

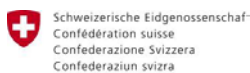


PARLIAMENTARY INSTITUTE

REFLECTIONS OF THE MIGRANT CRISIS IN THE COUNTRIES OF SOUTHEASTERN EUROPE

- study -

Skopje, July 2016



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FOREWORD

In 2015, the Parliamentary Institute of the Assembly of the Republic of Macedonia promoted an initiative for enhancement of cooperation between the parliamentary research services in the region of Southeastern Europe. After receiving positive responses from a number of parliamentary research services from the countries neighboring the Republic of Macedonia, this initiative resulted in a joint research paper and a Regional conference which have taken place in Skopje in October 2015.

Relying on the positive experiences from last year's conference, the Parliamentary Institute have decided to extend the initiative and to involve more parliamentary research services from the region. The main result of this extended initiative is this research paper, which is a product of joint efforts by six parliamentary research services from five countries from the region of Southeastern Europe.

The topic of the paper - the migrant crisis in the region of Southeastern Europe, is a real challenge for any contemporary parliamentary research service, because of its relevance and because of the main mission of parliamentary research services - to provide objective, relevant and timely information to the decision makers in the legislative bodies. The structure of the joint research paper - with its different chapters written by parliamentary researchers from different country, can only add additional value, providing the reader with a wide variety of points of view.

Same as in 2015, this joint research paper will be presented at a Regional conference of parliamentary research services. The conference will be held in Skopje, on 7 and 8 of July 2016. Besides for the presentation of the joint research paper, the purpose of the Regional conference is to enhance the cooperation between the parliamentary research services in the region of Southeastern Europe and to explore the possibilities for its further development.

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Skopje, July 2016

I. ALBANIA

INTRODUCTION

Humanitarian treatment of refugees and migrants is an obligation for every country, as is the recognition of their rights as established on the Human Rights Universal Declaration, the 1951 Convention, the Status of Refugees and its Additional Protocol of 1967, and on the European Council's Directives.

Albania cannot avoid, modify, suspend or postpone these obligations, but on the contrary our country should have a more keen approach towards them, necessary in these times of crisis.

This crisis, requires a global response and interaction, it presents a complex challenge both in the current immediate situation and in the long term plan.¹

To carry out this study for the period 2015-2016, Parliamentary Research Service collaborated with and referred to the official data of the Ministry of Internal Affairs and the Ministry of Foreign Affairs of the Republic of Albania.

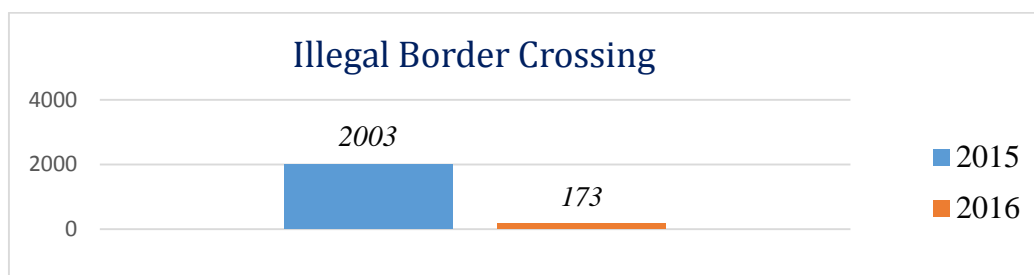
This study was proposed by the Parliamentary Institute of Macedonia to identify some issues of Migration Crisis, but also to increase the cooperation between Parliamentary Research Services in the region.

1. Statistical data on the transit of migrants and refugees through territories of every country in the region of South-eastern Europe, from official (government) and, if available, unofficial sources

Is presented as follows, an overview of the migratory movement in the territory of Albania for the time period 2015 - April 2016. The following charts are developed by the Parliamentary Research Service with data obtained from the Information Bulletin on the activities of the Mol for the period of January – April 2016 and January – December 2015, of the Ministry of Interior Affairs, the State Police Department.

In 2015, 2003 persons crossed the Albanian border illegally, among whom 69 % are Syrian, whereas in 2016, the number of people illegally crossing the Albanian border is 173, among whom 55.32 % are from Morocco.

Chart no.1



¹ <http://www.avokatipopullit.gov.al/sq/content/07042016-avokati-i-popullit-z-igli-totozani-i-d%C3%ABrgon-kryeministrit-edi-rama-nj%C3%AB-rekomandim>

Chart no. 2

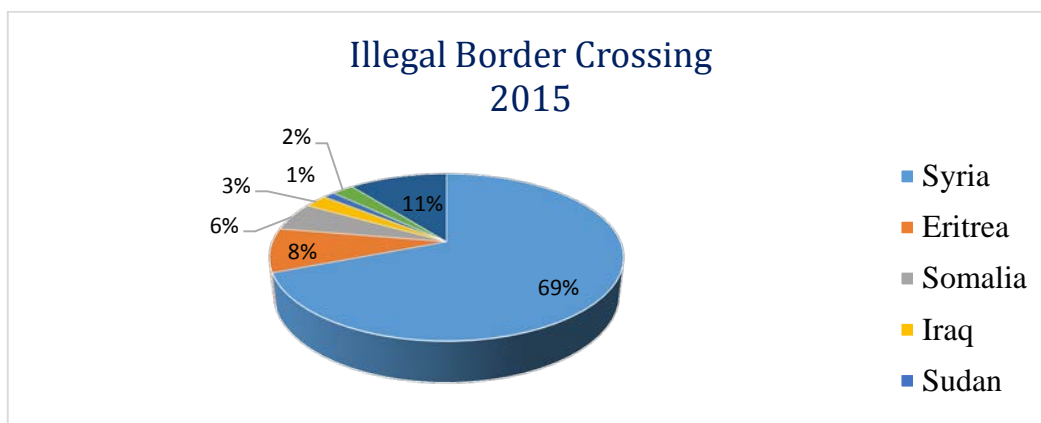
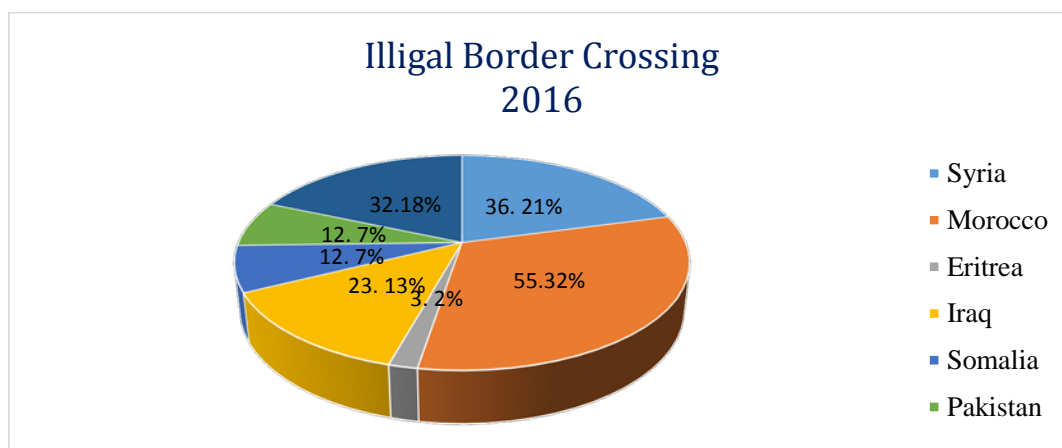


Chart no. 3



It is of particular concern to the UN High Commissioner for Refugees (UNHCR) that an increasing number of those crossing the border illegally come from refugee producing countries, and especially from Syria (89% of those apprehended in the first six months of 2015, in comparison with 75% in 2014 and 22% in 2013). Given the situation of the widespread conflict and human rights violations in Syria, UNHCR considers that most Syrian nationals can be presumed to be *de facto* refugees. However, many choose not to avail themselves of their right to asylum, preferring to risk illegal crossings in the hope of being able to reach wealthier northern European countries instead.

Additionally, not all are being given a chance to claim asylum. The Albanian authorities – the border police, the Albanian Directorate for Refugees (DfNR) - have very limited resources, both in terms of personnel and budgets. As such, they are struggling to cope with the growing numbers. Pre-screening procedures at the border are being carried out in less than optimal conditions and the number of asylum requests arising from the pre-screening remains extremely low. Further efforts are needed to ensure

that those in need of international protection are screened out of illegal migrant flows and offered the opportunity to exercise their right to ask for asylum.²

During 2015-2016 there was a considerable number of requests for asylum addressed to the Asylum Department in the Ministry of Interior, among which, 106 asylum requests 2015 (5% of the people illegally crossing the border) and 37 asylum requests until May 2016 (20% of the total respective number). The asylum seekers were of various nationalities, such as Syria, Ukraine, Kosovo, Eritrea, etc.

As regards the frequency of these requests we can say that the most numerous requests for the period 2015-2016 were made by Syrians, followed by Afghanistan, Eritrea, Sudan etc. The following chart reflects the number of asylum seekers in Albania, according to their nationality.

Table no.1

Country of origin	January-December 2015 No. of asylum seekers	January-May 2016 No. of asylum seekers
Eritrea	<i>7</i>	-
Syria	<i>80</i>	<i>16</i>
Afghanistan	<i>3</i>	<i>10</i>
Sudan	<i>4</i>	-
Somali	<i>1</i>	-
Iraq	<i>1</i>	<i>1</i>
Ukraine	<i>3</i>	-
Gabon	<i>1</i>	-
Cameroon	<i>2</i>	-
Serbia		<i>1</i>
Macedonia	<i>2</i>	-
Kosovo	<i>1</i>	<i>1</i>
Congo	<i>1</i>	-
R. D. Congo	-	<i>3</i>
Tunisia	-	<i>3</i>
Ghana	-	<i>1</i>
Turkey	-	<i>1</i>
Total	<i>106 persons</i>	<i>37 persons</i>

² http://www.un.org.al/editor-files/file/CCA%20Albania_2015.pdf

Source: Ministry of Internal Affairs / The data are prepared by the Parliamentary Research Service

The asylum seekers in Albania tend to perceive our country as a transit one, not as a destination. They intent as their final destination the developed countries of the European Union.

2. Which are, if any, the legislative measures taken by each country, in order to mitigate the effects of the migrant crisis?

Law no. 121/2014 "On Asylum in the Republic of Albania", as amended, was approved on 18/09/2014 and promulgated by Decree no. 8736, dated 08.10.2014 of the President of the Republic of Albania³.

This new law repealed law no. 8432, dated 14.12.1998, "On Asylum in the Republic of Albania", as amended, and the law no. 9098, dated 07.03.2003, "On the integration and family reunion of people who have been granted asylum in the Republic of Albania". One of the innovations in this law, is exactly the integration in a harmonized way of both existing laws on asylum, the law No. 8432, dated 14.12.1998, "On Asylum in the Republic of Albania", as amended, and Law No. 9098, dated 03.07.2003, "On the integration and family reunion of people who have been granted asylum in the Republic of Albania", aiming to consolidate and regulate the field of asylum in the Republic of Albania with the latest developments and changes, especially to those dealing with the approval of the Law no.108 / 2013, dated 03.28.2013, "For foreigners". In this way, was enabled having an organic law on asylum.

This law aims at consolidating the substantive legal framework in the field of asylum and the full alignment of this legislation with the European Union.

As defined in Article 2 of the same law, its object is to determine the principles and basic conditions for recognizing and guaranteeing the right of foreign persons or stateless persons to seek international protection; the responsible authorities and their competence in dealing with foreigners and stateless persons seeking international protection; ways of recording and documents, provided for persons seeking asylum and those who have received a form of international protection in the Republic of Albania; refugee status and subsidiary protection status; rights arising from international protection; the right of administrative and judicial appeals. This Law is compiled in accordance with the *Universal Declaration of Human Rights*, dated December 10 1948. The article 14 of the Declaration stipulates:

"Everyone has the right to seek and to enjoy in other countries asylum from persecution. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations."

A topic to be treated is the meaning that the Albanian legislation awarded to the term "asylum". The answer for this question is found in Article 3 of Law no. 121/2014, sanctioning asylum as form of international protection that the Republic of Albania grants to refugees. The same provision gives the meaning of the term refugee, as a foreigner or stateless person who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership in a particular social group or

³ Law 18.09.2014 "For asylum in the Republic of Albania". Official Journal, 18.09.2014, no.121. https://www.parlament.al/wpcontent/uploads/sites/4/2015/10/liqj_nr_121_dt_18_9_2014_19228

political opinion, is outside the country of his nationality or country of habitual residence and is unable or unwilling to seek the protection of that country or return to that country, as a result of these circumstances, in accordance with the requirements of *section 1 (A) of Geneva Convention*⁴.

Considering the increasing trend of foreigners who come in Albania, for asylum or to acquire the refugee status, it is thought that this law meets the best needs to ensure full protection of the foreign nationals. This law provides the legal basis for the establishment of the National Commission on Asylum and Refugees, who will serve as the only competent authority to decide upon appeals on the decisions of the competent authority for asylum seekers and refugees. The law also provides a 'supplementary protection' status, which almost equals the refugee status. On the other hand the law expands the management of temporary protection, setting a time limit for this protection, the circumstances for refusing it, and its limitation under certain conditions.

In Conclusion regarding to its contents and regulations, the new Albanian law on asylum is a detailed and voluminous law that treats conditions and procedures for granting and withdrawing asylum, subsidiary protection and temporary protection in the Republic of Albania, the rights and obligations of asylum seekers, refugees and persons under temporary and complementary protection, content of refugee status and subsidiary protection, the right to family reunification and determining the conditions for integration of refugees and persons under subsidiary protection in the Republic of Albania⁵.

As a relatively new law, the Albanian law on asylum has a partial approximation with EU directives and it is fully aligned with the standards enshrined in the Geneva Convention, to which the Republic of Albania has acceded.

During the 2015-2016 period the Asylum Directorate issued the following decisions:

- 27 Decisions on "Revocation of Refugee Status"
- Three (3) Decisions to recognize the status of "Complementary Protection"
- Two (2) Decisions for "A cessation of protection status"
- Four (4) decisions for refusal of recognition of international protection by issuing the "Refusal Decision".
- The rest of asylum seekers left Albania, abandoning the process.

The Albanian Assembly is currently reviewing the new draft law proposed by the Council of Ministers during 2016, a draft law "On Borders Control"⁶.

This law aims will provide the rules for border control regime for those persons who cross the state border of the Republic of Albania. The purpose of this bill is to provide

⁴ <http://www.proceedings.univ-danubius.ro/index.php/eirp/article/view/1609/1584>

⁵ This law is partly approximated with some directives of the European Council: Council Directive 2001/55 / EC, dated 20 July 2001, " On minimum standards for giving temporary protection in the event of a mass influx of displaced persons"; Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers; Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification; Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status; Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on Standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted.

⁶ <https://www.parlament.al/wp-content/uploads/2016/05/kontrolli-kufitar.pdf>

the Border and Migration Police (BMP) with the necessary mechanisms to carry out border control in full compliance with European Union acquis.

When analysing the implementation of the current legislation and following the subsequent process it was decided that Law no. 9861, dated 24.1.2008, "On the control and supervision of the state border", to be divided in the proposed bill "On Border Control" that regulates border control in the State border of the Republic of Albania and the draft law "On state border", which will be proposed for adoption, being in line with the National Strategy for Integrated Border and its Action Plan (Cross-Sectoral Strategy 2014-2020), (approved by decision No. 119, dated 05.03.2014, the Council of Ministers) and the program of the European Integration National Plan 2016-2020.

3. Which were, if any, specific policies that have been implemented by each country in the region in order to mitigate the effects of the migrant crisis?

The activity of the Albanian diplomacy is mainly focused on being updated with the situation and exchanging information among local agencies and institutions, using its resources abroad and its contacts with foreign embassies. Thus, it leans towards a high-quality exchange of information, accurate statistics, coordination among institutions, cooperation among Albanian law enforcement agencies and foreign agencies, by maintaining regular contacts with the immigration offices in the host countries, as well as the cooperation at institutional level among the respective ministries⁷.

