



# Regional GAP Assessment on the current situation in service provision for migrants with Recommendations

Albania, Bosnia and Herzegovina, North Macedonia,  
Montenegro and Serbia

June 2021



This project is funded by the European Union

**Title:**

**Regional GAP Assessment on the current situation in service provision for migrants with  
Recommendations:** Albania, Bosnia and Herzegovina, North Macedonia, Montenegro and  
Serbia

**Publisher:**

IRIS network

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This project is funded by the European Union. Publication is created within the project “IRIS NETWORKing - CSOs for protection sensitive migration management” and the content of this publication is the sole responsibility of name of the authors and can in no way be taken to reflect the views of the European Union.

## CONTENTS

INTRODUCTION .....	5
MIGRATION ROUTES IN WESTERN BALKAN .....	7
POLICY AND LEGAL FRAMEWORK .....	10
International framework .....	10
National framework.....	16
MIGRANTS' NEEDS.....	21
Basic needs .....	21
Specific needs of vulnerable groups.....	26
COUNTRY OVERVIEWS .....	29
Albania .....	29
Existing services .....	33
Quality and standardization of the services .....	41
Allocation of the funds for the services in the target countries.....	43
Solutions and tasks needed to complete to close this gap .....	43
Bosnia and Herzegovina .....	46
Existing services .....	47
Quality and standardization of the services .....	54
Allocation of the funds for the services .....	56
Solutions and tasks needed to complete to close this gap .....	59
North Macedonia.....	62
Existing services .....	62
Quality and standardization of the services .....	70
Allocation of the funds for the services in the target countries.....	73
Solutions and tasks needed to complete to close the gap .....	75
Montenegro.....	77
Existing services .....	78
Quality and standardization of the services .....	84
Allocation of the funds for the services .....	86
Solutions and tasks needed to be completed to close this gap .....	87
SERBIA.....	89

Existing services .....	90
Quality and standardization of the services .....	103
Allocation of the funds for the services in the target countries .....	108
Solutions and tasks needed to complete to close this gap .....	111
RECOMMENDATIONS.....	114
REFERENCES .....	121

## INTRODUCTION

In recent years, the international community and individual states have increased their focus on issues of international migration. Massive displacements of population due to natural disasters and conflict often receive major media coverage, but it is the more steady and significant flows of migrants drawn by the prospect of improved economic, political, and social conditions that have recently generated the most concerted attention and with it, new paradigms for understanding the phenomenon.

International migration is a complex subject and there is no country that is excluded from its effects: every country is both a country of origin and a country of destination for migrants. Migration is also complex because it can be repetitive in the life of an individual. It is also complex, because of the lamentable dearth of data on the movement of immigrants.

Most developing countries, among which are Western Balkan countries, lack the capacity to carry out policy-relevant analysis based on statistical research. What is very important is the fact that lack of knowledge of the real needs of the migrant target group and the problems they face every day leads to wide range of discrimination and violations of their human rights in all segments. Furthermore, lack of knowledge about the situation “on the ground” is clearly visible in the goals and activities of the governments’ strategy, where emphasis is given solely to the legal framework and control of migration movements, without any clear measures that would affect the quality of their lives, especially in the process of integration and readmission. Like this, the existing capacities of local CSOs are not adequately used, especially in the part of the implementation of the psychosocial programs, legal and social support, as well as various forms of occupational therapy that would contribute to the formation of a healthy, creative and free personality of migrants.

Therefore, “The Regional GAP Assessment on the current situation in service provision for migrants and the future desirable state” is developed in order to identify the discrepancies between current situation in service provision for migrants and the future desirable state in Albania, Bosnia and Herzegovina, North Macedonia, Montenegro and Serbia. The Regional GAP Assessment is prepared through desktop research, interviews with relevant stakeholders, analysis of complied data and identifying gaps. With such holistic approach, The Regional GAP Assessment identifies gaps in terms of existing services, beneficiary needs, quality and standardization of the services, allocation of the funds for the services, and at the end, offered the solutions and determined the tasks needed to be completed to close this gap.

“The Regional GAP Assessment on the current situation in service provision for migrants and the future desirable state” has been conducted within the project “IRIS NETWORKing - CSOs for protection sensitive migration management”. The project is implemented by Initiative for Development and Cooperation (Serbia) as a lead applicant, as well as its action partners: ASB (Germany), LIR CD (Bosnia and Herzegovina), Open Gate – La Strada (North Macedonia), Initiative for Social Change ARSIS (Albania) and SOS telephone for Women and Children Victims of Violence Podgorica (Montenegro). IRIS network, founded in 2012, is the only

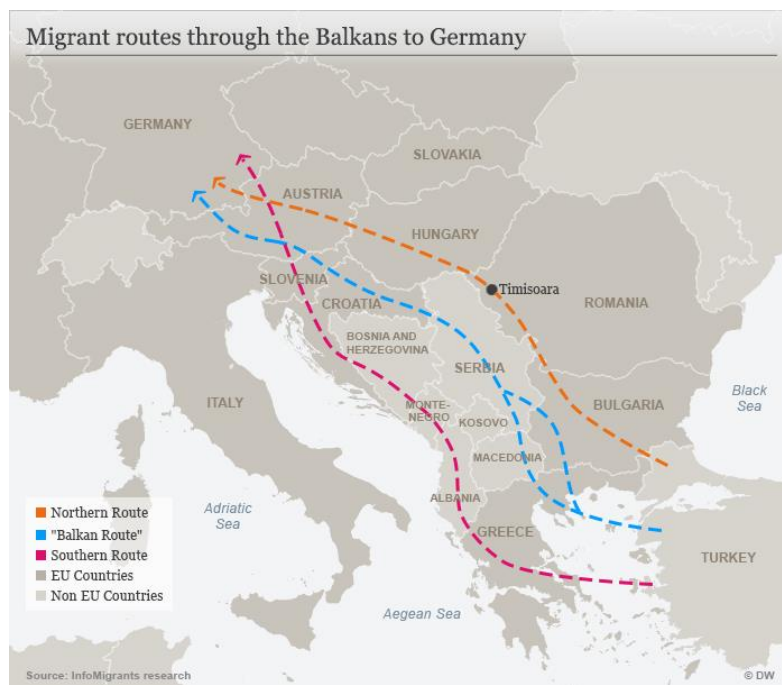
regional network that brings together CSOs - social service providers in South East Europe, consisted of 4 national networks from Serbia, Bosnia and Herzegovina, North Macedonia and Albania. These national networks gather 203 member organizations that provide different types of social services to different vulnerable groups: people with disability, children and youth at risk, victims of violence, elderly and migrants.

IRIS aims to strengthen the role of civil society organizations social service providers throughout SEE and to ensure that these organizations are recognized as equal partners by the public sector. Furthermore, IRIS strives to achieve a more dynamic civil society actively participating in public debate on democracy, human rights, social inclusion and the rule of law and with the capacity to influence policy and decision-making processes. The Network seeks to achieve greater commitment and capacity of CSO networks and to give citizens a voice and influence public sector reform processes through analysis, monitoring and advocacy.

Besides IRIS network, main beneficiary of The Regional GAP Assessment are members of CSO social services providers, CSOs, vulnerable and marginalized groups and individuals including all categories of migrants, line ministries for Social Protection and Migration Management in the Western Balkans region, public officials, national and EU decision-makers, media and public/citizens. At the end, it is expected to have Ministries in charge of the migration management and implementation of the social welfare policies, offices in charge for the cooperation with civil society in 5 WB countries, local self-government (LSG) units on WB, civil society organizations (CSOs) providing social services, EU Institutions, various EU based networks, organizations and stakeholders involved in the processes of social inclusion and migration related issues, media and users of the social services on the local level, as its final beneficiaries.

## MIGRATION ROUTES IN WESTERN BALKAN

The “Western Balkan route” became a well-known term for public debates throughout the EU as it has been one of the main migratory paths into Europe, reflected the influx on the Eastern Mediterranean route. According to European Commission data, in the course of 2015 and the first quarter of 2016, an estimated 920,000 migrants and refugees – primarily from Syria, Afghanistan and Iraq – passed through the Western Balkans region on their way to EU Member States further north (ECHO Factsheet, Serbia: Response to the Refugee Crisis). As in previous years, non-regional migrants continued to attempt to enter the Western Balkans across the southern common borders with Greece and Bulgaria before heading north and trying to exit the region largely at the northern common borders of Hungary, Croatia, Romania with Serbia, and e.g. in 2017 the new route, so called “Adriatic route”, opened from Greece through Albania, Montenegro Bosnia and Herzegovina to Croatia and other EU countries.



Source: <https://www.dw.com/en/slovenia-serbia-and-croatia-move-to-close-migrant-route/a-19102872>

With the EU-Turkey deal in March 2016, under which the EU and Turkey agreed to curb irregular migration across the Aegean Sea, the number of migrants passing through the Western Balkans has been significantly reduced. Following the coordinated restriction measures implemented throughout the region, in destination countries and the Aegean Sea, according to Frontex data, the non-regional flow transiting the Western Balkans considerably subsided, declining almost every month, from 128 000 illegal border-crossings in January down to roughly 3 000 in December 2016. In total, number of non-regional migrants amounted to 130 325 in 2016, while the total number of irregular crossings in 2017 stood at

12 179<sup>1</sup>. In 2018, the number of irregular migrants detected on this route halved from the previous year to 5 869. Most of the migrants detected on this route in 2018 came from Afghanistan, Pakistan and Iran. Migrants are still seeking to cross the Balkans undetected although this now happens in lower numbers and by using more diversified routes. Human smuggling is a booming business. However, when the Balkan route was closed on the 8<sup>th</sup> of March 2016, the refugees and migrants continued transiting through using irregular means to reach the desired destination. Although the institutions were monitoring and controlling the south border with the help of the Army and foreign police officers from the EU member states on grounds for the bilateral agreements, a great number of the refugees and migrants used the services of smugglers, exposing themselves to risk upon their health, safety and freedom<sup>2</sup>.

Last two years, the Balkan route seems to be frequented once more despite even ongoing crisis in 2020. And there are registered high numbers of refugees and migrants from the Middle East and Central Asia. This phenomenon is combined by low economic situation and the public health emergency across all the Balkan countries and contributing to raising of xenophobia and negative reactions on the field and in online space. Although numbers remain well below the exceptional levels seen in 2015, migration from Turkey and Greece through the Balkans towards Western Europe has picked up once more -- despite the fact that countries on the Balkan route officially 'sealed' their borders in recent years<sup>3</sup>. Thousands of migrants have reportedly arrived in Bosnia in August 2020 and its border with Croatia is used for crossing into EU territory. For example, it happened that North Macedonia on August 5, 2020 called a 30-day state of emergency in some areas of the country heavily affected by migrant flows, such as the southern border with Greece and the northern one with Serbia<sup>4</sup>.

