

Policy Brief >>>

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Irregular Migration: Challenging visa liberalization for Kosovo

Kosovar Centre for Security Studies¹

By: Donika Emini

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Background

The end of 2014 and the beginning of 2015 have witnessed the largest ever wave of Kosovo migrants² heading towards the EU countries through the so called “Western Balkan route” via Serbia aiming to reach Hungary as the first country in the EU Schengen zone. The flux of irregular migrants raised urgent questions about the implications for Kosovo’s EU perspective.

What is known as the massive flux of irregular immigration towards the EU Schengen zone, resulted with roughly 50,000³ persons leaving Kosovo from November 2014 to April 2015 according to the authorities in Prishtina aiming to reach the EU countries, in most of the cases Germany. Correspondingly, Kosovars during this period topped the list of asylum seekers in Europe with roughly 48,900 applications, followed by Syrians with 29,100 and Afghans with 12,900.

Hungary received the largest group of asylum requests filed by Kosovar with roughly forty-seven percent or the total number of applications at 22,830. The next largest group of Kosovars have applied in Germany, with a total number of 21,095 applications or forty-three percent of the application pool. Kosovars are also seeking asylum in Austria, France and Sweden.

Such an unprecedented increase in the migratory flow at the Hungarian-Serbian border sparked unease amongst the main EU leaders, while shifting the magnifier back to the case of

Kosovo only fifteen years after the refugee crisis during the Kosovo conflict in the 90s. Indeed, the increase of asylum applications from Kosovo have posed a challenge to recipient countries in the region, including Germany, and called for serious attention.

While the Kosovar authorities struggled to find the factors behind such a rapid pace of its citizens towards EU countries, the EU countries considering Kosovo as a safe country of origin begun the repatriation process. Furthermore, the implications of the mass-migration into the EU integration agenda for Kosovo became part of the political discourse in Brussels.

This paper aims to demonstrate how mass-migration, in addition to reflecting the poor socio-economic situation in Kosovo, also challenged the visa liberalization process in both its technical and political aspects. While the technical aspect includes repatriation of the returned persons in Kosovo, the political aspect relies on the attitude of the EU countries towards Kosovo when granting their opinion on the visa liberalization process for Kosovo.

Methodology

This study has been conducted based on qualitative desk research, and focuses mainly on the extensive analysis of legal and political reports, journals and media articles. The collection of available data is supported by face-to-face interviews with key national stakeholders in Kosovo, EU representatives in Kosovo and key representatives from Kosovo and Germany, such as representatives from the migrations and refugee office, reintegration office, and representatives from the German Foreign Office and EU parliament.

²The purpose of this study is to analyze the phenomena of irregular migration of Kosovars towards the EU countries, this study will, therefore, not include the so called Syrian refugee crisis in Europe.

³50.000 estimated by the Kosovo authorities and 70.000 – 100.000 by the international media and reporters

Irregular migration from Kosovo towards the EU in 2014 and 2015

Lack of prosperity, poor economic development and poverty were indeed listed as the main factors mentioned by the Kosovars. In addition to economic push factors, they reflect frustration with the country's politics as well.

Other push factors were also listed to be the isolation and exclusion from the EU's visa free regime, as the lack of visa liberalization is considered as the highest security concern by citizens in Kosovo, specifically 67.2 percent of Kosovars perceive lack of visa liberalization as a security concern (KCSS, 2014: 17). The growing frustration caused by the socio-economic crisis and political instability in Kosovo, combined with isolation and high cost of visa applications paired with a 25 percent of application cases⁴ ending up in rejection – are listed as the main contributing factors leading to irregular migration (Elshan & Loxha, 2015, p. 6). (Institute, 2014)

Kosovo Security Barometer results show that in 2014, up to 67.2 percent of the respondents perceive the lack of visa liberalization as a security concern, and as a serious challenge to their wellbeing (KCSS, 2014, p. 17)

In addition to internally driven factors, the irregular migrant flow was largely facilitated by networks of human trafficking organizations transporting migrants on daily basis to the Serbian- Hungarian border with the average charge of €3,000 per person. The increasing number of Kosovar asylum seekers in the EU has been largely attributed to rumors of a