The plan prepared in September 2015, as part of preparedness to face with an afflux of potential migration / refugees at the request of the Ministry of Interior, is a hypothetical Draft Plan which is not approved yet, but can become active if Albania will be affected by an afflux of migrants/ potential refugees. In several official statements, Albanian government representatives have claimed that necessary measures are taken by the authorities, they are prepared for any eventuality related to the reception of migrants from other countries⁸.

Specific measures taken by the Albanian government regarding to migratory crisis⁹

- ◆ IOM Tirana has arranged in several meetings and has prepared the Contingency Plan to host third country nationals who may come to our country;
- ◆ The prefectures have specified the most likely places where shelters can be set up for foreigners, the minimum and maximum capacity for their hosting and some centres are already assigned, mainly in south and east of Albania;

⁷ Minutes of the Parliamentary Committee on Foreign Policy dated 21.10.2015, pages 6-7
https://www.parlament.al/wp-content/uploads/2016/01/procesverbal_21_10_2015_24490_1.pdf, accessed June 7, 2016

⁸ *The Situation of Syrian Refugees in Albania. Observation from the written and electronic media. April 2016.*
http://observator.org.al/wpcontent/uploads/2016/04/The_situation_of_Syrian_refugees_in_Albania_April2016.pdf

⁹ Minutes of the Parliamentary Committee on Foreign Policy dated 21.10.2015, pages 11-12
https://www.parlament.al/wp-content/uploads/2016/01/procesverbal_21_10_2015_24490_1.pdf, accessed June 7, 2016

- ♦ Human, logistic and financial resources have been designated. There were made some calculations with regard to the management of this situation, as part of the Contingency Plan, under the guidance of the General Directorate of Border and Migration. A hosting and accommodation centre for asylum seekers and refugees exists and efforts are being made to increase the host and accommodation capacity of this centre. On the other hand, possible scenarios for setting up tents and containers in case of a possible refugee afflux have been taken into consideration. Besides Kapshtica camp, two other camps will be established in Korça to accommodate Syrian immigrants who may arrive in Albania, the Pocesta and Drenova camps.
- ♦ The border control is reinforced and the number of human and material resources is increased, to make this control more efficient. The border line with Greece and Macedonia (in the time when migrants were blocked in Idomeni/Greece) was identified as a high risk area for the entry of migrants. Therefore the local Directorate of Border and Migration Police in Gjirokastra and Korça reinforced it with additional patrols and with some additional equipment for the registration of the caught migrants. Additional logistical equipment such as tents, blankets and other means of personal use were made available to these directories if necessary. There are also some places where to establish temporary registration and accommodation centres along these border areas. There are 3 identified points of entry through which the Syrian refugees are likely reach Albania. There are being installed 15 scanners at border police stations, in order to take fingerprints of all the refugees who will enter our country ¹⁰;
- ♦ The potential points of entry/exit are identified. Moreover the Ministry of Foreign Affairs has shown a huge commitment to shorten the repatriation procedures of the illegal immigrants. This due to the essential time for the setup of parallel structures for the verification of people and the returning of those who do not meet the required criteria;
- ♦ Each institution has determined the points of contact.

4. Which were the formats of bilateral and multilateral cooperation that each country have implemented during the migrant crisis, in order to mitigate its effects?

The Speaker of Parliament, Mr. Ilir Meta, during his speech at the conference of the Speakers of Parliament of the European Union which was held in Luxembourg, said that even though we are not affected by the current flows of refugees, in the light of a common European approach, Albania will contribute in compliance with the situations, as required by our European partners and within our modest capacities¹¹.

The multilateral cooperation of the Albanian state authorities with the countries affected by the crisis, such as Greece, Macedonia, Italy has been good. At a meeting

¹⁰ *The situation of Syrian Refugees in Albania. Observation from the written and electronic media. April 2016.* http://observator.org.al/wpcontent/uploads/2016/04/The_situation_of_Syrian_refugees_in_Albania_April2016.pdf

¹¹<https://kryetari.parlament.al/2016/05/23/kryetari-i-kuvendit-z-ilir-meta-mori-pjese-ne-konferencen-e-kryeparlamentareve-te-bashkimit-europian-qe-po-mbahet-ne-luksemburg>

of our ministers with those of Greece, Macedonia and Bulgaria related to the migration crisis, held in Thessaloniki on 21-22 April 2016, it was highlighted the identification of the human aspect of the refugee treatment, the need for coordination and reinforcement of action and operational measures in addressing the challenges brought about by this crisis, including human trafficking, terrorism and security threats.

The bilateral cooperation with neighbouring countries has been successful especially in having a close cooperation at the level of Ministry of Foreign Affairs and the Ministry of Interior. The Macedonian Foreign Ministry informed constantly our country on the progress of the crisis in Macedonia and its relations with its neighbours.

Relating to the forms of cooperation about the matter of irregular migration, the Albanian Government collaborates at a strategic level with:

- ❖ The National Point about situation of migration flux:
 - at a strategic level and;
 - at a technical level (weekly video conferences).
- ❖ The National Point operates at the Council of Ministers through the Operational Office of Situation (OOS). OOS reports each time it identifies refugees/migrants at the borders and in the territory. It collaborates with:
 - FRONTEX - Daily Reports; National Contact Point collaborates with FRONTEX, in order to complete the evidences on the situation of irregular immigrants in JORA system of FRONTEX;
 - Macedonia through Police Cooperation Centre at Qafë Thanë, reports daily on the situation of illegal immigration in this place;
 - International Organizations such as IOM, UNHCR, and Caritas exchanging last minutes information about irregular immigration in the neighbouring country, Greece.
 - Contact Officers appointed to the Foreign Embassies in Albania and the Albanian State Police Officers appointed to the neighbouring countries;
 - The Contact Officer of the Greek Embassy in Tirana, obtaining information regarding the status and the number of irregular migrants in all Hotspots raised by the Greek authorities, even in the border with Albania.

In September 2015, in the context of setting the provisions for coping with an influx of potential migrates/refugees, upon the request of the Ministry of Interior Affairs, an inter-ministerial group of experts and representatives of organizations (such as IOM, UNHCR, the Albanian Red Cross, Caritas, etc.) was called to draft a Preparatory Plan (revised in April 2016), in the event of a possible massive influx of migrants/refugees in Albania). There were identified the issues, needs and means of overcoming these hypothetical problems after the discussion on some of the possible migrants/refugees scenarios (who may transit or stay in the territory seeking asylum).

In relation to the significant number of Albanian citizens who are seeking asylum in Germany, the Albanian government has held several meetings in Germany to stop asylum seeking for economic reasons. In this context, the Lower House of the German Parliament passed on October 15, 2015, the new Law "On accelerating the asylum

procedures", which contains the provision on the recognition of our countries as a safe country of origin¹².

The cooperation in terms of security matters with Italy is centred around the Agreement of Cooperation between the Government of the Republic of Albania and the Government of the Republic of Italy, in the fight against crime, signed in Tirana on June 19, 2007. Furthermore, the cooperation during these years is founded on bilateral protocols of cooperation signed between the two countries in 1997, 1998, 2000, 2002, 2012 and 2014.

As regards to the "Protocol between the Ministry of Interior Affairs of the Republic of Albania and the Ministry of Interior Affairs of the Republic of Italy to strengthen the bilateral cooperation in the fight against terrorism and trafficking in human beings", the Draft Protocol is still under discussion and it is not signed yet.

There is a Partnership Agreement between the Ministry of European Integration of the Republic of Albania and the Ministry of Local Government Administration of Kosovo to act as partner in the management of technical assistance in the IPA II, 2014-2020, CBC Albania-Kosovo, signed in Pristina on 03/06/2016.

International organizations such as UNHCR, IOM, Red Cross, UNICEF, Save the Children, etc. have constantly demanded from the Albanian authorities to take measures and they have so far offered their help in supplying with materials such as tents, utensils, clothes, medicines and emergency equipment¹³. The cooperation with the OSCE consists on a series of seminars for the Albanian migration and border police, in order to increase their capacity to act in response of the challenges of irregular migration after the increase in migrant flows through the Western Balkans.

Ms. Toska, the representative of the General Directorate of Border and Migration, who took part in the second and the third session of Working Group II addressing the topic "Challenges of Migration and Asylum in Albania", which was organized on April 11, 2016 by the European Movement in Albania in partnership with Slovak Foreign Policy Association and with the support of the Ministry of Interior and the Ministry of European Integration, said that:

*State Policy measures are directed towards the increase and the exchange of information on technical and strategic framework, especially where this exchange is deeply managed with Frontex and with neighbouring countries such as Macedonia and Greece. Ms. Toska emphasizes the importance of the fact that Albania is not legally defined as a transit country, but this does not mean that no action should be taken to cope with the situation in the future. The increased cooperation among CSO-s such as UNHCR in planning reception, admission and registration centres for refugees is assessed positively"*¹⁴.

On March 19, 2016, The OMBUDSMAN, Mr. Igli Totozani announced publicly the regional action plan on coping with the crisis of refugees/migrants, which was drafted in Thessaloniki by nine regional homologue representatives of Albania, Austria, Croatia, Greece, Kosovo, the Republic of Macedonia, Serbia, Slovenia and Turkey. This joint action plan highlights that refugees/migrants are entitled to protection against

¹² Foreign Policy Committee, Minutes, dated 10.11.2015. https://www.parlament.al/wp-content/uploads/sites/4/2016/01/procesverbal_21_10_2015_24490_1.pdf

¹³The Situation of Syrian refugees in Albania. Observation from the written and electronic media. April 2016. http://observer.org.al/wpcontent/uploads/2016/04/The_situation_of_Syrian_refugees_in_Albania_April2016.pdf

¹⁴<http://eurokonventa.al/en/>

any discrimination, and that the hosting countries have to guarantee their safety. It also commends the development of common standard rules and procedures, in order to accept refugees starting with the most vulnerable ones¹⁵.

5. Which were, if any, the specific problems, deriving from the migrant crises that have arisen in the relations of each specific country with their neighboring countries, or other countries?

Though, while migration flows have traditionally been that of Albanians leaving the country, there is a growing trend of mixed migration flows transiting through Albania, mostly to reach EU countries. These mixed flows are comprised of economic migrants and persons in need of international protection, including both asylum seekers and refugees. They are made up of various nationalities, the vast majority in recent years Syrian, and enter the country illegally, often with the help of smugglers.

The growing numbers should be read within a regional context that has seen neighbouring countries struggling with very large mixed migratory flows, including Greece and Macedonia in 2015, and Italy for a number of years. Should such large flows be rerouted from neighbouring countries onto Albanian territory, the influx will overwhelm the limited resources of the authorities and civil society.

The Albanian authorities are already concerned by an increase in the number of third country nationals apprehended at the borders or within the territory of Albania.

The traditional route through Albania sees migrants and asylum seekers attempting to enter the country at illegal crossing points around the Kakavia Border Crossing Point and make their way by land to Shkodra, in the north of the country, to cross into Montenegro¹⁶.

One of the problems created as a result of migrant crisis, is the issue of return / readmission. As it is known, in Albania, immigrants come from Greece, this country has been criticized for the level of registration. When these immigrants are not registered in the country from which they have transited, the relevant authority will not accept their return. This complicatedness comes as the result of the lack of readmission agreements with countries of origin, which means that irregular migrants will remain trapped in the region of Southeast Europe, for not fulfilling the criteria for regular residence and by consequence they are unable to return to their countries of origin. This will add to the problematics of the migration management.

Illegal migrants detained in the border are being sent back from Albania to Greece under the Readmission Agreement between the two countries. There is the concern of some potential asylum seekers, who are being sent back within these groups due to lack of capacity in identifying them as asylum seekers or in giving them access to the asylum procedure in Albania.

On March 18, 2016, in Tirana the EU Commissioner for Migration, Internal Affairs and Citizenship, Dimitris Avramopoulos, assured that Albania will not be alone and the EU will be ready to help the Government in all aspects in case of an immigrants influx. He

¹⁵The People's Advocate announced a joint action plan for the refugees, *Mapo*, March 20, 2016.

<http://www.mapo.al/2016/03/avokati-i-popullit-totozani-publikon-planin-perrefugiatet/1>

¹⁶ *United Nations, Common Country Assessment, pg. 145 /119/120*

http://www.un.org.al/editor-files/file/CCA%20Albania_2015.pdf

has welcomed the news of the Albanian government's emergency plan to deal with refugees and has asked the Albanian officials for more efforts to reduce illegal migration¹⁷.

The most concrete step taken by the European Union to control the influx of migrants is a *quid pro quo* agreement with Turkey, which entered into force on March 20, 2016. The agreement between the EU and Turkey intended to stop illegal immigration from Turkey to Greece. This has been so far the main trajectory of migrants towards Europe. Under this agreement, Turkey will eliminate the illegal immigrants' routes to the EU and at the same time, would prohibit the opening of new roads. In addition, all illegal immigrants arriving in Greek islands from Turkey after March 20, will return and settle in Turkey¹⁸.

Migrant route to Germany



Source: Europol

BBC 19

¹⁷<http://ec.europa.eu/avservices/photo/photoByReportage.cfm?ref=031253/00-01&sitelang=EN>

¹⁸http://europa.eu/rapid/press-release_MEX-16-1504_en.htm

¹⁹International Organization for Migration, European Migration Crisis

IOM Emergency Response – Plan for Serbia and the Republic of Macedonia, September–December 2015. Pg. 5 https://www.iom.int/sites/default/files/country_appeal/file/IOM-European-Migration-Crisis-WB-Response-Plan-Appeal.pdf

Conclusions

Albania is one of the countries of the Western Balkans, which has not hosted refugees in its territory. The Albanian government has taken some precautions to be ready to welcome the refugees at any time. The European Union has taken a series of measures to cope with the crisis of immigrants such as stabilization of the situation in Member States which are under a great pressure, the implementation of resettlement of migrants, strengthening of the borders, the support for the basic needs of immigrants and refugees, getting the return and readmission at work, joint action plan of the EU - Turkey and the support of refugees outside the EU.

On the other hand, at the international level, it has been taken several initiatives for migration. Some of these initiatives are: the Commonwealth of Independent States (CIS), the Eurasian Economic Community (EurAsEC) Customs Union and the Common Economic Space among the Russian Federation, Belarus and Kazakhstan. Other regional and sub-regional important organizations as well as coordination structures which address various aspects of migration are: OSCE, the Organization of Economic Cooperation of the Black Sea (BSEC), the Organization of the Collective Security Treaty (CSTO) Initiative Migration , Asylum , Refugees Regional Initiative (MARRI), the Regional Council Coordination (RCC), GUAM Organization for Democracy and Economic Development, the Conference on interaction and construction of trust measures in Asia (CICA), Network Health of Southeast Europe (SEEHN) and Partnerships North Public Health and Social Welfare (NPDHS).

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II. KOSOVO

INTRODUCTION

Directory for Research, Library and Archives (DRLA), acts based on Regulation on the Structure and Operation of the Administration of the Assembly of Kosovo, adopted by Presidency of Kosovo Assembly and The Administrative Instruction on the Scope and Rules of Procedure of the DRLA, adopted by Secretary General of the Kosovo Assembly on 15 February 2013.

DRLA, mission is to assist Parliamentary Committees and individual MPs in their parliamentary work by providing them with independent, objective and authoritative research analysis.

Through this joint research paper initiated by the Parliamentary Institute of the Assembly of the Republic of Macedonia, research service within Kosovo Assembly, will present data about reflection of migrant crisis in Kosovo, transit of migrants and refugees through territory of Kosovo, legislative adjustments in place, specific policies that have been implemented by Kosovo in order to mitigate the effects of migrant crises, etc.