According to Save the Children Report, in 2020 while the Western Balkans migration route had been the main point of entry into Europe for refugees and migrants for several years, during the second and third quarter of 2020, Western and Central Mediterranean routes took over, seeing a major increase in the number of arrivals, and migration movement through the Balkans remained high in the third quarter of 2020, with 2,689 new refugee and migrant entries officially registered. Although there were not many new arrivals to the peninsula, the migrations between the countries in the Balkans were high. N. Macedonia received more than 15,000 new refugees and migrants mostly from Greece, regardless of stricter border controls and restricted movement for all, not only refugees. Movement through Serbia, Bosnia and Herzegovina was also high<sup>5</sup>.

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<sup>1</sup> Source: FRONTEX, FRONTEX, Migratory Routes <https://frontex.europa.eu/we-know/migratory-routes/western-balkan-route/>

<sup>2</sup>The state of asylum in the republic of North Macedonia 2018-2019, Macedonian Young Lawyers Association, <https://myla.org.mk/wp-content/uploads/2020/11/State-of-Asylum-2018-2019.pdf>

<sup>3</sup> Migrant flows rise on Balkan migrant route, INFO MIGRANTS, <https://www.infomigrants.net/en/post/26533/migrant-flows-rise-on-balkan-migrant-route>

<sup>4</sup> Ibid

<sup>5</sup> Balkans Migration and Displacement Hub, Data and Trends Analysis - Refugees and Migrants at the Western Balkans Route Regional Overview, covering period April – June 2020, Save the Children, [https://resourcecentre.savethechildren.net/node/18638/pdf/refugees\\_and\\_migrants\\_balkans\\_regional\\_overview\\_q3\\_2020\\_sc\\_bmdh\\_data.pdf](https://resourcecentre.savethechildren.net/node/18638/pdf/refugees_and_migrants_balkans_regional_overview_q3_2020_sc_bmdh_data.pdf)



In order to decriminalize support that CSOs are providing to refugees and migrants, **Council of Europe Expert Council on NGO Law**<sup>6</sup> (covers the 47 member countries of the Council of Europe and Belarus) developed Guidelines to ensure that laws, policies and practices concerned with human trafficking, migrant smuggling and the treatment of refugees and other migrants do not intrude on the legitimate activities of non-governmental organisations (NGOs). In the Guidelines that specifically state that “NGO activities in support of refugees, victims of human trafficking and other migrants are a manifestation of the right to freedom of association guaranteed by Article 11 of the European Convention on Human Rights and elaborated in Recommendation CM/Rec(2007)14 of the Council of Europe Committee of Ministers to member states on the legal status of non-governmental organisations in Europe, and the Joint Guidelines on Freedom of Association of the European Commission for Democracy through Law (Venice Commission) and the OSCE Office for Democratic Institutions and Human Rights.”(Council of Europe<sup>7</sup>). Additionally, in the Guidelines they mention that activities implemented by organisations are an “essential contribution to securing the human rights of refugees and other migrants, including the rights to be treated with dignity and respect for their humanity, to be provided with adequate food, shelter and health care, to liberty and security, to seek asylum, to protection against torture and other ill-treatment and against refoulement and collective expulsion.”

**European Economic and Social Committee**, among others, also recognize that CSOs play an important role in migrant and refugee integration in all the countries visited, and state that CSOs carry out valuable work assisting or in some cases even substituting for governments by providing services to migrants, and help migrants gain access to education, training and employment, challenge discrimination in the society<sup>8</sup>. Work of CSOs along Western Balkan route is rather more challenging than in other areas due to fragile political and economic situation, and therefore, it is important to work on raising awareness of all stakeholders, especially decision makers on the importance of recognising the value and providing support to their work.

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<sup>6</sup> This Council carries out thematic and country studies on specific aspects of NGO legislation and its implementation that seem to pose problems of conformity with international standards, notably the European Convention on Human Rights and the Recommendation (2007)14 on the legal status of NGOs in Europe. [Expert Council on NGO Law \(coe.int\)](https://www.coe.int/en/web/ingo/-/new-guidelines-on-protecting-ngo-work-in-support-of-refugees-and-other-migrants)

<sup>7</sup> GUIDELINES ON PROTECTING NGO WORK IN SUPPORT OF REFUGEES AND OTHER MIGRANTS, Prepared by the Expert Council on NGO Law of the Conference of INGOs of the Council of Europe, 2020, <https://www.coe.int/en/web/ingo/-/new-guidelines-on-protecting-ngo-work-in-support-of-refugees-and-other-migrants>

<sup>8</sup> The role of civil society organisations in ensuring the integration of migrants and refugees, European Economic and Social Committee, <https://www.eesc.europa.eu/sites/default/files/files/qe-01-20-525-en-n.pdf>

## POLICY AND LEGAL FRAMEWORK

### International framework

At the international level, the main system of protection of migrants is the conventions adopted at the United Nations level, as well as the regional conventions adopted within the Council of Europe and the European Union. The protection of human rights is one of the primary goals of United Nations, which it does so primarily through its institutions, the General Assembly and the UN Human Rights Council, as well as the Economic and Social Council. Two groups of instruments are used significantly: those related to refugee law and those guaranteed human rights. The first group includes the 1951 Convention relating to the Status of Refugees and the Protocol to the 1967 Convention, while the second group consists of the Universal Declaration of Human Rights and nine international conventions of areas of human rights that are brought under the authority of this organization.

**The Universal Declaration of Human Rights (UDHR)** is a milestone document in the history of human rights<sup>9</sup>. Drafted by representatives with different legal and cultural backgrounds from all regions of the world, the Declaration was proclaimed by the United Nations General Assembly in Paris on 10 December 1948 as a common standard of achievements for all peoples and all nations. It sets out, for the first time, fundamental human rights to be universally protected.

**Migration for Employment Convention (Revised)** is an International Labour Organization Convention for migrant workers. It was established in 1949, The convention was followed up by Migrant Workers (Supplementary Provisions) Convention, 1975 and United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The principles contained in the convention are a revision of ILO Convention C66, Migration for Employment Convention, 1939, which was not ratified by any countries and never came into force.<sup>10</sup>

**The Refugee convention, 1951:** One of the outstanding achievements of the 20th century in the humanitarian field has been the establishment of the principle that the refugee problem is a matter of concern to the international community and must be addressed in the context of international cooperation and burden-sharing<sup>11</sup>. This notion first came into existence after the First World War, under the League of Nations which was called upon to deal with successive waves of refugees. It was further developed and strengthened after the Second World War through continuing action undertaken by the United Nations to address numerous refugee situations in all regions of the world. Such refugee situations remain a tragic feature of our troubled times. International cooperation in dealing with refugee problems presupposes collective action by governments in working out appropriate durable solutions

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<sup>9</sup> The Universal Declaration of Human Rights (UDHR), <https://www.un.org/en/universal-declaration-human-rights/>

<sup>10</sup> Migration for Employment Convention (Revised), 1949 (No. 97) [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::p12100\\_instrument\\_id:312242](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::p12100_instrument_id:312242)

<sup>11</sup> The Refugee Convention, 1951, The Travaux préparatoires analyzed with a commentary by dr Paul Weis, pg 1, <https://www.refworld.org/docid/53e1dd114.html>

for refugees. Until an appropriate durable solution is found for them and refugees cease to be refugees either through voluntary repatriation or legal integration (naturalization) in their new home country, it is necessary for them to be treated in accordance with internationally recognized basic minimum standards. The formulation and further developments of these standards - and efforts to ensure that they are effectively implemented - have from the outset been an essential component of the collective international approach to the refugee problem. These standards are defined in a series of international instruments (conventions, resolutions, recommendations, etc), adopted at the universal level under the United Nations, or within the framework of regional organizations such as the Council of Europe, the Organization of African Unity and the Organization of American States. In order to ensure their more effective implementation, many of these standards have been incorporated into the national law of a growing number of countries. At the universal level, the most comprehensive legally binding international instrument, defining standards for the treatment of refugees is the United Nations Convention relating to the Status of Refugees of 28th July 1951. This Convention was adopted in the immediate post-World War II period, when the refugee problems confronting the international community, were mainly those of refugees of European origin.

**The Protocol Relating to the Status of Refugees, 1967** is a key treaty in international refugee law. It entered into force on 4 October 1967, and 146 countries are parties. Where the 1951 United Nations Convention Relating to the Status of Refugees had restricted refugee status to those whose circumstances had come about "as a result of events occurring before 1 January 1951", as well as giving states party to the Convention the option of interpreting this as "events occurring in Europe" or "events occurring in Europe or elsewhere", the 1967 Protocol removed both the temporal and geographic restrictions. This was needed in the historical context of refugee flows resulting from decolonisation. Madagascar and Saint Kitts and Nevis are parties only to the Convention, while Cape Verde, the United States of America and Venezuela are parties only to the Protocol. The Protocol gave those states which had previously ratified the 1951 Convention and chosen to use the definition restricted to Europe the option to retain that restriction<sup>12</sup>. Only four states actually chose that restriction: The Republic of the Congo, Madagascar, Monaco, and Turkey. Congo and Monaco dropped the restriction upon ratifying the 1967 Protocol; Turkey retained it, and Madagascar has not ratified the Protocol.

**The United Nations Convention on the Rights of the Child (UNCRC), 1989** is a legally-binding international agreement setting out the civil, political, economic, social and cultural rights of every child, regardless of their race, religion or abilities<sup>13</sup>. The UNCRC consists of 54 articles that set out children's rights and how governments should work together to make them available to all children. Under the terms of the convention, governments are required to meet children's basic needs and help them reach their full potential. Central to this is the acknowledgment that every child has basic fundamental rights. In 2000, two optional protocols were added to the UNCRC. One asks governments to ensure children under the age

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<sup>12</sup> States Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol, April 2015

<sup>13</sup> The United Nations Convention on the Rights of the Child (UNCRC), <https://www.savethechildren.org.uk/what-we-do/childrens-rights/united-nations-convention-of-the-rights-of-the-child>

of 18 are not forcibly recruited into their armed forces. The second calls on states to prohibit child prostitution, child pornography and the sale of children into slavery. These have now been ratified by more than 120 states. A third optional protocol was added in 2011. This enables children whose rights have been violated to complain directly to the UN Committee on the Rights of the Child. All countries that sign up to the UNCRC are bound by international law to ensure it is implemented. This is monitored by the Committee on the Rights of the Child.

