



# MARRI MIGRATION PAPER 2012





# MARRI MIGRATION PAPER 2012

Prepared by:  
Ilo Trajkovski

***Title:***

***MARRI MIGRATION PAPER 2012***

***Publisher:***

***MARRI Regional Centre***

***For the publisher:***

***Trpe Stojanovski, Ph.D.***

***Prepared by:***

***Ilo Trajkovski***

***Print:***

***Digi Print***

***Skopje, Republic of Macedonia***

***Circulation:***

***600 pieces***

***(Non-commercial)***



Prepared by  
ILO TRAJKOVSKI

Professor of Sociology, University of "Ss. Cyril and Methodius", in Skopje, Republic of Macedonia.

He is specialized in sociology of politics (civil society, citizenship and human rights education). He is author of number of books published in Macedonia as well as of numerous articles published in Macedonian, English, Serbian, and Bulgarian. He has been a visiting Professor and visiting scholar in USA (Arizona state university), UK (London School of Economics), Poland (Jagiellonian University), Bulgaria (University of Sofia), and France (Université de Strasbourg).

He has worked individually and in team as consultant of number of international organizations - World Bank, UNDP, UNESCO, USAID, CoE and other on various themes such as poverty reduction, social dimensions of water reconstruction supply system in Skopje, Human development, development of civil society, civic education and human rights education etc. As a public intellectual he has been engaged in promoting and defending citizenship and human rights and education, multiculturalism and participatory democracy as tools for achieving interethnic coexistence and civic integration of the Macedonian society.

## PREFACE

*The Migration, Asylum and Refugees Regional Initiative is created in 2003, as a project aimed at fostering cooperation in the field of migration between the countries on the Western Balkans, while also addressing specific national problems. The MARRI Member States are Albania, Bosnia and Herzegovina, Croatia, Macedonia, Montenegro and Serbia. Focusing on the operational issues, 2012 is very important for MARRI, because of the further development of the networks in the field of migration, based on the MARRI Strategy.*

*The model of regional ownership of MARRI is based on the interest of the MARRI MS to use the MARRI platform and mechanisms for bridging the gaps in the area of migration. The common action between the national authorities and MARRI RC in this project has confirmed the spirit and high level of understanding, mutual respect and ownership, all as valuable outcomes of this Initiative.*

*The MARRI Migration Paper 2012 represents an effort of the MARRI Member States and MARRI RC to make a comprehensive overview and analysis of the state of play of migration and related areas within the MARRI scope of work. The analyzed period of time comprises the last three years.*

*Taking into consideration that the migration is a dynamic process interlinked and interdependent with different areas, this paper aims at performing a thorough analysis of the achievements and progress made as well as gaps and obstacles encountered in the MARRI migration management during the period covered by this project. This paper also aims at providing recommendations for the future.*

*The present paper builds on the MARRI RC questionnaires answered by the MARRI Member States' relevant authorities, such as the Ministries of Interior, Ministries of Foreign Affairs, Ministries of Labour and Social Affairs and other relevant state institutions.*

*The questionnaire consists of ten chapters, all of equal importance: National migration management organization in the MARRI Member States; Country overview on illegal migration, combating trafficking and smuggling of human beings; Overview of asylum systems in the MARRI Member States; Overview of types of identity and travel documents in the MARRI Member States; Visa questionnaire; Refugees/ displaced persons in the MARRI Member States; Overview of personal data protection standards in the MARRI Member States; Overview of labour migration management in the MARRI Member States; Diaspora matters in the MARRI Member States; and Overview of technical aspects of implementation of readmission agreements in the MARRI Member States.*

*The answers developed by the relevant national authorities helped analyzing all the above-mentioned areas, placing special focus on the analysis of the MARRI Member States illegal migration management, document security, efficiency of law-enforcement cooperation and border management.*

*MARRI thanks professor Ilo Trajkovski who researched and analyzed the collected national and international content, indicating the existing gaps, progress and also, mapping the trajectory of the further MARRI regional actions in the field of migration.*

*Special thanks are going to the Government of Liechtenstein, for financially supporting the implementation of this project. With this decision, Principality of Lichtenstein confirmed that with investing in research, all parties will benefit.*

*Bearing in mind that the migration process is of high importance for the national interests of the MARRI Member States, the main objective of this paper is to help the MARRI Member States' national authorities, institutions and agencies, as well as the civil society, to enhance and improve their capacities, better orient the migration management policies, strengthen the regional and international cooperation, adapt to the new developments and comply with the European Union standards.*

*MARRI RC Director  
Trpe Stojanovski, Ph.D.  
Skopje, December 2012*



## CONTENT

INTRODUCTION.....	3
I. NATIONAL MIGRATION MANAGEMENT ORGANIZATION: INSTITUTIONAL AND LEGAL OVERVIEW .....	7
II. COUNTRY OVERVIEW ON ILLEGAL MIGRATION, COMBATING MIGRANT SMUGGLING AND HUMAN TRAFFICKING .....	19
III. OVERVIEW OF ASYLUM SYSTEMS .....	27
IV. OVERVIEW OF TYPES OF IDENTITY AND TRAVEL DOCUMENTS IN MARRI MEMBER STATES .....	35
V. VISA QUESTIONNAIRE .....	41
VI. OVERVIEW ON REFUGEES AND DISPLACED PERSONS .....	45
VII. OVERVIEW OF PERSONAL DATA PROTECTION .....	51
VIII. OVERVIEW ON LABOUR MIGRATION MANAGEMENT .....	55
IX. DIASPORA MATTERS IN MARRI MEMBER STATES .....	59
X. OVERVIEW OF TECHNICAL ASPECTS OF IMPLEMENTATION OF READMISSION AGREEMENTS IN MARRI MEMBER STATES .....	63
ANNEXES:	
I. NATIONAL MIGRATION MANAGEMENT ORGANIZATION .....	69
II. COUNTRY OVERVIEW ON ILLEGAL MIGRATION, COMBATING TRAFFICKING AND SMUGGLING OF HUMAN BEINGS .....	89
III. OVERVIEW OF ASYLUM SYSTEMS IN MARRI MEMBER STATES .....	103
IV. OVERVIEW OF TYPES AND TRAVEL DOCUMENTS IN MARRI MEMBER STATES .....	121
V. OVERVIEW OF VISA REGIMES .....	135
VI. OVERVIEW ON REFUGEES AND DISPLACED PERSONS .....	145
VII. OVERVIEW OF PERSONAL DATA PROTECTION STANDARDS .....	155
VIII. OVERVIEW ON LABOUR MIGRATION MANAGEMENT .....	169
IX. OVERVIEW ON DIASPORA MATTERS IN MARRI MEMBER STATES .....	181
X. OVERVIEW OF TECHNICAL ASPECTS OF IMPLEMENTATION OF READMISSION AGREEMENTS IN MARRI MEMBER STATES .....	193





## INTRODUCTION

The present analysis is developed as part of MARRI's efforts to review achievements of participating member states<sup>1</sup> in the field of migration management after almost one decade from its establishment.<sup>2</sup> During this period, MARRI has played the role of important regional infrastructure for cooperation between the Western Balkans, as well as for cooperation between these countries and other international organizations profiled in the field of migration management. MARRI countries have invested a lot of their limited (human and financial) resources to develop sustainable regionally- and internationally-valid migration policies. According to available data "cooperation on migration policy issues between Western Balkans and the EU is part of the Stabilization and Association Process (SAP) as the overarching theme of EU relations with the Western Balkans".<sup>3</sup>

When MARRI was first initiated,<sup>4</sup> as an infrastructure for managing migration matters, countries in the Western Balkan were predominantly emigrant countries. However, their desired and promised future as members of the European Union meant that very soon they would transform not only into transit countries, but also into proper immigrant countries. All of these components have inspired the participating countries to develop genuine interest in immigration matters and to work keenly towards developing national immigration policies that will be compatible with the international migration trends. Therefore, MARRI has played a crucial role in:

- Developing "a strategic framework for comprehensive, integrated, and coherent approach to issues of asylum, migration, integrated border management, visa policies and consular cooperation, refugee and displaced persons return and/or integration, stateless persons, as well as minorities, in accordance with international and European standards and exiting national legislation."

<sup>1</sup> The participating states are Albania, Bosnia and Herzegovina, Croatia, Macedonia, Montenegro and Serbia.

<sup>2</sup> MARRI was established in 2003 by merging two previous initiatives: the Regional Return Initiative (RRI) and Migration and Asylum Initiative (MAI). (Medved Felicity, MARRI Migration Paper, April 2007, pg. 45)

<sup>3</sup> Kupiszewski Marek, ed. Labour Migration Patterns, Policies and Migration Propensity in the Western Balkans, IOM The Central European Forum for Migration and Population Research (CEFMR), 2009 pg. 9. Available at: [http://www.migrant-service-centres.org/userfile/labour\\_migration\\_patterns\\_policies\\_migration\\_propensity.pdf](http://www.migrant-service-centres.org/userfile/labour_migration_patterns_policies_migration_propensity.pdf) last accessed on 08/03/2012.

<sup>4</sup> MARRI was initiated as separate area of action of the second sub-table within the Working Table III: Security Issues of the Stability Pact for South East Europe. They all were created simultaneously with the creation of the Stabilisation and Association Process and had the same mission to bring South East Europe "...closer to the perspective of full integration ... into its structures," including the possible full-fledged membership in the European Union. In this context, MARRI was initiated as element of EU's Common Foreign and Security Policy.

- Enhancing cross-border/boundary and/or regional cooperation, in order to harmonize legislation, and establish relevant institutions and structures on migration management in the Western Balkans; and in
- Offering “a platform for coordinated action between the Western Balkans and other member states of the Stability Pact, as well as relevant international and non-governmental organizations, active in the areas of migration asylum, border management and refugee return or settlement. It also aims to bring together diverse actors from the fields of foreign, security and development policy, as well as justice and home affairs, to pursue the dual goal of security and free movement of people in search of economic and social opportunities.”<sup>5</sup>

In order to achieve its goals and political commitments, MARRI has undertaken different activities. In 2011, MARRI’s Regional Centre in Skopje,<sup>6</sup> responsible for coordination activities, commissioned a review of accomplishments achieved by its members. For that purpose the MARRI Questionnaire was designed and was distributed to all national contact persons.

The Questionnaire was intended to collect data on the current state-of-affairs in main areas covered by the Initiative. It is comprised of more than 110 questions grouped into ten thematic sections. This report includes a separate chapter on each of the thematic sections. The first chapter analyses the general characteristics of national migration management organizations in respective countries; the second chapter provides an overview on illegal migration, combating trafficking and smuggling of human beings; the third chapter addresses the asylum systems; the fourth chapter analyses the situation concerning personal identification and travel documents; the fifth chapter deals with visa regimes; the sixth chapter is focused on refugees and displaced persons; the seventh chapter provides an overview of standards developed in regard to personal data protection; the eighth chapter concerns labour migration management; the ninth chapter analyses regulation of diaspora matters; and the last (tenth) chapter presents an overview of technical aspects in the implementation of readmission agreements in MARRI member states.

Data collected is of variable quality. This reflects the specific paths and dynamics of the Europeanization process pursued by individual countries from MARRI. In particular, this is due to population movements that those processes have already provoked in the concerned countries, or are expected to provoke in near the future.

---

<sup>5</sup> Felicity Medved, op.cit pg. 45-46.

<sup>6</sup> <http://www.marri-rc.org/Default.aspx?mid=28&Lan=EN>. MARRI Regional Centre in Skopje was opened in September 2004 and serves as the Secretariat of the MARRI Regional Forum.

It would be reasonable to argue that immigration systems had already been established in the Western Balkans even before the onset of the Budapest process, the Stabilization and Association Process and before MARRI's initiation. It should be acknowledged that from the early 1990s the environment in which those countries exist is undergoing continuous change. International migration flows have already reached the shores of MARRI countries. At the moment, the immigrant population in Western Balkans is far below 10% of the population in most EU Member States. Most of them are still heavily losing their population due to its emigration towards core EU countries. However, they already started to serve as transit countries. Therefore, much more is at stake for these countries and justifies the efforts to build new immigration systems. In addition to the promised future as full-fledged members of the EU, these countries are facing number of phenomena that are closely related to the immigration in more than one way.<sup>7</sup> First of all, there is the phenomenon of trafficking with human beings, which goes hand-in-hand with organized crime and security risks. Second, their prospective status as EU Member States requires proper immigration management to be in place in order to maximize benefits from the expected population movements to which they are already exposed.

One of the previous MARRI Migration Papers already argued that the migration policy, besides the development policy, also “crosses a number of other policy areas such as, inter alia, economic, labour market and employment policies, taxation policy, demographic policy, education, social and health policies, security and defence policy. The migration policy should lead to a national effort on migration management, by providing guidance and bringing together a timely coordinated response of state agencies/institutions dealing with all aspects of policy making. In addition, it is also important to coordinate efforts with other partners, such as regional, international and non-governmental organizations, the private sector and other stakeholders”.<sup>8</sup>

In the ten subsequent chapters we analyse some of the most important aspects of migration management policies in the six MARRI countries: Albania, Bosnia and Herzegovina, Croatia, Macedonia, Montenegro and Serbia. The report's narrative part reviews the responses provided by MARRI national contact persons. The original material received from responses of about 320 pages in total, was first collated into summary tables (for comparative purposes), which were then used to infer general conclusions about the features of migration management organization in the Western Balkans. For a more detailed view, narrative chapters in this report should be read together with the summary tables presented in the annexes to this paper.

---

<sup>7</sup> The importance of functional immigration management system for the integration of MARRI countries in the EU is illustrated by the fact that migration management issues are regular element of the Chapter on Justice, Freedom and Security in the relevant Country Progress Reports prepared by the European Commission.

<sup>8</sup> Felicita Medved, op. cit, pg.3.





# I. NATIONAL MIGRATION MANAGEMENT ORGANIZATION: INSTITUTIONAL AND LEGAL OVERVIEW

In order to obtain a general image about the state-of-affairs in the six national migration management organizations, the national contact points were asked to describe the situation in their country with respect to migration management by answering a set of 20 questions. The questions were designed to catch the institutional and legal frameworks that govern ten most relevant aspects of the complex concept of migration management.<sup>9</sup> Six general questions inquired about the three main aspects of the international migration management model:

- legal framework and institutional arrangements that regulate movement and residence of aliens,;
- cooperation between domestic institutions involved; and
- management of international cooperation in migration matters.

In addition, the remaining 14 general questions focused on legal and institutional frameworks that govern four other key areas of migration management organization:

- Illegal immigration and combating trafficking and smuggling of human beings;
- asylum systems;
- visa regimes;
- labour migration management and diaspora matters in MARRI member states.

---

<sup>9</sup> The concept of migration management signifies new way of understanding migrations, and in particular a new model of migration policy. More in Martin GEIGER et Antoine PÉCOUD, *The Politics of International Migration Management*, Palgrave, London, 2010.

# 1. Movement and residence of aliens

Legal framework (laws, by-laws, instructions or rulebooks): In order to regulate movement and residence of aliens on their respective territories, while in accordance with latest international and European migration policy and at the same time with respect to their national specificities, all the countries reported that they have adopted new laws on aliens or foreigners. New laws were enacted either in 2007 or in 2008, and in some cases these laws were amended at a later stage. The European Commission also reported intensive legislative dynamic in its respective Country Progress Reports. Such legislative activity, followed by introduction of numerous by-laws, further confirms the wisdom that good migration policy is a moving target.<sup>10</sup> This is particularly true for the much more complex approaches towards migration, such as the model that MARRI countries tend to develop (Annex I.2).

Responsible national institution: The newly adopted legislation in all MARRI countries (except for Albania, as it did not respond), places the responsibility for movement and residence of aliens to one national institution. Most often, this is the Ministry of Interior (Croatia, Macedonia, Montenegro and Serbia) or the Ministry of Security (as it is called in Bosnia and Herzegovina). In all countries, the relevant line ministries have established a separate agency within its organizational structure tasked with issues of movement and residence of aliens. In some cases, this is the only competence of the respective agency, while in other cases the agency is also responsible for other migration matters (such as, readmission, border control, etc., as is the case in Macedonia). In both cases, movement and residence of aliens is not an exclusive competence of only one agency (Annex I.3).

The complex nature of movement and residence of aliens, which is the core issue of migration matters, requires multi-departmental arrangements and as we will see, MARRI countries are coping with that challenge. They have developed various multi-departmental arrangements. In addition to above-mentioned bodies established within the Ministries of Interior, there are other governmental agencies involved in migration management (most often they include the Ministries of Foreign Affairs in relation to visa regimes, but also Ministries of Social Affairs or Unemployment, etc.). In this regard, the Western Balkans have adopted migration management policies that are similar to those in most European countries. In most EU Member States, the responsibility for migration is shared by ministries of interior, of foreign affairs and of social affairs and employment.<sup>11</sup>

<sup>10</sup> Bosnia and Herzegovina and Serbia have enacted 13 each, Croatia and Macedonia 5 each and Montenegro 2 by-laws

<sup>11</sup> World Migration Report 2010 The Future of Migration: Building Capacities for Change, International Organization for Migration (IOM), 2010 pg. 90

## 2. Coordination, Supervision and Cooperation in Migration Management: Domestic and International.

A key problem within the above-described institutional arrangements governing movement and stay of aliens is coordination and supervision among national authorities involved, on the one side, and their cooperation with international immigration organizations, on the other side. The Questionnaire targeted this issue by means of four questions: three questions enquired about the existing cooperation and supervision among domestic agencies involved in migration management, while the fourth question focused on the issue of international cooperation. Although questions on coordination and supervision (18 and 19) were not understood in a unified manner, answers provided thereto confirm that one leading agency for coordination and supervision exists in each of the countries. Except for Croatia, where this body was identified with the Ministry of Interior (which at the same time acts as the national institution responsible for movement and stay of aliens), and Albania, whose national contact point did not answer this question, all other countries have indicated that there is one body assigned solely with coordination and supervision. In Bosnia and Herzegovina this body is called the Coordination Body, Inter-Ministerial Group in Macedonia, and Coordination Body in Montenegro and Serbia. Scope of authorizations enjoyed by these bodies differs from one country to another, but their primary reason d'être is monitoring, followed by coordination and supervision. The relevant body in Serbia is characterized by stronger specialization in monitoring, coordination and supervisory tasks (Annex I.18 and I.19).

Legal grounds for establishment of coordination bodies are found in governmental decisions. In one case (Croatia, where the Ministry of Interior is given the coordination and supervision role), legal grounds are found in the hierarchically higher legislative acts, such as laws, which in the other cases seem to be simply assumed as given legal grounds (Annex I.20). This inconsistency might be a result of simple terminological misunderstanding of the wording used under question 18 and question 19. Namely, the first question required the respondent "to name the leading agency designated by the government for coordination and supervision of all actors involved in migration management", while the second question enquired whether: "there is an inter-agency (inter-ministerial) working group in the country tasked with coordination of operative actions taken by implementing bodies and information sharing between all key stakeholders." One can assume that this is the reason why in three cases (Bosnia and Herzegovina, Croatia and Macedonia) same responses were provided for the two questions (with no answer from Albania). If this explanation is not valid, then probably there are deeper conceptual and policy differences.

Management of international cooperation: Contemporary societies are organized as nation-states. Belonging to one of those political units is defined as a fundamental human right – the right to citizenship (nationality). Nation-states are the focal political entities where people spend their lives; however, they are not isolated.. People move from one to another nation-state. History of migration is very rich and intensive. Major geopolitical changes, similar to those experienced in Europe after 1989, in particular related to the EU enlargement process, have provoked new international immigration trends. As a result, “Eastern Europe, the Western Balkans and Central Asia and Central Europe hosted 25.6 million migrants in 2010.”<sup>12</sup>

All these factors push the Western Balkans toward strong and compatible participation in various international migration management efforts. International cooperation is one of the key elements of the concept of immigration management. In that respect, it differs from “the traditional, mostly unilateral and purely state-driven forms of migration ‘governance’, as well as from the “more multilateral-intergovernmental modes of migration ‘governance’”. Migration management model “[...] is a shift ... to more technocratic, tool-based approaches to migration. These approaches are based on the principle that international migration should be allowed and promoted as long as it is regulated as an orderly, lawful, humane, safe and ‘beneficial’ process for all stakeholders (receiving and sending countries, as well as the migrants). In recent years, intergovernmental organizations, including the International Organization for Migration (IOM), have become key players in elaboration and provision of national, regional and global instruments to regulate cross-border movements of people.”<sup>13</sup> In this respect, MARRI itself is one good example.

According to responses received on the question related to organization of their international cooperation in migration management, all countries informed about good international cooperation in most migration matters. They are all involved in vivid international cooperation: first as active participants in number of relevant international instruments, networks and organizations dealing with management of international migration; second, as initiators and members of regional initiatives; and third, as parties establishing and successfully implementing numerous readmission agreements.

---

<sup>12</sup> World Migration Report 2010 The Future of Migration: Building Capacities for Change, International Organization for Migration (IOM), 2010 pg. 190

<sup>13</sup> See Geiger Martin, “From Migration Governance to Migration Management. International Organizations and the Regulation of Migration (focus on the EU)”. Available at: <http://www.cerium.ca/From-migration-governance-to>, last accessed on 01/03/2012;

However, it is interesting to note that the EU appears in all five responses provided to this question. Most frequently it was indicated in the response provided by the Macedonian contact point (23 times), followed by the Serbian response (15 times), the Croatian and the Bosnia and Herzegovina response (7 and 6 times, respectively) and it least indicated in the Montenegrin response (1 time). The EU, as an international migration management factor, is recognized directly through its various instruments (most often the Southeast European Cooperation Process, MARRI, EUROPOL, FRONTEX, IPA) or indirectly through the readmission agreements signed between MARRI countries and EU Member States. Most dominant forms of cooperation indicated include training and capacity building seminars.

Except for the EU and its agencies and instruments, several other international organizations were indicated as partners with whom MARRI countries have establish certain forms of cooperation, including IOM, UNHCR, ICMPD and UNDP.

In terms of topics addressed as part of international cooperation, dominant is the cooperation in the field of asylum and readmission. Readmission Agreements have been signed with the EU, and bilaterally, with number of European and non-EU countries. According to the European Commission's Country Progress Reports, implementation of Readmission Agreements is smooth.



### 3. Combating illegal migration and migrant smuggling

It is a well-established fact that as for long time now the six MARRI countries are source of irregular or illegal immigration to the EU. The liberalization of EU visa regime for these countries contributed to their growing importance as transit countries for illegal migrants from countries outside the Western Balkan region.<sup>14</sup> “The Western Balkans have their own pull factors too, attracting migrants from other regions of the world, primarily to transit onwards to the EU.... Illegal migrants from countries such as Turkey, India, Pakistan, Bangladesh and China are attracted to the Western Balkans and transit on their way to the EU.”<sup>15</sup>

In order to cope with new immigration challenges brought by their EU integration process, these countries have worked to develop policies on combating illegal migration. Main goal of such policies tends to be control of immigration movements in the countries of origin or transit countries, in order to ensure “their regularity as well as” to facilitate “immigrants’ integration process” in those countries. For that purpose, in the last few years in cooperation with EU-supported agencies, they introduced institutional and regulatory mechanisms on combating illegal migration and its collateral phenomenon related to human trafficking.<sup>16</sup>

The comparative analysis shows that in all six countries at the top of the institutional arrangements for combating illegal immigration are placed the Ministries of interior. Ministries of Foreign Affairs, Ministries of Justice and Ministries of Social Policy have secondary role in this system. Within their Ministries of Interior, the countries have established various organizational units (directorates, departments, etc.) specialized in combating illegal migration, which often are specialized in combating human trafficking and organized crime (Annex I.4).

Diverse responses were obtained on the question enquiring about domestic and international legal instruments and penalties available to authorized institutions in their fight against illegal migration. Namely, they vary in extent and quality of data provided (i.e., no response was obtained from Serbia, responses provided by Bosnia and Herzegovina, Macedonia and Montenegro were summarized in one or two phrases, whereas Albania’s and Croatia’s response were one to two page long and included intricate details). This resulted in the inability to infer reliable comparative conclusions. However, it seems that the countries are increasingly inclined towards instituting stricter (criminal)

<sup>14</sup> Western Balkans Annual Risk Analysis 2011, FRONTEX, **Warsaw, April 2011**. [http://www.frontex.europa.eu/situation\\_at\\_the\\_external\\_border/art24.html](http://www.frontex.europa.eu/situation_at_the_external_border/art24.html) , accessed 06/03/2012

<sup>15</sup> “Determination of High Risk Routes Regarding Illegal Migration in the Western Balkan Countries, FRONTIEX/EUROPOL, [http://www.eulex-kosovo.eu/training/police/PoliceTraining/BORDER\\_BOUNDARY/DOCUMENTS/3.pdf?page=agreements](http://www.eulex-kosovo.eu/training/police/PoliceTraining/BORDER_BOUNDARY/DOCUMENTS/3.pdf?page=agreements)

<sup>16</sup> Capacity Building, Information and Awareness Raising Towards Promoting Orderly Migration in the Western Balkans project (AENEAS 2006). Available at: [http://www.migrantservice-centres.org/userfile/N\\_Giordano\\_IOM\\_Tirana.pdf](http://www.migrantservice-centres.org/userfile/N_Giordano_IOM_Tirana.pdf), pg. 2. last accessed on 06/03/2012

penalties. It should be noted that in the case of Croatia, the response referred to various international legal provisions (Conventions, Charters, etc.) as primary legal instruments for addressing illegal migration. Most frequently indicated legal sources were domestic laws (the Criminal Code and the Law on Aliens). Certainly, this does not mean that other countries do not comply with international legal provisions when combating illegal migration (Annex I.5).

The issue of combating migrant smuggling and human trafficking is one of the most serious problems of migration management not only in this region, but in general. Well known is the fact that human trafficking is an area of criminal activities pursued by organized crime groups that facilitate and profit from illegal migration flows. According to responses obtained to the two questions concerning this issue, the conclusion is reached that all countries have adopted relevant legal provisions and have established institutions tasked with combating migrant smuggling and human trafficking. Responses from one group of countries indicate a more systemic approach (Albania, Bosnia and Herzegovina and Croatia), while those provided by another group (Macedonia, Montenegro) describe a more narrow approach to this issue. Policies on combating migrant smuggling and human trafficking pursued by the first group of countries imply involvement of several governmental institutions at central and local level, but also NGOs (in Croatia) and are not focused only on combating smuggling per se, but also anticipate preventive measures and programs. Responses provided by the second group of countries point out one institution established within the Ministry of Interior (National Commission for Fight against Human Trafficking and Illegal Migration in Macedonia; the Office for Fight against Human Trafficking in Montenegro). Serbia has not designated a specialized agency within the Ministry of Interior or within any other entity, but pursues an approach whereby these competences are shared responsibility of several agencies within the Ministry of Interior, of the Prosecutors Office and of the Security Information Agency (Annex I.6).

Regarding national and international legal instruments, penalties and sanctions against migrant smuggling and human trafficking, responses again vary to great extent. Some countries reported in detail (Albania, Croatia, Serbia and Montenegro), while others (Bosnia and Herzegovina and Macedonia) provided rather general descriptions. In the case of the last two countries, human trafficking and migrant smuggling are considered criminal acts. Relevant Criminal Codes adopted in these countries (and the Law on Border Control in Macedonia) define such activities as criminal acts. However, the responses fail to include information on definition and treatment of various aspects in these complex criminal acts. Responses provided by the other group of countries include details on criminalization of these activities and refer to the domestic Criminal Codes and existing international instruments (Montenegro, Croatia, and Serbia). In these countries, criminalization of such acts is defined in terms of: the type of activity and its consequences; whether victims of smuggling and trafficking are adults or minors,

mail of female (Albania); whether the crime has been committed against one or more persons; whether the offender knew or could have known that the act in question is illegal; whether the offender or other persons involved in conducting the criminal act were financing these activities; or whether they committed these activities by abusing their state or public office and resources, etc. (Annex I.7).

## 4. Asylum Systems

Development of compatible asylum systems is a key precondition in the EU accession processes for the Western Balkans. Therefore, the EU, in individual capacity or in cooperation with other international organization, provides different forms of support for the efforts to establish functional asylum systems. As a result: “functioning asylum systems have been set up within a remarkably short period of time...”<sup>17</sup> Nevertheless, responses obtained on the two questions related to this issue show certain differences between the countries, especially in regard to their understanding of challenges imposed by asylum matters. From its institutional aspect, all countries (with the exception of Albania, which did not provide a response) have established system wherein asylum matters are a shared responsibility of two or more state agencies, and in one case (Croatia), NGOs are also involved in these matters (Annex I.8). Legal issues related to granting asylum are entrusted to an agency at the Ministries of Interior (Service for Foreigners’ Affairs in Bosnia and Herzegovina; Asylum Unit in Macedonia; Internal Affairs-Asylum Office in Montenegro; and Asylum Section at the Department for Foreigners in Serbia). In Croatia, the national law stipulates an appeal procedure led in front of an independent Commission on Asylum Matters, which operates as a second-instance body. Issues concerning accommodation and care for asylum seekers fall under the competences of other institutions designated by law.

Activities on enacting relevant legal frameworks that regulate asylum matters started in 2004/5. All countries (no response from Albania) have adopted a special Law on Asylum, except for Bosnia and Herzegovina where these matters are regulated under the Law on Movement and Residence of Aliens. In addition, all countries have complemented the relevant legal framework with adoption of by-laws and rulebooks. Croatia reported on existence of ten legal documents in total (by-laws, ordinances, rules of procedure, decisions and codes of conduct),

---

<sup>17</sup>See Feijn Liv, “Facing the Asylum-Enlargement Nexus: the Establishment of Asylum Systems in the Western Balkans: ”*Int J Refugee Law* (2008) 10. 1093, abstract. Available at: <http://ijrl.oxfordjournals.org/content/early/2008/07/17/ijrl.een025>. extract last accessed on 09/03/2012

Macedonia indicated four documents (rulebooks and two EC directives), Montenegro indicated three (one decree and two rulebook) and Serbia reported that it had adopted 5 rulebooks. Specific areas of operation covered by secondary legislative acts vary from one to another country. Most extensive coverage of different asylum matters is found in Croatia where the by-laws do not regulate only administrative matters such as asylum application forms, fingerprinting, photo-taking, etc. (as is the case in most other countries), but also include detailed provisions on specific aspects of legal aid, medical examination, knowledge testing in Croatian language, and like (Annex I.9).

## 5. Visa Regimes

The recently granted visa liberalization for the Western Balkans has changed the importance of these countries' own visa regimes when applied towards other countries. Given that they have become attractive immigration destinations for people from the neighbouring of from more distant emigrant countries, these countries have accepted the responsibility for developing their own visa regimes in compliance with EU standards and visa policies.

Based on responses provided to the two questions concerning the institutional and legal framework governing visa regimes, it could be concluded that Ministries of Foreign Affairs in all countries are responsible for visa issuing. At the same time, they all recognized the possibilities for visa issuance on the country's borders. In this case, the Ministries of Interior, by means of their specialized units, would be responsible for visa issuing (Annex I.12).

In legal terms, these institutional arrangements are based on the relevant laws in effect. In Bosnia and Herzegovina, these arrangements are stipulated under the Law on Movement and Residence of Aliens and Asylum Matters, in Macedonia they are stipulated under the Law on Aliens, in Montenegro and in Serbia it is the Law on Foreigners. At the same time, countries have also enacted the relevant by-laws (no responses from Albania and Croatia) (Annex I.13).

## 6. Labour Migration

Having in mind “the importance attributed to challenges such as combating illegal migration and managing return of nationals, issues related to labour migration flows are currently not in the centre of migration concerns” in the Western Balkans. However, respective situations in the countries from the region change in parallel with the progress they make in the EU integration process. Along with “political stabilization and economic growth”, the Western Balkans experienced increased “flows of economic migrants, both within and to the region, which in turn will place labour migration management issues higher on the agenda of migration priorities in these countries.”<sup>18</sup>

With the exception of Croatia and to certain extent Montenegro, other countries are predominantly emigrant (countries of origin). As such, it is quite normal for them to be less focused on the emigration aspect of labour migration management, rather than on the immigration aspect. As countries that are losing much of their youth cohorts, emigration issues (and also the diaspora issue) are expected to gain in importance under labour migration policies.

Probably, this is the reason behind the vague responses provided to the two questions that enquired about labour migration. In institutional terms, management of labour migration issues in all countries falls under the competences of ministries of labour, employment and social protection (the actual name of this line ministry varies from country to country). Croatia is the only exception there from (no response from Albania), as these matters fall under the jurisdiction of police departments and police stations of the Ministry of Interior (Annex I.14).

Responses obtained to the question on national legislation and signed and ratified international legal instruments that regulate labour migration show that Macedonia, Montenegro and Serbia have regulated this matter as part of laws on employment and work of aliens. In Bosnia and Herzegovina and Croatia this matter is regulated under the respective laws on aliens. In the case of Bosnia and Herzegovina, the response referred to several international Conventions that also provide legal grounds (Annex I.15).

---

<sup>18</sup> Kupiszewski Marek, ed. Labour Migration Patterns, Policies and Migration Propensity in the Western Balkans, IOM The Central European Forum for Migration and Population Research (CEFMR), 2009 pg. 10. Available at: [http://www.migrantservicecentres.org/userfile/labour\\_migration\\_patterns\\_policies\\_migration\\_propensity.pdf](http://www.migrantservicecentres.org/userfile/labour_migration_patterns_policies_migration_propensity.pdf) last accessed on 08/032012.



## 7. Diaspora

As it was said before, the Western Balkans are predominantly emigrant countries. Therefore, it is reasonable to expect that management of diaspora matters is well institutionalized and there is good legal framework in place. However, the responses obtained to two introductory questions on the` diaspora issue provide the opposite conclusion. Namely, Albania and Croatia did not respond to this question, while Serbia's response was only partial. Responses obtained from Bosnia and Herzegovina, Macedonia and Montenegro were not too informative either. In Macedonia and Montenegro, the ministries of foreign affairs are responsible for diaspora matters, in Bosnia and Herzegovina it is the Ministry of Human Rights and Refugees and in Serbia it is the Ministry of Religion and Diaspora. Macedonia has established a separate state body (Immigration Agency) whose competences include creating conditions for return of emigrants to their homeland, as well as integration of emigrants in public and economic life in the Republic of Macedonia, and strengthening and promoting relations with the emigrants and their organizations. A similar agency (Department for Emigrants/Diaspora Matters) exists in Bosnia and Herzegovina, but it is established within the responsible ministry and pursues various tasks such as: inclusion of diaspora in relevant laws and strategic documents enacted in Bosnia and Herzegovina, access to rights in Bosnia and Herzegovina for members of its diaspora, cooperation with organizations and individuals from the diaspora in the field of economy, as well as science, education, culture and sports, etc. (Annex I.16).

In terms of the legal framework that governs diaspora matters, responses obtained provide the conclusion that the situation is unsatisfactory. Namely, only three countries responded to this question (Bosnia and Herzegovina, Macedonia and Montenegro) and they all indicated that they have not adopted a *lex specialis* that would regulate diaspora issues. In the case of Macedonia, the response referred to the Constitution and the Law on Foreign Affairs as relevant legal documents that regulate diaspora matters, whereas Montenegro indicated the existence of a Strategy on Diaspora Cooperation and the response from Bosnia and Herzegovina indicated that the adoption of a Draft-Law on Diaspora Cooperation is pending (Annex I.17).



## II. COUNTRY OVERVIEW ON ILLEGAL MIGRATION, COMBATING MIGRANT SMUGGLING AND HUMAN TRAFFICKING

### 1. Illegal Migration

Based on responses obtained to three questions concerning latest trends in illegal migration in the Western Balkans it could be concluded that in general illegal migration has decreased. However, due to the limited quantity and quality of evidence one should take this conclusion with a dose of reserve. In order to grasp the flows of illegal immigration in the course of 2009 and 2010, i.e., the two years preceding the survey year, the respondents were addressed with three interconnected sub-questions: first, to describe the main events, trends and tendencies in illegal migration in their country; second, to indicate possible differences between 2009 and 2010 trends in illegal migration, if identified, and to describe the main difference; third, to indicate whether they have identified any significant decrease or increase in illegal immigration and to explain the reasons thereof, with focus on most important causes of change. The comparison of answers received shows that the three sub-questions were differently treated. This affects the quality of data and explanations provided.

Events, trends and tendencies in illegal migration identified for the year 2010 and compared against the situation noted in 2009, as well as the reasons behind observed changes: in most cases, the responses obtained were modest in information and quality. Two countries (Albania and Croatia) did not respond to any of these sub-questions. Only one country (Bosnia and Herzegovina) provided somewhat detailed picture of the state-of-affairs in the field of illegal immigration. Responses provided by the other three countries (Macedonia, Montenegro and Serbia) are rather focused on the second and the third aspect of the issue at hand. As a result, the initial conclusion presented above is mainly based on subjective opinions provided by the respondents (Annexes II.1.1; II.1.2; and II.1.3).

Bosnia and Herzegovina: 2010 main events compared to the situation in 2009 include: refusal of entry in the country for 3,514 persons (decrease by 31.14%); 322 detected cases of illegal crossing of state borders (decrease by 15.49%), 397 persons were revoked their visas or temporary residence permits (decrease by 25.09%) and 106 persons were denied permanent residence in the country (increase by 194.44%); 400 deportation decisions (decrease by 13.50%); 312 aliens were put under surveillance (increase by 63.35%); forceful alienation of 19 aliens (decrease by 82.57%); 119 third country citizens were admitted pursuant to readmission agreements (decrease by 2.46%); and 64 people were granted international protection (asylum) (decrease by 10%).

It should be noted that the responses provided did not distinguish between main events or tendencies. As a result, the interpretation of indicated changes is subjective. The most important factor that contributed to such positively-perceived tendencies is identified in activities implemented by all competent institutions, services and agencies involved in the fight against illegal migration.

Macedonia: the response provided rather scarce information that in 2010 around 1,211 migrants had been “detected on the territory of the Republic of Macedonia”. This was indicated as the most significant difference compared to the 2009 situation when 1,415 migrants had been detected (decrease by 18%). The main reason indicated for this situation was the lower number of Albanian nationals attempting to cross the Macedonian-Greek border, due to the EU visa liberalization for Albania. This trend is expected to continue in the following years.

Another important event in 2010 was the detection of an unidentified number of illegal migrants from Asia and Africa. In future, it is expected that the number of migrants from these continents will increase. In order to better understand this event, one should take into consideration also the elaboration of similar events in Montenegro and Serbia.

Montenegro: as was the situation in the previous years, Montenegro continues to be a transit country for migrants from Kosovo and Albania towards EU Member States. The respective response indicates a certain level of decrease with this trend. The number of all illegal border crossings has decreased from 507 in 2009 to 377 in 2010 (decrease by 25.6%). The main reason behind this trend is identified in the progress made in relation to controlling the green zone at the borders.