Arben Loshi

Director

Directory for Research, Library and Archives

30.06.2016, Pristina

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STATISTICAL DATA ABOUT THE TRANSIT OF MIGRANTS AND REFUGEES THROUGH TERRITORY OF KOSOVO

Kosovo, through the LAW No. 04/L-217²⁰ on Asylum, has regulated the standards and procedures for granting the status of refugee, subsidiary protection, and temporary protection, as well as the rights and obligations of asylum seekers, the persons with the refugee status and persons who are granted Subsidiary Protection and Temporary Protection.

Law on Asylum, Article 6 foresees as following:

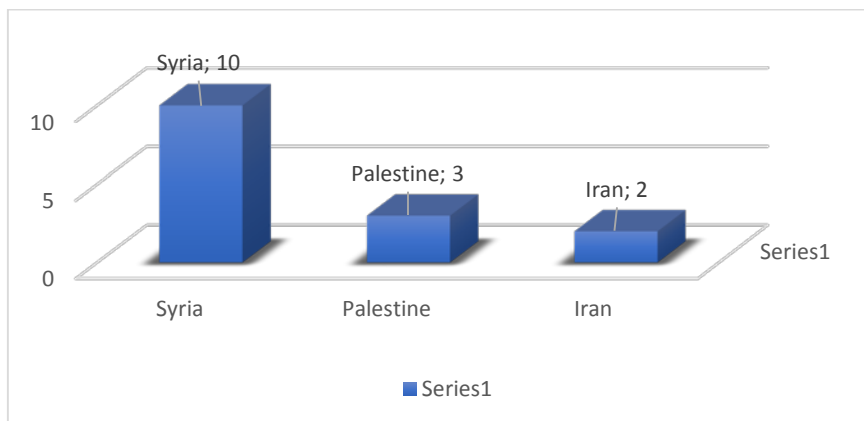
“The Republic of Kosovo grants asylum to a foreign national or stateless person, at their request, who fulfils the criteria a refugee status”

Foreign nationals or stateless persons who declare their intention to apply for asylum in the Republic of Kosovo will be treated as asylum seekers in accordance with the Law on Asylum, and thus will be allowed to enter into the territory of the Republic of Kosovo.

ASYLUM STATISTICAL DATA for 2016 and 2015:

2016 – Pursuant to Department of Citizenship, Asylum and Migration (DCAM) of the Ministry of Internal Affairs, during the period between January – March 2016 (Q1), were evidenced 15 asylum seekers in total²¹, whereas all of them are males.

Asylum seekers by country of origin, Q1 2016, refer to chart:

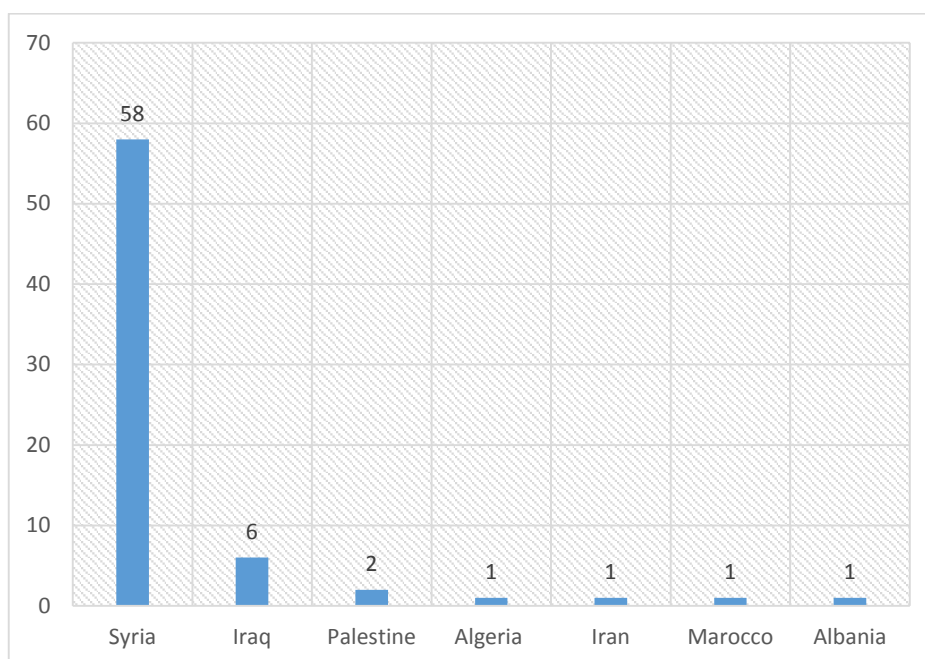


²⁰ LAW No. 04/L-217²⁰ on Asylum, OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / No. 32/30 AUGUST 2013, PRISTINA

²¹ STATISTICAL REPORT Q1 2016 DCAM / MIA

2015 - Pursuant to Department of Department of Citizenship, Asylum and Migration of the Ministry of Internal Affairs, during year 2015, were evidenced 70 asylum seekers in total²², 56 or (82,0%) males, and 14 or (18,0%) females.

Asylum seekers by country of origin, year 2015, refer to chart:



Pursuant to Valon Krasniqi, Director of the Department of Department of Citizenship, Asylum and Migration within Ministry of Internal Affairs²³, most of the asylum seekers that request asylum in Kosovo, comes from countries such as: Afghanistan, Pakistan, Palestine, Algeria, Iraq, etc.

Mr. Valon Krasniqi, Director of DCAM, in his interview for www.kosovapress.com (see reference no. 4) said that almost, all asylum seekers seeking the status of refuge in Kosovo, use Kosovo as a transit country only to come in Europe. He said also that Asylum is not granted if an asylum seeker does not meet one of the five conditions prescribed by law. In this aspect, Article 7 of the Law on Asylum, has stipulated as following:

²² ANNUAL STATISTICAL REPORT, 2015 DCAM / MIA

²³ <http://www.kosovapress.com/sq/nacionale/sirianet-strehohen-ne-kosove-9592/> (checked on 29 of June 2016)

**Article 7
Exclusion from Asylum**

1. The right to asylum will not be granted to a person, about whom there are serious reasons for considering that he/she has:

- 1.1. committed a crime against peace, war crimes or crimes against humanity as defined in the international instruments drawn up to make provision in respect of such crimes;
- 1.2. committed a serious non-political crime outside the Republic of Kosovo prior to his or her admission as a refugee, to that country as a refugee;
- 1.3. been guilty of acts contrary to the purposes and principles of the United Nations as set out in the Preamble and Articles 1. and 2. of the Charter of the United Nations.

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2. Paragraph 1. of this Article will be applied to persons who incite or in other ways participate in committing the crimes or acts mentioned therein.

3. Asylum will not be granted to persons who at present receiving the assistance or protection of United Nations bodies and agencies, other than the protection or assistance of the High Commissioner of the United Nations for refugees. When such protection or assistance has ceased for any reason, without the position of these persons being definitively settled in accordance with the relevant resolutions adopted by the United Nations General Assembly, these persons according to the facts (ipso facto) shall be entitled to benefit from this law.

4. Asylum is not allowed to persons whose rights and duties as Kosovo citizens are recognized by the state of Kosovo.

LEGISLATIVE ADJUSTMENTS THAT KOSOVO HAVE MADE IN ORDER TO MITIGATE THE EFFECTS OF THE MIGRANT CRISIS

Migration as a permanent process of movement of people and the constant increase of the number of migrants and the problems associated to this, has determined the migration to be the main focus in many countries of the world. Almost all countries without exception are facing challenges associated to migration, regardless of the countries of origin, transit or final destination of the migration.

Unlike Macedonia, Kosovo, wasn't used yet as a path for Syrian²⁴ migrants to reach European Union countries. However, increase of migrants was noticed even in Western Balkans and in Republic of Kosovo as a part of it, where there was a considerable increase of irregular migrants mainly from countries like: Afghanistan, Pakistan, Bangladesh, Algeria, Morocco, Congo, Syria, etc.

²⁴ <http://kallxo.com/kosova-ende-jashte-rrugeve-te-refugjateve-siriane-drejt-be-se/>

IN REFERENCE TO LEGISLATIVE ADJUSTMENTS, REPUBLIC OF KOSOVO HAS UNDERTAKEN A SERIES OF MEASURES WITH THE PURPOSE OF MANAGING THE MIGRATION MORE EFFICIENTLY AND REDUCING AND PREVENTING THE NEGATIVE EFFECTS THAT RESULT PARTICULARLY FROM IRREGULAR MIGRATION. In this aspect Kosovo has adopted a number of acts, such as²⁵:

- LAW No. 04/L-217 on Asylum²⁶, was adopted by Kosovo Assembly on 31 July 2013;
- Sub-legal acts deriving from the law on asylum:
 - Regulation (GRK) no. 10/2014 on work of the national commission for refugees;
 - Regulation (MIA) no. 02/2014 on functioning of the asylum seekers center;
 - Administrative Instruction (MIA) no. 16/2013 on procedures and standards of admission and initial treatment of asylum seekers; and
 - Administrative Instruction (MIA) no. 17/2013 on procedures and standards of review and ruling on request for asylum;
- Law on Foreigners;
- Law on Border Control;
- Law for Prevention and Fight of Trafficking in Human Beings;
- Strategy for Integrated Border Management;
- Strategy for Fighting of Trafficking with Humans;
- Protection of the Victims of Trafficking;
- State Strategy and Action Plan for Migration 2013-2018²⁷.

SPECIFIC POLICIES THAT HAVE BEEN IMPLEMENTED BY KOSOVO IN ORDER TO MITIGATE THE EFFECTS OF THE MIGRANT CRISIS

The increase of irregular migrants forced Kosovo Government to adopt two specific documents dealing with migrants, such as:

- State Strategy and Action Plan for Migration 2013-2018; and
- Migration Profile²⁸.

Migration Profile

The Migration Profile, includes:

- Analyzing current situation in collecting and analyzing of data/statistics;

²⁵ Check official gazette of the Republic of Kosovo - <http://gzk.rks-gov.net/Search.aspx?index=2>

²⁶ <http://gzk.rks-gov.net/ActDetail.aspx?ActID=8869#>

²⁷ State Strategy and Action Plan for Migration 2013-2018, Government of Kosovo, September 2013

²⁸ http://mpb-ks.org/repository/docs/2.1_MIGRATION_PROFILE_2014_English__17.12.2015.pdf

- Identification of gaps in analyses and development of practical recommendations based on the experience of EU Member States and/or neighboring countries with the purpose of increasing the statistics in the field of migration in the country;
- Strengthening of the Government capacities and evaluation of current and potential resources for regular and irregular migration and national and regional effectiveness of migration policies.

Migration profile shall expand knowledge on migration and develop the evaluation on how migration impacts development, improvement of careful use of delivery of current information on migration between relevant actors, etc.

THE FORMAT OF BILATERAL AND MULTILATERAL COOPERATION THAT KOSOVO HAVE IMPLEMENTED DURING THE MIGRANT CRISIS, IN ORDER TO MITIGATE ITS EFFECTS

To date, the Government of the Republic of Kosovo has signed a number of bilateral agreements for readmission with 19 European Member States and Schengen zone countries. Readmission agreements are also signed with Republic of Albania and Republic of Montenegro.

Bilateral agreements for readmission	Date of signature of the agreement
Albania	6 October 2009
France	2 December 2009
Switzerland	3 February 2010
Germany	14 April 2010
Denmark	8 June 2010
Austria	30 September 2010
Norway	15 October 2010
Slovenia	10 May 2011
Benelux	12 May 2011
a)Belgium	
b)Netherlands and	
c)Luxembourg	
Czech Republic	24 June 2011
TOTAL	19 agreements

WHICH WERE, IF ANY, THE SPECIFIC PROBLEMS, STEMMING FROM THE MIGRANT CRISES THAT HAVE ARISEN IN THE RELATIONS OF KOSOVO WITH ITS NEIGHBORING COUNTRIES, OR OTHER COUNTRIES?

Luckily, Kosovo had no specific problems with the neighboring countries regarding migrant crises. As was stated above the number of migrants coming from conflict zones and used Kosovo to go transit in European Union countries was not so high.

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- ✚ ¹ <http://kallxo.com/kosova-ende-jashte-rrugeve-te-refugjateve-siriane-drejt-be-se/>
- ✚ ¹ <http://gzk.rks-gov.net/ActDetail.aspx?ActID=8869#>
- ✚ State Strategy and Action Plan for Migration 2013-2018
- ✚ [http://mpb-ks.org/repository/docs/2.1 MIGRATION PROFILE 2014 English 17.12.2015.pdf](http://mpb-ks.org/repository/docs/2.1_MIGRATION_PROFILE_2014_English_17.12.2015.pdf)
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III. MACEDONIA

INTRODUCTION

During 2015 and first months of 2016, the Republic of Macedonia have faced large numbers of refugees and migrants transiting its territory en route to Northern and Western European countries. The influx of migrants and refugees have had at least two important dimensions that called for urgent measures - the humanitarian dimension and the security dimension of the problem. From the humanitarian point of view, there was an urgent need to secure a safe passage through the territory of the Republic of Macedonia for the refugees and migrants determined to reach their countries of choice in Northern and Western Europe, as well as to provide clear and simple asylum procedures for the refugees and migrants who intended to seek asylum in the Republic of Macedonia. From the point of view of national security, it was necessary to establish control over the points of entry and exit of migrants and refugees (who were mainly entering and exiting the territory of the Republic of Macedonia outside the legal international border crossings), by applying proper registration procedures. Besides for the purposes of border control (as one of the essential aspects of national security), the application of these registration procedures was also necessary for the purposes of provision of humanitarian aid, as well as in order to minimize the risk of exploitation of the migrants and refugees by the regional human trafficking networks - ergo, for the purposes of refugees' and migrants' own security. In order to provide appropriate answers for all these dimensions of the refugee and migration crisis, the Republic of Macedonia have taken a number of measures - by legislative amendments and by application of appropriate policy mechanisms, relying both on its own resources and on cooperation with a number of countries within and outside the region of Southeastern Europe.

The aim of this research paper is to provide a specific country based view (from the point of view of the Republic of Macedonia) to the refugee and migrant crisis in Southeastern Europe during 2015 and 2016. In order to fulfill its aim, this paper provides a statistical analysis of the transit of refugees and migrants through the territory of the Republic of Macedonia, as well as overview of legislative and policy measures aimed at mitigating the crisis (in all its dimensions).

This research paper covers the period between June 19th 2015 (the starting date of implementation of the amended asylum legislation) and March 7th 2016 (the date of the closure of the so called "Western Balkan Route" for migrants and refugees).

All the data presented in this research paper is taken from open (publicly available) sources.

1. Statistical data on the transit of refugees and migrants through the territory of the Republic of Macedonia

The total number of migrants and refugees that have entered the territory of the Republic of Macedonia in the period between June 19th 2015 (at 00:00 hours) and March 7th 2016 (at 24:00 hours) and which were registered according to procedures stipulated by the Law on Asylum and Temporary Protection²⁹ is 477,876. The vast majority of refugees and migrants were originating from Middle Eastern and Central Asian countries engulfed in wars or serious security problems - Syria (260,891 persons), Afghanistan (122,237 persons) and Iraq (73,281 persons). Besides them, there was also a significant number of migrants and refugees originating from other Middle Eastern, Asian and African countries and territories. The detailed data of the numbers of refugees and migrants by countries and territories of their origin is presented in table 1.

