needed to strengthen cooperation and operationalize readmission agreements concluded between various countries in the region, as well as to assist them in negotiating readmission agreements with relevant extra-regional countries of origin. The negotiating power of Western Balkan countries could be enhanced by negotiating joint readmission agreements with countries of origin. Inclusion of appropriate procedural safeguards into such agreements can help to ensure that readmitted third country nationals enjoy access to a fair and efficient asylum procedure in the country to which they are returned.

## **Protection-sensitive Entry Systems**

Safe and controlled borders are a priority for all. However, while States have a legitimate right to protect their borders and to prevent unauthorized entry in their territories, overly restrictive and indiscriminately applied border control measures and the lack of relevant identification and referral mechanisms may prevent persons in need of international protection from accessing the asylum systems and adversely affect the ability of vulnerable migrants to receive adequate assistance. The central challenge for States is thus to strike a balance between preventing and combating irregular migration and associated transnational crime, including smuggling of migrants and trafficking in human beings, and ensuring that protection and assistance needs of persons in need are met, in line with the EU and international standards.

Since 2010-2011 all countries in the Western Balkans have been experiencing sharp increases in arrivals of migrants and refugees from outside of the region, including from refugee producing countries such as the Syrian Arab Republic. This put their asylum and migration systems under considerable strain as they do not have the resources necessary to process such a high number of arrivals. There are no easy fixes for the challenges arising in this context. The movements cannot be stopped, but they may be managed more effectively. In doing so, the countries in the Western Balkans may build on their long-standing humanitarian tradition and capitalize on the experience accumulated over almost two decades of protecting and assisting persons forcibly displaced within the region.

Few asylum-seekers apply for asylum at the border. The term “entry system” and “entry officials,” therefore, needs to include all procedures and practices aimed at regulating access of persons to the territory. Likewise, all capacity-building activities in this area should target, in addition to border guards, police officials in the territory, who often have first contact with refugees and migrants including vulnerable individuals such as victims of trafficking and unaccompanied minors.

Concrete operational challenges encountered by entry officials include the lack of tools to establish the true identity of persons arriving in their territories, language barriers that obstruct adequate communication, as well as lack of human and material resources to ensure their transportation from points of first contact to reception facilities. While significant efforts have been made in all countries to align relevant legislation with EU requirements, its adequate implementation requires targeted and continuous institutional capacity building.

An early differentiation of arrivals according to their individual profile and the referral to the most appropriate follow-up process (profiling and referral) could help to address some of these challenges. By reducing the number of persons who may be inappropriately channeled to the asylum procedure, the pressure on the asylum systems could be lifted. Profiling ensures

that persons with protection and other needs are properly identified at an early stage. It helps to identify and address potential security risks. Direct communication with refugees and migrants (for instance in the context of preliminary profiling interviews) can contribute to establishing an honest dialogue and environment of trust. A representative of Albania shared his country's experience with the establishment of a profiling and referral system and recommended its replication in other countries. This included, for instance, the development of pre-screening tools to identify and channel asylum-seekers, victims of trafficking and migrants into appropriate procedures; deployment of pre-screening teams and capacity building of entry officials. A further potential initiative concerns the improvement of regional coordination and application of common standards in the identification and referral of vulnerable migrants.

Croatia highlighted the good experiences they have made with the conclusion of a technical cooperation agreement, in the form of a Memorandum of Understanding (MoU), between state authorities, relevant international organizations and civil society partners. The agreement was operationalized through a project including joint border monitoring and targeted capacity building of entry officials. The project also included activities to facilitate cooperation with neighboring countries.

In the area of enhanced information exchange, the authorities of the former Yugoslav Republic of Macedonia plan to set up an integrated national database for foreigners, including asylum-seekers which will facilitate prompt exchange of information between all state institutions dealing with migration issues. Building on such national databases, it would be important to also facilitate exchange of information at regional level. This could help to gain an enhanced awareness about the profile and composition of arrivals and changes in travel routes.