Presence of illegal migrants from Asia (Afghanistan) and Africa (Morocco, Algeria, Libya) has been indicated as another interesting event.

Serbia: during the reporting period (2009 and 2010) Serbia experienced following illegal migration dossier: 188 criminal charges in total were filed on the grounds of migrant smuggling, while the dominant group of smugglers are people with Serbian citizenship. The positive trend identified in regard to criminal charges filed, was interpreted as a result of police’s proactive approach.

Two new developments were registered in 2010: the first one concerns the significant increase in the number of detected illegal migrants originating from African and Asian countries, and the second is the appearance of Macedonian smugglers for the first time.

## 2. Legislation

In order to grasp the latest legislative developments in combating illegal migration, migrant smuggling and human trafficking, respondents were asked to enlist international instruments signed or ratified by their country, and to enlist relevant national legal instruments adopted and amended. In this respect, in the reporting period (2009 and 2010), all countries have undertaken significant legislative activities aimed to regulate matters related to combating illegal migration, migrant smuggling and human trafficking. This was mainly pursued by means of accession to and ratification of international legal instruments or adoption of domestic laws, strategic documents, etc.

a) As regards international legislative activities taken by MARRI countries, data provided shows significant variations from one to another country. However, these activities are mainly focused on regulating readmission matters with EU Member States and countries in the region. One specific activity is the signing of multilateral memorandum of understanding between all six MARRI countries on establishing a system for exchange of statistical data on illegal migration and participation in the regional early alert system (oddly enough, this was mentioned only in the Serbian response).

Albania has enacted five ratification acts: two that ratify bilateral instruments (one agreement and one memorandum) and three that ratify European Conventions and their supplementary protocols. Bosnia and Herzegovina reported on extensive international legislative activity. It has signed three readmission protocols, one readmission agreement and six bilateral agreements for combating human trafficking and migrant smuggling, and was also engaged in preparations for signing nine other agreements of the same kind. Croatia did not report on any internationally relevant legislative activity in the years 2009 and 2010. Macedonia signed one readmission agreement and three protocols and was involved in preparations for additional three. Montenegro enacted three laws that ratify two Council of Europe Conventions and one UN Convention. It signed one readmission agreement (with Norway) and three agreements on return and reception (Bosnia and Herzegovina, Croatia and Albania), and finalized the texts of readmission agreements or protocols with one EU Member States. Serbia reported on extensive international legislative activity. It signed one bilateral readmission protocol (with Austria), four bilateral readmission agreements, and number of bilateral memorandums and agreements on police cooperation in fighting transnational organized crime, regulating border traffic, etc.

b) As regards domestic legislative activity in combating illegal immigration and migrant smuggling, responses provided describe different situations in the countries. Most intensive domestic legislative activity was recorded in Albania and Serbia, while Croatia and Macedonia reported modest progress in this regard (Annex II.2.1; and II.2.2).

Albania adopted eight new laws or amended existing legislation and enacted four by-laws. Serbia adopted six laws and enacted four strategies, one national plan, and two ethic anticorruption codes. Montenegro and Bosnia and Herzegovina amended one law each. Macedonia and Croatia reported only minor intervention in the existing by-laws, which are probably due to the work completed in the previous years.

### 3. Institutional development:

*What activities were taken in the past two years regarding development of national institutions responsible for combating illegal migration, migrant smuggling and human trafficking (e.g., border guards, national coordination structure and other institutional mechanisms) – which steps have been taken to enhance institutional development and capacity building; and what role did NGOs play in that regard?*

Analysis of institutional arrangements for combating illegal migration, as presented in Chapter I, showed that ministries of interior in all MARRI countries occupy the top of the institutional hierarchy; however the legislative frameworks stipulate coordination with other line ministries, such as ministries of foreign affairs, of justice and of social security. During the years of reforms, institutional arrangement developed into more complex networks that now include not only other state institutions, but also institutions from other sectors of the society, such as local self-government units, education organizations and non-governmental organizations.

a) In the last two years, institutional development is focused on further capacity building for involved institutions and on empowering broader segments of society in matters related to fight against illegal migration, migrant smuggling and human trafficking.

In the first area (enhancing institutional development and capacity building of national institutions involved in combating illegal migration, migrant smuggling and human trafficking), all countries reported on numerous measures that have been taken (Annex II.3.a).

b) The second sub-question enquires about most recent institutional development, i.e., the role of NGOs in combating illegal migration, migrant smuggling and human trafficking. All countries reported that NGOs have been positioned as important players in this field. They are

described as partners of public institutions. Scope of their activity is extended also to areas of preventing human trafficking and smuggling, protecting victims and their reintegration and rehabilitation (Annex II.3.b).

In Albania, NGOs had been involved in related activities since 2005 when three ministries, two NGOs and one international organization (IOM) signed a Cooperation Agreement on Establishing a National Referral Mechanism for Enhanced Identification of and Assistance to Victims of Human Trafficking. This Agreement ensures identification, referral, rehabilitation and reintegration of victims of trafficking by governmental and non-governmental agencies. “The Office of the National Coordinator is working on amending the Cooperation Agreement on Establishing a National Referral Mechanism for Enhanced Identification of and Assistance to Victims of Human Trafficking, with the aim of identifying, referring, protecting, assisting and reintegrating promptly victims/potential victims of trafficking, in accordance with the SOPs and ensuring stronger partnership with civil society”.

In Bosnia and Herzegovina, NGOs provide assistance to victims of human trafficking. Selected NGOs also accommodate foreign citizens who are victims of human trafficking. Funds for these activities are secured by the Ministry of Security and are intended to finance safe houses (shelters) that accommodate victims of human trafficking. Another good example is the fact that the Ministry of Human Rights and Refugees has allocated 60,000 KM to support non-governmental organizations that offer direct assistance to victims who are citizens of Bosnia and Herzegovina.

In Croatia, NGOs are accepted as equal partners, notably by means of individual programs, provision of assistance and protection to identified victims, management of two national shelters, and cooperation with NGOs from the region, etc. In the reporting period, cooperation with NGOs is regulated by four agreements signed with four NGOs. Their activities are financed from the state budget.

In Macedonia, the role of NGOs in this field is determined in the National Action Plan. NGOs are involved in preventive, protection and resettlement activities. Victims receive direct assistance and support from two NGOs that signed a Memorandum of Cooperation with the Ministry of Labour and Social Policy.

In Montenegro, NGOs are responsible for unhindered operation of the Shelter for Victims of Human Trafficking. All costs are covered by the Government.

In Serbia, among other things several NGOs have specialized in suppression of human trafficking and their representatives are members of the national team for combating human trafficking, together with relevant state agencies.

#### 4. National practice:

*What measures have been introduced in order to improve identification of victims, detection, prosecution and sanctioning of perpetrators of crimes related to human trafficking (e.g., improved procedures on identification of trafficked persons, improved procedures on detection, prosecution and sanctioning of perpetrators, developed cooperation among bodies responsible for detection, prosecution and sanctioning of perpetrators of crimes related to human trafficking on national and international level)?*

The above-presented analysis of legislative frameworks and institutional developments shows that in the reporting period the countries in the region have undertaken numerous activities with practical effects. Most often the focus of these activities was further improvements to Standard Operating Procedures (SOP) on identification and treatment of victims. Such was the case reported by Albania, Bosnia and Herzegovina, Croatia, Macedonia and Serbia. Another characteristic is the emphasis on training and awareness raising activities (Annex II.4).

In Albania, improvement and implementation of SOPs was pursued as part of a comprehensive process with participation of different stakeholders, i.e., governmental and non-governmental actors. In order to streamline implementation of these procedures, brochures were produced and used as training materials for police officers, prosecutors, and judges.

Bosnia and Herzegovina developed guidelines on procedures with victims of human trafficking, intended for regional monitoring teams. In addition, it also introduced guidelines governing the conduct of social welfare centres in relations with the victims.

In Macedonia, the Government adopted a revised version of SOPs in a comprehensive approach and based on victims' human rights. They contain special measures for children victims. In the implementation stage, three regional meetings with representatives of governmental and nongovernmental institutions in the country were organized.



In Montenegro, based on the concept of public–private cooperation in the fight against human trafficking, a campaign was organized with a view to raise public awareness. Also, more than 100 representatives from the tourism industry have signed and continuously implement the Code of Conduct for Protection of Children from Sexual Exploitation in Travel and Tourism. Similar cooperation was organized with the Association of Employers and concerned number of activities, such as: public awareness raising (public campaigns, billboards, posters, booklets, promotional videos, public appearances, organization of joint seminars, roundtables and public discussions aimed at strengthening capacities for identification of possible victims), dissemination of information on procedures to report suspicions; timely provision of information to employers, employees and individuals, joint activities within the education system.

In Serbia, five ministries involved in the area of combating human trafficking signed an agreement of cooperation. The agreement regulates following areas of cooperation: information exchange, technical assistance, joint risk analysis, improvement of statistical follow up with the aim to enhance national response to human trafficking, efficient information exchange, data protection, etc. In addition, number of preventive and awareness raising activities were taken by the police, NGOs, local governments, social work centres, schools, local media etc. (more than 24,000 children took part in these activities).



### III. OVERVIEW OF ASYLUM SYSTEMS

As it was mentioned in the introduction, development of asylum systems in the Western Balkans is one of the key conditions for their EU integration. For that purpose EU, in individual capacity and in cooperation with other international organization, has designed various ways to support the countries' efforts to establish functional asylum systems. EC's Progress Reports confirm that functioning asylum systems have been set up in all countries. The present analysis supports this general conclusion, and provides a more detailed overview, on the basis of responses obtained to fifteen questions. These questions enquire about fifteen specific aspects of the asylum systems in place.

*1. National legislation related to asylum systems: law's title, amendments thereto, areas where amendments were adopted and by-laws*  
Each country has adopted specific law establishing the national asylum system compatible with EU standards. New legislation was enacted from 2003 in Macedonia, 2006 in Montenegro, 2007 in Serbia, 2008 in Bosnia and Herzegovina and Croatia, and 2009 in Albania. From their adoption the laws were subjected to amendments only in two countries (Croatia and Macedonia). In Croatia, the amendments concerned refugee rights in relation to the 1951 Refugee Status Convention, and its Protocol from 1967, as well as the need to align the law with the EU acquis, In Macedonia, the amendments aimed to align the national legislation with the EU Directives (for more details, see Annex III.1). For the purpose of operationalizing the laws enacted, the countries have developed and adopted a series of by-laws: thirteen in Albania, eleven in Croatia, six in Bosnia and Herzegovina and in Serbia each, four in Montenegro and two in Macedonia (Annex III.1).

*2. First and second instance asylum procedure: regular and fast-tracked procedures and assessment of their duration*  
According to the information obtained (summary presented in Annex III.2), all countries have instituted first and second instances asylum procedures. First instance procedures are comprised of similar parts, but differences were noted in the manner procedure elements are described. Some responses describe three (Croatia), other five (Serbia and Albania) or seven (Bosnia and Herzegovina) stages in the first instance procedure (vague responses from Macedonia and Montenegro).

The legally stipulated duration of the regular first instance procedure was mentioned only in three cases. In Croatia, the law provides that the procedure should last for six months, in Macedonia and in Serbia 60 days, and in Montenegro 90 days. In Serbia, the legal provision on the procedure's duration is all-inclusive, i.e., the first and second instance procedures cannot last for more than four months.

The possibility to challenge the first instance decision in a second instance procedure exists in each country, but is differently regulated. In some cases there is no appeal procedure, but only an administrative court procedure (Bosnia and Herzegovina). In Croatia (at the moment), Macedonia and Montenegro, the second instance procedure is led in front of the same line ministry that leads the first instance procedure, but with different body. In Croatia, the second instance procedure (led in front of the Asylum Commission) will be replaced with an administrative court procedure.

With the exception of Serbia, all countries have instituted fast-tracked procedures, but they are regulated and organized in different manner. In some countries, this procedure can be applied only in cases where “claim on abuse” have been filed (Albania) or where the application is manifestly unfounded (Montenegro and Bosnia and Herzegovina). In Croatia, the procedure can be shortened by eliminating the hearing stage. In principle, this procedure is always shorter than the regular procedure: fifteen days difference in Macedonia (appeals against the decision taken in this procedure can be lodged within a period of 3 days).

In most cases, assessments given about the average duration of regular and fast-tracked procedures overlap with the legally stipulated period, except in two cases (no response from Albania and longer than stipulated in Macedonia).

*3. According to the institutional framework in your country, are there competent authorities designated to deal with different stages in the asylum procedure (from identification of asylum-seekers to appeal procedures)? If so, please name them and indicate the number of staff involved in asylum procedures?*

This question was not uniformly understood by the respondents and therefore there are differences in the answers obtained (see Annex III.3). Three countries (Albania, Macedonia, and Bosnia and Herzegovina) did not provide a straightforward answer to this question. Four countries (including Bosnia and Herzegovina) provided affirmative answers on the existence of competent authorities tasked to deal with different stages in the asylum procedure, but at the same time evident is that the division of responsibilities is very rudimentary. All countries indicated existence of three, clearly distinguished units, those being: the asylum unit, the appeal unit and the reception unit. In general, asylum units are small units with maximum 14 employees in Croatia, 6 in Serbia, while other countries did not specify the number of employees. The issue of internal organization and division of responsibilities needs to be analysed in conjunction with responses on the questions 4 and 5. Such need stems from the fact that the three specific questions were understood and responded in different manners.

4. *Within which national institution in your country is the first instance authority located (i.e., Ministry of Interior-Border Police– Asylum Sector - Ministry of Justice– Asylum Department, etc.)?*

5. *Does the first instance authority include units on case adjudication, registration, unit responsible for country of origin information and unit on asylum accommodation?*

All countries reported that the first instance authority is established within the Ministries of Interior or Ministries of Security (at sector, directorial or departmental level). Only two countries (Bosnia and Herzegovina, and Croatia) indicated clear internal specialization of units. Other countries informed about internal division of labour at staff level (see Annex III.4 and III.5). This must take into account again, when interpreting responses provided to the following question 7.

6. *Do you apply the following concepts (if yes, please describe)?*

*a) safe third country;*

*b) safe country of origin;*

*c) manifestly unfounded claims;*

7. *Where are the country of origin units located administratively within the institutional framework in your country and if such units do not exist who is responsible for this function? Does the country of origin units cooperate with units from other countries as part of a network to exchange verified country of origin information?*

Scarce information was provided in response to the three conceptual sub-questions (Annex III.6). Only one country (Montenegro) provided a clear negative response and indicated that the above mentioned concepts of safe third country and safe country of origin are not applied. Other countries (with the exception of Croatia) confirmed the application of these concepts, but did not provide proper description thereof (with the exception of Serbia), which applies these concepts as grounds for rejecting asylum application.

Only Serbia does not apply the concept of manifestly unfounded claims. Other countries confirmed its application, but failed to provide relevant description (with the exception of Croatia).

Only Croatia has established a country of origin unit (Information and Documentation Centre). All other countries have either not recognized this matter as separate responsibility (Albania and Montenegro), or have assigned this responsibility to a particular officer employed at the asylum unit (in Bosnia and Herzegovina, there is an especially designed position called “expert advisor for information on country of origin”, and Macedonia has “chief inspector responsible for collecting information about country of origin”, whereas Serbia has tasked “two employees” with these matters (see Annex III.7)

*8. Please describe the recruitment procedure of caseworkers and decision makers essential for effective and sustainable asylum status procedures? Do you have specialized training programs for staff dealing with asylum?*

*9. Do you have appropriate technological requirements used as a standard for management of asylum systems today (computerized registration systems and electronic files, digital equipment for record keeping and issuance of documents, fingerprint scans, etc.)?*

Only two responses provide required information regarding the existence of recruitment procedure of caseworkers and decision makers (Annex III.8). Croatia and Serbia recruit these persons by means of public tender announced pursuant to the internal rulebooks and other relevant provisions. Namely the recruitment requirements include university degree and few other criteria, like working experience (three years in Serbia), knowledge of foreign language (in Croatia). As regards the decision makers, requirements in Croatia imply training obtained by participation in conferences, workshops and seminars. However, none of the countries indicated existence of specialized training programs for these positions.

This weakness becomes even more serious when reconsidered in conjunction with information on the availability of appropriate technological requirements stipulated as standards for management of asylum systems today. With the exception of Croatia, responses from other countries describe either total or partial incompatibility of the technological equipment used (Annex III.9).

*10. Do asylum authorities develop materials in order to inform asylum-seekers on the procedure and their rights, benefits and legal assistance? If so, what is the timeframe within which they are obliged to provide them with this information?*

This is one of the areas where all responses provided were affirmative. All countries are aware of the importance of providing information to asylum applicants, in particular related to the procedure and their rights and responsibilities as applicants. Each country has developed and distributed brochures not only in the official language and in English, but often in number of other languages (8 in Bosnia and Herzegovina) or in “the language for which it is reasonably assumed that” the asylum-seekers can communicate (Annex III.10).

On the contrary, in most cases responses provided to the sub-question on timeframe for provision of information to asylum-seekers did not indicate any specificities related to asylum application (for example, Albania and Bosnia and Herzegovina reported that this information is provided immediately, while Croatia reported 15 days, (Annex III.11).

*11. Please list a set of reception standards related to the treatment of asylum-seekers in your countries' asylum system from the time of asylum application's submission until the final decision is taken (i.e., freedom of movement and detention, health care, education, financial aid, accommodation, registration and provisions for special individual needs)?*

All respondent countries reported that above mentioned rights (except for the right to financial aid) are guaranteed under the relevant laws in effect. Provision of exercising the rights guaranteed is managed by the reception centres (or similarly named). Exercise of these rights does not differentiate between those who have been granted the status of refugee and those who are waiting for the decision to be taken. Macedonia does not guarantee the right to financial aid, however asylum-seekers can apply for single financial assistance at the Social Work Centre. In most countries, the right to legal aid is provided in cooperation with NGOs profiled in this field of work. The issue of providing for special individual needs is explicitly addressed in Croatia where the needs of vulnerable groups are taken into account.

*12. In addition to the refugee protection under the 1951 Convention relating to the Status of Refugees, does the asylum system in your country provide for other forms of protection (subsidiary protection, temporary protection, humanitarian status, permission to stay for compassionate reasons, etc.)?*

Legal frameworks in all countries recognize and provide subsidiary protection, temporary protection and humanitarian status. Compassion as ground for permission to stay is mentioned only in the Serbian response, where the “legal system ... recognizes permission to stay for compassionate reasons, but it is not explicitly regulated under the Law on Asylum” (Annex III.12).

*13. Describe the framework for cooperation with UNHCR and NGOs?*

As indicated in the first chapter, MARRI countries have established comprehensive cooperation with relevant international organizations. Cooperation with UNHCR is one of the most appreciated. International cooperation is regulated under the laws on asylum, and by means of specific instruments for cooperation signed with UNHCR. Albania seems to be the only exception there from, as it reported that cooperation with “UNHCR is close and includes many aspects,” but on case-to-case basis (Annex III.13).

Cooperation with NGOs, as mentioned above, is an important institutional aspect of asylum management in all countries that are members of MARRI. Nevertheless, responses provided to this particular question indicate cooperation only on case-to-case basis. This is contrary to the fact that many of these countries have enacted national strategies for cooperation with NGOs or with the civil society sector in all areas, including asylum matters.

*14. Describe your integration policy for refugees?*

This question was not uniformly understood and responded to. In two cases (Albania and Croatia), when answering this question the national contact points referred to their responses provided to question 11 concerning reception standards related to treatment of asylum-seekers. In two other countries (Macedonia and Serbia), the integration policy for refugees is integrated in their respective national strategies for integration of refugees and in the subsequent laws. In Bosnia and Herzegovina, the responsibility for integration of refugees does not fall within the jurisdiction of the Ministry of Security, which as indicated above is responsible for asylum matters, but rather it was entrusted to



the Ministry of Human Rights and Refugees. In all three cases, the integration policies are oriented towards internally displaced persons and aliens seeking asylum. (Annex III.14)

*15. Describe the existing system on collecting and exchanging data and statistics on asylum and refugee movements in your country and with other countries?*

Responses describe collection of data and statistics as an internal issue of respective asylum units. For their operational needs and on the basis of relevant legal frameworks, the respondent countries have developed different databases, such as: database on travel documents for asylees; ID cards for asylum seekers and asylees; ID cards for aliens under temporary protection or subsidiary protection; temporarily retained travel and other documents;; registration/deregistration of residence and/or asylum address and registration/deregistration of asylum station and/or address (in Croatia). Bosnia and Herzegovina reported on the existence of similar system of databases.

There is hardly any system on exchange of data and statistics for asylum and refugee movements established with other countries. In one case it was explicitly said that: “as regards data exchange, we still do not have an institutional or any other formal instrument that facilitates such exchanges, but - as previously indicated – it is expected that such instrument will be established in near future” (response from Serbia, see Annex III.15). This seems to be a proper description of the situation in regard to data and statistics exchange in the remaining countries as well.



## IV. OVERVIEW OF TYPES OF IDENTITY AND TRAVEL DOCUMENTS IN MARRI MEMBER STATES

State-of-affairs concerning identity and travel documents can be summarized with one simple sentence: introduction of biometric identity and travel documents. In compliance with latest trends and innovations, many countries worldwide have already introduced biometric identity and travel documents. Introduction of these documents in a number of Western countries has raised many controversial questions, in particular related to civil liberties, personal identity, etc.

As regards the Western Balkans, this process is progressing without any visible opposing public debates. There is only one explanation for introduction of these documents, i.e., they are perceived and “sold” to the public as signs of Europeanization of national administration and governance of the population movements. At the same time, the EU, by means of Country Progress Reports, monitors and assesses the process of introducing new identity and travel documents as a cornerstone in migration management. Therefore, the Questionnaire used for this analysis included twelve specific questions that enquired about this issue.

The first question asked the respondents to provide a list of identity and travel documents issued in the country, including breeder documents and civil status certificates. Lists provided by the respondent countries vary in terms of the number of documents listed (Annex IV1). Some countries enlisted only types and sub-types of identity cards and passports (Croatia and Serbia), while others – in addition to these two types of documents - also included breeder certificates, driving licenses, and citizenship certificates.

The second question required the respondents to enlist national legislative acts that govern the type, production and issuance of identity and travel documents (law’s title, date of adoption, or rulebooks, administrative guidelines and internal manuals developed and adopted). The overview prepared on the basis of responses obtained (see table in Annex IV.1), indicates that elaborated legal framework on these matters exists in all countries. Responses vary in terms of number of laws enlisted. For example, Macedonia enlisted only one piece of legislation (Law on Travel Documents), four laws were enlisted by Bosnia and Herzegovina and Montenegro each. Same applies for relevant by-laws (from zero secondary legalisation documents (Albania) to as many as ten by-laws (Montenegro)).

The third question enquired about the technical aspects and security features of identity and travel documents (minimum ICAO standards, biometrics, etc.). Responses (Annex IV.3) confirmed that all countries have introduced biometric technology for both, ID cards and passports. More specifically, all countries have accepted ICAO 9303, ISO/IEC 7810 or 7816-1/2/3/4 standards governing the dimensions and physical properties of ID cards. As concerns travel documents, the countries complied with ICAO 9303 standards and EU Council Regulation no. 2252/2004, as well as the adequate ISO, ISO/IEC 14443 and ICAO NTWG standards.

The fourth and the fifth question targeted the procedure led in front of the institution responsible for issuing identity cards and travel documents for the country's citizens (Annex IV.4). All responses have described similar legally stipulated requirements and procedures on document issuing. Moreover, all countries indicated that the procedure is led in front of relevant services established within the Ministry of Interior. Procedures imply a seven steps process: submission of applications (individual, in person and at the police station located in the applicant's place of residence, and supported by documents issued by the Register of Births, Citizenship Certificate, any document containing a photo of the person, etc.); verification and confirmation by the ministry pursuant to legal provisions in effect; determining the authenticity of personal documents used by the applicant to identify himself/herself; determining the applicant's actual existence in relevant registers; checking adequate records for possible bans concerning issuance of travel documents, etc.; issuing identity card or passport (once it has been asserted that the applicant fulfils all requirements stipulated under the law); and finally, document personalization (which is a centralized process in all countries). Adherence to these procedures guarantees compliance with identity and security standards.

Similar, but streamlined procedure, is applied in regard to application for and issuance of breeder documents (civil status certificates). All respondent countries reported that these documents are issued as excerpts from the electronic registry databases. Differences were noted in regard to the institution responsible for document issuing. In Montenegro, this responsibility is entrusted to the Ministry of Interior, in Serbia - the Ministry of Human and Minority Rights, while the remaining countries did not provide explicit response to this sub-question (Annex IV.6).

The seventh question enquires about the existence of specialized training programs for the staff dealing with issuance of identity and travel documents. All countries reported the existence of such programs (Annex IV.7). However, differences exist in the descriptions offered for these programs. In some cases, the affirmative response was supported with general arguments concerning continuous training for civil servants (Macedonia, where it was explicitly stated that the training in question does not suffice), while in other cases, the training is anticipated for the future (Croatia).

The eighth question concerned the existence of supervision and control mechanisms over issuance of identity documents and travel documents. In most cases, this question was understood and responded as whether there are normative provisions on control over document issuance. Therefore, responses provided by Albania, Bosnia and Herzegovina, Croatia and Montenegro indicated a number of legal (laws and by-laws) standards in place. Macedonia's and Serbia's response referred to the existing "control mechanisms" that imply several levels: control activities taken by managerial staff over the work of authorized officers; supervisory activities taken by the organizational unit at the headquarters; reporting to higher ranking structures and to services in charge of internal controls, and in cases of established omissions and irregularities, initiation of procedures on determining responsibility and disciplinary measures or misdemeanour or criminal proceedings. In addition to these internal control mechanisms, the respondents indicated the existence of administrative inspectors at the Ministry of Justice responsible to determine whether procedures have been correctly implemented (Annex IV.8).

The ninth question focused on the production procedure for identity cards and travel documents for citizens, i.e., whether it was centralized or decentralized, what regulations on access to and protection of data are in place and what security checks are applied. All countries reported that the production procedure for identity cards and travel documents is organized in line with the highest security standards (Annex IV.9). The personalization process is centralized (documents are produced only at one central place in the country), fully optimized and secured. The location of this centre differs from country to country. In some cases, it is physically located at the premises of the ministries of interior (Macedonia and Montenegro), and in other cases it is located at the premises of companies selected and licensed by means of an international tender process in compliance with the law (Bosnia and Herzegovina, and Croatia). Production areas are physically segregated from other areas. Interconnection and access to documents and information are secured, as well as the transport of personalized documents from the Personalization Centre to the respective issuance offices.

Questions ten and eleven concerned the issue of verifying authenticity of identity and travel documents. The former enquired about the responsible institution and the latter about the existence of specialized training programs for staff dealing with verification of authenticity. According to responses obtained, all countries have entrusted this responsibility to the ministries of interior (Annex IV.10). In half cases, it was indicated that specialized units for verification of authenticity have been established within the Ministry of Interior. All countries (with the exception of Serbia) have specialized training programs (Annex IV.11).

The last question enquired about the existence of appropriate mechanisms on prompt exchange of information on abuses related to obtaining and use of identity and travel documents, as well as information on forged documents. Although the wording of the question seems clear and understandable, most responses (except in the cases of Macedonia and Montenegro) provided only vague descriptions of these mechanisms. It should be noted that only the response provided by Montenegro indicated the existence of regional exchange mechanism. Accordingly, on 20 November 2008, in Skopje, Republic of Macedonia, the responsible ministries from all MARRI countries signed a Memorandum of Understanding for establishing a system for exchange of statistics on illegal migration and a regional early alert system. This system, in addition to statistics, also enables monthly exchange of data and information on identified persons who use forged travel documents. Under the early alert system, countries signatories to the Memorandum also exchange data on missing blank travel documents, visa stickers, and blank permits and newly detected forged travel documents and other documents (Annex IV.12).







## V. VISA QUESTIONNAIRE

In the first chapter it was concluded that all states in the Western Balkan have adopted new legal frameworks and have established institutional arrangements for visa regimes in line with relevant EU standards. In addition to laws, they have enacted by-laws that operationalize laws' implementation. This chapter attempts to describe some of the most important characteristics of visa regimes. For that purpose, the Questionnaire included nine questions that enquires about: national authorities competent for visa matters; legal provisions; the possibility for visa issuance at the border; existence of central visa information system for on-line consultation and electronic exchange of data between authorities involved in the procedure; quantitative and qualitative adequacy of staff; types of visas and their compatibility with the Schengen Acquis, as well as with the standard procedure on visa issuing; profile of the central national Visa Register of Granted and Rejected Visa Applications; and finally, about the institutional capacity of authorities that hold competences in visa matters to detect false documents.

The general conclusion inferred is that for all above-indicated aspects the countries have developed functional and mutually compatible legal and institutional visa arrangements, or are in the process of establishing them. In all countries, the central authority for visa matters is located within the ministries of foreign affairs, which are most often supported by the ministries of interior, and in one case by the Ministry of Social Affairs and the State Information Service (Albania, see Annex V.1).

As regards the legal grounds, most countries indicated to a particular law as the main normative ground for their visa policy (with the exception of Montenegro, which referred to five laws). Most often, the law governing visa policy (Law on Aliens/Foreigners) was adopted either in 2007 or 2008, except for Serbia, which adopted such law in 2010. In addition to laws, all countries have subsequently enacted relevant by-laws (between three (Albania and Montenegro) and one (Bosnia and Herzegovina, Macedonia and Serbia), (see Annex V.2). According to the legal frameworks adopted, in addition to the regular procedure led in front of diplomatic missions and consular offices, all countries provide the possibility for visa issuance at the border in exceptional circumstances (Annex V.3).

Unlike the above described standardized aspects, the countries differ in terms of central visa information system for on-line consultation and electronic exchange of data between the authorities involved in the procedure and in terms of their assessments concerning the sufficient number of staff involved in visa matters according to the caseload. Three countries (Albania, Bosnia and Herzegovina and Macedonia) reported on the existence of such information systems that are fully operational, and, at the same time, indicated that staff is sufficient and adequately trained. Montenegro and Serbia (no response from Croatia) indicated that they do not have such central visa information systems yet. In both cases, it was reported that establishment of this system is underway and that training is anticipated in cooperation with international and regional (MARRI) partners (Annex V.4 and Annex V.5).

All countries have accepted same taxonomy of types of visas (Annex V.6), and are therefore compatible with the Schengen Acquis. However, variations were noted in terms of conditions guiding issuing of different types of visas. In Albania, the conditions have been assessed as “not fully compliant”, in Bosnia and Herzegovina and Macedonia “they are compatible” (no assessment provided by Croatia, Montenegro, Serbia). The procedure on issuing different types of visas is standardized in all countries and stipulated by means of relevant rulebooks (Annex V.7).

As regards the central national Visa Register of Granted and Rejected Visa Applications, the responses obtained provide only limited possibilities for a general classification. Descriptions of this register were provided by two countries (Albania and Macedonia), but in a rather dissimilar way. Other responses included either statistical (Montenegro) or normative information (Serbia, where the Central Visa Register is expected to be operational in the next year, Annex V.8).

The last question related to visa regimes enquired about the institutional capacity of competent authorities to detect false documents. Responses obtained can be grouped into three different evaluations. According to the first group of answers, competent institutions are fully equipped and they have optimal capacity to perform this task (Macedonia). According to the second group of answers, institutional capacity is solid, but could be improved (Bosnia and Herzegovina) or is improving (Serbia). And, according to the third group of evaluations, there is limited capacity due to the lack of adequate equipment (Annex V.9).





## VI. OVERVIEW ON REFUGEES AND DISPLACED PERSONS

The issue of refugee and displaced persons' return and/or integration is one of the most serious and complex immigration matters in the Western Balkans. It involves not only "humanitarian and social concerns", but also issues related to property restitutions, tenancy rights, etc. Furthermore, "a country's willingness to achieve genuine and sustainable reintegration of minority returnees" is a serious "indicator of its political and democratic maturity."<sup>19</sup> Developing sustainable solutions for this complex problem necessitates a regional approach. In that regard, MARRI played an important role in developing compatible policies on return or integration of refugees and displaced persons. The Questionnaire contains nine questions that enquire about refugees and displaced persons: referenced international and national legal frameworks; institutional arrangements; integration policy; management of international cooperation; national strategy on refugees and displaced persons; existence of specific return programs; protection provided; bilateral, multilateral and regional cooperation; and system on collection and exchange of data and statistics on refugees and displaced persons.

In general, the analysis shows that all countries have demonstrated strong will, have invested significant efforts and have cooperated bilaterally, as well as regionally and multilaterally, to find sustainable solutions to the problem.<sup>20</sup>

1. Information provided in regard to international and national legal frameworks (laws, by-laws, decisions, etc.) shows that all respondent countries are signatories to the 1951 Refugee Convention and its 1967 Protocol. These international documents are integrated in their national legislation, both at constitutional level and at the level of laws. Three countries reported that they have adopted four or five laws and one country reported on one law that provides the proper legal framework on this issue. In addition, all countries have adopted by-laws with a view to operationalize the laws (Annex VI.1).

<sup>19</sup> Commission of the European Communities, 'Stabilization and Association Process For South East Europe: First Annual Report' (COM 2002)163 Final Brussels 2002, quoted according Delevic Milica, Regional Cooperation in the Western Balkan, Chaliot paper No 104, 2007: 75, Institute for Security Studies, European Union. Available at: [http](http://www.iss.europa.eu), last accessed on 23/03/2012.

<sup>20</sup> "According to the UN Refugee Agency (UNHCR), as of January 2009 there were 132,071 refugees and 352,905 IDPs remaining in the Western Balkans", CSIS-EKEM Policy Report Assessing Human Security in the Western Balkans November 2010. Available at: [http://csis.org/files/publication/101105.CSIS-EKEM\\_PolicyBrief4.pdf](http://csis.org/files/publication/101105.CSIS-EKEM_PolicyBrief4.pdf) accessed 2/03/2012.

2. Countries differ in terms of the institutional organization in place for treatment of refugees and displaced persons (Annex VI.2). Three countries indicated that responsible institutions are established within relevant line ministries (Ministry of Interior (Albania), Ministry of Labour and Social Policy (Macedonia and Montenegro)). Two other countries reported on higher level of institutional treatment. Namely, Bosnia and Herzegovina has entrusted this responsibility to the special Ministry of Human Rights and Refugees, and in Serbia, this issue falls under the jurisdiction of the Commissariat for Refugees, which is a separate institution established by the Law on Refugees. These differences mirror the challenges that respective states have faced in dealing with refugees and displaced persons matters.

3. All countries, with the exception of Croatia, answered the question on integration policy. Responses do not defer to a great extent from responses already analysed and presented in Chapter III (questions 11 and 14). Here, some responses (from Serbia) are more elaborated and provide greater details, while others are rather general and legalistic or normative in contents. This might be a consequence of certain conceptual differences in understanding the terms asylum-seekers, refugees, displaced persons, internally displaced persons, etc. For example, in the case of Albania, the response described the integration policy for “persons who have been granted asylum in the Republic of Albania”, rather than for displaced persons. Bosnia’s response described the policy on “full re-integration of returnees”. Macedonia’s response was oriented towards integration of “refugees and foreigners... and persons granted asylum”. In the case of Montenegro, integration of refugees and displaced persons concerned “displaced persons from former Yugoslav Republics and internally displaced persons from Kosovo with residence in Montenegro.” (Annex VI.3).

If one puts aside these conceptual differences, all countries – mainly in cooperation with UNHCR or other international organizations - have implemented numerous local and national programs on integration of refugees and displaced persons. Integrations activities are taken across all main integration sectors: employment, education, housing, social protection, health and social integration.

4. International cooperation in the area of refugees and displaced persons is highly developed. Majority of programs and activities are in fact undertaken as part of a given international framework. In particular, all countries emphasized their relations with UNHCR, but also with IOM, EU and CoE. In all countries, cooperation with UNHCR is based on mutual agreements, it is characterized as close cooperation and includes many aspects: from development of asylum systems to particular programs and measures. Although the question specifically enquired about the management of international cooperation, responses included descriptions of forms of cooperation and specificities and achievements made under particular programs. In general, cooperation is managed by the institutions responsible for refugees and

displaced persons (Annex VI.4). Cooperation with UNHCR and other international governmental and non-governmental organizations is guided by the legal framework as stipulated in the domestic strategic documents adopted in this area.

5. In this respect, all countries have adopted national strategies or have differently defined their strategic goals and approaches towards refugees/displaced persons related matters. In Albania, these matters are included under the National Implementation Plan for the Stabilization and Association Agreement 2012-2015. Bosnia and Herzegovina's strategy is defined by the Constitution (Annex to the General Framework Agreement for Peace in Bosnia and Herzegovina). Macedonia has adopted two strategic documents (Strategy on Integration of Refugees and Foreigners and National Action Plan for Integration of Refugees and Foreigners), while Montenegro and Serbia each have adopted a Strategy on Resolving Problems of Refugees and Internally Displaced Persons (Annex VI.5).

6. There was no uniform understanding of the question whether the country has any other specific return programs designed to ensure effective, timely and sustainable return of refugees/displaced persons and, if so which institutions develop and implement the programs. Direct answers were obtained from two countries (Bosnia and Herzegovina, and Serbia), but they provided different descriptions. Bosnia and Herzegovina has adopted Framework Program on Return of Refugees and Displaced Persons for the period 2009-2014 and it is an integral part of its Revised Strategy, but no information was provided on institutions competent for its implementation. (Annex VI.6).

7. The next question enquired about the type of protection provided for refugees/displaced persons under the national system. Three countries (Macedonia, Montenegro and Serbia) responded by enlisting and describing the types of protection provided. All of them indicated that refugees and displaced persons enjoy protection rights guaranteed in relevant international documents, in accordance with local capacity and resources and in cooperation with relevant international organizations (primarily in cooperation with UNHCR). As part of the legal frameworks and in addition to international legal protections, all countries also provide social and health protection, employment possibilities and other rights and freedoms as described under previous chapters. On this account and for the purpose of avoiding repetitive responses, other two countries (Albania and Bosnia and Herzegovina, with no response from Croatia) simply reaffirmed the relevance of answers they provided to previous sets of questions (Annex VI.7).

8. The question concerning the existence of legal bilateral, multilateral or regional cooperation in the field of refugees and displaced persons was not properly understood. Most responses described different existing forms of bilateral, multilateral or regional cooperation that were already indicated under previous chapters. Here, the respondents were expected to provide information on legal cooperation at different levels. Although this aspect is not well elaborated, it does not mean that this type of cooperation does not exist. In their responses, Bosnia and Herzegovina, Montenegro and Serbia, for example, referred to the so called Sarajevo Declaration from 2005 (Annex VI.8).

