



Asylum applicants from the Western Balkans

Comparative analysis of
trends, push–pull factors
and responses



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Disclaimer

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

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

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List of acronyms

| | |
|----------------|---|
| AFP | Agence France Presse |
| AP | Associated Press |
| AT | Austria |
| AVR | Assisted voluntary return |
| BAMF | Federal Office for Migration and Refugees (Germany) |
| BA | Bosnia and Herzegovina |
| BE | Belgium |
| CEAS | Common European Asylum System |
| CGRS | Office of the Commissioner General for Refugees and Stateless Persons (Belgium) |
| CH | Switzerland |
| CoE | Council of Europe |
| COI | Country of origin information |
| DE | Germany |
| DK | Denmark |
| EASO | European Asylum Support Office |
| ERCAS | European Research Centre for Anti-Corruption and State-Building |
| ERRC | European Roma Rights Centre |
| EU+ | See MSACs |
| FI | Finland |
| FR | France |
| HRW | Human Rights Watch |
| HU | Hungary |
| ICMPD | International Centre for Migration Policy Development |
| IGC | Intergovernmental Consultations on Migration, Asylum and Refugees |
| IOM | International Organisation for Migration |
| IRB | Immigration and Refugee Board of Canada |
| IT | Italy |
| IWPR | Institute for War and Peace Reporting |
| LU | Luxembourg |
| MSACs | EU Member States and Associated Countries (i.e. including Norway and Switzerland). The term EU+ is also used. |
| NL | Netherlands |
| NO | Norway |
| RAE | Roma, Ashkali and Egyptian |
| RIC | Roma information centre |
| RoE | Rest of Europe |
| RSD | Refugee status determination |
| SE | Sweden |
| SIS | Schengen information system |
| SMB | Swedish Migration Board |
| <i>SETimes</i> | Southern European Times |

| | |
|-------|---|
| UK | United Kingdom |
| UNHCR | United Nations High Commissioner for Refugees |
| UNODC | United Nations Office on Drugs and Crime |
| USDOL | United States Department of Labor |
| USDOS | United States Department of State |
| WB | Western Balkan countries (i.e. Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Kosovo ⁽¹⁾ , Montenegro and Serbia) |

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

Executive summary

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

In particular, it seeks to:

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

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

Main characteristics of asylum applicants from Western Balkan countries

Applications for international protection from Western Balkan citizens have become an increasingly important part of the asylum case-load at EU level (in recent years substantially exceeding the numbers from any other single country of origin), despite the vast majority of claims being considered as unfounded by MSACs ⁽²⁾. The flow is limited to a small number of MSACs and in some cases greatly affects their asylum systems' ability to process other claims.

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

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

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

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

Main push factors

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

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

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

Main pull factors

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

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

Measures taken by Member States and Associated Countries

A series of measures has been taken by MSACs to reduce both push and pull factors. With regard to pull factors, depending on the possibilities provided by their national law to deal with the substantial numbers of claims for international protection that they receive from WB nationals, MSACs have, inter alia: used accelerated procedures or shortened the duration of the normal asylum procedure (from application to final decision and return); reorganised their processing and resources to deal with peak flows; reduced cash benefits provided during the procedure; and strengthened voluntary or forced return programmes. Measures undertaken in source countries have included high-level visits, information campaigns and support for long-term migration and development projects.

Conclusion

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

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

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

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

Introduction

1. Background and objectives

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

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

In particular, it seeks to:

1. accurately describe the main characteristics of the recent flow of WB citizens applying for international protection in MSACs (hereafter ‘the flow’) — who, from where, to where and over what period of time;
2. examine the principal factors determining decisions by WB citizens to leave their country and apply for asylum in the EU (push factors);
3. examine the factors which affect their choice of destination country (pull factors);
4. look at measures put in place by MSACs to efficiently process applications from WB citizens and other complementary measures.

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

2. Sources and methodology

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

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

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

Finally, Eurostat statistical data was extensively analysed and desk reviews of relevant literature and legislation were undertaken as needed.

⁽³⁾ See Annex 1 for details.

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

3. Scope of the analysis

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

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

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

4. Structure of the analysis

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

Chapter 1 provides an analysis of profiles of applicants and looks at data regarding the number of asylum applicants from the WB in MSACs and asylum decision rates. The analysis gives information on the composition of the different asylum flows from the WB and shows how the influx has evolved: which specific countries and areas asylum seekers come from, in which countries they apply for international protection and how their applications are dealt with at first instance. This analysis is based largely on Eurostat data.

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

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

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

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

⁽⁴⁾ See, for example, Panagiotou, R., *The Impact of the Economic Crisis on the Western Balkans and their EU Accession Prospects*, RSCAS 2012/64, European University Institute working papers, Robert Schuman Centre for Advanced Studies (ISSN 1028-3625), page 4: 'in the years before the recent economic crisis Albania, Bosnia and Herzegovina, Montenegro and Serbia were among the top 20 countries in the world in terms of remittance inflows as a percentage of GDP. In 2008, remittances as a share of GDP had reached 17.2 % in Bosnia, 16.5 % in Kosovo, 14 % in Serbia and 12 % in Albania. In 2010 Albania's stock of emigrants numbered 1.4 million (45.4 % of the population), whose countries of destination have been Greece, Italy, the former Yugoslav Republic of Macedonia, Germany, the United Kingdom, France and the United States. Bosnia and Herzegovina's stock of emigrants was 1.4 million (38.9 % of the population) heading mostly to Croatia, Germany, Austria, Slovenia, Sweden, Italy and Switzerland. Most remittance flows to the former Yugoslav Republic of Macedonia, come from Germany and Italy.'

Chapter 1: Characteristics of the recent asylum flow from Western Balkan countries to Member States and Associated Countries

1. Introduction

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

- number of applications for international protection filed by nationals of WB countries;
- seasonality of the trend over time;
- geography (origins and destinations of applicants);
- profile of applicants (ethnicity, religion, wealth, mode of travel, other factors);
- decisions on applications for asylum.

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

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

2. Number of applications for international protection

In the last 5 years⁽⁶⁾, the number of asylum seekers from WB countries, when considered together, has in every year since 2009 consistently represented the largest portion of the overall case-load of requests for international protection made in the MSACs by applicants from all countries of origin (see Figure 1).

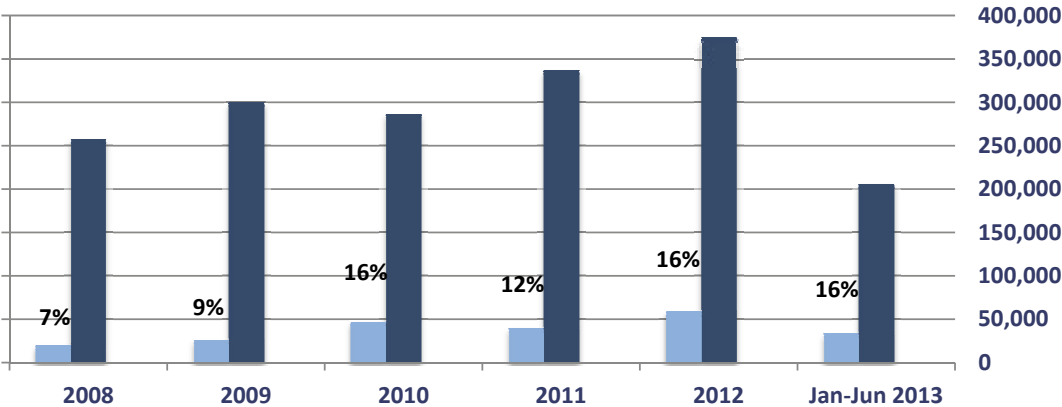


Figure 1. WB applicants as a proportion of total applicants from all countries of origin in the EU+, 2008-13H1

⁽⁵⁾ For more information on the use of safe countries of origin lists or manifestly unfounded procedures in selected MSACs, see Chapter 4.

⁽⁶⁾ EU-level statistical information has only been available since 2008. It is gathered by Eurostat on the basis of Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers.

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

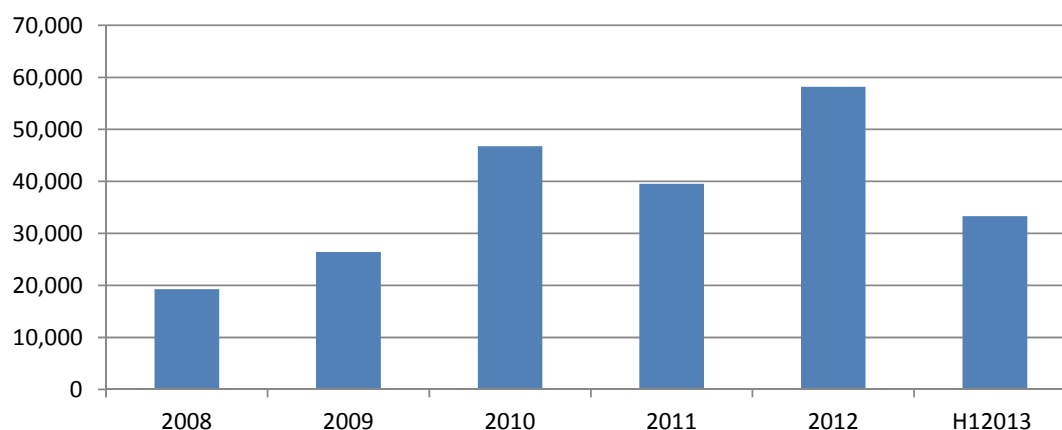


Figure 2. Total applications for international protection by WB citizens in EU+ countries by year, 2008–13H1

3. Seasonality of the trend

The WB flow is clearly seasonal, a trend which has become evident (see Figure 3), particularly from late 2009 onwards, with a small peak in March and a very large peak in October of each year being seen, plus, usually, a drop in applications during the middle of summer (7).

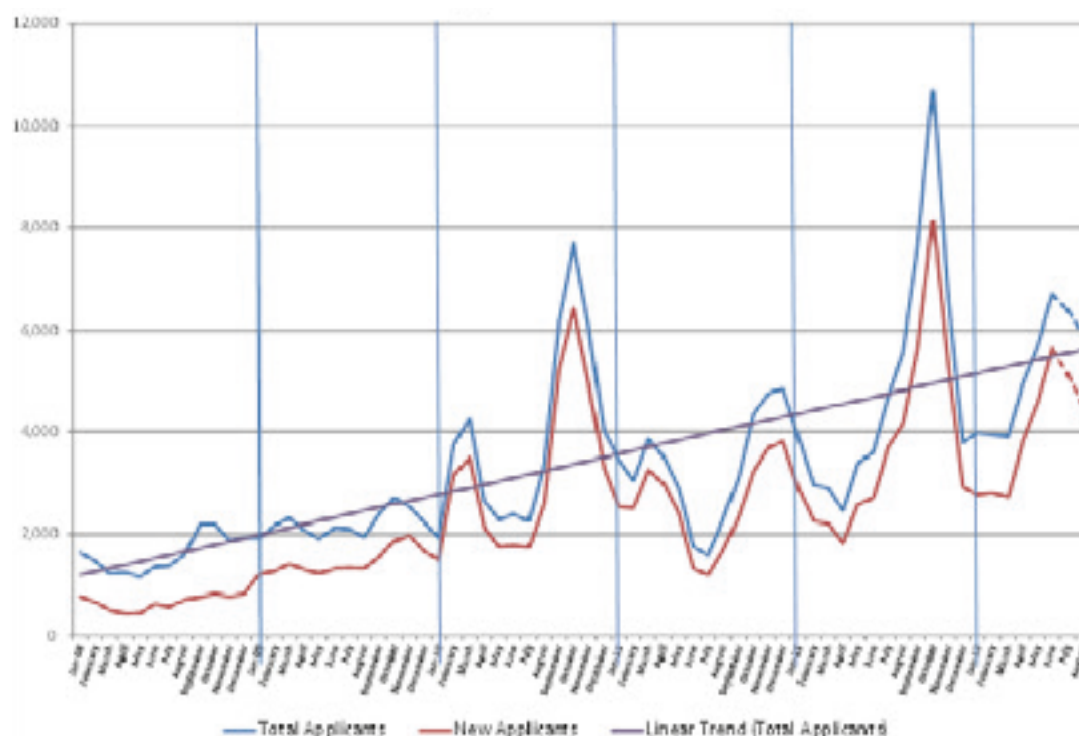


Figure 3. Total and new applicants from WB countries in EU+ by month, 2008 to Aug. 2013

Figure 3 also shows that the proportion of ‘subsequent applications’ (8) is significant for the WB flow.

(7) The summer drop was not seen in 2013 due to the situation in Hungary, which is considered in detail later in the analysis.

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

Applications from WB citizens are not evenly distributed across EU+ countries, but are concentrated in a limited number of MSACs, as shown in Figure 4 (°).

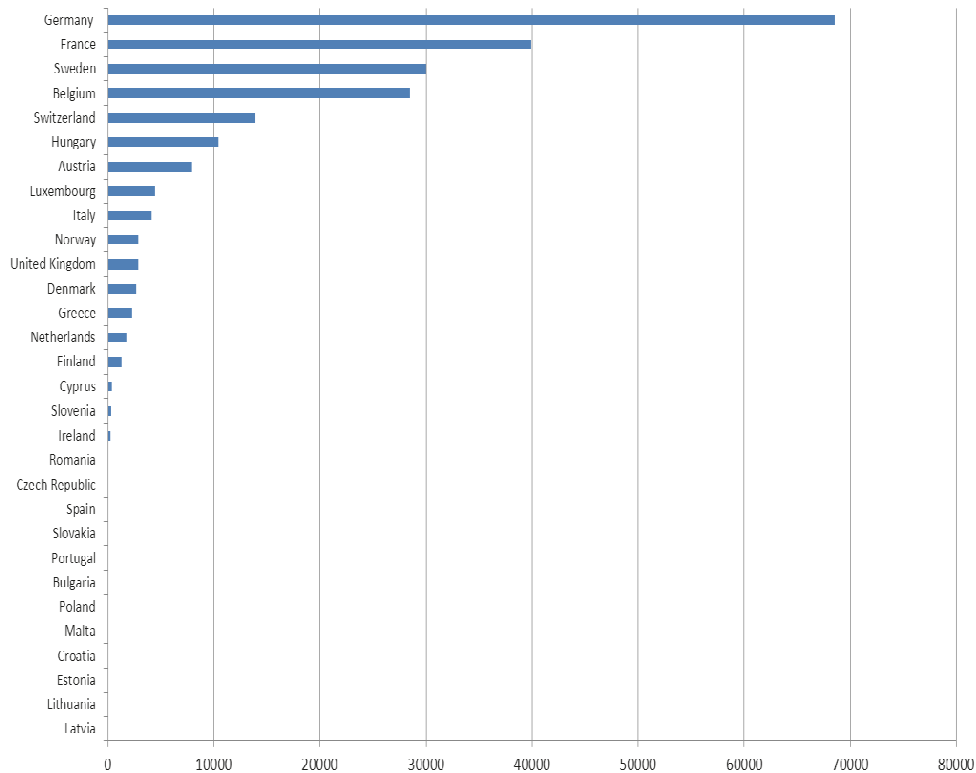


Figure 4. Total applicants from WB countries by MSACs, 2008–13H1

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

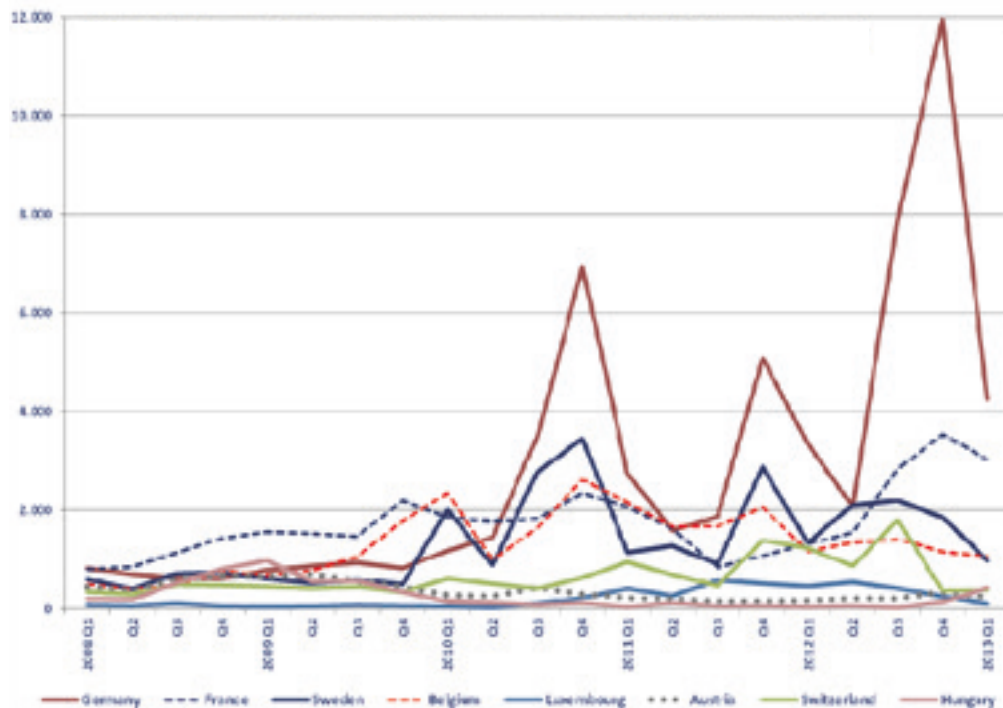


Figure 5. Number of WB applicants in the top-eight receiving MSACs, 2008–13 (Q1)

(°) The present report is largely based on data received from the top-eight receiving MSACs.

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

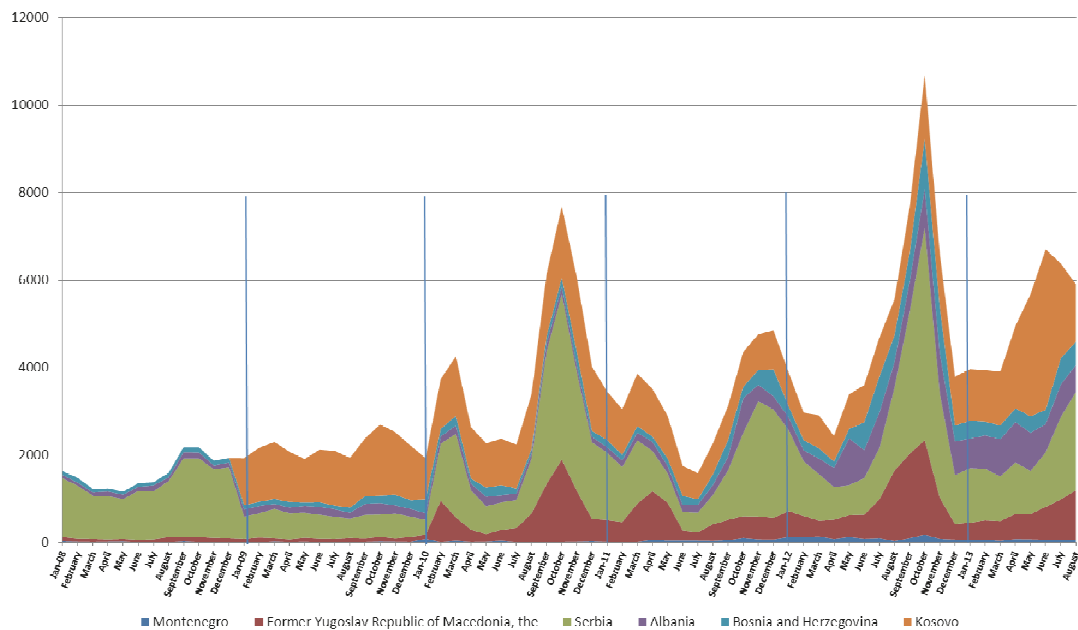


Figure 6. Composition of WB applicants in EU+ by month, January 2008 to August 2013

Applicants from different WB countries are not equally likely to go to the same destination country. Figure 7 shows, for example, that Germany and Sweden are the preferred destination countries for those holding Serbian passports, and France, Belgium, Germany and Hungary for Kosovars. France is also the destination of choice for Albanians and Germany for citizens of the former Yugoslav Republic of Macedonia.

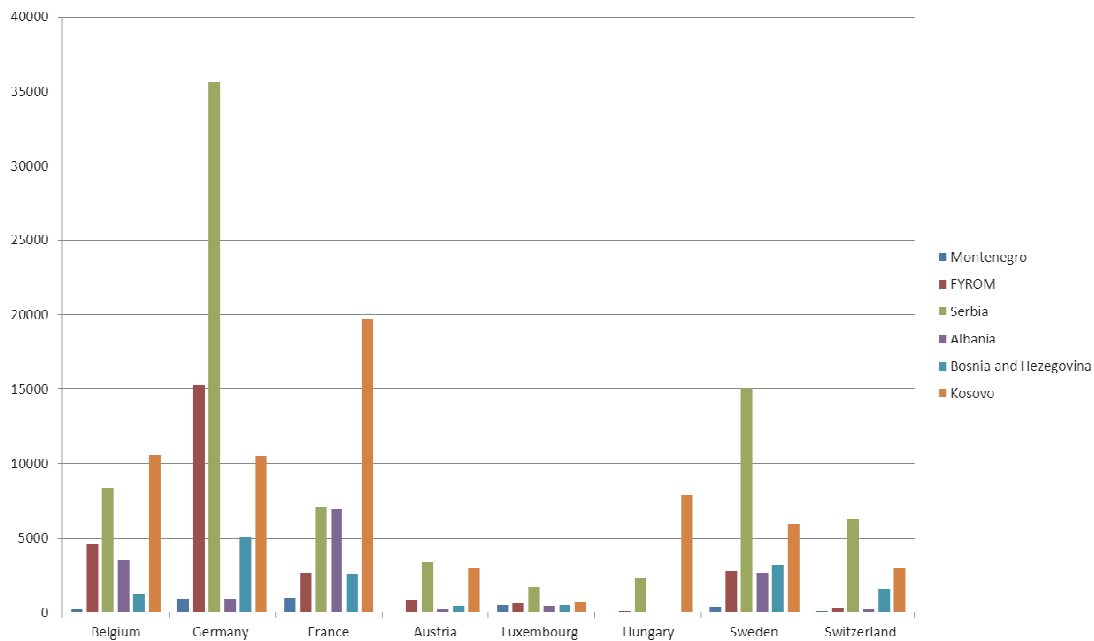


Figure 7. Numbers of WB applicants by country in the top-eight receiving MSACs, 2008–2013H1

The relative importance of each WB country in the composition of the flow also varies over time. Figure 8 ⁽¹⁰⁾ shows this.