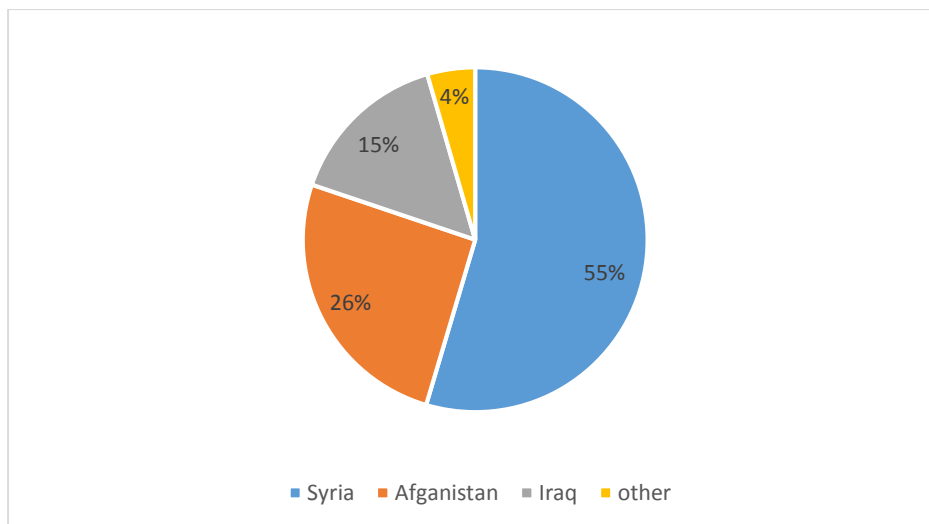
Table 1: Total number of refugees and migrants that have entered the Republic of Macedonia in the period between June 19th 2015 (at 00:00 hours) and March 7th 2016 (at 24:00 hours), by countries and territories of origin:³⁰

	2015	2016	total
Syria	216,157	44,734	260,891
Afghanistan	95,691	26,546	122,237
Iraq	54,944	18,337	73,281
Iran	6,231	N/A	6,231
Pakistan	5,416	N/A	5,416
Palestine	2,158	N/A	2,158
Somalia	1,276	N/A	1,276
Bangladesh	1,253	N/A	1,253
Morocco	1,317	N/A	1,317
Congo	514	N/A	514
Algeria	453	N/A	453
Lebanon	434	N/A	434
Nigeria	279	N/A	279
other	2,110	6	2,116
total	388,233	89,623	477,856

²⁹ "Official Gazette of the Republic of Macedonia" No. 49/2003, 66/2007, 142/2008, 19/2009, 146/2009, 166/2012, 54/2013, 101/2015, 152/2015, 55/2016 and 71/2016.

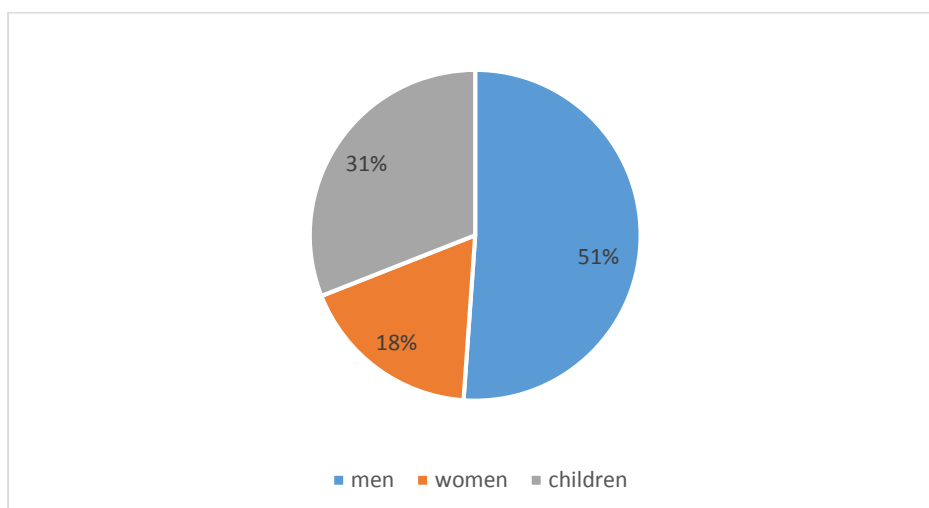
³⁰ Source: Daily briefings published on the official web-site of the Ministry of Interior of the Republic of Macedonia - <<http://mvr.gov.mk/vesti>>

Chart 1: Percentage of refugees and migrants that have entered the Republic of Macedonia in the period between June 19th 2015 (at 00:00 hours) and March 7th 2016 (at 24:00 hours), by countries and territories of origin:



By their demographic characteristics (gender and age), the largest number of refugees and migrants that have entered the territory of the Republic of Macedonia were men (244,295 persons), followed by children (148,051 persons) and women (85,510 persons).³¹

Chart 2: Percentage of refugees and migrants that have entered the Republic of Macedonia in the period between June 19th 2015 (at 00:00 hours) and March 7th 2016 (at 24:00 hours), by gender/age:



³¹ Ibid.

The vast majority of the refugees and migrants that have entered the territory of the Republic of Macedonia continued their travel via the so called "Western Balkan Route" to their countries of choice in Northern and Western Europe. Out of total of 477,876 registered refugees and migrants that have its territory in the period between June 19th 2015 and March 7th 2016, only 115 have decided to apply for asylum status in the Republic of Macedonia. More detailed data of these applicants, by their countries and territories of origin, is presented in table 2.

Table 2: Total number of refugees and migrants that have applied for asylum status in the Republic of Macedonia, in the period between June 19th 2015 (at 00:00 hours) and March 7th 2016 (at 24:00 hours), by countries and territories of origin:³²

	2015	2016	total
Syria	56	22	78
Afganistan	13	7	20
Palestine	4	0	4
Iraq	3	0	3
Pakistan	3	0	3
Algeria	2	0	2
Lebanon	2	0	2
Morocco	2	0	2
Egypt	1	0	1
total	86	29	115

Given the clear intention of the vast majority of refugees to use the Republic of Macedonia only as a transit country en route their countries of choice in Northern and Western Europe, the dynamics of their transit through the Macedonian territory (as well as the management of the transit by the Macedonian authorities at the points of entrance and exit, on borders with Greece and Serbia) was influenced by at least two important variables. First and most obvious, it was influenced by the (security, political and economic) situation in the countries of origin of the refugees and migrants, as well as by the situation in the third countries used by them for transit before reaching the borders of the Republic of Macedonia (Greece and Turkey). Last, but not least, it was influenced by the policies applied by other transit countries on the Western Balkan Route, as well as by the destination countries in Northern and Western Europe, aimed at limiting the number of migrants and refugees (or certain categories of migrants and refugees) transiting through or arriving on their territories.³³ As a result of influences by those variables, the dynamics of transit of refugees and migrants through the territory of the Republic of Macedonia, was different during the different periods covered by this research paper, reaching its peak (in number of transiting refugees and migrants) during October, November and December 2015. The influence of these

³² Ibid.

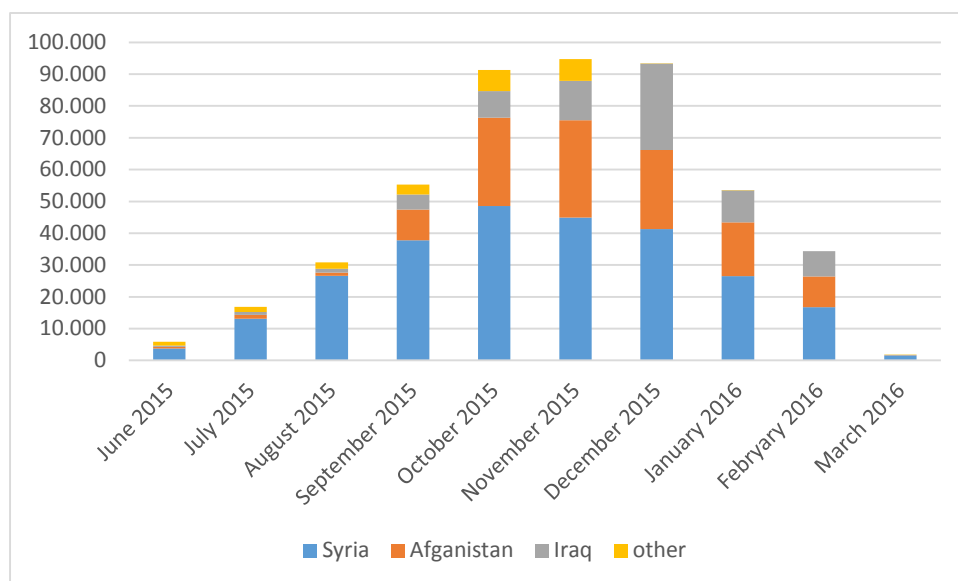
³³ In this context, it is important to mention the decision of a number of Northern and Western European destination countries to stop accepting migrants and refugees from countries other than Syria, Afghanistan and Iraq, taken at the end of November 2015. This decision was immediately reflected in similar decisions of the transit countries along the Western Balkans Route (including the Republic of Macedonia), which had obvious effects on the dynamics of transit during December 2015 and January, February and March 2016.

variables have also resulted in differences in numbers of refugees and migrants from specific countries of origin, during different periods. More specific data on the dynamics of transit of refugees, by country/territory of origin and by month, is presented in table 3.

Table 3: Dynamics of transit of refugees and migrants through the territory of the Republic of Macedonia, in the period between June 19th 2015 (at 00:00 hours) and March 7th 2016 (at 24:00 hours), by month and country/territory of origin:³⁴

	Syria	Afganistan	Iraq	other	total
June 2015	3,765	548	350	1,252	5,915
July 2015	13,140	1,216	895	1,582	16,833
August 2015	26,573	1,061	1,232	1,957	30,823
September 2015	37,829	9,657	4,718	3,113	55,317
October 2015	48,599	27,752	8,299	6,700	91,350
November 2015	44,908	30,659	12,289	6,834	94,690
December 2015	41,343	24,798	27,161	3	93,305
January 2016	26,490	16,896	10,047	3	53,436
Febryary 2016	16,763	9,650	7,991	0	34,404
March 2016	1,481	0	299	3	1,783
total	260,891	122,237	73,281	21,447	477,856

Chart 3: Dynamics of transit of refugees and migrants through the territory of the Republic of Macedonia, in the period between June 19th 2015 (at 00:00 hours) and March 7th 2016 (at 24:00 hours), month and country/territory of origin:



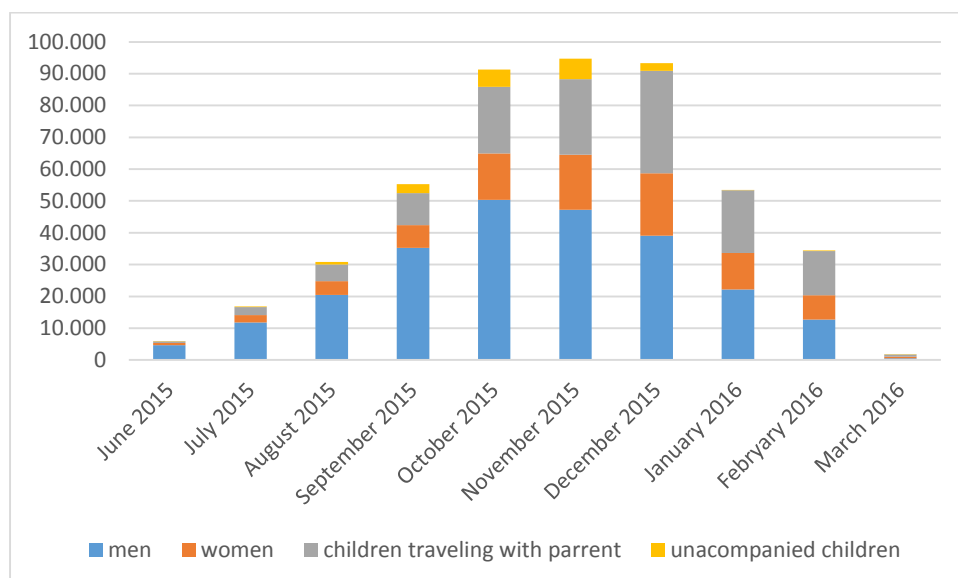
³⁴ Source: Daily briefings published on the official web-site of the Ministry of Interior of the Republic of Macedonia - <<http://mvr.gov.mk/vesti>>

There is the difference in the dynamics of transit of different demographic categories (gender/age) of refugees and migrants. While men were a dominating category during the first months, during the later periods there can be seen a significant increase of numbers of transiting women and children, as presented in table 4.

Table 4: Dynamics of transit of refugees and migrants through the territory of the Republic of Macedonia, in the period between June 19th 2015 (at 00:00 hours) and March 7th 2016 (at 24:00 hours), by month and gender/age:³⁵

	men	women	children traveling with parent(s)	unacompanied children	total
June 2015	4,670	728	507	10	5,915
July 2015	11,792	2,288	2,565	188	16,833
August 2015	20,468	4,320	5,266	769	30,823
September 2015	35,241	7,189	9,997	2,890	55,317
October 2015	50,398	14,496	20,980	5,476	91,350
November 2015	47,279	17,249	23,761	6,401	94,690
December 2015	39,066	19,623	32,227	2,389	93,305
January 2016	22,128	11,527	19,679	102	53,436
February 2016	12,678	7,653	13,960	113	34,404
March 2016	575	437	760	11	1,783
total	244,295	85,510	129,702	18,349	477,856

Chart 4: Dynamics of transit of refugees and migrants through the territory of the Republic of Macedonia, in the period between June 19th 2015 (at 00:00 hours) and March 7th 2016 (at 24:00 hours), by month and gender/age:



³⁵ Ibid.

2. Legislative adjustments made by the Republic of Macedonia in order to mitigate the effects of the migrant crisis

The most important legislative adjustment with the sole purpose to mitigate the effects of the refugee and migrant crisis was the amendment of the Law on Asylum and Temporary Protection from June 18th 2015.³⁶ This amendment enabled the "legalization" of the status of the refugees and migrants transiting through the Republic of Macedonia, providing the legal basis for their presence on its territory, as well as the use of public transport and humanitarian aid.

Namely, before this change in the legal framework have taken place, refugees and migrants entering the territory of the Republic of Macedonia (especially the ones doing that outside the legal international border crossings) had only one legal possibility - to apply for asylum status on the territory of the Republic of Macedonia. Having in mind their clear intention to reach the countries in Northern and Western Europe as their preferred destination, it is obvious why only insignificantly small numbers of them have chosen this option. Especially in situation when they were entering the Republic of Macedonia from the territory of Greece - a member state of the European Union and a member Schengen Convention. Instead of applying for asylum status, they would rather choose to find a way to cross the territory of the Republic of Macedonia illegally. As a direct result of their illegal status on the territory of the Republic of Macedonia, they were not able to use any form of public transport,³⁷ forcing them to transit through Macedonian territory on foot, away from the main roads and using mainly the railway line Thessaloniki-Skopje as a mean of orientation. On the more difficult parts of the route (in narrow gorges, bridges and tunnels), the railway line was used by the migrants and refugees not only as a mean of orientation, but also as the only trail available, which led to a number of railway traffic accidents with lethal consequences. Additionally, the illegal status of the migrants and refugees made them an easier pray for robbers and human trafficking gangs.

The amendment of the Law on Asylum and Temporary Protection from June 18th 2015 provided appropriate answer to these detected problems. It provided additional legal option for migrants of refugees transiting through the territory of the Republic of Macedonia - besides applying for an asylum status, the refugees and migrants now have the possibility to declare their intentions for applying for recognition of their right of asylum. Such declaration can be expressed to the appropriate authorities at the border or anywhere on the territory of the Republic of Macedonia. Upon such declaration, refugees and migrants receive a certificate that enables them to stay legally on the territory of the Republic of Macedonia for 72 hours. During that period, they can either submit an actual application for asylum on the territory of the Republic of Macedonia, or can continue their journey along the Western Balkans Route, using all available sorts of public transport.