**The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children** (2000) (also referred to as the Trafficking Protocol or UN TIP Protocol) is a protocol to the Convention against Transnational Organised Crime. It is one of the three Palermo protocols, the others being the Protocol against the Smuggling of Migrants by Land, Sea and Air and the Protocol against the Illicit Manufacturing and Trafficking in Firearms<sup>14</sup>. The protocol was adopted by the United Nations General Assembly in 2000 and entered into force on December 25, 2003. As of February 2018, it has been ratified by 173 parties. The United Nations Office on Drugs and Crime (UNODC) is responsible for implementing the protocol. It offers practical help to states with drafting laws, creating comprehensive national anti-trafficking strategies, and assisting with resources to implement them. In March 2009, UNODC launched the Blue Heart Campaign to fight human trafficking, to raise awareness, and to encourage involvement and inspire action. The protocol commits ratifying states to prevent and combat trafficking in persons, protecting and assisting victims of trafficking and promoting cooperation among states in order to meet those objectives.

**The Protocol against the Smuggling of Migrants by Land, Sea and Air**, supplementing the Convention against Transnational Organised Crime, was adopted by the United Nations General Assembly in 2000. It is also referred to as the Smuggling Protocol.<sup>15</sup> It is one of the three Palermo protocols, the others being the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children and the Protocol against the Illicit Manufacturing and Trafficking in Firearms, Their Parts and Components and Ammunition. The Smuggling Protocol entered into force on 28 January 2004. As of September 2017, the protocol has been signed by 112 parties and ratified by 146. The Protocol is aimed at the protection of rights of migrants and the reduction of the power and influence of organized criminal groups that abuse migrants. It emphasizes the need to provide migrants with humane treatment, and the need for comprehensive international approaches to combating people smuggling, including socio-economic measures that address the root causes of migration. The Protocol requires States Parties that have ratified to ensure that migrant smuggling (also called people smuggling) is criminalised in accordance with its terms, and those set out in the Convention on Transnational Organised Crime. Given the current political priority around people smuggling, it is perhaps surprising that a concerted international focus on defining and responding to migrant smuggling only occurred in the 1990s. This focus followed sharp rises in irregular migration to the United States, and to Europe in the 1980s and 90s. A focus on

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<sup>14</sup> The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, <https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx>

<sup>15</sup> Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, <https://www.ohchr.org/EN/ProfessionalInterest/Pages/TransnationalOrganizedCrime.aspx>

those who facilitate irregular migration - rather than migrants themselves - was seen as a critical element of any response. The resulting legal framework was the Protocol against the Smuggling of Migrants by Land, Sea and Air (Migrant Smuggling Protocol) that supplements the parent instrument, the United Nations Convention against Transnational Organized Crime<sup>16</sup>. The Migrant Smuggling Protocol does not provide a complete or self-contained legal regime but instead exists as part of a "dense web of rights, obligations and responsibilities drawn not just from the Protocol and Convention but also from the law of the sea, human rights law, and refugee law.

**International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families**, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, was adopted by Resolution A/RES/45/1581 of 18 December 1990 at the forty-fifth session of the General Assembly of the United Nations. The Convention is open for signature by all States in accordance with its article 86 (1). On 1 July 2003, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families<sup>17</sup> entered into force. By 1 October 2005, 33 States had ratified it or acceded to it. The Convention is a comprehensive international treaty focusing on the protection of migrant workers' rights. It emphasizes the link between migration and human rights — a policy topic that is drawing increasing attention worldwide. The Convention opens a new chapter in the history of determining the rights of migrant workers and ensuring that those rights are protected and respected. It incorporates the results of over 30 years of discussion, including United Nations human rights studies, conclusions and recommendations of meetings of experts, and debates and resolutions in the United Nations on migrant workers<sup>18</sup>. Like all other international human rights instruments, the Convention sets standards for the laws and the judicial and administrative procedures of individual States. Governments of States that ratify or accede to the Convention undertake to apply its provisions by adopting the necessary measures. They also undertake to ensure that migrant workers whose rights have been violated may seek an effective remedy. The entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families reinforces and complements a series of other provisions under the main United Nations human rights treaties. The Convention seeks to establish minimum standards that States parties should apply to migrant workers and members of their families, irrespective of their migratory status. The rationale behind the recognition of rights of undocumented migrant workers is also reaffirmed in the preamble, in which the States parties consider, inter alia, that irregular migrants are frequently exploited and face serious human rights violations and that appropriate action should be encouraged to prevent and eliminate clandestine movements and trafficking in migrant workers while at the same time ensuring the protection of their

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<sup>16</sup> Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,  
<https://www.ohchr.org/EN/ProfessionalInterest/Pages/TransnationalOrganizedCrime.aspx>

<sup>17</sup> International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Adopted by General Assembly resolution 45/158 of 18 December 1990  
<https://www.ohchr.org/en/professionalinterest/pages/cmw.aspx>

<sup>18</sup> The International Convention on Migrant Workers and its Committee, United Nations, New York and Geneva, 2005, Fact Sheet No. 24 (Rev.1), <https://www.ohchr.org/documents/publications/factsheet24rev.1en.pdf>

human rights. The Committee on Migrant Workers (CMW) is the UN body of independent experts that oversees the implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families by its state parties.<sup>19</sup>

All WB countries – Albania, Bosnia and Herzegovina, North Macedonia, Montenegro and Serbia ratified the relevant UN international instruments: the 1951 Convention relating to the Status of Refugees; the 1967 Protocol relating to the Status of Refugees, and the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. In addition, two Protocols relevant to international migration supplement the United Nations Convention against Transnational Organized Crime, namely the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the 2000 Protocol against the Smuggling of Migrants by Land, Sea and Air. Serbia has ratified eight of the nine international human rights instruments. It has yet to become a party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

The EU concluded readmission agreements with all WB Countries. In addition, the WB countries have concluded bilateral readmission agreements between each other. The Commission has negotiated status agreements with five Western Balkan countries to enable deployments with executive powers on their territory. The agreement with Albania entered into force on 1 May 2019 and teams of border guards have been deployed swiftly at the Albanian-Greek border. The agreement with Montenegro was signed on 7 October 2019 and is now subject to the European Parliament's consent. Other agreements have been initialled with North Macedonia (July 2018), Serbia (September 2018) and Bosnia and Herzegovina (January 2019) and await signature.<sup>20</sup>

When considering this topic, it is important to mention also the role of **Council of Europe body: The European Commission against Racism and Intolerance (ECRI)**<sup>21</sup> that is a unique human rights monitoring body which specialises in questions relating to the fight against racism, discrimination (on grounds of "race", ethnic/national origin, colour, citizenship, religion, language, sexual orientation and gender identity), xenophobia, antisemitism and intolerance in Europe. It was set up following a decision of the 1st Summit of Heads of State and Government of the member States of the Council of Europe, held in Vienna in October 1993, and strengthened by a decision of the 2nd Summit held in Strasbourg in October 1997. This pan-European Commission is composed of independent members, set up by Heads of State and Government: 47 members appointed on the basis of their independence, impartiality, moral authority and expertise in dealing with issues of racism, discrimination, xenophobia, antisemitism and intolerance. Each Council of Europe member state appoints one person to serve as a member of ECRI. In the framework of its country monitoring work, ECRI

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<sup>19</sup> UN Committee on Migrant Workers (CMW), <https://www.ecoi.net/en/source/11514.html>

<sup>20</sup> Communication from the commission to the European Parliament, the European Council and the Council: Progress report on the Implementation of the European Agenda on Migration (16.10.2019.), <https://ec.europa.eu/transparency/regdoc/rep/1/2019/EN/COM-2019-481-F1-EN-MAIN-PART-1.PDF>

<sup>21</sup> Council of Europe, The European Commission against Racism and Intolerance (ECRI), <https://www.coe.int/en/web/european-commission-against-racism-and-intolerance/>



examines the situation concerning manifestations of racism and intolerance in each of the Council of Europe member states.

The most important ECRI policy for migrants is **General Policy Recommendation N°16**<sup>22</sup> on safeguarding irregularly present migrants from discrimination (adopted on 16 March 2016). “Irregularly present migrants” under this policy are understood as individuals – women, men and children – present in a member State that is not their country of origin, who do not, or no longer, fulfil the conditions under national law for entry or stay in that member State.

The purpose of the GPR is to address a pressing issue of discrimination which is causing grievous hardship to a substantial number of migrants who are irregularly present in member States. It deals exclusively with the question of ensuring access by all persons in this particularly vulnerable group to those human rights which are guaranteed to them in international human rights instruments while they are within the jurisdiction of a member State. The fields of law and policy covered by this GPR are: education, health care, housing, social security and assistance, labour protection and justice.<sup>23</sup>

GPR N16 calls for the creation of effective measures (hereafter “firewalls”) to prevent state and private sector actors from effectively denying human rights to irregularly present migrants by clearly prohibiting the sharing of the personal data of, or other information about, persons suspected of irregular presence or work, with the immigration authorities for purposes of immigration control and enforcement. This GPR does not seek in any way to address member States’ laws and practices concerning the expulsion of irregularly present migrants. Nor does it deal with questions or issues of possible access to the labour market or regularisation of persons in such irregular situations.

“The application of immigration rules must not interfere with the correct application of the human rights obligations of states in respect of all persons within their jurisdiction. The legitimate objectives of justice and interior ministries regarding immigration control and enforcement should not compromise the fulfilment of the human rights obligations of other parts of government regarding people who may be irregularly present. Those who are homeless, in need of food and necessary medical treatment, or children who need schooling, are under the responsibility of ministries other than justice and interior and which are unrelated to immigration control. There must be clear firewalls which separate the activities of state authorities which provide social services and, where applicable, the private sector, from immigration control and enforcement obligations. These firewalls are the ineluctable consequence of states’ duties to protect everyone within their jurisdiction from discrimination as set out in numerous human rights treaties and ECRI’s General Policy Recommendations.”

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<sup>22</sup> ECRI General Policy Recommendation N°16, <https://rm.coe.int/ecri-general-policy-recommendation-no-16-on-safeguarding-irregularly-p/16808b5b0b>

<sup>23</sup> As concerns labour, it should be noted that there is no specific right for irregularly present migrants to work without authorisation, and GPR does not deal with the question of access to the labour market.