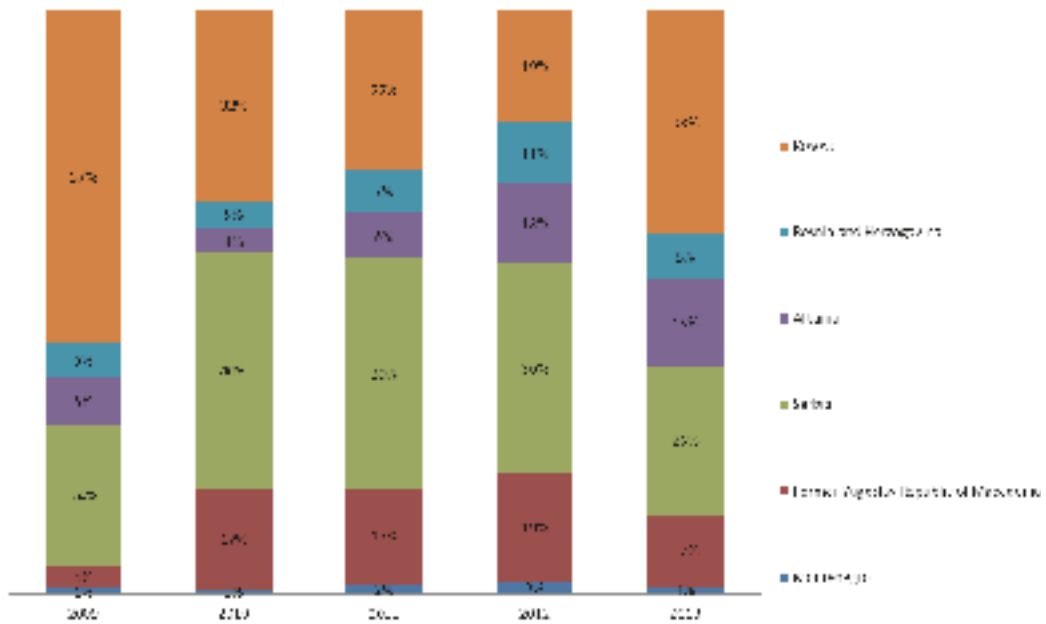


Figure 8. Composition of overall WB flow to EU+ countries by year, 2009–13H1

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

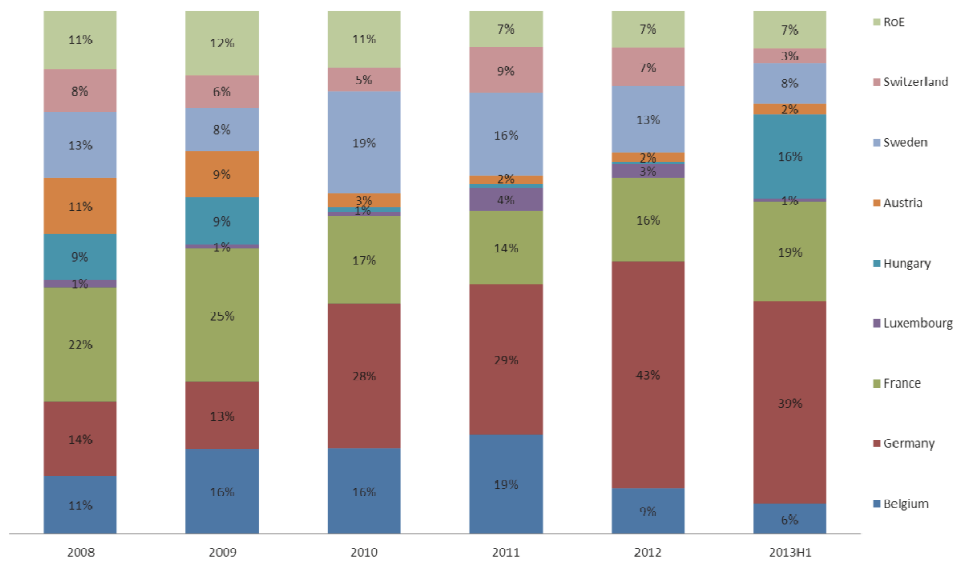


Figure 9. Relative proportion of overall WB flow dealt with by the top-eight receiving MSACs, 2008–13H1

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

Applications for asylum from Western Balkan countries — summary

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

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

While the statistics in the previous section provide a good overview of the complexities of the WB flow, their accuracy is limited to the level of country of origin. Taking a closer look at the ethnicity⁽¹¹⁾ and precise geographical origin of asylum seekers helps to underscore the heterogeneity of the WB flow. The analysis below focuses on the four WB countries from which the largest numbers of asylum seekers come.

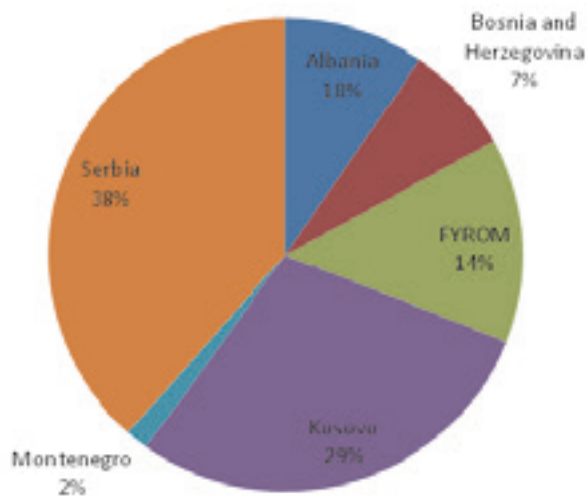


Figure 10. Composition of overall WB flow to EU+ countries for the period 2008–13H1

Albania

Asylum seekers from Albania are mostly ethnic Albanians (circa 90 %) coming from the northern part of the country and from the capital, Tirana⁽¹²⁾. Only Germany reported that in 2011 and in 2012 Albanians also came from the city of Durrës and in 2013 from the city of Bajram Curri, close to the border with Kosovo. Some 6 % to 10 %

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

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

of applications from Albania in Germany were made by Roma from Albania, whose religion is either Muslim or Catholic⁽¹³⁾. Asylum seekers from Albania usually travel to their destination countries by land by bus, car or van. Only Belgium and Sweden reported that some also travel by air. France and Luxembourg mentioned that some Albanian citizens use boats to cross the sea to Italy as part of their journey.

Figure 11 shows the main destination countries in the EU for Albanian asylum seekers. Numbers of Albanian applicants for asylum in Greece diminished over time⁽¹⁴⁾ while France has become an increasingly important country of destination during the same period. Belgium was the main destination country in 2011. There has been a sharp rise in the number of Albanians seeking asylum since 2008 and particularly in 2012.

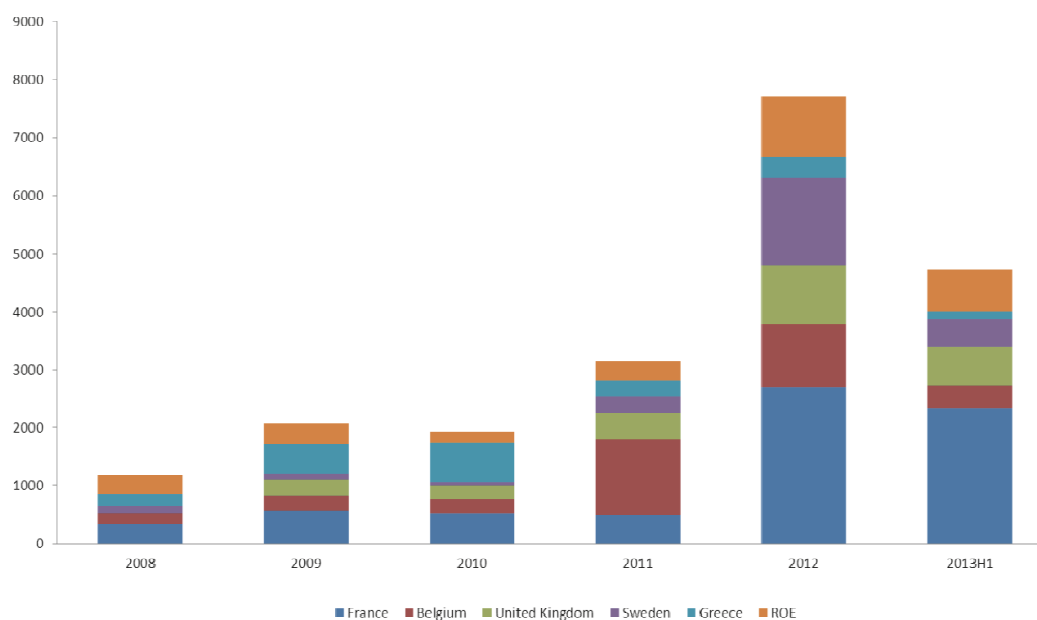


Figure 11. Numbers of Albanian asylum applicants in the EU+ by country of destination, 2008–13H1 ⁽¹⁵⁾

Applicants from Albania — summary

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

Serbia

Serbian asylum seekers are mostly Roma, coming from the cities of Belgrade and Novi Sad and towns such as Novi Pazar, Krusevac, Vranje and Nis, with a large group coming from southern Serbia near the border with Kosovo. Ethnic Albanians from the towns of Bujanovac and Preshevo (the so-called Preshevo valley) are also a small but significant portion of asylum seekers from Serbia. Some of the MSACs that replied to the questionnaire⁽¹⁶⁾ reported very few ethnic Serbs seeking asylum. Asylum seekers from Serbia travel to the EU by car, van or bus. The majority are Muslims, followed by Orthodox and other Christian denominations.

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

⁽¹⁴⁾ The Albanian flow to Greece has highly specific characteristics and a large part of the asylum claims made are likely to have been in order to circumvent border controls up to the advent of visa liberalisation. See Frontex annual risk assessments of recent years for details.

⁽¹⁵⁾ RoE = Rest of Europe.

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

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

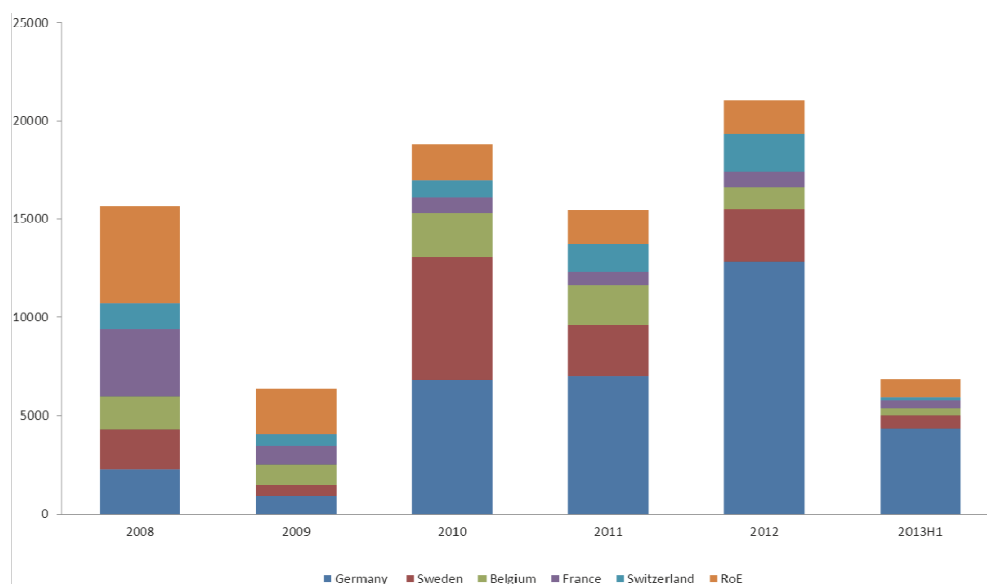


Figure 12. Numbers of Serbian asylum applicants in the EU+ by country of destination, 2008–13H1

Applicants from Serbia — summary

The group is composed of circa 85 % Roma, 10 % ethnic Albanians and 5 % others. Ethnic Albanians mostly travel from the Presevo valley to Belgium and France. Roma come from Belgrade, Novi Sad and Novi Pazar, Kruševac, Vranje, Nis, Leskovac, Prokuplje and Kraljevo and mostly apply for international protection in Germany, Sweden, Switzerland and France.

Kosovo

Asylum seekers from Kosovo originate from different parts of the country; they are mostly ethnic Albanians and Roma, and most of them are Muslim. Whereas in Germany⁽¹⁷⁾, Sweden⁽¹⁸⁾ and Switzerland⁽¹⁹⁾ the majority of asylum seekers from Kosovo are Roma, in France and Belgium⁽²⁰⁾ they are mostly of ethnic Albanian origin. In Luxembourg, most applicants from Kosovo are ethnic Serbs. They travel overland on their own initiative, rather than in organised groups, by van, truck, car or bus. Only Belgium reports that some also travel by plane.

The main destination countries for asylum seekers from Kosovo are traditionally Belgium, France, Germany, Sweden, Switzerland and lately also Hungary. Figure 13 shows how destination countries have changed over the

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

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

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

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

years. France has received by far the most asylum seekers from Kosovo, with the exception of the first half of 2013 when numbers in Hungary increased exponentially after a change in national law restricted the detention of asylum seekers only to special cases ⁽²¹⁾. During the first half of 2013, Kosovars were by far the largest component of the WB flow overall. Kosovo is the only non-visa-liberalised WB country and it seems likely that the recent rise in requests for asylum there were in reality a way of circumventing border controls as Kosovar citizens applied to Hungary and then left open reception centres where they were placed for other countries in the Schengen area. This phenomenon underlines that the reintroduction of border controls may not necessarily automatically result in lower numbers of asylum applications.

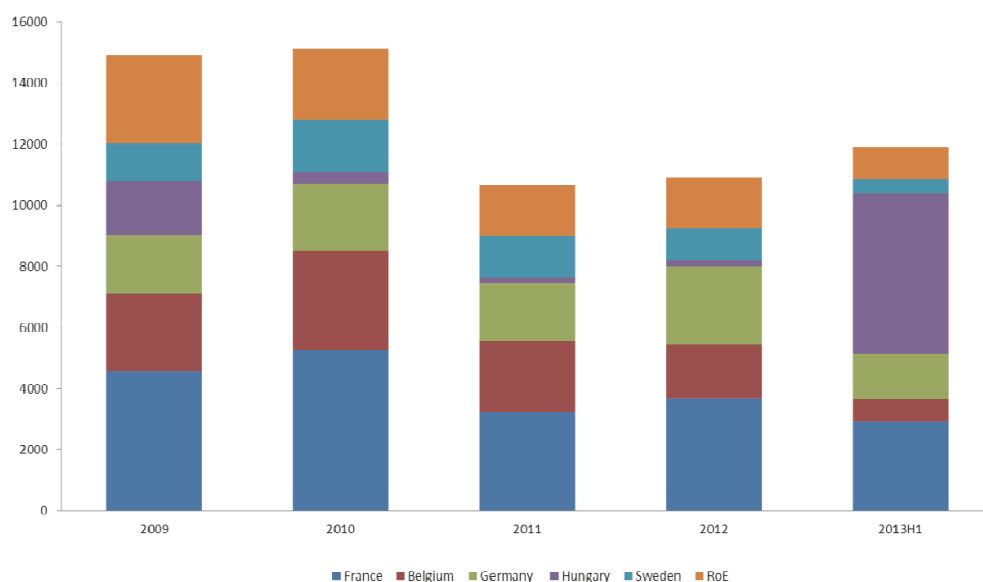


Figure 13. Numbers of Kosovar asylum applicants in the EU+ by country of destination, 2009–13H1

Applicants from Kosovo — summary

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

The former Yugoslav Republic of Macedonia

The ethnic composition of the asylum applicants from the former Yugoslav Republic of Macedonia is quite similar to Serbia. Asylum seekers from the former Yugoslav Republic of Macedonia are mostly Roma, with percentages ranging from 50 % of the former Yugoslav Republic of Macedonia applicants in Belgium to 80 % in Switzerland. The percentage of ethnic Albanians from the former Yugoslav Republic of Macedonia reaches around 50 % in Belgium, whereas in other Member States ethnic Albanians represent only between 2 % (in Germany) and 25 % (in France). Asylum seekers from the former Yugoslav Republic of Macedonia are in general Muslim, although Germany also reported a small percentage of Orthodox Christians. Asylum seekers from the former Yugoslav Republic of Macedonia originate mostly from the northern part of the country, from Gostivar, Tetovo, Skopje and Kumanovo and to a lesser extent from the municipalities of Stip, Kocani and Prilep in other areas ⁽²²⁾. From Bitola, a town in the south, Roma travel to Luxembourg, France and Germany. They travel mostly by bus, car or van. Again, only Belgium reported that some also travel by air.

⁽²¹⁾ See EASO Quarterly Report No 1 2013, page 22.

⁽²²⁾ Data obtained from the answers provided by authorities from the former Yugoslav Republic of Macedonia to the questionnaire.

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

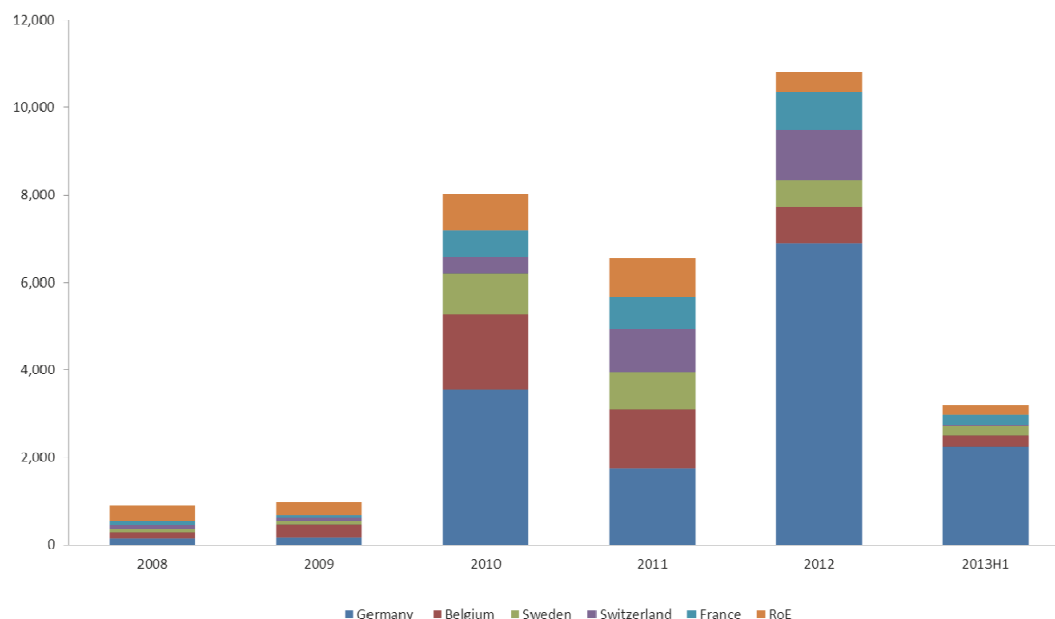


Figure 14. Numbers of asylum applicants from the former Yugoslav Republic of Macedonia in the EU+ by country of destination, 2008–13H1

Applicants from the former Yugoslav Republic of Macedonia — summary

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

Bosnia and Herzegovina ⁽²³⁾

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

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

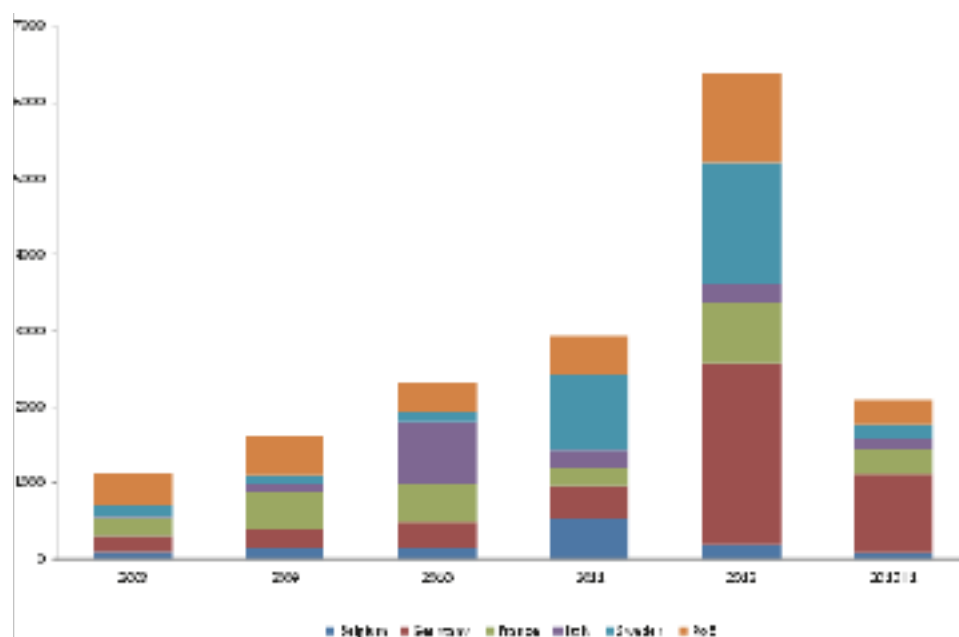


Figure 15. Numbers of BA asylum applicants in the EU+ by country of destination, 2008–13H1

Applicants from Bosnia and Herzegovina — summary

Limited information from some MSACs⁽²⁴⁾ and the BA government on ethnic composition indicates that applicants from Bosnia and Herzegovina are Roma, and some Bosniaks who mainly come from the Republika Srpska. After a steady rise in numbers of applications from 2008, numbers more than doubled in 2012. The main area of origin for applicants from Bosnia and Herzegovina is the north-eastern part of the country and cities such as Tuzla, Bijeljina, Zvornik, Gradačac and Brčko.

5. Decisions

In the period from 2008 to the first half of 2013, 9 560 positive decisions were made by EU+ countries out of a total of 162 200 WB decisions made — that is to say a recognition rate⁽²⁵⁾ of 5.9 %. Receiving MSACs therefore clearly considered the vast majority of application for asylum from WB nationals to be unfounded.

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

⁽²⁴⁾ Data on ethnic composition was provided by Germany, France and the BA government. Sweden provided also data on main areas of origin.

⁽²⁵⁾ I.e. the granting of refugee status under the Geneva Convention (<http://www.unhcr.org/pages/49da0e466.html>), subsidiary protection or national protection status for humanitarian reasons.