9. The last question defined under the section on refugees and displaced persons enquired about the system on collection and exchanges of data and statistics on refugees/displaced persons movements in the countries and between them. As regards data collection, four countries reported that they have developed national systems (no response from two countries, see Annex VI.9). However, exchange of data and statistics has not been developed. Although it can be assumed that certain forms of exchange of data and statistics do exist between some countries, only one country described particular forms of data exchanges (Serbia with Croatia).







## VII. OVERVIEW OF PERSONAL DATA PROTECTION

This chapter provides an overview of standards developed by respondent MARRI countries in relation to personal data protection. It is based on responses obtained to five questions: does the law on protection of personal data in the country apply to data processed by automated means and data contained in or intended to be part of non-automated filing systems (traditional paper files); what is the responsible institution (controller); does the law protect the rights and freedoms of persons with respect to processing of personal data (in terms of quality and legitimacy of data, special categories of data processing, notification of data subject and its right to access data, exemptions and restrictions, the right to object to data processing; and confidentiality and security of data processing); is there a national level supervisory authority that should be notified prior to processing of personal data; and finally, does the national law applicable to data processing stipulate judicial remedies for violations made to rights guaranteed for the data subject?

Questions' structure followed the guidelines provided under the Directive 95/46/EC of the European Parliament and Council of 24 October 1995 on the protection of individuals concerning processing of personal data and free movement of such data.<sup>21</sup> Actually, this Directive acts as "the reference text on personal data protection at European level". It establishes the "regulatory framework that attempts to strike a balance between high level of protection for the privacy of individuals and the free movement of personal data within the European Union."<sup>22</sup> In addition to EU acquis, this is an area of specific standard that the Western Balkans expected to attain on their road towards the EU. Due to the clear and sound framework established, responses obtained to above-indicated questions are similar, which was not always the case with the other sets of questions.

According to responses provided (Albania, Bosnia and Herzegovina, Macedonia and Montenegro), all countries have adopted new laws on personal data protection with the exception of Bosnia and Herzegovina, which adopted the law in 2006, other three countries adopted such legislation in 2008 and amended it latter (Macedonia, in 2010), (Annex VII.1), New legislation adopted applies to automated, as well as to non-automated, databases containing personal data in the area of criminal records and state security.

<sup>21</sup> Official Journal L 281 of 23.11.1995.

<sup>22</sup> [http://europa.eu/legislation\\_summaries/information\\_society/data\\_protection/l14012\\_en.htm](http://europa.eu/legislation_summaries/information_society/data_protection/l14012_en.htm), last accessed on 28/03/2012.

The definition of controller used in the respective laws follows the same conceptual framework. “Controller” means an institution that holds authorization to process personal data, and implies any natural or legal persons, agency or any other body that, in independent capacity or together with another party, manages, processes and determines the purpose and the manner of personal data processing on the basis of laws or regulations in effect (Annex VII.2).

The third question was complex and contained seven sub-questions. Sub-questions enquired whether the national legislative framework is in line with guidelines set forth in the Directive 95/46/EC, in particular those related to protection of the rights and freedoms of persons with respect to personal data processing. Analysis of four responses received (no responses from Croatia and Serbia) shows a very strong regional compliance with these guidelines, not only at normative and conceptual, but also at institutional level, and even the wording used in definitions and provisions is quite common (in particularly between responses provided by Bosnia and Herzegovina, Macedonia and Montenegro).

Personal data can be processed only for purposes stipulated by law, and collected for specified, explicit and legitimate purposes (Annexes VII.3.a). Consent of the data subject is mandatory for the controller to process data. Exemptions from this rule (in five cases) are clearly defined (in particular indicated in responses provided by Albania and Montenegro) and follow the normative framework set forth by the Directive (Annex VII.3.b). Processing data related to racial or ethnic origin, public opinions, religious or philosophical beliefs, etc., is in principle forbidden in all countries. However, all countries clearly indicated “special categories of processing” (in most cases, the relevant laws regulated the same five or eight situations) where disclosure of such data is legally legitimate (Annex VII.3.c). As regards the third guideline, controllers in all countries are legally obliged to provide the data subject with information about the controller’s identity, the purposes of data processing, users or categories of users of personal data, mandatory response to questions, possible consequences in case of refusal to respond, and the right to access and the right to correct his/her personal data (Annex VII.3.d). All countries provide similar or same guarantees for the data subject as regards the right to obtain data from the controller (Annex VII.3.e).

As regards the sixth guideline from the Directive (exemptions and restrictions), responses differ in terms of details provided. In general, all four responses confirmed that the respective national law stipulates certain exemptions and restrictions from the above-mentioned norms and provisions. Variations were noted in terms of descriptions provided for the legal grounds defined for exemptions and restrictions and their number. In the case of Albania, two legal grounds were indicated: offense to public order or criminal law and defence of national security. In

addition to these two legal grounds, responses provided by Bosnia and Herzegovina, Macedonia and Montenegro indicate also violation to ethical codes and also of economic or financial interests and cultural assets (Macedonia and Montenegro, Annex VII.3.f).

National legal provisions' compliance with the Directive's guideline on confidentiality and security of processing was to be described in evaluative manner. Respondents were expected to provide an assessment whether the measures stipulated in the Law on Protection of Personal Data institute appropriate safeguards in case of accidental or unlawful destruction or accidental loss, alteration, unauthorised disclosure or access. All respondents confirmed that measures are appropriate (Annex VII.3.h).

Responses provided in regard to national regulation's compliance with the Directive's guideline on the right to object to data processing vary to a certain extent. In general, all countries recognized this right of the data subject. Certain differences were noted in regard to the interpretation of "objection." In the case of Albania, this term was understood, presented and confirmed as "the right to refuse at any time". In Bosnia and Herzegovina, the meaning of the right to objection was specified in two different situations: "first, data processing required by the law for which the subject's consent is not necessary and second, data processing upon subject's consent." In Macedonia and Montenegro, the right to objection is stipulated as the right to submit "request ... for confirming violation" to rights stipulated by the Law on Personal Data Protection. The request is submitted in front of the Personal Data Inspector (Macedonia) or in front of the supervisory body (Montenegro, Annex VII.3.g). For greater clarity, responses provided to this question should be reconsidered in relation to responses provided on questions four and five, analysed in the following paragraphs.

The fourth question enquired about the establishment of a national level supervisory authority that should be notified prior to personal data processing. According to responses obtained, such authority has been established in all countries. Its status and role are defined in the respective law on protection of personal data. In Albania, this authority is known under the name Commissioner for Personal Data Protection. In Bosnia and Herzegovina, it is called Personal Data Protection Agency, in Macedonia - Directorate for Personal Data Protection, and in Montenegro - Agency for Personal Data Protection (Annex VII.4).

In addition to higher authority instituted as protection mechanism, national laws on personal data protection also include provisions on judicial remedies for any violations to the rights guaranteed for the data subject and applicable to personal data processing. In some countries, these remedies are reconsidered by civil court (Albania), and in others (Bosnia and Herzegovina) by administrative court (Annex VII.5).



## VIII. OVERVIEW ON LABOUR MIGRATION MANAGEMENT

The fourth sub-title in the first chapter of this report analyzed the institutional and legal frameworks of the six national policies of labour migration management. The general conclusion was that labour migration flows were not at the center of migration concerns in the countries of the Western Balkans. In this chapter, based on the analysis of ten additional questions related to various aspects of labour migration management, such conclusion is reaffirmed again with a more comprehensive description.

Legally and institutionally the issue of labour migration in most of the countries is understood, regulated and managed via the legislation and institutions dealing with employment and work of foreigners, on one side and bilateral social security and employment agreements, on the other side. The first legal and institutional frameworks are oriented towards foreigners living and working (as temporary or long term migrants) in the country. The second framework is oriented towards protection of the citizens of a MARRI country who as foreigners are residing outside of their country of origin (either in some of the Western Balkans country or in a country in the world).

Since countries of the region are mainly emigrant countries, it would be logical to expect that the first of the two aspects would be less articulated than the second, but it is the opposite. With the exception of Albania, the prevailing idea behind all the responses on the ten labour migration questions is the idea of foreigners or aliens. This means that labour migration is understood in a way which is typical for the receiving developed countries.<sup>23</sup> The terms “foreigners” and “aliens” are present in almost all of the responses, although the questions in this battery were neither about visas, nor about illegal immigration or refugees, but were about the labour migration.

Good illustration of this conclusion are the responses to the first and in particularly to the second question. The first enquired about institutions which, according to the national legislation, are responsible for employment issues including labour migration and the second asked to list the legislation which regulates the labour migration issues. The intention of such formulations had been to get information on regulation focused on employment issues and migration issues in general and not only about employment issues of foreigners. Yet, all the responses on the second question quote, at first the respective laws on aliens (Annex VIII.2).

<sup>23</sup> It is also interesting that even the phenomenon of brain-drain which has very serious consequences for the development of the countries from the Western Balkans is seen just in negative terms (VIII.7).

There are optic changes when faced with challenge to describe the labour migration movements in the country. According to the responses to the question about the characteristics of labour migration from or to the country (countries of destination/origin, figures, trends, nature of movement-long-term/temporary) all the countries are emigrant countries with very serious brain-drain problem. For the biggest part, the evidence provided is describing the movements of foreigners into the countries and not the emigration from the countries (exception is the response from Albania and to certain extent from Serbia (Annex VIII.3)). The other countries again emphasized the number of foreigners working in the countries. Although such numbers are small (for example immigrants in Albania constitutes 0.2-0.25% of the population), the respondents do emphasize their significance as predictors for the prospective change of the economic and social situations in the countries.

The main immigrant cohorts present in each of the countries originate from within the region, most often from a neighboring country. For example, the largest numbers of immigrants with working permit in Croatia are citizens of Bosnia and Herzegovina. Labour immigrants in Albania are coming from neighboring countries in which ethnic Albanians reside (Kosovo, Macedonia and Montenegro). In Montenegro, 30% of its working immigrants come from Serbia, 30% from Bosnia and Herzegovina and 20% from Macedonia.

Outside of the region of the Western Balkans the labour immigrants present in the MARRI countries are coming mostly from Turkey (in Albania) and from some “Afro-Asian countries” (in Serbia Annex VIII.3).

The fourth question in connection to labour migration was about the way in which migration data is collected and related to policy development. The comparative analyse of the responses obtained, shows that Albania has most developed system of data collection which has direct policy values. In the other countries, the data collection is based on statistics of the Employment agency (in Bosnia and Herzegovina), the ministries of interior (Croatia and Macedonia) or the Statistical office (in Montenegro) and there are no indications about the policy implications of collected data. In Albania the data on work permits are registered in the National Electronic Registry for foreigners by the Directorate of Migration, Return and Reintegration Policies who sends the data to National Employment Service. Besides such data, the country has also legally established Registry of citizens who wish to immigrate. According to the law and the follow up by-law there are three “three categories of Albanian citizens who register under this ordinance, the Albanian citizens who want to migrate (potential migrants), those who want to emigrate and have already completed all the necessary documentation for this, as well as returning nationals in the country after a stay abroad.” Such data is later used for employment policy purposes. In Bosnia and Herzegovina close relation between data collection and policy development as found in the example of Youth Employability and Retention Program, whose third component deals with the regulation of youth migration (Annex VIII.4).



The above outline of labour migration movements between countries of the region logically opens the issue of its intra-regional dimensions and possibilities for regional responses and cooperation. Three questions of this battery addressed this issue. They asked, first (question six) for further possibilities of intra-regional labour mobility (including seasonal work, frontier work, traineeships, intra-corporate transfers, part-time work for foreign students...), second, for the governments' view of the best possible way to manage the existent and the prospective intra-regional and inter-regional labour migration (questions five), and third for the best possible regional coordination of regional labour migration policies (question ten).

The first of these three questions shall be seen in connection to above described intra-regional labour migration movements. As it was shown they are very tiny compared to the labour migration movements from the region towards the developed countries, but the countries themselves attach to such movements significant importance. For that reason, it was interesting to acquire the local views about broadening intra-regional labour mobility such as seasonal work, frontier work, traineeships, intra-corporate transfers, part-time work for foreign students etc.

The analysis shows that the possibilities for such prospects depend of the way how the present intra-regional mobility is regulated. The countries value the mutual benefits of seasonal work and mobility. At the same time they recognize the problems with its illegality. On that ground some initiatives had been undertaken to regulate it and to sign bilateral agreements. The results achieved are modest but in the majority of cases the need for bilateral regulation is emphasized (Albania, Bosnia and Herzegovina, Serbia, Annex VIII.6).

In regards to possibilities for managing intra-regional labour mobility, the respondents were asked to elaborate the governments' point of view on this question. The opinions received are based on two different assumptions. One is presented by the Albanian and the other by the Montenegrin response. According to the first one, the best way to manage the intra-regional and inter-regional labour migration is to discourage the migration flows by facilitating the integration of migrants in host countries. According to the second position, the policy shall be based on the principle of compliance with the EU standards related to freedom of movements of workers on the labour market, and to enable the unemployed persons, upon their wish, available knowledge and skills, and personal mobility, to be employed in seasonal or other jobs, in the country or abroad. In between such two positions are found policies of facilitating the cooperation among the State Employment Agencies across the region, voluntary return of immigrant worker and signing of bilateral agreements on employment (Annex VIII.5).

In addition to their place in the bilateral regulation of labour mobility, the important role of Employment Agencies was also emphasized in connection to the best way for regional coordination of national or bilateral efforts in labour migration management (Annex VIII.10).



## IX. DIASPORA MATTERS IN MARRI MEMBER STATES

The introductory examination of national legal and institutional frameworks of migration management organization, developed in the first chapter, showed poor response to the two general questions concerning the diaspora. Here the situation is to certain extent better. In addition to Bosnia and Herzegovina, Macedonia and Montenegro, Albania has also provided detailed response. The overall conclusion is that the diaspora phenomenon occupies important place in the history and present day life of the respondent countries. Its size is significant, as compared to their total populations, its contribution to the national economy, and its potentials for future development of the Balkan societies are highly valued. Yet, the information gathered shows that management of diaspora matters is a great challenge.

First of all, there is the problem of definition of diaspora and with it, the question of its size. It appeared in the Montenegrin response but is present as hidden in the other countries as well: “...it is questionable does all emigrants will be registered as ‘Montenegrins’.” (Annex IX.5). The question is who is counted as “Diaspora?” Here again the problem of the relation between ethnicity, homeland and nation-state finds its way. Besides its historical and political grounds the question is still open due to the fact that there is no legal framework on which it could be sorted out. In none of the four countries there is special law on diaspora. In such situation as legal grounds for the institutions and for the measures taken in connection to diaspora are different. In Bosnia and Herzegovina a law had been drafted but not yet adopted, in Albania and in Montenegro the legal framework is provided by the respective national strategies on migration/diaspora and follow-up regulations, and in Macedonia on some constitutional provisions and the Law on foreign affairs (Annex IX.1).

The lack of legal definition of diaspora contributes to the second common issue: the way how the data on diaspora is gathered. This issue, on its own determines the perceptions of the size and the structure of diaspora, as well as the policies directed towards it and vice versa. The diaspora policies of the countries are carried out via different ministries. But no matter which ministry or ministries are in charge of diaspora, in each country there exist specialized institution to deal with it: National Institute of Diaspora in Albania, Department for Emigrants/Diaspora Matters in Bosnia and Herzegovina, Agency for Emigration in Macedonia, and Department of Consular Affairs and Diaspora in Montenegro (Annex IX.3a).

Those institutions gather the information needed mainly in two ways: via the diplomatic-consular offices and with direct contacts with diaspora or their associations and organizations (Annex IX.3b). Data gathering from the two mentioned and from other sources is legally regulated not by laws but by the general strategic documents on migration/diaspora (Annex IX.3c). The emigrants are not legally obliged to inform the national authorities about their emigration or changes of their migration status (Annex IX.3e). As a consequence the data gathered is neither solid nor systematic. On the question if the country has a database on diaspora and what were the mechanisms for its updating (i.e. the deaths, change of address...), the answers are that either there is no such database, or that there are no mechanisms for updating it (Annex IX.3d). As a result of this situation with the database, the perceived profile of diaspora and its potentials are dubious (Annex IX.2a/b, and Annex IX.5).

In Albania it is estimated to 30% of its present day total active population and it is perceived as of the highest in Europe. The main Albania emigrant flow is relatively new compared to the other Western Balkan countries which in the past were opened towards the West. It started in 1990 and its main reasons were economic (although other reasons are recognized (political, personal and family conflicts, cases of blood revenge, justice issues, family reunification, studies, and rarely, marriages with foreigners, etc.)). The main countries where Albanian migrants initially migrated were Greece and Italy. Subsequently their flow increased toward the U.S., UK, Canada, Germany etc. Today the biggest part of diaspora lives in two neighboring countries (Greece and Italy) and the third destination, the USA.

In Bosnia and Herzegovina the size of diaspora is estimated at 1.669.000, in Macedonia at about 900.000 (but the figure based on the official statistics from some of the recipient countries shows about half of it) and in Montenegro around 160.000. In all former Yugoslav countries the emigrant flows have similar dynamics: the first wave started in 1960-70, the second during the period of crisis and dissolution of SFR Yugoslavia and the third in the current decade.

In terms of their directions there are some differences. The main destinations of Bosnian, Macedonian and Montenegrin emigration flows from the 1960/70 were the USA and Australia. The second wave was oriented mainly towards the Western Europe. Current flows continue to follow the same pattern, but filtered first with the intra-regional trends. The first wave was economic emigration; the second, besides the economic attractiveness of the West had very strong push drivers deriving from the situation in SFR Yugoslavia (political instability, human insecurity etc.); and the most recent emigration is characterized as family reunification, brain-drain, and temporary economic migration.

The importance of diaspora for the countries of origin is often illustrated by the amount of remittances sent by the Diaspora to the home country. According to many relevant institutions, as the World Bank, International Monetary Fund etc., but also according to the data provided by the respondents, the remittances from diaspora are very serious financial source of for the Western Balkan countries. For Albania “In these last 20 years..., migrant remittances have played an extraordinary role”. In Bosnia and Herzegovina its size is estimated between 13% and 20% of the GDP, and in Montenegro at about 400 million euro. (Annex IX.6).

On such grounds it is logical to expect that the homeland countries would be interested to undertake certain measures and to develop certain policies to mobilize the valuable resources of their Diasporas. In this regards the responses to two questions of the survey are of particular interest. The respondents were asked if there were any initiatives or provisions to promote, ease and enhance investment and commercial activity of their citizens living abroad (Such as: customs regulations, investment brochures and other materials, conferences and meetings, etc.), and in particularly if there were any incentives on informing the diaspora on possibilities of studying in the homeland (such as providing textbooks and other material on education facilities and the good sides of studying at home). From the four countries that answered to these questions only in Montenegro there are no such initiatives registered. In Albania, Bosnia and Herzegovina and Macedonia initiatives for mobilizing the diaspora resources had been undertaken not only by the directly responsible institutions (see above) but also by other public authorities, and very often they have done it in cooperation with international partners (Annex IX.7).

The Albanian National Institute of Diaspora, for example, had organized number of conferences with the Diaspora in London, Brussels, New York and in Athens. Bosnia and Herzegovina had used IPA Funds 2011-2013 for the Project „Support to social inclusion and...“, which among other things envisages to ease and enhance the investment of diaspora in local communities. The Macedonian Emigration Coordination Body published brochure “Investing in Macedonian Exporting Capacities”, with the primary purpose to involve Macedonian business persons from the Diaspora in the ongoing structural socio-economic developments in the country. Also, the Sector for National Priorities has developed the project “Ethnic Business”. It is aimed at encouraging business persons from the country to expand their business in countries where there is a large Macedonian national minority, as well as at presenting the possibilities for investments and business cooperation with Macedonia and at encouraging the Macedonian Diaspora to invest in the Republic of Macedonia.

Macedonian authorities had also developed and implemented programs to attract young people from the Macedonian diaspora to study in the country. Such activities are not mentioned in the other responses (Annex IX.8).



## X. OVERVIEW OF TECHNICAL ASPECTS OF IMPLEMENTATION OF READMISSION AGREEMENTS IN MARRI MEMBER STATES

The readmission issues had already appeared several times in the previous pages. The analyses of international cooperation (bilateral, regional and multilateral) of the Western Balkan countries, in particularly their activities in the process of European their integration, showed that the readmission occupies dominant place together with asylum issues. The readmission agreements have been concluded with EU and bilaterally with number of European and other countries. The implementation of readmission agreements according to the progress reports of the European Commission goes smoothly. This conclusion is again reaffirmed here and supported with few important details.

The readmission questions contained in the questionnaire administered by the MARRI office, as well as questions on asylum, identity and travel documents and labor migration had attracted strongest attention of the respondents. This might indicate that those issues are becoming the priority areas of the migration management policies of the Western Balkans countries.

Three countries had already moved long distances in this respect and three other are beginning their road. Albania, Croatia and Macedonia have signed and put in place around 25 readmission agreements. According to the provided responses Bosnia and Herzegovina has signed four and thirty three are in progress, Montenegro has signed six and works on four, and Serbia has signed ten and is working on two readmission agreements and protocols (Annex X.1).

Institutionally, in all the countries there exist clearly designated institutions responsible for the implementation of readmission agreements. Those institutions are placed hierarchically high in the public administration and embodied in resourceful and well established ministries (most often of the ministries of interior, Annex X.2). At the same time those institutions are also responsible for development of the implementation programs of readmission agreements (with one exception, Annex X.3). The implementation of the readmission agreements goes according to the established procedures and successfully fulfills the expectation. As a result, no need has been detected and expressed for additional administrative and normative intervention in the ongoing processes of implementation of readmission agreements (Annex X.4). This conclusion coheres with the statements by all respondents that there are no specific return programs designed to ensure effective,

timely and sustainable return. Because the existent return programs are functional there was no need for developing any additional specific programs (Annex X.6).

Such positive profile of the readmission could be further improved in two directions: enlarging their detention capacities and strengthening the cross border cooperation. In three countries, the existent capacities for detention of foreigners subject to implementation of readmission agreements are evaluated as sufficient or functional, and in two other countries (Croatia and Montenegro) there are construction activities going on to enlarge the capacities (Annex X.5).

Similar conclusion can be extracted from the evaluations considering the experiences with the cross border cooperation. All the countries recognize its crucial importance for the implementation of readmission agreements. As a consequence they carefully analyze their practices and undertake actions for strengthening it. In general the experiences with the cross border cooperation are positive. This is true, in particularly between neighboring countries. It takes place almost daily, in direct contacts at border crossings, and under urgent procedure. Such kind of cross border cooperation is preferred not only as less expensive but also as in the best interest of both states as well as of the readmitted persons. At the same time the countries respect the choice of other countries that for certain cases prefer the formal request and the response confirmation approach (Annex X.7).









# **ANNEXES**

## I. NATIONAL MIGRATION MANAGEMENT ORGANIZATION

### Annex I.2

2. Please provide information on the legal framework (laws, by-laws, instructions etc.) regulating movement and stay of aliens?

Albania	Law = 2008 13 = 2008/09 2 1
Bosnia and Herzegovina	Law = 2007/09 5 in 2010 1
Croatia	2 Laws = 2007/08/09 5 1
Macedonia	Law = 2008 2 1
Montenegro	Law = 2008 + Laws 13
Serbia	

## Annex I.3

## 3. Which national institution/agency is responsible for movement and stay of aliens?

Albania	<i>Ministry of Interior; Department for Kufirin and Migration; Ministry of Foreign Affairs; Ministrai Sciale Labour Affairs and Equal Opportunities.</i>
Bosnia and Herzegovina	<i>Ministry of Security– Service for Foreigners.</i>
Croatia	<i>Ministry of Interior; competent bodies: police departments and police stations.</i>
Macedonia	<i>Ministry of the Interior = Sector for Border Affairs and Migration (SBAM), Unit for Aliens and Readmission.</i>
Montenegro	<i>The Ministry of Interior = The Police Directorate The Ministry of Foreign Affairs.</i>
Serbia	<i>Ministry of Interior (Border Police Directorate, Regional Police Directorates).</i>

## Annex I.4

## 4. Which national institutions/agencies are involved in combating irregular migration?

Albania	Ministry of Interior Department for Border and Migration. Department against Serious Crime and Organized crime.
Bosnia and Herzegovina	- The Ministry of Security of Bosnia and Herzegovina, whose composition includes the Border Police, State Investigation and Protection Agency, Directorate for Coordination of Work of Police Bodies and the Service for Foreigners' Affairs, - Ministry of Foreign Affairs of Bosnia and Herzegovina, - Ministry for Human Rights and Refugees of Bosnia and Herzegovina, Ministries of Interior of the entities and the Brcko District Police.
Croatia	The Ministry of Interior is the foremost institution engaged in preventing and combating illegal migration in the Republic of Croatia. In the Ministry of Interior of the Republic of Croatia, the primary responsibility for the prevention and combating of illegal migration lies with the Border Police Directorate and its departments (Department for Neighbouring Countries, Department of State Border Protection, Department of Maritime and Airport Police, Department for Illegal Migration, Reception Centre for Aliens, and Mobile Unit for the Implementation of the State Border Protection). From the penal point of view, illegal migration issues are dealt with by the Organized Crime Department within the Criminal Police Directorate, which is, among other things, responsible for the prosecution of crimes related to illegal transfer of persons across the state border, trafficking in human beings and other crimes directly and indirectly related to irregular migration. Along with the Ministry of Interior, and within their own respective jurisdictions, the Ministry of Justice, courts, and the Security and Intelligence Agency are also included in the fight against illegal migration.
Macedonia	The national institution involved in combating illegal migration is the Ministry of the Interior (SBAM, Illegal Migration Units at Regional Centres for Border Affairs, Centre for Suppression of Organized and Serious Crime, Unit for Fight against Trafficking in Human Beings and Migrant Smuggling).
Montenegro	Police Directory, Ministry of Interior, Custom, Ministry of Foreign Affair and European Integration.
Serbia	Ministry of Interior (Border Police Directorate, Criminal Police Directorate, Regional Police Directories, Traffic Police, Gendarmerie etc), Republic Prosecutors Office, Security Information Agency, Ministry of Foreign Affairs and Ministry of Justice.

## Annex I.5

5. Please provide information on national and international legal instruments/penalties/sanctions for combating irregular migration.

Albania	<p>Penalties / sanctions provided by:</p> <ul style="list-style-type: none"> <li>- Criminal Code of the Republic of Albania:</li> <li>- 2. Law no. 9861, dated 24.1.2008</li> <li>- Law no. 9959, dated 17.07.2008 "On foreigners", Article 104 stipulates that:</li> </ul> <p>Punitive measures...</p>
Bosnia and Herzegovina	<p>An alien who is illegally staying on the territory of Bosnia and Herzegovina shall be issued a decision on expulsion, by which he/she is ordered to leave Bosnia and Herzegovina in a certain time period. In addition, such alien may be given surveillance in order to secure that the decision on expulsion, cancelation of stay or other reasons regulated by the law are implemented.</p>
Croatia	<p>The provisions of international law...</p> <p>Laws:</p> <ul style="list-style-type: none"> <li>- Police Act ("Official Gazette" No. 34/11)</li> <li>- Law on Police Matters and Powers ("Official Gazette" No. 76/09)</li> <li>- Aliens Act ("Official Gazette" Nos. 79/07, 36/09)</li> <li>- Law on State Border Surveillance ("Official Gazette" Nos. 173/03, 141/06, 8/07, 40/07, 146/08)</li> <li>- Asylum Act ("Official Gazette" Nos. 79/07, 88/10)</li> <li>- Misdemeanor Act ("Official Gazette" No. 107/07)</li> <li>- Criminal Code ("Official Gazette" Nos. 110/94 and 105/04)</li> <li>- The Criminal Procedure Act ("Official Gazette" Nos. 152/08, 76/09, 80/11)</li> <li>- Law on General Administrative Procedure ("Official Gazette" No. 47/09)</li> </ul> <p>Regulations: 1</p> <p>International Agreements</p> <ul style="list-style-type: none"> <li>- Agreements on the Readmission of Persons</li> </ul> <p>Ordinances: 8</p> <p>Protocols: 2</p>
Macedonia	<p>Law on Border Control (Articles 68, 69 and 13 of the misdemeanour provision section of the Law on Border Control)</p> <p>Law on Aliens (Articles 149 and 150, Chapter 11- Penal provisions for crimes and misdemeanours under the Law on Aliens)</p> <p>Criminal Code (Article 418-b: Migrant Smuggling and Article 420- Illegal crossing of the state border of the Criminal Code of the Republic of Macedonia).</p>
Montenegro	<p>Law on Foreigners provides for prohibition from entry of a foreigner if:</p> <ol style="list-style-type: none"> <li>1) not fulfil conditions laid down...</li> <li>2) ... does not have sufficient means of subsistence...</li> <li>3) ... not fulfilling the conditions for entry into a third country;</li> <li>4) ... is imposed a protective measure...</li> <li>5) it is required for reasons of national security, public order or public health;</li> <li>6) ... is registered as an international offender in relevant records. Prohibition from entry is affixed into a foreigner valid travel document.</li> </ol> <p>Pursuant to Article 61 of the Law on Foreigners, illegal residence is considered to be the following: a foreigner residing without visa, residence approval or other legal grounds.</p>
Serbia	



## Annex I.6

## 6. Which national institutions/agencies are involved in combating smuggling of persons and THB?

Albania	<p>Various central and local structures are involved in combating sex and labor trafficking:</p> <ul style="list-style-type: none"> <li>- The State Committee for the Fight against Human Beings</li> <li>- National</li> <li>- Coordinator for the Fight against Trafficking in Human Beings</li> <li>- National Antitrafficking Task-Force</li> <li>- Responsible Authority</li> <li>- Regional Antitrafficking Committees</li> </ul>
Bosnia and Herzegovina	<p>...: the state coordinator for combat against trafficking in humans and illegal migrations, Ministry of Security of Bosnia and Herzegovina, State Investigation and Protection Agency (SIPA), Border Police of Bosnia and Herzegovina, Service for Foreigners' Affairs, Prosecutor's Office and the Court of BiH, Ministry for Human Rights and Refugees of Bosnia and Herzegovina, Agency for Gender Equality of Bosnia and Herzegovina, Ministry of Civil Affairs of Bosnia and Herzegovina, Ministry of Foreign Affairs of Bosnia and Herzegovina, entity, cantonal a Sanctions for smuggling and trafficking in humans ... and municipal institutions and organizations, as well as the Brcko District authorities for interior affairs, social welfare, science and education, refugees and returnees, gender centers, prosecutors' offices, etc.</p>
Croatia	<p>Ministry of Foreign Affairs and European Integration; Ministry of Interior; Ministry of Justice; Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity; Ministry of Health and Social Welfare; Ministry of Science, Education and Sports; Ministry of Economy, Labour and Entrepreneurship; Ministry of Defence; State Attorney's Office; Office for Combating Corruption and Organized Crime; Human Rights Office of the Croatian Government; Agency for the Protection of Personal Data; Croatian Red Cross; International Organization for Migration (IOM); and the network "Petra" – a network ....; in Zagreb - The Autonomous Women's House, The Women's Room Center for Women War Victims Rosa (also the coordinator of the Network), SDF (Serbian Democratic Forum), and Better Future; in Split - Organization for Integrity and Prosperity, Women's Group Split; in Slavonski Brod - Women's Group Brod; in Porec - Center for Civic Initiatives; and Pakrac - Delfin. ..the National Committee for Combating Trafficking,...).</p>
Macedonia	<p>National Commission for Fight against Trafficking in Human Beings and Illegal Migration, Ministry of the Interior (SBAM, Illegal Migration Units at Regional Centres for Border Affairs, Centre for Suppression of Organized and Serious Crime, Unit for Fight against Trafficking in Human Beings and Migrant Smuggling).</p>
Montenegro	<p>Office for the Fight Against Trafficking in Human Beings, Police Directory, Ministry of Interior, Ministry of Labor and Social Welfare, Ministry of Health.</p>
Serbia	<p>Ministry of Interior (Border Police Directorate, Criminal Police Directorate, Regional Police Directorates, Traffic Police, Gendarmerie etc), Republic Prosecutors Office and Security Information Agency.</p>

## Annex I.7

7. Please provide information on national and international legal instruments/penalties/sanctions for combating and smuggling of people and trafficking in human beings.

Albania	<p>- Separated criminal offence in the Criminal Code (CC), respectively in article 110/a "Trafficking in Persons", 114/b "Trafficking in Women" and 128/b "Trafficking in Minors".</p> <p>Trafficking in Persons</p> <p>Article 110/a</p> <p>Article 114/b</p> <p>Trafficking in Women ...</p> <p>Article 128/b</p> <p>Trafficking in Minors...</p>
Bosnia and Herzegovina	<p>Criminal Code of BiH:</p> <p>For persons taking part in the recruitment, transportation, transfer, harboring, or receipt of persons, using force, threats or other forms of constraint (trafficking in humans), as well as persons who, in order to acquire financial or material benefit, work on illegal transferring of other persons over state borders or enable others to illegally cross state borders (human smuggling), an adequate sanction is foreseen.</p>
Croatia	<p>...Art. 175 of the Criminal Code;</p> <p>Amendments to the Criminal Code (Law on Amendments to the Criminal Code which entered into force in 2006) have added a new paragraph to the existing provisions of Article 175..., while amendments from 2008 have criminalized the illegal adoption of a child and criminal offence by virtue of office.</p> <p>...The most important domestic laws and by-laws that govern this area are: Criminal Code, Criminal Procedure Act, Witness Protection Act, Aliens Act, Act on the Responsibility of Legal Persons for Criminal Offences, Law on Amendments to the Social Welfare Act, and the protocols:</p> <p>Among the the national strategic documents, a National Plan to Combat Trafficking has been in effect since 2009 – 2011.</p> <p>Smuggling of persons is incriminated in the Art. 177 of the Criminal Code, and states:...</p> <p>... Croatia is a party to the United Nations Convention against Transnational Organized Crime, ..."Official Gazette" - International Treaties, No. 14/2002).</p> <p>...this Convention, together with Protocols:...; have been in effect since 29 September 2003.</p>
Macedonia	<p>Criminal Code of the Republic of Macedonia:</p> <ul style="list-style-type: none"> <li>- 418-a: Trafficking in human beings</li> <li>- 418-b: Migrant Smuggling</li> <li>- 418-b: Organizing a group and inciting the perpetration of the crimes of trafficking in human beings and migrant smuggling</li> <li>- 418-d: Trafficking in Minors</li> </ul> <p>Law on Border Control.</p>

Montenegro	<p><i>The Law on Amendments to the Criminal Code of the Republic ... (June 2002) introduced the criminal offences of trafficking in human beings for the first time. ..was established as a criminal offence by Article 444 of the Criminal Code.</i></p> <ul style="list-style-type: none"> <li>- <i>Article 445 and enslavement and transport of enslaved persons – Article 446 (all these criminal ... (criminalisation of trafficking in human beings and criminalisation of use of victim's services),</i></li> <li>- <i>The Law on Amendments to the Criminal Code (Official Gazette ... 25/2010) ... criminalising the use of victim's services as a special form of this criminal offence (paragraph 7 of Article 444).</i></li> <li>- <i>The Law on Ratification of the CoE Convention on the Compensation of Victims of Violent Crimes (Official Gazette ... – International Treaties 6/09) entered into force on 1st July 2010.</i></li> <li>- <i>The Law on Juvenile Justice has been adopted. A follow up to the Juvenile Justice Reform Compensation of Victims of Organised Criminal Offences.</i></li> </ul>
Serbia	

## Annex I.8

## 8. Which national institution/agency is responsible for asylum matters?

Albania	
Bosnia and Herzegovina	<i>The agency responsible for the issue of asylum is the Service for Foreigners' Affairs, acting within the Ministry of Security of Bosnia and Herzegovina.</i>
Croatia	<p><i>The Ministry of Interior is responsible for matters of asylum in the Republic of Croatia;</i></p> <p><i>The second instance is in the jurisdiction of the Commission for Asylum (an independent and impartial body composed of 6 members: ...</i></p> <p><i>As of 1 January 2012, the Decision of the Ministry of Interior cannot be appealed against, but an appeal shall be filed to an administrative court only, and in this way the judicial review of Ministry decisions shall be provided. Apart from these bodies, competent state authorities in charge of exercising individual rights will carry out certain rights of asylum seekers, asylees, and aliens under subsidiary or temporary protection.</i></p>
Macedonia	<i>The Ministry of the Interior (Asylum Unit at the Department for Civil Affairs at the Ministry of the Interior) is responsible for implementing the procedure for recognition of the right to asylum, then for issuance of personal identity documents to recognized refugees, to persons under subsidiary protection, and to asylum seekers, while the Ministry of Labour and Social Policy is in charge of the reception and provision of care for these persons.</i>
Montenegro	<i>Ministry of Interior- Sector for Administrative and Internal Affairs-Asylum Office, Bureau for the Care of Refugees.</i>
Serbia	<p><i>Currently, Asylum Section (as a part of Department for Foreigners) is in charge for conducting asylum matters.</i></p> <p><i>Under the Law on Asylum, the Commissariat for Refugees is responsible for providing accommodation to asylum seekers in the Asylum Centres.</i></p>