## National framework

Western Balkan countries have relevant legislation on migration and established migration management systems. However, there are gaps in its enforcement and a further review is required in order to guarantee full harmonization with the EU acquis. **Further efforts are needed to promote stronger links between migration policies, social and welfare services and the work of the CSOs providing services focused on inclusion and integration of migrants.** The EU concluded readmission agreements with all WB Countries. In addition, the WB countries have concluded bilateral readmission agreements between each other.

**The Albanian national legal framework** regarding migration and protection of migrant rights is still in reformation and influenced by the genesis of the movement of Albanian citizens. The Constitution recognizes rights of Albanian citizens outside the borders and ensures protection of foreigners. The main national law governing migration is the Law on the Migration of Albanian Citizens for Employment Reasons, No. 9668/2006 (revised with Law No. 1 0389, March, 3<sup>rd</sup> 2011). This law entitles Albanian citizens to work outside the borders in accordance with national laws and the laws of the country of destination so its purpose is to guard, protect and preserve the national identity of Albanian citizens, and to maintain and strengthen ties with their country while working outside the Republic of Albania.

When it comes to the protection of children in case of migration there is a Law on the Rights and Protection of the Child, No. 18/2017, and states that children have a right to live, have name and nationality, be with parents and family, have safe return, appropriate living conditions, health service, the right to alternative care, etc. The issue of protection of children migrants (such as children working on the streets and their potential exploitation) is also under reformation. The revised Law on the protection of children's rights (No. 10347/2010) will apply also for foreign children and stateless persons. In the current legal framework, there are some special provisions for unaccompanied children, and these children are mentioned in the Law on Foreigners and the Law on Asylum, despite the fact that these laws refer to unaccompanied children entering Albania. Also, the Border Law provides for the procedure to identify and provide assistance to unaccompanied children in Albania in a border situation. This law provides some safeguards and security for this particular group of children, such as the use of detention, family tracking, identification and referral to the responsible authorities, as well as it states that the police shall carry out detailed inspections when suspected a child is leaving the parental custody or when the child is unaccompanied.

When it comes to the policy framework towards migration policies, Albania addressed specific issues in the National Strategy against Trafficking and Protection of Child Victims of Trafficking (2001-2004), Migration Strategy (2005-2010) and its Action Plan, Strategy on Reintegration of Returned Albanian citizens 2010-2015, and although it ended in 2015, the new one is still in draft version. Furthermore, there are the National Plan for European Integration 2019-2021, the National Strategy for Development and Integration 2014-2020, the National Employment and Skills Strategy (NESS) 2014-2020 and its Action Plan, 2016-2020 Occupational, Safety and



Health Policy Document and its Action Plan, National Social Protection Strategy 2015-2020 and its Action Plan, National Strategy on Migration Governance and its Action Plan. Although the legal framework on migration has massively improved over the past years in Albania, it lacks by-laws and more specific acts needed for the actual use of the law at local level and by practitioners.

**The national legal framework in Bosnia and Herzegovina** regarding migration and protection of migrant rights is the jurisdiction of the Entities of the Republic of Srpska and BiH Federation, and in the competence of the Cantons and the Brčko District. The state of Bosnia and Herzegovina and its joint bodies do not have essential competencies in the field of social protection. There is no single strategic framework for the development of social protection, nor there are common policies in this field.

From 2000 to 2016, five laws regulating the field of migration and asylum in BiH were adopted: The Law on Immigration and Asylum of BiH (OG BiH, No. 23/99); The Law on Movement and Stay of Foreigners and Asylum (OG BiH, No. 29/03 and 4/04 and 53/07); The Law on Movement and Stay of Foreigners and Asylum (OG BiH, No. 36/08); The Law on Foreigners (OG BiH, No. 88/15) and the Law on Asylum (OG BiH, No. 11/16). As the beneficiaries of rights in the social protection system, the Law defines each person who is in a state of social need, and who meets the requirements prescribed by law. Laws on social protection in both Entities and the Brčko District do not define migrants as social welfare beneficiaries but they have rights as well as any person who is in a state of social need. From another side, at the level of Republic of Srpska and the level of the Federation of Bosnia and Herzegovina, the most important are the laws on social protection since all rights contained in it are also relevant for migrants if they find themselves in a state of social need, which meets the requirements prescribed by law. As the beneficiaries of the rights in the social protection system, the laws define each person who is in a state of social need, and who meets the requirements prescribed by law, including migrants.

**The national legal framework in North Macedonia** regarding migration and protection of migrant rights has the Law on Social Protection that provides basic social protection, permanent social protection, nursing care and one-time financial assistance that is available to all refugees, persons who seek an asylum and persons under subsidiary protection. The access and enjoyment of the social rights is equal to the ones offered to Macedonian citizens. Provisions of other laws which stipulate rights of asylum seekers, persons with recognized refugee status or subsidiary protection are part of the following: Law on Basic Administrative Procedure, the Law on Administrative Disputes, the Law on Foreigners, Law on Social Protection, Law on Employment and Jobs for Foreigners, Law on Citizenship of the Republic of Macedonia, Criminal Laws and by-laws and public policies such as: Strategy for Refugees and Foreigners in the Republic of Macedonia 2008-2015 and Action plan for sexual and reproductive health for 2018-2019 in Skopje.

Macedonia has profile country migration for the period 2015-2020 which was created by the inter-ministerial group on migration policy comprised of representatives of 12 institutions members and four international organizations, according to the Official Gazette, 2008/2015: Ministry of Interior Affairs, Ministry of Labour and Social Policy, Ministry for Foreign Affairs, Ministry of Economy, Secretariat for EU issues, State Institution for Statistic, Ministry of Education, MARRI Regional Centre, IOM and UNFPA. Due to the importance of the integration of the refugees, the Ministry of Labour and Social Policy (MLSP) has established an inter-ministerial group for integration of refugees and foreigners, where the priorities also included the preparation of the draft Strategy for integration of refugees and foreigner for the period 2017-2027 which is still in a consultation process.

**The national legal framework in Montenegro** regarding migration and protection of migrant rights starts with the right to asylum which is guaranteed by the Constitution of Montenegro and the Law on Asylum (Official Gazette of the Republic of Montenegro no. 45/06). Following the adoption of the Law on Asylum in Montenegro, a special organisational unit is formed within the Ministry of the Interior - the Directorate for Asylum. Having in mind the developments in the Balkans, the Government of Montenegro prepared in 2015 the Operational Action Plan to act in case of an increased influx of immigrants. The first draft modifications of the Law on Asylum were made in 2016, when in December 2016 the Law on International and Temporary Protection of Foreigners in Montenegro was adopted, to enter into force on 1 January 2018. Within the Law on International and Subsidiary Protection of Foreigners in Montenegro, a set of bylaws has been developed to facilitate implementation of the said law.

At the start of 2018, the National Office for Combating Human Trafficking, in cooperation with UNICEF, developed standard operational procedure for treating unaccompanied minor migrants, as well as children victims of human trafficking. Besides the Law on International and Temporary Protection, the Law on Aliens in Montenegro (the Official Gazette of Montenegro, 12/2018) represents another very important legal document, which is significant for the stay of foreigners in Montenegro, as well as their access to rights and for defining their obligations. When it comes to persons granted protection in Montenegro, or their status regulated by the Law on Aliens or the Law on International and Temporary Protection, provisions of the Law on Social and Child Welfare of Montenegro are applied.

Montenegro is constantly consolidating its legal framework in the field of migration. Following the amendments to the Law on Foreigners in December 2018, three additional bylaws were adopted in the spring of 2019, especially with the aim of simplifying the issuance of temporary residence permits for work and seasonal employment and preventing unregistered labour migration. The readmission agreement between the EU and Montenegro facilitates 15 readmission protocols for implementation signed with EU member states, including an implementation protocol signed with Greece in March 2019. Montenegro has 10 readmission agreements with non-EU countries, including all partners from the Western Balkans and Turkey, and has completed negotiations with Georgia. Requests to start readmission

negotiations have been sent to Pakistan, Iran, Iraq, Morocco and Algeria. Montenegro has an Action Plan in case of mass influx of migrants and refugees in transit through the territory of Montenegro, adopted in 2015.

**The national legal and strategic framework in Serbia** regarding migration and protection of migrant rights starts comprises the key aspects of integration of refugees and migrants. Strategic framework that encompasses migration issues in Serbia comprises several strategic documents: Strategy for Migration Management (2009), Strategy for Reintegration of Returnees under the Readmission Agreement (2009), Strategy for Integrated Border Management in the Republic of Serbia 2017-2020, Strategy for Preventing and Suppression of Human Trafficking, particularly women and children, and protection of victims for the period 2017-2022, National Strategy for Resolving Problems of Refugees and Internally Displaced Persons for the period 2015-2020, Strategy for Preserving and Strengthening Relations between the country of origin and Diaspora, and between the country of origin and Serbs in the region (2011) and Strategy for Sustainable Life and Return to Kosovo and Metohija (2010). The new Response Plan in Case of Increased Inflow of Migrants for the period from October 2016 to March 2017 is based on new assumptions about migrant population. Furthermore, the National Strategy for Combating Irregular Migration 2018-2020 was adopted in December 2018 that defines policies and key directions to be taken in combating irregular migration, as one of the most challenging sub-systems within the migration management system.

Practical issues related to migration policies in the Republic of Serbia are mainly based on the principles defined by the Law on Migration Management (2012). During 2018 three new laws were adopted in order to improve the area of asylum and migration: the Law on Asylum and Temporary Protection (LATP), the Law on Foreigners, and the Law on Border Control. New Law on Asylum brought an improved definition of a term refugee and enhanced provision for unaccompanied and separated asylum-seeking children. The provisions of the Law on Asylum and Temporary Protection have evened the rights and obligations of those who were granted the asylum and persons who have been granted subsidiary protection. The New Law on Foreigners has introduced provisions in relation to temporary stays on humanitarian grounds, which can contribute to better legal protection for migrants in irregular situations. Also, the rights of migrants in proceedings before state authorities as well as their rights pending repatriation have been defined, and the return mechanisms improved. Secondary legislation was adopted: the Rulebook on the Procedure of Registration, Design and Content of the Certificate on Registration of a Foreigner Who Expressed Intention to Seek Asylum (Official Gazette, no. 42/2018) and The Rulebook on the Form of the Decision on Refusal of Entry into the Republic of Serbia, the Form of the Decision on the Approval of Entry into the Republic of Serbia and the Manner of Entering Data on the Refusal of Entry into the Travel Document of the Foreigner (Official Gazette, no. 50/2018). In 2019 the Law on employment of foreigners and the Law on foreigners, which are relevant for the asylum seekers, were amended. The same year, Serbia signed Status agreement between the European Union and the Republic of Serbia on actions carried out by the European border and coast guard agency in the Republic

of Serbia (January 21<sup>st</sup>, 2019). In addition, key laws that define the work with migrants are the Criminal Code, the Law on Foundations of Educational System, Law on Social Protection, Law on Health Care, Family Law, etc.