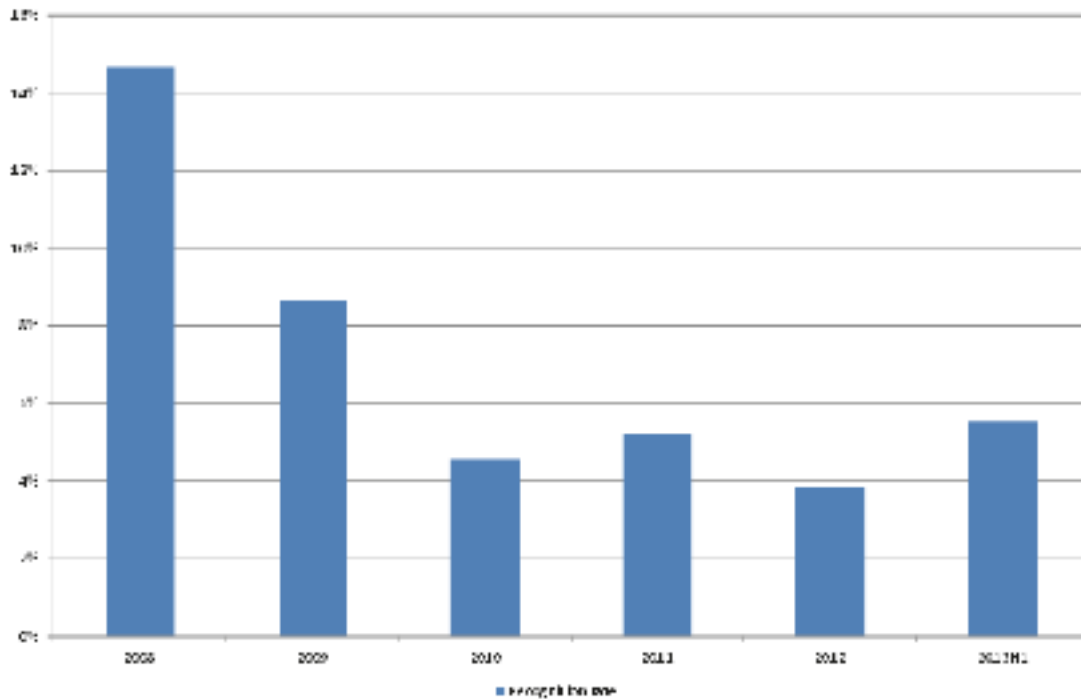


Figure 16. Overall recognition rate for WB countries in EU+, 2008–13H1

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

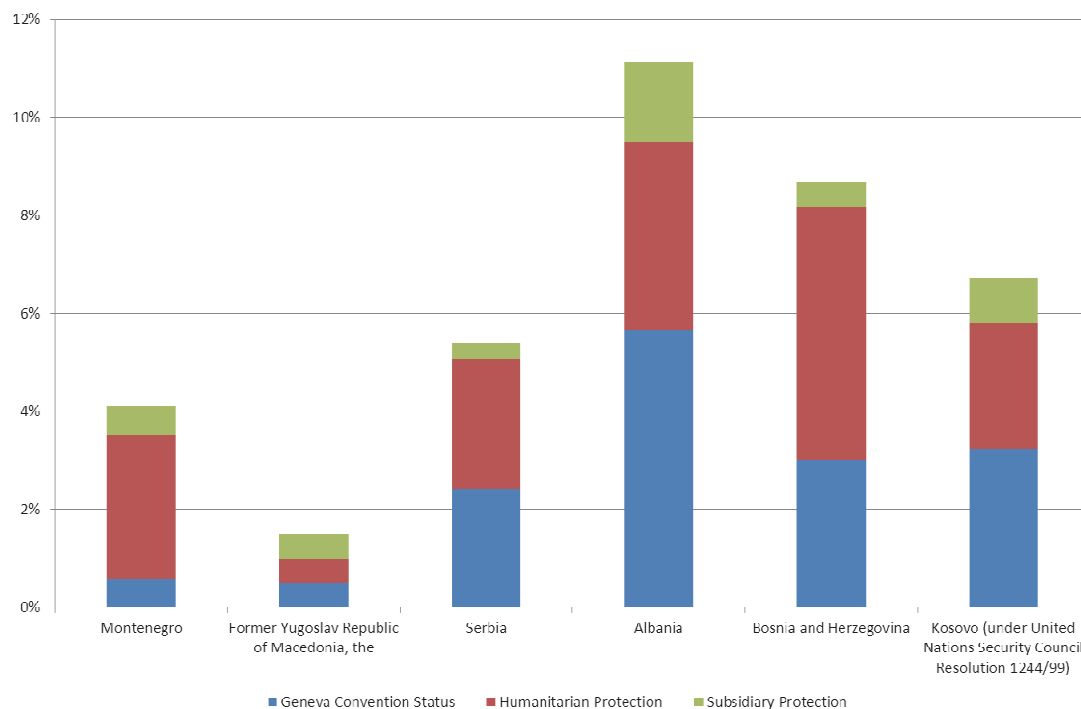


Figure 17. Recognition rate in top-15 destination countries by WB country of origin, 2008–12

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

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

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

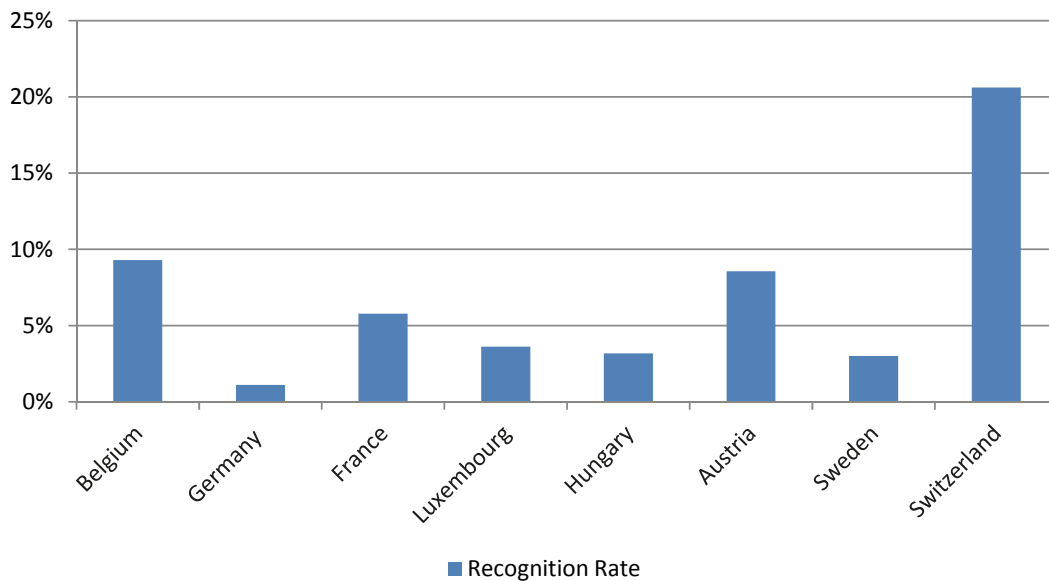


Figure 18. Average recognition rate of the top-eight destination countries for WB total flow, 2008–13H1

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

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

⁽²⁶⁾ Another relevant feature of the national forms of protection is that they are usually granted with a residence permit granted for a fixed period of time, such as 1 year, and need renewal if conditions justifying the award of the protection still prevail. Therefore, figures reported for subsequent years may concern the same individuals, if they indeed applied for renewal.

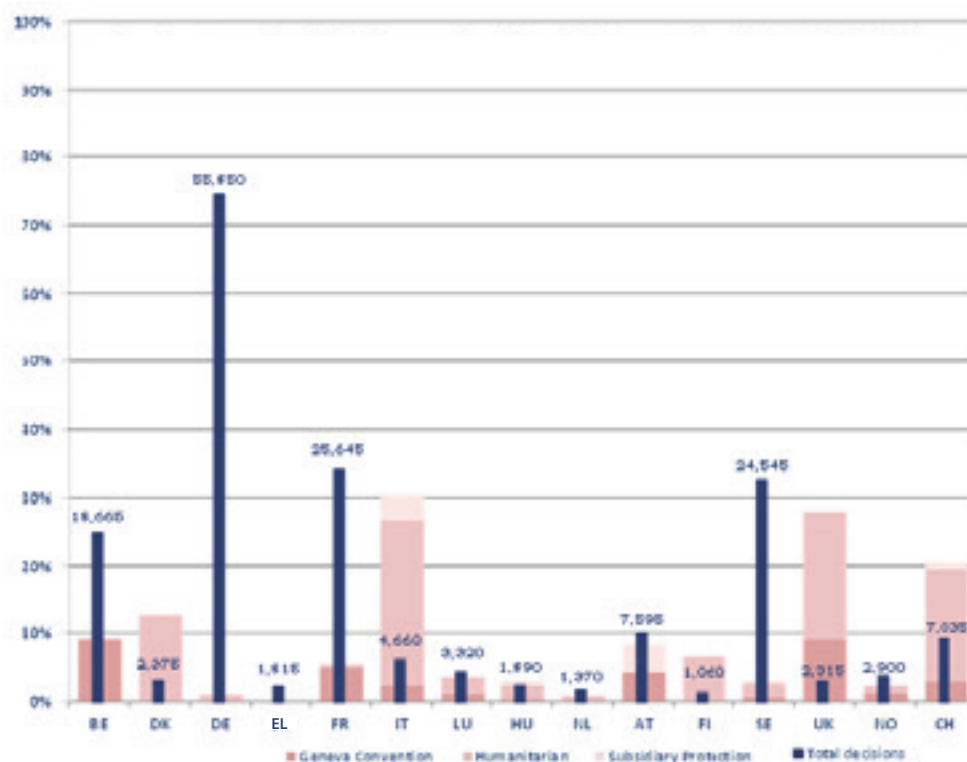


Figure 19. Recognition rate and decision numbers for WB citizens by type of protection granted in the top-15 destination countries, 2008–13H1

Figure 19 clearly shows that the MSACs facing the highest numbers of applications also have some of the lowest recognition rates. In those MSACs which do grant protection, a large portion of it is granted under national humanitarian legislation rather than under the Geneva Convention. The use of subsidiary protection is almost non-existent, except in Italy and Austria.

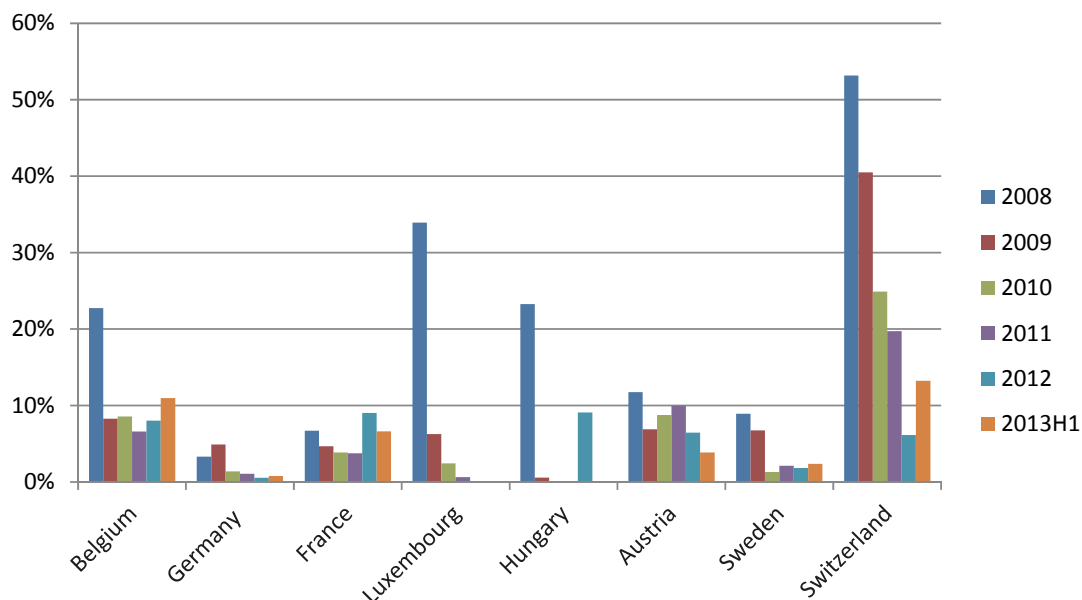


Figure 20. Recognition rate for WB flow in the top-eight destination countries, 2008–13H1

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

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

Decisions on asylum applications from WB citizens — summary

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

6. Conclusion

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

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

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

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

In the following sections, the factors which might determine the characteristics of the flow described above will be investigated.

Chapter 2: Push factors

1. Introduction

In this chapter, we identify and further explore the major reasons for applicants from the Western Balkans to leave their country and seek asylum in the EU+. For this, we base ourselves mainly on the asylum motives presented by the applicant during the asylum procedure in an MSAC. In the second questionnaire ⁽²⁷⁾, the MSACs were requested to estimate in how many asylum applications a number of factors already identified in the first questionnaire (e.g. labour market problems, societal problems of particular groups) were brought forward by the applicant. It is to be noted, however, that many MSACs do not systematically keep track of this kind of information. In the absence of quantitative data, these estimations, which are based on the impressions of experts, must suffice to give an indication of the size of the phenomenon.

In order to assess the frequency of each aspect being invoked as a push factor, MSAC experts were asked in the questionnaire to give an estimation of the prevalence of this factor in the claims, i.e. whether this is indicated in almost all applications (over 80 % of the applications), in many applications (30–80 %), in some applications (5–30 %) or seldom or never indicated (under 5 %). Although in practice often interlinked, the most important push factors analysed in the present chapter are listed according to their prevalence in replies of the top-eight destination countries to the questionnaire, as illustrated in Figure 21.

| | AT | BE | CH | DE | FR | HU | LU | SE |
|---|--------|--------|--------|-------|--------|--------|--------|--------|
| Societal problems of particular groups | Orange | Orange | Red | White | Orange | Red | Orange | Orange |
| Labour market | Red | Green | Red | White | Yellow | Orange | Yellow | Yellow |
| Lack of social infrastructure | Orange | Yellow | Red | White | Green | Orange | Yellow | Yellow |
| Parallel social systems such as vendetta | Yellow | Orange | Yellow | White | Orange | Red | Yellow | Yellow |
| Healthcare-related problems | Orange | Yellow | Yellow | White | Orange | Green | Orange | Yellow |
| Lack of education | Yellow | Green | Yellow | White | Yellow | Green | Yellow | Green |

| | | | | |
|----------|---------|--------|-----------|-----|
| 80–100 % | 30–80 % | 5–30 % | Under 5 % | N/A |
|----------|---------|--------|-----------|-----|

Figure 21. The prevalence of different asylum motives in asylum applications in the top-eight receiving MSACs (between January 2011 and April 2013) in Member States replying to the questionnaire ⁽²⁸⁾

The table above indicates that societal problems of particular ethnic groups and issues related to access to the labour market are the most commonly invoked grounds in the applications for international protection made by the citizens of WB countries.

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

⁽²⁷⁾ Cf. 'Sources and methodology'.

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

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

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

For each of these elements, some background information is given on the situation in the respective countries of origin with the key aim to further illustrate and contextualise the major push factors identified ⁽²⁹⁾. It should be noted that the information in this chapter is not intended to be conclusive as to the merit of any particular application for international protection ⁽³⁰⁾.

2. General societal problems of minorities or specific ethnic groups

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

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

Thus the ethnic groups considered to most frequently encounter societal problems based on minority status are Roma in all of the countries of origin studied, as well as Albanians in Kosovo and the former Yugoslav Republic of Macedonia.

a. The situation of Roma ⁽³²⁾

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

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

⁽³⁰⁾ For country of origin reports, EASO follows the 'EASO country of origin information report methodology' (<http://easo.europa.eu/wp-content/uploads/BZ3012618ENC.pdf>).

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

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

⁽³³⁾ For the sociological history of Roma, see for example Fraser, A., *The Gypsies*, Blackwell Publishing, Oxford, 1992; Kenrick, D., *Historical Dictionary of the Gypsies (Romanies)*, Scarecrow, London, 1998; Liegeois, J. P. and Gheorghe, N., *Roma/Gypsies: A European Minority*, Minority Rights Group, London, 1995; Tanner, A. (ed.), *The Forgotten Minorities of Eastern Europe — The History and Today of Selected Ethnic Groups in Five Countries*, East–West Books, Helsinki, 2004; Vossen, R.,

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

Albania

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

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

The US Department of State noted problems in education, inter alia due to resistance by some schools to accepting Roma and Egyptian students, particularly if they appeared to be poor, and their marginalisation, when accepted, including by physical separation from other students. Also the cost of school books and equipment and the fact that children drop out of school to start working, particularly in rural areas, contributes to low scholarship rates⁽³⁷⁾. As an example, in 2006, only 24.6 % of Roma children were estimated to have completed primary education⁽³⁸⁾.

Bosnia and Herzegovina

The last census in Bosnia and Herzegovina dates from 1991 and gave a figure of 8 864 Roma, but the size of the Roma population has been variously estimated as ranging between 40 000 to 100 000 persons⁽³⁹⁾. A report for the UN Human Rights Council of 2012 reported that Roma were the most disadvantaged minority in the country and noted that, under the ‘Decade of Roma inclusion 2005–15’ initiative, action plans were elaborated on education, employment, healthcare and housing, but these were poorly funded and had ‘failed to significantly address the underlying problems of communities or improve the situation of many Roma. Employment of Roma and Roma enrolment in education are disturbingly low’⁽⁴⁰⁾.

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

Zigeuner — Roma, Sinti, Gitanos, Gypsies zwischen Verfolgung und Romantisierung, Ullstein GmbH, Frankfurt, 1983.

⁽³⁴⁾ Tanner, A., ‘The Roma of eastern Europe: Still searching for inclusion’, Migration Information Source, May 2005 (<http://www.migrationinformation.org/Feature/display.cfm?ID=308>, accessed 7 May 2013). For a larger discussion on Roma and otherness, see Olomofoe, L., ‘In the eye of the beholder: contemporary perceptions of Roma in Europe’, *Roma Rights Quarterly*, No 3, European Roma Rights Centre, 2007 (<http://www.errc.org/cikk.php?cikk=2881>, accessed 11 November 2013).

⁽³⁵⁾ Ibid.

⁽³⁶⁾ *Annual Report 2013*, Amnesty International, section on Albania (<http://www.amnesty.org/en/region/albania/report-2013> accessed 10 May 2013).

⁽³⁷⁾ ‘Country report on human rights practices — Albania’, US Department of State, 2012, page 24 (<http://www.state.gov/j/drl/rls/hrrpt/2012/eur>, accessed 10 May 2013).

⁽³⁸⁾ ‘Monitoring education for Roma — A statistical baseline for central, eastern and south-eastern Europe’, Open Society Institute, United States, 2006, Annex 1 (http://www.opensocietyfoundations.org/sites/default/files/monitoring_20061218.pdf, accessed 8 October 2013).

⁽³⁹⁾ ‘Best practices for Roma integration: regional report on anti-discrimination and participation of Roma in local decision-making’, Organisation for Security and Cooperation in Europe, May 2013 (http://www.ecoi.net/file_upload/1226_1370359982_102083.pdf, accessed 9 October 2013).

⁽⁴⁰⁾ ‘Report of the independent expert on minority issues — mission to Bosnia and Herzegovina (17 to 25 September 2012)’, UN Human Rights Council, 31 December 2012, page 2 (http://www.ecoi.net/file_upload/1930_1358958375_ahrc2249add-1-english.pdf, accessed 9 October 2013).

⁽⁴¹⁾ ‘Commission staff working document — Bosnia and Herzegovina 2012: progress report accompanying the document communication from the Commission to the European Parliament and the Council — enlargement strategy and main challenges 2012–13 (COM(2012) 600 final)’, SWD(2012) 335 final, 10 October 2012, page 20 (http://www.ecoi.net/file_upload/1226_1350306051_bosnia-rapport-2012-en.pdf, accessed 9 October 2013).

Serbia

In Serbia, Roma face problems particularly in healthcare⁽⁴²⁾, accommodation⁽⁴³⁾, registration, education⁽⁴⁴⁾ and discrimination on the labour market⁽⁴⁵⁾. Situations of harassment are also reported.

A 2011 report of the NGO Praxis noted up to 1 000 individual eviction cases in the period 2009–11⁽⁴⁶⁾. The Amnesty International *Annual Report 2013* noted on Serbia that in 2012, forced evictions continued in Belgrade. Evictions of some 1 000 Roma from the Belvil settlement were also reported, with some Roma returning to southern Serbia and many becoming homeless. Both those that returned and those that registered in Belgrade faced inadequate accommodation (no running water or adequate sanitation, placement in remote segregated container settlements affecting access to work). The city of Belgrade proposed isolated locations for the solid housing financed by the European Commission, thus creating segregated settlements. In November 2012, the Commissioner for the Protection of Equality found discrimination by the Belgrade city authorities against Roma, as certain contractual conditions only concerned their containers, resulting in the eviction of 11 families⁽⁴⁷⁾.

Citing a 2010 Open Society Foundations report⁽⁴⁸⁾, the European Roma Rights Centre notes a recent decrease of Roma children in special education, due to legal and policy changes in 2009 aimed at inclusive education. There is a disproportionate enrolment of Roma children in facilities tailored for students with developmental difficulties⁽⁴⁹⁾, though projects were also launched by the Ministry of Education to promote education for Roma children. As an example, mayors from 42 municipalities signed a commitment to improve the education of Roma children in Serbia through the delivery of improved local services project (DILS). The Roma integration component of the DILS is aimed to meet the educational, health and social needs of local Roma children and to reduce the gap in educational success between Roma and non-Roma children⁽⁵⁰⁾. This is a complicated task, as, according to a Praxis report, the tradition of transferring Roma to ‘special’ schools is long⁽⁵¹⁾.

Kosovo

In Kosovo, the problems are partially the same, ranging from unemployment and civil registration problems to hygiene, health and education. The US Department of State noted the latter, combined social and economic discrimination, leading to substantial dependency on humanitarian aid⁽⁵²⁾, while the Organisation for Security and Cooperation in Europe (OSCE) has noted a lack of coordination between measures adopted in the area of education and their practical implementation as well as discrepancies among specific regions in tackling issues of suitable housing⁽⁵³⁾.

⁽⁴²⁾ See, for example, ‘Analysis of the main obstacles and problems in access of Roma to the rights to health and healthcare’, Praxis, Belgrade, 2011 (<http://www.praxis.org.rs/index.php/en/reports-documents/praxis-reports/item/142-praxis-analysis-of-the-main-obstacles-and-problems-in-access-of-roma-to-rights-to-health-and-healthcare>, accessed 7 November 2013).

⁽⁴³⁾ See, for example, ‘Analysis of the main obstacles and problems in access of Roma to the right to adequate housing’, Praxis, Belgrade 2011 (<http://www.praxis.org.rs/index.php/en/reports-documents/praxis-reports>, accessed 7 November 2013).

⁽⁴⁴⁾ See, for example, ‘Analysis of the main obstacles and problems in access of Roma of Serbia to the right to education’, Praxis, Belgrade, 2011 (http://www.praxis.org.rs/images/praxis_downloads/praxis-analysis-of-the-main-problems-and-obstacles-in-access-of-roma-in-serbia-to-the-right-to-education.pdf, accessed 7 November 2013).

⁽⁴⁵⁾ See, for example, ‘Realizing Roma rights’, UN Serbia, Belgrade, 2008 (<http://rs.one.un.org/organizations/6/Kompletna-Ostvarivanje-prava-Roma.pdf>, accessed 7 November 2013).

⁽⁴⁶⁾ ‘Analysis of the main obstacles and problems in access of Roma to the right to adequate housing’, Praxis, Belgrade, 2011, page 8 (<http://www.praxis.org.rs/index.php/en/reports-documents/praxis-reports>, accessed 7 November 2013).

⁽⁴⁷⁾ *Annual Report 2013*, Amnesty International, section on Serbia (<http://www.amnesty.org/en/region/serbia/report-2013>, accessed 10 May 2013).

⁽⁴⁸⁾ ‘Roma children in “special education” in Serbia: overrepresentation, underachievement, and impact on life’, Open Society Institute, 2010, page 70 (<http://www.opensocietyfoundations.org/sites/default/files/roma-children-serbia-20101019.pdf>, accessed 30 September 2013).

⁽⁴⁹⁾ ‘Written comments by the European Roma Rights Centre concerning Serbia regarding EU accession progress for consideration by the European Commission during its 2013 review’, European Roma Rights Centre, page 4 (<http://www.errc.org/cms/upload/file/ec-progress-report-serbia-2013.pdf>, accessed 11 June 2013).

⁽⁵⁰⁾ Roma Education Fund (<http://www.romaeducationfund.hu/news/ref/news-and-events/roma-inclusion-component-dils-program-serbia>, accessed on 8 October 2013).

⁽⁵¹⁾ ‘Analysis of the main obstacles and problems in access of Roma in Serbia to the right to education’, Praxis, Belgrade, 2011, pages 39–40 (http://www.praxis.org.rs/images/praxis_downloads/praxis-analysis-of-the-main-problems-and-obstacles-in-access-of-roma-in-serbia-to-the-right-to-education.pdf, accessed 7 November 2013).

⁽⁵²⁾ ‘Country report on human rights practices 2012 — Kosovo’, US Department of State, page 29 (<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204301#wrapper>, accessed 27 August 2012).

⁽⁵³⁾ ‘Contribution to the progress review of the action plan of the strategy for the integration of Roma, Ashkali and Egyptian Communities in Kosovo, 2009–15’, OSCE, page 5 (<http://www.osce.org/kosovo/94856>, accessed 11 May 2013).

Former Yugoslav Republic of Macedonia

In the former Yugoslav Republic of Macedonia, major human rights concerns in 2012 included discrimination and societal violence against minorities, especially Roma. The US Department of State reported the denial of job opportunities to Roma by employers, lack of access to public welfare funds, over-representation of Romani children in segregated ‘special’ schools for students with intellectual disabilities and proprietors denying Roma entrance to their establishments. Despite efforts by the EU and the UNHCR, some Roma lack identity cards necessary to obtain government services ⁽⁵⁴⁾.

The abovementioned challenges were echoed by the Council of Europe Commissioner for Human Rights following his visit to the former Yugoslav Republic of Macedonia in November 2012. Poverty, unemployment, separate neighbourhoods with often unacceptable living conditions and barriers in access to social and economic rights were found due, inter alia, to lack of civil status and personal identity documents. Measures undertaken by the authorities of the former Yugoslav Republic of Macedonia in 2011 to prevent their nationals from making ‘unfounded’ asylum applications in EU Member States were assessed as disproportionately affecting Roma and through exit control measures and confiscation of travel documents were effectively amounting to travel bans ⁽⁵⁵⁾.

Roma information centres in the former Yugoslav Republic of Macedonia, which have been established in 11 municipalities, aim to raise awareness of access to social and economic rights. However, economic and infrastructural capacity affects the work done, as does the lack of public servants’ status and limited job security of their staff ⁽⁵⁶⁾. As regards specific healthcare issues of Roma, initiatives taken included the engagement of female mediators and improved access to and amount of information leading to more insured persons, vaccinated children, counselling and preventive centres within healthcare institutions ⁽⁵⁷⁾.

b. The situation of Albanians in the former Yugoslav Republic of Macedonia and Serbia

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

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

In Serbia, many claims coming from ethnic Albanians are based on the historically tense situation in the Presevo valley in the south of the country near the border with the former Yugoslav Republic of Macedonia and Kosovo. The Albanian community in the valley suffers from poverty, unemployment and discrimination, remaining under-represented in the public institutions, primarily in the police and the judiciary ⁽⁶¹⁾. The nature of such

⁽⁵⁴⁾ ‘Country report on human rights practices 2012 — FYROM’, US Department of State, page 24 (<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204311#wrapper>, accessed 2 May 2013).