## Annex I.9

## 9. Please provide information on legal framework (laws, by-laws, instructions etc.) regulating asylum matters.

Albania	
Bosnia and Herzegovina	<i>The Law on Movement and Stay of Aliens and Asylum regulates the requirements for acquiring of asylum and cessation of validity of asylum.</i>
Croatia	<ul style="list-style-type: none"> <li>- Asylum Act ("Official Gazette" Nos. 79/07 and 88/10).</li> <li>- Ordinance on forms ... ("Official Gazette", Nos. 36/08, 46/08, 9/10, and 88/11).</li> <li>- Ordinance on free legal ... ("Official Gazette", Nos. 36/08 and 139/10).</li> <li>- Ordinance on the accommodation ... ("Official Gazette", No. 36/08).</li> <li>- Ordinance on the amount of financial support ... ("Official Gazette", No. 39/08).</li> <li>- Ordinance on the contents of medical examination ... ("Official Gazette", No. 39/08).</li> <li>- Rules of Procedure of the Commission for Asylum ("Official Gazette" No. 120/10).</li> <li>- Ordinance on the manner of program implementation and knowledge ... ("Official Gazette", No. 89/08).</li> <li>- Decision about the program of Croatian language, history and culture ... ("Official Gazette" No. 129/09).</li> <li>- Decision on costs of the shelter ... ("Official Gazette" No. 49/08).</li> <li>- House Order of the Reception Centre for Asylum Seekers.</li> </ul>
Macedonia	<p>Law, bylaws, instructions regulating asylum:</p> <ul style="list-style-type: none"> <li>- Law on Asylum and Temporary Protection of the...LATP) (Official Gazette of... No. 49/03);</li> <li>- Law Amending and Supplementing the Law on Asylum and Temporary Protection (Official Gazette of... No. 66/07, 142/08, 19/2009 u 146/09);</li> </ul> <p>Secondary legislation adopted under the said law and entry into force:</p> <ul style="list-style-type: none"> <li>- Rulebook on the format of the asylum application... (Official Gazette of... No. 49/03);</li> <li>- Rulebook amending and supplementing the... (Official Gazette of... No. 76/09 and 78/2010).</li> <li>- Legislative areas subject to amendments owing to harmonization with EU Directives:</li> <li>- Council Directive 2003/9/EC, 27 January 2003</li> <li>- Council Directive 2004/83/EC, 29 April 2004</li> <li>- Council Directive 2005/85/EC, 1 December 2005</li> </ul>
Montenegro	<i>Law on Asylum (Official Gazette of the Republic ... 45/06); Decree on content and procedure of records keeping in the field of asylum (Official Gazette ... 09/08); Decree on financial aid to a person seeking asylum, being granted refugee status, and subsidiary protection (Official Gazette ... 56/08); Rulebook on asylum applications forms and record forms of orally submitted asylum application (Official Gazette ... 04/07); Rulebook on procedure for taking photo, fingerprints, signatures and other data from asylum seeker (Official Gazette ... 04/07).</i>
Serbia	<i>The main legal act for asylum matters is Law on Asylum. Additionally, Law on Administrative Procedure and Law on Aliens are also implemented. Beside laws mentioned, there are a certain number of by-laws regulating asylum issues (Code of Rules on Social Assistance for Asylum Seekers and Persons having been granted an Asylum, Rulebook on Contents and Layout of Asylum Application Form and Documents issued to the Asylum Seekers and Persons who have been granted an Asylum or a Temporary Protection, Rules of the House in the Asylum Centre, Rules on keeping Record about Persons accommodated in the Asylum Centre, Rules on the board and lodging in the Asylum Centre, Rulebook on Medical Examinations of Asylum Seekers at the Reception in the Asylum Centre).</i>

## Annex I.10

## 10. Which state institution is responsible for border management?

Albania	<ul style="list-style-type: none"> <li>- Border and Migration Police, the Directorate General of State Police, the Ministry of Interior</li> <li>- Customs Service (Ministry of Finance)</li> <li>- Phyto-Sanitary Service (Ministry of Agriculture, Food and Consumer Protection)</li> <li>- Veterinary Services (Ministry of Agriculture, Food and Consumer Protection)...</li> </ul>
Bosnia and Herzegovina	<i>The Ministry of Security of Bosnia and Herzegovina – Border Police of Bosnia and Herzegovina, in cooperation with the Indirect Taxation Authority, Administration for Plant Health Protection and the Veterinary Office of Bosnia and Herzegovina are the state agencies responsible for border management.</i>
Croatia	<i>The Border Directorate of the Ministry of Interior is in charge of the border matters management.</i>
Macedonia	<ul style="list-style-type: none"> <li>- National Commission for Border Management at the Government of the Republic of Macedonia,</li> <li>- National Coordination Centre for Border Management at the Government of the Republic of Macedonia,</li> <li>- Ministry of the Interior - Sector for Border Affairs and Migration,</li> <li>- Ministry of Defence,</li> <li>- Ministry of Foreign Affairs,</li> <li>- Ministry of Finance – Customs Administration,</li> <li>- Ministry of Agriculture, Forestry and Water Economy, Ministry of Health,</li> <li>- Ministry of Transport and Telecommunications,</li> <li>- Ministry of Environment and Urban Planning.</li> </ul>
Montenegro	<i>Police Directory, Ministry of Interior, Custom, Ministry of Foreign Affairs and European Integration, Ministry of Labor and Social welfare, Office for the fight combating THB.</i>
Serbia	<i>Ministry of Interior, Ministry of Finance and Ministry of Agriculture, Trade, Forestry and Water Management.</i>

## Annex I.11

## 11. Please provide information on legislation regulating control and surveillance of the state border.

Albania	<i>Some 92 documents cited ...</i>
Bosnia and Herzegovina	<i>The Law on Border Control was passed in 2009 and amended in 2010. This Law regulates the issue of control and crossing of state borders, locations for border crossings, border lines, protected zones, control of transfer of weapons and ammunition over state border, international police cooperation and other issues related to border control</i>
Croatia	<i>Management and supervision of the state border are regulated by the Border Control Act.</i>
Macedonia	<i>Law on Border Control and Law on Aliens</i>
Montenegro	<i>Law on Border Control (Official Gazette ... 72/09); Law on Foreigners (Official Gazette ... 82/08) , The Law on Employment and Work of Foreigners (Official Gazette ... 22/08) ; Law on Asylum (Official Gazette of the Republic ... 45/06); Law on citizenship (Official Gazette ... 13/08); Law on permanent and temporary register (Official Gazette ... 13/08 and 41/10); Law on central register of population (Official Gazette ... 49/07 and 41/10) Law on travel documents (Official Gazette ... 21/08 and 25/08); Criminal Code (Official Gazette of the Republic ... 70/03 and 47/06 and Official Gazette ... 40/08 and 25/10).</i>
Serbia	<i>Some 34 documents cited.</i>

## Annex I.12

## 12. Which institution/agency is responsible for visa and consular matters?

Albania	
Bosnia and Herzegovina	<i>The Ministry of Foreign Affairs of Bosnia and Herzegovina is responsible for visas and consular issues. The Border Police is responsible for the visa issue on the state border.</i>
Croatia	
Macedonia	<i>Ministry of Foreign Affairs -MOI can issue visa at the BCPs, exceptionally, under conditions prescribed by the law and only upon previous consent given by the Ministry of Foreign Affairs.</i>
Montenegro	<i>Ministry of Foreign Affairs and European Integration- Sector for consular and Diaspora matters, Police Directory.</i>
Serbia	<i>Ministry of Foreign Affairs, Ministry of Interior.</i>

## Annex I.13

13. Please provide information on legislation regulating implementation of national visa policy and consular affairs (laws, by-laws, instructions etc.).

Albania	
Bosnia and Herzegovina	<i>The main regulations that regulate the visa regime policy are the Law on Movement and Stay of Aliens and Asylum, Rulebook on issuing of visas for long-term stay and procedure for issuing of such visas, as well as the Rulebook on procedures for issuing of visas in diplomatic-consular offices of Bosnia and Herzegovina.</i>
Croatia	
Macedonia	<i>Law on Aliens Rulebook on the manner of issuance visas to aliens, extension of the validity, revocation and cancellation of visas and on the visa's template and the manner of keeping records (OG of RM, no. 71/07).</i>
Montenegro	<i>The Law on Foreigners (Official Gazette of... 82/08); The Law on Employment and Work of Foreigners (Official Gazette of... 22/08); Law on Travel Documents (Official Gazette of... 21/08 and 25/08); Law on Identity Card (Official Gazette of... 12/07); The Decree on Visa Regime (Official Gazette of ... 18/09); The Rulebook on procedures ... (Official Gazette of... 58/09); The Law on Border Control (Official Gazette of ...72/09); The Rulebook on visas and visa forms (Official Gazette of... 64/09).</i>
Serbia	<i>Law on foreigners, Rulebook on visas.</i>



## Annex I.14

## 14. Which national institution/agency is responsible for management of labour migration?

Albania	
Bosnia and Herzegovina	<i>Department of Labour, Employment, Social Protection and Pensions of the Ministry of Civil Affairs of BiH; Labour and Employment Agency of BiH... and the Employment Service of the Brčko District of BiH.... Please note that labour, employment, social security and pensions are under the exclusive responsibility of the entity and the Brcko District of...Service for Foreigners' Affairs (Approving of temporary stay permits on basis of employment).</i>
Croatia	<i>The regulation regarding aliens in the Republic of Croatia (issuing work and business permits) is within the jurisdiction of police departments and police stations of the Ministry of Interior of the Republic of Croatia.</i>
Macedonia	<i>Ministry of Labour and Social Policy (MLSP) and State Agency for Employment are responsible for management of labour migration.</i>
Montenegro	<i>Ministry of Labor and Social Welfare, Employment Agency.</i>
Serbia	<i>Ministry of Labour and Social Policy, Ministry of Economy and Regional development.</i>



## Annex I.15

15. Please provide information on national legislation regulating labour migration and signed and ratified international legal instruments regulating labour migration.

Albania	
Bosnia and Herzegovina	<p><i>The Department of Labour, Employment, Social Protection and Pensions of the Ministry of Civil Affairs implements the Law on Movement and Stay of Aliens and Asylum ("Official Gazette of BiH", No. 36/08) in its work in the field of labour migration.</i></p> <p><i>Bosnia and Herzegovina also ratified two ILO Conventions in the field of labour migration on 2 June, 1993, i.e. the Migration for Employment Convention, 1949 (No. 97) and the Migrant Workers Convention, 1975 (No. 143). The Social Security (Minimum Standards) Convention, 1952 (No. 102) was ratified the same year. Please note that Bosnia and Herzegovina has ratified a total of 81 of the ILO Conventions, of which four are in the process of cancellation. By signing the Dayton Peace Accords, Bosnia and Herzegovina has undertaken the implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990.</i></p>
Croatia	<p><i>...employment status of aliens in the ...Croatia is regulated by:</i></p> <ul style="list-style-type: none"> <li><i>i. Aliens Act ("Official Gazette" Nos. 79/07 and 36/09),</i></li> <li><i>ii. Ordinance on .. ("Official Gazette" Nos. 36/08 and 65/10),</i></li> <li><i>iii. Ordinance .. ("Official Gazette", No. 61/09),</i></li> <li><i>iv. Ordinance .. ("Official Gazette", No. 42/08),</i></li> <li><i>v. Ordinance .. ("Official Gazette", No. 62/08,,)</i></li> <li><i>vi. Regulation .. ("Official Gazette", No. 88/09),</i></li> <li><i>vii. Decision .. ("Official Gazette", No. 19/11),</i></li> <li><i>viii. Protocol ... ("Official Gazette - International Treaties", No. 13/00), and</i></li> </ul> <p><i>- Stabilisation and Association Agreement between the European Communities and their Member States, and the Republic of Croatia.</i></p>
Macedonia	<i>The Law on Employment and Work of Foreigners regulates labour migration.</i>
Montenegro	<i>Law on Employment and Work of Foreigners (Official Gazette of Montenegro, 22/08), Law on Foreigners (Official Gazette of Montenegro, 22/08).</i>
Serbia	

## Annex I.16

## 16. Which national institution/agency is responsible for diaspora?

Albania	
Bosnia and Herzegovina	<i>...jurisdiction of the State. Ministry for Human Rights and Refugees (MHRR), through its Department for Emigrants/Diaspora Matters. It is within this competence that the Department for Emigrants/Diaspora Matters, with its 10 employees in total, Cooperation with the organizations and individuals in diaspora. The Ministry of Foreign Affairs of BiH is responsible for consular support to BiH citizens permanently or temporarily staying abroad.</i>
Croatia	
Macedonia	<i>The care for the Macedonian Diaspora is part of the competences of the Ministry of Foreign Affairs - the Cabinet of the Minister, Sector for National Priorities. As a separate state body, the Agency for Emigration is competent to work on issues related to emigrants. Thus, its competences involve creating conditions for the return of emigrants to their homeland, as well as inclusion of emigrants in the public and economic life in the Republic of Macedonia, and strengthening and advancing the relations with the emigrants and their organizations.</i>
Montenegro	<i>Center for Emigrants, Ministry of Foreign Affairs and European Integration- Sector for consular and Diaspora matters.</i>
Serbia	<i>Ministry of Religion and Diaspora</i> .

## Annex I.17

17. Is there a legislation regulating diaspora matters in your country? If there is please specify.

Albania	
Bosnia and Herzegovina	<i>There is no Law on Diaspora in Bosnia and Herzegovina. MHRR Department for Emigrants/Diaspora Matters prepared the Draft Law on Ensuring Cooperation with BiH Diaspora in 2010 which was not adopted by the Council of Ministers of BiH. The Department for Emigrants/Diaspora Matters being aware of the necessity for BiH to enact such a law undertakes further activities on drafting new proposal of the Law on Diaspora.</i>
Croatia	
Macedonia	<i>The Republic of Macedonia does not have a law on the Diaspora. Instead this issue is regulated by the Constitution of the Republic of Macedonia (Article 49) and the Law on Foreign Affairs (Official Gazette of the Republic of Macedonia No. 46/2006).</i>
Montenegro	<i>Strategy of cooperation with the Diaspora.</i>
Serbia	

## Annex I.18

18. Please specify if a leading agency designated by the government for co-ordination and supervision of all involved actors in migration management exists? If so, please name it.

Albania	
Bosnia and Herzegovina	<i>Coordination Body for monitoring of implementation of the Strategy in the area of immigrations and asylum and the Action Plan.</i>
Croatia	<i>Ministry of Interior of.. is the central government body responsible for matters related to the stay and work of aliens in the Republic of Croatia.</i>
Macedonia	<i>Inter-Ministerial Group for... design of the migration policy of the Republic of Macedonia, established under a Decision of the Government of the Republic of Macedonia, dated 26 August 2008.</i>
Montenegro	<i>- no specific leading agency ... for co-ordination and supervision..., but in March 2011, the Government ... adopted the Strategy for Integrated Migration Management ... and Action Plan for Implementation of the Strategy for 2011 and 2012. ... the Coordination Body for monitoring the Strategy and Action plan is established. Within this Coordination Body are representatives of Ministry of Interior, Ministry of Foreign Affairs, Ministry of Labor, Ministry of Health, Ministry of Education, Police Directorate, Employment Agency, Refugee Care Bureau and MONSTAT. Ministry of Interior have a leading role within this Coordination body.</i>
Serbia	<i>The improved coordination and cooperation between the ministries came with the Migration Management Strategy and forming of the Coordination Body on Monitoring and Managing Migration which consist of the Vice President of the Government, who is in charge for social policy and social activities, and eight ministers competent for individual aspects of migrations within their ministry. The Commissioner for refugees participates in the work of the Coordination Body. The Coordination Body ensures a uniform migration policy as well as harmonisation of activities of competent ministries in filed of migration management. Professional, operational, administrative and technical activities are performed by the Commissariat for Refugees on behalf of the Coordination Body. In doing so, the Commissariat is leading the work of the technical working group, and the overall.</i>

## Annex I.19

19. Does an inter-agency (inter-ministerial) working group on a national level tasked with co-operation, co-ordination of operative actions of implementing bodies and information sharing between all key stakeholders in migration management exist?

Albania	
Bosnia and Herzegovina	Yes;
Croatia	<i>Supervision over the implementation of the Aliens Act is conducted by the Ministry of Interior. Inspection of the implementation of parts of the Act relating to the employment of aliens in the Republic of Croatia is carried out by the State Inspectorate.</i>
Macedonia	<i>Inter-Ministerial Group for design of the migration policy of the Republic of Macedonia, established under a Decision of the Government of the Republic of Macedonia, dated 26 August 2008.</i>
Montenegro	<i>According to the Strategy for Integrated Migration Management in Montenegro 2011-2016, the Coordination Body for monitoring the Strategy and Action plan is established. Also, cooperation, coordination and exchange of data on foreigners has been done on a daily basis between the Ministry of Interior, the Ministry of Labor, the Ministry of Foreign Affairs, the Police Directorate, the Employment Agency, the Statistics Agency (MONSTAT), both on the central and local level.</i>
Serbia	<i>Technical working group is established by the Commissariat for Refugees that consists of representatives of ministries included in the Coordination body. Technical working group is tasked with working on the Migration profile of the Republic of Serbia and establishing the data sharing system between the relevant institutions for the migration management.</i>

## Annex I.20

## 20. What is the legal basis for co-operation between various institutions/agencies managing migration on national level?

Albania	
Bosnia and Herzegovina	<i>Decision of the BiH Council of Ministers on the appointment of Coordination Body for monitoring of implementation of the Strategy in the area of immigrations and asylum and the Action Plan (Decision by Council of Ministers no. 49/09 dated March 19, 2009 - „BiH Official Gazette“ number 32/09).</i>
Croatia	<i>- Is based on the Law on Administration (“Official Gazette” Nos. 75/93, 92/96, 48/99, 15/00, 127/00, 59/01, 199/03, and 79/07), where the mutual cooperation between ministries, central government offices, and public administration organizations is envisaged. Ministries, central government offices and state administrative organizations are required, among other things, to provide technical assistance, expert opinions, etc. to state administration offices of the local (regional) government.</i>
Macedonia	<i>Decision of the Government of the Republic of Macedonia establishing an Inter-Ministerial Group for Design of the Migration Policy of the Republic of Macedonia and Article 56 of the Law on Border Control relating to the establishment and competencies of the National Coordination Centre for Border Management.</i>
Montenegro	<i>The legal basis for cooperation between various state institutions/agencies managing migration on national level is Law on State Administration. This law obliged all state institutions/agencies on mutual cooperation. Also, the Ministry of Interior and the Police Directorate signed an agreement with the Statistical Office (MONSTAT) defining the deadline for the Ministry to forward data, on a monthly basis, and with the use of specific form, to MONSTAT for further elaboration.</i>
Serbia	<i>Based on the existing laws and by-laws from the field of migration. Additional obligations for cooperation are established by the Migration Management Strategy, Action plan for the implementation of the Migration Management Strategy 2011-2012, and the Decision on the establishment of the Coordination Body on Monitoring and Managing Migration (“Official Gazette of the RS”, No. 13/09). The Law on Migration Management system, whose adoption is soon expected.</i>







## II. COUNTRY OVERVIEW ON ILLEGAL MIGRATION, COMBATING TRAFFICKING AND SMUGGLING OF HUMAN BEINGS

### Annex II.1.1

#### 1.1. Flows of illegal migration: main events, trends, tendencies of illegal migration in your country?

Albania	<p>The observed trends of migrations in 2009 and 2010 are:</p> <p>1.1. Refusal of entry to BiH ...has been decreased for 31.14% in 2010.</p> <p>1.2. Detected illegal crossing of state border.. in 2010 amounted to 322 and presents a 15.49% decrease.</p> <p>1.3. Cancellation of stay.. in 2010 amounted to 397,... As for cancellation of permanent stay in 2010, a significant increase of 194.44% was registered, when 106 permanent stay permits were canceled...</p> <p>1.4. Decisions on expulsion... in 2010 was 410, which is represents a decrease of 13.50%.</p> <p>1.5. Aliens under surveillance...in 2010, which represents an increase of 63.35%....</p> <p>1.6. Forceful alienation of aliens from BiH In 2010, a total of 19 aliens were alienated, which represents a decrease of 82.57% ..</p> <p>1.7. Admission pursuant to ... Readmission with the Republic of Croatia, a total of 119 citizens of third countries were admitted in 2010, which represents a decrease of 2.46%...</p> <p>1.8. International protection (asylum) In 2010, 64 persons claimed international protection (asylum) in Bosnia.</p>
Bosnia and Herzegovina	
Croatia	In 2010, 1,211 (1,415) migrants were caught on the territory of the Republic of Macedonia.
Macedonia	<p>Montenegro was usually transit area for migrants from Kosovo and Republic of Albania who were going to EU countries. Mostly, they are economic migrants , aiming to provide better conditions of life for their families.</p> <p>Trend: This trends continued during 2009 and 2010, but reduced compared to the previous period.</p> <p>The number of illegal border crossings decreased during 2010 ( 507 to 377) as result of progress in control of the green zone.</p>
Montenegro	<p>- Total of 82 criminal charges have been pressed against 156 persons for human smuggling during 2009, in comparison to 106 criminal charges in total against 211 perpetrators in 2010....</p> <p>- The RS citizens are still among most numerous smugglers that have been detected and apprehended by the police.</p> <p>- Nine smugglers, citizens of the Republic of Macedonia, have been detected during 2010. For the first six months of 2011, 11 of them have been reported, while there were no Macedonian smugglers identified in pressed criminal charges in 2009. In 2010, and for the first six months of 2011, there have been no identified nor reported smugglers, citizens of Bosnia and Herzegovina, comparing to 5 of them detected in 2009.</p>
Serbia	

## Annex II.1.2

## 1.2. Flows of illegal migration: the main difference between the years 2009 and 2010 from the point of view of the actual demographic processes of illegal migration?

Albania	
Bosnia and Herzegovina	<i>Decreased number of illegal entries by aliens to Bosnia and Herzegovina.</i>
Croatia	
Macedonia	<p><i>...Compared with the same period last year, represent a decrease of 18%. Similarly to last year, most of the migrants were Albanian nationals (892), this being the only large (in terms of its number) group caught at the Macedonian-Greek border, headed towards Greece.</i></p> <p><i>The trend of decreasing number of Albanian migrants can also be noticed, compared with last year... It should be noted that in 2010 migrants from Asian and African countries were caught, who use the Balkan...The number of ..is not high, but there are indications that their number will grow.</i></p> <p><i>The 2010 security situation at the Macedonian borders with the neighbours does not significantly differ from the 2009 border security situation</i>  <i>In 2010, 1,211 in 2009 = 1,415 total.</i></p>
Montenegro	<i>The difference from the previous period is increasing number of migrants from Republic of Albania, Kosovo and Turkey, usually misusing the free visa regime, as well as migrants from afro- Asia area( Morocco, Algeria, Libya, Afghanistan and etc.)</i>
Serbia	<p><i>Comparing to 2009, the number of detected illegal migrants originating from Afro-Asian countries has increased significantly during 2010, thus increasing the number of investigated human smuggling cases and pressed criminal charges, as well.</i></p> <p><i>Appearance of macedonina smuglers: there were no Macedonian smugglers identified in pressed criminal charges in 2009.</i></p>

## Annex II.1.3

*1.3. Flows of illegal migration: If the number of apprehensions has increased or decreased, please explain the reasons why. Please focus on the most important causes in your explanation.*

Albania	
Bosnia and Herzegovina	<i>The presented indicators, as well as the comparative analysis of these indicators, show good results in this area in 2010, thus it can be concluded that such situation is a result of implemented activities of all institutions, services and agencies involved in the combat against illegal migrations. In addition, this is a result of operational activities of inspectors for aliens on collecting of information on the organizers of smuggling of persons, directions of movement of illegal immigrants and timely submission of information to other law enforcement and security agencies, which resulted with the prosecution of persons involved in smuggling of aliens, which in turn resulted with a decreased number of illegal entries by aliens to Bosnia and Herzegovina.</i>
Croatia	
Macedonia	<p><i>The stricter visa policy and enhanced border controls, especially by EU member countries are also important determinants in this context.</i></p> <p><i>liberalization for the Republic of Albania</i></p> <p><i>This decreasing trend is expected to be intensified in 2011 considering the possibility of utilizing a legal channel for travel and taking into consideration the reduced labour demand in the Hellenic Republic (due to the economic crisis in this country</i></p> <p><i>A relevant factor to be taken into consideration in the context of illegal transit migration through the Western Balkans to the EU countries is of course the liberal visa policy of the Republic of Turkey towards its neighbouring countries.</i></p>
Montenegro	<i>Decrease of The number of illegal border crossings during 2010 ( 507 to 377) as result of progress in control of the green zone.</i>
Serbia	<i>This enlargement (na ukupnior br. Rimila charges. Vo 2010.) is the result of police proactive approach and the above mentioned trend of increased number of illegal migrants.</i>

## Annex II.2.1

*2.1. Legislation. Please list signed and ratified – international legal instruments in the last two years related to combating illegal migration, human smuggling and THB. (Multilateral and bilateral cooperation agreements and protocols).*

Albania	<ol style="list-style-type: none"> <li>1. Law ... <i>"On the Ratification of the Agreement between the Republic of Albania and United Kingdom, on the Transfer of Convicted Persons"</i>.</li> <li>2. Law .. <i>"On the Ratification of the Memorandum on Legal and Juridical Guaranties against illegal proceeding of personal data."</i></li> <li>3. Law ... <i>"On the ratification of the Third Supplementary Protocol of European Convention "On Extradition""</i>,</li> <li>4. Law ... <i>"On the ratification of the European Convention "On Exercise of Children's Rights"</i></li> <li>5. <i>"On the ratification of the Council of Europe Convention for Protection of Children from Sexual Abuse and Exploitation."</i></li> </ol>
Bosnia and Herzegovina	<p><i>In the past two years (August 2009) protocols (4) were signed on implementation of the Agreement between Bosnia and Herzegovina and the European Community on readmission of persons without stay permits with Estonia, Malta and Austria. an Agreement was signed between the Council of Ministers of Bosnia and Herzegovina and the Government of the Republic of Croatia on readmission and transfer of persons whose entry or stay is illegal.</i></p> <p><i>Agreements were signed in the areas of combat against human trafficking and smuggling with the following countries: Republic of Croatia, Republic of Serbia, Republic of France, Qatar, Hashemite Kingdom off Jordan and the Kingdom of Spain.</i></p> <p><i>Agreements in the areas of combat against human trafficking and smuggling that have been in the legal procedure in the past two years: (with 9 countries).</i></p>
Croatia	<p><i>- Amendments to the Protocol for the identification, support and protection of victims of trafficking (Conclusion of the Government dated 11 February 2010)... include the following major amendments: the extension of time allowed for decision about the acceptance of help and care for adult victims of trafficking from 30 to 60 days, in accordance with provisions of the Council of Europe Convention on combating trafficking in human beings, and Amendments to the Aliens Act ("Official Gazette" No. 36/09). The stated relates to the rights of temporary residence for victims of trafficking in the Croatian territory and conditions for acquiring the status of victims of trafficking.</i></p>
Macedonia	<ul style="list-style-type: none"> <li>- <i>Readmission Agreement and an Implementation Protocol with the Republic of Serbia.</i></li> <li>- <i>The Ministry of the Interior of ... and the Ministry of the Interior of the Republic of Bulgaria signed a Protocol for the implementation of the Agreement between ... and the European Community on the Readmission of Persons residing without authorization.</i></li> <li>- <i>Protocols on the implementation of the Agreement between ... and the EC on the readmission of persons residing without authorization have been signed with Austria and Estonia.</i></li> <li>- <i>The texts of the Agreement on readmission between ... and the Swiss Confederation have been harmonized.</i></li> <li>- <i>The text of the Protocol on the implementation of the Agreement between ... and the EC between ... and Germany and the BENELUX countries has been harmonized.</i></li> <li>- <i>The Council of Europe Convention on Action against Trafficking in Human Beings was ratified on 27 May 2009.</i></li> </ul>

Montenegro	<p><i>Law on Ratification of the CoE Convention on the Compensation of Victims of Violent Crimes (Official Gazette of Montenegro – International Treaties 6/09) entered into force on 1st July 2010.....</i></p> <p><i>Montenegro has ratified and implemented into its legislative framework the United Nations Convention Against Transnational Organized Crime and Protocol against Trafficking in Human Beings</i></p> <p><i>and ratified ???Council of Europe Convention on Action against Trafficking in Human Beings,</i></p> <p><i>UN Convention on the Rights of the Child,</i></p> <p><i>Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography</i></p> <p><i>and Optional Protocol on the involvement of children in armed conflict.</i></p> <p><i>Bilateral readmission agreements (named in Chapter X).</i></p>
Serbia	<p><i>..Since January 1, 2010</i></p> <ul style="list-style-type: none"> <li><i>- Protocol between the GRS and the ... Austria, signed on June 25, 2010 in Belgrade;</i></li> <li><i>- Agreement between the GRS and the Republic of Bulgaria on Police Cooperation, signed on May 20, 2010, in Sofia;</i></li> <li><i>- Agreement between GRS and...; signed on April 26, 2010, in Belgrade;</i></li> <li><i>- Memorandum of Understanding between the MIR Serbia and the Serious Organized Crime Agency of the United Kingdom and Northern Ireland .. signed on March 18, 2010, in London;</i></li> <li><i>- Agreement between the RS and the Czech Republic on Police Cooperation .., signed on December 17, 2010, in Prague;</i></li> <li><i>- Agreement between the RS and the Kingdom of Spain on ..., signed on March 1, 2011, in Madrid;</i></li> <li><i>- Agreement ... between the GRS and the Albanian Council of Ministers, signed on March 11, 2011, in Belgrade;</i></li> <li><i>- Memorandum of Under. between the Ministry of Interior of the RS and the Ministry of Justice, Security and Human Rights of Argentina, concluded on June 9, 2010 in Buenos Aires;</i></li> <li><i>- Agreement between the RS and ...of Azerbaijan .., signed on May 13, 2010, in Baku;</i></li> <li><i>- Agreement between the GRS and the Council of Ministers of Bosnia and Herzegovina .., signed on September 24, 2010;</i></li> <li><i>- Memorandum of Understanding between the MIRS and ...of .., signed on June 7, 2010;</i></li> <li><i>- Memorandum on Cooperation with Japan, signed on December 1, 2010.</i></li> </ul>

## Annex II.2.2

2.2. Please name the adopted and amended national legal instruments regulating combating illegal migration, human smuggling and THB in the last two years (e.g. amended Penal Code, Law on Movement and Stay of Aliens, Law on State Border, legislation regulating protection of victims of trafficking, relevant by-laws, Strategic and Action Plans etc.).

Albania	<p>Law "On the protection of witnesses and justice collaborators";</p> <p>Law "On prevention and striking organized crime and trafficking through preventive measures against assets"</p> <p>Law "On juridical relations with foreign authorities in criminal matters";</p> <p>Law "On the Proclamation of the Moratorium for motorboats of the Republic of Albania".</p> <p>Law "On the declaration of Moratorium for speed ..;</p> <p>Law "On Social Assistance and Services",</p> <p>Law "On some changes and amendments to Law no. 8677, dated 02.11.2000 "On the organization and operation of the Judicial Police", amended version".</p> <p>The law on "Protection of children rights.</p> <p>.. Approval of Instruction no. 30, dated 05.02.2010 of...";</p> <p>Adoption of Order no. 69 dated 25.01.2010 of ...";</p> <p>..Order of the Minister of Interior No. 141, dated 27.04.2010 "</p> <p>In October 2010 was approved Instruction No. 359, dated 11. 10. 2010;</p> <p>CM no. 1008, dated 10.12.2010/</p>
Bosnia and Herzegovina	<p>beginning of 2010, ...passed the changes and addenda to the Criminal Code of BiH.... Modifying Article 186, which refers to human trafficking. The new article is now fully harmonized with the Council of Europe Convention on actions against human trafficking.</p> <p>With the adoption of the Law on Changes and Addenda to their Criminal Codes, the Federation of Bosnia and Herzegovina, Republika Srpska and the Brcko District harmonized their criminal legislations with the Criminal Code of Bosnia and Herzegovina.</p> <p>With the introduction of provisions on extended confiscation of benefits acquired by crime, the changes and addenda to the criminal legislation significantly improved the legal framework for confiscation of illegal profit gained from human trafficking.</p>
Croatia	<p>the National Operating Committee for Combating Trafficking shall notify the Ministry of Interior on acceptance of programs of assistance and protection,</p> <p>- Protocol on the procedure for the voluntary return of victims of trafficking (adopted by the Government on 23 December 2009)., Protocol on the integration/reintegration of trafficking victims.</p> <p>In 2010, the Work Group formed at the Office of Human Rights (composed of representatives of the Office of Human Rights; Ministry of Science, Education and Sports; Ministry of Health and Social Welfare; Ministry of Internal Affairs; Croatian Employment Service; Agency for Adult Education; Croatian Red Cross, and representatives of the NGO PETRA network) drew up the text of the Protocol which was adopted by the Conclusion of the Croatian Government on 5 May 5 2011. The purpose of this Protocol is to determine a code of practice and responsible bodies in the process of the integration of victims of trafficking into society.</p>

Macedonia	<p>... In 2009.</p> <ul style="list-style-type: none"> <li>- The Government ..adopted the Strategy and National Action Plan</li> </ul> <p>... (The Ministry of Labour and Social Policy prepared a  “Regulation on the norms and standards for facilities, equipment, expert staff and means required for establishment and work of the social protection institution - Centre for victims of trafficking” (Official Gazette of RM No.100/10 from 23.07.2010).</p>
Montenegro	<ul style="list-style-type: none"> <li>- The Law on Amendments to the Criminal Code (Official Gazette of Montenegro 25/2010) has introduced amendment to the criminal offence of trafficking in human beings by criminalising the use of victim’s services as a special form of this criminal offence (paragraph 7 of Article 444). The.</li> <li>- The implementation of the new Code of Criminal Procedure has started.</li> <li>- The Law on Juvenile Justice has been adopted. A follow up to the Juvenile Justice Reform Project has been approved for financing from IPA funds.</li> <li>- The Government has adopted the Bill on Free Legal Aid for victims of organised crime, including victims of trafficking of human beings, as well as the Bill on the Compensation of Victims of Organised Criminal Offences.</li> </ul> <p>New National Strategy to Combat Trafficking in Human Beings: ...which will cover the period 2011-2016, is in the process of being developed and should be adopted in the 4th quarter of 2011..</p> <ul style="list-style-type: none"> <li>- The Decree on visa regime (Official Gazette of Montenegro 18/09).</li> <li>- The Rulebook on procedures for granting temporary and permanent residence and issuing travel and other documents to foreigners (Official Gazette of Montenegro 58/09).</li> <li>- The Rulebook on visas and visa forms (Official Gazette of Montenegro 64/09).</li> </ul>
Serbia	<p>New Law on Foreigners – has being implemented since 1 April 2009</p> <p>New Law on Personal Data Protection - has being implemented since 1 January 2009</p> <p>New Law on Seizure and Confiscation of the Proceeds from Crime - has being implemented since 1 March 2009</p> <p>New Law on Responsibility of Legal Persons... since 4 November 2008</p> <p>New Law on Agency for Combat Against Corruption - to be implemented as of 1 January 2010</p> <p>In August 2009, amendments were made to the criminal code (Official Gazette of the RS No. 72/09) – ..( Integrated Border Management Strategy (..signed on 6 February 2009).</p> <p>Strategy of Confronting Illegal Migrations in the RS for the period 2009-2014 (2009) and Action Plan for implementing Strategy (May 2011)</p> <p>Strategy to Combat Trafficking in Human Beings (..addopted by Gov. 30 April 2009)</p> <p>Agreement of cooperation between..</p> <p>National plan of action to combat trafficking in human beings for the period 2009-2011 (Adopted by Gov. 30th April of 2009) – Strategy is from 2006. Mandatory instruction on Ethic anticorruption code for border police &amp; Ethic anticorruption code for visas and travel documents issuance.</p>



## Annex II.3.a

3. Institutional development: in past two years development of national institutions e.g. border guards, coordinated structure on the national level and other institutional mechanisms)?

3.a. Which steps have been taken to enhance institutional development and capacity building of national institutions involved in combating irregular migration, human smuggling and trafficking (e.g. by-laws and Book of rules on internal organisation, recruitment, training, information systems, data collection, information management, etc.)?