⁴As estimated by the GAP institute for the year 2015, available at:

http://www.institutigap.org/documents/55950_Raport_mbi_koston_e_vizave_per_kosovaret_per_periudhen_2010-2012.pdf

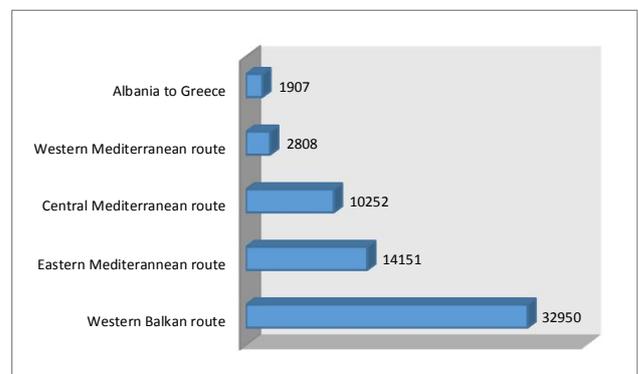
prosperous life awaiting every migrant who enters the EU as well which created a snowball effect on those who were eager to leave Kosovo (Avdiu, 2015).

Having all the factors in consideration the migration wave that began in autumn 2014 and reached its peak in early 2015 comprised up to 70.000 - 100,000 people who illegally crossed the Hungarian border into the EU⁵ in this very short period while drastically increasing the overall number of asylum seekers aiming for EU countries (Möllers, et al., 2015).

According to the Kosovo Intelligence Agency, there were emigrations in 2013 and 2014, but the largest flux was registered in 2015. There were 50,000 Kosovo citizens who left. Cities like Prishtina, Mitrovica, Vushtrri, Ferizaj and Gjilan have considerably fewer inhabitants than before (Plesch, 2015). However international media reports count around 70,000- 100,000 migrants from Kosovo.

The number of persons crossing through Hungary during this period has increased by 268% in comparison to 2013 according to the FRONTEX statistics (FRONTEX, 2015).

Figure 1 Migration routes to Europe (Jan – March 2015) (EUROSTAT, 2015)



⁵ Known as the Western Balkan Route

Being flooded by the asylum requests, EU leaders declared that Kosovars have no chance of getting asylum as it is considered a safe country of origin while begun the repatriation process with the Government of Kosovo.

Figure 2 : Trends of Migration toward the EU countries (FRONTEX, 2015)(EUROSTAT, 2015)



Hungary received the largest group of asylum requests filed by Kosovars with roughly forty-seven percent or the total number of applications at 22,830. The next largest group of Kosovars have applied in Germany, with a total number of 21,095 applications or forty-three percent of the application pool. Correspondingly, some EU countries have initiated changes in asylum policies, Hungary for example began its first changes on the asylum policy – including the discussions over the border fence with Serbia (Amnesty International, 2015).

Table 1 Number of migrants from Kosovo received by selected EU countries (EUROSTAT, 2015)

Kosovo	Total Number	Percentage
Hungary	22 830	47
Germany	21 095	43
Austria	2 065	4
France	1 535	3
Sweden	825	2
Others	525	1

Tackling mass-migration: Readmission a test for Kosovo institutions (?)

The irregular Migration, Readmission and reintegration process represents one of the key pillars in the visa liberalization process for Kosovo. These issues became a high priority for the Government of Kosovo immediately after receiving the Visa Liberalization roadmap (Commission, 2012, pp. 1-2). Correspondingly, these two elements are carefully monitored by the EU commission on annual basis aiming to mark progress or regress made in this regard.

Having the Government of Kosovo unable to explain the reasons behind the flow, as well as prevent the irregular migration through Serbia the public opinion in Kosovo raised questions on the correlation between visa liberalization process and increase of irregular migration.

The issue of irregular migration and the number of asylum seekers in EU countries is a concern to the EU authorities. The political discourse shows that it has been used as an argument to delay visa liberalization. Nevertheless, the readmission process should be used to turn this situation into a positive mark for Kosovo.

The European Commission has insisted on progress in the areas of readmission and illegal migration, and considered that Kosovo had made progress in this regard by 2014 – specifically in establishing a functional policy framework for the reintegration of returnees in Kosovo. Kosovar institutions have begun to pay careful attention to illegal migration and the readmission process (Muja, 2013).