⁽⁵⁵⁾ ‘Report by Nils Muižnieks, Council of Europe Commissioner for Human Rights, following his visit to the former Yugoslav Republic of Macedonia from 26 to 29 November 2012’, Strasbourg, 9 April 2013, page 4 (<https://wcd.coe.int/com.instranet.InstraServlet?Index=no&command=com.instranet.CmdBlobGet&InstranetImage=2265118&SecMode=1&DocId=2002190&Usage=2>, accessed 2 May 2013).

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

⁽⁵⁷⁾ ‘Third report submitted by Serbia pursuant to Article 25, Paragraph 2 of the framework convention for the protection of national minorities, 14 March 2013’, ACFC/SR/III(2013)001, Council of Europe, pages 69–70 (http://www.coe.int/t/dghl/monitoring/minorities/3_FCNMdocs/PDF_3rd_SR_Serbia_en.pdf, accessed 15 May 2013).

⁽⁵⁸⁾ European Forum for Democracy and Solidarity (http://www.europeanforum.net/country/fyr_macedonia, accessed 8 October 2013).

⁽⁵⁹⁾ ‘Country report on human rights practices 2012 — FYROM’, US Department of State, 10 May 2013, page 24 (<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204311#wrapper>, accessed 10 May 2013).

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

⁽⁶¹⁾ See ‘Autonomy for the northern part of Kosovo: unfolding scenarios and regional consequences’, Policy Paper Series 2012/05, Kosovar Institute for Policy Research and Development, July 2012 (http://www.kipred.org/advCms/documents/46046_Autonomy%20for%20the%20northern%20part%20of%20Kosovo%20-%20Unfolding%20scenarios%20and%20regional%20consequences.pdf).

problems in the Preshevo valley has provided space for the disenfranchised groups to emerge and become more violent⁽⁶²⁾. A complicating factor in the assessment of asylum claims based on such situations is that many Kosovo Albanians are holders of Serbian passports⁽⁶³⁾.

c. The situation in Bosnia and Herzegovina/Republika Srpska

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

The US Department of State reports that ‘minority returnees often faced intimidation, discrimination in hiring, and obstructions in their access to education, healthcare and pension benefits, as well as poor infrastructure’⁽⁶⁵⁾.

Specifically in the Republika Srpska, reports are made of minority returnees being socially excluded by the Serb majority population. According to the International Crisis Group, job opportunities are the biggest problem for returnees to the Republika Srpska, with Serbs being deliberately selected by both public and private companies over Bosniaks and others⁽⁶⁶⁾.

The US Department of State also mentions attacks on minority religious sites and reports that the Republika Srpska government deregistered the residences of potential Bosniak returnees to the Republika Srpska, ‘effectively inhibiting or preventing their return and/or political participation upon their return’⁽⁶⁷⁾.

3. Access to the labour market and unemployment

As indicated above, belonging to a particular ethnic group may result in discrimination leading to social exclusion, resulting in a lack of access to the labour market and ultimately causing poverty. Whereas poverty in Western Balkan countries is far from limited to minority groups, their situation is further aggravated as a direct result of social exclusion. While interlinked as phenomena, in the context of the asylum procedure, societal problems carry more weight in terms of adjudicating a claim for international protection. As poverty as such is not a valid ground, it may be reasonably concluded that at least some of the applicants decide to bring the issues of social exclusion to the forefront of their application, although their actual motivation lies in their low financial status resulting from unemployment in the country of origin⁽⁶⁸⁾.

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

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

⁽⁶³⁾ See, for example, ‘Kosovo citizens go passport shopping in Serbia’, *EU Observer.com*, 16 September 2010 (<http://euobserver.com/news/30816>, accessed on 6 November 2013).

⁽⁶⁴⁾ ‘From the unmixing to the remixing of peoples: UNHCR and minority returns in Bosnia’, UNHCR, 2013, page 1 (<http://www.unhcr.org/520a4ccf9.html>, accessed on 30 October 2013).

⁽⁶⁵⁾ ‘Country report on human rights practices 2012 — Bosnia and Herzegovina’, US Department of State, 19 April 2013 (http://www.ecoi.net/local_link/245173/355097_en.html, accessed 30 October 2013).

⁽⁶⁶⁾ ‘What does Republika Srpska want?’, International Crisis Group, Europe Report No 214, October 2011, page 25 ([http://www.crisisgroup.org/~media/Files/europe/balkans/bosnia-herzegovina/214%20Bosnia%20-%20What%20Does%20Republika%20SRPSKA%20Want.pdf](http://www.crisisgroup.org/~/media/Files/europe/balkans/bosnia-herzegovina/214%20Bosnia%20-%20What%20Does%20Republika%20SRPSKA%20Want.pdf), accessed on 28 October 2013).

⁽⁶⁷⁾ ‘Country report on human rights practices 2012 — Bosnia and Herzegovina’, US Department of State, 19 April 2013 (http://www.ecoi.net/local_link/245173/355097_en.html, accessed 30 October 2013).

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

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

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

Albania

Poor access to the labour market is a problem in Albania, where the unemployment rate was 13 % in 2012 and 12.8 % in the second quarter of 2013 ⁽⁷⁰⁾, but actual rates may exceed 30 % due to the preponderance of near-subsistence farming ⁽⁷¹⁾. Unemployment is typically a concern for women, vulnerable groups, younger people and returnees ⁽⁷²⁾. Many ethnic Albanians have left the country and remittances continue to be an important source of revenue ⁽⁷³⁾.

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

Bosnia and Herzegovina

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

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

Serbia

As noted by the UN Committee on Economic, Social and Cultural Rights, unemployment in Serbia is a long-term, structural and transitional phenomenon, with the global economic crisis worsening the already high levels of unemployment (particularly affecting women), low participation of employment in the private sector and low

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

⁽⁷⁰⁾ Trading Economics (<http://www.tradingeconomics.com/albania/unemployment-rate>, accessed 8 October 2013).

⁽⁷¹⁾ ‘The world factbook — Albania’, CIA (<https://www.cia.gov/library/publications/the-world-factbook/geos/al.html>, accessed 4 June 2013). According to the same source: ‘The agricultural sector, which accounts for almost half of employment but only about one fifth of GDP, is limited primarily to small family operations and subsistence farming because of lack of modern equipment, unclear property rights, and the prevalence of small, inefficient plots of land.’

⁽⁷²⁾ ‘Commission staff working document — Albania 2012: progress report accompanying the document communication from the Commission to the European Parliament and the Council — enlargement strategy and main challenges 2012–13 (COM(2012) 600 final)’, SWD(2012) 334 final, 10 October 2012, page 48 (http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/al_rapport_2012_en.pdf, accessed 20 September 2013).

⁽⁷³⁾ Albania profile, BBC News, 27 June 2013 (<http://www.bbc.co.uk/news/world-europe-17679574>, accessed 20 September 2013).

⁽⁷⁴⁾ Albania, Nations Online (<http://www.nationsonline.org/oneworld/albania.htm>, accessed 20 September 2013); ‘Common core document forming part of the reports of states parties — Albania [28 March 2012]’, HRI/CORE/ALB/2012, UN Office of the High Commissioner for Human Rights, 3 September 2012, page 8 (http://www.ecoi.net/file_upload/3256_1366037023_2012-09-03-alb.pdf, accessed 5 May 2013).

⁽⁷⁵⁾ ‘Common core document forming part of the reports of States parties — Albania [28 March 2012]’, HRI/CORE/ALB/2012, UN Office of the High Commissioner for Human Rights, 3 September 2012, page 8 (http://www.ecoi.net/file_upload/3256_1366037023_2012-09-03-alb.pdf, accessed 5 May 2013).

⁽⁷⁶⁾ ‘The functioning of democratic institutions in Bosnia and Herzegovina’, Council of Europe, 13 September 2013, page 18 (http://www.ecoi.net/file_upload/1226_1379406374_xrefviewpdfbih.pdf, accessed 9 October 2013).

⁽⁷⁷⁾ ‘European Social Charter (revised) — European Committee of Social Rights, conclusions 2012 (Bosnia and Herzegovina)’, Council of Europe, January 2013, page 5 (http://www.ecoi.net/file_upload/1226_1359466895_bosniaherzegovina2012-en.pdf, accessed 9 October 2013).

⁽⁷⁸⁾ ‘The world factbook — Bosnia and Herzegovina’, CIA (<https://www.cia.gov/library/publications/the-world-factbook/geos/bk.html>, accessed 15 October 2013).

mobility of the workforce ⁽⁷⁹⁾. Unemployment in November 2011 was 24 %, an increase of 10 % compared with 2007 ⁽⁸⁰⁾. Agriculture amounts to 21.9 % of the employment structure, industry 19.5 % and services 58.6 % ⁽⁸¹⁾.

Kosovo

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

Former Yugoslav Republic of Macedonia

The labour market in the former Yugoslav Republic of Macedonia is marked by low participation and employment rates and high unemployment, affecting in particular young workers, women and the less educated ⁽⁸³⁾. According to the former Yugoslav Republic of Macedonia statistical office, unemployment was 31.4 % in the year 2011 ⁽⁸⁴⁾. The employment structure in the former Yugoslav Republic of Macedonia is as follows: agriculture: 11.4 %; industry 25.8 %; and services 62.8 % ⁽⁸⁵⁾.

4. Social infrastructure

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

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

⁽⁷⁹⁾ 'Consideration of reports submitted by states parties under Article 16 and 17 of the covenant — Second periodic reports submitted by states parties: Serbia [24 March 2011]', E/C.12/SRB/2, UN Committee on Economic, Social and Cultural Rights, February 2013, page 7 (http://www.ecoi.net/file_upload/1930_1365686481_e-c-12-srb-2-en.pdf, accessed 17 May 2013).

⁽⁸⁰⁾ 'Mostly miserable', *The Economist*, 19 June 2012 (<http://www.economist.com/blogs/easternapproaches/2012/06/balkan-economies>, accessed 8 October 2013).

⁽⁸¹⁾ 'The world factbook — Serbia', CIA (<https://www.cia.gov/library/publications/the-world-factbook/geos/al.html>, accessed 14 June 2013).

⁽⁸²⁾ 'Kosovo factsheet', Bundesamt für Migration und Flüchtlinge, 2013, page 6 (http://www.bamf.de/SharedDocs/MLLo-DB/EN/Rueckkehrfoerderung/Laenderinformationen/Informationsblaetter/cfs_kosovo-dl_en.html?nn=2503888, accessed 10 September 2013).

⁽⁸³⁾ Mojsoska-Blazevski, N. and Kurtishi, N., 'The Macedonian labour market: What makes it so deferent?', American College Skopje, 13 November 2012, page 2 (http://mpr.ub.uni-muenchen.de/42045/1/MPRA_paper_42045.pdf, accessed 30 May 2013).

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

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

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

⁽⁸⁷⁾ 'Commission staff working document — Albania 2012: progress report accompanying the document communication from the Commission to the European Parliament and the Council — enlargement strategy and main challenges 2012–13 (COM(2012) 600 final)', SWD(2012) 334 final, 10 October 2012, page 48 (http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/al_rapport_2012_en.pdf, accessed 20 September 2013).

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

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

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

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

The Roma information centres in the former Yugoslav Republic of Macedonia, which have been established in 11 municipalities so far, aim to raise awareness of access to social and economic rights, but economic and infra-structural capacity affects the work done, as does lack of public servants’ status and limited job security of their staff⁽⁹³⁾.

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

5. Existence of parallel social systems

The existence of parallel social systems (manifested in hostile acts such as blood feuds or vendetta) forms another major factor in applications in some of the MSACs. In contrast to previously mentioned issues, however, the phenomenon seems to limit itself to Albanians in Kosovo, and particularly in Albania. In answers provided to the questionnaire, the consequences of parallel social systems were indicated as an asylum motive in almost all (more than 80 % of the total) Western Balkan applications in Belgium, Hungary and Switzerland. Their asylum case-loads consist to a large extent of Albanians from northern parts of Albania and from Kosovo, as well as Roma from the same areas. Finland, Luxembourg, Slovenia and Denmark also noted this as a reason for many (30 % to 80 %) of the applications. Here again, this asylum motive is primarily mentioned by ethnic Albanians from Kosovo and Albania⁽⁹⁴⁾.

⁽⁸⁸⁾ ‘Annual report on political rights and civil liberties in 2012’, Freedom House, January 2013 (<http://www.freedomhouse.org/report/freedom-world/2013/bosnia-and-herzegovina>, accessed 9 October 2013).

⁽⁸⁹⁾ ‘Country report on human rights practices 2012 — Bosnia and Herzegovina’, US Department of State, 19 April 2013, page 26 (http://www.ecoi.net/local-link/245173/355097_en.html, accessed 9 October 2013).

⁽⁹⁰⁾ ‘Advisory committee on the framework convention for protection of national minorities — Third opinion on Kosovo adopted on 6 March 2013’, Council of Europe, 10 September 2013, (http://www.coe.int/t/dghl/monitoring/minorities/3_FCNMdocs/PDF_3rd_OP_Kosovo_en.pdf, accessed on 8 October 2013).

⁽⁹¹⁾ ‘Commission staff working document — the former Yugoslav Republic of Macedonia 2012: progress report accompanying the document communication from the Commission to the European Parliament and the Council — enlargement strategy and main challenges 2012–13 (COM(2012) 600 final)’, SWD(2012) 333 final, http://www.ecoi.net/file_upload/1226_1350307531_serbia-rapport-2012-en.pdf, page 46 (http://www.ecoi.net/file_upload/1226_1350307531_serbia-rapport-2012-en.pdf, accessed 3 May 2013).

⁽⁹²⁾ ‘Commission staff working document — Serbia 2012: progress report accompanying the document communication from the Commission to the European Parliament and the Council — enlargement strategy and main challenges 2012–13 (COM(2012) 600 final)’, SWD(2012) 332 final, 10 October 2012, page 16 (http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/mk_rapport_2012_en.pdf, accessed 5 July 2013).

⁽⁹³⁾ ‘Report by Nils Muižnieks, Council of Europe Commissioner for Human Rights, following his visit to the former Yugoslav Republic of Macedonia from 26 to 29 November 2012’, Strasbourg, 9 April 2013, page 19 (<https://wcd.coe.int/com.instranet.InstraServlet?Index=no&command=com.instranet.CmdBlobGet&InstranetImage=2265118&SecMode=1&DocId=2002190&Usage=2>, accessed 2 May 2013).

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

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

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

Albania

Albania amended its criminal code, increasing the severity of punishment for murder as part of a blood feud⁽⁹⁷⁾ and took measures to combat corruption in the national bodies dealing with the issue and issuing certificates ‘authenticating’ the reality of the feud⁽⁹⁸⁾. However, according, for example, to the UK Home Office, there remain active blood feuds in Albania⁽⁹⁹⁾, although it is difficult to monitor the scale of the problem due to discrepancies in statistics on blood feuds and related killings⁽¹⁰⁰⁾.

As concerns the killings themselves, figures used by civil society groups also vary widely. The UN Special Rapporteur refers to an organisation with extensive field operations reporting significant reductions over the last 5 years; only a few blood feud killings per year would still occur⁽¹⁰¹⁾. Other local media and NGOs refer to dozens of blood-feud killings per year and to hundreds of children living in isolation as a consequence⁽¹⁰²⁾. Some media reports have even referred to hundreds of blood-feud killings per year⁽¹⁰³⁾. According to government statistics used by the UN, however, such killings fell steadily from 45 in 1998 to one in 2009⁽¹⁰⁴⁾. *Balkan Insight* refers to the ombudsman’s report, which states there were 98 murders due to vendetta from 2001 to 2011, including five in the first 9 months of 2012⁽¹⁰⁵⁾.

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

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

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

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

⁽⁹⁸⁾ ‘The Albanian Ministry of the Interior has reportedly established a task force to address the problem of counterfeit documents about blood feuds used by asylum seekers. Both the Albanian police director and the Minister of the Interior have vowed to prosecute those who prepare such counterfeit documents’, in ‘Albania country of origin information (CoI) report’, UK Border Agency, 30 March 2012, section 9.32, page 40 (<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/coi/albania/report-03-12.pdf?view=Binary>, accessed 8 October 2013).

⁽⁹⁹⁾ ‘Operational guidance note — Albania’, UK Border Agency, May 2013, pages 12–15 (<http://www.bia.homeoffice.gov.uk/sitecontent/documents/policyandlaw/countryspecificasylumpolicyogns/albania-ogn?view=Binary>, accessed 24 September 2013).

⁽¹⁰⁰⁾ ‘Blood feuds still blight Albanian lives, report says’, *Balkan Insight*, 3 April 2013 (<http://www.balkaninsight.com/en/article/blood-feuds-still-blight-albanian-lives-report-says>, accessed 11 September 2013).

⁽¹⁰¹⁾ ‘UN Special Rapporteur on extrajudicial executions, Mr Philip Alston, Mission to Albania (15 to 23 February 2010)’, (<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=9838&LangID=E>, accessed 5 May 2013).

⁽¹⁰²⁾ ‘Blood feuds still blight Albanian lives, report says’, *Balkan Insight*, 3 April 2013 (<http://www.balkaninsight.com/en/article/blood-feuds-still-blight-albanian-lives-report-says>, accessed 11 September 2013).

⁽¹⁰³⁾ ‘UN Special Rapporteur on extrajudicial executions, Mr Philip Alston, Mission to Albania (15 to 23 February 2010)’, (<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=9838&LangID=E>, accessed 5 May 2013).

⁽¹⁰⁴⁾ Ibid.

⁽¹⁰⁵⁾ ‘Blood feuds still blight Albanian lives, report says’, *Balkan Insight*, 3 April 2013 (<http://www.balkaninsight.com/en/article/blood-feuds-still-blight-albanian-lives-report-says>, accessed 11 September 2013).

⁽¹⁰⁶⁾ ‘Statistics on blood feuds; state protection and support services available to those affected by blood feuds, including whether individuals have been prosecuted for blood-feud-related crimes (2007 — September 2010) [ALB103573.E]’, Immigration and Refugee Board of Canada, 15 October 2010 (available at ecoi.net) (http://www.ecoi.net/local_link/148535/249717_en.html, accessed 8 November 2013).

It should be noted that, as illustrated by Figure 17, applications from Albania have the highest percentage of recognitions and Geneva Convention status is the most common form of protection used in these cases. While MSACs do not usually keep metadata on specific reasons for the granting of status and Geneva Convention protection status may cover a multitude of different situations, in recent years, most of the positive decisions for Albanians in Belgium, as well as over 60 % of those in France, have been, according to estimations by the respective authorities, related to vendetta.

Kosovo

Blood feuds in Kosovo occur particularly in the mountainous peripheries, as well as in other areas near the Albanian border. There was a re-emergence of blood feuds in Kosovo after the end of the war in 1999. According to sources cited by the IRB, there were an estimated 50 murders linked to blood feuds in Kosovo between 1999 and 2004 ⁽¹⁰⁷⁾.

6. Health infrastructure

a. Deficient health systems

Answers to the questionnaire indicate that the lack of healthcare infrastructure may constitute quite a strong subsidiary push factor, mentioned in almost all (more than 80 %) applications in Slovenia; in many applications (30–80 %) in Austria, Finland, Luxembourg (for applicants from the former Yugoslav Republic of Macedonia) and Switzerland (for applicants from Serbia, the former Yugoslav Republic of Macedonia); and in some applications (5–30 %) in Luxembourg (for applicants from Albania, Serbia and Kosovo), Sweden, Belgium and Switzerland (for applicants from Albania and Kosovo) ⁽¹⁰⁸⁾.

Albania

Since the collapse of the communist regime, the healthcare system in Albania has suffered from many problems. During the political turmoil in 1991–92 and the prevailing political violence, nearly 25 % of the city health centres and about 65 % of the village health stations were destroyed ⁽¹⁰⁹⁾.

Healthcare is provided for free through a vast network of primary healthcare centres, clinics and hospitals for outpatient specialised cases in 36 districts of the country. However, there is a lack of specialist treatment and medical supplies outside Tirana, with accident and emergency care being generally limited throughout the country, despite a high number of currently registered drugs ⁽¹¹⁰⁾.

Corruption in healthcare remains a widespread phenomenon ⁽¹¹¹⁾. Those citizens who use bribes to facilitate bureaucratic procedures do so most commonly in relation to the healthcare system ⁽¹¹²⁾.

Kosovo

The White Paper from 2009 of the Assembly of the Republic of Kosovo describes how healthcare in Kosovo was severely affected by the failures of the socialist system, as well as by damage during the period 1997–99. Despite

⁽¹⁰⁷⁾ 'Kosovo: Blood feuds (*gyakmarrja*) and availability of state protection', Immigration and Refugee Board of Canada, 28 August 2009 (<http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=topic&toqid=45a5fb512&toqid=47f22b8b2&publisher=&type=&coi=&docid=4e426e862&skip=0>, accessed 23 September 2013).

⁽¹⁰⁸⁾ As outlined in the introduction to this chapter, these estimations provided by MSACs are based not on quantitative data, but on impressions of experts, with the sole aim to give an indication of the size of the phenomenon.

⁽¹⁰⁹⁾ Nuri, B. in Tragakes, E. (ed.), *Healthcare systems in transition: Albania*, European Observatory on Healthcare Systems, Copenhagen, Vol. 4, No 6, 2002, pages 11–12 (http://www.euro.who.int/__data/assets/pdf_file/0009/96426/E80089.pdf, accessed 2 May 2013).

⁽¹¹⁰⁾ 'Albania country of origin information (COI) report', UK Border Agency, 30 March 2012, page 100 (<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/coi/albania/report-03-12.pdf?view=Binary>, accessed 11 June 2013).

⁽¹¹¹⁾ 'In Albania, an underfunded healthcare system leads to bribery', *SETimes*, 24 January 2013 (http://www.setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/features/2012/01/24/feature-03, accessed 15 May 2013).

⁽¹¹²⁾ 'Corruption in Albania: Bribery as experienced by the population', United Nations Office on Drugs and Crime, 2011, page 4 (http://www.unodc.org/documents/data-and-analysis/statistics/corruption/Albania_corruption_report_2011_web_small.pdf, accessed 30 April 2013).

rehabilitation and reforms in the health system since 1999, actual regeneration and progress in building effective capacities is missing ⁽¹¹³⁾.

Kosovo has no health insurance system. Although its citizens have free access to public healthcare, many health services and drugs need to be paid for by the individuals themselves ⁽¹¹⁴⁾.

Despite the significant investments made with the support of the international and NGO communities, the International Federation of the Red Cross (IFRC) has assessed the healthcare system in Kosovo as unable to cater for the basic current health needs, the healthcare provision as highly deficient and access to specialised health service as very limited ⁽¹¹⁵⁾.

The European Research Centre for Anti-Corruption and State-Building (ERCAS) reports that there is widespread corruption in Kosovo with regard to access to basic public services, including healthcare, but also education and public administration. Bribes and gifts commonly offered to doctors are being justified by the low salaries of doctors, judges and teachers; refusals by doctors to treat patients without payments of a bribe were reported ⁽¹¹⁶⁾. Health problems were listed by the Kosovan authorities themselves as a possible reason for Kosovar citizens to seek asylum in EU Member States ⁽¹¹⁷⁾.

Serbia

No progress in the area of public health in Serbia was reported by the European Commission in 2012, with the overall financial sustainability of the system being assessed as 'seriously endangered' due to the poor financial condition of the public health fund, and health and education being affected by corruption ⁽¹¹⁸⁾. In 2011, the Serbian government acknowledged the frequent reports of corruption and vowed to eliminate corruption in healthcare ⁽¹¹⁹⁾, with media reporting a number of arrests ⁽¹²⁰⁾.