## MIGRANTS' NEEDS

### Basic needs

Safeguarding and defending access to foundational human rights for all must be of crucial importance to all governments. Key socio-economic policy domains like education, health, housing or employment are crucially important, and the absence of any one of these creates inequity in the society. Number of needs arise in a situation when a person in a position of refugee or migrant reaches the country where he/she anticipates to stay for some period (until he/she moves to a country of destination, or even decide to stay there). Answering to those needs by themselves, institutions, civil society organisations, community support groups is challenging due to a combination of factors, such as their economic status, including economic situation of the hosting country, the legal status of their stay, existing support structure in the country etc.

However, according to IOM report, many migrants, especially those in an irregular situation, have little or no access to health and social services that they contribute to, although they may be exposed to health risks, such as exploitation, dangerous working and substandard living conditions.<sup>24</sup> Laws and policies which prevent migrants from accessing social services, including health services, are often based on the view that it would be expensive for taxpayers to shoulder the costs of health services for all, that is, including irregular migrants.<sup>25</sup>

During last 5 years, we can see that some migrants are just passing through Western Balkan region, but some have remained to live there. Unfortunately, weak national economies combined with lack of political will are failing to connect migration management and social welfare systems and to introduce needed social services for migrants, which will help to protect them and include them in the local communities.

UNHCR report that the increases in numbers of extra-regional migrants and refugees transiting the region irregularly, combined with the increased numbers of rejected asylum seekers readmitted from the EU, makes this issue a truly regional challenge<sup>26</sup>. Still, lack of regional initiatives and mechanisms in this field is very much visible. On the institutional side there have been few intergovernmental initiatives like MARRI ([The Migration, Asylum, Refugees Regional Initiative](#)), which remain to be focused on security and police cooperation, while tackling human dimension of migrations in a very limited way. CSOs proved to have more dynamic networks and regional response on variety of topics, like IRIS Network, which provided a very good response during the refugee crisis and managed to open active channels of communication throughout the Balkan Route.

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<sup>24</sup> International Migration, Health and Human Rights (IOM, WHO, UNHR Office of the High Commissioner), [https://www.ohchr.org/Documents/Issues/Migration/WHO\\_IOM\\_UNOHCHRPublication.pdf](https://www.ohchr.org/Documents/Issues/Migration/WHO_IOM_UNOHCHRPublication.pdf)

<sup>25</sup> Ibid

<sup>26</sup> Refugee Protection and International Migration in the Western Balkans, Suggestions for a Comprehensive Regional Approach, UNHCR, IOM <https://www.unhcr.org/en-ie/531d88ee9.pdf>

According to IOM<sup>27</sup>, migrants are most vulnerable to abuse and exploitation in situations and places where the authority of the State and society is unable to protect them, either through lack of capacity, applicable laws or simple neglect. The risk is further increased when migrants move or work through irregular channels, where their irregular status puts them entirely at the mercy of opportunists who may seek to take advantage of their desperate circumstances.<sup>28</sup>

## Housing

There are specific and explicit protections of the right to housing in international law, including in Article 25(1) of the Universal Declaration of Human Rights (UDHR) and Article 11 of the International Covenant on Economic, Social, Cultural Rights (ICESCR).

*“Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.”*  
Article 25(1) of the Universal Declaration of Human Rights (UDHR)

The United Nations Committee on Economic, Social and Cultural Rights (UNCESCR), an international body of 18 independent experts that monitors the implementation of the ICESCR, and also provides guidelines on the scope and application of these economic, social and cultural rights has recognized that the human right to adequate housing is central to the enjoyment of all economic, social and cultural rights.<sup>29</sup>

*“The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.”*  
Article 11(1) of the United Nations International Covenant on Economic, Social, Cultural Rights

## Health care

Everyone has the right to health. The World Health Organization defines the right to health as “a complete state of physical, mental and social well-being, and not merely the absence of disease or infirmity.” In its General Comment 14<sup>30</sup> the UN Committee on Economic, Social, and

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<sup>27</sup> Migrants and their vulnerability to human trafficking, modern slavery and forced labour, IOM (2019), [https://publications.iom.int/system/files/pdf/migrants\\_and\\_their\\_vulnerability.pdf](https://publications.iom.int/system/files/pdf/migrants_and_their_vulnerability.pdf)

<sup>28</sup> Ibid

<sup>29</sup> UN Committee on Economic, Social and Cultural Rights, “General comment No. 4: the Right to Adequate Housing (Art. 11(1) of the Covenant)” (1991), <http://www.refworld.org/pdfid/47a7079a1.pdf>

<sup>30</sup> UN Economic and Social Council, “SUBSTANTIVE ISSUES ARISING IN THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, General Comment No. 14 (2000), The right to the highest attainable standard of health (article 12 of the International Covenant on Economic,

Cultural Rights (CESCR)<sup>31</sup> provided detailed guidance to States regarding their obligations to respect, protect and fulfil the right to health (availability; accessibility; acceptability; quality).

Potential health risks and health protective factors that affect short- and long-term well-being occur throughout each phase of a migrant's journey<sup>32</sup>. While in transit, for example, health can be affected by transport used and pathogenic or environmental exposures.<sup>33</sup> Universal and equitable access to health services and to all determinants of the highest attainable standard of health within the scope of universal health coverage needs to be provided by governments to migrant populations, regardless of age, gender, or legal status. Solutions should include input from migrants and be specific to the diverse migrant populations. For those exposed to disaster or conflict, or both, mobility models and Disaster Risk Reduction systems should be integrated.

Abubakar et al. (2018) highlights the highly gendered experience of migrants, with women, men, and sexual minorities experiencing different health risk and protection opportunities at each phase of a migration journey.

### **Social security and assistance**

While the national government and relevant ministries are usually focused on immigration control and management at a policy level, local self-governments and social service providers (governmental and civil society based) meet the need on the ground. In doing so, social service providers face different challenges in providing support to migrants:

- a lack of or limited resources (adequate space, sustainable funding);
- the absence of experienced and trained staff;
- the absence of a commitment to or understanding of migrants needs in relation to the provision of services;
- diverse migrant populations with varying needs;
- lack of intercultural competence, cultural awareness and understanding;
- rigid and time-consuming administrative procedure etc.

### **Education**

All children and young people have a fundamental right to basic education, irrespective of gender, nationality, ethnic or social origin, religion or political preference, age or disability. This right has been universally recognised since the Universal Declaration of Human Rights in 1948 and has since been enshrined in various international conventions, national

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Social and Cultural Rights),

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2f2000%2f4&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2f2000%2f4&Lang=en)

<sup>31</sup>UN Committee on Economic, Social, and Cultural Rights (CESCR)

<http://www.ohchr.org/en/hrbodies/cescr/pages/cescrindex.aspx>

<sup>32</sup> Migrants and their vulnerability to human trafficking, modern slavery and forced labour, International Organization for Migration (IOM) (2019),

[https://publications.iom.int/system/files/pdf/migrants\\_and\\_their\\_vulnerability.pdf](https://publications.iom.int/system/files/pdf/migrants_and_their_vulnerability.pdf)

<sup>33</sup> Ibrahim Abubakar et al. 'The UCL–Lancet Commission on Migration and Health: the health of a world on the move', The Lancet Commissions, (2018). [https://www.researchgate.net/publication/329449476\\_The\\_UCL-Lancet\\_Commission\\_on\\_Migration\\_and\\_Health\\_the\\_health\\_of\\_a\\_world\\_on\\_the\\_move](https://www.researchgate.net/publication/329449476_The_UCL-Lancet_Commission_on_Migration_and_Health_the_health_of_a_world_on_the_move)

constitutions and development plans. The Universal Declaration of Human Rights does not only state the right to access education, but also of the quality of education:

*“Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups”*

*Article 26, The Universal Declaration of Human Rights*

This is additionally emphasised also in UN Convention on the Rights of the Child<sup>34</sup>, where focus on international cooperation as well: “States Parties shall promote and encourage international cooperation in matters relating to education”.

What is recorded in many reports is that in the practice the type, as well as quality of education offered to children and young people belonging to group of asylum seekers, refugees or migrants depends widely on the country of stay (passing). Despite the increase in the number of refugees and asylum seekers, most European countries, including Western Balkan countries, do not have a specific programmatic approach to their integration into higher education, and the recognition of prior knowledge is a serious challenge.

It is necessarily that programs offered answer to their educational needs, and students with a migrant/refugee background, especially new arrivals, need to receive the required additional support.

### **Labour protection**

The right to work is a basis for life with dignity. It consists of the opportunity to earn an income by work freely chosen or accepted, and in its General Comment 18<sup>35</sup>, the UN Committee on Economic, Social, and Cultural Rights (CESCR) provided detailed guidance to States regarding their obligations to respect, protect and fulfil the right to work. The Committee also noted that the right includes the other interrelated and essential features as availability, and access to work that involves three key elements: non-discrimination, physical accessibility, and information accessibility. It is important to note that the right to work and related rights are further enabled and informed by the numerous international standards of the International Labour Organization (ILO)<sup>36</sup>.

However, although forced labour is prohibited under international law, much more than others, migrants are often in a position to be included in forced labour structure, usually as a victim, while some of them benefiting money from mediating. This is also known as labour trafficking, and it can affect migrants of all ages, genders – but mostly women, children and youth that get involved in sex services (stripping, nude dancing, working as a hostess, etc.).

Examples about the situation in WB we can find in different reports, e.g. IRIS member organisation Open Gate from North Macedonia, in their “Analysis on the legislative and on the

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<sup>34</sup> UN Convention on the Rights of the Child, <https://www.unicef.org/child-rights-convention/convention-text>

<sup>35</sup> UN Economic and Social Council, THE RIGHT TO WORK, General comment No. 18, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fGC%2f18&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fGC%2f18&Lang=en)

<sup>36</sup> International Labour Organization (ILO), <http://www.ilo.org/global/lang--en/index.htm>



application of the Standard Operating Procedures for Treatment of Victims of Trafficking in Human Beings through case study”<sup>37</sup> (2020), report on several cases when their mobile team received information for reasonable suspicion of labour and sexual exploitation of a person working in a bar in one village as a waitress; labour exploitation of a child victim and forced marriage etc.