Albania	
Bosnia and Herzegovina	<p>Pursuant to the Action Plan (2008-2012) in 2009 activities continued on the establishment and building of capacities of regional monitoring teams for combat against human trafficking. Regional teams...</p> <p>Pursuant to this, regional teams have been set up for...</p> <p>As part of a three-year program financed by USAID, entitled "SUSTAIN", The Department for Combat against Human Trafficking, in cooperation with the (CRS), implemented activities on education about prevention of human trafficking in high schools. Protocol on conduct in cases of human trafficking was issued for Social Welfare Centers, and certain manuals were issued for students of social welfare. In the period July-August, the first draft Protocol on conduct in cases of human trafficking was elaborated for Social Welfare Centers.</p> <p>In 2009, activities continued on the development of databases for victims of human...</p> <p>-institutions and organizations: (1) prosecutor's offices, police service or services for foreigners' affairs; (2) local centers for social welfare; and (3) non-governmental organizations, safe houses and other institutions that identify the potential victims of human trafficking.</p> <p>Education of peacekeeping forces about human trafficking.</p> <p>In 2009, representatives of the OSCE Mission to Bosnia and Herzegovina, on basis of an earlier agreement with the state coordinator, held a series of lectures about human trafficking....</p>
Croatia	<p>Besides prevention, education of target groups is another very important non-repressive part of the overall strategy fo..... work on education is closely linked to the prevention of trafficking ... .. the education of target groups is foreseen in measures and activities of the National Plan for Combating Trafficking for the period since 2009 to 2011.</p> <p>...state administration authorities, international organizations, and NGOs have implemented numerous educational activities.. activity of all institutions and civil society organizations within the system ... Moreover, this is a segment of the cooperation between state institutions and NGOs that is particularly visible.</p> <p>...various forms of education and public awareness of this problem is planned for the forthcoming period.</p> <p>It is also important to mention that, in 2009, the Decree on Amendments to the Decree on the Office of Human Rights of the Croatian Government (Official Gazette No 15/2009) was issued, establishing the Department for combating trafficking in human beings and international cooperation, and work with petitions and complaints from citizens at the Office of Human Rights.</p>



Macedonia	<p><i>A new systematization of jobs at the Ministry of the Interior has been adopted, according to which the Sector for Border Affairs and Migration has posts such as commissioners, i.e. chief inspectors that will prepare risk analyses.</i></p> <p><i>In addition, a mobile border police unit has been established ...</i></p> <p><i>Finally, the number of desk officers at Units for illegal migration at Regional Border Affairs Centres has been increased.</i></p> <p><i>An integrated database on aliens, asylum and migration has been established.</i></p> <p><i>- A number of trainings for border police staff, in line with an annual training plan.</i></p> <p><i>A national database for victims .. ed ..as well as a database on perpetrators of crimes of trafficking in human beings.</i></p> <p><i>The Project for Strengthening the Capacities for Fight against Organized Crime, with a focus on trafficking in human beings, was implemented in 2009 and 2010 by the Ministry of the Interior, in cooperation with the IOM, under the TAIEX instrument. Under this project, training was provided for a total of 530 staff of the Ministry of the Interior, the Ministry of Labour and Social Policy and NGO representatives.</i></p>
Montenegro	<p><i>The Government Office for the Fight against Trafficking in Human Beings has set up a Tripartite Commission, made up of representatives of the Chief State Prosecutor, National Police and the Office for the Fight against Trafficking in Human Beings, which monitors statistics relating to trafficking of human beings. The Office collects high-quality statistics on victims of trafficking in human beings (this information is available at the website of the Office: <a href="http://www.antitrafficking.gov.me">www.antitrafficking.gov.me</a> ) and monitors criminal proceedings conducted against perpetrators of this criminal offence.</i></p>
Serbia	<p><i>New organizational challenges- rationalization and association of BPSs according to risk analysis.</i></p> <p><i>Activities for further development of Border Police Directorate taken in the period 2009-2011:</i></p> <p><i>Further harmonization of legislation and procedures with EU and Schengen standards Developing trans-border police cooperation – Further assisting in European and regional projects</i></p> <p><i>Full implementation of IBM and THB strategies, ..</i></p> <p><i>with special attention on professional knowledge</i></p> <p><i>Enhancing capacities for investigation, intelligence and risk analysis ...</i></p> <p><i>...together with OSCE mission to ..from 2009 planned and realized education for police officers ..course for trainers for 38 police</i></p> <p><i>Specialized course for combating ...with THB cases will be done.</i></p> <p><i>The Joint Programme .. by the (UNHCR), ..(IOM) ...(UNODC) in Serbia,</i></p> <p><i>- (UN.GIFT) during 2001 organized education on Fight against human trafficking for 60 Prosecutors, Judges and police officers.</i></p> <p><i>The Joint Programme also made proposal of the new answer of the Republic of Serbia in the field of suppression of human trafficking that include more operative Council for combating human trafficking and stronger positions of National Coordinator and the Agency for trafficking victims protection. This proposal was presented to the Coordinator for combating human trafficking.</i></p>

## Annex II.3.b

*3b) What is the role of the NGOs in the area of combating irregular migration, human smuggling and THB in your country?*

<b>Albania</b>	<p><i>Since July 2005, a Cooperation Agreement to Establish a National Referral Mechanism for the Enhanced Identification of and Assistance to Victims of Human Trafficking, .. signed between 3 ministries, National Receptive Center for Victims of Human Trafficking; and 2 NGO (Vatra"and "TjeterVizion) and the International Organization for Migration.</i></p> <p><i>Agreement ensures the identification, referral, rehabilitation and reintegration of victims of trafficking by governmental and non-governmental agencies. The Office of the National Coordinator is working on amending the Cooperation Agreement to Establish a National Referral Mechanism for the Enhanced Identification of and Assistance to Victims of Human Trafficking, with the aim of identifying, referring, protecting, assisting and reintegrating promptly the victims/potential victims of trafficking in accordance with the SOPs and ensuring stronger partnership with civil society.</i></p>
<b>Bosnia and Herzegovina</b>	<p><i>NGOs included in providing of assistance to the victims of human trafficking and the Department for Combat against Human Trafficking within the Ministry of Security.</i></p> <p><i>the role of NGOs is the prevention and protection of victims of human trafficking, as well as their reintegration and rehabilitation. The Ministry of Security of Bosnia and Herzegovina has formed a commission for selection of non-governmental organizations that will accommodate foreign citizens who are victims of human trafficking. .. the Commission selected two non-governmental organizations, it should be emphasized that funds have been secured in the Ministry of Security for financing of safe houses for the accommodation of victims of human trafficking...</i></p> <p><i>In 2010, the Ministry for Human Rights and Refugees allocated in the budget the sum of 60,000 KM for assistance to non-governmental organizations that offer direct assistance to the victims of trafficking who are citizens of Bosnia and Herzegovina.</i></p>
<b>Croatia</b>	<p><i>The role of NGOs in the national referral system is extremely important, and they are equal partners in fighting this phenomenon, through the creation of individual programs, assistance and protection of identified victims, management of two national shelters, cooperation with NGOs from the region, etc.</i></p> <p><i>In the reporting period, cooperation with NGOs is regulated by the following agreements: 4 with four different NGOs</i></p> <p><i>Agreements relate to the operation of national shelters for trafficking victims. Specifically, in Croatia there are two official shelters (one for adult victims, and the other for children) which are operationally run by civil society organizations (the Croatian Red Cross and Organization for Integrity and Prosperity of Split), and financed from the State Budget approved by the Ministry of Health and Social Welfare.</i></p>
<b>Macedonia</b>	<p><i>In line with the National Action Plan NGO's are involved in the preventive, protection and resettlement related activities for victims of trafficking in human beings.</i></p> <p><i>A state reception centre - Centre for victims of human trafficking has been opened on 28.01.2011.</i></p> <p><i>Following internal documents have been adopted for proper functioning of the Centre, according to international standards of human rights:</i></p> <p><i>Victims receive direct help and support from two NGOs who have signed a Memorandum for cooperation with MLSP:</i></p> <p><i>social support from "Open Gate" NGO and</i></p> <p><i>- psychological support form "For happy childhood" NGO.</i></p>

Montenegro	<p><i>The Government ..finances all costs associated with smooth functioning of the Shelter for Victims of Trafficking in Human Beings - as well as salaries of the activists of the NGO Montenegrin Women's Lobby, who are employed at the Shelter.</i></p> <p><i>In addition to the above mentioned shelter, victims are also offered asylum by NGOs Safe Women's House, SOS Nikisic and Home of Hope.</i></p> <p><i>The NGO SOS Niksic runs an open-type shelter and has tried and tested programmes for training of victims for various crafts. They also have workshops where victims are able to make products and sell them afterwards. .</i></p>
Serbia	<p><i>NGO`s are very active .. in the field of suppression of human trafficking. Specialized NGO`s are members of the Republic team for combating human trafficking together with relevant state agencies and IO`s (IOM, OSCE, UNHCR and UNICEF).</i></p> <p><i>NGO "Astra", NGO "Beosuport", NGO "Counseling Centre for Domestic Violence", NGO "Atina", NGO "Help the Children" are most proactive NGO`s in this area.</i></p>

## Annex II.4

*4. National practice. Which measures /standards have been introduced in order to improve identification of victims, detection, prosecution and sanctioning of perpetrators of crimes related to trafficking in persons (e.g. improved procedures for the identification of trafficked persons, improved procedures for the detection, prosecution and sanctioning of perpetrators, developed co-operation among bodies responsible for the detection, prosecution and sanctioning of perpetrators of crimes related to trafficking in persons on national and international level)?*

Albania	<p>Since 2005, established a National Referral Mechanism for the identification and assistance to victims. At the time being, THIS AGREEMENT IS BEing reviewed with the aim of further clarifying the roles and duties of the signatories, improving the system of implementing and monitoring the mechanism, and accommodating new parties in the agreement</p> <p>in July 2011 approved .. "Standard Operating Procedures for the Identification and Referral of Victims/Potential Victims of Trafficking" prepared by the Office of the National Anti-trafficking Coordinator in a comprehensive process with all the actors, governmental and non-governmental, ..</p> <p>In order to make the implementation of these procedures simple, the Office of the National Anti-trafficking Coordinator is working on some brochures, some easy forms of SOP-s, that are part of the trainings.</p> <p>- Numerous trainings of police officers, prosecutors, and judges .. to increase capacities of these actors involved in the identification of victims, detection, prosecution and sentencing of perpetrators of crimes related to trafficking in persons.</p> <p>Cooperation with Kosovo.</p>
Bosnia and Herzegovina	<p>In 2010, the Department for Combat against Human Trafficking, in cooperation with the CRS, as part of three-year project "Sustainable Interventions to Combat Trafficking in Persons in BiH (SUSTAIN)", elaborated Guidelines for regional monitoring teams for procedures with the victims of human trafficking in BiH and Guidelines for conduct of social welfare centers in regard to the victims of human trafficking. The Guidelines for regional monitoring teams consist of two parts. ...</p> <p>Process of detection and identification of victims;</p> <p>Interviewing of victims;</p> <p>Assessment of a case;</p> <p>Reporting of a crime, perpetrator and victim;</p> <p>Cooperation between authorized institutions and organizations in Planning and organization of protection and sheltering;</p> <p>Transportation of victims;</p> <p>Accommodation of victims of human trafficking in shelters and releasing;</p> <p>Cooperation between authorized institutions and organizations during sheltering;</p> <p>Rehabilitation of victims</p> <p>Repatriation of victims and individual plan of repatriation, and</p> <p>Re-socialization and individual plan of re-socialization.</p>
Croatia	<p>In order to fully comply with EU standards in this field, the Ministry of Interior of the Republic of Croatia issued the Instruction on the Procedure related to the suppression of trafficking in human beings. In this implementation document, all obligations mandated by international documents and recommendations of EU experts made in the framework of the EU CARDS 2004 project entitled "Combating Trafficking in Human Beings" are implemented.</p> <p>The instruction is primarily based on the elaboration of standard operating procedures for handling the area of identifying and providing assistance and protection to victims., as well as discovering and prosecuting cases of., but also represents the basis for taking any other preventive, educational, or international action within the framework of implementation of the National Programme against trafficking in human beings by the Croatian Government.</p>

Macedonia	<p><i>In 2010, ..The Government adopted the Standard Operative Procedures for Fight against Trafficking in Human Beings and Migrant Smuggling, ....The SOPs cover 5 standard operative procedures: identification, referral and protection, resettlement, return and criminal prosecution.</i></p> <p><i>in 2010 the Gov. 2010 adopted a revised version of SOP.. through a comprehensive approach based on human rights of victims and they contain special measures related to children victims of trafficking.</i></p> <p><i>3 regional meetings together with representatives of all governmental and nongovernmental institutions in the country involved in their implementation.</i></p> <p><i>- The Coordination Office of NRM more specifically two employees and two trained social workers from Centers for Social Work are available 24 hours on mobile ..</i></p> <p><i>The Ministry of Labor and Social Policy signed memorandum for cooperation with German assistance for International Cooperation (GIZ) for implementation of the REGIONAL “Programme for Combating Trafficking in Human Beings and Social Protection”.</i></p>
Montenegro	<p><i>Public–private cooperation in the fight against trafficking in human beings:</i></p> <p><i>a campaign aimed at raising public awareness...over 100 representatives of the tourism industry have signed and continuously implement the Code of Conduct for Protection of Children from Sexual Exploitation in Travel and Tourism. The text of the Protocol on Cooperation between the Office for the Fight against Trafficking in Human Beings and the Association of Employers has been developed....through organisation and delivery of public campaigns, promotional videos, public appearances and similar activities, delivery of joint seminars, roundtables and public discussions aimed at strengthening capacities to ....Joint activities aimed at education about and prevention of this criminal offence ...a number of campaigns and education programmes have been organised within the education system;</i></p> <p><i>- developed and secured broadcasting of a video on trafficking in human beings, which show... seminars ...with special focus on identification of cases of trafficking .. for the purpose of labour exploitation. targeted labour inspectors....curriculum for the 2010/2011 academic year. Published in the Handbook for Training of Teachers.</i></p>
Serbia	<p><i>Agreement of cooperation between Ministry of Interior, Ministry of Finance, Ministry of Justice, Ministry of Health, Ministry of Education and Ministry of Labour and Social Policy in the area of .. was signed in November 2009... Guidelines for SOP for actions in dealing with VoT’s were included in the ANEX of the Agreement, and were results of ICMPD project.</i></p> <p><i>Art. 2 of the Agreement (Area of cooperation) – Information exchange, Technical assistance, Joint risk analysis, Improvement of statistical follow up with the aim of enhancements of National response to THB etc. Art. 5 and 6 (Information exchange) – Efficient information exchange, Cooperation with THB National Coordinator and delivering relevant information, Adequate data protection etc. Art. 8 (Joint activities) – All signatories have agreed on efficient joint activities, risk analysis, statistical follow up etc.</i></p> <p><i>...According to the Council for Combating THB (which is political – Governmental body – minister of MOI is the head of this Council), on the session held on 08 March 2009, October 2009 has been declared again as “Month Dedicated to Combating Human Trafficking”.</i></p> <p><i>The big number of preventive activities were taken by police, NGO’s, Local Gov. authorities, Centers for social care, Schools, local media etc.</i></p> <p><i>In 2010, more the 24,000 children took part in this activities and plans were made for similar activities in October 2011.</i></p>



### III. OVERVIEW OF ASYLUM SYSTEMS IN MARRI MEMBER STATES

#### Annex III.1

#### 1. Describe the national legislation related to asylum system in your country:

	a) Give full name of the law and date of adoption;	b) Name all amendments and supplements of related laws since their adoption until today;	c) Name all areas of the law which were subject of amendments and supplements;
Albania	Law no. 1006 of 26.01.2009, 8432 "For Asylum in the Republic of Albania";	No clear response	
Bosnia and Herzegovina	Law on Movement and Stay of Aliens and Asylum ("Official Gazette of BiH", No. 36/08), 14.05.2008.	No amendments	No amendments
Croatia	The Asylum Act ("Official Gazette" No. 79/07) entered into force on 1 January 2008;	Amended once by the Act on Amendments to the Asylum Act ("Official Gazette" No.:88/10), which entered into force on 22 July 2010.	Refugee rights, obligations ..from 1951 Refugee Status Convention, and the pertaining Protocol from 1967. Harmonization with the legal acquisition of the European Union in the field of asylum;
Macedonia	Law on asylum and temporary protection ("Official Gazette of the Republic of Macedonia" No. 49/2003);	Laws on amendments and supplements of the Law on asylum and temporary protection ("Official Gazette of the Republic of Macedonia" No. 66/07, 142/08, 19/2009 u 146/09;	Harmonization with the EU Directives: Council Directive 2003/9/EC of 27 January 2003; Council Directive 2004/83/EC of 29 April 2004; Council Directive 2005/85/EC of 01 December 2005;
Montenegro	Law on Asylum (Official Gazette of the Republic of Montenegro 45/06) 25 July 2006;	No amendments	No amendments
Serbia	Law on Asylum. November 28th 2007;	No amendments	No amendments



## Annex III.2

## 2. Describe the asylum procedure in your country at first and second instances:

	<i>a) Normal and accelerated (if any) procedures;</i>	<i>b) Assessment of the procedures' average duration;</i>
<b>Albania</b>	<p><i>Normal in five steps (asylum demand, application, listening, decision)</i></p> <p><i>Accelerated: only where there are abusive claims .</i></p>	<i>No response</i>
<b>Bosnia and Herzegovina</b>	<p><i>Normal, in seven steps: expression of intention, submission of application, registration, issuing document of applications, interviewing, and assessment of merits.</i></p> <p><i>An appeal against the decision is not allowed, but it is allowed to institute an administrative dispute before the Court of BiH. Therefore, according to the statutory procedure in matters of international protection, there is no appellate authority.</i></p>	<i>No time limits</i>
<b>Croatia</b>	<p><i>Normal in three steps: submission of application (orally or on the record), hearing, decision,</i></p> <p><i>Accelerated: hearing might be waived</i></p> <p><i>The Decision can be appealed to the Commission for asylum within 15 days from its being issued. The Asylum Commission shall issue its decision within 15 days upon the receipt of the appeal on the basis of facts established at the first instance during the hearing of asylum seeker.</i></p>	<i>In most of cases ..the Ministry has made the decision within the six months period provide by the Law.</i>
<b>Macedonia</b>	<p><i>Normal: within 2 months, with 30 day appeal period.</i></p> <p><i>Accelerated: 15 days with 3 day appeal period</i></p> <p><i>Administrative court procedure within the second instance is 2 months for regular procedure and 15 days for urgent procedure. Supreme Court of the Republic of Macedonia is responsible higher instance to act after appeal regarding second instance decision - the Administrative court decision.</i></p>	<i>More than 2 months</i>



<p>Montenegro</p>	<p><i>First instance body issues decision on asylum application within a period not exceeding 90 days, from the date of submission of application.</i>  <i>..Decisions are made in written and individually, grounded on facts, evidence, as well as information on a country of origin, and include instruction on the right of appeal.</i>  <i>Positive decisions ... include rights provided by the Law on Asylum. Decisions are translated ...</i>  <i>An appeal may be lodged ... to the State Asylum Appeal Commission, within 15 days...,</i>  <i>and decision upon appeal is issued within 60 days from the date of submission of appeal.</i>  <i>asylum seeker is provided with certain rights and obligations during the procedure.</i>  <i>Accelerated procedure is applied when asylum application is manifestly unfounded.</i></p>	<p><i>From the moment a person submits an asylum application, until the moment of adoption of a second instance decision and it becomes final, average duration of the procedure is 90 days</i></p>
<p>Serbia</p>	<p><i>Normal: First instanced procedure is consisted of 5 stages: Recording of an asylum seeker; Registration; Submission of an asylum application; Interview; Passing a decision.</i>  <i>According to the law the first instance can't last longer than 2 months.</i>  <i>Accelerated: does not exist</i></p>	<p><i>The same applies for the procedure in the second instance, both together can't last longer than 4 months</i></p>

## Annex III.3

3. Are there competent authorities designated to deal with every part of the asylum procedure within the institutional framework of your country (from identification of asylum-seekers to appeal instance)?

If so, please name them and the number of staff involved in the asylum procedures.

Albania	No clear response
Bosnia and Herzegovina	Yes, (but besides the Ministry of Security and the Sector for Asylum no other authorities are named).
Croatia	Yes; - Reception Centre for asylum seekers: 17 employees; - Department for asylum .. 14 employees; - the Asylum Commission - 6
Macedonia	Not clear response: Ministry of Interior – Asylum Unit, Ministry of Labour and Social Policy, In total 11 personnel involved.
Montenegro	Three authorities involved: Within the Ministry the procedural activities are dealt by the Asylum Office and The Book of Regulations envisages five employees for the Office, four positions are currently occupied. - The procedures related to appeals on the first-instance decisions are managed by the State Asylum Appeals Commission. The Bureau for the Care of Refugees, is responsible for care, and assistance.
Serbia	Yes, First instance: Section for Asylum - consisted of the Head of the section, 6 RSD officers, 2 COI officers and 2 clerks (11 all together). Second instance: Commission for Asylum - consisted of the Head of the Commission and 8 members (9 all together).

## Annex III.4

4. Within which national institution in your country is the first instance authority located?  
(i.e., Ministry of Interior-Border police-Section for Asylum, Ministry of Justice-Department for Asylum, etc).

Albania	<i>Ministry of Interior, Directorate for Nationality and Refugees, Reception Center of Asylum-Seekers.</i>
Bosnia and Herzegovina	<i>The Ministry of Security, Sector for Asylum.</i>
Croatia	<i>The Ministry of Interior decides.</i>
Macedonia	<i>Ministry of Interior, Department for Civil Affairs – Asylum Unit.</i>
Montenegro	<i>Asylum Office- Sector of Administrative Internal Affairs, Ministry of Interior.</i>
Serbia	<i>Ministry of Interior - Border Police Directorate – Department for Foreigners - Section for Asylum.</i>

## Annex III.5

5. Does the first instance authority include sections for adjudication of cases, registration section, unit responsible for country of origin information and section for management of accommodation?

Albania	Yes.
Bosnia and Herzegovina	Yes, <i>The Sector for Asylum, as the first instance authority... consists of three sections: Section for the proceedings, Section for the support and Section for the receipt and program.</i>
Croatia	Yes, <i>The employees of the Department for Asylum specialized in: decision making, administrative staff, employees trained for work in the Eurodac and DUBLINet procedures; employees of the Information and Documentation Centre, and one employee responsible for the integration and for coordination of all bodies involved</i> <i>The Reception Centre for asylum seekers is specialized for reception and accommodation, taking requests for asylum, providing information on rights and obligations, and issuing identity cards to asylum seekers.</i>
Macedonia	Yes, <i>But reception and accommodation are responsibility of the Ministry of Labour and Social Policy.</i>
Montenegro	No clear response, yes.
Serbia	<i>First instance authority is not divided into sections, and all above mentioned areas are covered by current employees.</i>

## Annex III.6

6. Do you apply the following concepts (if yes, please describe)?

a) safe third country;

b) safe country of origin;

c) manifestly Unfounded Claims;

Albania	Yes. No elaboration Yes; Yes;
Bosnia and Herzegovina	Yes, but without elaboration
Croatia	Yes, for all three as defined by the Asylum act and for the first two assessment based on reports from UNHCR, Co, UN and other international organ.
Macedonia	Yes, a/b) Definitions for the two without reference to Law .. c) "Claims are rejected when they are obviously unfounded"
Montenegro	a) No; b) No; c) Yes under question 2
Serbia	a) Yes : a ground for rejection of the asylum application b) Yes: ground for rejection of the asylum application c) No;

## Annex III.7

7. Where are the country of origin units located administratively within the institutional framework in your country and if such units do not exist who is responsible for this function? Do the country of origin units cooperate with units from other countries in a network to exchange verified country of origin information?

Albania	No unit exists, Responsibility of the Directorate for Nationality and Refugees Yes;
Bosnia and Herzegovina	There is one position of "expert advisor for information on country of origin" within the Sector for Asylum So far, no exchange of information on countries of origin for international protection (asylum) with units from other countries.
Croatia	The Information and Documentation Centre, is a part of the Department for Aliens and Asylum - Asylum Division, of the Ministry of Interior. Depending on the particular case, there is a possibility of cooperation with IT systems of migration and asylum services of other countries, NGOs, humanitarian organizations, and peacekeeping missions that are present in countries of origin in order to update the data.
Macedonia	Chief Inspector responsible for collecting information about country of origin works within the Asylum Unit. A database of Countries of Origin is established. in this respect Asylum Unit is not cooperating with similar units from other countries in order to exchange information about Countries of Origin.
Montenegro	It is duty of the Asylum Office No special mechanism for cooperation and exchange exist.
Serbia	No such unit as a separate entity. Inside the Section for Asylum there are two employees tasked with COI investigation duties, initiated negotiations for conclusion of Memorandum of Understanding among Member States of MARRI on exchange and provision of Data concerning Asylum Seekers).

## Annex III.8

8. Please describe the recruitment procedure of caseworkers and decision makers essential for effective and sustainable asylum status procedures. Do you have specialized training programmes for staff dealing with asylum?

Albania	No proper response
Bosnia and Herzegovina	No proper response
Croatia	<ul style="list-style-type: none"> <li>- Public tender, university degree in social sciences, work experience, and knowledge of foreign language/s are required.</li> <li>- Testing and interviewing of candidates are carried out in order to assess their capabilities.</li> <li>- Decision makers are educated in accordance with priority areas and trends in the field of asylum and migration. ... participate in conferences, workshops and seminars.</li> </ul>
Macedonia	<p>Partial response:</p> <p>Asylum Unit staff are continuously trained on various relevant topics.</p> <p>Treatment of vulnerable categories of persons is one of the subject matter of the trainings and they are usually provided by UNHCR and TAIEX.</p>
Montenegro	No proper response
Serbia	<p>Conditions for working eligibility are envisaged in the Rulebook on systematization of position in Ministry of Interior (RSD officers can be only bachelors of law with at least 3 years of working experience).</p> <p>No Specialized training programs currently do not exist every year UNHCR organizes (with cooperation of Ministry of Interior) for members of Border Police at least 3 to 4 seminars related to asylum matters.</p>

## Annex III.9

9. Do you have appropriate technological requirements used as a standard for management of asylum systems today? (computerized registration systems and electronic files, digital equipment for record keeping and issuance of documents, fingerprint scans, etc.).

Albania	<i>No proper response</i>
Bosnia and Herzegovina	<i>Partially</i>
Croatia	<i>Yes, All equipment for the full implementation of the EURODAC and DubliNet Regulations has been purchased. The issuance of all documents pursuant to the Asylum Act has been automatised.</i>
Macedonia	<i>No;</i>
Montenegro	<i>No proper response</i>
Serbia	<i>No, do not possess any of this equipment.</i>



## Annex III.10

10. Are the asylum authorities developing materials in order to inform asylum seekers on the procedure and their rights, benefits and legal assistance? If so, in which time frame are they obliged to inform them?

Albania	Yes, Not specified.
Bosnia and Herzegovina	Yes. brochure for applicants for international protection (asylum) in BiH, which were printed in 8 languages: The authorized personnel is obliged to immediately inform the international protection (asylum) seekers.
Croatia	Yes, - According to the law asylum seekers are entitled to information about rights, obligations, and the asylum procedure - The Ministry is obliged to inform asylum seekers about their rights, obligations, and methods of conducting the proceedings, in their mother tongue or the language in which it is reasonably assumed that they can communicate, within 15 days of ...In practice, asylum seekers are informed before or when submitting an application for asylum for organizational reasons, primarily because of the availability of appropriate translators.
Macedonia	Yes, Brochures .. prepared in Macedonian and English language which are posted in the regular Police Stations, on the border crossing points and in the reception centre for asylum seekers. In addition to brochures for asylum seekers, prepared in Macedonian and English language, there have been brochures printed in the Arab, French and Albanian languages.
Montenegro	No proper response,
Serbia	Yes, Brochures on seven languages ... developed in cooperation with UNHCR and have been distributed to Border Police Stations and other Police Stations in the interior of Serbia for the purposes of informing asylum-seekers on the procedure and their rights,

## Annex III.11

11. Please list a set of reception standards related to the treatment of asylum-seekers in your countries' asylum system from the time of submission of their application until a final decision is taken. (i.e. freedom of movement and detention, health care, education, financial aid, accommodation, registration and satisfying of their individual special needs).

Albania	<i>After the decision for granting asylum ... the person profits from some rights: to education, to work, to social treat, to medical treat, to shelter, to family reunification, the Albanian legislation doesn't make any distinction between those who have been granted the status of refugee and those who are under subsidiary protection. The only distinction between them is the travel document that have only the persons who have been granted the status of refugee.</i>
Bosnia and Herzegovina	<i>Rights of asylum seekers are: stay in the country until ... final decision, the right to basic health care, basic education, housing, nutrition, legal aid, social protection, clothing, shoes and hygiene items. ... enjoy the right to freedom of movement within Bosnia.</i>
Croatia	<i>- An asylum seeker... is entitled to: stay, adequate material living conditions and housing, health care, primary and secondary education, free legal aid, humanitarian assistance, freedom of religion and religious education of children. In exercising the aforementioned rights, special needs of vulnerable groups are taken into account. - Minor asylum seekers exercise the right to access education (primary and secondary) under the same conditions as Croatian nationals. The right to work is acquired by asylum seekers after one year has passed from the date of application for asylum, unless the procedure has already been completed. In order to work, the asylum seekers need a work permit.</i>
Macedonia	<i>The MLSP is responsible institution for managing the Reception Center for Asylum Seekers located in Vizbegovo. Once the MLSP (Center for Social Work) issues decision for accommodation of asylum seeker, they are being accommodated at the RC and provided with: accommodation, three meals a day, primary health care. The legislation on primary and secondary education allows enrollment of asylum seekers at the schools that are part of the regular state schooling system. Asylum seekers are also allowed to work at the Reception Center after they receive personal work permits issued by the State Agency for Employment. The Reception Center operates as an open facility and there is no restriction of movement but asylum seeker residing in the RC is responsible to report on entry and exiting of the RC. asylum seekers have free and full access to UNHCR and NGOs providing free legal aid. While accommodated at the RC, asylum seekers are not entitled to regular financial assistance but can apply for one-time financial assistance via Center for Social Work.</i>
Montenegro	<i>Bureau for take care of Refugees is take care o asylum seekers treatment from the time of submission of their application until a final decision: free elementary and secondary education in public schools; accommodation; healthcare in accordance with separate regulations; family unity; work within the Centre or other facility for collective accommodation; social welfare.</i>

Serbia	<p><i>Asylum seekers have the right to reside in .. right to accommodation and basic living conditions (provided in Asylum Centre), right to ID, right to health care, the right to free primary and secondary education, the right to welfare benefits, etc. (the whole Chapter VI of the Law on Asylum).</i></p> <p><i>During the process of determining the grounds for the asylum applications filed in the territory of the Republic of Serbia, or pending the adoption of a final decision on the asylum application, asylum seekers are provided with accommodation and basic living conditions (food, footwear, clothing) at the Asylum Centre, existing and operating within the Commissariat for Refugees.</i></p> <p><i>...Persons accommodated at the Centre are provided with medical examination, free legal aid through NGO, as well as the creative and pedagogical work with children.</i></p>
--------	---

## Annex III.12

*12. In addition to the refugee protection under the 1951 Convention relating to the Status of Refugees, does the asylum system in your country provide for other forms of protection (subsidiary protection, temporary protection, humanitarian status, permission to stay for compassionate reasons, etc.)?*

Albania	Yes,
Bosnia and Herzegovina	Yes, <i>The Law ... and the Rulebook ... .. in addition to refugee status and other forms of international protection defines: subsidiary protection, temporary stay permit for humanitarian reasons, as well as the mass influx and temporary protection.</i>
Croatia	Yes, according to the Law.
Macedonia	Yes, <i>Republic of Macedonia despite status of recognized refugee also recognizes Persons under subsidiary custody and the Law envisages temporal custody.</i>
Montenegro	Yes, <i>Subsidiary protection (Law on Asylum art. 53 and 56) max for one year</i> <i>Yes, Temporary protection Law on Asylum art. 57 and 62) max for one year.</i>
Serbia	Yes, <i>Law on Asylum also provides subsidiary and temporary protection. Serbian legal system also recognizes permission to stay for compassionate reasons, but it is not an explicit part of the Law on Asylum.</i>

## Annex III.13

## 13. Describe the framework for the co-operation with UNHCR and NGOs.

Albania	Case by case.
Bosnia and Herzegovina	Cooperation ... with the UNHCR is defined by the provisions of the Law and Rulebook and the... provisions of the Protocol on transfer of refugee status and other responsibilities related to the asylum, from the UNHCR to the Ministry of Security. - the cooperation with NGOs, is on case by case within the existing legal provisions.
Croatia	Cooperation with UNHCR regulated by the the Asylum Act and the implementation of the 1951 Convention - Cooperation with the NGOs under an agreement for cooperation.
Macedonia	Cooperation with UNHC: Defined by the Law, Memorandum of understanding and by the annual sub-agreements. - Cooperation with NGOs defined by Memorandum.
Montenegro	Cooperation with UNHCR: laid down in the Law on Asylum (Article 8, art. 18, art. 23 and art. 25. UNHCR is being granted free access to asylum seekers, their files, information and statistics. , cooperate with UNHCR in all stages of the asylum procedure, and share statistics on asylum seekers, or .. as well as the legislation being applied or is to be adopted. Pursuant to Article 23 a representative of UNHCR will be enabled, in all stages of the procedure, ... and other assistance in the reception centre for asylum seekers.
Serbia	Cooperation with UNHCR: the Regulation on the Ratification of the Convention on the Status of Refugees, Articles 5 and 7 of the Law on Asylum, and Art. 6 of the Law on Refugees.  Cooperation with NGOs: Article 10 of the Law on Asylum; Article 6 of the Law on Refugees, Article 8 of Law on Refugees.

## Annex III.14

## 14. Describe your integration policy for refugees.

Albania	<i>The same response as on question 11</i>
Bosnia and Herzegovina	<i>...integration of refugees is responsibility of the Ministry for Human Rights and Refugees (MHRR). ...the persons in question are under the jurisdiction of the MHRR ... whose obligation is to ensure the integration of these persons into society. ...to grant the right to work, education, health and social care as well as other rights provided by Law to persons with recognized refugee For the details by the adoption of certain bylaws.</i>
Croatia	<i>Similar response as to the question 11</i>
Macedonia	<i>The integration policy .. is defined by the two main strategic documents – Strategy on Integration of Refugees and Foreigners, adopted by the Government in December 2008; and the National Action Plan for Integration of Refugees and Foreigners, adopted by the Government in November 2009. Both documents, .. provide for detailed plan on activities supporting process of local integration for persons granted asylum in ... across main integration sectors: employment, education, housing, social protection, health and social integration.</i>
Montenegro	<i>Conditions for exercising rights to inclusion in social, economic and cultural life are created through organisation of Montenegrin language courses, provision of information on the system of government, history and culture, organisation of seminars, etc.</i>
Serbia	<i>- On the ground of Article 46 of the Law on Asylum. - The existing policies of refugees' integration refer exclusively to the integration of the refugees who have acquired the status pursuant to the Law on Refugees, i.e. to the nationals of the former SFRY. - Legal and strategic framework for integration of refugees comprises the Law on Refugees and the National Strategy for Resolving the Problems of Refugees and Internally Displaced Persons.</i>

## Annex III.15

15. Describe the system put in place to collect and exchange data and statistics on asylum and refugee movement within your country and with other countries

Albania	
Bosnia and Herzegovina	<p>Sector for Asylum's obligations of keeping a database ... is prescribed by the Law ..and ..the Rulebook on International .. the obligation is defined with the management of official records of persons seeking international protection</p> <p>It is also necessary to keep a database of issued identification documents and travel documents for foreigners...</p> <p>databases of: applicants..., recognized refugees.., persons with recognized status of subsidiary protection in, people who enjoyed the status of temporary shelter in BiH and identity documents issued to the applicants for international protection and recognized refugees in BiH.</p>
Croatia	<p>- The response calls upon the response to question 9!.</p> <p>- Personal and other data collected during asylum procedure represents official non-publishable information and may not be delivered to the country of origin or other bodied that do not participate in the proceedings</p> <p>- There are databases on:</p> <p>travel documents for asylees, ID cards for asylum seekers, ID cards for asylees, identity cards of aliens under temporary protection, identity cards of aliens under subsidiary protection, temporarily retained travel and other documents, registration deregistration of residence and / or address of asylum and registration / check-out station and / or address of asylum, aliens under temporary protection and aliens under subsidiary protection, fingerprints and photographs of asylum seekers and aliens under temporary protection.</p>
Macedonia	<p>By employing the IBAS (database on asylum seekers), which is increasingly used, the Asylum Unit will have a data collection system, while as regards information exchange, the ban on exchanging data with the country of origin about the person to whom the data is related or with the country of origin of the family members of the asylum seekers is still applied. The following data may be exchanged solely for the purpose enforcing a decision expelling a person from the territory of the Republic of Macedonia:</p> <p>- Name and surname, date of birth, gender, nationality, last place of residence and address, data on the number of family members and documents issued by the country of origin; and</p> <p>- Fingerprints and a photograph.</p>
Montenegro	<p>The Ministry establishes, keeps, updates and uses records on: asylum seekers, persons being granted refugee status and subsidiary or temporary protection, rights they exercise, documents being issued pursuant to the Law on Asylum, and temporarily seized documents.</p>
Serbia	<p>Section for Asylum relies on its own statistics and collects available data for its own purposes.</p> <p>Regarding the data exchange, we still do not have an institutional or any other formal instrument to facilitate such an exchange, but as we have previously said, we do expect that we will have such an instrument in a very near future.</p>







## IV. OVERVIEW OF TYPES AND TRAVEL DOCUMENTS IN MARRI MEMBER STATES

### Annex IV.1

1. Please list types of identity and travel documents (including breeder documents –civil status certificates/extracts) issued to the citizens of your country.

Albania	<ul style="list-style-type: none"> <li>- Birth certificate with photo for citizens under 16 years</li> <li>- ID card for citizen over 16 years</li> <li>- Three types of biometric passport: normal, service and diplomatic</li> <li>- ID card for refugees and asylum seekers</li> </ul> <p>Travel documents for refugees.</p>
Bosnia and Herzegovina	<p>- Identity card, Driver's license. Types of travel documents: Citizen passport Diplomatic passport, Service passport, Breeder documents: Birth certificate, Excerpt from the marriage records, Certificate of Citizenship, Decision to determine personal identification number, Registration of residence, Registration of temporary residence.</p>
Croatia	<p>The Croatian citizens are issued: an ID card as a primary identification document, and a passport as a travel document.</p>
Macedonia	<p>The relevant legislation of the Republic of Macedonia envisages several types of identity and travel documents. Nationals of the Republic of Macedonia may be issued the following types of travel documents: passport, group passport, diplomatic passport, service passport, emergency passport and travel documents issued based on international treaties.</p>
Montenegro	<ul style="list-style-type: none"> <li>- Identity cards,</li> <li>- travel documents ( passport, diplomatic passport, service passport and return passport)</li> <li>- driving license,</li> <li>- citizenship certificate,</li> <li>- birth certificate,</li> <li>- marriage certificate etc.</li> </ul>
Serbia	<p>... Identity cards travel documents are: passport, diplomatic passport, official passport, travel certificate, as well as travel documents issued based on an international contract.</p>

## Annex IV.2

2. Name national legislation which regulates types, production and issuance of identity and travel documents (name of the law, date of adoption, or Book of Rules, administrative instruction and internal manuals)?

Albania	<ul style="list-style-type: none"> <li>- Law No. 9972, date 28.07.2008, "For ratification of the concession contract "For the production and distribution of Identity Cards and Electronic Passports", between Ministry of interior of the Republic of Albania and Consortium Sagem Sécurité and Albanian American Enterprise Fund" (modified)</li> <li>-Law No.8952, date 10.10.2002, "For identity document of Albanian citizens", modified in year 2010</li> <li>-Law No. 8668, date 23.11.2000, "For equipment with passport of Albanian citizen for travelling outside the country", modified in year 2010.</li> </ul>
Bosnia and Herzegovina	<ul style="list-style-type: none"> <li>- Law on Identity Cards of Citizens of Bosnia and Herzegovina ("OGM of BiH" No. 32/01, 16/02, 32/07, 53/07).</li> <li>- Law on Permanent and Temporary Residence of Citizens of Bosnia and Herzegovina ("OGM of BiH", No. 32/01, 36/08, 56/08).</li> <li>Law on Personal Identification Number ("OGM of BiH", No. 32/01, 32/02, 63/08, 2/09).</li> <li>Law on Travel Documents of Bosnia and Herzegovina ("OGM of BiH", No. 4/07,1/99, 9/99, 27/00, 32/00, 19/01, 47/04, 53/07, 15/08, 33/08, 39/08).</li> </ul>
Croatia	<ul style="list-style-type: none"> <li>- Law on Identity Card ("OGM", Nos. 11/02, 122/02, and 31/06), entered into force on 1 January 2003,</li> <li>- Ordinance on forms and records of identity cards ("OGM" Nos. 148/08 and 155/08), which entered into force on 1 January 2003.</li> <li>- Law on Travel Documents of Croatian Citizens ("OGM", Nos. 77/99, 133/03, 48/05 and 74/09) which entered into force on 1 January 2000, while the Act on Amendments to the Law on Travel Documents of Croatian Citizens, which came into force on 29 June 2009, regulates the procedure of issuing biometric e-passports of the second generation for Croatian citizens.</li> <li>Ordinance on forms and records of passports of Croatian citizens ("OGM", No. 4/2010), which entered into force on 18 January 2010, provided the layout and contents of biometric e-passports.</li> </ul>
Macedonia	<ul style="list-style-type: none"> <li>- Travel documents: by the - Law on Travel Documents of Nationals of the Republic of Macedonia (OGM of the Republic of Macedonia No. 67/92, 20/03, 46/04, 73/04, 19/07, 84/08, 51/011).</li> <li>- Instruction on the manner of issuance of passports and group passports to nationals of the Republic of Macedonia and on the procedures for issuance of visas for those types of passports (OGM of the Republic of Macedonia No. 36/94, 40/07, 5/09),</li> <li>Rulebook on the format of travel of documents and visas to nationals of the Republic of Macedonia, on the manner of taking photographs for travel documents and manner of records keeping (OGM of the Republic of Macedonia No. 2/93, 54/93, 73/04, 40/07, 161/07).</li> </ul>

Montenegro	<ul style="list-style-type: none"> <li>- Law on Travel Documents ("OGM" further OGM) No 21/08 and 25/08),</li> <li>- Law on Identity Cards ("OGM, No 12/07, 73/10 and 28/11),</li> <li>- Law on Montenegrin Citizenship ("OGM, No 13/08 and 28/11),</li> <li>- Law on civil register ("OGM, No 47/08 and 41/10),</li> <li>- Rulebook .. ("OGM, No 41/08),</li> <li>- Rulebook .. ("OGM, No 41/08),</li> <li>- Decision .. ("OGM, No 35/08 and 40/08),</li> <li>- Regulation .. ("OGM No 21/08),</li> <li>- Regulation .. ("OGM, No 21/08),</li> <li>- Rulebook .. ("OGM., No 21/08),</li> <li>- Rulebook .. ("OGM, No 26/08),</li> <li>- Rulebook .. ("OGM, No 26/08),</li> <li>- Rulebook ... ("OGM", No 28/08),</li> <li>- Rulebook ... ("OGM, No 40/08),</li> <li>- Rulebook ... ("OGM, No 26/08),</li> <li>- Rulebook .. ("OGM, No 28/08),</li> <li>- Rulebook .. ("OGM, No 21/08) Rulebook on form and content of extracts from civil register("OGM, No 16/11).</li> </ul>
Serbia	<ul style="list-style-type: none"> <li>- The Law amending the Identity Card Law ("OGS" further (OGS, No. 62/06 and 36/11) as well as the Regulation on identity card (OGS", No. 11/2007 and 9/2008).</li> <li>- Law on Travel Documents has been adopted and published in the Republic of Serbia OGM No. 90 from 01 October 2007,</li> <li>- Regulation ... OGM No. 54 from 23 May 2008 (on 06 May 2010,</li> <li>- Regulation ... OGM No. 34 from 21 May 2010,</li> <li>- Regulation ... OGM No. 7 from 18 January 2008; on 15 September 2009,</li> <li>- Regulation ... OGM No. 76 from 16 September 2009;</li> <li>- on 17 January 2008, the Regulation .. OGM No. 8 from 23 January 2008; on 29 January 2009,</li> <li>- the Regulation ...on issuing diplomatic and official passports has been adopted and published in the Republic of Serbia OGM No. 7 from 30 January 2009.</li> </ul>

## Annex IV.3

## 3. What are the technical aspects and security features of those documents (minimum ICAO standards, biometrics, etc.)?