³⁶ Published in the "Official Gazette of the Republic of Macedonia" No. 101/2015

³⁷ These strict rules regarding the transit of illegal migrants through the territory of the Republic of Macedonia mainly stem from the long term efforts of its authorities in the combat against human trafficking. These efforts were effective in achieving its primary goal, making the Republic of Macedonia one of the most advanced countries in the region in this regard (for example, the Republic of Macedonia is the only country in the region of Southeastern Europe classified in Tier 1 by the State Department's "Trafficking of Persons Report for 2015", available at: <https://www.state.gov/documents/organization/245365.pdf>), but some of the resulting regulations proved as an obstacle in the early stages of the management of refugee and migrant crisis.

3. Specific policies implemented by the Republic of Macedonia in order to mitigate the effects of the migrant crisis

Besides the described legal adjustments, the Republic of Macedonia has implemented a number of policy measures enabled by the existing legislation, mainly in the contexts of its crisis management mechanisms. In this sense, on August 19th 2015 the Government of the Republic of Macedonia have adopted a Decision on the existence of crisis situation³⁸ on the southern and northern border of the Republic of Macedonia. In accordance with this decision, the Center for crisis management have activated its main Headquarters and have adopted an Action plan for prevention and management of the entrance and transit of migrants through the territory of the Republic of Macedonia. Additionally, this Decision has enabled the Army to provide appropriate assistance to the police forces in their efforts to secure the borders and to control the entrance of the refugees and migrants on the territory of the Republic of Macedonia.

This Decision of the Government was later approved by the Assembly, according to the procedure stipulated by the crisis management legislation. According to the Decision of the Assembly, the duration of the crisis situation has been extended until June 15th 2016.³⁹ Later, it was additionally extended until December 31st 2016.⁴⁰

Besides the providing the basis for Army's assistance to the police forces in securing the borders, the declaration of crisis situation enabled the mobilization of additional human and technical resources in the efforts of managing the transit of refugees. Such mobilization enabled the establishment of transit refugee camps on the southern and northern border, where the necessary humanitarian aid was provided to migrants and refugees. Additionally, it enabled the construction of temporary physical barrier (two-layered fence) on the southern border, which significantly reduced the possibilities of un-controlled and un-registered crossings of the border between the Republic of Macedonia and the Republic of Greece.

4. Bilateral and multilateral cooperation activities of the Republic of Macedonia during the migration crisis

During its efforts to provide an effective management of refugee and migrant crisis of 2015/2016, the Republic of Macedonia has established a close cooperation with a number of countries in Southeastern Europe, especially with the ones laying on the so called "Western Balkans Route" (Serbia, Croatia, Slovenia), as well as with the countries of the Visegrad Group (Hungary, Slovakia, Czech Republic and Poland). The most important aspect of this cooperation was the close cooperation between the police forces of these countries, which included not only sharing of information regarding the transit of refugees and migrants, but also assistance provided by the police forces from most of these countries to the national police of the Republic of Macedonia in its efforts to secure its southern border. The police assistance included technical assistance (including various donations of necessary equipment) and personnel assistance (providing personnel for establishment of joint patrols on the southern border of the Republic of Macedonia).

³⁸ Government of the Republic of Macedonia: Decision on the existence of a situation of crisis caused by the increase of entrances and transit of migrants through the territory of the Republic of Macedonia ("Official Gazette of the Republic of Macedonia" No. 141/2015)

³⁹ "Official Gazette of the Republic of Macedonia" No. 162/2015.

⁴⁰ "Official Gazette of the Republic of Macedonia" No. 59/2016.

5. Specific problems in relations with other countries, caused by the migrant crisis

During the critical periods of the migrant crisis, there was a number of organized attacks by groups of migrants and refugees on the Macedonian police and Army forces securing the southern border of the Republic of Macedonia. These attacks resulted in a number of injured police officers and soldiers, as well as in destruction of equipment for control of the border. Since these attacks came from the territory of the Republic of Greece, they sometimes resulted in a rise of tensions in bilateral relations between Macedonia and Greece.

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IV. MONTENEGRO

INTRODUCTION

The Constitution of Montenegro incorporates ratified international treaties and generally accepted rules of international law into the national legal system, prescribing their direct implementation and priority over national legal provisions (Article 9). International norms and standards in the field of migrant protection are, hence, legally binding for Montenegro, and represent the main framework for establishing a system of protection of migrants. Besides relevant provisions of the Constitution and general international legal standards, each category of migrants is treated by specialised international conventions, laws, strategic documents, etc. When it comes to international legal framework, the starting point in this respect is the universal human rights system established by the United Nations.

Universal Declaration of Human Rights (UDHR), adopted in 1948, is the first international legal document containing the right to asylum, stipulating that “everyone has the right to seek and to enjoy in other countries asylum from persecution” (Article 14). The Refugee Convention, adopted in 1951, is also legally binding and represents a basis for the establishment of the asylum system in Montenegro. The Constitution of Montenegro also contains a number of provisions pertinent to rights of migrants. In Article 44, dealing with the right to asylum, Constitution guarantees the right to apply for asylum, stating that “a foreign national reasonably fearing from persecution on the grounds of person’s race, language, religion or association with a nation or a group or due to own political beliefs may request asylum in Montenegro“. The same article prohibits returning of foreign nationals to a country where the person is threatened by capital punishment, torture, inhuman degradation, persecution or serious violation of constitutional rights, based on person's race, religion, language or national identity. When it comes to the national legal framework regarding this issue area is also covered by the Law on Asylum in Montenegro.

Refugee status in Montenegro is granted to foreign nationals in cases when it is discerned following the asylum application that he/she is reasonably threatened by persecution in the country of origin, based on race, nationality, affiliation with social groups or political beliefs. Besides the refugee status, the Law on Asylum recognises the right to special protection, which is granted to foreign nationals who do not fulfill the requirements for refugee status, but are threatened by torture, inhuman or humiliating treatment in their country of origin or another country, which could seriously endanger their life, safety or freedom. Montenegrin legislation in this issue area, and particularly the new Draft Law on Asylum, as proposed by the Ministry of Interior, aims to incorporate the EU *acquis* in the national system, hence making it completely compatible with European regulations. In this regard, specific migrant categories are recognised in line with their designations by the EU.

Migrants are people who leave from one country or region to settle in another, often in search of a better life⁴¹. *Refugees* are people fleeing their home countries to save their lives and who have been accepted and recognised as such in the reception country⁴².

⁴¹ European Commission, Glossary, available at: http://ec.europa.eu/immigration/glossary_en#glosR

⁴² European Parliament, A Welcoming Europe?, available at: http://www.europarl.europa.eu/external/html/welcomingeurope/default_en.htm (accessed on 1 July 2016)

Asylum seekers are people who make a formal request for asylum in another country because they fear their life is at risk in their home country⁴³.

1. Statistical data about the transit of migrants and refugees through territories of each country in the region of Southeastern Europe, from official (government) and, if available, from unofficial sources.

Statistical data received from the Directorate for Asylum within the Ministry of Interior of Montenegro and provided below reflect the data on total number of asylum seekers since 2007 until today, as well as a number of asylum seekers sorted by months and their nationality during 2015 and 2016. In Montenegro, there are 16 currently valid approved protections, including eight refugee statuses and eight special protections. Refugee status has been awarded to six nationals of Yemen and two nationals of Syria. Special protection has been awarded to two residents of Marrocco and Ukraine, and one from Belarus, Nigeria, Russia and Yemen respectively.

Regarding the applications for asylum, statistics for previous 10 years, valid as of 24 June 2016⁴⁴, are shown in the following table:

Year	No. of applications	Approved protection
2007	3	1 (refugee status)
2008	7	1 (special protection)
2009	20	-
2010	9	-
2011	239	3 (special protection)
2012	1529	1 (refugee status) + 1 (special protection)
2013	3554	-
2014	2312 ⁴⁵	2 (refugee status) + 2 (special protection)
2015	1611	14 (refugee status) + 2 (special protection)
2016	93	5 (refugee status) + 2 (special protection)
Total	9377	34

According to the data published by the Ministry of Interior⁴⁶, during the first eight months of 2015 (1 January - 31 August), a total of 1543 applications for asylum have been submitted in Montenegro. Out of all applicants, 85% were male and 15% female, while minors made up a share of 7%. The Ministry of Labour and Social Welfare announced that 965 people, or 62% of the total number of applicants, have been

⁴³ *ibid.*

⁴⁴ Official data acquired from the Directorate for Asylum, a special unit within the Ministry of Interior.

⁴⁵ According to the UNHCR Asylum Trends Report 2014, available at <http://www.unhcr.org/551128679.pdf>, this number is 2310.

⁴⁶ Informacija o postupanju nadležnih organa i institucija u slučaju većeg priliva migranata i izbjeglica u Crnu Goru, available at: <http://www.gov.me/ResourceManager/FileDownload.aspx?rId=214878&rType=2> (accessed on 27.6.2016)

placed in accommodation facilities for asylum seekers. Out of those people, 78% were male and 22% female, while minors made up 7% of that number. During the months of July and August a significant decrease in the number of applications for asylum has been noted, with four and five applications received in those two months respectively. During 2014, there were 2312 asylum seekers in Montenegro. Out of this number, 71% asylum seekers were from Syria.⁴⁷

More detailed data regarding the number of applications for asylum in Montenegro during each month in 2015 and 2016, sorted by country of origin, is shown in the tables below.

Number of asylum seekers sorted by months and their nationality (as denoted in their statements in 2015⁴⁸:

Nationality/Month	1	2	3	4	5	6	7	8	9	10	11	12	Total
Syria	124	101	153	209	281	113		2	2		11		996
Eritrea	35	40	27	18	34	12							166
Somalia	21	121	14										156
Iraq	1	1		7	22	1						7	39
DR Congo	14	5	13	2						2		2	38
Sudan	6	5	1	15	9	2							36
Gambia	8	6	7	7	6								34
Nigeria	7	2		9	3							1	22
Bangladesh												15	15
Mali	2	5	6	1									14
Ukraine			1	1				2		2	2	2	10
Morocco												7	7
Armenia									4	1	1		6
Cameroon	3			2						1			6
Mauritania	1		2		2								5
Afghanistan	2	1										1	4
India								1		1	2		4
Liberia		4											4
Kosovo			1			1			1				3
Pakistan		1				1						1	3
Palestine					2	1							3
Serbia					3								3
Tunisia							3						3

⁴⁷ UNHCR Asylum Trends Report 2014, available at <http://www.unhcr.org/551128679.pdf> (accessed on 1 July 2016)

⁴⁸ Directorate for Asylum, Ministry of Interior of Montenegro (www.mup.gov.me)

Without nationality											2	1	3
Algeria			1			1							2
Comoros												2	2
Croatia				2									2
Ethiopia	1				1								2
Gabon		1		1									2
Georgia										2			2
Iran			2										2
Ivory Coast		1	1										2
Sri Lanka		1		1									2
Togo		1										1	2
Yemen		1	1										2
Cuba							1						1
Germany						1							1
Poland			1										1
Russia									1				1
Senegal			1										1
Uganda	1												1
United Kingdom												1	1
Total	226	297	232	275	363	133	4	5	8	9	18	41	1609

During 2015, the main countries of origin seeking asylum include Syria (996), Eritrea (166), Somalia (156), amongst others. However, the number of arrivals in the first half of 2016 from these countries dropped to only one from Syria and four from Somalia, and raised the number of asylum seekers from Morocco (from 7 in 2015 to 46 in the first half of 2016).

Number of asylum seekers sorted by months and their nationality (as denoted in their statements) in 2016⁴⁹:

Nationality/Month	1	2	3	4	5	6	7	8	9	10	11	12	Total
Morocco	45	1											46
Algeria	1	2		5		1							9
Iran			1	6									7
Yemen	1	5											6
Serbia	1	1			2								4
Somalia	4												4
Ukraine	1	2											3
Cuba					2								2
Pakistan				2									2
Palestine	2												2
Russia			1			1							2
Turkey		1	1										2
Cameroon	1												1
Egypt	1												1
Kosovo	1												1
Syria				1									1
Total	58	12	3	14	4	2	-	-	-	-	-	-	93

Despite Montenegro's lowest impact from migrant crisis compared to other Western Balkan countries, it is worth noting that, according to the UNHCR Asylum Trends 2014 report, Montenegro ranks fifth on the list of asylum seeking countries in Europe. Relative to the size of its population, Sweden was the country with the largest number of asylum seekers (24.4 asylum seekers per 1,000 inhabitants on average, during the last five years), followed by Malta, Luxembourg, Switzerland and *Montenegro*.

UNHCR Asylum Trends 2014 report

2. Which were, if any, legislative adjustments that each country has made in order to mitigate the effects of the migrant crisis?

Montenegro has had a limited impact from migrant crisis and no new legislation has been adopted in order to mitigate its effects at the national level. However, a number of strategic documents have been adopted in order to facilitate preparations for potential intensification of effects of the crisis. The Government of Montenegro created a national strategic framework for managing and confronting the migrant crisis, in order

⁴⁹ *ibid.*

to participate in cooperative efforts undertaken in this respect by the European countries.

In November 2015, the Government of Montenegro adopted the Action Plan of competent state bodies and institutions in the case of major influx of migrants and refugees. The aim of adopting such documents was to guarantee the respect for human rights of migrants and refugees in Montenegro, as well as to undertake all necessary measures to establish close cooperation with neighbouring countries, possible destination countries and countries of origin. The Government also formed the Coordination Committee, chaired by the Deputy Prime Minister and Minister of Interior, as well as the Operational team for implementation of the Plan, chaired by the deputy director in charge of border police, while all activities have been supported by relevant international organisations, most notably by International Organization for Migration (IOM) and United Nations High Commissioner for Refugees (UNHCR)⁵⁰.

The Ministry of Interior has also prepared a Draft Law on Asylum⁵¹, which should replace the existing legislation in the subject area, and is completely harmonised with the European Union acquis. However, this proposal has not entered the parliamentary procedure yet; it was prepared by the Ministry in March 2015 and subject to public discussion in June 2015. The Draft Law on Asylum is intended to normatively implement the Common European Asylum System (CEAS) and establish an efficient and coherent asylum system which guarantees asylum seekers equal chances in the asylum procedure, as well as equal treatment, in the same manner as in the EU member states. It is also supposed to prescribe a faster, more efficient and economical asylum process, while also providing a possibility of preventing and sanctioning any violations of the procedure. It applies the standards of international humanitarian law and standards of human rights protection in regard to development and implementation of reception policy and the need to create a safe environment for asylum seekers, discouraging any sort of abuse of the asylum system.

3. Which were, if any, specific policies that have been implemented by each country in the region in order to mitigate the effects of the migrant crisis?