Along with the legal framework, Kosovo established organizational structures to deal with readmission. The Ministry of Internal Affairs (MIA), specifically the Department for

Reintegration for Repatriated Persons, coordinates the process of readmission in terms of overall policy development, general management, and the development of legislative and budgetary measures (MIA, 2015).

A legal framework for regulating this issue was put in place in June 2010 when Kosovo adopted the Law on Readmission (Law No.03/L –208, 2010). Furthermore, responsibilities have been rearranged and divided between the Border Police, and the MIA.

Due to its lack of contractual relations with the EU, Kosovo signed separate readmission agreements with 22 EU member states and Schengen Associate States, while agreements with other states are still being negotiated. Furthermore, the Law on Readmission is used in cases when there are no bilateral relations between Kosovo and the receiving state. Moreover, the readmission process differs from one country to another. The main terms and conditions set in each agreement include details such as the length of the process, its different phases, and other relevant details.

Being set as one of the core requirements for visa liberalization, the EU Commission viewed the readmission process positively until 2014. Nevertheless, the migration flow of Kosovars has opened a challenging new chapter for the Kosovo authorities; it will most likely impact the 2015 assessment in terms of the number of asylum seekers, while challenging the MIA to actively manage the readmission process as a whole, to demonstrate the EU that it takes this matter seriously.

Having been faced with a massive migration and asylum application flow, the EU member states, in particular Germany, Austria and Hungary, responded with a “practically zero percent” approval rate for Kosovars. The decision to

return the asylum seekers from Kosovo was taken under the decision that Kosovo is considered a safe place of origin and that the citizens can be safely returned (Deutsche Welle, 2015) correspondingly, the pace of responding to the number of asylum application from Kosovo is very fast.

Table 2 Total number of decisions taken by September 2015 for the first time asylum applications (EUROSTAT, 2015)(Reference Eurostat)

Total Decisions 13 570 by September 2015			
Negative	Positive 260 of which		
	Refugee Status	Subsidiary Protection	Humanitarian Reasons
13 310	140	80	40

As seen on the table 2, out of total of 12,780 decisions, 12,605 were negative; therefore these citizens are to be deported (mostly on a voluntary basis) with sanctions and bans from re-entry to the whole of the Schengen zone.

In March 2015, authorities from the relevant EU countries initiated readmission procedures for those who had entered illegally during the mass migration.

According to Fahrije Sheremeti, director of the Citizenship, Asylum and Migration Department of the Kosovar MiA, these persons had left Kosovo over the previous few months and therefore the conventional provision for reintegration was not required (Sheremeti, 2015).

The process of repatriation is being fairly addressed in spite of the limited capacities of the Department of Citizenship, Asylum and Migration. Both its human and technical capacities are quite limited in responding to the

number of requests sent by the EU countries. Staffed with six officials working in the Repatriation Division, this department has processed roughly 14,000 cases so far, according to Mr. Krasniqi. The current data published by the Government of Kosovo shows that roughly 7,500 persons (see tables 1 and 2) have been readmitted within a period of two months. If the process continues to flow at this pace, the return of asylum seekers will be completed within two years.

Table 3: Forced Readmission by country by June] 2015(MIA, 2015)

Countries	Female	Male	Total
Germany	766	2602	3368
Sweden	93	191	284
Austria	44	172	217
Switzerland	53	140	193
France	27	50	77
Others	48	109	157
Total	1031	3264	4295

Table 4 Volunteer Readmission by country by June 2015(MIA, 2015)

Countries	Female	Male	Total
Germany	821	1816	2637
Austria	32	54	86
Switzerland	14	123	137
Sweden	23	49	72
Hungary	30	78	108
Others	48	171	219
Total	968	2291	3259

The current data show a rather fast pace of return, in spite of the limited capacities (both human and technical) within the Readmission Division and the added workload of having to process the requests from each EU country separately. Hence, it is evident that the readmission process is highly dependent on the willingness and capacities of both EU countries and the Kosovo authorities, which should collaborate effectively to successfully complete this process (Krasniqi, 2015).