Former Yugoslav Republic of Macedonia

The health system in the former Yugoslav Republic of Macedonia is insurance based. According to the World Health Organisation, the Health Insurance Fund (HIF) faces challenges with regard to the collection of contributions and fluctuating debts in payments for health services ⁽¹²¹⁾.

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

Also in the former Yugoslav Republic of Macedonia, healthcare is subject to corruption. The United Nations Office on Drugs and Crime (UNODC) reports that 'more than a half (58 %) of citizens who pay bribes pay them to doctors' ⁽¹²²⁾.

⁽¹¹³⁾ 'Kosovo social inclusion challenges', White Paper, Assembly of the Republic of Kosovo, October 2009, page 21 (<http://www.assembly-kosova.org/common/docs/kosovo-social.pdf>, accessed 6 May 2013).

⁽¹¹⁴⁾ 'BTI 2012 — Kosovo country report', Bertelsmann Stiftung, Gütersloh, 2012, pages 6 and 16 (<http://www.bti-project.de/fileadmin/Inhalte/reports/2012/pdf/BTI%202012%20Kosovo.pdf>, accessed 2 May 2013).

⁽¹¹⁵⁾ 'Kosovo consolidated development operational report, January–June 2013', International Federation of Red Cross and Red Crescent Societies, 2013, page 5 (<http://reliefweb.int/sites/reliefweb.int/files/resources/Kosovo%20MYR%20MAAKV001.pdf>, accessed 27 August 2013).

⁽¹¹⁶⁾ 'A diagnosis of corruption in Kosovo', Working Paper No 8, European Research Centre for Anti-Corruption and State-Building, September 2010, page 9 (<http://www.againstcorruption.eu/wp-content/uploads/2012/09/WP-8-Diagnosis-of-Corruption-in-Kosovo-new.pdf>, accessed 6 May 2013).

⁽¹¹⁷⁾ Answers to EASO questionnaire.

⁽¹¹⁸⁾ 'Commission staff working document — Serbia 2012: progress report accompanying the document communication from the Commission to the European Parliament and the Council — enlargement strategy and main challenges 2012–13 (COM(2012) 600 final)', SWD(2012) 333 final, 10 October 2012, page 60 (http://www.ecoi.net/file_upload/1226_1350307531_serbia-rapport-2012-en.pdf, accessed 3 May 2013).

⁽¹¹⁹⁾ 'Serbia vows tough medicine against healthcare fraud', *SETimes*, 10 October 2011, (http://www.setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/features/2011/10/10/feature-04, accessed 3 May 2013).

⁽¹²⁰⁾ 'Serbia battles brain drain of healthcare workers', *SETimes*, 24 December 2012, (http://www.setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/features/2012/02/24/feature-04, accessed 6 May 2013).

⁽¹²¹⁾ 'Country cooperation strategy at glance — the former Yugoslav Republic of Macedonia', World Health Organisation, updated May 2011 (http://www.who.int/countryfocus/cooperation_strategy/ccsbrief_mkd_en.pdf, accessed 2 May 2013).

⁽¹²²⁾ 'Corruption in the former Yugoslav Republic of Macedonia: Bribery as experienced by the population', United Nations Office on Drugs and Crime, 2011, page 8 (http://www.unodc.org/documents/data-and-analysis/statistics/corruption/Corruption_report_fYR_Macedonia_FINAL_web.pdf, accessed 30 April 2013).

Bosnia and Herzegovina

In BA, citizens receive healthcare from both public and private providers, but the public sector is plagued by a number of weaknesses in terms of inefficiency of service provision, including poorly motivated staff, poor working conditions and geographical imbalances. Moreover, the private sector is not developing in ways that address the weaknesses of the public sector; poorly regulated, it operates as an isolated entity, which is ‘strongly profit-driven’⁽¹²³⁾. The public sector in general is judged by many observers to be corrupt. In the higher education and healthcare sectors, common services are reported to often require ‘bribes or other irregular payments or gifts’⁽¹²⁴⁾.

b. Health problems of particular groups

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

Health problems of particular ethnic groups were mentioned as a push factor in almost all applications (more than 80 %) in Luxembourg (for applicants from the former Yugoslav Republic of Macedonia) and Switzerland (for applicants from Kosovo, the former Yugoslav Republic of Macedonia and Serbia); in many applications (30–80 %) in Austria and Luxembourg (for applicants from Serbia and Kosovo); in some applications (5–30 %) in Finland, Switzerland and Luxembourg (for applicants from Albania); and seldom or never (less than 5 %) in Slovenia⁽¹²⁵⁾.

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

In addition to the widespread corruption in healthcare systems mentioned earlier, access to the public healthcare system is rendered even more difficult for some Roma in Western Balkan countries, as they were not registered at birth and therefore lack personal documents. The UNHCR’s latest survey on persons at risk of statelessness in Serbia finds that 1.5 % of the Roma population are not registered in birth registry books, 5.4 % have no ID cards and 2.3 % are not registered in citizens’ registries⁽¹²⁶⁾. The UNHCR attributes this lack of birth registration to discrimination and marginalisation⁽¹²⁷⁾.

The Council of Europe Commissioner for Human Rights has called on an urgent development of targeted policies in the former Yugoslav Republic of Macedonia, addressing Roma access to schooling, the labour market, healthcare and accommodation⁽¹²⁸⁾. Initiatives taken in Serbia to address the specific healthcare issues of Roma included the engagement of female mediators and improved access to and amount of information leading to more insured persons, vaccinated children, counselling and preventive centres within healthcare institutions⁽¹²⁹⁾.

7. Education issues in the country of origin

Education issues in the country of origin are less frequently indicated in asylum applications as being one of the reasons for leaving the country. In the answers to the questionnaire, it was mentioned mainly by Slovenia and to a lesser degree by Denmark and Switzerland (with regard to applicants from Serbia and the former Yugoslav

⁽¹²³⁾ Slipicevic, O. and Malicbegovic, A., ‘Public and private sector in the healthcare system of the federation Bosnia and Herzegovina: Policy and strategy’, *Materia Socia Medica*, Vol. 24, No 1, January 2012, page 1 (<http://www.scopemed.org/fulltextpdf.php?mno=17034>, accessed 9 October 2013).

⁽¹²⁴⁾ ‘Country report on human rights practices 2012 — Bosnia and Herzegovina’, US Department of State, 19 April 2013, page 22 (<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204268#wrapper>, accessed 9 October 2013).

⁽¹²⁵⁾ As outlined in the introduction to this chapter, these estimations provided by MSACs are based not on quantitative data, but on impressions of experts, with the sole aim to give an indication of the size of the phenomenon.

⁽¹²⁶⁾ ‘Persons at risk of statelessness’, UNHCR, June 2011, page 5 (<http://www.unhcr.rs/media/statelessness.pdf>, accessed 8 October 2013).

⁽¹²⁷⁾ *Ibid.*

⁽¹²⁸⁾ ‘Report by Nils Muižnieks, Council of Europe Commissioner for Human Rights, following his visit to the former Yugoslav Republic of Macedonia from 26 to 29 November 2012’, Strasbourg, 9 April 2013, page 4 (<https://wcd.coe.int/com.instranet.InstraServlet?Index=no&command=com.instranet.CmdBlobGet&InstranetImage=2265118&SecMode=1&DocId=2002190&Usage=2>, accessed 2 May 2013).

⁽¹²⁹⁾ ‘Third report submitted by Serbia pursuant to Article 25, Paragraph 2 of the framework convention for the protection of national minorities’, ACFC/SR/III(2013)001, Council of Europe, 14 March 2013, pages 69–70 (http://www.coe.int/t/dghl/monitoring/minorities/3_FCNMdocs/PDF_3rd_SR_Serbia_en.pdf, accessed 15 May 2013).

Republic of Macedonia). In Austria, Finland, Luxembourg and Switzerland issues relating to education are also sometimes brought forward by applicants ⁽¹³⁰⁾.

In general, the educational systems in Western Balkan countries are still experiencing challenges linked to the breakdown of the former communist system ⁽¹³¹⁾.

In addition, as mentioned previously in this chapter, minorities in Western Balkan countries continue to face difficulties accessing basic services, including education, and Roma are over-represented in the so-called 'special' schools ⁽¹³²⁾. There are also reports of widespread corruption with regard to access to education, as for access to healthcare ⁽¹³³⁾.

8. Conclusion

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

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

While such factors are overwhelmingly not considered by MSACs to constitute sufficient grounds for the awarding of protection under international or national legislation, it should be stressed that not all asylum applications are considered unfounded and, in some cases, cumulative measures of discrimination may amount to persecution, which is a grounds for protection ⁽¹³⁴⁾. As a result, MSACs note that all asylum applications from Western Balkan countries continue to require an individual assessment.

⁽¹³⁰⁾ As outlined in the introduction to this chapter, these estimations provided by MSACs are based not on quantitative data, but on impressions of experts, with the sole aim to give an indication of the size of the phenomenon.

⁽¹³¹⁾ See, for example, Stensaker, B. et al., 'De-institutionalization and reconstruction of higher education systems — The case of the Western Balkan countries', Higher Education Research and Policy, forthcoming in 2014 (<http://www.herdata.org/research/de-institutionalization-and-reconstruction-of-higher-education-systems-the-case-of-the-western-balkan-countries/69>, accessed 4 July 2013).

⁽¹³²⁾ Cf. section on 'The situation of Roma'.

⁽¹³³⁾ Cf. section on 'Health problems of particular groups'.

⁽¹³⁴⁾ Handbook on procedures and criteria for determining refugee status under the 1951 convention and the 1967 protocol relating to the status of refugees, HCR/IP/4/Eng/REV.1, Reedited, Geneva, January 1992, UNHCR 1979', UNHCR, paragraph 53, (<http://www.unhcr.org/3d58e13b4.html>, accessed 4 October 2013).

Chapter 3: Pull factors

1. Introduction

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

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

| | | | |
|------------------|----------------|--------------|-----|
| Strong influence | Some influence | No influence | N/A |
|------------------|----------------|--------------|-----|

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

Based on the responses of national experts to the questionnaires, the top-eight destination countries considered a **lengthy asylum procedure** to be one of the most important factors. Some of the MSACs receiving the largest asylum flows from the Western Balkans, such as Austria, Germany, Luxembourg and Switzerland, considered this to be the major pull factor. Sweden considered the total period of stay (from arrival to return), rather than the processing time of the asylum applications, to be of influence as a factor attracting applications for asylum from the region. Long processing time was also mentioned as a very important pull factor by different interlocutors ⁽¹³⁵⁾ during the study visit to the Western Balkans.

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

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

⁽¹³⁵⁾ Information from the meeting with the Serbian Ministry of the Interior on 31 July 2013, meeting with the UNHCR Tirana on 22 July 2013, meeting with the former Yugoslav Republic of Macedonia Ministry of Foreign Affairs on 25 July 2013, meeting with the former Yugoslav Republic of Macedonia Ministry of the Interior on 25 July 2013 and meeting with the Kosovo Ministry of the Interior on 29 July 2013.

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

Other benefits, such as healthcare and accommodation provided during the asylum process, were also considered as important or somewhat important by all responding countries ⁽¹³⁶⁾.

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

The **role of travel agencies** in creating and facilitating flows of asylum seekers was considered an important factor for the choice of destination country by Germany, Sweden and Switzerland ⁽¹³⁷⁾, whereas in other countries this seemed to have only some or no influence.

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

2. The length of the asylum procedure

The analysis of this factor is challenging due to difficulties in distinguishing between the length of the first instance procedure (whether in a normal, prioritised or accelerated procedure) ⁽¹³⁸⁾ and the effective total processing time (including reception, appeal and, eventually, return) ⁽¹³⁹⁾.

States facing large influxes of WB asylum seekers have all instituted steps to make the processing time shorter, but the way in which they have done this varies extensively. Though the EU asylum *acquis* (i.e. the body of common rights and obligations which bind all the Member States together within the EU) sets out a framework of accelerated procedures ⁽¹⁴⁰⁾, not all Member States use them in their national legislation.

Where states cannot use a different type of procedure, they prioritise the case-load, dealing with WB claims ahead of those of other source countries. Where various types of accelerated procedures are in place, in Austria, Belgium, Denmark, Finland, Germany, Luxembourg, Sweden and Switzerland, they may be used according to different criteria. These may include: when applicants come from countries included in a national safe countries list; when applications are considered to be ‘manifestly unfounded’; or when (depending on the national legislation) other circumstances are relevant (e.g. repeated applications are made where no new facts are presented).

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

The data provided by the MSACs regarding total processing time in regular procedures was very limited, with only Austria providing both the figures in law (12 months) and in practice (3 months and 10 days). Other countries

⁽¹³⁶⁾ These factors have not been included in Figure 22 as information provided by MSACs on the importance of ‘other benefits’ was not deemed sufficiently conclusive. Different interpretations were made of what these ‘other benefits’ include. Based on the answers of MSACs to open questions, a number of benefits were selected and further explained in the following sections of this chapter (e.g. accommodation, medical care, return allowances).

⁽¹³⁷⁾ The rise in numbers of asylum applications from Albanian nationals during spring 2012 and of nationals from Bosnia and Herzegovina summer 2012 was partly due to travel agencies (see Chapter 3).

⁽¹³⁸⁾ On the question of processing times in general for normal procedures, based on the responses to the questionnaire, the following was established: in law, the length of the procedure at first instance in a regular procedure ranges from 6 months (for Austria and Slovenia) to 30 days (Hungary). In practice, the average length of the procedure at first instance varies from 3 months (Austria) to 4 months (Belgium, Germany, Sweden and Switzerland) and up to 11 (Finland) and 12 months (Slovenia). In the Netherlands, a fast 8-day procedure (which may be extended up to 13 days) is the norm, and only cases that cannot be decided within this timeframe are transferred to an extended procedure.

⁽¹³⁹⁾ Member States were asked to provide information on the average length of asylum procedures, comprising regular and accelerated procedures, as well as the second (appeal) instance. Data was requested for 2011, 2012 and the first 3 months of 2013, concerning applicable deadlines in law and actual average length of the procedures in practice (the latter based on an educated estimate by the respondents, rather than on a large sample analysis of a number of cases). In this section, ‘length of the procedure at first instance’ refers to the number of days/months from the registration of an application until decision, whereas ‘total processing time’ refers to the number of days/months from the registration of an application to the final decision at the last available instance.

⁽¹⁴⁰⁾ Article 23(4) of Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:326:0013:01:EN:HTML>, accessed 23 September 2013).

either provided the figures concerning the situation in law (varying from 7 to 12 months) or in practice (varying between 8 months, 20 days and 11 months, 20 days).

As regards total processing times in accelerated procedures, the data was even more limited, with information only available for Slovenia and Austria with the length in law of 7 and 45 days respectively ⁽¹⁴¹⁾. However, the relevance of that particular aspect is limited, as even longer processing times in appeal instances are mitigated by the fact that the appeal may not have a suspensive effect (or the suspensive effect may not be automatic and may rather need to be specifically requested and granted) and the applicant may be subject to removal while the appeal procedure is pending.

The MSACs most affected by the current asylum inflows (Austria, Belgium, Germany, Sweden) have relatively short processing times with an average actual processing time of 3 to 4 months. At the same time, there are countries, such as Finland and Slovenia, with significantly longer ⁽¹⁴²⁾ processing times, which have not been confronted with large numbers of applicants from the Western Balkans. This may indicate that a longer processing time does not therefore, in itself, constitute a pull factor, unless combined with additional elements such as the direct link between a longer procedure and the availability of free housing, financial allowances and other benefits and services provided to the applicants in the course of the procedure.

3. Allowances in selected countries

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

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

Despite these considerations, and taking into account the different levels of living costs in MSACs, some preliminary observations can be made: firstly, the MSACs receiving a large number of asylum seekers from the Western Balkans (France, Germany, Sweden) all have comprehensive allowance programmes; secondly, there are significant variations in the level of daily allowances, even between MSACs that have more or less comparable living costs ⁽¹⁴³⁾. As an example, daily allowances in Luxembourg are up to EUR 1.20 for adult asylum seekers under 18 years ⁽¹⁴⁴⁾, whereas the minimum in Belgium is EUR 7.40. Austria and Switzerland also have allowances at a rate of EUR 1.30, whereas Germany, the Netherlands and Sweden have daily allowances of approximately EUR 7.00. Of those MSACs answering the questionnaire, Slovenia seems to have the lowest daily allowance. In some MSACs, such as Austria and Luxembourg, low daily allowances are compensated by a variety of in-kind benefits.

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

a. National practices with regard to allowances

MSACs have different approaches to when and how allowances are received. In most of the MSACs, substantial allowances are given in an early phase of the procedure. The frequency of allowances can be daily, weekly or monthly. Several MSACs have measures in place to minimise the misuse of allowances, for example by using

⁽¹⁴¹⁾ It should be noted that due to the nature of the procedure in the appeal instance, especially when conducted by a judicial body and not an administrative one, the length of total processing time may not always be subject to precise legal deadlines.

⁽¹⁴²⁾ According to responses to the questionnaire, the average processing time in Slovenia in the normal procedure at first instance is 372 days and in the accelerated procedure 88 days. In Finland, the processing time in the normal procedure at first instance was 268 days in the first quarter of 2013 and in the accelerated procedure it was 68 days.

⁽¹⁴³⁾ For a living cost index, see, for example, http://www.numbeo.com/cost-of-living/rankings_by_country.jsp.

⁽¹⁴⁴⁾ Note that Luxembourg seriously reduced allowances in 2012, as explained in detail later in this chapter.

vouchers or monitored bank accounts, or by focusing on in-kind support. None of the Member States indicated that they have a process for checking systematically how the received money is used.

In **Austria**, asylum seekers in need receive financial benefits after lodging a claim. Asylum seekers in reception centres receive EUR 40 as ‘pocket money’ per month.

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

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

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

In **Hungary**, asylum seekers receive pocket money for a monthly period if they maintain a habitual residence at the reception centre, directly after lodging their claim until the final decision of the authority (or in case of court review until the final verdict of the court). They receive pocket money ⁽¹⁴⁵⁾ in cash and a ‘hygienic package’ in cash or kind according to their choice, paid monthly. They are entitled to food support, which is dispensed to asylum seekers weekly. Based on their choice they receive it in cash or in non-monetary form.

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

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

In **Slovenia**, asylum seekers receive financial benefits monthly after they have stayed in a reception facility for 1 month. The financial benefits are paid in cash.

In **Sweden**, all asylum seekers in need of financial benefits receive them directly after lodging the claim. They receive the financial benefits in a bank account (monthly or every 2 weeks). Benefits are given in a normal procedure, an accelerated procedure and in the appeal phase. Asylum seekers with adequate financial means are not entitled to the benefits. Benefits consist of a daily allowance and accommodation, but may also be other benefits of monetary value.

⁽¹⁴⁵⁾ A person staying at the reception centre for at least 25 days in 1 calendar month shall be entitled to a monthly cash allowance. The amount of the monthly cash allowance depends on the applicant’s age, marital status and ability to work. In the case of minors, single parents and persons seeking recognition placed in asylum detention, the monthly cash allowance is HUF 7 125. Adults staying at the reception centre are allowed to get HUF 2 850.

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

b. Policy changes with regard to allowances

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

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

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

In **Luxembourg**, the monthly pocket money was actively reduced in 2012 by way of legislation ⁽¹⁴⁶⁾. In addition to this pocket money, applicants receive in-kind benefits through vouchers. Under the new system, adults receive EUR 25 per month and minors EUR 12.50 per month, whereas adults previously received EUR 122.09 and children received between EUR 32.45 and EUR 151.04 depending on their age ⁽¹⁴⁷⁾.

4. Existing diaspora in the Member States and Associated Countries

When asked about the pull factor of a pre-existing diaspora of a particular WB country in a respective MSAC, all respondents, except Hungary and Finland, replied that this was an important factor ⁽¹⁴⁸⁾.

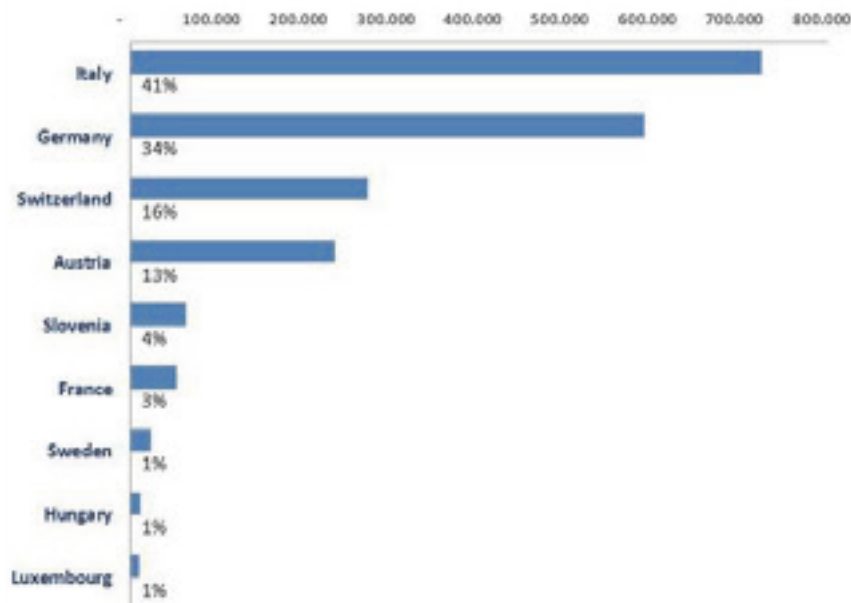
Figure 23 below shows that the stock of residence permits in Europe indeed corresponds (with the significant exception of Italy) with our list of top-eight receiving countries, confirming the analysis of the MSACs ⁽¹⁴⁹⁾.

⁽¹⁴⁶⁾ 'Règlement grand-ducal du 8 juin 2012 fixant les conditions et les modalités d'octroi d'une aide sociale aux demandeurs de protection internationale', June 2012 (<http://www.legilux.public.lu/leg/a/archives/2012/0123/2012A1586A.html>, accessed 23 September 2013).

⁽¹⁴⁷⁾ It should be noted that these measures do not only apply to applicants from the Western Balkans.

⁽¹⁴⁸⁾ As outlined in the introduction to this chapter, these estimations provided by MSACs are based not on quantitative data, but on impressions of experts, with the sole aim to give an indication of the size of the phenomenon.

⁽¹⁴⁹⁾ It should be noted that the number of residence permits granted may not cover all diasporas, but rather recent ones. As diasporas become older, they usually qualify for citizenship in most MSACs and therefore will 'drop out' of the residence permit data, becoming, statistically, indistinguishable from the main population. The exception of Italy may go back to the very large influxes received during the wars in ex-Yugoslavia and the 1991 uprising in Albania.



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

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

During the study visit ⁽¹⁵⁰⁾ to the Western Balkans, the pull factor of an existing diaspora was often stressed. Many interlocutors emphasised that those deciding to apply for asylum in the MSACs hear from friends and relatives about their success (whether true or not) in MSACs and are encouraged to adopt the same methods and try to succeed in the EU+.

In this context, it is important to mention that the classical understanding of diaspora needs to be understood here in a broader sense by embracing various categories of migrants, including short-term ones, not just the traditional diaspora ⁽¹⁵¹⁾. This is due to the impact of globalisation and expansion of modern communication technology, which allows for much closer networking and rapid information sharing even among people who have stayed in the destination country for a very short period of time, including those who have just arrived ⁽¹⁵²⁾. Therefore, even in MSACs with seemingly no major established diaspora in the traditional sense (as evidenced by the number of residence permits issued to this group), the mere presence of citizens of the same country of origin is enough to trigger communication and information channels, with all the risks it entails should the distributed information be misleading or unfounded ⁽¹⁵³⁾.

5. Possibilities to find legal or illegal work

Possibilities to find work are believed by some MSACs' experts to sometimes be an important pull factor. Whereas Austria, Belgium, Denmark, Luxembourg, Slovenia (as regards nationals from Albania and Kosovo) and Switzerland believe this is a strong factor, France, Germany, Hungary and Sweden consider the opportunity to find work to be only of some influence, and Finland and Luxembourg (as regards nationals from the former Yugoslav Republic of Macedonia and Serbia) do not consider this to be an important pull factor ⁽¹⁵⁴⁾.