It is of essential importance that States ensure possibility for migrants for work, in line with international and national regulations, but also to detect the vulnerabilities of this group, and to provide the guidance and resources to assist them.

## Justice

“Access to justice” refers to the ability of persons to make full use of the existing legal processes designed, formally or informally, to protect their rights in accordance with substantive standards of fairness and justice<sup>38</sup>. Right to access to justice under differing terminologies can be prompted from all relevant universal, international human rights instruments: Article 8 of the 1948 Universal Declaration<sup>39</sup>, Articles 13 and 6(1) of the European Convention on Human Rights (ECHR)<sup>40</sup> etc. In essence, States have a legal obligation according to international law to ensure that all individuals, including migrants and irrespective of their status, are able to access competent, impartial judicial and adjudicatory mechanisms equally and without discrimination<sup>41</sup>. The general principles are: Non-discrimination in the access to justice; Equal and effective access to a tribunal; Fair proceedings and due process guarantees; The right to an effective remedy<sup>42</sup>.

Access to justice is not the same for all migrants, it depends on the subgroup they belong to, and there are some specific groups having challenges in this process: migrant children, migrant women, LGBTQ migrants and also victims of crimes.

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<sup>37</sup> “Analysis on the legislative and on the application of the Standard Operating Procedures for Treatment of Victims of Trafficking in Human Beings through case study” (2020), Open Gate and Macedonian Young Lawyers Association, [https://myla.org.mk/wp-content/uploads/2020/05/Analysis\\_ENG.pdf?fbclid=IwAR1ZqWFeBxdfvXp\\_my020EyH8iYK2V36DkXshaLbDo499piwaNJo3-fOHZO](https://myla.org.mk/wp-content/uploads/2020/05/Analysis_ENG.pdf?fbclid=IwAR1ZqWFeBxdfvXp_my020EyH8iYK2V36DkXshaLbDo499piwaNJo3-fOHZO)

<sup>38</sup> United Nations Development Programme (UNDP), Programming for Justice: Access for All (2005), p. 5. See also F. Francioni, The Right to Access to Justice under Customary International Law. In: Access to Justice as a Human Right (F. Francioni (ed.), 2007), pp. 3-4.

<sup>39</sup> United Nations General Assembly (UNGA), Universal Declaration of Human Rights, UN Doc. A/810 (1948), Article 8 (“Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.”).

<sup>40</sup> European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos 11 and 14 (ECHR) (adopted 4 November 1950, entered into force 3 September 1953) ETS 5, Article 6(1) (right to a fair trial) and 13 (right to an effective remedy) (“Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity.”).

<sup>41</sup> UNGA, Report by the Special Rapporteur on extreme poverty and human rights, UN Doc A/67/278 (9 August 2012), para. 91.

<sup>42</sup> IOM, INTERNATIONAL MIGRATION LAW UNIT (Jun 2019), [https://www.iom.int/sites/default/files/our\\_work/ICP/IML/iml-infonote-access-to-justice.pdf](https://www.iom.int/sites/default/files/our_work/ICP/IML/iml-infonote-access-to-justice.pdf)

## Specific needs of vulnerable groups

### *Women*

Migrant women often face with a lack of gender-sensitive access to justice, greater risk of unwarranted housing conditions. They are at particular risk of social exclusion, which increases their vulnerability. A lack of stable housing, the experience of poverty and the absence of social support systems and services put migrant women at increased risk of: gender-based violence, including domestic violence, forced sex and sexual relationships where the giving and/or receiving of gifts, money or other services is included (transactional sex<sup>43</sup>).

Women are over-represented among those with a dependent residency status, which often results in restrictions on their access to public funds and services. Consequently, migrant women may not be in a position to access the temporary housing provided for victims of domestic violence or, if they are able to leave abusive partners, may become homeless.<sup>44</sup>

Access to stable housing and social support shortly after arriving in the state decreases their vulnerability, particularly to gender-based violence. There are not so rich data on situation of migrant women in WB, because of different barriers for them to reporting violence, such as: impact of traumatic pre-arrival experiences; lack of legal knowledge and understanding of their rights under the law; insufficient interaction/integration of legal, settlement and domestic violence services; language issue; lack of trust and fear of police responses including ambiguity about immigration status and fear of deportation. Besides those, there is always present community pressure on women seeking to protect themselves and their children, including stigmatisation and threat of isolation from the community.

### *Children and youth*

Children and youth who are desperate and far from home – are particularly vulnerable. Whether they migrate on their own or with their families, can be subject to high levels of physical, psychological and sexual violence within the migratory process.<sup>45</sup> Article 37 of the Convention on the Rights of the Child protects all children, regardless of location or legal status, from torture or other cruel, inhuman or degrading treatment. Such a prohibition is reinforced by article 5 of the Universal Declaration of Human Rights, article 7 of the International Covenant on Civil and Political Rights, and the Convention against Torture. In a conclusion that applies equally to the situation of many migrant children, the Committee on

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<sup>43</sup>“ Transactional sex is not sex work but refers to non-marital, non-commercial sexual relationships motivated by an implicit assumption that sex will be exchanged for material support or other benefits .”Transactional sex and HIV risk: from analysis to action, UNAIDS (2018), [https://www.unaids.org/sites/default/files/media\\_asset/transactional-sex-and-hiv-risk\\_en.pdf](https://www.unaids.org/sites/default/files/media_asset/transactional-sex-and-hiv-risk_en.pdf) ).

<sup>44</sup> OSCE/ODIHR 2018, Good practices in migrant integration: Trainer’s manual, <https://www.osce.org/odihr/393527?download=true>

<sup>45</sup> See the report of the independent expert for the United Nations Study on Violence against Children, A/61/299. This study identified the vulnerability of children to violence, including children in the context of migration. In particular, the study identified high levels of violence perpetrated by police officials against marginalized groups of children, such as children living on the streets.

the Rights of the Child has expressed its concern at the “ill-treatment, corporal punishment, torture and sexual abuse of children in detention facilities, and alleged instances of killings of children living and/or working on the streets by law enforcement officials” (CRC/C/15/Add.115, paras. 38-39). Article 19 of the related Convention, in addition, establishes a duty on States to protect children from violence and exploitation perpetrated by parents, guardians and other persons who are in a care providing role.<sup>46</sup>

#### Statistical data on arrivals in the Western Balkans as of end of 2019

Country	Total arrivals	Number of children	% of children
Albania	141	-	-
BiH	7 198	583	8%
Montenegro	306	2	0,65%
North Macedonia	378	29	7,7%
Serbia	5 833	450	7,7%
TOTAL	14 052	1 064	7,5%

Source: UNHCR, Western Balkans - *Refugees, asylum-seekers and other mixed movements*

As can be seen from the statistical data presented above, the number of unaccompanied minors is comparably low, but evidence suggests that the number of unaccompanied children is considerably higher than reflected in official statistics, especially given that a significant number of minors choose to declare themselves as older than 18 years of age in order to stay with the other migrants.<sup>47</sup> This makes them particularly vulnerable group with specific needs and distinctive vulnerabilities to abuse, since, in addition to critical hygienic conditions and lack of access to primary healthcare (which most migrants face), minors also face severe safety and security risks.<sup>48</sup> In North Macedonia for example, Frontex reported that children who were placed in overcrowded reception centres together with adults were exposed to both physical and psychological traumas, and risks of sexual abuse and gender-based violence are extremely high.<sup>49</sup>

The Committee on the Rights of the Child (the body of independent experts responsible for reviewing progress made by States parties in implementing the Convention on the Rights of the Child) has addressed the issue of disparities that exist between especially vulnerable children (which would include children affected by migration) and other children, noting that these disparities often amount to de facto discrimination in the areas of health care, education

<sup>46</sup> Study of the Office of the United Nations High Commissioner for Human Rights on challenges and best practices in the implementation of the international framework for the protection of the rights of the child in the context of migration, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G10/151/41/PDF/G1015141.pdf?OpenElement>

<sup>47</sup> Anette Brunovskis and Rebecca Surtees, Vulnerability and exploitation along the Balkan route: Identifying victims of human trafficking in Serbia, 2017, <https://www.fao.no/images/pub/2017/20620.pdf>

<sup>48</sup> Data available at: <https://www.unhcr.org/see/where-we-work/montenegro>

<sup>49</sup> FRONTEX Risk Analyses for 2019: [https://frontex.europa.eu/assets/Publications/Risk\\_Analysis/Risk\\_Analysis/Risk\\_Analysis\\_for\\_2019.pdf](https://frontex.europa.eu/assets/Publications/Risk_Analysis/Risk_Analysis/Risk_Analysis_for_2019.pdf)

and social services.<sup>50</sup> Migrant children should be able to be heard in the design and delivery of social services to migrant communities.<sup>51</sup> Also, the Committee on the Rights of the Child, during its Day of General Discussion to the rights of all children in the context of international migration organized in 2012 concluded that children affected by migration are very often invisible to policies and systems for protecting and promoting children's rights. In many countries of origin, transit and destination, social policies and programs do not take into account the conditions and needs of migrant children. The neglect is particularly evident in the case of children in an irregular situation, as national action plans and strategies on social exclusion, child poverty, early school leaving and health inequalities do not identify irregular migrant children as a target group<sup>52</sup>.

The UNICEF report "A Child is a Child: Protecting children on the move from violence, abuse and exploitation<sup>53</sup>" shows that an increasing number of these children are taking highly dangerous routes, often at the mercy of smugglers and traffickers, to reach their destinations, clearly justifying the need for a global protection system to keep them safe from exploitation, abuse and death. Therefore, it is very important to address the need of children and youth to be protected from trafficking and exploitation but also to develop system that will ensure them access to necessarily basic and innovative social and health services.

### *Sexual minorities (LGBTI)*

All human beings are born free and equal in dignity and rights and the right to private and family life in the European Convention on Human Rights as well as several Directives and Recommendations make it clear that anyone living or residing in the EU should enjoy similar rights independently of their sexual orientation. Also, international humanitarian community working with refugee populations have task to promote gender equality through their work and protect the rights of all persons of concern—especially the most vulnerable, which includes lesbian, gay, bisexual, transgendered, and intersex (LGBTI) refugees.