Albania	<p>ID cards- biometric document technology</p> <p>Polycarbonate card with laser engraving</p> <p>Contact-less Chip</p> <p>Data and functionality according to ICAO 9303</p> <p>Application: Travel Document</p> <p>Contact Chip</p> <p>According to ISO 7816</p> <p>Based on Java Card 2.1.1</p> <p>e-ID applet Feature</p> <p>Personal and e-ID Information</p> <p>Passports and travel document - biometric document technology</p> <p>Material</p> <p>Data page in Polycarbonate</p> <p>Passive authentication</p> <p>Basic Access Control (BAC)</p> <p>Extended Access Control (EAC)</p>
Bosnia and Herzegovina	<p>The authorities responsible for issuing identity and travel documents are required to comply with the ICAO 9303 standards. When applying for a passport, the following biometric data of applicants are taken: photograph, fingerprints and signature.</p>
Croatia	<p>The identity card ... meets the safety requirements of modern international control and data protection. ..</p> <p>The second generation biometric e-passports are in accordance with recommendations of the ICAO and EU Council Regulation No. 2252/2004 from 13 December 2004.</p> <p>Biometric e-passports contain an electronic data carrier (RFID chip) in which, along with other personal information, biometric characteristics of the holder of the passport, i.e. their biometric face and fingerprint are stored.</p>
Macedonia	<p>Macedonian identity documents (passport, ID, driver's license) are in line with ICAO and ISO standards (ICAO 9303, ISO/IEC 7810). The said documents possess all required levels of protection envisaged under ICAO standards. The passport is biometric. The pages of all documents used for personalization are polycarbonate, while laser engraving is used for personalization. Protective security elements are applied using various printing techniques, characteristic of this type of documents, on the cover page and on the surface and internal layer of the paper pages of the passport.</p>
Montenegro	<p>Passport is in compliance with ICAO and EC standards. (digital photo in compliance with ISO/IEC FDIS 19794-5)</p> <p>Identity card is in compliance with IOS/IEC 7810 and ISO/IEC 10373.</p> <p>Citizenship certificate, birth certificate and death certificate also have the security features ( Kinegram, UV fibers, serial number etc.).</p>
Serbia	<p>The identity card in accordance with ISO/IEC 7810 standards for dimension and physical properties, ISO/IEC 10373 standards for testing physical properties and ISO/IEC 7816-1, ISO/IEC 7816-2, ISO/IEC 7816-3 and ISO/IEC 7816-4 standards for electric circuits and contacts.</p> <p>The forms of travel documents are designed in line with ICAO 9303 standards, Council Recommendation (EC) no. 2252/2004 and ISO, ISO/IEC 14443 and ICAO NTWG standards.</p> <p>From 02 December 2009, EAS passports (passports containing a finger print in the chip) have started being produced.</p>

## Annex IV.4

4. Describe the procedure for submitting and issuance of identity cards for citizens in your country.  
(which institution is responsible for the issuance?)

Albania	<p>The procedure for submitting and issuance of identity cards are defined by law No. 9972, date 28.07.2008, "For ratification of the concession contract "For the production and distribution of Identity Cards and Electronic Passports", between Ministry of interior of the Republic of Albania and Consortium Sagem Sécurité and Albanian American Enterprise Fund" (modified) and law No.8952, date 10.10.2002, "For identity document of Albanian citizens", modified in year 2010.</p> <p>The institution responsible for the ID card issuance is Ministry of Interior.</p>
Bosnia and Herzegovina	<p>The identity card is issued pursuant to the citizen residence, with the exception of the identity card issued to displaced persons in the place of their temporary residence. The request for the issuance of identity card is completed electronically at the location where the data is also processed. The following data is collected from the citizen applying for issuance of an identity card.</p>
Croatia	<p>A request for issuance of identity cards is submitted to the police department or police station in the place of residence of an applicant.</p> <p>Supported by ... birth certificate and citizenship certificate or , if it is the second or subsequent identity card, the previous identity card is to be submitted.</p> <p>The identity of an applicant is verified by examining his/her identity card or any other public document with a photograph.</p> <p>- Imprint of papillary lines of the right hand index finger.</p>
Macedonia	<p>ID are issued in accordance with the Law ...) and in line with the bylaw – Rulebook on the format of the identity card issuance application, on the format of the certificate of filed identity card issuance application, on the procedure for issuance and replacement of personal identity card and on the manner of keeping records of issued personal identity cards (Official Gazette of the Republic of Macedonia No. 116/07, 129/07, 161/07, 5/09).</p>
Montenegro	<p>Requests submitted to an organizational unit of the Ministry of Interior, in the place of their residence, Present ID or other public document with a photograph to verify his/her identity.</p> <p>Verification of identity of Applicants and check:</p> <p>A photograph, prints of two fingers and a digital signature of the Applicant ... taken by the officer authorized for taking biometric data.</p> <p>Verification of the identity of the Applicant based on the documents.</p> <p>Issuance of the identity card.</p>
Serbia	<p>Applications for issuing biometric passports and identity cards are to be</p> <ul style="list-style-type: none"> <li>- Submitted in person to police department or police station of the Ministry of Interior where</li> <li>- Submit extract from Register of births, Certificate of citizenship, any document containing a photo.</li> <li>- Verification and checking by the Ministry in line with the Identity Card Law and the Law on Travel Documents:</li> <li>- Determination of authenticity of personal documents used by an applicant to identify himself/herself, determination of an applicant's existence in the registers of the Republic,</li> <li>- Checks through records on imposed bans for issuing travel documents, etc.).</li> </ul>

## Annex IV.5

5. Describe the procedure for submitting and issuance of travel documents for citizens in your country (which institution is responsible for this issuance)?

Albania	<i>For traveling documents in addition to the above mentioned laws relevant is also . And Law No.8668, date 23.11.2000, "For equipment with passport of Albanian citizen for travelling outside the country", modified in year 2010.</i>
Bosnia and Herzegovina	<i>- Application (avec presentation of ID or other public document) -- the applicant is required to give personal biometric information {picture, fingerprint, signature) and attach a proof of paid price of the travel document.</i>
Croatia	<i>- Submission of request - The office for receiving applications is equipped with suitable electronic devices for receiving requests. Finished and personalized passports are collected in police departments or police stations.</i>
Macedonia	<i>The body competent to issue travel documents is the Ministry of the Interior of the Republic of Macedonia, while the Ministry of Foreign Affairs of the Republic of Macedonia is in charge of issuing diplomatic and service passports. The passport issuance procedure may be regular and accelerated.</i>
Montenegro	<i>The identity card or other decision about the Request shall be handed in to the Applicant in person. While taking the identity card or other decision, the Applicant shall be identified by finger.</i>
Serbia	<i>- Issuing identity card or passport (If it is asserted that an applicant fulfills all required conditions laid down by the Law) - The process of document personalization is then being undertaken. This is a centralized process performed by the Information.</i>

## Annex IV.6

6. Describe the procedure for submitting and issuance of breeding documents (civil status certificates/extracts) in your country (which institution is responsible for this issuance)?

Albania	<p>The procedure for submitting and issuance of breeding documents is defined on Law no.10129, date 11.05.2009 "On Civil Status", modified.</p> <p>The institution responsible for the ID card issuance is Civil Status Office, where the citizen is registered, which is located on Local Government Unit.</p> <p>All breeding documents ... are printed online from our National Civil Register.</p>
Bosnia and Herzegovina	<p>Breeder documents are issued by the municipal authorities of the entities, and their issuance is carried out in accordance with the Law.</p>
Croatia	<p>...Extracts of facts recorded in civil registration and certificates are documents of permanent value. Excerpts from the state registers contain information that is entered into the state register by the time of the statement issuance. Excerpts from the state registers and certificates of specific data or individual facts recorded in the state register shall be issued upon the request of a person having legal interest.</p>
Macedonia	<p>Together with Q.5</p>
Montenegro	<p>The Register of citizenship, register of born and deceased are computer database, and register of marriage is paper and computer database.</p> <p>kept by Ministry of Interior.</p> <p>Citizenship certificate, birth certificate and death certificate issuing organizational units of Ministry of Interior in all municipalities.</p> <p>Marriage register and marriage certificate are kept and issued by local self-government bodies. Personalization process is centralized and it is done only within the Department for information technologies of the Ministry of Interior.</p>
Serbia	<p>The response to this question is in the competence of the Republic of Serbia Ministry for human and minority rights, public administration and local self governance.</p>



## Annex IV.7

## 7. Do you have specialized training programmes for staff dealing with issuance of identity and travel documents?

Albania	<p>Yes, For each part of the entire process the respective staff is trained and perform their duties following up predefined procedures &amp; work orders, under coordinators supervision. the following activities and training are performed: The Concessionary Company has organized periodic training of relevant personnel, involved in the process: Training on enrolment and distribution application of ID Card and Biometric Passport Training on enrolment procedures for ID Card and Biometric Passport in the application offices Training on distribution procedures for ID Card and Biometric Passport in respective distribution offices Training in cooperation with experts from abroad, whether at SAGEM or Aleat premises Active workshops within production and enrolment departments Training on the Work Ethics, organized by Human Resources</p>
Bosnia and Herzegovina	<p>Yes, The authorities responsible for issuing identification and travel documents each year organize the training of personnel working on their issuance. Before moving to the centralized system of the production of identification and travel documents, the training of personnel for a new system used to produce identification and travel documents is carried out</p>
Croatia	<p>Yes, After entering into force of the new regulations, the training of employees at jobs of issuance identity and travel documents is to be carried out.</p>
Macedonia	<p>Yes, but not sufficient ...the Law on Civil Servants sets the framework defining the training system, based on the following legally prescribed principle: each civil servant has the right and duty to be trained in pursuance with annual training programs (prepared in the current for the next year) adopted by civil service bodies, funded under the state budget.. In accordance with the Law, the Civil Servants Agency coordinates activities related to the professional advancement and training of civil servants. There is : National System of Coordination of Trainings at the Civil Service of the Republic of Macedonia, which defines the basic postulates of the training policy, the division of tasks... , the coordination structures, the funding model and the issue of training delivery.</p>
Montenegro	<p>Yes, Employees and servants of authorities who deal with supervision, receiving requests for applications processing, deciding upon applications, taking biometric data, personalization of documents and issuing documents are having training program.</p>
Serbia	<p>Yes, For police officers responsible for issuing biometric documents training has been organized by the Republic of Serbia Ministry of Interior, before the biometric documents have started being issued in 2008. Having in mind that the issuance of biometric data is a continuous procedure, amendments of regulations and internal normative acts, as well as harmonization of the system functionality with working procedures of the relevant line of work, with the aim of developing administrative affairs, in conformity with national and international standards, understand continuous training of professional staff.</p>



## Annex IV.8

## 8. Are there mechanisms of control over the issuance of identity documents and travel documents in place?

Albania	<i>In order to guarantee the accomplishment of the standards with efficiency and transparency are prepared and followed up the following legal measures: 1 Decision, 4 Instructions, 3 Orders and One Dedicated automated filter is built for blocking "UNWANTED" enrolment for passport.</i>
Bosnia and Herzegovina	<i>The above laws applied when processing and issuing identification and travel documents provide for the supervision over their implementation.</i>
Croatia	<i>Control over the release of personal and travel documents is governed by legislation.</i>
Macedonia	<i>Control at several levels: - control activities undertaken by managerial staff over the work of officers .. - the supervisory activities of the organizational unit at the headquarters of the Ministry of the Interior, - The findings of the performed controls are submitted to higher ranking structures, to services charged with preparing analysis of the current situation, and to services in charge of internal controls of the staff at the Mofl In cases of established omissions and irregularities, procedures are instituted for establishment of responsibility and ... disciplinary measures are undertaken or misdemeanour or criminal proceedings are instituted. One of the types of control of the work in this area is the control by administrative inspectors of the Ministry of Justice who control whether procedures have been correctly implemented.</i>
Montenegro	<i>Yes, The Ministry of Interior developed the following instructions for the work in the personalization center: Instruction for access control to the personalization center, Instruction for blank documents storage and stock checking, Instruction for working process in the perso center, Instruction for job division and related duties, Instruction for blank document issuing, Instruction for package and delivery of produced travel documents, Instruction for destruction of wasted documents.</i>
Serbia	<i>Having in mind that the procedure of issuing biometric documents (identity cards and passports) is performed by authorized personnel of the Ministry of Interior, .., various mechanisms preventing police officers responsible for issuing biometric documents to abuse their legal authorizations are being applied: -monitoring and control of issuance of biometric documents, -as well as control of legality of issuing procedure performed by the second instance body of the Ministry of Interior. Additionally, there is a software protection program for accessing application designed for acquisition of data on applicants for biometric documents, which are stored in the central basis before generating account for personalization, i.e. various mechanisms for monitoring issuance of biometric documents are realized in the form of software protection programs of the application, which make the process of issuing completely automatic.</i>

## Annex IV.9

9. Please describe the production procedure of identity cards and travel documents for citizens of your country (centralized, decentralized, access and protection of data, security checks, etc.)?

Albania	<p>Administrative and organizational procedures governing and securing the personalization and distribution of identity documents are listed;</p> <p>The Personalization process is fully optimized and secured;</p> <p>Production area physically segregated from other areas;</p> <p>Interconnection within Production Rooms using Pass-Trough;</p> <p>Secured Access Control and CCTV;</p> <p>Hydro/Thermo regulation;</p> <p>A tracking system is implemented;</p> <p>The transport of the personalized documents from Personalization Center.</p>
Bosnia and Herzegovina	<p>The production of identity cards and travel documents takes place in the companies selected as the preferred bidders in the international tender, according to the Law... The personalization of identity cards and travel documents is centralized.</p> <p>but the personalization is carried out at the Personalization Centre, which is located in Banja Luka within the Agency for Identification Documents, Registers and Data Exchange.</p>
Croatia	<p>ID cards are produced in a centralized manner at one place in the Republic of Croatia, by a licensed company, the Agency for Commercial Activity Ltd. (AKD d.o.o.), and so is the creation and personalization of passports.</p> <p>Access to information relating to identity cards and passports is granted only to authorized persons.</p> <p>Delivery of finished passports is performed by specially accredited police officers only, using a special police vehicle. Final travel documents are kept in police stations and police departments...</p>
Macedonia	<p>Production procedure of identity cards and travel documents, ...is centralized and is conducted at the Personalization Centre at the headquarters of the Ministry of the Interior.</p>
Montenegro	<p>Personalization process is centralized and it is done only within the Department for information technologies of the Ministry of Interior, whether the Access to blank documents storage is based on a „four eyes“ principle.</p> <p>Personalized travel documents are distributed in metal boxes.</p>
Serbia	<p>Not proper response:</p> <p>.... Gathered data are centralized and stored in central application “Primary ID”, i.e. “Travel documents”.</p> <p>Access to system is provided via password, as well as control of employees introducing data and those performing checks through the system.</p>

## Annex IV.10

10. Which institution in your country is responsible for verification of authenticity of the identity and travel documents?

Albania	Ministry of Interior.
Bosnia and Herzegovina	There are laboratories for identification and authentication of travel documents in the entityes ministries of interior and the State Border Service.
Croatia	The Ministry of Interior.
Macedonia	The Ministry of the Interior (Forensic Department, Unit for examination of forged documents).
Montenegro	Ministry of Interior.
Serbia	Ministry of interior, Sector for Analytics, Telecommunications and Information Technologies.

## Annex IV.11

11. Do you have specialized training programmes for staff dealing with verification of authenticity of the identity and travel documents?

Albania	Yes, With general elaboration.
Bosnia and Herzegovina	Yes, The entity ministries of interior and the State Border Police carry out the training of staff working on the verification and authentication of identification and travel documents.
Croatia	Yes, Staff responsible for verifying the authenticity of documents passes special training.
Macedonia	Yes, All examiners at the Unit for examination of forged documents are continually trained to do analysis on document authenticity verification. There are internal specialized staff training programs for forensic analysis of identity documents.
Montenegro	Yes, There are specialized training programs for staff dealing with verification of authenticity of the identity and travel documents.
Serbia	No.

## Annex IV.12

12. Do you have appropriate mechanisms in place for a prompt exchange of information on misuse of obtaining and use of identity and travel documents, as well as information on forged documents

Albania	Not proper response: State Police
Bosnia and Herzegovina	Not proper response: Institutions or persons, when suspecting that there has been misuse or forgery of identification and travel documents, are required to notify the authorities of the suspicion, which will determine whether there was misuse or ...
Croatia	Not proper response: The exchange of data and information prescribed by the Law on Personal Data Protection protects the identity of persons and documents in the information exchange and sharing of data on forged documents.
Macedonia	Yes, The Unit for examination of forged documents exchanges data on forged documents with Interpol, Europol, and with the Secretariat of the PCC SEE (Police Cooperation Convention for Southeast Europe).
Montenegro	Yes, Also, the police receives from the Ministry of Foreign Affairs and other competent authorities, information on stolen forms, visa stickers or invalid diplomatic travel documents. Memorandum of understanding was signed on 20 November 2008 in Skopje.
Serbia	Not proper response: The Ministry of Interior uses centralized data stored in "Primary ID" and "Travel documents" data-basis for examining identity card or passport validity. This data is exchanged in line with the Law on personal data protection.





## V. OVERVIEW OF VISA REGIMES

### Annex V.1

#### 1. According to your national legislation, which authorities/institutions have competences in visa matters?

Albania	<p>Four institutions that have competences in visa matters:</p> <ul style="list-style-type: none"> <li>- Ministry of Foreign Affairs,</li> <li>- Ministry of Interior,</li> <li>- Ministry of Labour, Social Affairs and Equal Opportunities,</li> <li>- State Informative Service.</li> </ul>
Bosnia and Herzegovina	<p>In accordance with the Law on Entry and Stay of Aliens and Asylum, visas are issued by the Diplomatic and Consular Missions of BiH. In exceptional cases, the visas may be issued at the border.</p>
Croatia	
Macedonia	<ul style="list-style-type: none"> <li>- The Ministry of Foreign Affairs;</li> <li>- The Ministry of the Interior (also., especially in terms of extensions and shortening of the visa validity, annulment and revocation of visas, and issuances of visas at the border).</li> <li>- In line with Article 39 of the Law on Aliens, the Mol has also decision making competences on visa issuance. Hence, in cases of suspicions that an alien is a threat to the public order and national security, the Visa Centre at the Ministry of Foreign Affairs must obtain previous approval from the Ministry of the Interior.</li> </ul>
Montenegro	<ul style="list-style-type: none"> <li>- Ministry of Foreign Affairs and European Integrations and Police of Montenegro (Border police of Montenegro).</li> </ul>
Serbia	<p>Competent authorities/institutions in visa matters are:</p> <ul style="list-style-type: none"> <li>- Ministry of Foreign Affairs – Visa Policy Department</li> <li>- Diplomatic-consular missions, Ministry of Interior – Border Police Department.</li> </ul>

## Annex V.2

## 2. Name the law, date of adoption, Book of Rules, administrative instruction and internal manuals in the area of visa policy.

Albania	<ul style="list-style-type: none"> <li>- Law No.9959, dated 17.7.2008, "On Foreigners",</li> <li>- DCM no. 362, dated 1.4.2009, "Defining the criteria, procedures and documentations for entrance, stay and treatment of foreigners in the Republic of Albania",</li> <li>- Joint Instruction by the MFA, MI and the Chairman of the State Informative Service (SIS) No. 9486/1, dated 11.08.2009 "On the Cooperation among Structures of MFA, MI and SIS on the Procedures of Issuing Visas for Foreigners",</li> <li>- Joint Instruction by the Minister of Interior, Minister of Foreign Affairs;-- Minister of Labour, Social Affairs and Equal Opportunities and SIS "On Setting Up and Making Functional the National Electronic Register for Foreigners" no. 1909/1, dated 12.02.2010.</li> </ul>
Bosnia and Herzegovina	<ul style="list-style-type: none"> <li>- The Law on Entry and Stay of Aliens and Asylum (Official Gazette No. 36 of 06.05.2008.),</li> <li>- Rulebook on Entry and Stay of Aliens and Asylum (Official Gazette No. 81 of 07.10.2008.),</li> <li>- Rulebook on Entry and Stay of Aliens and Asylum (Official Gazette No. 28 of 12.04.2010.) - Amendments</li> </ul>
Croatia	
Macedonia	<ul style="list-style-type: none"> <li>- The Law on Aliens (Official Gazette of the Republic of Macedonia" No. 35/2006, 66/2007, 117/2008, 92/2009, 156/2010 and 158/2011),</li> <li>- Rulebook on Aliens adopted on 25.02.2008,</li> <li>- Rulebook on the manner of issuing visas for foreigners, continuation, abbreviation of their validity, cancellation or annulment of visas, as well as the template for visas and on keeping records ("Official Gazette of the Republic of Macedonia" No. 71/2007).</li> </ul>
Montenegro	<ul style="list-style-type: none"> <li>- The Law on Foreigners (Official Gazette of Montenegro 82/08);</li> <li>- The Law on Employment and Work of Foreigners (Official Gazette of Montenegro 22/08);</li> <li>- Law on Travel Documents (Official Gazette of Montenegro 21/08 and 25/08);</li> <li>- Law on Identity Card (Official Gazette of Montenegro 12/07);</li> <li>- The Decree on Visa Regime (Official Gazette of Montenegro 18/09);</li> <li>- The Rulebook on procedures for granting temporary and permanent residence and issuing travel and other documents to foreigners (Official Gazette of Montenegro 58/09);</li> <li>- The Law on Border Control (Official Gazette of Montenegro 72/09);</li> <li>- The Rulebook on visas and visa forms (Official Gazette of Montenegro 64/09);</li> </ul>
Serbia	<ul style="list-style-type: none"> <li>- Law on Foreigners, Visa Book no 5/17/2010 dated on 12.04.2010;</li> <li>- Instruction of Visa Policy Department no. 1367-8/3-2 dated on 10.01.2011</li> </ul>



## Annex V.3

3. Can visas be issued at the border under exceptional circumstances apart from usual procedure of issuing visas through diplomatic missions and consular posts (DMCPs)?

Albania	<p>Yes,  <i>Border Police can issue visa only in specific circumstances such as:</i></p> <ul style="list-style-type: none"> <li>- <i>Emergency,</i></li> <li>- <i>Death,</i></li> <li>- <i>Technical problem,</i></li> <li>- <i>Bad weather conditions or terrorist attack</i></li> <li>- <i>Foreign sailors</i></li> <li>- <i>State interests and international obligations</i></li> </ul>
Bosnia and Herzegovina	<p>Yes,  <i>In accordance with the Law on Movement and Stay of Aliens and Asylum, and the Rulebook on Entry and Stay of Aliens, in exceptional cases the person may be issued a visa at the border. These visas are short stay visas for single entry or transit visa, or airport transit visa for one entry.</i>  <i>The visas are issued at the border, by the BiH Border Police, if required by the security, humanitarian, serious professional or personal reasons.</i>  <i>At a number of international border crossings, technical requirements were achieved for issuing visas at border crossings, as well as checks of issued visas in diplomatic network of Bosnia and Herzegovina.</i></p>
Croatia	
Macedonia	<p>Yes,  <i>In accordance with Article 36 of the Law on Aliens, a visa may be issued at a border crossing. As an exception, a transit visa and single entry short stay visa (of up to 15 days of stays) may be issued at a border crossings on humanitarian grounds and if this is envisaged under a ratified international treaty. These visas are issued by the Ministry of the Interior, upon previous approval from the Visa Centre at the Ministry of Foreign Affairs.</i></p>
Montenegro	<p>Yes,  <i>A visa can be issued at the border under exceptional circumstances apart from usual procedure.</i></p>
Serbia	Yes

## Annex V.4

4. Does a central visa information system for on-line consultation and electronic exchange of data among the DMCPs, central authority, MFAs and border crossing points (BCPs) exist in your country?

Albania	Yes, <i>Implementation of the E-visa modul, installed in the TIMS system made fully functional exchange data among the consular structures of the Ministry of Foreign Affairs at home and abroad, Ministry of Interior, Border Points and SIS.</i>
Bosnia and Herzegovina	Yes
Croatia	
Macedonia	Yes, <i>It is established and functional in ... for on-line consultations and electronic exchange of data between DMCPs, MFA, MI, Border Crossing Points and State Employment Agency.</i>
Montenegro	No, <i>There is no central visa information system yet, but there was sveral meetings regarding that issue which will be solved in the nearest future.</i>
Serbia	<i>Under construction, it will be operational in November 2011.</i>

## Annex V.5

5. Is the number of staff involved in visa matters proportionate to the caseload and please describe types of training of the staff?

Albania	<i>All persons that are posted abroad to work on visa issue are trained before leaving. Also in cooperation with IOM, MFA organizes time after time training programs for consular issues including visa matters.</i>
Bosnia and Herzegovina	<i>Proportionate to the caseload. The training of the staff exist, in the national institutions dealing with the issues, but should be improved.</i>
Croatia	
Macedonia	Yes, <i>Proportional to the caseload and according to the Legislation they are trained for usage of National Visa Information System (NVIS) both in the Ministry of Foreign Affairs and DMCP.</i>
Montenegro	<i>In this moment 3 employees in the Ministry of foreign affairs and European Integration are working on visa issues. Training of the staff, will be organised with Embassy of the USA, as well as MFA of Republic of Slovenia, by the end of this year.</i>
Serbia	

## Annex V.6

6. Please list the types of visas in your country and are they compatible with Schengen Acquis.

Albania	<i>There are four types of visas "A", "B", "C", "D" but they are not fully according to Schengen Acquis.</i>
Bosnia and Herzegovina	<i>There are:</i> <ul style="list-style-type: none"> <li>- A,</li> <li>- B,</li> <li>- C, and</li> <li>- D visa</li> </ul> <i>all compatible with Schengen Acquis.</i>
Croatia	
Macedonia	<i>They are:</i> <ul style="list-style-type: none"> <li>- Airport transit visa (Visa A ),</li> <li>- Transit visa (Visa B)</li> <li>- Visa for short-term residence (Visa C)</li> <li>- Visa for long-term residence (Visa D)</li> </ul> <i>compatible with the Schengen acquis both by types and conditions for obtaining visas.</i>
Montenegro	<ul style="list-style-type: none"> <li>- Type A – airport-transit visa</li> <li>- Type B – transit visa</li> <li>- Type C – short stay visa</li> <li>- Type D – long term visa</li> </ul>
Serbia	<ul style="list-style-type: none"> <li>- Visa type A (airport transit visa) – not in use</li> <li>- Visa type B (transit visa 5 days of stay in transit)</li> <li>- Visa type C (short term visa, up to 90 days in 6 months)</li> <li>- Visa type D (allow to apply for the resident or working permit) - not in use</li> </ul>

## Annex V.7

## 7. What is the standard procedure for issuing different types of visas?

Albania	<ul style="list-style-type: none"> <li>- Handed visa application to DMPCs,</li> <li>- Then all the information is sent by e- visa to Ministry of Foreign Affairs.</li> <li>- After a check the application is sent at the same time to the MI and SIS.</li> <li>- Both institutions send a consulate feedback for CD, which has the right of decision to approve or refuse the visa.</li> <li>- After the decision is made, the information should be sent to the DMPCs.</li> </ul>
Bosnia and Herzegovina	Standard procedure for issuing visas is regulated by the B&H Rulebook on visa issuing (sl.g. B&H 104/08 and 26/09).
Croatia	
Macedonia	<ul style="list-style-type: none"> <li>- Applicant submits application along with additional required documents to the responsible DMCP.</li> <li>- Consular employee enrolls visa applications in the NVIS and forwards them to the Visa Centre.</li> <li>- Visa applications are revised ... and decided upon accordingly in line with the legal regulations and Law on Aliens.</li> <li>- In case of Visa D application, it is forwarded also to the State Employment Agency and MI, because they are responsible for issuance of work permit and permit for temporary residence.</li> </ul>
Montenegro	<ul style="list-style-type: none"> <li>- The applicant contacts Embassy and prepare required documents (depending of reason of travel).</li> <li>- The applicant has to deliver personally required documents to the Embassy.</li> <li>- Embassy sends all documentation to the Ministry of foreign affairs and European Integrations of Montenegro, after which the Ministry sends it to the Border police of Montenegro.</li> <li>- When Ministry of Foreign Affairs and european integrations of Montenegro and Border police of Montenegro give their opinion the visa may be issued or rejected.</li> </ul>
Serbia	<ul style="list-style-type: none"> <li>- Application is submitted in person or by mail - where there is no consulate of Republic of Serbia.</li> <li>- The Consular post forwards the complete application in electronic form to the MFA.</li> <li>- MFA in specific cases will forward the request to the MIA for the necessary checks.</li> <li>- After approval the information will be returned throw the same route back to the diplomatic - consular office in order visa to be issued.</li> <li>- A visa can not be issued without prior consent except in six clearly defined situations.</li> <li>- Electronic records maintained by the MFA.</li> <li>- Electronic system (under construction)</li> </ul>

## Annex V.8

## 8. Please describe central national Visa Register of granted and rejected visa-applications.

Albania	<p>National Visa register collects data for every applicant such as:</p> <ul style="list-style-type: none"> <li>- number of applications,</li> <li>- date of application,</li> <li>- number of visas that are issued or</li> <li>- refused respectively for each person.</li> </ul>
Bosnia and Herzegovina	Central National Visa Register of granted and rejected visa-applications is in the Ministry of Security of Bosnia and Herzegovina.
Croatia	
Macedonia	<p>Central Visa Register is part of NVIS system and this data is a part of summaries provided by NVIS.</p> <p>It is fully IT system, centrally positioned in the Visa Centre.</p> <p>DMCPs approach to the system by WEB application through suitable working stations which are in line with security standards for IT transfer of data.</p> <p>There is a separate dossier for each visa applicant and all next visa applications are attached to it. After expiration of time limit for keeping the files active as prescribed by the Law, files are archived and deleted accordingly. System enables various summaries, reports and analyses of visa applications.</p>
Montenegro	<p>According our data base from January 2011 inclusive September 2011 there were:</p> <ul style="list-style-type: none"> <li>- 307 requests in Embassies of Montenegro</li> <li>- 86 requests in Embassies of Republic of Bulgaria (which are representing us in several countries)</li> <li>- 73 requests in Embassies of Republic of Serbia (which are representing us in several countries)</li> </ul>
Serbia	<p>The Ministry of Foreign Affairs has acquired the relevant equipment and developed software for the visa information system which will complete the development of e-visa records and make possible the printing of visas with applicant's photo as full control of visa issuance to applicants from third countries.</p> <p>It is expected that the system will be operational by the end of June 2011, while the pilot software application has already been prepared and fully aligned with the application used in Schengen Area States.</p>

## Annex V.9

## 9. What are the capacities of the institutions/authorities that have competences in visa matters to detect false documents?

Albania	<p><i>Difficult:</i></p> <p><i>Actually it is difficult for personnel of DMPCs to detect false documents since they don't have any devices for that.</i></p> <p><i>As security mater, Law "On Foreigners" determines that every applicant must be present at DMPCs when applies for a visa.</i></p> <p><i>In this way Consulate has the possibility to interview applicants and to ask about doubtful things.</i></p>
Bosnia and Herzegovina	<p><i>Good,</i></p> <p><i>But might be improved.</i></p>
Croatia	
Macedonia	<p><i>Fully equipped:</i></p> <p><i>DMCPs of the Republic of Macedonia are fully equipped for detection of falsified documents.</i></p> <p><i>Training for detection of falsified documents is mandatory for the employees before they start to work in the DMCPs.</i></p>
Montenegro	<p><i>Ministry of foreign affairs and european integration is permanently education its staff, together with the Police Administration of Montenegro. Most recent specialised training was held one year ago in cooperation with IOM, with the goal to detect and expose false documents.</i></p>
Serbia	<p><i>Improving:</i></p> <p><i>By its decision of December 2010, the Government extended the existing job schemes of the MFA to include jobs needed by the (Visa Centre).</i></p> <p><i>This, together with total introduction of e-recording of granted and refused visas, will make this segment fully aligned with ... will be professionally and technically equipped to fulfil its roadmap obligations with a view to preventing illegal migration from third countries.</i></p>







## VI. OVERVIEW ON REFUGEES AND DISPLACED PERSONS

### Annex VI.1

1. Provide the information on international and national legal framework (laws, by-laws, decisions etc.) referring to refugees and displaced persons in your country.

Albania	<ul style="list-style-type: none"> <li>- International: 2 - Convention of Geneva 1951 and The Protocol of New York 1967 (Albania has ratified it in 1992),</li> <li>- Constitution (article 40),</li> <li>- Law: 4</li> <li>- By-laws: 13</li> </ul>
Bosnia and Herzegovina	<ul style="list-style-type: none"> <li>- International : 15</li> <li>- Constitution: (Provision on Ratification of International Conventions (R BiH Official Gazette no. 5/92), General Framework Agreement for Peace in Bosnia and Herzegovina Annex 4 – Constitution Annex 7 - Refugees and Displaced Persons; FBiH and RS Constitutions and BiH Brčko District Statute</li> <li>- Laws: 4</li> </ul>
Croatia	
Macedonia	
Montenegro	<ul style="list-style-type: none"> <li>- International: in compliance with the 1952 Refugee Convention and 1967 Protocol.</li> <li>- Constitution:</li> <li>- Laws: 5</li> <li>- By-laws: 4</li> </ul>
Serbia	<ul style="list-style-type: none"> <li>- International: 3 Convention relating to the Status of Refugees of 1951 and its Protocol in 1967, and fully complies with the Framework on Durable Solutions and the UN Guiding Principles on internal Displacement.</li> <li>- Constitution:</li> <li>- Laws: 1 + 4</li> <li>- By-Laws: 2</li> </ul>

## Annex VI.2

## 2. Which national institution/agency is responsible for refugees/ displaced persons matters?

Albania	<ul style="list-style-type: none"> <li>- Ministry of Interior (Border and Migration Police, Directorate for Nationality and Refugees, National Reception Center for Refugees),</li> <li>- Ministry of Health,</li> <li>- Ministry of Labour and Social Affairs,</li> <li>- Ministry of Foreign Affairs.</li> </ul>
Bosnia and Herzegovina	Ministry for Human Rights and Refugees of Bosnia and Herzegovina and line Entity Ministries.
Croatia	
Macedonia	The MLSP is institution responsible for following issues regarding persons granted asylum: social protection, funding of the health protection provided via national health system, accommodation, employment including issuance of personal work permits via State Agency for Employment.
Montenegro	Bureau for the care of refugees-primarily, Ministry of labor and social welfare, Ministry of foreign affairs and european integration, Ministry of interior
Serbia	<ul style="list-style-type: none"> <li>- Commissariat for Refugees established by the Law on Refugees in 1992.</li> <li>- Performs tasks related to: identifying refugee status, caring for refugees, coordinating the humanitarian aid provided by other agencies and organizations in country and abroad, resolving housing issues for refugees in accordance with the ...</li> </ul>

## Annex VI.3

## 3. Describe your integration policy for the refugees/displaced persons?

Albania	<p><i>In accordance with the Law 9098, date 03.07.2003, "For integration and family reunification of persons who have been granted asylum in the Republic of Albania", the person profits some services such as:</i></p> <ul style="list-style-type: none"> <li><i>-The right for education;</i></li> <li><i>-The right for work;</i></li> <li><i>-The right for social treatment;</i></li> <li><i>-The right for medical treatment;</i></li> <li><i>-The right for shelter;</i></li> <li><i>-The right for family reunification.</i></li> </ul>
Bosnia and Herzegovina	<p><i>Ensuring access to the rights to safe and dignified return and full re-integration of returnees,..., thus ensuring a standardized and harmonized implementation of the goals set out in Annex VII of the GFABiH.. in a way to ensure the equality of refugees, displaced persons and returnees, without questioning their right to opt for other available and preferred durable solutions, ...as consolidated in the Guiding Principles of Internal Displacement.</i></p>
Croatia	
Macedonia	<p><i>The integration policy ..is defined by the two main strategic documents – Strategy on Integration of Refugees and Foreigners, adopted by the Government in December 2008; and the National Action Plan for Integration of Refugees and Foreigners, adopted by the Government in November 2009. Both documents, ...detailed plan on activities supporting process of local integration for persons granted asylum ...across main integration sectors: employment, education, housing, social protection, health and social integration.</i></p>
Montenegro	<p><i>Displaced persons from the ex- Yugoslavia republics and internally displaced persons from Kosovo who reside in Montenegro, until they obtain foreigner status with permanent domicile, according to the Law on foreigners they exercise following rights, the same as Montenegrin citizens: labour rights, educational rights, social and child care, health care rights, pension and disability insurance.</i></p>
Serbia	<p><i>From 1995, the Commissariat for Refugees is implementing programmes for sustainable solutions:</i></p> <ul style="list-style-type: none"> <li><i>- Provide durable solutions and local integration to refugees;</i></li> <li><i>- Local integration of refugees directly resulted in the reduction of the number of refugees. More than 200 000 of persons acquired citizenship of..., whereas 149 000 of refugees ..repatriated to countries of origin... improvement of living conditions of IDPs: Strategic framework is grounded in the National Strategy for Resolving Problems of Refugees and Internally Displaced Persons 2011/ 2014;</i></li> <li><i>- Implementation mechanism ..are developed both on the central and local level;</i></li> <li><i>- Social action plans were developed in 21 municipalities;</i></li> <li><i>- Social integration according to individual needs through the ...programmes aimed at economic empowerment of refugees;</i></li> <li><i>- Trainings for improving competitiveness in the labour market.</i></li> </ul>

## Annex VI.4

## 4. What is the management of international cooperation in the area of refugees and displaced persons (UNHCR etc.) like?