At its 128th session⁵², held on 24 September 2015, the Government of Montenegro considered and adopted the Information on actions of competent state bodies and institutions in the case of major influx of migrants and refugees⁵³, and put forward the following recommendations for a number of state institutions regarding this issue area:

- Operational team for coordination of actions of state bodies included in the asylum system shall continue its activities related to preparations for the reception of a massive influx of migrants and refugees;
- Operational team for coordination of actions of state bodies included in the asylum system shall draft the aforementioned Plan of actions of competent state bodies and

⁵⁰ Speech made by the Secretary of Ministry of Interior Dragan Pejanović at the Ministerial Conference of Brdo Process, available at: <http://www.gov.me/ResourceManager/FileDownload.aspx?rId=235480&rType=2> (accessed on 24 June 2016)

⁵¹ Draft Law on Asylum, available in Montenegrin at: <http://www.mup.gov.me/vijesti/147555/Poziv-za-javnu-raspravu-o-Nacrtu-zakona-o-azilu.html> (accessed on 29 June 2016)

⁵² Press report from 128th Government session, Government of Montenegro, Government of Montenegro, available at: <http://www.gov.me/vijesti/152663/Saopštenje-sa-128-sjednice-Vlade-Crne-Gore.html> (accessed on 27 June 2016)

⁵³ *Informacija o postupanju nadležnih organa i institucija u slučaju većeg priliva migranata i izbjeglica u Crnu Goru*, Government of Montenegro, available at: <http://www.gov.me/ResourceManager/FileDownload.aspx?rId=214878&rType=2> (accessed on 27 June 2016)

institutions in the case of major influx of migrants and refugees into Montenegro, with expert support from IOM and other UN agencies and propose it to the Government for adoption;

- Ministry of Internal Affairs shall conduct activities to reinforce administrative and technical capacities of the Sector of Border Police and the Directorate for Asylum for establishing conditions for reception of migrants and refugees;
- Directorate of Public Works shall conduct activities on adaptation of objects “Kremza” and “Zoganje” for establishing minimal conditions for reception of migrants and refugees;
- Ministry of Defence and Ministry of Health shall provide support to other state bodies in conducting activities for reception of migrants and refugees, according to their respective capacities;
- Ministry of Labour and Social Welfare shall provide temporary accommodation at the expected entrance and exit points of migrants and refugees, in cooperation with the Red Cross of Montenegro and municipal authorities;
- Ministry of Labour and Social Welfare shall provide accommodation for vulnerable categories of migrants and refugees within the existing objects – Centre for Asylum Seekers and Public Institution “Ljubović”;
- Ministry of Labour and Social Welfare shall provide food and water for migrants and refugees, in cooperation with the Red Cross of Montenegro;
- Ministry of Transport shall provide support to other state bodies in conducting activities for reception of migrants and refugees, in cooperation with registered carriers;
- Ministry for Information Society and Telecommunications shall, if necessary, ensure the provision of money transfer services for needs of migrants and refugees, in cooperation with the Montenegro Post;
- Ministry for Information Society and Telecommunications shall provide internet signal at the entrance and exit points of migrants and refugees;
- Municipal authorities shall carry out municipal and infrastructure works at the entrance and exit points of migrants and refugees, in order to create adequate conditions for their reception;
- Ministry of Finance shall, if necessary, provide financial resources for the implementation of activities of reception of migrants and refugees.

Based on predictions given and regional experiences and migratory flows⁵⁴, Montenegro has been preparing capacities for reception of an average of 2000 people per day. Existing capacities for the reception of migrants and refugees include the Centre for Asylum Seekers (80 beds), Shelter for Foreigners (50 beds), and PI “Ljubović” (25 beds), adding up to available individual capacity of 155 available accommodation places. Adaptation of police-owned objects “Krenza” (Podgorica) and “Zoganje” (Ulcinj) should provide additional approx.500 individual places. Also, in accordance with estimates of the situation, tent settlements with estimated capacity of 1000 spots would be set up at a number of locations.

4. Which were the formats of bilateral and multilateral cooperation that each country has implemented during the migrant crisis, in order to mitigate its effects?

In the light of recent migrant crisis and its effect on the region, Montenegro has intensified its police and judicial cooperation at regional and international levels, particularly in the context of fight against irregular migrations and related manifestations of organised crime, such as exploitation and trafficking of people along

⁵⁴ *ibid.*

the migration routes. A cooperation in the context of the preparatory activities for possible influx of migrants and refugees was established also with a number of UN agencies active in Montenegro, *i.e.* with IOM, UNHCR and UNICEF.

As the presiding country of the Migration, Asylum, Refugees Regional Initiative (MARRI), Montenegro has taken actions in regard to creating preconditions for strengthening of operational capacities of law enforcement agencies and promoting regional cooperation with key partners in this field, including the European Commission and Frontex, in order to achieve the highest possible level of synchronisation of future actions.

Montenegro took over MARRI presidency from Macedonia in June 2015, at the Tenth Forum of this organisation which was held in Skopje.⁵⁵ Montenegrin delegation at the forum, led by the Minister of Interior, declared that special emphasis during the presidency period should be put on further strengthening of the initiative, as well as on creating conditions for intensified activities in regard to migration management, raising efficiency of the asylum system, readmission procedures and resolving the status of displaced people in MARRI member states. Besides that, it was announced that particular attention shall be paid to strengthening cooperation with other regional stakeholders and organisations, and strengthening partnerships with the European Commission and other donors, in order to help Western Balkan countries achieve progress in this issue area. During the Forum in Skopje, a bilateral meeting at the ministerial level was held with Macedonian government, reaffirming good bilateral relations between the relevant ministries and agreeing future cooperation of law enforcement agencies and intensifying bilateral cooperation.

In December 2015, Montenegro hosted the Third annual meeting in Budva⁵⁶, which brought together commanders of border police forces and commanders of international airports of countries of Southeastern Europe. During this meeting, the continuation of the JIE-BOARDAIRPOL II project has been announced. This project, financed by Switzerland and MARRI, has the goal of coordinating the existing mechanisms of member states with the EU legislation, standards and best practices, as well as strengthening administrative and operational capacities of border police forces in order to suppress illegal migrations and fight against organised crime and terrorism.

Montenegrin delegation participated in the Eastern Mediterranean – Western Balkans route conference⁵⁷, held in October 2015 in Luxembourg. The conference was organised by Jean Asselborn, minister for Foreign and European Affairs, minister for Immigration and Asylum, and Federica Mogherini, High Representative of the Union for Foreign Affairs and Security Policy and Vice-President of the Commission, in order to discuss with all relevant partners the importance of this route in the increased migratory flows coming from the Middle East. The conference was concluded by the adoption of a Declaration, which recognised the determination of EU and its member

⁵⁵ *Ministar Konjević u Skoplju: Crna Gora preuzela predsjedavanje MARRI-jem*, Ministry of Interior, 10 June 2015, available at: <http://www.mup.gov.me/vijesti/149847/Ministar-Konjevic-u-Skoplju-Crna-Gora-preuzela-predsjedavanje-MARRI-jem.html> (accessed on 23 June 2016)

⁵⁶ *Jačanje saradnje graničnih policija zemalja Jugoistočne Evrope u oblasti upravljanja migracionim tokovima*, Ministry of Interior, 16 December 2015, available at: <http://www.mup.gov.me/vijesti/156122/Jacanje-saradnje-granicnih-policija-zemalja-Jugoistocne-Evrope-u-oblasti-upravljanja-migracionim-tokovima.html> (accessed on 22 June 2016)

⁵⁷ *Konferencija o migracijama u Luksemburgu: Pomoći državama pogođenim izbjegličkom krizom*, Ministry of Interior, 9 October 2015, available at: <http://www.gov.me/vijesti/153194/Konferencija-o-migracijama-u-Luksemburgu-Pomoci-drzavama-pogodenim-izbjeglickom-krizom.html> (accessed on 22 June 2016)

states to provide humanitarian aid, as well as assistance in building reception and accommodation facilities to the Western Balkan states who have been influenced by the migrant and refugee crisis. Participants also agreed on the guidelines for action in regard to providing additional assistance to Turkey, Lybia and Jordan, states which have received the greatest number of refugees. The significance of the MARRI initiative has also been recognised at the conference as one of the factors to be utilised in reaching the agreed goals of more coordinated regional cooperation, comprehensive common approach in issues related to asylum, migration, border control and visa regime.

Montenegrin presidency over MARRI was concluded with the Annual Forum⁵⁸ held in Podgorica on 21 June 2016. The forum was attended by representatives from Albania, Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro and Serbia, as well as representatives of a number of international organisations – IOM, OSCE, Geneva Centre for the Democratic Control of Armed Forces (DCAF), International Centre for Migration Policy Development (ICMPD) and Swiss State Secretariat for Migration. This Forum was used to summarise the results of Montenegrin presidency, adopt the MARRI Podgorica Declaration, and transfer the one-year presidency to Serbia. A number of strategic documents were also adopted: Decision on yearly contributions for 2016, Annual report on MARRI activities in the period from June 2015 to July 2016, Financial report for 2015, and Priorities of Serbian presidency for the next year.

Secretary of the Ministry of Interior noted that the year of Montenegrin presidency has been defined by challenges caused by the Migrant crisis, and the establishment of the Balkan route reaffirmed the importance of MARRI in regard to drafting a common regional response to the crisis. Secretary underlined that progress made during the Montenegrin presidency was evident, as witnessed by succesful projects implemented in cooperation with a number of regional and international partners. MARRI member states have assessed the Montenegrin presidency as successful, and commended the implementation of Presidency's priorities and activities. The need for better mutual cooperation and continued activity, with the goal of more efficient functioning of MARRI and its regional Center, was reaffirmed by all participants.

5. Which were, if any, the specific problems stemming from the migrant crises, that have arisen in the relations of each specific country with their neighbouring countries, or other countries?

Due to the limited impact of the crisis on Montenegro, and continuous good cooperation with neighbouring countries and the EU regarding this issue, there have been no problems in the field of international relations stemming from the migrant crisis.

⁵⁸ *Završen MARRI Regionalni forum; Crna Gora završila jednogodišnje predsjedavanje inicijativom*, Government of Montenegro, 22 June 2016, available at: <http://www.gov.me/naslovna/vijesti-iz-ministarstava/162365/Završen-MARRI-Regionalni-forum-Crna-Gora-završila-jednogodisnje-predsjedavanje-inicijativom.html> (accessed on 22 June 2016)

V. SLOVENIA (NATIONAL ASSEMBLY)

1. Introduction

According to European Commission's estimates, over 65 million people are currently displaced worldwide due to violence or natural disasters. In 2015 alone, over one million persons fled to Europe to escape violence or poverty. Recently, however, the trend has slowed down, with about 200,000 people arriving to Europe in the first half of the year. The European Commission responded to the above developments by adopting the European Agenda on Migration,⁵⁹ which specifies the measures and instruments to be applied at both the EU and Member States' levels (EC, website).

Slovenia recorded a first major increase in the transit of migrants across its territory in late September 2015. After Hungary's decision to close its borders in October 2015, Slovenia was hit by a second, much larger wave of migrants. At that time, migration flows largely turned in the direction of Slovenia, which became the main point of transit for thousands of migrants who wished to continue their path toward destinations in Western Europe. The second migration wave called for the mobilisation of the entire national security system and humanitarian organisations, as well as intense international cooperation.

This paper presents basic statistical data relating to the two migration flows that affected the territory of the Republic of Slovenia in the past year, the legislative adjustments made to tackle the situation in which Slovenia had found itself, and special measures carried out by Slovenia to resolve the migration issue. Most data have been obtained by the Slovenian Ministry of the Interior and other competent bodies.

2. Basic data relating to the recent migration flows over the territory of the republic of Slovenia

2.1 Statistical data on the transit of migrants and refugees across the territory of the Republic of Slovenia

The first migration flow passed through Slovenia between 17 and 22 September 2015 (about 3,500 persons). Slovenia, which the migrants considered as a transit country, offered assistance and accommodation, carried out the procedures imposed by the Slovenian and EU legislation, and enabled the migrants to continue their journey to the countries of destination. No major problem was observed during the migrants' transit across our territory in such period.

The second migration wave, involving nearly half a million migrants, first hit Slovenia on 16 October 2015 (following Hungary's decision to close its borders) and continued until 8 March 2016 (i.e. until the decision to close the "Balkan route"). Daily arrivals ranged between 8,000 and 9,000 migrants, occasionally exceeding 10,000, most notably on 21 October 2015 when nearly 13,000 migrants entered Slovenia. After 4 November 2015 the migration flow slowed down (shipping strike in Greece) and stabilised at 6,000 to 7,000 migrants per day. At the end of November, the number of migrants was down to 2,000 to 3,000 per day. The migrants could thus be handed

⁵⁹ Available at: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/communication_on_the_european_agenda_on_migration_en.pdf.

over to the Austrian security bodies mostly on the same day (Ministry of the Interior, website).

Table 1: Number of migrants entering and leaving Slovenia during the second migration wave

PERIOD	ENTRY	EXIT ⁶⁰
October (16 - 31 October 2015)	116,627	98,981
November	164,313	170,387
December	96,607	96,575
January	62,785	62,796
February	34,795	33,666
March (until 8 March 2016) ⁶¹	1,607	1,528

Source: website of the Police (June 2016).

Structure of migrants during the second wave (October-January):

- men: 48.7%
- women and children: 51.3%

Share of migrants by nationality:

- Syria 45%
- Afghanistan 30%
- Iraq 17%
- other 7%
- Pakistan 1% (Ministry of the Interior, website).

⁶⁰ Data on the migrants leaving the country are only available since 20 October 2015, therefore the total number of foreigners leaving Slovenia indicated in the table is not comparable with the total number of foreigners entering Slovenia (data gathered since 16 October 2015).

⁶¹ Closure of the Balkan route.

Table 2: Number of refugees and migrants accommodated at the Centre for Foreigners (CF) and at the Asylum Centre (AC) and their branch facilities

LOCATION	NUMBER OF PERSONS
Asylum Centre (AC) in Ljubljana	170
AC branch facility at Kotnikova Street in Ljubljana	69
AC branch facility in Logatec	49
Outside of the Asylum Centre (in Youth Crisis Centre)	9
Displaced	13
Centre for Foreigners (CF) in Postojna	40
Total	350

Source: website of the Police (June 2016).

The number of persons applying for international protection in Slovenia increased considerably: from 17 applicants in January 2016 to 270 in February 2016, which largely exceeded the accommodation capacities of the Asylum Centre. For such reason, the Government decided to open two branch facilities, namely the facility at Kotnikova Street in Ljubljana and the Training Centre for Civil Protection and Disaster Relief in Logatec.⁶²

At the beginning of March 2016, the Slovenian Government adopted an implementation plan based on which it would – following the agreement at the EU level – relocate 567 persons from Italy and Greece (or other Member State exposed to heavy pressure on the national migration and asylum system) and resettle 20 persons from third countries (i.e. non-EU members). The number of persons will most probably be higher, depending on the current migration situation and the final agreement on the number of relocated persons (Government of the Republic of Slovenia, website).

⁶² Between 17 September 2015 and 14 June 2016 (included), 733 persons applied for international protection: 209 from Afghanistan, 166 from Syria, 124 from Iraq, 72 from Iran, 42 from Pakistan, 24 from Kosovo, 23 from Morocco, 10 from Algeria, 9 from Eritrea, 8 from Serbia, 5 from Albania and Tunisia (each), 4 from Egypt, Cameroon and Nigeria (each), 3 from Cuba and Sri Lanka (each), 2 from Bangladesh, Ghana, Georgia, Libya, Russia and Turkey (each), 1 from Bosnia and Herzegovina, Gambia, India, Liberia, Niger (each), and 1 stateless person. In total, Slovenia received 385 applications for international protection in 2014, 277 in 2015, and 576 in the first half of 2016 (Ministry of the Interior, website).

Table 3: Relocations of persons in need of international protection

Date	Number of persons
12 May 2016	28 (relocation of persons in need of international protection – from Greece)
19 May 2016	6 (relocation of persons in need of international protection – from Italy)

Source: website of the Police (June 2016).

2.2 Legislative adjustments to cope with the impacts of the migration crisis

Below is a presentation of the legislative adjustments more or less related to the migration issue.

2.2.1 International Protection Act (Official Gazette of the Republic of Slovenia, No. 22/2016)

A new International Protection Act was adopted on 4 March 2016. Its main purpose and the reason for its adoption was the obligation to transpose EU law into national law, namely Directive 2013/32/EU⁶³ and Directive 2013/33/EU⁶⁴, which specify the standards in the procedures to grant international protection as well as the rights and duties of applicants for international protection. The Act also defines the details of the implementation of the Dublin Regulation and the EURODAC Regulation.

The new Act largely preserves the existing regulation of international protection; in addition, based on the revised EU legislation, it provides enhanced standards for vulnerable categories and unaccompanied minors, and envisages mechanisms to prevent abuses of the international protection system. Also, the procedure to grant international protection changed slightly and now has a deterrent effect in some aspects. Nevertheless, it preserves the existing level of rights of the applicants for international protection and persons under international protection and provides minimum standards that the EU Member States must take into consideration in accordance with the EU law.