Apart from the political discourse and the declarations by the EU officials, the official report/assessment for Kosovo should be published later this year: a delegation from the EU commission will be expected to proclaim their definitive opinion on the case of Kosovo by November 2015 based on the assessment made in July 2015 (EU Parliament Official, 2015).

Political Aspects *vis-a-vis* mass migration

While the process of readmission is listed among the technical criteria, namely the Roadmap with Technical Benchmarks to be fulfilled by the Government of Kosovo, there is, however, a political aspect behind the process considering the number of votes needed by the EU member states.

The mass migration has shifted the spotlight back onto Kosovo, while calling attention to its need for political, legal, social and economic improvements in its approximation to the EU. While the technical aspect can be easily fulfilled in cooperation with the EU member states, it is rather difficult to regain the trust of EU countries after the mass migration. Difficulties appear in the member states' opinions, and in their willingness to give a supporting vote that

would potentially inspire further mass migration (German Foreign Office, 2015).

According to Mr. Fisnik Rexhepi, Senior Political Adviser to the Minister of European Integration in Kosovo, in spite of fulfilling 95% of the criteria required for the visa liberalization, the mass migration seriously harmed the process in general. Moreover, mass migration has contributed to a generally unfavorable attitude towards Kosovo (EU Parliament Representative European leaders involved in the case of the Kosovo visa liberalization process have predicted that the phenomenon of mass irregular migration from Kosovo will negatively impact when the assessments for visa liberalization were made by the Commission(Rexhepi, 2015).

Moreover, the precedent cases in the Western Balkans such as the case of Albania, Macedonia and Serbia did not mark a good example of the visa free regime. The visa free regime inspired the citizens of Serbia, Montenegro, Albania and Bosnia and Herzegovina to seek asylum in EU countries right after the decision was taken. (European Commission, 2015). Since then, EU countries have dealt with mini peaks from the region, and now some are even considering the suspension of visa liberalization for these countries.

Policy Recommendations

Considering that the Government of Kosovo, the EU mission in Kosovo and the EU member states are the largest stakeholders in this issue, most of recommendations are addressed to the Ministry of Internal Affairs, the EU Commission, and other relevant institutions.

Among the key recommendations are:

The Government of Kosovo

- There should be joint efforts made by the Kosovo Government and the EU mission in Kosovo to develop a clear strategy for providing and disseminating accurate and precise information about the rules of entry to the Schengen area, and the responsibilities of the visa free regime.
- The government of Kosovo should cooperate with neighboring countries, as well as the EU institutions as a way of preventing human trafficking and manipulation among citizens.

The Ministry of European Integration in cooperation with the Ministry of Internal Affairs and other relevant institutions

- These institutions should organize an intensive campaign (apart from TV commercials) to limit irregular migration and to educate the population about the asylum policies of EU Member States, explaining the extreme unlikelihood of Kosovo citizens gaining asylum or refugee status.

The Citizenship, Asylum and Migration Department

- Increase technical human and technical capacities for effective management and monitoring of the readmission process, improve cooperation and coordination on readmission between different authorities. This will guarantee effective response to the readmission requests from all Member States.
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The European Commission

- A visa free regime will provide an avenue for getting out of irregular migration. Focusing on irregular migration is shifting the spotlight from the benefits that other citizens – mostly skilled workers and travelers – would enjoy if brought into the visa-free regime. Isolation does not prevent illegal migrants. Instead, it encourages human trafficking and will challenge the EU, both financially and in terms of security.
- Legal migration opportunities in EU countries. The Government of Kosovo should cooperate with international organizations, in particular the programs led by the EU countries such as GIZ – DIMAK, which has been actively involved in finding legal solutions for those aiming to work in the EU Schengen zone, mostly on a seasonal basis (Theis, 2015). Legal migration options represent a good alternative to irregular migration. Seasonal employment programs can be a solution for employment which Kosovo desperately needs.

Raising Awareness on EU regulations

- Lack of knowledge on the EU regulations – respectively the migration and asylum rules has been one of the main reasons why the Kosovars were prone to manipulation.
- The role of the CSOs and Media should be more actively engaged in raising awareness about the visa-free regime and irregular migration.

The role of civil society is to serve as an alternative source of expertise. The

proactive involvement of NGOs is the key to informing citizens and preventing irregular migration.