⁽¹⁵⁰⁾ Information gathered from meetings with the UNHCR offices in Tirana on 22 July 2013, Skopje on 24 July 2013 and Pristina on 26 July 2013, on Ministry of the Interior meetings in Tirana on 23 July 2013, Ministry for Foreign Affairs in Skopje on 25 July 2013, Ministry of the Interior in Pristina on 29 July 2013 and Ministry of the Interior in Belgrade on 31 July 2013.

⁽¹⁵¹⁾ As it relates to the underlying concept of homeland and usually refers to a more established and homogenous group of nationals of one country living in another country, see: Safran, W., 'Diasporas in modern societies: myths of homeland and return', *Diaspora: A Journal of Transnational Studies*, University of Toronto Press, Vol. 1, No 1, 1991, pages 83–99, and Brubaker, R., 'The "diaspora" diaspora', *Ethnic and Racial Studies*, Routledge, Vol. 28, No 1, 2005, pages 1–19. ⁽¹⁵²⁾ See, for example, Knight, W. A., 'Conceptualizing transnational community formation: migrants, sojourners and diasporas in a globalized era', Special Issue on Migration and Globalization, *Canadian Studies in Population*, Vol. 29, No 1, 2002, Alberta, pages 1–30, and Tsagarousianou, R., 'Rethinking the concept of diaspora: mobility, connectivity and communication in a globalised world', *Westminster Papers in Communication and Culture*, Vol. 1, No 1, 2004, London, pages 52–65.

⁽¹⁵³⁾ 'Western Balkans annual risk analysis 2013', Frontex, 2013, pages 28–31, (http://www.frontex.europa.eu/assets/Publications/Risk_Analysis/WB_ARA_2013.pdf, accessed 9 October 2013). For Albanians specifically, see also: 'Stories behind visa liberalization: Asylum seekers and irregular migration', Institute for Democracy and Mediation Centre for European and Security Affairs, European Fund for the Balkans, 2013, page 21, (http://idmalbania.org/sites/default/files/publications/liberalizimi_vizave_-_english_v3.pdf, accessed 9 October 2013).

⁽¹⁵⁴⁾ As outlined in the introduction to this chapter, these estimations provided by MSACs are based not on quantitative data, but on impressions of experts, with the sole aim to give an indication of the size of the phenomenon.

During the study visit, the governments of Albania ⁽¹⁵⁵⁾, the former Yugoslav Republic of Macedonia ⁽¹⁵⁶⁾ and Kosovo ⁽¹⁵⁷⁾ mentioned that finding legal or illegal work is an important factor for asylum seekers in deciding where to go and apply for asylum. As mentioned previously in the report, all Western Balkan countries have high unemployment rates and low minimal and average salaries, which explain the appeal of finding well-paid jobs in an EU Member State.

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

6. Accommodation

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

Responses to the questionnaire show that all MSACs that replied offer asylum seekers some kind of accommodation, in accordance with Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers ⁽¹⁵⁸⁾.

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

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

France, Germany and Sweden offer accommodation in hotels in all phases of the procedure, but Germany and Sweden offer hotels only in exceptional cases. Accommodation in rental apartments is offered by Denmark, France, Germany, Sweden and Switzerland, but only France and Switzerland offer them also during an accelerated procedure. Families and vulnerable groups usually have a better chance of being placed in private accommodation outside of official reception centres.

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

Accommodation allowances are offered by Austria, Denmark and Germany. Denmark offers accommodation allowances only to married couples and to families, while Austria offers monthly allowances to support those placed in apartments ⁽¹⁵⁹⁾.

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

⁽¹⁵⁵⁾ Meeting with Albania police headquarters delegation on 23 July 2013.

⁽¹⁵⁶⁾ Meeting with the former Yugoslav Republic of Macedonia Ministry of the Interior delegation on 25 July 2013.

⁽¹⁵⁷⁾ Meeting with Kosovo Ministry of the Interior representatives on 29 July 2013.

⁽¹⁵⁸⁾ Article 14 of Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:031:0018:0025:EN:PDF>, accessed 19 September 2013).

⁽¹⁵⁹⁾ According to e-mail correspondence with the Federal Asylum Office Austria on 25 June 2013, an individual in private accommodation is granted EUR 120 rental allowance and EUR 200 food allowance per month. This funding for the amount of EUR 320 has to cover all costs for accommodation, food and other expenses. A family receives a total of EUR 240 rental allowance per month. Additionally, each adult member of the family receives EUR 200 and each minor EUR 90 food allowance monthly. In the case of private accommodation, pocket money cannot be granted, but each person in private accommodation receives an additional EUR 150 for clothing and each pupil EUR 200 for school supplies annually.

7. Medical care

Countries that responded to the second questionnaire offer medical care in line with the EU directive laying down minimum standards for the reception of asylum seekers ⁽¹⁶⁰⁾, which notes that healthcare shall include, at least, emergency care and essential treatment of illness and that Member States shall provide necessary medical or other assistance to applicants who have special needs.

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

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

8. Return programmes and related packages

Some MSACs consider assisted voluntary return and reintegration support to represent an important pull factor ⁽¹⁶¹⁾. Depending on the level of support, allowances and benefits given in the context of return can make asylum seeking lucrative in itself, or at least a zero cost operation, independent of the outcome or processing time for the application per se. Whereas some countries continue to have comprehensive return policies, others have limited either the benefits themselves or the countries of origin from which the asylum seekers are coming, as considered below. Some MSACs do not consider returns and return packages to be a strategic priority.

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

Some countries, like **Belgium**, have limited the benefits associated with return. In order to avoid ‘asylum shopping’, persons from visa-free Western Balkan countries can be returned to their countries of origin for free, but they do not get any return fees or reintegration allowances. Kosovars still have access to the return allowance (but no reintegration allowance) ⁽¹⁶²⁾. Assistance for vulnerable persons is still possible in situations of extreme vulnerability. In case of forced return, no benefits are given, except possible assistance for persons with special needs.

⁽¹⁶⁰⁾ Article 15 of Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:031:0018:0025:EN:PDF>, accessed on 19 September 2013).

⁽¹⁶¹⁾ As outlined in the introduction to this chapter, these estimations provided by MSACs are based not on quantitative data, but on impressions of experts, with the sole aim to give an indication of the size of the phenomenon.

⁽¹⁶²⁾ The Kosovars have the right to receive a return allowance of EUR 250 per adult (EUR 125 for minors) because there is no visa liberalisation for Kosovo, contrary to the other Western Balkan states. They no longer receive a reintegration bonus as this was considered to have a pull effect.

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

Hungary only provides material travel support. At the request of the person aiming to return voluntarily to the country of origin or to a third country, the authority can provide a flight ticket to the designated destination and cover the costs related to travelling (train or bus ticket). There is no differentiation between nationalities.

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

Voluntary return programmes are typically conducted in cooperation with the IOM. For **Finland**, assisted voluntary return (AVR) with the IOM offers the applicant the possibility to return voluntarily to his/her country of origin with financial support towards reintegration. The IOM will make the applicant's travel arrangements, assist him/her at airports and pay him/her financial support for reintegration, if he/she is eligible to receive it. One can apply for transportation and medical assistance during travel ⁽¹⁶³⁾.

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

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

- return counselling;
- organisation of the journey home;
- financial start-up assistance: CHF 1 000 (approx. EUR 800) per adult; CHF 500 (approx. EUR 400) per minor;
- material assistance: CHF 3 000 (approx. EUR 2 400) per family or per single adult in the form of business projects, training programmes or help with accommodation;
- medical assistance: according to needs.

Sweden reports in the questionnaire that from the end of 2009 to the end of December 2011 there was a possibility for persons returning to Kosovo to apply for a re-establishment support in cash. The amount was SEK 30 000 (approx. EUR 3 400) per adult, SEK 15 000 (approx. EUR 1 700) per child and up to SEK 75 000 (approx. EUR 8 500) per family. Citizens of other Western Balkan countries were not entitled to apply for this support; they only received necessary funds for return transport. This re-establishment support is no longer available.

⁽¹⁶³⁾ More information at www.vapaaehtoinenpaluu.fi.

The Swedish Red Cross is involved in a project that support persons returning to, for example, Kosovo and Serbia in order to facilitate the progress of return and increase the possibilities for reintegration ⁽¹⁶⁴⁾. Reintegration projects within the Swedish Migration Board's strategy on reintegration 2013–14 will, however, not target the WB countries.

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

9. The role of travel agencies

In the answers to the questionnaire, the role of travel agencies was mentioned as being a strong pull factor by Hungary, Luxembourg and Switzerland (for asylum seekers from Serbia). According to Belgium, Denmark, Germany, Luxembourg and Sweden (for asylum seekers from Albania), travel agencies have only some influence. Austria, Finland, Luxembourg and Slovenia (for asylum seekers from the former Yugoslav Republic of Macedonia and Kosovo) do not consider travel agencies to have any influence ⁽¹⁶⁵⁾.

Interviews conducted in Albania, the former Yugoslav Republic of Macedonia, Kosovo and Serbia lead us to conclude that the influence of travel agencies or human smugglers has diminished since visa liberalisation, but may still exist. This appears to be important in Kosovo, the only non-visa-liberalised WB country. As applicants from Albania, the former Yugoslav Republic of Macedonia and Serbia do not need visas and can easily arrange travel for themselves, it is clear that the role of travel agencies there is not as important as it might have been before the implementation of the visa-free regime. This said, there is still evidence of such activities. Luxembourg, for example, reported receiving informal information that various travel agencies in Serbia advertise Luxembourg as being an 'interesting destination' in Europe as well as Belgium, Germany and Sweden, which are 'advertised' as having generous regulations in the field of residence and reception. According to Luxembourg, the European Commission, Europol and Frontex informed them that travel agencies may even lend the required amount of money to passengers to enter the Schengen area. The money is given back with interest to the agencies, or the bus driver, upon arrival at destination ⁽¹⁶⁶⁾.

10. Conclusion

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

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

⁽¹⁶⁴⁾ For more detailed information about the project and the beneficiaries: <http://www.redcross.se/detta-gor-vi/stod-till-migranter/atervandande/>.

⁽¹⁶⁵⁾ As outlined in the introduction to this chapter, these estimations provided by MSACs are based not on quantitative data, but on impressions of experts, with the sole aim to give an indication of the size of the phenomenon.

⁽¹⁶⁶⁾ E-mail correspondence with Direction de l'Immigration, Ministère des Affaires étrangères (Department of Immigration, Ministry of Foreign Affairs) on 4 July 2013.

Chapter 4: Measures taken to influence push and pull factors

1. Introduction

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

With these factors in mind, this chapter describes measures taken by MSACs and Western Balkan countries to reduce or mitigate push factors in the region and pull factors in destination countries and attempts to analyse their effectiveness ⁽¹⁶⁷⁾.

2. Measures taken by Member States and Associated Countries to influence pull factors

The large numbers and seasonality that characterise the WB flow put an increased burden on the asylum systems of MSACs in terms of time and resources spent. Destination countries have thus endeavoured to deal reactively with the influx itself, as well as to proactively control and reduce future flows. Measures taken to deal with the case-load of WB nationals have included prioritisation of asylum applications (i.e. by focusing the work of decision-makers on the WB flow and drafting in extra staff or staff usually engaged on other activities), shortening of processing time, changing parts of the normal procedure (while guaranteeing individual consideration of claims), applying accelerated procedures (and related use of safe countries of origin lists) ⁽¹⁶⁸⁾ and reduction or change in format of benefits provided during the process.

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

Luxembourg

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

⁽¹⁶⁷⁾ Unless otherwise stated, the information in this chapter is based on study visit interviews in the Western Balkans (see Annex 1 for complete list) or MSACs' responses to questionnaires (see Annex 2).

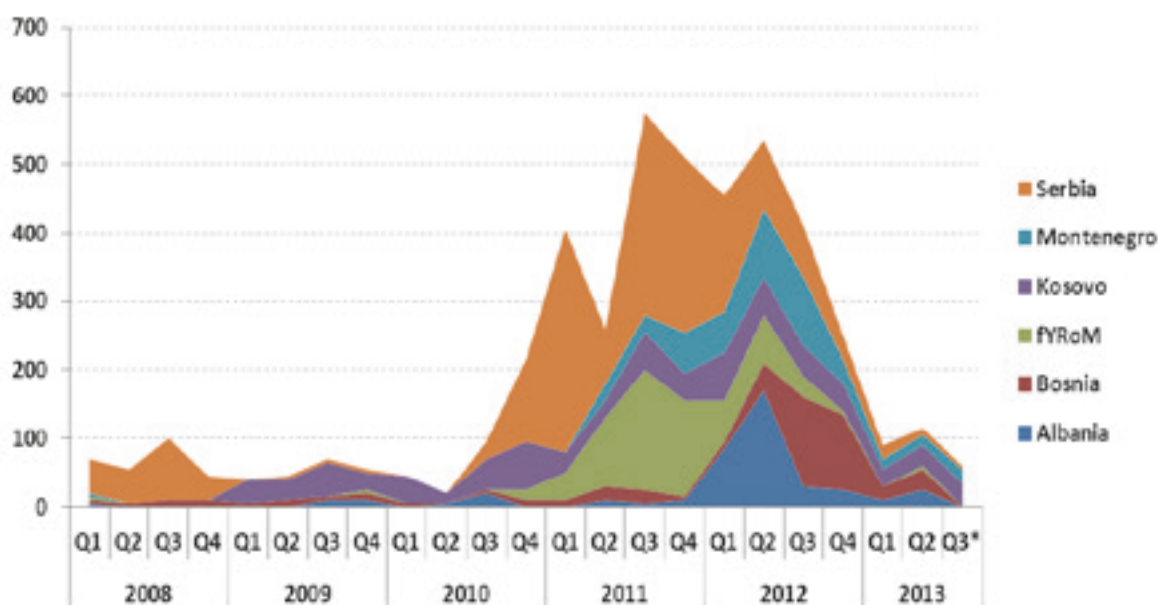
⁽¹⁶⁸⁾ i.e. such as those described in the recast asylum procedure directive Article 38(a) and (b), which allow shorter reasonable time limits for certain procedural steps than those provided for the normal asylum procedure in the asylum procedure directive.

Luxembourg also introduced a number of measures such as: increase of staff (in November to December 2011 and in November 2012 to January 2013); reduction of benefits (in 2012) provided to applicants, such as pocket money (a subsistence allowance) whereby the (monthly) amount was cut for all asylum seekers to one fifth of the former amount ⁽¹⁶⁹⁾; and promotion of voluntary return by handing out information leaflets on the option of voluntary return to applicants from the Western Balkans from the very beginning of the asylum procedure.

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

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

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



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

Figure 24. Asylum applicants from WB countries in Luxembourg, 2008–13

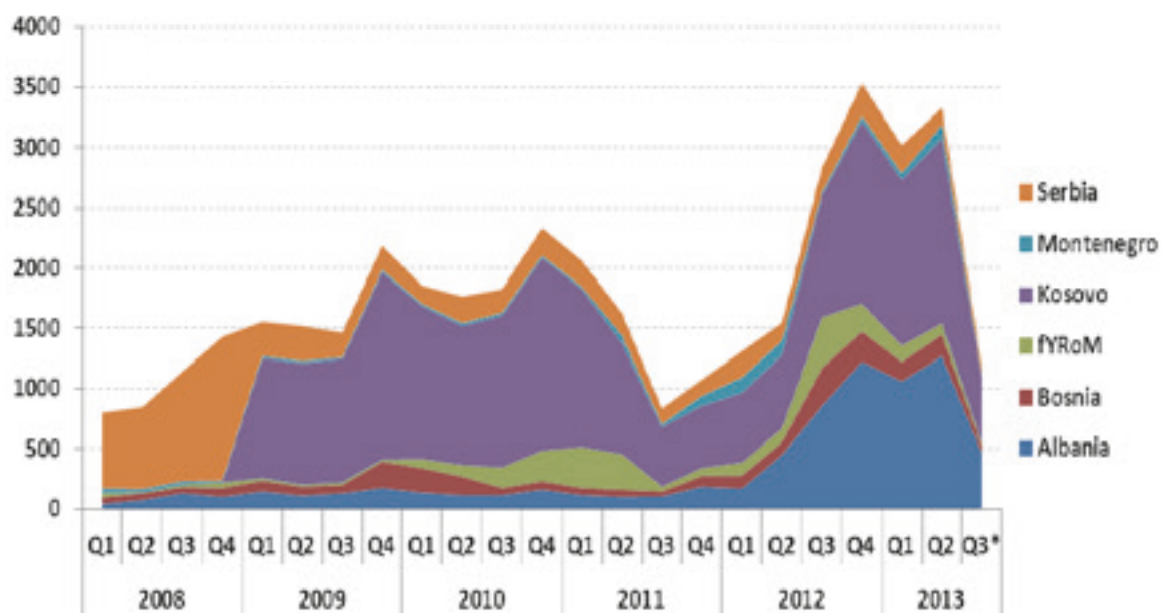
France

In France, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia and Serbia are considered as safe countries of origin, which means the asylum procedure is accelerated for these nationals. The accelerated procedure takes maximum 15 days, shortened to 4 days in case of detention. Applicants in the accelerated procedure are offered accommodation, mostly in hotels and apartments, and receive full daily allowances. Appeals have no suspensive effect.

⁽¹⁶⁹⁾ In addition to lower cash benefits, people receive material benefits through vouchers. The monthly allowance for adults was reduced from EUR 122.09 to EUR 25.

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

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



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

Figure 25. Asylum applicants from WB countries in France, 2008–13

Switzerland

Among all of the measures that Switzerland has taken, the authorities believe that the introduction of the 48-hour procedure is the most effective. The main goal of this procedure is to process asylum applications from European safe countries of origin efficiently, so that decisions can be taken quickly. Various teams consisting of experts on asylum issues, representatives of relief organisations and interpreters were set up in the reception and administration centre in Basel, where the procedure is carried out for WB nationals. A decision is made within 48 hours of the individual's first application in all cases in which the legal post-interview statement of the reasons for the asylum application is available and where no further information is required. All the procedural guarantees, particularly the possibility of appeal through the federal administrative court, remain in place — with the usual quality criteria being applied despite the fast-track procedure. After its introduction in August 2012, daily allowances⁽¹⁷⁰⁾ and return assistance were also curtailed⁽¹⁷¹⁾. Asylum seekers following the accelerated procedure receive accommodation, medical treatment and other social benefits — for example schooling for children — in the (reception) centre, where applicants are required to stay until the end of the procedure. They do not receive cash benefits.

Rejected applicants from visa-exempt countries who fail to leave the country by the deadline will normally have a travel ban imposed. The same applies to people who have disrupted public safety, those who have made multiple applications without good reason and in cases of blatant abuse. The ban applies to the entire Schengen area, but only comes into effect retroactively, so that the persons concerned can travel home voluntarily but will be prevented from re-entry by border authorities, who must make a thorough check (i.e. including an SIS check) for European third country nationals⁽¹⁷²⁾.

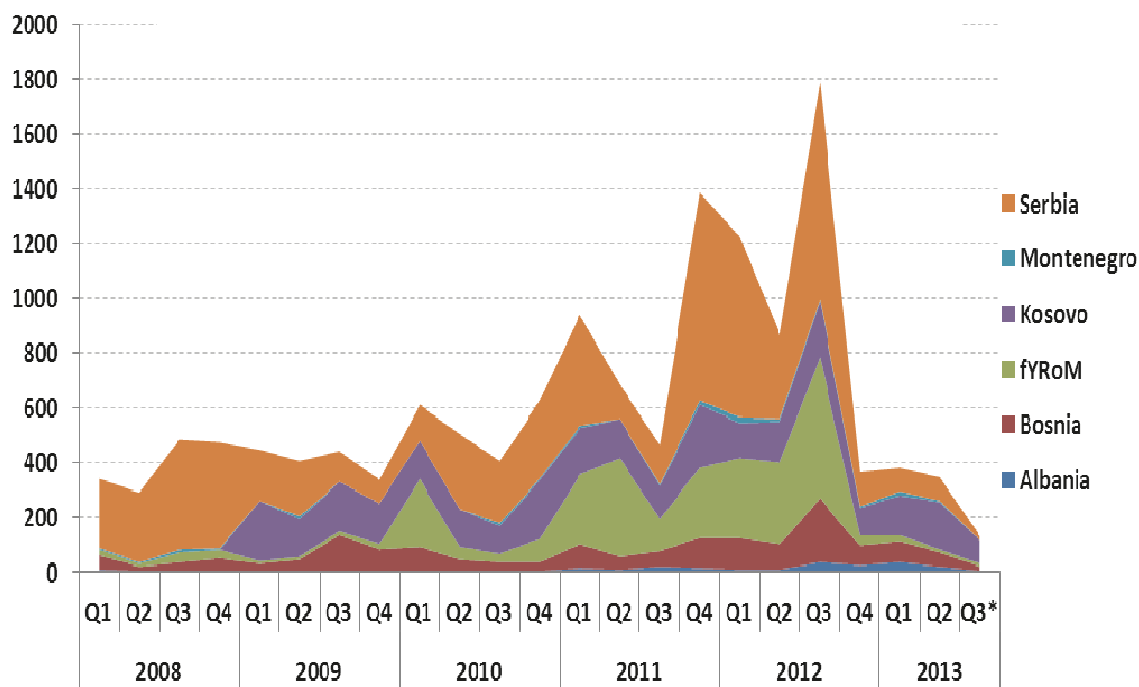
⁽¹⁷⁰⁾ E-mail correspondence with the Swiss Office for Migration on 13 September 2013.

⁽¹⁷¹⁾ According to a Swiss government press release of 21 August 2012, people from the visa-exempt Balkan states have been excluded from the payment of a return allowance since the visa obligation was lifted. This measure has been implemented since April 2012, except for vulnerable persons and special cases (<http://www.bfm.admin.ch/content/bfm/en/home/dokumentation/medienmitteilungen/2012/2012-08-21.html>, accessed on 25 September 2013).

⁽¹⁷²⁾ Ibid.

The Swiss authorities highlight that the combination of all these measures, as well as communication about them, produced the best effect. Promotion of voluntary return⁽¹⁷³⁾ and measures relating to forced return were considered to have had only some effect.

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



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

Figure 26. Asylum applicants from WB countries in Switzerland, 2008–13

Austria

Austria introduced a fast track-procedure⁽¹⁷⁴⁾ concerning applications that do not qualify for special preliminary proceedings in the middle of 2008. This resulted in the speeding up of the decision-making process while retaining all rights and remedies available for asylum seekers and allowing the individual consideration of applications. Austria also began to use the safe countries of origin concept in 2009, which mandated use of the quicker procedure⁽¹⁷⁵⁾. Processing time at first instance (from registration of claim to decision, excluding appeal) in an accelerated procedure takes de facto 7 working days and processing time until final decision where an appeal is made takes de facto 50 working days. However, if there is any evidence for the need of protection, the case will be handled in a standard procedure. In the standard procedure, processing time at first instance is 3 months and time until final decision is 100 days.