However, some of the rights have been restricted:

- As regards persons under international protection, in order to encourage them to integrate in the Slovenian society, the Act redefines the conditions and deadlines for entitlement to financial compensation for private accommodation: the right to financial compensation for private accommodation shall be restricted to 18 months but can be extended for another 18 months if the persons who has been granted international protection attends 80% of a Slovenian language course in the first 18 months.
- The one-off cash assistance granted to persons under international protection in accordance with the previous Act in the amount equal to social assistance (EUR 270) shall be abolished if they do not have their own financial resources which they urgently need to provide for the basic necessities of life. Since the one-off cash assistance in

⁶³ Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection.

⁶⁴ Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection.

the month when the person moves out from the Asylum Centre overlaps with social assistance in cash to which the person is also entitled, the one-off cash assistance ceases to be paid as it is comparable with the rights of Slovenian citizens to social transfers.

- The right of a person under subsidiary protection to financial compensation for private accommodation for family members shall be cancelled (taken from the website of the Ministry of the Interior 2).

2.2.2 Act amending the Police Organisation and Work Act (Official Gazette of the Republic of Slovenia, No. 86/15)

The amendment adopted in November 2015 raised the age of auxiliary police officers to 60 years, which means that it is now possible to quickly mobilise police officers that have retired in the past years but are still sufficiently qualified to perform the tasks of the auxiliary police force. The current migration crisis and other similar events and situations in fact call for the engagement of skilled auxiliary police force. The amendment allows the Police to conclude contracts with retired police officers and those who have terminated their employment in the Police by their own will, since they have sufficient knowledge and qualifications to perform the tasks of auxiliary police force (taken from the National Assembly's databases).

2.2.3 Act amending the Defence Act (Official Gazette of the Republic of Slovenia, No. 95/15).

The new Act allows the National Assembly to decide with a two-thirds majority vote of the deputies present on a proposal by the Government that members of the Slovenian Army who cooperate with the Police in the protection of the national border may exercise specific powers as provided by the Tasks and Powers of the Police Act. Hence, the Slovenian Army will be able to warn, direct and temporarily halt the movement of persons and participate in group and crowd management. In exercising such powers and tasks, they will be subject to the same restrictions and terms as those applying to the Police. The Slovenian Army will also need to promptly inform the Police of the powers and tasks carried out in line with the new Article.

The mobilisation of the Slovenian Army to help the Police in the protection of the national border takes place in two stages. First, the Government decides on the cooperation of the Slovenian Army with the Police; a plan of cooperation is drafted, specifying the area where the Army will be engaged and the manner of cooperation between police officers and members of the Slovenian Army. If a decision on mobilisation is taken by the Government, the members of the Slovenian Army do not have police powers, which means that their collaboration is restricted to logistic support, observation, and informing the Police of their observations. In the second stage, if so required by security circumstances, the Government will propose that the National Assembly decide on whether the members of the Army, while collaborating with the Police, can also exercise the exhaustively listed powers and tasks.

A part of the civil society did not agree with the new powers of the Army and began to gather signature to hold a referendum, but the National Assembly halted such procedure. The supporters of the referendum referred to the Constitutional Court but were unsuccessful, and the Act entered into force in December last year.

The National Assembly approved such powers to the Army for the period between February and May 2016. However, the Act contains two time limits: such powers may be exercised only in the period in which they are necessary to carry out the relevant tasks, yet no longer than for three months (taken from the National Assembly's databases).

Also in preparation is an amendment of the State Border Control Act, aimed at defining the manner to calculate compensation for the use of land on which temporary technical barriers are installed. The Government has not yet submitted the draft to the National Assembly.

2.3 Policies and measures adopted to manage the impacts of the migration crisis⁶⁵

The Slovenian authorities closely monitored the developments in the region since it was expected that the migration wave could reach Slovenia as well. This is why in May 2015, intense preparations started for a possible arrival of a large number of migrants, resulting in the Contingency Plan⁶⁶ adopted by the Government in July 2015.

In early September 2015, authorities met with local communities (those likely subject to major migration activity and possibly affected by measures to cope with mass arrivals). Their assistance and cooperation over the following months were key to successfully manage the migration flow. Also important was cooperation with humanitarian and non-governmental organisations.

An operating group was appointed to prepare for a possible mass arrival of migrants. It was in charge of the logistics, food, basic and health care, transport (from reception points to accommodation facilities), and accommodation of migrants.

Several measures and activities were planned to tackle the mass arrival of migrants, depending on the situation on the field. Given the extent of the migration issue, additional forces and resources were needed, including auxiliary police officers. Also involved were the members of the Military Officers Association of Slovenia, of the Union of Veterans of the War for Slovenia, as well as firemen (mainly for logistic support). The wider international community was also asked for help. In October 2015, the Ministry of Public Administration asked the civil servants to volunteer and assist in the work of accommodation and reception centres. Employees of the Administration for Civil Protection and Disaster Relief and members of the state units of the Civil Protection Service provided "on duty" service at the centres. In November 2015, also long-term unemployed persons could find temporary employment as help force in accommodation and reception centres.

⁶⁵ Taken from the sources of the Government of the Republic of Slovenia and the Ministry of the Interior.

⁶⁶ The Contingency Plan of the Republic of Slovenia to provide accommodation and care in the event of an increased number of applicants for international protection specifies the scenario and the goals as well as all necessary measures, bodies, and systems to respond to the newly arisen emergency. The measures and the participation of the relevant bodies are defined depending on the scope of increase in the number of applicants (available at:

<http://vrs-3.vlada.si/MANDAT14/VLADNAGRADIVA.NSF/71d4985ffda5de89c12572c3003716c4/c621227bf011dc83c1257e83003f6589?OpenDocument>).

On average, 450 members of the Civil Protection Service, members of humanitarian organisations and volunteers assisted in providing accommodation and care for the migrants every day, in addition to 500-1000 police officers and about 460 soldiers in charge of the reception of migrants.

At the reception centres, the Police, the Civil Protection Service and humanitarian organisations provided basic care (food, drinks, clothing) and first aid. At such locations, the Police checked the status of each individual. Depending on whether they applied for international protection or not and whether they could be returned to neighbouring or home countries or not, the migrants were relocated to:

- asylum centres (applicants for international protection);
- centres for foreigners (migrants awaiting return to neighbouring or home countries);
- accommodation centres (migrants who have not applied for asylum but could not be returned to neighbouring or home countries – most of them).

The measure entitled **Support to reception capacities established to cope and manage mass arrival of third-country nationals at the Slovenian Schengen border**, in place between 20 September 2015 and 31 March 2016, provided financial support for the deployment of auxiliary police officers⁶⁷ and members of Special Police Units,⁶⁸ mobilised to assist regular Police forces in reception centres along the Slovenian Schengen border with Croatia.

The measure entitled **Establishing of new and facilitation of existing accommodation capacities to cope and manage mass arrival of third country nationals at the Slovenian Schengen border**, in place between 20 September 2015 and 31 March 2016, provided financial support for the lease of accommodation facilities. The measure also included co-financing the transfer of migrants from reception centres along the Slovenian Schengen border to accommodation facilities in the inland.

On 16 October 2015, the Government deliberated on temporary control at the internal borders with Hungary (for 10 days), which began to apply on 17 October 2015 and was extended for another 20 days.

Based on a previously prepared plan, temporary technical barriers started to be set up on 11 November 2015 to protect the external Schengen border. The Government, assisted by the Army, set up temporary technical barriers on about 177 km of border with Croatia. The barriers are installed based on a risk assessment, i.e. only in certain vulnerable sections of the border where increased pressure of the migratory wave could be expected.

Moreover, the Government took measures to gradually intensify increased external border control by restricting organised transports of migrants, while the Police at the border consistently rejected all migrants who did not meet the entry conditions and

⁶⁷ Auxiliary police officers are citizens of the Republic of Slovenia who have undergone specific training. They are not employed by the Police but can be mobilised whenever necessary. For the time of deployment as auxiliary police officers, their employer receives financial compensation while auxiliary police officers receive remuneration for their working hours.

⁶⁸ Police officers who are members of Special Police Units (SPU) are specifically trained to deal with crowds. They are employed by the Police and in case of deployment as members of SPU, they receive an extra bonus with their salary.

were coming from safe countries of origin. Entry was allowed only to persons who expressed the intention to apply for international protection in Germany, Austria or Slovenia. Each migrant was treated individually. Entry on humanitarian grounds was allowed to persons who were not coming from safe countries of origin, whose nationality was undisputed, and who had been previously registered as travelling on the Balkan route.

The Ministry of the Interior will continue to implement integration programs that have proved to be effective (e.g. comprehensive assistance in integration, Slovenian language courses, psycho-social assistance), which will be implemented by non-governmental and other organisations in local environments.

2.4 Bilateral and multilateral cooperation during the migration crisis

Cooperation took place at both bilateral (with the countries on the Western Balkan migration route) and multilateral levels, between ministers, directors general of the police, at the operating level, and between ambassadors. Working sessions and meetings were organised both in Slovenia as well as in other countries coping with migration issues.

The Minister of the Interior was in daily contact with her counterpart in Austria. They informed each other of all activities taking place and coordinated actions in order to avoid surprises. The Minister of the Interior also met with the Croatian Minister of the Interior, while the Director General of the Police regularly attended the frequent meetings of chiefs of police along the Balkan route to agree on the practical implementation of measures adopted at higher levels (Government of the Republic of Slovenia, website).

2.5 Specific problems related to the migration crisis that affected Slovenia's relations with neighbouring and other countries

During the largest migratory wave, primarily logistical problems arose but were successfully dealt with through international cooperation and communication at various levels. The activities that followed were carried out effectively and in a coordinated manner (Government of the Republic of Slovenia 2, website).

3. Conclusion

The fact that migrants are still arriving from Turkey to the Greek islands and from there by ferry to the mainland, is indisputable. The Greek Government has great difficulties coping with the situation and the attempts to provide sufficient accommodation on the mainland. In Greece, there are currently over 50,000 migrants. Migration across the Mediterranean to Italy resumed as well. Therefore, the competent authorities in Slovenia closely monitor the situation and assess any potential risks in order to take appropriate action, if necessary (Ministry of the Interior, website).

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Marjana Križaj

Sources:

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VI. SLOVENIA (NATIONAL COUNCIL)

The Migrant Crisis in Slovenia

Migration is not a recent phenomenon, as it has been a part of human history since its early beginnings. People have often migrated from one country to another or internally for various reasons. With the increase of conflicts, wars and persecution the number of displaced persons worldwide reached the highest level ever, with a total number of 59.5 million people displaced by war in 2014. The escalation of displacement and migrations can also be attributed to the deterioration of conditions in countries of first asylum, the lack of integration programs for refugees, geopolitical changes and globalization. The specialty of the current migrant crisis is the mixed composition of the migration flow which includes not only refugees but also economic migrants.

The current European migrant crisis began between the years of 2007 and 2011 in Greece and Italy. Since the migrant crisis mainly affected just these two states at that time the main focus of other member states and the European Union remained on solving the economic crisis which had an impact on all member states. Greece tried to limit the immigrant influx by building a fence alongside the Turkish border, but it was unsuccessful because the immigration route just shifted to the Greek islands. The consequences of this mass immigration influx were the poor living conditions of illegal immigrants, ineffective asylum procedures and violations of the non-refoulement principle. This resulted in the decisions of the European Court of Human Rights⁶⁹ and the Court of Justice⁷⁰, which among other things declared the presumption of compliance by other Member States with Union Law and, in particular, fundamental rights to be disputable. On the other hand the situation in Italy escalated after the outbreak of the Libyan civil war in 2011, when the agreements about the return of illegal immigrants to Libya were no longer respected. At the same time, the European Court of Human Rights⁷¹ declared the policy of forcibly returning asylum-seekers to Libya without the assessment of their asylum claim to be illegal and found the Italian practice in violation of the European Convention of Human Rights. At the early stages of the migrant crisis in 2013 Slovenia helped Italy by providing a patrol vessel that took part in the Mare Nostrum operation. Regardless of all these events, European states and the European Union did not give much regard to the situation in Italy and Greece until 2015, when the migration route shifted and the situation escalated to the extent that all the European states had to bear their share of the burden in the migrant crisis.

In the past Slovenia gained important experience regarding the management of migration and the hosting of asylum-seekers, especially at the time of the Balkan Wars between the years of 1991 and 1993. In December 1991, after the beginning of the war in Croatia, the number of refugees fleeing from Croatia to Slovenia reached the number of 23,000. In 1993 the situation escalated because of the war in Bosnia and Herzegovina and the number of registered refugees from Bosnia and Herzegovina reached 45,000. Based on available data there were additionally 25,000 unregistered refugees who lived with their relatives or friends at that time. Most of the refugees in

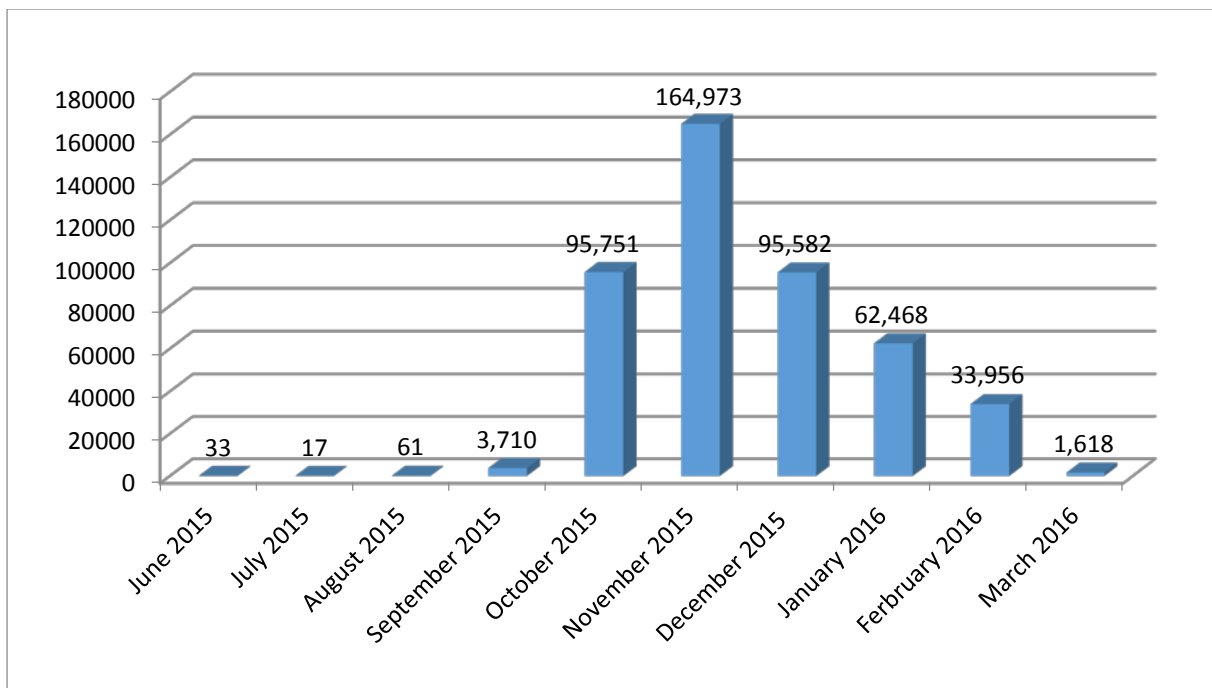
⁶⁹ M.S.S. v. Belgium and Greece

⁷⁰ C-411/10 and C-493/10

⁷¹ Hirsi Jamaa and others v. Italy

the Balkan wars were women and children and were well accepted by the Slovenian population mainly because of linguistic, historical, cultural and family ties. Regardless of the economic conditions at that time, the state managed to provide accommodation for these refugees and additionally enabled schooling for minor asylum-seekers who spent several years on the Slovenian territory.