However, very often human rights violations are targeted toward persons because of their belonging to certain minority group in specific community, and very often because actual or perceived sexual orientation or gender identity. They usually include invasions of privacy, denial of employment and education opportunities, and sometimes even torture and ill-treatment, sexual assault and rape. In order to improve situation in this area, the International Commission of Jurists and the International Service for Human Rights, on behalf of a coalition of human rights organisations, in 2006 have undertaken a project to develop a set of international legal principles on the application of international law to human rights violations based on sexual orientation and gender identity to bring greater clarity and coherence to States' human rights obligations, and created The Yogyakarta Principles: Principles on the

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<sup>50</sup> Jaap E Doek, "The CRC General Principles", 18 Candles: The Convention on the Rights of the Child Reaches Maturity (Sion, OHCHR and Institut international des droits de l'enfant, 2008), p. 33

<sup>51</sup> See Committee on the Rights of the Child, general comment No. 12 on the right of the child to be heard.

<sup>52</sup> CRC Background Paper for the Day of General Discussion on the rights of all children in the context of international migration, 28 September 2012,

<https://www.ohchr.org/EN/HRBodies/CRC/Pages/Discussion2012.aspx>

<sup>53</sup> "A Child is a Child: Protecting children on the move from violence, abuse and exploitation, UNICEF, <https://data.unicef.org/resources/child-child-protecting-children-move-violence-abuse-exploitation/>

Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity<sup>54</sup>. Also, under EU law, individuals persecuted based on their sexual orientation and gender identity qualify for refugee status, and the European Parliament EU (2015/2325(INI)) also called on all Member States to adopt asylum procedures and endeavour to develop training programmes, which are sensitive to the needs of LGBTI persons<sup>55</sup>.

### *Elderly*

According to WHO older refugees and migrants include those who have recently arrived and those who age in the country of destination (ageing in place)<sup>56</sup>. They may have lost land and property, income opportunities, even access to pensions. The main issues affecting older immigrants are: access to appropriate health services, economic insecurity and access to adequate social services and reaching social inclusion.

WHO studies shows that older adults share a range of similar experiences and needs, irrespective of country of birth (e.g. the ability to maintain functional capability, health, quality of life and access to health and long-term services at old age), and as such, it is crucial to find ways to maintain sustainable societies that foster active and independent living into old age for older refugees and migrants, and the communities and societies they are part of<sup>57</sup>.

Their connection with others was broken when they left their country of origin, and integration in new community is often hard due to language barrier, cultural differences etc. If not strongly bounded with their closest family, they can lose that sense of purpose and there is “small step from social isolation to depression, therefore, programs and services that focus on battling depression and social isolation together with building a sense of community for elderly immigrants should be priorities for funders”.<sup>58</sup>

## COUNTRY OVERVIEWS

### *Albania*

As stated by Gëdeshi and King (2018), Albania is a wonderful laboratory for the study of migration in its various forms – international, internal, return migration etc. It is also a country which exemplifies well the ambiguous relationship between migration and development. International migration has been a historical constant for Albanians, starting with a mass out-migration in the 15th century, and continuing during the second half of the 19th and early 20th centuries. By the mid-1940s, 60,000 Albanians (mainly from southern Albania) were living

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<sup>54</sup> International Commission of Jurists (ICJ), Yogyakarta Principles - Principles on the application of international human rights law in relation to sexual orientation and gender identity, March 2007, available at: <https://www.refworld.org/docid/48244e602.html> [accessed 3 April 2021]

<sup>55</sup> SUPPORTING AND INCLUDING LGBTI MIGRANTS - Needs, Experiences & Good Practices, [https://www.epsilonproject.eu/wp-content/uploads/2019/01/Epsilon\\_Report\\_Executive\\_summary.pdf](https://www.epsilonproject.eu/wp-content/uploads/2019/01/Epsilon_Report_Executive_summary.pdf)

<sup>56</sup> Health of older refugees and migrants - Technical guidance, WHO, [https://www.euro.who.int/\\_data/assets/pdf\\_file/0003/386562/elderly-eng.pdf](https://www.euro.who.int/_data/assets/pdf_file/0003/386562/elderly-eng.pdf)

<sup>57</sup> Health of older refugees and migrants - Technical guidance, WHO, [https://www.euro.who.int/\\_data/assets/pdf\\_file/0003/386562/elderly-eng.pdf](https://www.euro.who.int/_data/assets/pdf_file/0003/386562/elderly-eng.pdf)

<sup>58</sup> GIA – Grantmakers in ageing, <https://www.giaging.org/issues/immigrant-and-refugee-older-adults/>

in the United States. During the communist regime (1945-1990), international migration from Albania largely stopped as moving abroad was outlawed and punishable by imprisonment for treason. Consequently, the collapse of the socialist system, the immediate opening of the country, and the radical and chaotic transformation of the economy produced massive migration flows as people sought a better future, either abroad or elsewhere in Albania.

According to Save the Children, late 2017 and early 2018, the migration route through Albania became one of the most travelled routes through the Western Balkans region<sup>59</sup>. Similar to the other western Balkans countries, Albania is perceived as a transit country. It is part of the migration corridor which goes from Greece, through Albania, Montenegro, reaching Bosnia and Herzegovina from where refugees and migrants try to cross the border with Croatia and continue their journey towards western European countries<sup>60</sup>.

According to UNHCR, 1,997 newly arrived refugees and migrants were identified in Albania during the period from January to April 2019. Compared to the last few months of 2018, new arrivals of refugee and migrants remained at about the same level but represented a major increase when compared to the first three months of 2018 when 1,172 refugees and migrants were identified.<sup>61</sup> Even though more than 85% of the identified new arrivals applied for international protection in Albania, many escaped after some days and tried to continue the journey – moving towards Montenegro, most frequently crossing the border in the vicinity of Lake Skadar. Most applications for international protection were made by refugees and migrants from Iraq/Afghanistan (33%), North Africa (25%), Syria (25%), Pakistan (5%) and Palestinians (5%).

Albania is considered as the country with the highest migration flow in Europe. The number of emigrants is now higher than the resident Albanian labour force, which in 2014 was around 1.07 million. The accumulation of migration potential during the communist era and its explosion after the fall of the regime explains the intensity and evolving character of contemporary Albanian migration. Much of this outflow was irregular, as Albanians crossed into other countries, chiefly Greece and Italy, without authorization.

The population of Albania on 1 January 2020 was 2,845,955<sup>62</sup> according to the Institute of Statistics. The country is classified as 'young', with more than one-third of the population younger than 25 years. Albania is an upper middle-income country on its path to EU accession. Over the last quarter of a century, living standards in Albania have seen significant improvement, and it has been able to develop economically and progress from being a low-income country to become an upper middle-income country. Albania's economy grew with an average 2.4% during the past decade and is projected to grow by an estimated 2.4% in 2019,

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<sup>59</sup> Refugees and migrants at the Western Balkans route, Balkans Migration and Displacement Hub, Save the Children in North West Balkans (April-Jun 2018)

<sup>60</sup> Refugees and Migrants at the Western Balkans Route Regional Overview (January – March 2019), Balkans Migration and Displacement Hub, Save the Children in North West Balkans  
[https://nwb.savethechildren.net/sites/nwb.savethechildren.net/files/library/Refugees%20and%20Migrants%20Balkans%20Regional%20Overview\\_%20Q1%202019\\_SC%20BMDH%20DATA.pdf](https://nwb.savethechildren.net/sites/nwb.savethechildren.net/files/library/Refugees%20and%20Migrants%20Balkans%20Regional%20Overview_%20Q1%202019_SC%20BMDH%20DATA.pdf)

<sup>61</sup>

<sup>62</sup> INSTAT. (2020). Population of Albania. pg 1.

and 3.2% in 2020 (projections revised following the earthquake of November 2019)<sup>63</sup>. In 2018, 23.4% of individuals were at-risk of poverty (relative poverty rate), compared to 23.7% reported for 2017<sup>64</sup>. The average rate at EU countries (28 countries) is 16.9%. Among the population's categories, the unemployed and children (households with dependent children) are the most affected by risk (relative) of poverty. A recent assessment by the World Bank reveals that extreme poverty in Albania could double in the short term, assuming self-employed people lose 100% if their income and wage employees lose 50% in affected sectors. Without response measures, poverty could increase from 40% (yearly average) to 44% (based on the two scenarios) which is equivalent to the situation back in 2012 and 2005, or with additional 115-230 thousand persons brought in poverty in the country. World Bank's projections show that even under optimistic scenarios, the Albanian economy would contract by 5 percent during 2020, creating further pressure on public debt and fiscal vulnerability while exposing to risks workers losing their incomes, particularly in the most affected sectors, such as tourism and hospitality, manufacturing, and nonessential trade.

Poverty, unemployment and high dissatisfaction with the social protection system pushed many of the disadvantaged families to move towards wealthier EU countries. According to UNHCR12, the estimated number of Albanian citizens who immigrated to the Schengen Area between 2012 and 2015 is 62,520. Most of these individuals applied for asylum in the European Union: UNHCR reports that in 2015, Albanians were the largest single national group-seeking asylum in Germany after Syrians (54,762 persons)<sup>65</sup>. Since Albania is considered a middle-income country, emigration is not the only form of migration affecting Albania, as result of economic improvements, immigration trends in Albania are intensifying. These trends thus relate to Albania's own migration history and to its socio-economic profile, while being affected by other migratory movements in the region and at the global level. For example, even though to a smaller extent than other countries in Europe and in the Western Balkans, Albania has been affected by the refugee flows from Syria, Libya, Afghanistan and other war-torn countries. Another strong migration flow that is of high importance is return migration. The trends of returns are very much in line with the emigration patterns of the 1990s and the 2000s. The highest number of returnees to Albania in the late 2000s came back from Greece due to the economic crisis in that country, which was host to the largest Albanian migrant community in Europe.

According to IOM study on Household migration in 2019, 22.1 per cent of households whose representative (head) resided in Albania in 2011 were affected by one of the two types of migration - either the whole household or a part of it resides abroad in 2019. 360,699 people left the Albanian households as of 2019, while this population reached 12.9 per cent of the overall country's population in 2011. Considering 96,755 persons who have left their country of habitual residence, after spending at least one year in another country, and those arrived

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<sup>63</sup> Massey, C. Poni, M. Sammon, E. (2020) *"Evaluation of UNICEF's Contribution to the Normative Policy Framework of the Social Care Services Reform 2013-2019 in Albania"*. UNICEF in Albania, pg 16-17

<sup>64</sup> Ibid.2

<sup>65</sup> <http://www.unhcr.org/uk/statistics/unhcrstats/576408cd7/unhcr-global-trends-2015.html>



in Albania by 2019, the number of returnees was estimated at 95,064, whereas the number of immigrants (non-nationals) was estimated at 1,691 persons.