Measures to promote voluntary return were also put in place. Citizens from the former Yugoslav Republic of Macedonia, Kosovo and Serbia who are willing to voluntarily return to their home country are offered an assisted voluntary return project, which is co-funded by the European Return Fund and the Austrian Federal Ministry of

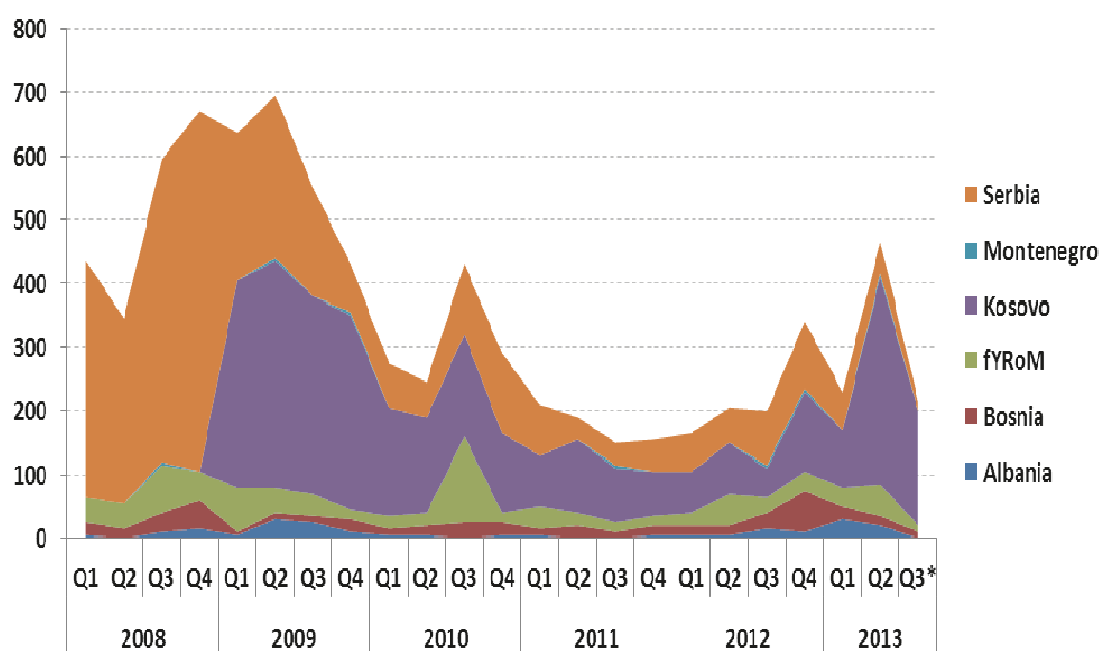
⁽¹⁷³⁾ West Balkan return assistance programme for vulnerable persons and minorities in Kosovo (2007–09): counselling, organisation or returns, start-up aid (CHF 2000 for an adult and CHF 1000 for a minor), extending a social network, accommodation assistance (maximum CHF 3000), creating an economic basis (maximum CHF 3000) and medical assistance. Following visa liberalisation (1 January 2010 for the former Yugoslav Republic of Macedonia and Serbia), return assistance was curtailed so that only in exceptional cases may vulnerable persons and persons in need of medical assistance still apply. Individual assistance remains unchanged within the scope of the Kosovo return assistance programme.

⁽¹⁷⁴⁾ According to e-mail correspondence with the Bundesministerium für Inneres on 29 September 2013, the fast-track procedure does not mean that there is a change of the RSD procedure at the first instance; the principal of 'considering each claim on its individual merit' is still in place. The federal asylum office (first instance) can disallow the suspensory effect of an appeal against a negative ruling submitted by an asylum seeker coming from countries on the list of safe countries of origin. The second instance can within 1 week revoke such a decision by the first instance if expulsion, deportation or forcible return to the country of origin would constitute a real risk of his/her life or health.

⁽¹⁷⁵⁾ Came into effect on 1 July 2009 for Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Kosovo, Montenegro and Serbia, and on 14 December 2010 for Albania.

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

Figure 27 shows that as from 2009, after the introduction of the safe countries of origin list, the number of WB asylum seekers to Austria went down and did not return to pre-2009 levels, though high seasonal peaks in the third quarter of 2010 and 2012 were noticeable, mainly determined by applications from Kosovars.



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

Figure 27. Asylum applicants from WB countries in Austria, 2008–13

Germany

Germany had relatively low numbers of applications from WB nationals until 2010. There was then a very significant rise in applications, the very large majority of which were from Serbian Roma and Roma from the former Yugoslav Republic of Macedonia. These applications occurred with very visible seasonal peaks in October. The October peak in 2012 was the highest until now and is likely to be connected to the constitutional court decision of 18 July 2012 to increase cash benefits for asylum seekers⁽¹⁷⁶⁾. As a result of the decision, the daily allowance for asylum seekers varies from EUR 7 for children under 6 years to EUR 11.80 for single persons (i.e. over EUR 350 per month). For the purposes of comparison, the average net salary in Serbia in June 2013 was EUR 390⁽¹⁷⁷⁾ and social support for a single person was EUR 67⁽¹⁷⁸⁾ per month in May 2013. The minimum salary was EUR 177⁽¹⁷⁹⁾.

According to Article 16(a), paragraph 3 of the German constitution, safe countries of origin can be determined by law. If an asylum applicant originates from a safe country of origin, as a rule her/his application can be rejected as manifestly unfounded (Article 29(a) of the asylum proceedings act). Germany has a list of safe countries of

⁽¹⁷⁶⁾ See http://www.bverfg.de/en/decisions/ls20120718_1bvl001010en.html.

⁽¹⁷⁷⁾ Paragraf portal (http://www.paragraf.rs/statistika/01_stat.htm, accessed 8 August 2013).

⁽¹⁷⁸⁾ Ministry of Labour, Employment and Social Policy (<http://www.minrzs.gov.rs/latinica/socijalna-davanja-visina.php>, accessed 8 August 2013).

⁽¹⁷⁹⁾ Paragraf portal (http://www.paragraf.rs/statistika/02_stat.htm, accessed on August 2013).

origin, but at present only EU Member States, Ghana and Senegal are on it. The Western Balkan countries are thus not included on this list. Germany does not have an accelerated procedure defined in law, but may prioritise procedures as necessary, with or without reference to the safe countries of origin list. In each individual case, a case worker can decide that the case is manifestly unfounded, if:

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

For manifestly unfounded applications, the appeal period is shortened to 1 week and the appeal has no automatic suspensive effect (although an urgent motion for suspension may be filed) ⁽¹⁸⁰⁾. In conclusion, although there is not an official accelerated procedure, the manifestly unfounded procedure does include some of the typical elements that usually constitute an accelerated procedure, especially if combined with the prioritisation of case processing and shortened processing times as a result of organisational measures.

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

- moving all decision-makers to work on applications from the former Yugoslav Republic of Macedonia and Serbia only;
- seconding qualified staff from other sections to work on applications from the former Yugoslav Republic of Macedonia and Serbia. By order of the Federal Minister of the Interior, the Federal Office for Migration and Refugees was supported by 60 officers of the federal police in the branch offices. In addition, 75 persons were taken on as assistants for the registration office for asylum proceedings;
- establishing a special project team with 30 asylum-experienced officers with the intention to support the branch offices. This project team was responsible for follow-up applications which were ready for the decision process and for WB cases with a disease-related background;
- promotion of voluntary return;
- organising information campaigns with Belgium;
- establishing contacts with governmental authorities with the IOM.

The procedure was also shortened in some particular cases, for example by carrying out personal hearings without the standard questionnaire on information regarding identity, origin and family background if applicants from the former Yugoslav Republic of Macedonia and Serbia presented biometric passports ⁽¹⁸¹⁾. Moreover, informative hearings usually used for subsequent applications took place less often ⁽¹⁸²⁾.

Due to these measures, the processing time for applications — from the date of application until the administrative decision — was reduced from 78.6 to 45.1 days for applicants from Serbia and from 4 weeks to 9 days for applicants from the former Yugoslav Republic of Macedonia. Since the introduction of the special measures, the number of pending cases concerning the WB countries was also reduced.

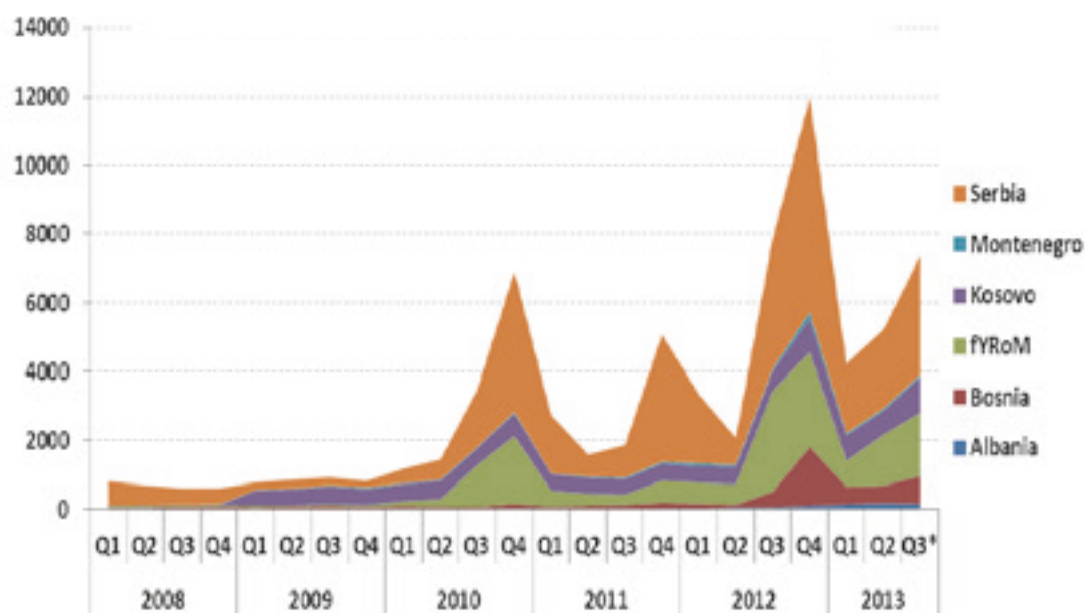
Germany considers the promotion of voluntary return to be less effective than measures shortening the decision-making time. Forced return measures vary among the different federal states, and it is hence difficult to make a country-wide estimation of the effectiveness of this measure.

Despite the important measures taken by the German Federal Office for Migration and Refugees, the largest pull factor, reception benefits, remained and cannot easily be addressed. Figure 20 would seem to indicate that another seasonal peak is building in Germany in 2013.

⁽¹⁸⁰⁾ 'Asylum procedures: Report on policies and practices in IGC participating states 2012', Inter-Governmental Consultations on Migration, Asylum and Refugees, December 2012, pages 215–216 (<http://www.igc-publications.ch>).

⁽¹⁸¹⁾ According to the German Federal Office for Migration and Refugees, for applications from the former Yugoslav Republic of Macedonia and Serbia the personal hearings are carried out without the catalogue of 24 questions if applicants present biometric passports. This catalogue of 24 questions is used for clearing certain information regarding identity, origin and family background. Abandoning the catalogue of 24 questions reduces the time of the personal hearing by approximately 30 to 45 minutes per applicant.

⁽¹⁸²⁾ According to e-mail correspondence with the German Federal Office for Migration and Refugees, a hearing concerning subsequent applications (applications which are filed by a foreigner after the withdrawal or non-appealable rejection of a previous asylum application) is called an informative hearing.



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

Figure 28. Asylum applicants from WB countries in Germany, 2008–13

Sweden

According to the Swedish authorities, the use of an accelerated procedure and re-entry ban, as well as the promotion of voluntary return and measures related to forced return⁽¹⁸³⁾, have proven effective in dealing with large numbers of applicants from the WB. Swedish authorities have also been able to efficiently utilise EU and bilateral agreements on readmission with the WB countries.

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

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

The Swedish aliens act provides criteria for issuing re-entry bans for persons for whom, for example, the asylum application has been rejected as manifestly unfounded and who have misused the asylum procedure. These rejected applicants will be banned from entering Sweden and the countries of the Schengen area for a period of up to 5 years⁽¹⁸⁴⁾.

According to the Swedish Migration Board, the rising numbers of asylum seekers from Albania and Bosnia and Herzegovina in 2012 that can be seen in Figure 29 were to some extent due to rumours in the region, saying that Sweden granted asylum for socioeconomic reasons. It was also reported that human smugglers in Bosnia and Herzegovina consciously spread incorrect information to people regarding the possibility to receive a residence

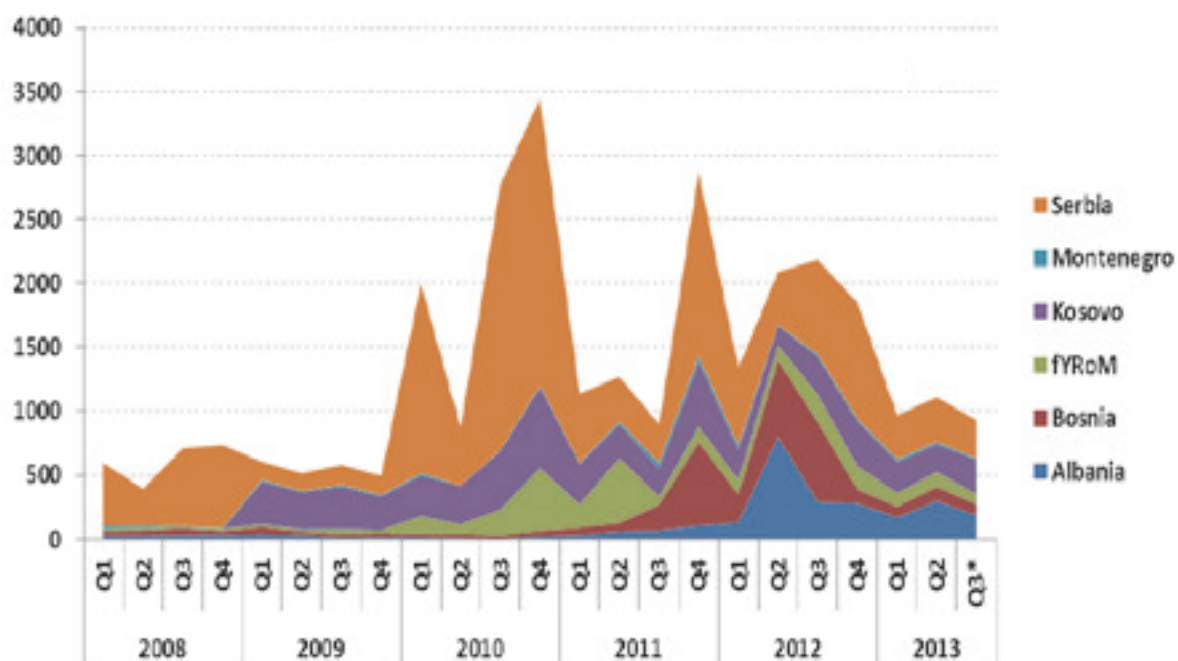
⁽¹⁸³⁾ Sweden reports that it can sometimes be difficult to determine the identity of persons concerned. This problem mainly concerns minorities.

⁽¹⁸⁴⁾ Cf. Swedish Migration Board website (http://www.migrationsverket.se/info/487_en.html#h-Reentryban, accessed 8 October 2013).

permit in Sweden in order to earn money. The persons arriving in Sweden from these countries were persons from the rural areas with poor knowledge of how the asylum system works. Many persons felt deceived upon arrival in Sweden as they had sold their property in order to fund the travel for their family ⁽¹⁸⁵⁾.

The Swedish Migration Board is investigating the most efficient ‘lean’ forms of processing, including having experienced staff making the decision on which type of procedure should be used as early in the process as possible. The improvements in the administrative procedure are part of the lean working method where the striving towards continuous improvements is part of daily work activities and started immediately after the first major wave of applications in 2010 ⁽¹⁸⁶⁾.

It can be seen in Figure 29 that after 2011 the peaks were smaller and the number of Serbian asylum seekers went down. The peak in 2012 was largely due to the arrival of Albanian and Bosnian asylum seekers, as explained above.



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

Figure 29. Asylum applicants from WB countries in Sweden, 2008–13

Belgium

On 24 November 2011, Belgium introduced the possibility to designate safe countries of origin and the royal decree implementing this concept came into force on 1 June 2012. All Western Balkan countries with visa liberalisation are on this list. For nationals of these countries claiming asylum, individual treatment of their application is still guaranteed, but it is subject to an accelerated (15 working day) procedure at the Office of the Commissioner General for Refugees and Stateless Persons (CGRS) and requires a higher burden of proof. Only a non-suspensive appeal for annulment, solely on a point of law, is possible and the Council for Aliens Law Litigation (the appeal body) will have to render a judgment within 2 months. Since the appeal does not have an automatic suspensive effect, the right to reception will in principle cease within 30 days, which corresponds to the expiry date of the order to leave the territory.

Other measures were also undertaken, such as prioritisation of applications from the WB. Pursuant to Article 52(2), paragraphs 2 and 3 of the Belgian aliens act, the State Secretary for Migration and Asylum instructed that priority be given to the treatment of asylum applications lodged by persons originating from the former Yugoslav

⁽¹⁸⁵⁾ E-mail correspondence with the Swedish Migration Board, Division for European and International Cooperation, Unit for International Strategies; on 23 August 2013.

⁽¹⁸⁶⁾ Ibid.

Republic of Macedonia and Serbia in the period from 1 to 30 April 2010 and from 18 October 2010 onwards, implying that applications must be decided in first instance within 2 months. After the introduction of the list of safe countries of origin in June 2012, this measure is still in force. Prioritisation runs parallel to the accelerated procedure for safe countries, insofar as this applies to a decision on the substance.

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

- The period between the application date (asylum applications in Belgium are lodged with the Immigration Department) and the first instance interview at the CGRS was reduced. This was achieved partly by giving the asylum interview date on the day of the application, whereas normally the asylum applicants are invited for the first interview by letter some weeks after the lodging of the application.
- The number of protection officers treating applications from these two countries was increased. This was achieved by the deployment of personnel from other geographical sections and the legal service (in total 10 persons), but also by the recruitment of new employees. Due to the persisting high influx and growing backlog, the Belgian government decided to increase the number of staff considerably in 2011. During 2011, 98 protection officers and eight administrative assistants were hired.
- The number of interviews by the protection officers was increased and the time allocated for each interview was reduced, using adapted interview techniques.
- There was profiling of the case-load to increase efficiency. As the profiles from the countries were quite similar, it was possible to develop very detailed questionnaires for each profile, linked to building blocks for the decision and examples of earlier decisions. For the former Yugoslav Republic of Macedonia, for example, 13 profiles were identified.
- Very detailed 'subject-related briefings' were developed by the documentation and research centre (Cedoca), based on these profiles.

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

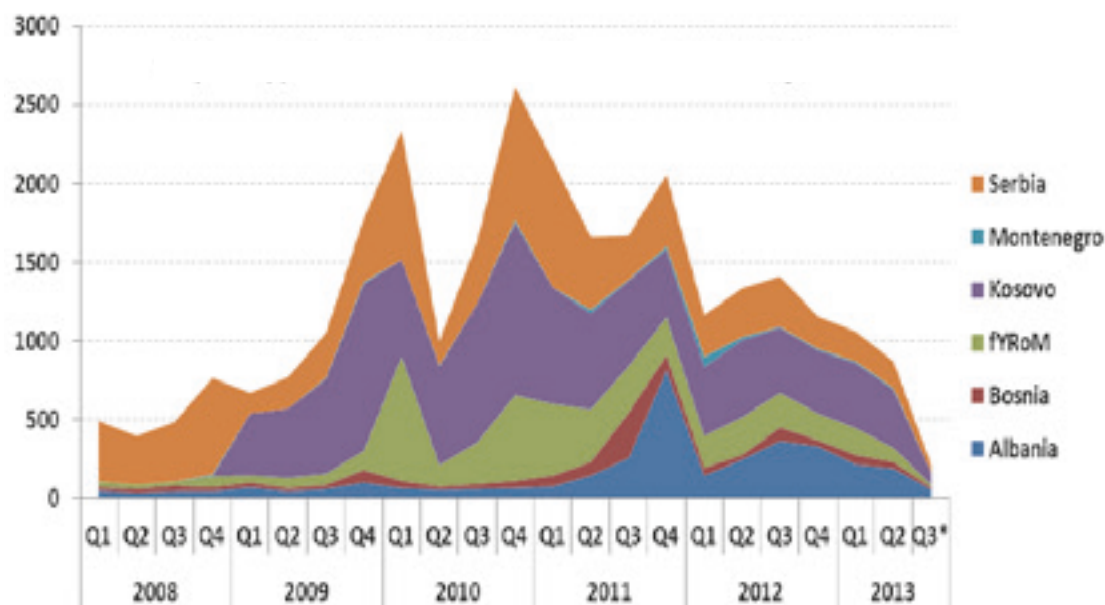
Since May 2012, the Belgian authorities have facilitated voluntary return by organising a bus service in cooperation with the IOM for return to Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia and Serbia. In June 2012, an information desk was opened in Brussels to improve the accessibility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

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

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

Belgium was attractive mainly for applicants from the former Yugoslav Republic of Macedonia, Kosovo and Serbia until 2010, when the flow from these countries stabilised but was joined by a new influx from Albania, determining a peak in applications overall in Q3 2010. According to the CGRS, the rise in asylum applications from Albania in 2011 was due to the fact that Belgium was targeted by traffickers who advised applicants to claim that they were victims of vendetta. The asylum seekers from Albania presented attestations of vendetta that were issued by certain organisations. After extensive research, most of these attestations proved to be false and, by quickly handling these cases, a further influx was much reduced⁽¹⁸⁷⁾. Since the start of 2013, applications from all WB countries have dropped considerably.

⁽¹⁸⁷⁾ E-mail correspondence from 19 August 2013 with the Office of the Commissioner General for Refugees and Stateless Persons in Belgium.



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

Figure 30. Asylum applicants from WB countries in Belgium, 2008—13

Denmark

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

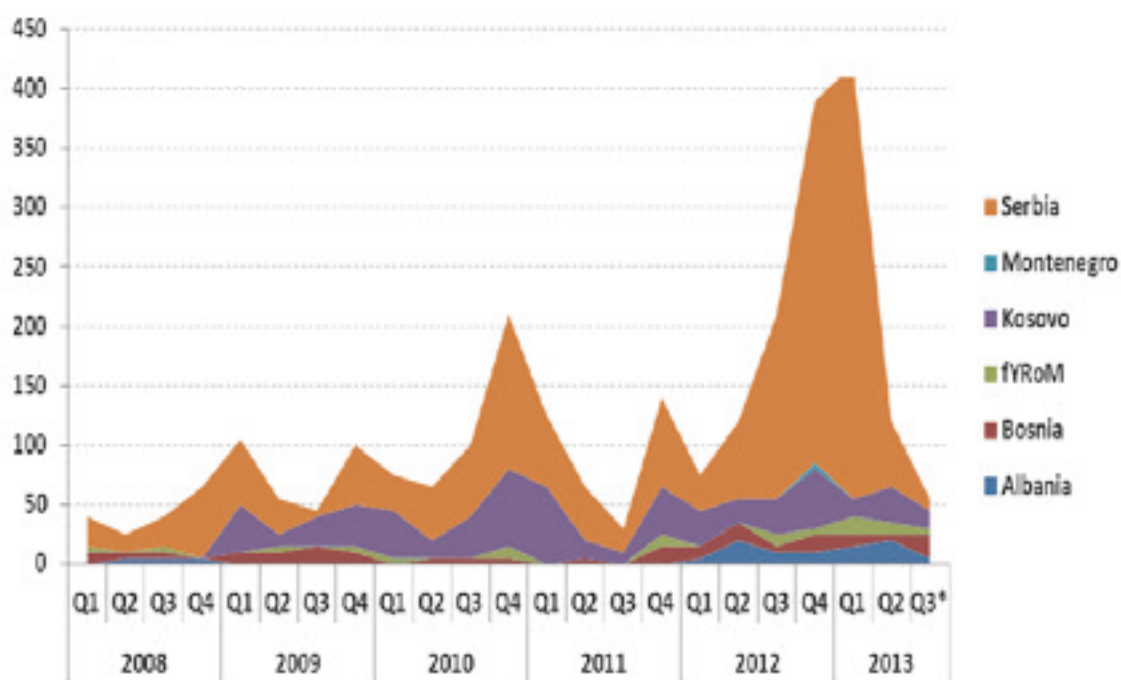
- a fast-track asylum procedure for Western Balkans already processed in the manifestly unfounded procedure without the right of appeal⁽¹⁸⁸⁾;
- a prioritised focus on applications for humanitarian residence;
- accommodation in asylum centres with cafeterias as instead of own household;
- forced return of several large groups of rejected asylum seekers by charter flight.

Figure 31 shows that in the first months of 2012 the number of asylum seekers from Serbia — mostly Roma — started to increase significantly.

The Danish government adopted a temporary regulation on 18 December 2012 granting rejected asylum seekers who voluntarily returned home the amount of DKK 20 000 (EUR 2 650) for adults and DKK 10 000 (EUR 1 300) per child — by application before 1 July 2013. This decision, however, did not apply to, inter alia, applicants from the Western Balkans, who only receive EUR 50 of pocket money and some food for the trip home. It cannot be ruled out that a rumour about this temporary regulation may have been a pull factor for some Western Balkan asylum seekers.