### **Identifying and providing assistance to refugees, persons with specific needs and vulnerable migrants**

The discussion covered a number of important issues ranging from reception arrangements to establishment of mechanisms to differentiate among various groups of persons on the move. One of the major cross-cutting challenges experienced in all areas and at all stages of the migration and asylum systems is the acute lack of qualified interpreters, in particular in rare languages, such as for instance Pashto, Urdu, Farsi, or Somalian. The establishment of a regional interpretation hub would be a good way to pool and maximize resources. A project to provide centralized interpretation services for the EU Member States, which is currently being conceptualized by DG Home, could also be useful for the Western Balkans.

The need to strengthen capacities of countries in the region to undertake migration-related analysis and research, including risk assessments, is another essential element of efforts to

ensure pertinent, effective, and homogeneous migration management within the Western Balkans.

### *Improvement of reception arrangements*

Most countries have in place reception arrangements specifically for asylum seekers, but they do not provide any material and psychosocial assistance outside the asylum system. This may motivate persons without international protection needs to resort to asylum systems in order to secure accommodation and basic subsistence. It is one of the reasons for the overcrowding of the reception centers and may also put unnecessary strain on the asylum procedures. The establishment of separate initial reception arrangements open to all arrivals could address this problem.

It would be worthwhile to explore establishing mobile facilities which would be easily transportable to respond to the changing migration routes and pressures. Such initial reception arrangements could also be used for initial screening and profiling as described above, followed where necessary by an in-depth examination of their status and needs.

As regards reception centres for asylum-seekers, more efforts need to be dedicated to improving the standards in the centers and ensuring that they do not serve merely as accommodation facilities, but also offer a range of important services, such as for instance counseling or psychosocial assistance, etc. Civil society actors have developed considerable expertise and should be more engaged in ensuring appropriate reception standards and in provision of specialized assistance to different groups of persons. EU experts could provide guidance in aligning reception procedures with relevant EU standards. More efforts need to be taken to raise awareness among the local populations on the plight and status of refugees and other persons with specific needs. This could help to counter negative stereotyping and prejudice and contribute to ensuring more harmonious community relations, in particular in the vicinity of reception centers.

With regard to centres for irregular migrants, progress in countries in the region varies, depending on existing infrastructure and policies, as well as on the number of irregular migrants accommodated in such facilities. However, there is a need to improve reception facilities through both enhancing existing structures and assessing the need for establishing new ones. Furthermore, it is important to ensure that standard operating procedures are based on international standards; that staff is trained on migrants and human rights; the infrastructure of the centres is sufficient; and that adequate communication tools are in place to facilitate communication with migrants (see section above concerning the establishment of a regional interpretation hub).

### *Asylum systems*

While the number of asylum-seekers has been growing in all countries of the region, Western Balkan States mostly serve as transit countries for refugees and migrants wishing to reach destinations in the European Union. Many asylum-seekers leave before decisions on their applications are made. In addition, the asylum systems are often misused by persons without international protection needs who are merely trying to avoid deportation and ensure temporary stay before moving on towards the European Union. Many asylum-seekers lodge asylum applications in several Western Balkan countries and each country is undertaking the same assessment. Action is urgently needed and a better pooling of resources to address these secondary movements and to avoid duplication of efforts, particularly in light of the scarce resources in the region. Furthermore, to address the issue of multiple applications, some countries in the region are interested in exchanging information on asylum seekers and irregular migrants.

The majority of Western Balkan States have aligned their asylum legislation with relevant international and European standards. Capacity of the asylum authorities could be further enhanced through targeted and continuous training, including on application of human rights instruments, interviewing techniques or handling of sensitive cases. To ensure effectiveness and sustainability, comprehensive training curricula could be developed for use in the region. Lack of state-provided free legal aid for asylum-seekers and lack of updated country of origin information in local languages constitute some of the most pressing challenges. Facilitation of self-reliance of recognized refugees and their integration in the host communities is essential to ensure that they can exercise their rights but also to prevent (irregular) onward movements.