Albania	<i>The cooperation with UNHCR is close and it includes in many aspects works and common activities in interes not only of the refugees and the asylum seekers, but also of the development of the asylum system in Albania. UNHCR gives it's support and helps in the integration of the refugees who are out of the National Reception Center for Asylum seekers in Babrru (through an NGO which is RMSA). UNHCR has contributed time after time for the training of the personnel of the DfNR and NRCA Babrru, in the issues of asylum. The cooperation with NGO-s such as RMSA is effectivated through a contract and for the service of a free, an advocate who is been offered to the refugees and asylum sekers.</i>
Bosnia and Herzegovina	<i>Acknowledgement of the leading humanitarian capacity of the UNHCR, which has been entrusted by the Secretary-General of the United Nations with the role of coordinating among all agencies assisting with implementation of the Annex 7 of the DPA.</i>
Croatia	
Macedonia	<i>The MLSP regularly cooperates with UNHCR and jointly implement projects that are defined under the annual sub-agreements. For 2011, the MLSP and UNHCR have signed sub-agreement for implementation of activities related to local integration of refugees.</i>
Montenegro	<i>Governmental body cooperate with UNHCR, EU Delegation, MARRI, embassies, foreign NGOs,...Among others, Bureau for the care of refugees , often, hosted many impoprtant international institutionsand representatives, informing them on living conditions in camps Konik I and II. We want to pint out visit of the representatives of the CEB and head of OSCE office in Podgorica.</i>
Serbia	<ul style="list-style-type: none"> <li><i>- Over the years, the Commissariat has amassed a wealth of relevant experience through intensive cooperation with the UNHCR as well as other agencies from the UN system: census of refugees on three occasions (1996, 2001 and 2004/05) as well as the census of internally displaced persons in 2000;</i></li> <li><i>- Conducted numerous project with ..the OSCE, UNHCR, , European Commission, IOM and other</i></li> <li><i>- Serbia is actively engaged in discussions at the international level, presenting its views and conclusions at the Council of Europe committees, at the UNHCR and OSCE annual meetings and conferences, Global Forum for Migration and Development and so forth.</i></li> </ul>

## Annex VI.5

5. Does your country has a national strategy on refugees/displaced persons related questions?  
If so, does your country has sufficient capacities to implement the strategy and for how long?

Albania	Yes, (National Plan for Implementation of the Stabilisation and Association Agreement (NPISAA) 2012-2015. - Albania have all the needed capacities to implement the strategy.
Bosnia and Herzegovina	Yes, The Strategy from 2002, was the first joint framework State document towards a final implementation of the provisions of the GFABiH. Reforms towards the implementation of the goals set out in the Strategy. Extraordinary results: - In the last sixteen years almost all occupied property has been returned; thousands of houses reconstructed; - Representation of minorities in the public sector has increased; - Freedom of movement is today enjoyed; - The safety of returnees has been significantly improved. However, there still remains a lot to be done... It is necessary to review and strengthen the efforts on the implementation of Annex VII. To this end, the BiH Ministry of Human Rights and Refugees and UNHCR, in close consultations prepared the Revised Strategy for the Implementation of Annex VII of the Dayton Peace Agreement adopted in 2010.
Croatia	
Macedonia	Yes, - Two main strategic documents – Strategy on Integration of Refugees and Foreigners (2008); and the National Action Plan for Integration of Refugees and Foreigners (2009). In brief, the Government had taken over completely provision of social protection as persons granted asylum have right equal to Macedonian citizens. - For MLSP and the sustainable process of integration two main sectors remain to be further strengthened – employment and long-term housing solutions. ... still remaining issues for which MLSP expects support and cooperation with external partners and donors.
Montenegro	Yes, Strategy for durable solution of issues regarding to displaced and internally displaced persons in Montenegro with special emphasis to Konik area” prepared in cooperation with UN agencies and Delegation EU. It should be adopted by the end of the July 2011.
Serbia	Yes, The Government of Serbia adopted earlier in May of this year the National Strategy for Resolving Problems of Refugees and Internally Displaced Persons for the Period from 2011 to 2014. The funds are envisaged by the state budget and donor funds.

## Annex VI.6

6. Are there any other specific return programmes designed to ensure effective, timely and sustainable return of refugees/displaced persons? If so, which institutions develop and implement the programmes?

Albania	<i>Yes there is a program of return designed to ensure effective, timely and sustainable return of refugees. The institution that implements this program is Border and Migration Police.</i>
Bosnia and Herzegovina	<i>THE FRAMEWORK PROGRAMME FOR RETURN OF REFUGEES AND DISPLACED PERSONS TO BIH FOR THE PERIOD 2009-2014 is an integral part of the Revised Strategy Paper. The programme includes the recommendations from the Revised Strategy of Bosnia and Herzegovina for the Implementation of Annex 7 of the Dayton Peace Agreement which is adopted. This document will respond fully and timely to the need for the implementation of the common programme-related tasks for the benefit of all those who are still in need of durable solutions for their refugee/displacement issues through their return.</i>
Croatia	
Macedonia	
Montenegro	<i>Within activities regarding to fulfilment of recommendation no.7 from European Commission Opinion, Action plan is acquired for durable solutions of issues regarding to internally displaced persons in camp Konik I i II. Action plan is adopted by Government of Montenegro in February 2011.</i>
Serbia	<i>The Ministry of Kosovo and Metohija is in charge of sustainable return of internally displaced persons on AP Kosovo and Metohija, and they are conducting projects with help of donor funds in completing the task. However due to conditions in AP Kosovo and Metohija, the return of IDPs has been slow and unsustainable... According to data the number of returnees to Kosovo and Metohija amounts to 19,600, but only 20% of this number can be classified as sustainable return. ...The return to Kosovo and Metohija is impeded by numerous factors. The main problems faced by IDPs in the return process are: lack of the security and freedom of movement, as well as the resolution of their housing problems.</i>

## Annex VI.7

## 7. What kind of protection is provided for the refugees/displaced persons in your national system?

Albania	<ul style="list-style-type: none"> <li>- Status of refugee;</li> <li>- Subsidiary protection;</li> <li>- Temporary protection in cases of massif flux.</li> </ul>
Bosnia and Herzegovina	Protection is provided in line with international and national legal framework as listed under 1. A) and B).
Croatia	
Macedonia	<p>The Law on Social Protection provides for:</p> <ul style="list-style-type: none"> <li>- Social protection... for persons granted asylum ... access to primary health protection equal to Macedonian citizens. .. can legally register their employment or self-employment, they are also allowed to register for pension and health benefits/protection. Internally displaced persons are Macedonian citizens and have access to all kinds of protection prescribed by national legislation.</li> </ul>
Montenegro	<p>Two kind of protection/support provided for displaced persons:</p> <ul style="list-style-type: none"> <li>- Voluntary return and integration in our system.(integration comprised under bullet no.3).</li> </ul> <p>Voluntary return ...in cooperation with UNHCR ...and it is about constant following and evidencing displaced/internally displaced persons who want return; agreement on lend allocation, stipulated for apartments build for IDPs RAE population;</p> <ul style="list-style-type: none"> <li>- Care of asylum-seekers, refugees, and those who were granted subsidiary or temporary protection either in the Reception Centre for Asylum-seekers or in other facility;</li> <li>- Housing and care of the disabled apply for or are granted asylum;</li> <li>- Providing assistance in exercise of rights to: social and health care, education, legal aid, labour and other law-stipulated rights for those who apply or are granted asylum,</li> </ul>
Serbia	<p>..refugees enjoy almost completely the same rights as citizens...</p> <p>Refugees are guaranteed collective protection of personal, property and other rights and freedoms and they are with international legal protection by the Republic of Serbia.</p> <ul style="list-style-type: none"> <li>- Have the right to employment in accordance with the regulations governing this issue.</li> <li>- Are entitled to unemployment assistance.</li> <li>-The Commissariat can provide temporary accommodation and food support ... in collective centres or individual accommodation in facilities and special purpose institutions.</li> <li>- Are entitled to health care, education and work under the same conditions and to the same extent as the nationals,</li> <li>- As well as to social security for the elderly and disabled persons</li> <li>- Are entitled to free education.</li> <li>- Commensurate ...can solve .. housing needs of ..who have opted for integration therein.</li> </ul>

## Annex VI.8

## 8. Describe if there is a legal bilateral, multilateral or regional cooperation in the fields of refugees and displaced persons.

Albania	<ul style="list-style-type: none"> <li>- Cooperation with UNHCR is close and it includes in many aspects (refugees and the asylum seekers, development of the asylum system; - support and helps in the integration of the refugees who are out of the National Reception Center for training of the personnel of the DfNR and NRCA Babrru,</li> <li>- The cooperation with NGO-s such as RMSA is effectivated through a contrate and for the service of a free advocate who is been offered to the refugees and asylum sekers.</li> <li>- Albania is part of (MARRI) which deals with the issues of migration management in the Western Balkans by promoting closer regional cooperation and a comprehensive, integrated, and coherent approach to the issues of migration, asylum, border management, visa policies and consular cooperation, refugee return and settlement in order to meet international and European standards.</li> </ul>
Bosnia and Herzegovina	<ul style="list-style-type: none"> <li>- Close cooperation with the governments of Montenegro, Republic of Croatia and Republic of Serbia. With the guidance and support of UNHCR,</li> <li>- Early next year, at a Donors Conference to be hosted in Sarajevo the four governments will present a Joint Regional Program that has been collectively developed. In this view, the donor support of the international community to complement the on-going efforts is essential to implement the agreements reached through the regional collaboration.</li> </ul>
Croatia	
Macedonia	
Montenegro	<ul style="list-style-type: none"> <li>- Active participant in regional processes for addressing issues of displaced and internally displaced persons (Sarajevska deklaracija-Beogradski process).</li> </ul>
Serbia	<ul style="list-style-type: none"> <li>- The Sarajevo Declaration of 2005 laid out the foundations of the subsequent processess relating to regional cooperation amongst the four countries of the former Yugoslavia needed in order to effectively address the protracted refugee situation within these countries.</li> <li>The regional process was revived in 2010, at the regional Ministerial conference held in Belgrade where the Governments of Bosnia and Herzegovina, Croatia, Montenegro and Serbia</li> <li>- Joint project outline aimed at resolving the housing needs of approximately 74,000 displaced persons within the region.</li> <li>- A Ministerial conference that will reaffirm the join commitment is expected to take place in Belgrade, and will be followed by a donor conference intended to establish the multi donor trust fund.</li> </ul>



## Annex VI.9

9. Describe the system that collects and exchanges data and statistics on refugees/displaced persons movement within your countries and with other countries.

Albania	<i>Because of the low number of asylum seekers and refugees, their registration is done in accordance with the recommended systems by the international organizations, but with a simple procedure. It is a register in the NRCA Babrru and a register in the DfNR. This register is a base of data in version soft and hard (electronic and typed). Albania also exchanges data and statistics continuously with other countries.</i>
Bosnia and Herzegovina	<i>The Ministry for Human Rights and Refugees (MHRR) collects information on return in/to B&amp;H and publishes official statistics once a year. In addition, the MHRR consolidates Entity information on displaced persons and maintains data bases on former and potential beneficiaries of return related assistance.</i>
Croatia	
Macedonia	
Montenegro	<i>The mechanism for exchange of information with other countries are not regulated yet.</i>
Serbia	<ul style="list-style-type: none"> <li>- <i>The Commissariat for Refugees keeps records of persons whose refugee status .. in addition the records are kept of persons who have terminated the refugee status ...and also of persons whose status has been terminated due to organized return to their country of origin or resettlement in third countries through UNHCR.</i></li> <li><i>Refugees are regularly de-registered due to integration into the Republic of Serbia,..</i></li> <li>- <i>Through the regional process, the Republic of Serbia and the Republic of Croatia have conducted exchange of data according to the UNHCR matrix, for the purpose of regular updates of statistics.</i></li> <li>- <i>The Commissariat also has a database on internally displaced persons, asylum seekers staying in Asylum Centres, and is setting up a database on the returnees under the Readmission agreement.</i></li> </ul>



## VII. OVERVIEW OF PERSONAL DATA PROTECTION STANDARDS

### Annex VII.1

1. Does the law on protection of personal data in your country apply to the data processed by automated means (e.g. a computer database of customers) and data contained in or intended to be part of non automated filing systems (traditional paper files)? Also please provide the name of the law and the date of adoption.

Albania	Law no. 9887 dated 10 March 2008 "On Personal Data Protection" Yes, Provides that any action or group of actions that are performed upon personal data, whether or not by automatic means, ... or otherwise making available, extension or combination, photography, picture, drawing, filling, selection, blocking, erasure or destruction, even in If you are not registered in a database to make processing of personal data. (Clause 7, Article 3 of the law on data protection.
Bosnia and Herzegovina	The Law on th Protection of Personal Data (Off. Gazette of B&H 49/06) Yes, Applies to both data processed by automated means and non automated means.
Croatia	
Macedonia	Law on Personal Data Protection (Official Gazette no. 7/2005, 103/2008, 124/2010 and 135/2011) Yes, According the article 3 of the ... this law shall be applied to entirely or partly automated personal data processing and to other processing of the personal data which are part of an existing collection of personal data or are intended to be part of a collection of a personal data.
Montenegro	Law on Personal Data Protection Official Gazette of ...,No. 79/2008 and 70/2009- adopted on Dec. 23, 2008 Yes, It applies to the processing of personal data conducted wholly or partly by automatic means or otherwise and is an integral part of a personal data filing system or is intended to form a part of a personal data filing system.
Serbia	

## Annex VII.2

## 2. In accordance with the Law, which state institutions/authorities (controller) have the capacity to process personal data?

Albania	<p><i>...the controller is any natural or legal person, public authority, agency or any other body which alone or jointly with others determines the purposes and means of processing personal data in accordance with laws and regulations.</i></p> <p><i>Law ... apply to processing of personal data:</i></p> <p><i>a) controller located in the R. of Albania;</i></p> <p><i>b) diplomatic missions or consular offices of the ...state;</i></p> <p><i>c) controller, which are not located in the R. of Albania, but exert their activities through the use of any equipment located in the R. of Albania. (Article 3 and par. 2 of Article 4).</i></p>
Bosnia and Herzegovina	<p><i>Article 3 of the Law gives definition of controller. In the sence of "controller" shall be understood to mean any public authority, natural or legal person, agency or any other body which independently or together with another party manages processes and determines the purpose and the manner of person data processing on the basis of laws or regulations.</i></p>
Croatia	
Macedonia	<p><i>According to the article 2 point 5 of the Law on Personal Data Protection, the controller of the personal data collection shall be any natural person or legal entity, a state administration body or other body, who, independently or together with others, determines the purposes and the ways of personal data processing.</i></p>
Montenegro	<p><i>The provisions of this Law shall apply to a state body, state administration body, local self-government and local government body, company or other legal person, sole trader and natural person, with the seat or place of residence in Montenegro which processes personal data or establishes personal data filing systems in the manner and for the purpose stipulated by the law or its act .</i></p>
Serbia	

## Annex VII.3.a

## 3.a) Quality of data:

*Is the personal data processed fairly and lawfully and collected for specified, explicit and legitimate purposes?*

Albania	<i>Principle of data protection requires that the processing of personal data carried out fairly and lawfully. Controllers must have legitimate reasons for collecting and using personal data</i>
Bosnia and Herzegovina	<i>Yes.</i>
Croatia	
Macedonia	<i>The Law ...regulates the personal data as fundamental freedoms and rights of the natural persons, and especially the rights to privacy as related to the personal data processing... ; collected for specific, clear and legally determined purposes and processed in a manner pursuant to those purposes.... Also, the controller shall be responsible for the quality of the personal data in accordance with this article.</i>
Montenegro	<i>Yes, Personal data may be processed for the purposes prescribed by law, and is collected for specified, explicit and legitimate purposes or upon previously obtained consent of the data subject</i>
Serbia	

## Annex VII.3.b

## 3.b) Legitimacy of data:

*Is the personal data processed only when the subject has given his/her consent or the processing is obligatory?*

Albania	<p>One of the main legal requirements for carrying out the processing is that processing can be performed only if the data subject has given his explicit consent.</p> <p>Processing other cases are:</p> <ul style="list-style-type: none"> <li>- If the processing is essential for the fulfillment of a contract for which the data subject is party, or for discussion or changes to a project / contract proposal from the data subject;</li> <li>- To protect the vital interests of data subjects;</li> <li>- To fulfill a legal obligation of the controller;</li> <li>- To perform a legal duty to the public interest or the exercise of powers of the controller or a third party to whom the data are disclosed;</li> <li>- If it is essential to protect the legitimate rights and interests of the controller, the recipient or other interested persons;</li> <li>- But in any case, processing may not be in contravention of the right of data subject to protection of personal and private life (par. 1 Art. 6);</li> </ul>
Bosnia and Herzegovina	<p>In Article 5 of the law is stipulated that the controller may process personal data only with consent of a data subject and such consent shall have to be granted in writing, signed by the data subject.</p>
Croatia	
Macedonia	<p>According to the article 6 lines 1 and 3 of Law on Personal Data Protection, personal data processing may also be performed upon previously obtained consent of the personal data subject and for fulfilling the legal obligation of the controller.</p>
Montenegro	<p>Processing ...may be conducted upon previously obtained consent of the data subject.</p> <p>Processing .. shall be conducted without the consent of the data subject provided it is necessary for:</p> <ol style="list-style-type: none"> <li>1) exercising legal .... obligations and powers of the personal data controller;</li> <li>2) ... protecting. the life or health of the data subject .. unable to give ... consent personally;</li> <li>3) .. fulfilment of contractual obligations...;</li> <li>4) ...public interest or exercising public authority ...;</li> <li>5) ...legal interest of the controller or personal data user,...;</li> </ol> <p>The consent referred .., for the data subject deprived of business capacity,...;</p> <p>The consent... for a dead person ... given by ... successors.</p>
Serbia	

## Annex VII.3.c

3.c) Special categories of processing: Is it forbidden to process personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, etc.?

Albania	Yes, But, Processing is permitted in 8 cases/situations: clearly defined ...(pars. 1 and 2 Art. 7).
Bosnia and Herzegovina	Yes, But the Article 89 allow processing of such data if a data subject has explicitly granted the consent and some other specific cases, like safe the life of the subject (the cases are mentioned in the Low).
Croatia	
Macedonia	Yes, But, as an exception ...data may be performed: In 8 specified situations.
Montenegro	Yes, But there are in 5 Special categories of personal data processing specified by the law.
Serbia	

## Annex VII.3.d

3.d) Information to be given to the data subject: must the controller provide the subject, from whom data are collected, certain information relating to himself/herself?

(the identity of the controller, the purposes of the processing, recipients of the data etc.)

Albania	Yes, the controller ... must inform the data subject about the scope and purpose of which will be processed personal data, who will process the data, how and who will be processed personal data unless the data subject is aware of this information. (par. 1 Art. 18) ...must inform the data subject about the scope and purpose ..., who will process the data, how and who will be processed personal data ... (Par. 1 of Art. 18).
Bosnia and Herzegovina	Yes, according to the Article 22 of the Law.
Croatia	
Macedonia	Yes, (art. 10 )... the personal data subject, must be informed on: - identity of the controller; - the purposes of the processing; - the users or categories of users of personal data; - the compulsoriness of responding to questions; - possible consequences of not responding and - existence of the right to access and the right to correct his/her personal data.
Montenegro	Yes, (Art. 20) ... controller ... shall inform the data subject .. about: 1) the identity of the controller; 2) the purpose of the processing; 3) users; 4) the necessity of disclosing personal data; 5) possible consequences of denying the disclosure; 6) the right of access to personal data or the right to rectify ...
Serbia	



## Annex VII.3.e

## 3.e) Right of access to data: Does every subject has the right to obtain data from the controller?

Albania	Yes, ... every person has the right to request written confirmation received from the controller whether personal data are being processed or not and for the purpose of processing.... The right of access may be restricted only if the entity violates the interests of national security, foreign policy, economic and financial interests of the state, prevention and prosecution of offenses. (Pursuant to paragraph 1 and paragraph 3 of Article 12 of Law on Data Protection).
Bosnia and Herzegovina	Yes.
Croatia	
Macedonia	Yes, ..., the personal data subject may request from the controller to inform him/her: - whether his/her personal data are being processed; - the purposes and legal base; - the users or categories of users; - the logic of automatic processing,.... The controller shall be obliged to respond to the personal data subject referred to in, within 15 days as of the day of accepting the request... (According to Art. 12).
Montenegro	Yes, ...every person has right to know who is processing data about him, purpose and way of processing.
Serbia	

## Annex VII.3.f

3.f) *Exemptions and restrictions: What are the exemptions and restrictions provided by the Law? (national security, defence, public security, the prosecution of criminal offences, etc.).*

Albania	<i>Processing of personal data as defined in the framework of prevention and prosecution for committing an - offense against public order and - other offenses in the field of criminal law, as well as defense and national security, performed by the authorities established by law. (Par. 2 of Art. 6)</i>
Bosnia and Herzegovina	<i>Article 28 contains exceptions in terms of rights such as: state security, defence, public security, prevention, investigation, detection of crimes and prosecution of perpetrators as well as violations of ethical regulations of the profession, economic and financial interests.</i>
Croatia	
Macedonia	<i>Art. 15: the rights of the personal data subject,..., may be restricted in special cases...in regard to: - protection of the security and defense of the state; - detection and prosecution of the perpetrators of criminal acts; - protection from infringement of ethic rules of a certain profession; - protection of economic or financial interests of the state, ... (or) of the EU and - protection rights and freedoms of the personal data subject or of the rights of the natural persons</i>
Montenegro	<i>... may be restricted if deemed necessary for the reasons of defence, national and public security, detection and prosecution of criminal offenders, protection of the economic or financial interest and cultural assets of importance for the country as well as for the protection of persons or human rights and freedoms, within the scope necessary for the fulfilment of the purpose for which the restriction has been determined, in accordance with a special law.</i>
Serbia	

## Annex VII.3.g

## 3.g) The right to object to the processing of data:

*Does the subject, on legitimate grounds have the right to object to the processing of data related to him/her?*

Albania	<i>In accordance with the law on data protection data subject has the right to refuse at any time, based on the processing of data about him. (In accordance with par. 1 of Art. 15</i>
Bosnia and Herzegovina	<i>The Law gives two grounds for data procession. First is procession of data required by the law for which subject's consent is not necessary and second is data processing upon consent of a subject.</i>
Croatia	
Macedonia	<i>Yes, ...Can submit a request ...for confirming violation of the right, provided that he/she considers that a certain right guaranteed by this Law has been violated by the controller or the processor. For the violation of the right referred to in paragraph 1 of this Article, the personal data protection inspector shall conduct an inspection procedure and shall decide in accordance with the provisions for performing inspection on this Law. (Art. 18) - Also... when the personal data are being processed for exercising activities of public interest or an official authorization of the controller or data being revealed to a third party or... the personal data subject shall have the right to request for freezing his/her personal data processing. Should the request in the cases be grounded, the controller shall be obliged to freeze further processing of the personal data. (Art. 13).</i>
Montenegro	<i>Yes, A person who considers that any of their rights guaranteed by the Law have been violated may submit a request for the protection of rights to the supervisory body.</i>
Serbia	

## Annex VII.3.h

## 3.h) Confidentiality and security of processing:

*Are the appropriate measures included in the Law in order to protect personal data in case of accidental or unlawful destruction or accidental loss, alteration, unauthorised disclosure or access?*

Albania	<p>Yes,  ...These measures consist of:</p> <ul style="list-style-type: none"> <li>- Establish the organizational unit... regarding the use of data;</li> <li>- Ensure that ... data is used by ... authorized operators only ...;</li> <li>- Instruct the operators, ... for data protection, including regulations for data security;</li> <li>- Prohibit entry to the premises ... of unauthorized persons;</li> <li>- Moving data and programs made only by authorized persons;</li> <li>- The operation of equipment ... is done only with the authorization...;</li> <li>- Record and document the modifications, corrections, deletions, etc. broadcasts. (Art. 27).</li> </ul>
Bosnia and Herzegovina	<p>Yes,  Article 11 is dedicated to data security. Additionally, Article 16 contains confidentiality requirement for employees in the office of the controller or processors and other persons who are engaged in the processing of personal data.</p>
Croatia	
Macedonia	<p>Yes,  Art. 23 of ...(provides that) ... the controller and processor have to apply proper technical and organizational measures for protection of accidental or illegal damaging of the personal data, or their accidental loss, change, unauthorized disclosing or approach, especially when the processing includes transmission of data over a network and protection of any kind of illegal forms of processing.  The controller and processor shall be obliged to adopt and apply documentation containing description of the technical and organizational measures for providing secrecy and protection of the personal data processing.</p>
Montenegro	<p>Yes,  The measures ... shall be adequate to the nature and character of the data undergoing processing.  ...measures and standards, as well as personnel and organizational measures for personal data protection undergoing processing, shall be established by the personal data controller.  The personal data controller shall allow the access to personal data filling systems and keep the records on personal data users in accordance with their act.</p>
Serbia	

## Annex VII.4

## 4. Does a supervisory authority on the national level that needs to be notified before each processing of personal data exist?

Albania	Yes, Commissioner for Personal Data Protection; Each controller must notify the Commissioner for Personal Data Protection for personal data processing for which it is responsible. This notification is made before the controller to process data for the first time. (In accordance with paragraph 1 of Article 21 of Law on Data Protection).
Bosnia and Herzegovina	Yes, Supervisory authority is Personal Data Protection Agency of B&H, according to the Article 35.
Croatia	
Macedonia	Yes, Directorate. According to the article 27 of the Law on Personal Data Protection, prior to initiating the personal data processing, the controller shall be obliged to notify the Directorate.
Montenegro	Yes, The Agency for personal data protection established for the purposes of performing the activities of the supervisory body.
Serbia	

## Annex VII.5

5. Are there judicial remedies for any breach of the rights guaranteed to the data subject by the national law applicable to the processing of data?

Albania	<p>Yes,  <i>... Law on Protection of Personal Data allows any person who claims that his rights, freedoms and lawful interests of personal data, the right to complain or to notify the Commissioner and seek his intervention to remedy of the violations. Following this complaint, in accordance with the Code of Civil Procedure, the data subject may appeal to the court. (In accordance with par. 1 of Art. 16).</i>  <i>- Any person who has suffered as a result of unlawful processing of personal data, has the right to seek compensation controller according to the rules defined in the Code of Civil Procedure. (Art. 17).</i></p>
Bosnia and Herzegovina	<p>Yes,  <i>There are. The Agency shall issue a decision on the data subject's complain against controller which shall be submitted to the complainant and the controller as stated in Article 30. No appeal shall be allowed against Agency's decision, but it is possible to initiate an administrative dispute proceedings before the Court of B&amp;H. In deliberating the complains the Agency shall be required to comply with the Law on Administrative Procedure.</i></p>
Croatia	
Macedonia	<p>Yes,  <i>(Art. 21) the controller shall be liable for any damage caused to the personal data subject by the personal data processing or by other activity, carried out contrary to the provisions of this Law, unless he/she proves that the damage did not arise due to his/her fault.</i>  <i>The Personal Data subject shall exercise the right to damage compensation caused by the processing of personal data or other activity carried out contrary to the provisions of this Law, by submitting a claim for damage compensation to the competent court</i></p>
Montenegro	<p>Yes,  <i>the Criminal Provisions were prescribed by this Law for all breaches of the right guaranteed to the data subject by the Law.</i></p>
Serbia	







## VIII. OVERVIEW ON LABOUR MIGRATION MANAGEMENT

### Annex VIII.1

1. According to your national legislation,  
which institutions are responsible for labour and employment issues including Labour Migration?

<b>Albania</b>	<ul style="list-style-type: none"> <li>- Directorate of Migration Return and Reintegration Policies in the ministry charged with employment and social affairs;</li> <li>- The responsible state authority at the local level for the employment of foreigners is the respective employment office;</li> <li>- Ministry of Labour, Social Affairs and Equal Opportunities is responsible for designing and pursuing policies associated with immigration work;</li> <li>- In cooperation with the State Social Service and Local Government Units.</li> </ul>
<b>Bosnia and Herzegovina</b>	<ul style="list-style-type: none"> <li>- Exclusive responsibility of the entities and Brcko District of BiH, and that the Department of Labour, Employment, Social Protection and Pensions of the Ministry of Civil Affairs of BiH is responsible for: Preparing and implementing regulations, duties and tasks that are within the competence of BiH... DLESP, the field of labour migration is an integral part of an international strategy in the areas of labour, employment,....</li> <li>- Labour and Employment Agency of BiH is responsible in the field of labour migration.</li> </ul>
<b>Croatia</b>	<p>Issues relating to regulation of the employment status of aliens in Croatia are within the activity scope of the Ministry of Interior.</p> <p>The issuance of work permits (work permits, business licenses and certificates of registration work without a work permit or business license) is within the jurisdiction of competent authorities of the Ministry of Interior: police departments and police stations.</p>
<b>Macedonia</b>	Ministry of Labour and Social Policy and State Agency for Employment are responsible for management of labour migration.
<b>Montenegro</b>	<p>Responsible for labour and employment issues is the Ministry of Labour and Social Welfare.</p> <p>The institutions in charge of employment in accordance to the Law on Employment and Exercising Right to Insurance due to Unemployment (Official Gazette of.. 14/2010) are Employment Office of Montenegro and Employment Agency.</p>
<b>Serbia</b>	<ul style="list-style-type: none"> <li>- Ministry of Economy and Regional Development;</li> <li>- Ministry of Labour and Social Policy;</li> <li>- Ministry of Interior and National Employment Service;</li> <li>- National Employment Service is a public service operating under the supervision of the Ministry of Economy and Regional Development.</li> </ul>

## Annex VIII.2

## 2. Please list national legislation which regulates Labour Migration in your country (name of the law, date of adoption).

Albania	<p>The law which regulates Labour Migration in our country is Law Nr. 9959, dated 17.07.2008, "On Foreigners"</p> <ul style="list-style-type: none"> <li>- Based on this law are adopted 15 decisions of ...cancellation of work permit for 15 job categories.</li> <li>- In the field of emigration is in force and applicable law no. 9668, dated 18.12.2006 "On the emigration of albanian citizens for employment purposes", as last amended by Law no. 10389, dated 18.12.2010 "On some amendments and additions to the Law no. 9668, dated 18.12.2006 "On the emigration of albanian citizens for employment purposes." - ...the Order of the ...no. 83, dated 06.06.2011".</li> </ul>
Bosnia and Herzegovina	<p>The Law on Movement and Stay of Aliens and Asylum ("Official Gazette of BiH" No. 36/08 of 6 May, 2008);</p> <p>The labour legislation in BiH is under the responsibility of the entities and Brcko District of BiH and complies with the ILO Conventions;</p> <p>The laws governing the employment of foreigners are adopted at the entity level, i.e.:</p> <ul style="list-style-type: none"> <li>- Law on Employment of Foreigners (Official Gazette of the Federation of Bosnia and Herzegovina, No. 8/99)</li> <li>- Law on Employment of Foreigners and Stateless Persons (Official Gazette of the Republic of Srpska, No. 97/04, 96/05 and 123/06)</li> <li>- Law on Employment of Foreigners in the Brcko District of BiH ("Official Gazette of BD", No. 34/09).</li> </ul>
Croatia	<p>Regulated by:</p> <ul style="list-style-type: none"> <li>- Aliens Act ("Official Gazette" Nos. 79/07 and 36/09);</li> <li>- Ordinance on the status and work of aliens in the Republic of Croatia ("Official Gazette" Nos. 36/08 and 65/10);</li> <li>- Ordinance on the conformity in the process of issuing business permits to aliens ("Official Gazette" No. 61/09.);</li> <li>- Ordinance on the method of determining conditions ... ("Official Gazette" No. 42/08);</li> <li>- Ordinance on the method ... ("Official Gazette", No. 62/08, * Effective from the day of Croatian accession to the European Union);</li> <li>- Regulation on the method ... ("Official Gazette" No. 88/09), and</li> <li>- Decision determining the annual quota of work permits for aliens in the calendar year 2011 ("Official Gazette" No. 19/11).</li> </ul>
Macedonia	<p>The Law on Employment and Work of Foreigners and related by-laws, adopted 5th June 2007, Official Gazette no.70/2007; 35/2010; In addition, the Parliament adopted Resolution on Migration in 2008.</p>
Montenegro	<ul style="list-style-type: none"> <li>- Law on Employment and Work of Foreigners (Official Gazette of... 22/08 and 32/11);</li> <li>- Law on Employment and Exercising Right to Insurance due to Unemployment (Official Gazette of... 14/2010);</li> <li>- Law on Protection of Montenegrin Citizens Working Abroad (Official Gazette of... 11/2004);</li> <li>- Decree on criteria and procedure... (Official Gazette of... 69/08);</li> <li>- Rulebook on manner of issuing working permits for foreigners (Official Gazette of... 40/11);</li> <li>- Decision on establishing the number of working permits for foreigners for 2011 (is adopted annually);</li> <li>- Decree on manner of exercising the rights of displaced persons and internally displaced persons (Official Gazette of Montenegro 45/2010).</li> </ul>
Serbia	<p>The Law on conditions for establishment of employment relations with foreign citizens ("SFRY Official Gazette" No. 11/78, 64/89, "FRY Official Gazette" No. 42/92, 24/94, 28/96, "RS Official Gazette" No. 101/05),</p> <p>The Labour Law ("RS Official Gazette", No. 24/05, 1/05 and 54/09) and</p> <p>The Law on Foreigners ("RS Official Gazette" No. 97/08) within the Republic of Serbia legal system.</p>

## Annex VIII.3

## 3. What are the characteristics of Labour Migration from/to your country?

(countries of destination/origin, figures, trends, nature of movement -long-term/temporary).