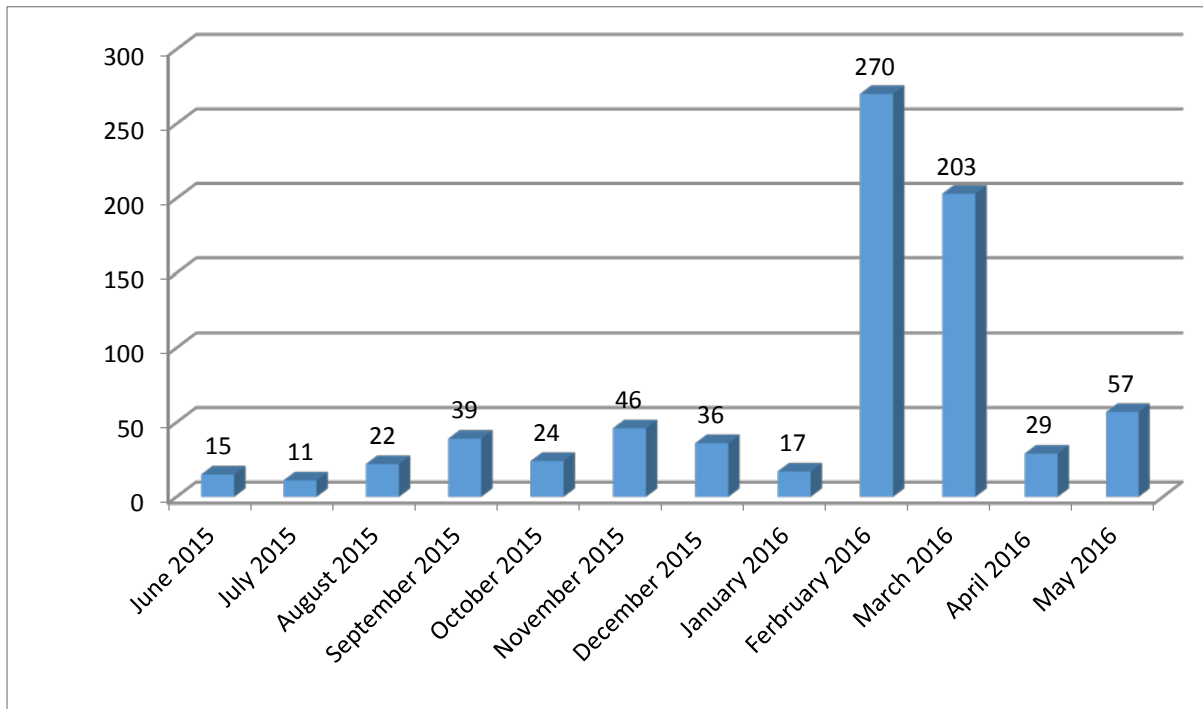
In Slovenia the first effects of the current migrant crisis were detected in June 2015, when the first small groups of illegal migrants came to Slovenia. As it is shown in the chart below, the number of illegal entries increased drastically from September 2015, reaching its peak in November 2015 with 164,973 registered illegal entries. The number of registered illegal entries increased drastically due to the closing of the Hungarian-Croatian border and the redirection of migrants to the Slovenian border. In November 2015 Slovenia was granted financial support in the amount of just over 10 million Euros from the Internal Security Fund – Borders and Visa and the Asylum, Migration and Integration Fund to manage this exceptional migratory flow that it was facing. Afterwards, in 2016, the number of illegal entries slowly decreased to its lowest number since the beginning of the migrant crisis to 1,618 illegal entries in March 2016. The decrease of registered illegal entries was owed to the tightening of border controls alongside the so-called Balkan migration route and the introduction of daily quotas for the entry of illegal migrants into Austria. Consequently also the migrant flow shifted from the Balkan route to the Central Mediterranean route, which explains this major decrease in the number of illegal entries to Slovenia from November 2015.



Source: Slovenian Police

From the beginning of the migrant crisis the number of asylum applications did not increase drastically because in most cases, Slovenia was not the final destination for migrants and asylum-seekers, who mostly did not apply for a residence permit or asylum in Slovenia. As it is shown in the chart below, the number of asylum applications increased during late 2015 and the beginning of 2016, and it reached its

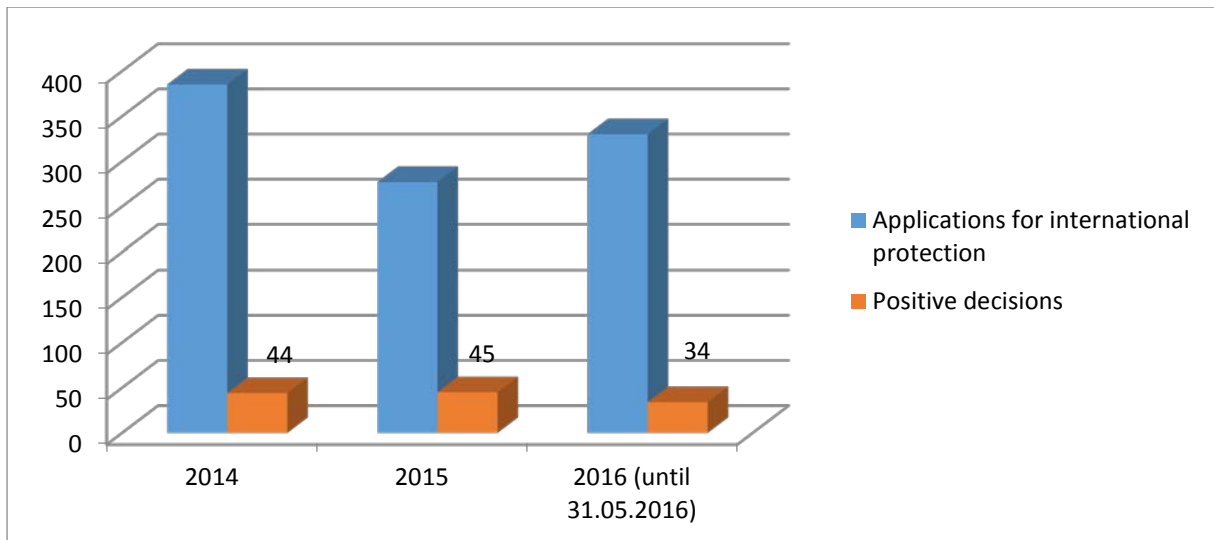
peak in February and March 2016, with a number of 270 asylum applications in February and 203 in March 2016.



Source: Ministry of Interior

As it can be seen from the charts there is no correlation between the number of illegal entries and the number of asylum applications because the number of asylum applications increased only after the tightening of asylum policies in Austria and Germany. At the beginning of the migrant crisis illegal migrants were given information factsheets describing asylum proceedings in European countries from which it was obvious that some countries, as for example Slovenia, had stricter asylum policies and provided lower financial assistance compared to some other member states. Besides family ties, this was the main reason why most of asylum-seekers chose Germany as their destination state.

As it can be seen from the chart below, the number of people who were granted asylum or subsidiary protection status has not increased significantly in last years. On the other hand the number of people who submitted their request for refugee or subsidiary protection status increased greatly especially in 2016, with a number of 330 asylum applications in the first five months of the year. The reason, for such a difference between the number of asylum applications and positive asylum decisions, are stricter rules regarding the assessment of asylum claims.



Source: Ministry of Interior

Slovenia has approved some legislative changes since the beginning of the migrant crisis because of the transposition of European directives regarding asylum and because of the need of some legislative adjustments in order to mitigate the effects of the migrant crisis. In 2016 it adopted a new International Protection Act, which transposed the Directive 2013/32/EU and Directive 2013/33/EU into the national legal system. To a large extent the new International Protection Act maintains the solutions of its predecessor, the Act also introduced some important changes such as: the right to monetary compensation is linked to the attendance of Slovenian language classes, it abolishes the right to one-time monetary compensation when moving out of the asylum center and abolishes the right to monetary compensation for the private accommodation of family members of persons who are awarded subsidiary protection. Since the European migrant crisis had already escalated at the time when this law was in the legislative procedure, there were many proposed amendments with which members of the parliament tried to restrict asylum-seekers' rights. Some of proposed amendments included the right to declare an asylum application inadmissible on the grounds that the asylum-seeker entered the Slovenian territory from another European Union member state, which could result in a breach of the European Asylum Law, especially the Dublin Regulation. In addition, there were proposed amendments regarding the tightening of the definition of family members of asylum seekers, specified asylum quotas, stricter criteria for the withdrawal of asylum and subsidiary protection status and shorter deadlines for applying for asylum. These amendments were not accepted but they show the direction in which the legislative changes were heading after the emerging European migrant crisis. During the legislative proceeding, the government approved a relatively long list of safe third countries including Turkey, which is, by the opinion of various non-governmental organizations, not to be regarded as a safe third country.

In the light of the current European migrant crisis some legislative changes to the Defence Act have been made, stating that in case of high risk of public safety, the National Assembly could decide that members of the Slovenian Armed Forces, with the collaboration of police officers, could exceptionally have special powers when they perform the wider security of state borders based on the previous government plan and decision. These powers include warnings, referrals, temporary movement restrictions and cooperation when coping with groups and masses. The duration of the

awarded powers is limited to three months and it can be extended only in special circumstances. After the promulgation of this act, members of the Slovenian Armed Forces started to exercise these powers because of the security reasons at the time of the migrant crisis that demanded these kinds of actions. Recently the Ombudsman lodged a request for a ruling on the constitutionality and legality of police powers that have been awarded to the Slovenian Armed Forces on the grounds of Article 37.a of the Defence Act. The Ombudsman claimed that the powers of military personnel were not specified well enough in the Act amending the Defence Act, specifically referring to the powers to refer and cope with groups and masses, which are not specifically defined in the legislation regarding police powers. The Amendment Act does not provide any supervision and appeal mechanisms. The Constitutional Court decided that the established methods of interpretation can be used for the interpretation of undefined legal concepts such as the power to refer and cope with group and masses. Consequently it found that Article 37.a of the Defence Act is in conformity with the Slovenian Constitution. Two judges wrote a dissenting opinion claiming that the Act amending the Defence Act is not in accordance with the principle of clarity and definiteness of law.

Dimensions of the current migrant crisis also demanded some legislative changes to the Police Organisation and Work Act, namely the change to Article 101 regarding the tasks of auxiliary police. The Amendment unified and extended the age limit to which individuals can perform the service of auxiliary police to 60 years. With this legislative change the Parliament provided the legal basis to increase the number of members of the auxiliary police.

In order to mitigate the effects of the migrant crisis Slovenia has implemented some specific policies, namely the introduction of internal borders with Hungary. The legal basis for the temporary reintroduction of border control at the internal borders of Member States is provided in the Schengen Borders Code. The reintroduction of border control at the internal borders is available to Member States in the case of a serious threat to public policy or internal security, but nonetheless this measure must remain an exception and in the case of its use the principle of proportionality must be respected. Slovenia sent a notification of the temporary reintroduction of border control at the land borders with Hungary, pursuant to Article 25 of the Schengen Borders Code, for the period from the 17th of September 2015 until the 26th of September 2015 and from the 27th of September 2015 to the 16th of October 2015, because of the large influx of persons seeking international protection. Austria also introduced border control at the internal borders with Slovenia on several occasions in order to prevent the negative effects of the migrant crisis.

There were some specific problems stemming from the migrant crisis that have arisen in relation to Croatia, which after the closing of the Hungarian border diverted migrants from the Hungarian to the Slovenian border. The Croatian authorities sent migrants across the green border to Slovenia unannounced and in a disorganized manner. Faced with the mass influx of migrants, Slovenia had to build temporary obstacles on its borders with Croatia to direct migrants to border crossings. Based on Articles 7, 8, and 11 of the State Border Control Act and Article 10 of the Police Tasks and Powers Act the Slovenian government accepted the necessary measures to prevent the circumstances in which public security and public order would be endangered. These measures were further specified in the Plan of use of technical and other means for the prevention of unauthorized crossings of state borders with the Republic of Croatia. After the wire fence was put up, Croatia sent several requests for its removal, claiming

that the fence near the Sotla River was placed on Croatian territory. On the other hand the Slovenian government sent several appeals to the Croatian government to announce and organize the transportation of migrants. After these appeals, the situation improved and the Croatian authorities began to announce the number of migrant groups coming to Slovenia and organized their journey to the Slovenian border. As of March 2016 the Slovenian Armed Forces had put up around 160 kilometers of wire fence along the 670 kilometers long Slovenian-Croatian border, mostly in the municipalities of Črnomelj, Metlika, Brežice, Ormož, Zavrč and along the Dragonija River. After several demands from the public for the replacement of the wire fence with the panel fence, the Slovenian Armed Forces in collaboration with a Slovenian police replaced the first kilometers of the fence in late March 2016. The public opinion regarding the placement of the wire fence along part of the Slovenian-Croatian border was negative, mostly due to the danger it posed to locals, animals and illegal migrants. People living in the border area also felt separated from their friends and family members who are now living on the other side of the wire fence.

Many different public opinions regarding the issue of illegal migration were expressed. At the beginning of the migrant crisis most of the Slovenian inhabitants welcomed illegal migrants and asylum seekers and offered their support to non-governmental organizations in providing food, clothes and other necessities for those who needed it. In February 2016 two protest rallies were organized. The larger being in favor of migrants, and the smaller opposing the arrival of migrants. There was also a wide public debate regarding the accommodation of asylum-seekers. In some municipalities protest rallies regarding the potential accommodation of asylum-seekers in their municipalities were organized.

Slovenia also implemented some formats of bilateral and multilateral cooperation during the migrant crisis in order to mitigate the effects of the migrant crisis. In accordance with European legislation and international treaties, namely Council Decision 2008/616/JHA on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, and as per the Prüm Convention, the Republic of Slovenia concluded uniform agreements on joint cooperation with each EU member state that posted their police officers to work in Slovenia with the aim of managing the increased inflow of migrants. Some of these agreements were concluded with Germany, Lithuania, Estonia, the Czech Republic, Poland, Hungary, Romania and Austria.

In February 2016 the chief of police of Austria, Slovenia, Croatia, Serbia and Macedonia signed a statement on the joint profiling and registration of refugees and asylum-seekers at the border between Macedonia and Greece. This registration was valid through the migrants entry into destination states: Austria and Germany. The main change, introduced by this statement, was that after the interviewing and registering of illegal migrants on the Macedonian-Greek border, the only ones that will be allowed to a controlled crossing in the direction of Austria and Germany will be the ones who come from war areas.

In conjunction with the migrant crisis, Slovenia has faced some challenges also in relation to local municipalities and companies which the migrant crisis has affected the most. The Government of the Republic of Slovenia promised indemnification to those who suffered economic losses because of the migrant crisis. The rough estimate of the damage was prepared in three municipalities which were the most affected by the migrant crisis. However because of the positive legislation in the field of natural and

other disasters (Protection Against Natural and Other Disasters Act, Natural Disaster Recovery Act), which does not consider the migrant crisis as a natural disaster and does not foresee any compensation for economic damage in these cases, the municipalities were not awarded any compensation. Local communities and companies also expressed some concerns regarding the impact of the wire fence on tourism near the Slovenian rivers.

The current migrant crisis has shown the downsides of the current asylum system, especially regarding the even distribution of burden between states. Slovenia successfully managed the mass influx of illegal migrants in late 2015 mainly due to some legislative changes, good cooperation with non-governmental organizations and other states. Regardless of the success with the managing of the migrant crisis in 2015, a common approach to this problem should be taken on the European and international level. In the light of solving the current migrant crisis, the Slovenian Prime Minister at various occasions stressed the importance of solidarity between the states when coping with the migrant crisis. In January 2016 he sent a letter to the European Commission and member states suggesting direct help from the states to the Republic of Macedonia, in order for it to strengthen its border control in a way which will impede border crossings to irregular migrants. In his opinion all European states should provide help to the Republic of Macedonia with the deployment of police officers, providing necessary equipment and in any other appropriate way. This proposal highlights the principle of solidarity among states on the so-called Balkan route, but at the same time the humanitarian dimension of the migrant crisis should not be overlooked.

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