### *Persons with specific needs and vulnerable migrants*

Mixed migration flows in the Western Balkans include refugees and vulnerable migrants such as unaccompanied and separated children, potentially trafficked migrants, migrants with health problems, and other migrants in need, both from within the region and extra-regional countries. A critical challenge remains that victims of trafficking are not being properly identified and referred to relevant national agencies or specialized organizations within the region. The lack of proper identification mechanisms translates to limited access of vulnerable migrants and refugees to specialized and targeted assistance. In order to protect vulnerable migrants, improved capacities within the region to effectively identify, refer and track persons with specific needs should be established in accordance with EU and international standards. The establishment of well-functioning early profiling/pre-screening tools and improving cross-referrals were suggested as concrete steps in ensuring protection of vulnerable migrants and addressing current identified gaps.

In particular, the number of unaccompanied and separated children on the move has been growing across the region, as has the number of victims of trafficking. In order to properly address the needs of this particularly vulnerable group, unified procedures for determination of the best interests of the child, appointment of legal guardians and procedures for age assessment would be useful. Furthermore, accommodation of unaccompanied and separated children, regardless of their status, needs improvement and alignment with international standards in several countries in the region. Detention of children needs to be avoided.

### **Providing assisted voluntary return and reintegration for non-refugees**

Assisted voluntary return programs can help to ensure dignified return of persons who are not refugees and do not have any compelling humanitarian reasons to stay in the host country. At the same time return programmes contribute to prevention of irregular onward movements, as well as to maintaining the credibility of the asylum systems. Provision of assistance for reintegration in the countries of origin is essential for ensuring sustainability of such returns.

Effective access to fair and efficient asylum procedures is an essential pre-requisite for implementation of return. All return decisions have to be based on an in-depth analysis of the situation in the country of return and the return process needs to include safeguards to ensure respect for the principle of non-refoulement. Access to comprehensive and regularly updated country of origin information and conducting thorough pre-removal risk assessments can help to ensure that vulnerable persons, such as victims of trafficking, are not returned to countries where they may be at risk. There is scope to define priority countries of origin, structures and methodologies for obtaining country of origin information, as well as common templates, in order to ensure that all countries in the region operate to the same minimum standards. This would facilitate the creation of a regional database for country of origin information, to which each country would have access, thus enhancing the cost-effectiveness of such an initiative.

The representative of Bosnia and Herzegovina highlighted the benefits of assisted voluntary return projects and emphasized the need for close cooperation with the EU in this area. Participants from all countries shared their respective past experience with the implementation of assisted voluntary return projects and expressed the willingness to resume such projects, including under a regional coordination mechanism that would ensure sufficient flexibility and timely implementation for those willing to return voluntarily to their countries of origin. The lack of financial resources remains the major obstacle in such efforts. Countries in the region would further benefit from initiatives aimed at targeted capacity building and sharing of experience in this area with experts from the EU. Pooling of resources could help to make best use of the limited capacities.

A challenge for the countries in the region also is the situation of persons who are not refugees, yet cannot be returned to their countries of origin for humanitarian or other reasons.



The legal status of these persons remains unclear and they often lack access to accommodation, healthcare and social welfare.

### **The Way Forward**

The outcomes of the regional roundtable can serve as basis for a regional strategy on asylum and migration. The ideas and concrete recommendations made by participants can be contained in a matrix/action plan to be further developed through future meetings at national and regional level. In order to ensure operationalization of these recommendations, it is likewise important to ensure that outcomes of the meeting trickle down to the national level and are streamlined into national policies.

Following the example of the former Yugoslav Republic of Macedonia, States of the region may consider appointing national focal points for the initiative on refugee protection and international migration in the Western Balkans. This would ensure smooth coordination of any future joint activities.

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