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

⁽¹⁸⁸⁾ Applications deemed manifestly unfounded are sent to the Danish Refugee Council, an NGO, which provides a statement on the case following a separate interview of the applicant. If it agrees with the immigration service that the application is manifestly unfounded, the application will be rejected by the immigration service without a right of appeal. If the refugee council does not agree that the claim is manifestly unfounded, the immigration service may maintain — as is most often the case — its rejection, but will refer the case to the refugee appeals board for a final ruling. Cf. 'Asylum procedures: Report on policies and practices in IGC participating states 2012', Inter-Governmental Consultations on Migration, Asylum and Refugees, December 2012, page 133 (<http://www.igc-publications.ch>).



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

Figure 31. Asylum applicants from WB countries in Denmark, 2008–13

3. Measures taken by Member States and Associated Countries in the countries of origin

Besides the measures taken by MSACs in their own countries and with regard to their national asylum systems, MSACs have also taken measures in the countries of origin, in order to mitigate push and pull factors. The following sections describe the main measures mentioned.

High-level visits

Several MSACs organised high-level meetings with the authorities of the countries of origin. Switzerland⁽¹⁸⁹⁾, for example, did this in the framework of so-called ‘migration partnerships’ aiming at approaching migration comprehensively and achieving an equitable balance between the interests of Switzerland, its partner country and the migrants themselves. The asylum influx and possible measures to influence push and pull factors were discussed during these meetings (e.g. the social inclusion and improvement of living conditions of returning asylum seekers, minorities and vulnerable persons in general).

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

Sweden also organised several high-level visits⁽¹⁹⁰⁾, but these measures were thought to have only a limited effect.

⁽¹⁸⁹⁾ Autumn 2012: Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia and Serbia: meetings between central authorities and local embassies with high-level officials and experts. January 2013: the Director of the Federal Office for Migration visited Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia and Serbia and had meetings at the ministerial level.

⁽¹⁹⁰⁾ Visit by Minister of Migration Tobias Billström to Belgrade in June 2011 and to Kosovo in October 2011. Visit by State Secretary Minna Ljunggren to the former Yugoslav Republic of Macedonia in October 2012.

Local-level visits and information campaigns

Belgium has stressed the importance of communication strategies to change the potential applicants' perception of the asylum system. These strategies have included prevention campaigns, active cooperation with NGOs in Roma communities and some others initiatives such as TV shows and radio announcements. The German Federal Office for Migration and Refugees joined an information campaign under Belgian leadership in the northern part of the former Yugoslav Republic of Macedonia and in Kosovo. The project 'Promoting responsible migration decisions — youth outreach' was implemented from January 2012 until June 2012. The target group was the youth, especially within the RAE community.

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

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

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

Migration and development projects

The German Federal Office for Migration and Refugees participated in the IOM-run project 'Migration and socio-economic development in the Western Balkans' (Midweb) ⁽¹⁹¹⁾ from February 2011 until December 2012. Target countries of this project were, among others, the former Yugoslav Republic of Macedonia, Kosovo and Serbia. The overall goal of Midweb was to intensify the cooperation with the governmental authorities of the Western Balkan countries involved in order to increase awareness of current migration issues and their solutions. One of the main project activities was the temporary return of highly qualified nationals living in the EU or Switzerland to contribute to the development of their countries of origin via the creation of contacts with local authorities, companies, organisations and institutions. Another important project activity was the expansion of the network of migrant service centres and the improvement of their services providing information, advice and referral services to migrants and potential migrants.

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

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

All Western Balkan states except Kosovo are part of the regime which allows citizens of these countries holding a biometric passport to travel to the EU Member States without a visa, in accordance with Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement. The decisions to grant visa-free travel to citizens of these Western Balkan countries were based on a thorough assessment of the progress made in the areas identified in the roadmaps for the visa-liberalisation dialogues (document security, border management, asylum, migration, fight against organised crime and corruption and protection of fundamental rights). As

⁽¹⁹¹⁾ http://www.iom.int/germany/en/projects_MIDWEB.htm.

noted in the Commission's 'Third report on the post-visa liberalisation monitoring for the Western Balkan countries' (hereafter the 'Third Report'), 'the visa-free regime is the most tangible benefit for the citizens of the Western Balkan countries in the process of their integration into the EU, and a very strong incentive for accelerating reforms in the area of justice and home affairs' ⁽¹⁹²⁾. The European Commission launched a visa-liberalisation dialogue with Kosovo on 19 January 2012 and handed the visa roadmap which sets out a comprehensive list of reforms that Kosovo was requested to implement to the Kosovar authorities on 14 June 2012 ⁽¹⁹³⁾.

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

This mechanism was part of a wider effort of the European Commission to conduct high-level dialogues with countries of the Western Balkans explicitly in order 'to take appropriate measures to reduce the impact of visa liberalisation in terms of unfounded applications for international protection in the European Union' ⁽¹⁹⁴⁾.

Belgium, France, Germany, Luxembourg, the Netherlands and Sweden sent a joint letter to the European Commission prior to the JHA Council meeting of 25 October 2012 noting that most applications for international protection by Western Balkan citizens enjoying visa-free travel are 'manifestly unfounded' and seeking to take further steps with the introduction of a safeguard clause that would allow for the temporary reintroduction of a visa requirement for nationals of the Balkan countries who are normally allowed to travel within the EU without a visa ⁽¹⁹⁵⁾.

In September 2013, the European Parliament adopted amendments to the EU visa rules (Regulation (EC) No 539/2001), including a new visa-waiver suspension mechanism to ensure that visa-free travel does not lead to irregularities or abuse ⁽¹⁹⁶⁾. In the same document, the EU Commissioner for Home Affairs noted that 'the visa suspension mechanism should only be used in exceptional circumstances as a last resort measure. The aim is to address emergency situations caused by the abuse of the visa-free regime by nationals exempted from the visa obligation.'

Former Yugoslav Republic of Macedonia

In the former Yugoslav Republic of Macedonia, a high-level ministerial committee for monitoring the implementation of the visa-free travel regime with the EU has been set up, chaired by the Minister of Foreign Affairs, with participation of the ministers of all relevant institutions. Since its establishment, this body has been engaged in setting up effective measures, assisted by an expert working group.

Many national projects or projects in cooperation with different international partners have been set up, supporting socioeconomic measures targeting vulnerable societal groups, particularly the Roma community in accordance with the strategy and action plans on Roma inclusion ⁽¹⁹⁷⁾. These projects have a long-term scope and aim to increase the quality of life of the most vulnerable groups in the field of health, education, employment, housing, registration and more. Many local awareness-raising campaigns were organised in different parts of the former Yugoslav Republic of Macedonia to send a clear message to the population that visa liberalisation does not mean nationals of the former Yugoslav Republic of Macedonia are entitled to asylum in the EU, that an application has very little chance of resulting in a positive decision (since the former Yugoslav Republic of Macedonia is considered a safe country in many EU Member States) and to explain the conditions for entering, staying and working in EU Member States.

⁽¹⁹²⁾ 'Report from the Commission to the European Parliament and the Council — Third report on the post-visa liberalisation monitoring for the Western Balkan countries in accordance with the Commission statement of 8 November 2010', COM(2012) 472 final, 28 August 2012, page 2 (<http://eur-lex.europa.eu/LexUriServ.do?uri=COM:2012:0472:FIN:EN:PDF>, accessed 13 September 2013).

⁽¹⁹³⁾ 'First Commission report on progress by Kosovo towards visa liberalisation', European Commission press release, 12 February 2013 (http://europa.eu/rapid/press-release_IP-13-108_en.htm, accessed on 30 September 2013).

⁽¹⁹⁴⁾ 'Annual report on the situation of asylum in the European Union 2012', European Asylum Support Office, 2013, page 35 (<http://easo.europa.eu/wp-content/uploads/EASO-Annual-Report-Final.pdf>, accessed 13 September 2013).

⁽¹⁹⁵⁾ 'Annual report on the situation of asylum in the European Union 2012', EASO, page 33 (<http://easo.europa.eu/asylum-trends-analysis/annual-report-2012/>).

⁽¹⁹⁶⁾ 'Cecilia Malmström on the adoption of a visa waiver suspension mechanism', MEMO/13/784, European Commission, 12 September 2013 (http://europa.eu/rapid/press-release_MEMO-13-784_en.htm, accessed 13 September 2013).

⁽¹⁹⁷⁾ More information can be found on the website of the former Yugoslav Republic of Macedonia Ministry of Labour and Social Policy (<http://www.mtsp.gov.mk/?ItemID=6FC822BBA79A61429117F41943673AE4>, accessed 7 November 2013).

Projects reported by the the former Yugoslav Republic of Macedonia government in response to the EASO questionnaire predominantly included measures aimed at the Roma community ⁽¹⁹⁸⁾ and focusing on social inclusion, participation in education and public health services, access to the labour market, registration and financial support, as well as campaigns directly aimed at providing information on the functioning of the EU asylum system and visa-free regime.

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

The European Commission in its Third Report notes that the former Yugoslav Republic of Macedonia is making progress in replacing old identification documents with new biometric ones and that various measures have been introduced in the field of border management, asylum and migration, but stresses that further efforts should be taken in the field of fighting organised crime and corruption. The former Yugoslav Republic of Macedonia is recognised as having taken measures to improve life of vulnerable groups, particularly Roma ⁽¹⁹⁹⁾.

Serbia

To combat high numbers of unfounded asylum applications from Serbia, the Government of the Republic of Serbia has also undertaken different measures. In 2011, Serbia established the 'Commission for monitoring the visa-free arrangement with the EU'. Members of the commission include representatives of the Ministry of Foreign Affairs, Ministry of Justice and Public Administration, Ministry of Finance, Ministry of Work, Employment and Social Policy, Commissariat for Refugees, Office for EU Integration and the Office for Human and Minority Rights ⁽²⁰⁰⁾. Each of these bodies enacts measures according to its own purview aimed at reducing the number of unfounded asylum applications submitted by Serbian citizens in EU Member States ⁽²⁰¹⁾.

⁽¹⁹⁸⁾ **Roma information centres (RICs)** were opened, technically equipped and are now fully functional. **Romed (training programme for Roma mediators)** — supported by the Council of Europe (CoE) and carried out in 18 states in Europe (the former Yugoslav Republic of Macedonia participating since 2011). Eighty Roma mediators in the fields of education and health went through training and gained 'mediators' certificates from the CoE. In order to provide better protection to children on streets, the **action plan for children on streets 2013–15** was adopted. The action plan was developed in cooperation with all stakeholder and institutions responsible for providing child protection, as well as with the participatory involvement of the children on streets themselves. **Roma health mediators' programme** — 16 Roma health mediators in health centres in eight municipalities were engaged to facilitate the access of representatives of the Roma community to health and social services. The provision of **scholarships to Roma pupils** continues, with 593 scholarships and 107 grants for mentorship awarded for the school year 2012/13. **Project 'Inclusion of Roma children in kindergardens'** — the new project cycle for the school year 2012/13 — continued including 459 Roma children in 18 municipalities. **New secondary school** — new combined secondary vocational and gymnasium school is under construction in the municipality of Shuto Orizari, where the majority of the Roma population lives. Under the **twinning project with Austria (Agency for European Integration and Economic Development) for support of integration of ethnic communities in the education system**, a separate component is being carried out for training parents and Roma mediators. **Medical scholarships** — the programme for medical scholarships is realised within the public health programme. Seventy-five medical scholarships for Roma students were assigned for the 2011/2012 school year out of 126 candidates who applied. For comparison, the number of assigned scholarships in 2010 was 48. **Campaign under the motto 'The diploma creates leaders — learn medicine'** started, designed for young Roma — students of the medical faculties and universities, students in medical high vocational schools, doctors specialists and doctors on postgraduate studies. The purpose of the programme is to provide support for medical education, mentoring and training for health representation and communication skills. **Operational plan for active employment programs and measures for 2013** — members of the Roma community were included as a vulnerable target group through the programme for inclusive growth. A **TAIEX workshop for improving the access to labour market for the members of the Roma community** was held on 26 and 27 March 2013 for the representatives of the unit within the Ministry of Labour and Social Policy and RICs. The Ministry of Transport and Communications is disbursing the amount of **MKD 10 000 000.00** allocated in the 2013 budget for **communal infrastructure projects for Roma settlements** to be realised in cooperation with the municipalities. **Project 'Housing of socially vulnerable groups'** is being financed 50 % with a loan from the CoE Development Bank (EUR 25 350 000) and 50 % from the national budget (EUR 25 350 000). **Strengthening of RICs in promotion of suitable housing for Roma community** — a project for strengthening RICs in promotion of Roma housing was implemented until end of February 2013 in cooperation with the OSCE. **On-field action is being realised to identify persons not registered in matricular books**. Mobile legal offices work and are situated at the premises of NGOs in Skopje, Stip, Delchevo, Kocani, Tetovo and Gostivar. There are ongoing activities for informing and supporting the Roma population with regards to the applications for the **'Conditional cash transfer'** project (financial support to families, unemployment benefits — including Roma families). This programme grants financial supplements to households which are beneficiaries of social assistance but are not beneficiaries of a child allowance, if they have children enrolled in secondary schools. The **'Project for prevention — stop for abusing of the visa liberalisation'** is being implemented by the Ministry of the Interior in all municipalities in the former Yugoslav Republic of Macedonia. For each municipality, a separate project has been developed which includes: **distribution of leaflets with detailed information on the visa-free regime** (in three languages: Macedonian, Roma and Albanian) and **organising debates**. Informative meetings were held in **elementary and high schools** under the **project supported by the OSCE 'Prevention from illegal migration and visa-free travel'**. The target group is 3rd and 4th grade high-school students, their teachers and parents.

⁽¹⁹⁹⁾ 'Report from the Commission to the European Parliament and the Council — Third report on the post-visa liberalisation monitoring for the Western Balkan countries in accordance with the Commission statement of 8 November 2010', COM(2012) 472 final, 28 August 2012, page 6 (<http://eur-lex.europa.eu/LexUriServ.do?uri=COM:2012:0472:FIN:EN:PDF>, accessed 25 September 2013).

⁽²⁰⁰⁾ According to e-mail correspondence with MOI Serbia on 14 September 2013.

⁽²⁰¹⁾ 'Report on measures taken in order to maintain the visa-free travel regime with the EU from 27 March 2013', Commission for monitoring the visa-free arrangement with the EU, Republic of Serbia.

Cooperation with regard to the readmission procedure with the countries that signed the readmission agreements with the Republic of Serbia is evolving ⁽²⁰²⁾. According to the government of Serbia, over 95 % of readmission requests, submitted in accordance with the agreement, were resolved with a positive outcome ⁽²⁰³⁾.

Together with the IOM and the Red Cross, the Serbian government has organised various awareness-raising campaigns about the rights of migrants, including returnees ⁽²⁰⁴⁾, and developed radio and television clips, posters and fliers.

The police directorate and the service for combating crime have surveyed passenger transportation companies and agencies specialised in passenger transportation services to EU Member States, in order to determine the potential for organised abuse of the asylum system in destination countries and misinformation to citizens about asylum benefits ⁽²⁰⁵⁾.

Serbia too has reinforced exit controls at the border to ensure Serbian citizens travelling to the EU have the correct documentation and sufficient financial resources ⁽²⁰⁶⁾. Government officials from both the former Yugoslav Republic of Macedonia and Serbia mentioned that current procedures at the border to safeguard the visa-free regime are as intense as they can be without putting undue pressure on their citizens ⁽²⁰⁷⁾. On the other hand, the European Commission suggests that ‘efforts to strengthen exit controls (in the Western Balkan countries) and entry controls (at EU borders) should be further enhanced’ ⁽²⁰⁸⁾.

However, while progress is reported in the field of document security and combating organised crime, the European Commission reports no progress in the field of migration in Serbia and notes that ‘further serious efforts, including financial resources, are needed in order to improve the status and socioeconomic conditions of the Roma’ ⁽²⁰⁹⁾.

Albania

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

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

Police forces in Albania have strengthened their capacity with regard to the identification, investigation and criminal prosecution of those persons who falsify documents for the purpose of being used by persons applying for

⁽²⁰²⁾ ‘Report from the Commission to the European Parliament and the Council — Third report on the post-visa liberalisation monitoring for the Western Balkan countries in accordance with the Commission statement of 8 November 2010’, COM(2012) 472 final, 28 August 2012, page 9 (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0472:FIN:EN:PDF>, accessed 25 September 2013).

⁽²⁰³⁾ ‘Report on measures taken in order to maintain the visa-free travel regime with the EU from 27 March 2013’, Commission for monitoring the visa-free arrangement with the EU, Republic of Serbia.

⁽²⁰⁴⁾ Nine round tables were organised across Serbia — five round tables for civil society and representatives of research and academic communities which were attended by 86 persons and four round tables for the media where over 50 media outlets were actively involved in covering this topic in order to get full information about various categories of migrants and report properly about this subject to influence public opinion. Returnees under readmission agreements were among key topics of discussion at all round tables.

⁽²⁰⁵⁾ ‘Report on measures taken in order to maintain the visa-free travel regime with the EU from 27 March 2013’, Commission for monitoring the visa-free arrangement with the EU, Republic of Serbia. This is also confirmed in the ‘Report from the Commission to the European Parliament and the Council — Third report on the post-visa liberalisation monitoring for the Western Balkan countries in accordance with the Commission statement of 8 November 2010’, COM(2012) 472 final, 28 August 2012, pages 9–10 (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0472:FIN:EN:PDF>, accessed 25 September 2013).

⁽²⁰⁶⁾ ‘Regulation on regulating manner of carrying out police powers of border police officers and responsibilities of the state border crossing’, 110-4226/2011-001, Glasnik Republike Srbije, Belgrade, 2 July 2011.

⁽²⁰⁷⁾ Information from study visit to Western Balkan meetings with MOI Serbia on 31 July 2013 and with MOI FYROM on 25 July 2013.

⁽²⁰⁸⁾ ‘Report from the Commission to the European Parliament and the Council — Third report on the post-visa liberalisation monitoring for the Western Balkan countries in accordance with the Commission statement of 8 November 2010’, COM(2012) 472 final, 28 August 2012, page 15 (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0472:FIN:EN:PDF>, accessed 25 September 2013).

⁽²⁰⁹⁾ ‘Report from the Commission to the European Parliament and the Council — Third report on the post-visa liberalisation monitoring for the Western Balkan countries in accordance with the Commission statement of 8 November 2010’, COM(2012) 472 final, 28 August 2012, page 10 (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0472:FIN:EN:PDF>, accessed 25 September 2013).

international protection. The border police are also denying exit from Albania to those who have been denied entry to the 28 countries of the EU/Schengen area.

Moreover, Albania made changes to its criminal code and increased the severity of punishment for murder as part of a blood feud ⁽²¹⁰⁾ and investigated and is tackling corruption in the national bodies dealing with the issue and issuing certificates ‘authenticating’ the reality of the feud ⁽²¹¹⁾.

In the framework of the commitment that Albania has made to readmit its citizens under the readmission agreement, but also to cover the return costs for Albanian citizens who abuse the process of visa-free travel to seek asylum in the EU/Schengen countries, the state police organised for the first time a repatriation operation for 51 Albanian citizens who had violated the rules of stay in the Schengen area, especially in the territory of Belgium. All costs for organising and executing this operation were covered by the Albanian state ⁽²¹²⁾.

According to the Third Report, the implementation of the strategy on improving Roma living conditions is still slow. There was progress in distributing biometric documents and some progress in different fields of fighting against crime ⁽²¹³⁾.

Kosovo

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

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

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

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

Bosnia and Herzegovina

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

⁽²¹⁰⁾ Based on the changes to the criminal code of the Republic of Albania in May 2013, the punishment for murder on grounds of blood feud is extended to 28 years in prison or to life sentence, while in the former criminal code it was 20 years in prison or life sentence. When this crime is conducted under the conditions of no less than two aggravating circumstances, based on Article 50 of the new criminal code, the act is punishable with 38 years in prison or life sentence.

⁽²¹¹⁾ The Albanian Ministry of the Interior has reportedly established a task force to address the problem of counterfeit documents about blood feuds used by asylum seekers. Both the Albanian police director and the Minister of the Interior have vowed to prosecute those who prepare such counterfeit documents’ — ‘Albania country of origin information (COI) report’, UK Border Agency, 30 March 2012, section 9.32, page 40 (<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/coi/albania/report-03-12.pdf?view=Binary>).

⁽²¹²⁾ Interview with the state police of Albania on 23 July 2013. The return operation took place on 24 October 2012.

⁽²¹³⁾ ‘Report from the Commission to the European Parliament and the Council — Third report on the post-visa liberalisation monitoring for the Western Balkan countries in accordance with the Commission statement of 8 November 2010’, COM(2012) 472 final, 28 August 2012, page 2 (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0472:FIN:EN:PDF>, accessed 25 September 2013).

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

Progress has been made in the field of issuing new biometric identity documents — 72 % of all passports have been changed — and in border control in general. However, the European Commission in its Third Report noted that infrastructure development was still necessary to block the unauthorised border-crossing points already identified along the borders of Bosnia and Herzegovina with Montenegro and Serbia. The implementation of the readmission agreement between Bosnia and the EU was, however, judged to run smoothly. Some progress was reported in the development of housing for Roma, but continuing concerns were evident with regard to education, health and employment opportunities for the Roma community ⁽²¹⁴⁾.

5. Conclusion

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

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

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

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

⁽²¹⁴⁾ 'Report from the Commission to the European Parliament and the Council — Third report on the post-visa liberalisation monitoring for the Western Balkan countries in accordance with the Commission statement of 8 November 2010', COM(2012) 472 final, 28 August 2012, page 6 (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0472:FIN:EN:PDF>, accessed 25 September 2013).

Conclusion

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

Profiles, origins and destinations

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

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

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

The most significant push factors

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

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

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

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

The most significant pull factors

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

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

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

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

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

Measures

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

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

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

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Annexes

Annex 1

List of interviews conducted during the study visit to Albania, the former Yugoslav Republic of Macedonia, Kosovo and Serbia from 21 to 31 July 2013

22 July 2013

Meeting with the UNHCR in Tirana

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

23 July 2013

Meeting with IOM Tirana

Meeting with a delegation of the state police of Albania in Tirana

Meeting with Ministry of Labour and Social Affairs representatives in Tirana

24 July 2013

Meeting with representatives of the UNHCR in Skopje

Meeting with representatives of the NGO Linda in Kumanovo

Meeting with City Red Cross representative in Skopje

25 July 2013

Meeting with the former Yugoslav Republic of Macedonia Ministry of Foreign Affairs representatives in Skopje

Meeting with the former Yugoslav Republic of Macedonia Ministry of the Interior representatives in Skopje

Meeting with the former Yugoslav Republic of Macedonia Ministry of Labour and Social Policy, representatives of Department for Implementation of the Roma Strategy

26 July 2013

Meeting with representatives of the UNHCR in Pristina

Meeting with representatives of ICMPD Rekoko project on return and reintegration in Kosovo

Meeting with the director of the Roma and Ashkalia documentation centre in Kosovo

29 July 2013

Meeting with representatives of the Kosovo Ministry of Internal Affairs in Pristina

30 July 2013

Meeting with representatives of the OCHR and UNHCR in Belgrade

Meeting with representative of the NGO Praxis in Belgrade

Meeting with representative of the League for the Decade in Belgrade

31 July 2013

Meeting with a delegation of the Ministry of the Interior Serbia in Belgrade

Annex 2

List of MSACs responding to EASO questionnaires

Questionnaire 1

The following countries responded to the first EASO questionnaire sent out in January 2013: Austria, Belgium, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Lithuania, Luxembourg, the Netherlands, Malta, Poland, Portugal, Slovakia, Slovenia, Sweden, Switzerland and the United Kingdom.

Questionnaire 2

The following countries responded to the second EASO questionnaire sent out in May 2013: Austria, Belgium, Denmark, Finland, France, Germany, Hungary, Luxembourg, the Netherlands, Slovenia, Sweden and Switzerland.

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