References

Interviews

EU Parliament Official, 2015. *Visa Liberalization for Kosovo* [Interview] (1 June 2015).

German Foreign Office, 2015. *Diplomat* [Interview] 2015.

Krasniqi, V., 2015. *Director of Citizenship, Asylum and Migration Department* [Interview] (15 05 2015).

Rexhepi, F., 2015. *Senior Political Adviser at the Ministry of European Integration* [Interview] (September 15 2015).

Sheremeti, F., 2015. *Director of the Citizenship, Asylum and Migration Department at the MoIA* [Interview] (September 2015).

Theis, N., 2015. *DIMAK Project Coordinator* [Interview] (22 September 2015).

Documents and Reports

Assembly, K., 2010. *Official Journal*. [Online] Available at: <http://www.kuvendikosoves.org/common/docs/ligjet/2010-208-eng.pdf>

European Commission, 2008. *Readmission agreements with the countries of the western Balkans*. [Online] Available at: http://europa.eu/legislation_summaries/enlargement/western_balkans/l14562_en.htm [Accessed 15 May 2015].

European Commission, 2010. *Fifth Report on the Post-Visa Liberalisation Monitoring for the Western Balkan*, Brussels : EU commission .

European Commission, 2012. *Visa Liberalization with Kosovo - Roadmap* , Brussels : EU .

European Commission, 2015. *Migration and Home Affairs*. [Online]

Available at: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/visa-policy/index_en.htm

Elshan, D. & Loxha, A., 2015. *Potential Migrant"s Profiles: Who are the Kosovars most willing to migrate?* , Prishtina: Group for Legal and Political Studies GLPS.

ESI, 2012. *A comparative analysis of the visa liberalisation roadmaps for Kosovo and other Western Balkan countries*, Brussels: European Stability Initiative.

EUROSTAT, 2015. *Asylum statistics*, Brussels: EUROSTAT.

FRONTEX, 2015. *Western Balkans - Annual Risk Analysis 2015*, s.l.: FRONTEX.

GLPS, 2012. *Visa Liberalization Process in Kosovo: An Assessment Matrix of Achievements and Challenges* , Prishtina: GLPS.

KCSS, 2014. *Kosovo Security Barometer - Fourth Edition*, Prishtina : Kosovar Center for Security Studies (KCSS).

KCSS, 2014. *Kosovo Security Barometer - Fourth Edition 2014*, Prishtina: Kosovar Centre for Security Studies (KCSS).

MEI, 2013. *Assesment of the knowledge of the Republic of Kosovo citizens in the visa liberalization process*, Prishtina: MEI.

MIA, 2013. *Kosovo Assembly - Laws*. [Online] Available at: [https://kk.rks-gov.net/lipjan/getattachment/Home/RREGULLORE_QRK_NR_202013_PER_RIINTEGRIMIN_E_PERSONAVE_TE_RIATDHESUAR_DHE_100920121_\(3\)_13032014.pdf.aspx](https://kk.rks-gov.net/lipjan/getattachment/Home/RREGULLORE_QRK_NR_202013_PER_RIINTEGRIMIN_E_PERSONAVE_TE_RIATDHESUAR_DHE_100920121_(3)_13032014.pdf.aspx) [Accessed 17 May 2015].

MIA, 2015. *MIA official webpage*. [Online]
Available at: <http://www.mpb-ks.org/?page=2,112>

MIA., 2015. *Statistical Report K1 2015 (January-March)*, Prishtina: MIA.

Muja, A., 2013. *The EU Visa Liberalization Process in the Western Balkans Countries: A Comparative Assessment*, Prishtina: Kosovar Centre for Security Studies .

Plesch, V., 2015. *Washington Post*. [Online]
Available at:
<http://www.washingtontimes.com/news/2015/may/10/kosovo-political-economic-crisis-sparks-mass-exodu/?page=all>
[Accessed 23 05 2015].

Welle, D., 2015. *Kosovars have virtually no chance of asylum in Germany | Germany |*. [Online]
Available at: <http://www.dw.com/en/kosovars-have-virtually-no-chance-of-asylum-in-germany/a-18248755>
[Accessed 15 September 2015].