Albania	<p>- Albanians emigrate in a big way... Currently, abroad are about 1.5 million Albanian emigrants, or about 40 percent of active population, or about 30 percent of the total population ...</p> <p>- Migration are located in Greece, Italy ... while the rest are located in other EU countries, the USA and Canada.</p> <p>Immigration in Albania is insignificant.</p> <p>Starting from the early 90-in, the wave of migration flows in Albania has been increasing. ... Turkish immigrants came to work in Albania. ...immigrants from neighboring countries with Albanian origin (Kosovo, Macedonia and Montenegro), was relatively large. The percentage of immigrants is not high. It constitutes 0.2-0.25% of the population.</p> <p>Albanian immigrants are concentrated in the capital (Tirana 67%) and Durres (15%), ...During 2010, are equipped with work permits 1608 foreign nationals. .. -Tirana, 807 work permits, ....</p>
Bosnia and Herzegovina	<p>The bilateral agreements in the field of employment, which are concluded between BiH and other countries, regulate the employment of temporary employees with the possibility of renewing the work permit.</p>
Croatia	<p>On 31 December 31 2010, ..., a total of 32,125 aliens had a regulated status, of which 13,211 aliens had a permanent residence and 18,914 had a temporary residence.</p> <p>- Purposes ... were granted a temporary stay in 2010 are mainly family reunification (9,342) and work (7,936).</p> <p>In 2010, the total of 5,078 work permits were issued, of which 3,601 ... within the annual quota, and 1,477 out of the annual quota.</p> <p>The largest number ... from abroad are citizens of BiH. ... for construction work (...), followed by shipbuilding (...) catering and tourism (...), etc.</p> <p>- Out of the annual quota, the largest number of work permits were issued for the position of a director (...) in trade.</p> <p>- ...by their qualifications, the largest number ... have a high school diploma, followed by those with an university degree, those in skilled jobs, and those with a lower education degree.</p>
Macedonia	<p>The labour migration is characterized by trends related to the brain-drain and migration of young people from Macedonia to European and other countries across the World.</p> <p>A total net-migration to European countries is 742 in 2010. A total of Macedonian citizens that emigrated to European countries is 679; to USA/Oceania is 244 (data from State Statistical Office).</p>
Montenegro	<p>Montenegro is characterized by two types of labour migration:</p> <p>1. Geographical (regional and inter-state): ... seasonal employment: in inter-state migration, the mobility is the largest in the neighbouring countries (BiH, Serbia, MK, Al, Cr., etc.), whilst the regional migration is characterised by the "north-south", i.e. migration from less developed.., towards better developed ...</p> <p>- The majority of foreigners employed in Montenegro are from the Republic of Srb., (40%) BiH, ..30%, MK, around 20% in hospitality industry, ...construction semi- commerce, .., and in agriculture.</p> <p>2. Professional Mobility: ... characterised by poor movement.</p> <p>In regard to a period of labour migration, taking into account that migration is mostly caused by seasonal employment, therefore it depends on duration of seasonal work and employment (from 2 to 8 months).</p>
Serbia	<p>...young people ... in moving., for eduvction ...but, also, for the reason of permanent change of residence.</p> <p>...foreign citizens working in the Serbia, Pursuant to actual regulations do not need work permits (top managers ...) and can not be found in any of the records, comparing to number of those foreign nationals B) being employed upon issued work permits.</p> <p>...this country is very interesting for citizens of some regional countries and Afro-Asian countries, as well. ...</p> <p>...the number of issued work permits to foreign citizens in 2010. 2.534 ... (including 167 work permits to Bosnia and Herzegovina citizens, 82 Croatia citizens, 90 Montenegro, 298 Macedonia, 3 Albania, 73 Bulgaria and 103 Romania citizens).</p>

## Annex VIII.4

## 4. How are the migration data collected and related policy developed?

Albania	<p>Data on work permits ... are registered in the National Electronic Registry for foreigners .. Directorate of Migration, Return and Reintegration Policies, is State competent authority, which collects, manages and performs in the central level ... National Employment Service.</p> <p>- The Law no. 9668, dated 18.12.2006, "On the emigration of Albanian nationals ...": ... three categories of ...citizens</p> <p>- ..the registration .. is not mandatory, .., the number ...who emigrate registered.. is very small and not representative of the ... Albanian migratory flows in years.</p> <p>- ... employment agreement with the Italian state ... data on Albania's labor supply for the Italian labor market.</p> <p>- The Law no. 9668, dated 18.12.2006, ...also provides registration of Albanian nationals from the Ministry of Interior....</p> <p>- Drafting the annual profiles on migration of Albanian. In these process are involved Mol, MOLSAEO, MFA, INSTAT ...</p>
Bosnia and Herzegovina	<p>The Labour and Employment Agency of ... collects foreign and domestic applications and information on supply and demand of domestic and foreign labour force and implements them within the limits of its authority and capabilities of the labour market in Bosnia and Herzegovina in cooperation with the entity and Brčko District of BiH employment services.</p> <p>The implementation of the Youth Employability and Retention Programme (YERP), whose third component deals with the regulation of youth migration, will allow for the reduction of the negative impacts of irregular migration and the introduction of circular migration scheme through youth employment operational centers, the increased capacity of statistical agencies in collecting and processing data on youth migration, as well as the increased capacity of BiH institutions for management, monitoring and coordination of youth migration.</p>
Croatia	<p>The Ministry of Interior, i.e. its competent bodies: police departments and police stations enter all the data on issued work permits (work permits, business permits and certificates of registered work without a work or business permit), and permits issued for residence (temporary or permanent residence) into the information system of the Ministry of Interior.</p> <p>In this way, a database of issued work permits to aliens and residence in the Republic of Croatia is established.</p>
Macedonia	Data is collected by Ministry of Interior and analyzed by the State Statistical Office.
Montenegro	...In accordance with the existing legislation, the Statistics Office of Montenegro keeps records on employed and non-employed foreigners (foreign citizens and stateless persons), and the records on citizens of Montenegro employed abroad through or the Employment Office or otherwise.
Serbia	

## Annex VIII.5

## 5. How could intra-regional and inter-regional Labour migration be best managed in your Government's view?

Albania	<p>A type of interaction could be ... between ... governments of neighboring countries to ... discourage the migration flows, facilitating the integration of migrants in host countries and benefits of social and educational services by exploiting the fact that the migrants' host countries are parties to the European Social Charter and international conventions on labor, immigration and migrant workers.</p> <p>- ... immigrants themselves benefit from their mobility, but so should benefit our society., as host country. This brings attention back to the inevitable cooperation with host countries.</p>
Bosnia and Herzegovina	<p>... To harmonize the field of labour migration with the requirements of the labour market and to establish direct cooperation between national authorities.. at the regional level. In this sense, it is important to plan migration policy, and make laws in the field of migration flows with a view to more effective prevention of irregular migration.</p> <p>The conclusion of bilateral agreements in the field of employment and social security is the best way of regulating the circulation of the workforce, taking into account the voluntary return of migrant workers to the country of origin and personnel policy that will take into account the reduction of "brain drain".</p> <p>- The bilateral agreements must be consistent with applicable laws of both parties, international standards and in particular the Vienna Convention on the Law of Treaties,</p> <p>- The mobility of the workforce contributes to encouraging the new job creation, establishment of better living conditions, and ensuring general progress.</p>
Croatia	<p>The Ministry of Interior has prepared the Draft Proposal of the new Aliens Act which accomplished the further alignment of Croatian legislation with the <i>acquis communautaire</i>, and terms of employment for aliens were amended to enhance and accelerate the process of granting residence and work of aliens, taking into account the need for alien workers on one hand, and preventing abuse on the other hand, taking into account the safety aspects.</p>
Macedonia	<p>Currently there are activities facilitating cooperation among State Employment Agencies across the region in order to collect data and analyze it related to the labour market needs. Importance is on regular exchange of information and allowance of state agencies for employment to negotiate employment outside of the country of origin.</p>
Montenegro	<p>...On the following principles:</p> <p>complying with and respect of EU standards related to freedom of movements of workers on the labour market.</p> <p>enabling unemployed persons, upon their wish, available knowledge and skills, and personal mobility, to be employed in seasonal or other jobs, in the country or abroad;</p> <p>meeting needs of employers, especially during full season, that the lack of labour force, whether in quantity or quality, does not jeopardise the scope and quality of their business.</p>
Serbia	<p>According to previous experience, the best way to manage labour migrations is by signing bilateral agreements on employment..., representing the best model of overall protection of migrants and their families, including meeting employers' needs for qualified and professional labour force, which they can not find in their labour market, and what is more important, this is one of the effective modus of preventing illegal and irregular migrations and exploitation of labour force by particular employers</p>



## Annex VIII.6

## 6. Do you see possibilities for intra-regional Labour mobility?

*(including seasonal work, frontier work, traineeships, intra-corporate transfers, part-time work for foreign students...)*

Albania	<p><i>Trans-border movement of workers is considered not only as a way of mutual completion of the labor market needs, but also as a way of developing mutual relations and especially for intra-regional relations.</i></p> <p><i>- ...two special decisions adopted ...of the Council of Ministers on the definition of criteria, documentation and procedures for the issuance, refusal, renewal and annulment of work permit for seasonal and cross-border workers. For those workers of Albanian origin is easier integration due to the recognition of the language and family ties. Also legislation is favorable to immigrants of Albanian origin.</i></p>
Bosnia and Herzegovina	<p><i>... large number of the Bosnian workers are involved in seasonal work in the region countries, especially during the tourist season. However, there is no mutual interest in some countries for legal regulation of employment with these countries for now.</i></p> <p><i>- BiH has submitted an initiative to the Republic of Croatia and the Republic of Montenegro to conclude an employment agreement, but the Croatian authorities have not provided a response to this initiative, and the Republic of Montenegro sent the notification stating that it has no interest in concluding such an agreement.</i></p>
Croatia	<p><i>Students who come to the Republic of Croatia through an authorized organization for participating in internships in diplomatic missions or consular offices of the State whose citizenship they have, accredited to the Republic of Croatia, as well as aliens visiting Croatia to do internship in companies, subsidiaries or offices which are owned by the company, if these aliens come from the company's headquarters out of its offices or branches in another country, can work in the Republic of Croatia without a work permit or operating license up to 90 days per year, but for their work they must obtain a certificate of registration of work ... (Article 139 b of the Aliens Act).</i></p>
Macedonia	<p><i>The past period was very positive to confirm possibility for seasonal work for citizens from the region to get employment at the countries of the region, e.g. in Montenegro and Croatia.</i></p> <p><i>The realization of seasonal work at many occasions was not conducted legally, for which reason it is proposed to sign bilateral and multilateral agreements regulating this area (to protect worker's rights at the receiving country).</i></p>
Montenegro	<p><i>The measures of active employment policy, undertaken by the Employment Office of Montenegro, ensure functioning of efficient and more prompt employment or working engagement, or greater prospects. In this regard, the following should be emphasised:...</i></p> <p><i>The measures of active employment policy involve 25-30% unemployed persons annually, and they directly contribute to intra-regional labour mobility.</i></p>
Serbia	<p><i>There have been examples of seasonal jobs in the region and work in border area, depending on employer's needs for labour force and specific jobs.</i></p> <p><i>This kind of labour should be also regulated by bilateral agreements between two countries, in order to ensure overall protection of migrants and their families.</i></p>

## Annex VIII.7

## 7. How does the Labour migration impact to your country? Is the “brain drain” an issue for your country?

Albania	<p>- ... Our emigration ... can promote economic and social progress of our country, but only if the entire process is best managed by us and in close cooperation with host countries.</p> <p>- ...we see the development of our country, through a “lens” of migration. ... That is why we have entered a path of continuous improvement of our regulatory framework, legislation, capacity building of all staff dealing with migration, and making easier the administrative practices, attracting diaspora contributions to our policy.</p> <p>- ...migrants themselves benefit from their mobility, but so should benefit society and country, as our country and the host country. This brings attention back to the inevitable cooperation with host countries.</p>
Bosnia and Herzegovina	<p>The positive impact of labour migration is now evident, both in terms of reducing unemployment and encouraging the new job creation, and the establishment of better living conditions, the return of additional knowledge and skills acquired abroad, establishment of business and trade relationships and more. Lowering the unemployment rate can not itself compensate for the costs of education of highly qualified workforce that leaves the country for employment.</p>
Croatia	<p>The Ministry of Interior is the central body responsible for:</p> <p>- Regarding the question concerning the problem of “brain drain”, we inform you that the Ministry of Interior is not responsible for local hiring, and hence can not have a mechanism of monitoring the employment of highly skilled local labour abroad. The central government authority responsible for local hiring is the Croatian Employment Service - Central Office.</p>
Macedonia	<p>The labour migration is characterized by trends related to the brain-drain and migration of young people from Macedonia to European and other countries across the World.</p> <p>According to the latest research conducted in 1998 and 2004 confirmed large migration potential for young people especially students of the final year at the technical faculties (almost 90 % expressed interest to leave the country).</p>
Montenegro	<p>- ...Regardless the lack of precise statistics, the foreigners present increasing component of modern global labour force, mostly in Europe, ....</p> <p>Establishment of the new Government at the end of last year, for the first time introduced independent Ministry of Science, aimed at promoting science-research community, promotion of international relations through bilateral and multilateral scientific programmes, and relations between bilateral and multilateral programmes, as well as between business and science.</p>
Serbia	<p>- ...Serbia, being a country in a transition, is ...suffering ...“brain drain”, ...</p> <p>It is especially important to emphasize that the drain of qualified staff, ..., is stimulated by attractive measures provided from the part of EU and other developed countries, in the sense of offering numerous benefits for those professions necessary for their economy (so called US green card, EU blue card, ensured job, good salary, provided accommodation and other benefits).</p> <p>According to estimations, the ...Serbia needs from 10.000 to 12.000 young and qualified people who would carry the process of transition .... Republic of Serbia. ...</p> <p>The Republic of Serbia is concerned about increased drain ...</p> <p>- ... Serbia is making efforts for amplified and more efficient bilateral cooperation with developed countries ...</p>

## Annex VIII.8

8. With which countries did you sign and ratify agreements (conventions) regulating the rights of labour migrants (social insurance, health insurance, unemployment...)?

Albania	<i>...acceded to and ratified a number of conventions on the protection of migrant rights. Specifically are ratified:...</i> <i>Besides Conventions and Recommendations are signed bilateral agreements on labor migration field (Germany, Italy).</i>
Bosnia and Herzegovina	<i>...concluded the following bilateral agreements on social security (with): Austria.. Croatia... SR Yugoslavia .... Turkey ... Macedonia , Slovenia, Belgium .... Hungary, Luxembourg...</i> <i>Bilateral agreements in the field of labour and employment are signed with: Slovenia ... Serbia...</i> <i>...the above Agreements govern the employment of workers for a definite time period, with possibility of renewal of the contract. The Agreements govern the rights of migrant workers (and their family members) in the field of labour, employment, pension and disability insurance, health insurance and unemployment benefits, without discrimination on any grounds and in accordance with the international conventions and national legislation of the Parties.</i>
Croatia	<i>...signed international agreements on social security with several countries.</i> <i>The Ministry of Economy, Labour and Entrepreneurship is responsible for the issues regarding entering into international treaties and agreements.</i>
Macedonia	<i>OVERVIEW OF SOCIAL SECURITY AGREEMENTS CONCLUDED BY THE REPUBLIC OF MACEDONIA AFTER ITS INDEPENDENCE...</i> <i>Austria, Croatia, Turkey, Slovenia, Switzerland, Denmark, Fr Yugoslavia, Bulgaria, Germany, Bosnia and Herzegovina, Czech Republic, the Netherlands, Romania, Poland, Luxemburg, Belgium, Canada, Australia, Montenegro.</i>
Montenegro	<i>SOCIAL SECURITY AGREEMENTS with: Serbia, Luxemburg, Hungary, Austria, Belgium, Switzerland, Macedonia,</i> <i>- Agreements concluded by the former Yugoslavia and the State Union Serbia and Montenegro and the Montenegro took over and apply them on the basis of succession: Austria, Belgium, Bulgaria, United Kingdom, Denmark, Libya, Romania, Macedonia, Croatia, Bosnia and Herzegovina, Czech Republic, Slovakia, France, Italy, Netherlands, Germany, Poland, Sweden, Switzerland and Turkey.</i> <i>- Negotiations to conclude agreements with the following countries: Belgium.... Turkey...</i> <i>- Initiative for the conclusion of agreements with ... Greece, Bulgaria, France, Ukraine, Bosnia and Herzegovina, Croatia, Slovak Republic.</i>
Serbia	<i>...has signed 28 contracts (conventions) on social insurance with the following countries: Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Great Britain, Montenegro, Check Republic, Denmark, Egypt, France, the Netherlands, Croatia, Italy, Cypress, Libya, Luxembourg, Hungary, Macedonia, Germany, Norway, Panama, Poland, Romania, Slovakia, Slovenia, Turkey, Sweden and Switzerland.</i> <i>International agreements on social insurance signed with listed countries....</i>



## Annex VIII.9

## 9. Which countries have you started negotiation with regarding agreements regulating the rights of labour migrants?

Albania	<i>...with France, Italy</i>
Bosnia and Herzegovina	<i>With: Government of Qatar regarding the recruitment of Bosnian workers is under way. Also,.. with a view of concluding the social security agreements with Germany and the Czech Republic.</i>
Croatia	<i>The implementation of the Croatian legislation harmonization with the <i>acquis communautaire</i> is done through provisions of the Aliens Act, by including rights of alien workers into its provisions. ... aliens are guaranteed the level of rights in respect of the employment and work conditions provided in the labour legislation of Croatian collective agreements or arbitral awards.</i>
Macedonia	<i>Negotiations are ongoing with Norway, Spain, New Zealand, Slovakia, Uzbekistan, United Arab Emirates, Italy and Kosovo</i>
Montenegro	<i>In the response to the previous question</i>
Serbia	<i>The Agreement on employment is signed only with Bosnia and Herzegovina from all regional countries, together with the one confirmed with the Republic of Belarus, so far. The Republic of Serbia has also concluded the Agreement on executing construction works with Federal Republic of Germany, established upon the contract between employers from the Republic of Serbia and Federal Republic of Germany, so called detachment-relocation, and its implementation is under the competence of the Ministry of Labour and Social Policy.</i>

## Annex VIII.10

## 10. In your view, what are the best ways for the efforts in labour migration to be regionally coordinated?

Albania	<i>...the creation of a network of officials from all countries of the region, who share information between them periodically on innovations in labor migration policies and their implementation. Organization and development of regular meetings where are treated problems, the EU's recommendations as they are implemented and the phenomenon of migration in the region. The Formalizing of this cooperation could be through memorandum of understanding between the countries of the region.</i>
Bosnia and Herzegovina	<i>Closer cooperation of the regional employment services or the establishment of a regional cooperation authority, as appropriate, is required.</i>
Croatia	<i>The best way to achieve the regional coordination of countries in the region is through the mutual cooperation and bilateral exchange of information concerning the national legislation and practices.</i>
Macedonia	<i>Strengthening the current mechanisms of regional cooperation will further support the countries in developing migration related policies and its implementation. On operational level, improved coordination among Agencies for Employment and related labour ministries may improve management of labour market needs in the region.</i>
Montenegro	<i>One way of coordinating regional labor migration and the establishment of bilateral cooperation between countries in the region, and employment services, looking at the situation and trends in the labor market of some countries.</i>
Serbia	





## IX. OVERVIEW ON DIASPORA MATTERS IN MARRI MEMBER STATES

### Annex IX.1

1. Does your country have a law on Diaspora or any other legislation that deals with this issue?  
(Name the law, date of adoption).

Albania	<i>... no special law on Diaspora. On 19.11.2004, the Council of Ministers, by the decision No. 760 adopted the National Strategy on Migration and National Action Plan on Migration, which clearly present the current state policies of Albania regarding Diaspora.</i>
Bosnia and Herzegovina	<i>No Law on Diaspora in BiH. MHRR Department for Emigrants/Diaspora Matters prepared the Draft Law on Ensuring Cooperation with BiH Diaspora in 2010 which was not adopted by the Council of Ministers of BiH. The Department for Emigrants/Diaspora ...</i>
Croatia	
Macedonia	<i>...does not have a law on the Diaspora. Instead this issue is regulated by the Constitution of the Republic of Macedonia (Article 49) and the Law on Foreign Affairs (Official Gazette of the Republic of Macedonia No. 46/2006).</i>
Montenegro	<i>...not yet adopted the Law on Emigration. The main document is Strategy of cooperation with the Diaspora and The Action Plan for its implementation.</i>
Serbia	

## Annex IX.2a

## 2. Please describe some main characteristics of your country's diaspora phenomenon:

	a) Direction of flows/the main destination countries Please describe some main characteristics of your country's diaspora phenomenon:	b) Types of movement: permanent/temporary emigration, study, labour migration, family reunification, marriage migration etc.
Albania	<p>In the last two decades, about ...slightly more than 30 percent of active population has left Albania. These figures have made our country "unique case". Even have classified it among the countries with the highest migratory flow not only in Europe, but perhaps in the world.</p> <p>Mass emigration in post-communist Albania originated in July 1990, the so-called "embassies crisis", the entry of some people into the embassies of Western countries in Tirana.</p> <p>The main countries where Albanian migrants initially migrated were Greece and Italy. Subsequently their flow increased toward the U.S., UK, Canada, Germany etc</p>	<p>...an individual phenomenon, unorganized and uncontrolled, except small contingent who has benefited from temporary employment agreements, mainly with Italy.</p> <p>The reasons for migration have been:</p> <ul style="list-style-type: none"> <li>- Economic. In the early migratory processes that began in 1990, there were political reasons as well. ...</li> <li>- Another reason has been the need for safety and tranquility, which in special circumstances (e.g. in 1997) have particularly influenced the choice of emigration as an option.</li> <li>- Better education of children and providing a general better and more secure future ....</li> </ul> <p>Besides abovementioned reasons, there are a number of other reasons: personal and family conflicts, cases of blood revenge, justice issues, family reunification, studies, and rarely, marriages with foreigners, etc.</p>
Bosnia and Herzegovina	<p>The largest number of BiH emigrants live in the European countries, about 800,000 (out of which 240,000 in Germany, 150,000 in Austria, 150,000 in Slovenia, 80,000 in Sweden, 60,000 in Switzerland) then in the USA (about 350,000), Canada (60,000) and Australia(60,000).</p> <p>According to the data available to the Departmentfor Emigrants/Diaspora Matters,the leading countries of destination ofBiH emigrants are Croatia, Germany, Austria, USA, Slovenia, Sweden, Switzerland, Canada, Australia and Italy.</p>	<p>...three major waves</p> <ul style="list-style-type: none"> <li>- The first wave in the 60/70s – economic migration,.. destination (Germany, Austria, and Switzerland). ..mainly low and medium-educated.</li> <li>- The second wave 1992-1995 when low, medium and highly educated as refugees; EU countries, North America, to Australia.</li> <li>- The third wave: since 1996 till nowadays is caused by economic and political situation in the country.</li> </ul> <p>...the most frequent type of movement has been labor migration, or temporary employment of mainly low and medium skilled workers.</p> <p>Also ...significant number of young..for further studying abroad or even for permanent emigration.</p> <p>"brain drain"..- ...no precise data ...about 23.9%, which placed BiH on second place in the Europe and Central Asia according to the percentage of highly educated emigrants</p> <ul style="list-style-type: none"> <li>- In recent years, a new type of movement from BiH -marriage migration.</li> </ul>

Croatia		
Macedonia	<p><i>The first more significant emigration outflows from ... Macedonia date back to the beginning of ...the 20th ... The Balkan Wars, World War I, World War II and the Civil War in Greece ...also the reasons causing the emigration of a large number of Macedonians who mostly went to Australia, USA, Canada and New Zealand. ...</i></p> <p><i>in newer history were noticed in the 60's and 70's, mainly to West European countries. ...in the 90's there was another wave of emigration mainly due to economic reasons. ...Today the destinations most often chosen by the emigration are West European countries, Australia and North America.</i></p> <p><i>...the number of nationals of the Republic of Macedonia emigrating to Europe was 532 (Germany 124, Italy 96, Switzerland 77), 98 in America (USA and Canada) and 138 in Australia. ..</i></p>	<p><i>The reasons for emigration in newer times are family reunification, i.e. family emigration, emigration of nationals with higher education (brain-drain), and temporary economic migration, i.e. provisional employment of Macedonian nationals especially in neighbouring countries, but also wider.</i></p>
Montenegro	<p><i>The main destination countries are Germany, Luxembourg and the United States</i></p>	<p><i>From the experience of the Center for Emigration most common migration were labor migration and family gatherings / family reunification. In Montenegro there is no institution for the study of migration, therefore we are not able to tell which are common types of migration.</i></p>
Serbia		

## Annex IX.3

## 3. Please describe the current structure of dealing with Diaspora in your country:

## a) Which institution/department/section deals with Diaspora?

Albania	<i>Many state institutions cover issues dealing with the Diaspora, but most important are: the Ministry of Interior, Ministry of Labour, Social Affairs and Equal Opportunities, Ministry of Culture, Tourism, Youth and Sports, Ministry of Education and Science and Ministry of Foreign Affairs. Within the Ministry of Foreign Affairs operates the National Institute of Diaspora, which deals specifically with the Diaspora.</i>
Bosnia and Herzegovina	<i>Diaspora matters in Bosnia and Herzegovina (BiH) are under the jurisdiction of the State. Ministry for Human Rights and Refugees (MHRR), through its Department for Emigrants/Diaspora Matters, is in charge of creating a policy of Bosnia and Herzegovina on her diaspora.</i>
Croatia	
Macedonia	<i>... is part of the competences of the Ministry of Foreign Affairs - the Cabinet of the Minister, Sector for National Priorities. - As a separate state body, the Agency for Emigration ..., its competences involve creating conditions for the return of emigrants..., their inclusion ... in the public and economic life .., and strengthening ...the relations with the emigrants and their organizations.</i>
Montenegro	<i>Center for Emigrants and Ministry of Foreign Affairs and European Integration / Department of Consular Affairs and Diaspora</i>
Serbia	

## 3.b) How is the information on Diaspora gathered?

Albania	<i>The sources of the data gathered by the NID are mainly our diplomatic and consular representations abroad.</i>
Bosnia and Herzegovina	<i>The embassies and consular offices deliver responses to Department for Emigrants/Diaspora Matters, as circumstances require. The Department for Emigrants/Diaspora Matters also gets some information from the BiH emigration/diaspora associations and organizations.</i>
Croatia	
Macedonia	<i>The MFA acquires information .. from diplomatic-consular missions, Macedonian associations and church communities, state bodies in the host-countries (MFA's, i.e. Statistical Offices) and NGO's that work directly with the Macedonian Diaspora, i.e. cooperate with Macedonian NGO's abroad.</i>
Montenegro	<i>Center collects data on emigrants organizations. Data are collected "from the ground" and from direct contact with members of the Diaspora.</i>
Serbia	



## 3.c) Are there legal grounds for gathering the data and which are the criteria applied for their entry into the database?

Albania	<i>.. based legally on the Decision of the Council of Ministers no. 194, dated 15.04.2006.</i>
Bosnia and Herzegovina	<i>...Article 12 - Law on Ministries and Other Bodies of Administration of BiH („The Official Gazzette of BiH“ no. 5/03, 42/03, 26/04, 42/04, 45/06, 88/07, 35/09, 59/09 and 103/09).</i>
Croatia	
Macedonia	<i>Constitutional and legal provisions .....</i>
Montenegro	<i>... Strategy of cooperation With Diaspora ... prescribed to set up the registry-database,.... Center for Emigrants made a data base ...</i>
Serbia	

## 3.d) If you have a database, what are the mechanisms for its updating (i.e. the deaths, change of address...)?

Albania	<i>There are no mechanisms for updating the data.</i>
Bosnia and Herzegovina	<i>The Departmentfor Emigrants/Diaspora Mattersdoes not have a data base.</i>
Croatia	
Macedonia	<i>The Sector continually updates the information with data received from DCM and in communication with Macedonian associations.</i>
Montenegro	<i>Data base ..is available on web of the Center for Emigrants.</i>
Serbia	

3.e) *Is there a mandatory obligation ... to inform .. about emigration .. - stay abroad... if there is .., does it have any impact on preserving the residence in your country?*

Albania	<i>No, he is not obliged.</i>
Bosnia and Herzegovina	<i>..no such mandatory obligation ... Art. 9 of the Law on Permanent and Temporary Residence of Citizens of.. („The Official Gazette of BiH“ no. 32/01 and 56/08) stipulates that BiH citizen should derigester if he/she leaves the country for more than 12 months.</i>
Croatia	
Macedonia	<i>Law on the Registering the Domicile and Residence of Citizens.</i>
Montenegro	
Serbia	

#### Annex IX.4

4. *What could be done to improve the co-operation of your ministry/institution with other relevant stakeholders?*

Albania	<i>There exists a collaboration, but not at the required level...For this purpose, along with awareness-raising of all the above-mentioned stakeholders, we should provide funds that currently lack.</i>
Bosnia and Herzegovina	<i>The co-operation could be improved by more frequent and continual sharing of data and information, as well as by mutual personal contacts.</i>
Croatia	
Macedonia	<i>Cooperation with ... is of essential importance for exchange of relevant data.</i>
Montenegro	
Serbia	

## Annex IX.5

5. Please give the statistics of your country's Diaspora (attach any tables or data sheets; and please indicate the methodology of gathering them – via migrant associations, consulates, official census in the host country, census in your country).

<b>Albania</b>	<i>Greece 600 000 Italy 490 000 * Germany 15 000 USA 150 000 United Kingdom 50 000 Belgium 5 000</i>	<i>France 2 000 Canada 11 500 Switzerland 1 500 Austria 2 000 The Netherlands 1 000 Turkey 5 000</i>
<b>Bosnia and Herzegovina</b>	<i>USA 350.000 GERMANY 240.000 CROATIA 300.000 SERBIA 150.000 AUSTRIA 150.000 SLOVENIA 150.000 SWEDEN 80.000</i>	<i>AUSTRALIA 60.000 SWITZERLAND 60.000 CANADA 50.000 ITALY 40.000 DENMARK 23.000 NORWAY 16.000 TOTAL: 1.669.000</i>
<b>Croatia</b>		
<b>Macedonia</b>	<i>Australia est. 200-250.000. (83983 official) USA 200.000 (51955) Canada 185.000 (37.050) New Zealand 15.000 (807) Italy 100.000 (89.071) Germany 75-85.000 (62.002) Switzerland 63.000 (60.009)</i>	<i>Sweden 12-15.000 (3.669) The Netherlands 10-15.000 (10-15.000) Austria 10-15.000 (13.696 ) France 12.000 (2300) Belgium 12.000 (2.535) Denmark 12.000 (5545) UK 9-10.000</i>
<b>Montenegro</b>	<i>Estimate: In USA 30.000 Argentina 30.000, Albania 12.000 Serbia 69,049</i>	<i>Croatia 4926 Slovenia 2667 Australia 1171 Canada 2370 Germany 12,930 citizens of Montenegro</i>
<b>Serbia</b>		

## Annex IX.6

## 6. Are there any estimates on the amount of remittances sent from Diaspora to your country?

Albania	<i>In these last 20 years in Albania, migrant remittances have played an extraordinary role.</i>
Bosnia and Herzegovina	<i>Yes, According to the WB and the Central Bank of BiH emigrant remittances last years amounted to 13-20% of the GDP of BiH. (..six times larger than the total foreign direct investment and three times higher than the total international development assistance in BiH)</i>
Croatia	
Macedonia	<i>The required data can be found at the following sources:...</i> <i>(<a href="http://www.cea.org.mk">www.cea.org.mk</a>)</i> <i>(<a href="http://www.educon.com.mk">http://www.educon.com.mk</a>)</i>
Montenegro	<i>The annual amount of remittances- money of emigrants and Montenegrin citizens who are working and reside abroad by banks they remit to their families nearly 200 million euro. It is estimated that the same amount is remitted by informal channels.</i>
Serbia	

## Annex IX.7

7. Are there any initiatives or provisions to promote, ease and enhance investment and commercial activity or your citizens living abroad? (Such as: customs regulations, investment brochures and other materials, conferences and meetings, etc.).

Albania	<i>Yes, there are such initiatives. Moreover, starting from June 2011 until now the NID, in cooperation with the IOM office in Tirana, has held three successful conferences with the Diaspora in London, Brussels and New York. Also soon will be organized a conference with the Diaspora in Athens. During these conferences have been distributed brochures and other materials, mainly with information about investments in Shkoder and Kukes districts.</i>
Bosnia and Herzegovina	<i>The DE/DM is not aware of any existing initiatives or activities of this type in Bosnia and Herzegovina. ...However, (it)... itself has launched a number of initiatives to other BiH institutions and included diaspora matters in some of the new strategic documents on development, ... - Employment Generation Strategy envisages .. development of small and medium enterprises for diaspora. - Strategy on Development envisages creation and advancement of conditions .. to activate BiH diaspora's investment .. to alleviate .. obstacles for remittances' inflow (... stimulate the transfer and investment of diaspora's capital, knowledge and technology; and .. their inclusion in various development projects. - IPA Funds 2011-2013 with the Project „Support to social inclusion and.. “ which among other things envisages to ease and enhance the investment of diaspora in local communities in BiH.</i>
Croatia	
Macedonia	<i>In 2007, the Emigration Coordination Body published an information material-guide, entitled “Investing in Macedonian Exporting Capacities”, the primary purpose of which is to actively involve Macedonian business persons from the Diaspora in the on-going structural socio-economic developments in the Republic of Macedonia. In addition, in the context of the project activities of the Sector for National Priorities, there are plans for a sub-group of projects entitled “Ethnic Business”, aimed at encouraging business persons from the Republic of Macedonia to expand their business activities in countries where there is a numerous Macedonian national minority, as well as at presenting the possibilities for investments and business cooperation with Macedonia and at encouraging the Macedonian Diaspora to invest in the Republic of Macedonia.</i>
Montenegro	<i>At the moment there is no initiatives or provisions to promote, ease and enhance investment , but Strategy includes measures for investments of emigrants in the country of origin.</i>
Serbia	

## Annex IX.8

8. Are there any incentives on informing the diaspora on possibilities of studying in the homeland?  
(such as providing textbooks and other material on education facilities and the good sides of studying at home).

Albania	<i>With this issue deals the Ministry of Education and Science.</i>
Bosnia and Herzegovina	<i>The Emigration Department is not aware of the existence of such incentives in BiH</i>
Croatia	
Macedonia	<i>Each academic year government scholarships are awarded to students belonging to the Macedonian national minority in Balkans countries. The potential students may apply at the state universities in the .., while the initial number of 30 students awarded such scholarships has been continually growing in the last years.</i>
Montenegro	<i>So far there no facilitates studying in Montenegro. Strategy includes possibility to make conditions for younger generation of emigrants to study in Montenegro.</i>
Serbia	







## X. OVERVIEW OF TECHNICAL ASPECTS OF IMPLEMENTATION OF READMISSION AGREEMENTS IN MARRI MEMBER STATES

### Annex X.1

1. Indicate the countries (1) readmission agreements have been signed (including EU) with and the date of entry into force. With which countries (2) negotiations on readmission agreements are in progress and what is the foreseen date of signing?

Albania	(1) Agreements and protocols: 18 + 10 (2) Agreements and protocols: 5 + 2
Bosnia and Herzegovina	(1) Agreements and protocols: 4 (2) Agreements and protocols: 33
Croatia	(1) Agreements and protocols: 25 (2) Agreements and protocols: 2
Macedonia	(1) Agreements and protocols: 23 (2) Agreements and protocols:
Montenegro	(1) Agreements and protocols: 6 (2) Agreements and protocols: 4
Serbia	(1) Agreements and protocols: 10 (2) Agreements and protocols: 2

## Annex X.2

## 2. Please name the national institutions involved in the implementation of readmission agreements in your country.

Albania	<i>... is within the competence of: The Ministry of Interior of the Republic of Albania General Directorate of State Police Border and Migration Department Migration and Readmission Directorate</i>
Bosnia and Herzegovina	<i>The Ministry of Security of Bosnia and Herzegovina, the Office for Foreigners' Affairs and Border Police (administrative organizations within the BiH Ministry of Security) are in charge for the implementation of readmission agreements in Bosnia and Herzegovina.</i>
Croatia	<i>The Department for Illegal Migration of the Border Directorate at the Ministry of Interior is responsible for the implementation of readmission agreements.</i>
Macedonia	<i>MOI (Sector for Border Affairs and Migration – Section for Aliens and Readmission ...), MFA, MLSP. The MLSP is institution responsible for provision of social protection and employment related services for returnees from Readmission Agreements as it is prescribed for Macedonian citizens.</i>
Montenegro	<i>Ministry of Interior Police Directorate</i>
Serbia	<i>Ministry of Interior..., Ministry of Foreign Affairs ..., Ministry of Health, Ministry of Labor and Social Policy, Ministry for Human and Minority Rights, Public Affairs and Local Self-Governance, as well as other departmental ministries involved in realization...</i>

## Annex X.3

## 3. Which institution is responsible for development of the programme for implementation of readmission agreements?

Albania	<i>Ministry of Interior of the Republic of Albania General Directorate of State Police Border and Migration Department Migration and Readmission Directorate</i>
Bosnia and Herzegovina	
Croatia	<i>The Border Directorate at the Ministry of Interior, together with the Directorate for European Integration and International Relations ....the Ministry of FA and Elnteg. participates..</i>
Macedonia	<i>Inter-Ministerial Coordination Body for Readmission Agreements Returnees .. Ministry of Labor and Social Policy, and is responsible for... MOI and Ministry of Health</i>
Montenegro	<i>Ministry of Interior Police Directorate</i>
Serbia	<i>The Ministry of Interior of the Republic of Serbia is the body responsible for implementation of the Readmission Agreement.</i>

## Annex X.4

4. Are there any protocols developed in order to assure better efficiency of the implementation of readmission agreements (e.g. protocols for proving or establishing of nationality, residence/transit)?

If the protocols exist, please name them and the subject of their regulation?

Albania	<i>There is not any special protocol because such issues are foreseen to be solved in the application protocols</i>
Bosnia and Herzegovina	<i>The Protocol between ...</i>
Croatia	<i>Readmission agreements regulate ...</i>
Macedonia	<i>Protocol for implementation of the Readmission Agreement with the European Community for Readmission of Persons with Unauthorized Residence with EU countries:...</i>
Montenegro	<i>Protocol between the...</i>
Serbia	<i>In order to ensure efficient application of the readmission agreement, implementation Protocols for applying the Readmission Agreement have been signed with many countries. ...</i>

## Annex X.5

5. Does your country have sufficient capacities for detention of foreigners subject to implementation of readmission agreements?

Albania	<i>From 2010 (February) it is functional the Closed Center for Irregular Migrants. This Center can accommodate 100 -150 people.</i>
Bosnia and Herzegovina	<i>Yes.</i>
Croatia	<i>..., has only one reception centre ..., with a capacity of 96 persons. The Ministry of Interior plans to construct 2 more transit reception centres ... The capacity of these two centres would be about 50 persons each. With the construction ... Croatia will have sufficient capacity ...</i>
Macedonia	<i>At this stage YES.</i>
Montenegro	<i>Activities on construction of shelter centres for foreigners are in progress, and completion of construction works and procurement of adequate inventory and equipment necessary for the commencement of the Shelter is expected in the third quarter of this year.</i>
Serbia	<i>Yes.</i>

## Annex X.6

6. Are there specific return programmes designed to ensure effective, timely and sustainable return?  
If so, which institutions develop and implement the programmes and who are the beneficiaries?

Albania	<p>...Not any special program, but ... a series of measures for their consistent reintegration.</p> <ul style="list-style-type: none"> <li>- The Ministry of Labour and Social Affairs has the responsibility of coordination in the field.</li> <li>- The Ministry of Interior, The Ministry of Foreign Affairs, the Ministry of Agriculture, the Ministry of Education, the Ministry of Health and the Ministry of Finances are contributors.</li> </ul>
Bosnia and Herzegovina	No.
Croatia	<p>...no special programmes .... The last program of an assisted voluntary return (Assisted Voluntary Return Programme) of illegal migrants, in cooperation with the International Organization for Migration - IOM, was conducted by the Ministry of Interior Affairs 10 years ago.</p>
Macedonia	<p>...The Program for Assistance and Support for Reintegration of Returnees from Readmission Agreements. The Program gives framework for provision of assistance for returnees across several sectors.</p> <ul style="list-style-type: none"> <li>- Responsible state institutions are: Mol, MofFA, MofJ, MofES, M of H, Association of Local Self-government Units and local and international organizations.</li> </ul>
Montenegro	<p>The work on developing a Strategy for Reintegration of Persons who have returned on the basis of readmission agreements and the Action Plan for its implementation is in process, and adoption of these documents is expected in the second quarter of 2011.</p>
Serbia	<p>No, there are no specific programmes.</p>

## Annex X.7

7. Having in mind the importance of effective cross border cooperation in the process of implementation of readmission agreements, please indicate your practices and experiences with other countries.

Albania	<p>....In the frame of the implementation of the RA were observed positive and negative practices....</p> <p>Some countries, like Germany, Hungary, Montenegro, respect the criteria of the return based on the formal request and the response confirmation by albanian side.</p> <p>Some countries, like France, UK, Austria and Finland use the preliminar announcement before returning....</p>
Bosnia and Herzegovina	Up to now, experience and practice are good.
Croatia	The cross-border cooperation between the Croatian police in the area of readmission agreements with neighbouring countries (...) takes place almost daily..., the most important cooperation ...is primarily the one with BiH, Serbia and Montenegro (...countries from where the largest enter the...), while an agreement with the Republic of Slovenia is important because ... Croatia accepts the largest number of illegal migrants from ...Slovenia.
Macedonia	We do not face any obstacles during the process of implementation of readmission agreements with the neighbouring countries. Due to efficiency and reducing of financial costs, great deal of handovers of nationals of the neighbouring countries took place at the border crossing points under urgent procedure which is in the best interest of both states as well as readmitted persons.
Montenegro	<p>Aimed at enhancing regional security and cross-border cooperation, ..., international cooperation is developed through authorities involved in the border security system.</p> <p>Police cooperation with the neighbouring countries aimed at enhancing border security is developed pursuant to the signed agreements.</p>
Serbia	<p>...,the cross-border cooperation is realized with the adjourn countries (Bosnia and Herzegovina, the Republic of Croatia and the Republic of Hungary). ... through direct contact with foreign competent authorities, ....A direct contact ...understands, also, operational cooperation ...,no cooperation has been realized ... with the ...Romania, ...Bulgaria and Macedonia, while, negotiations ... with Montenegro are in the course of happening.</p>