The key characteristics of Albanian households by migration profiles obtained through HMS (IOM 2020) are as follows:

- Number of households with no migrants, both internally and out of the country, since 2011 was 493,841 in 2019. The population of these households was 1,872,974 persons.
- In terms of outflow: 171,482 households fall under the partial migration profile (at least 1 member of the household has migrated since 2011 abroad or elsewhere in Albania)
- In terms of inflow: 64,740 households fall under the partial immigration profile (at least 1 member of the household has returned or immigrated since 2011)
- The number of completely migrant households, both internally and outside the country, was 84,434 in 2019, with 311,194 people.

In the period 2011–2019, the completely migrant households represented 6.6 per cent (47,669 households) of the Albanian households covered by the last Census in 2011, which consist of 6.5 per cent of the overall Albanian population (183,428 persons). Over the same period, 6.4 per cent of the Albanian population (180,606) migrated, leaving 15.5 per cent of households (111,950). These were households falling under the partial migration profile.

In regard with recent studies it is noticed the predominance of men over women among emigrants and immigrants. For emigrants, up to 200 percent, more men than women were recorded in the age groups between 30 and 56; for immigrants in the same age groups, men exceeded women with 400 percent. In addition, a significant surplus of women over men aged 15 and over has been recorded for individuals who move internally. The labour status analysis indicates that migration flows are mostly composed of economically active population. However, it is worth noting that there is a high number of inactive, in retirement or early retirement people among immigrants. Nearly 9,000 immigrants in this group indicate a certain tendency for people leaving the labour market to return. As a recent study on Albania household migration (IOM, 2020) defines, Persons who emigrated for financial reasons and for better working and living prospects were about 65 per cent. The same percentage was recorded among returnees to Albania who indicated family reasons as a motive for return. For internally migrating people, family reasons were the most common drivers (52 %).

Despite all provided records, the measurement of migration flows in Albania need further researches and improvement.

Until the onset of the COVID-19 emergency, Albania in 2020 has experienced a sustained increase in arrivals of migrants and asylum seekers. However, following the closure of Albania's land borders in mid-March 2020, a decrease in movement was noted and as such the dynamic of Albania's asylum-seeker population changed from being transitory to static. A gradual increase in migrants' arrivals and asylum requests was noted towards the end of May 2020, although not at the same levels as previously due to continued additional border management both in Albania and the wider region. While the Albanian Government has progressively improved the legal framework on refugees and asylum-seekers to ensure access



to, and exercise of rights granted to them, shortcomings are still noted in the implementation of legal and administrative dispositions.

The most urgent priority - as it affects access to multiple rights and social protection schemes - is addressing the ongoing issue of incompatible personal ID numbers, which hinders refugees from fully accessing social protection and reliable employment. A Decision of Council of Ministers issued in April 2019 to ensure this target group can fully access rights afforded to them in Albanian legislation has yet to be fully implemented. An additional shortcoming is the issuance of ID cards for those persons who are granted subsidiary protection (in lieu of full refugee status), a right which is established in the Law on Foreigners and related sub-legal acts.

In the last 3 months has been an increasing number of cases of unaccompanied children identified in the border of Albania with Greece. Unaccompanied children were found without any support. The organization Initiative for Social Change ARSIS has been providing immediate support for 27 children coming from Egypt, Syria and Pakistan to Albania and are accommodated in the emergency shelter in cooperation with the State Agency for the Rights and Protection of the Child. For this reason, a common meeting between the General Director of the Directory of Boarder and Migration was held together with the representatives of directory of social services in the Municipality of Tirana. A collaboration bridge between the institutions was assured.

Several high political level meetings were organized for resolving in short term and long term the cases of unaccompanied children in Albania leaded by the Ministry of Health and Social Protection.

## Existing services

Albania has made relevant progress to address migration issues by including them in several national sector-specific strategies for the period 2014-20, such as The National Strategy on Migration and Action Plan (2019-2022), social protection and inclusion, employment, business and development, integrated border management, and the fight against trafficking in human beings.<sup>66</sup> However, significant efforts are still required in order to consistently and appropriately address the issue in its multi-faceted nature, to provide protection and full access to fundamental rights to migrants and their families.

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<sup>66</sup> The first of these was the adoption of the first National Strategy on Migration and its Action Plan (2015-2010), followed by the Action Plans on Remittances (2007-2010) of Albanian Citizens (2010-2015) and the National Strategy on the Fight against Trafficking in Human Beings and Children (2014-2017). The more recent strategic documents include the Strategy on Employment and Skills (2014-2020), the Strategy on Integrated Border Management (2016-2020), the National Strategy on Social Protection and Social Inclusion (2015-2020), the Strategy on Agriculture and Rural Development (2014-2020), the Strategy on Business and Investments (2014-2020) and the Strategy on the Fight Against Trafficking in Human Beings (2014-2017)and, more recently, the Diaspora Strategy (2018-2024).

Despite the fact that Albania is a country, which is highly affected by migration, and has various efforts undertaken to address the phenomenon, still Albania lacks clear and systematic data on migration. The institution in charge of collecting and releasing data on migration at national level is the Ministry of Interior ('MI'), and INSTAT – the Albanian Institute of Statistics – which regularly compiles data relying on the work of its regional offices located in the main cities, with their primary focus on data collection.

The strategic documents on migration governance adopted so far have recognized strengthening institutional capacities as essential to effective migration management. Some of the most substantial achievements in this aspect include institutional reorganization, including the complete reform of the border and migration police, and the establishment of Migration Counters at the regional and local employment offices that provide services to three categories of migrants (prospective migrants, returnees and immigrants). Another set of developments includes the elaboration of sets of agreements and Standard Operating Procedures (SOPs), such as Procedures for the treatment of irregular migrants (both at the border and inside territory of the country) and the Cooperation Agreement for the Functioning of the National Referral Mechanism for Victims of Trafficking and Potential Victims of Trafficking (2012). Also, the Standard Operating Procedures for the Protection of Victims of Trafficking and Potential Victims of Trafficking (2018); and the formulation of a Council of Ministers decision on the Rules and Procedures for the Return and Repatriation of Unaccompanied Minors, implementing Law No. 18/2017 on the Rights of the Child and Protection, which is expected to be revised in the near future.

#### **A. Public Institutions**

A key factor conducive to ensuring institutional ownership is clarity in terms of roles and responsibilities of and in institutions under migration governance at both the central and the local level. Progress in this area has been achieved, in particular, at the national level, where there is, a clear division of competencies among Ministries tasked with the managements various aspects of migration governance, such as:

- Ministry of Interior,
- State Minister for Diaspora,
- Ministry of Finance and Economy and subordinate institutions,
- Migration Counters at the National Employment Service,
- Directorate of Border and Migration,
- Ministry of Health and Social Protection,
- The Institute of Statistics.

##### *Ministry of Interior*

The Ministry of Interior is the main authority overseeing national border control, the management of immigration, integration of foreigners as well as for coordinating efforts against trafficking in human beings at the national and local level along with other stakeholders. Through the structures including State Police (General Directorate for Border and Migration, General Directorate against Organized Crime and Serious Crimes), Directorate for Citizenship and Refugees, Directorate for Asylum etc. is responsible for: prevention and

fight against irregular migration through integrated border management; control of foreigners during the procedure of visa application to enter the Republic of Albania, in close cooperation with other structures of MF and SIS; border check for the conditions and criteria of entry, stay and transit in the Republic of Albania; issue of residence permits to foreigners; control of lawfulness of stay of foreigners in the territory and taking of measures of voluntary removal, expulsion, detention of irregularly-residing in the territory and their return to the country of origin or transit; implementation of readmission agreements with other countries; reception, interviewing and screening of citizens returned at the border and also their information on the possibilities of reintegration in the country; regional cooperation and more extended cooperation in the area of exchange of statistical data on illegal migration and early warning; identification and treatment of victims/potential victims of trafficking in human beings in implementing the National Referral Mechanism and Standard Operating Procedures for identification, referral and assistance to potential victims of trafficking; including the unaccompanied minors as regards the fight against trafficking and smuggling of persons, on asylum and citizenship etc. As the authority responsible for the treatment of foreigners entering, transiting or staying in the territory of the Republic of Albania, the Border and Migration structure under the State Police is the structure organized at central and local level, covering the territory of the Republic of Albania.

#### *State Minister for Diaspora*

The State Minister for Diaspora is a state body within the Albanian Government responsible for designing and monitoring the implementation of the Diaspora policy in coordination with other line ministries. The Agency's mission is to develop and deepen institutional cooperation with the Diaspora community through improving and protecting the rights and interests of Albanian citizens in the countries where they live. It intends to provide assistance for the preservation of the national cultural heritage and the promotion of economic cooperation between the country of origin and the diaspora.

#### *Ministry of Finance and Economy*

The Ministry of Finance and Economy is the responsible ministry for governing labour migration in the country in cooperation with other ministries (setting up and implementing labour migration schemes, along negotiating and implementing bilateral and multilateral labour agreements). It also monitors the functioning of recruitment agencies to ensure the ethical recruitment of migrant workers and oversees the work of the National Employment Service including Migration Counters. In addition, the National Employment Service performs its activity in line with the respective legislation, in the field of development and monitoring of state policies for migration and related issues: employment, education and vocational training and labour immigration, labour relations etc. As of 2010, Migration Counters (MC) have been operating under the National Employment Service and they are set up in all the local Employment Offices. Migration Counters are an important part of the mechanism of support for reintegration. These structures serve as key contact points at local level to collect detailed data for the returned Albanian citizens who approach them voluntarily. Migration Counters perform the following functions: i) interviewing of Albanian citizens, returnees who approach the counters voluntarily; ii) giving information for public and private services in line

with the identified needs (where appropriate); iii) referring to the public and private services (where relevant) and also specific projects of civil society in line with their needs.

#### *Ministry of Health and Social Protection*

The Ministry of Health and Social Protection as the main provider of health services, health promotion, prevention, diagnostics and treatment of illnesses, is responsible for provision of access to the primary and hospital health care service as scheme provided to the population. It supports integration of returned emigrants and internal migrants in the health system, health insurance and social protection. It also supervises the work of the State Social Service, which provides crucial services to vulnerable categories, including migrants such as Victims of Trafficking.

Regarding social services offered in Albania are organized as services in the community, care institutions and families for all identified categories of beneficiaries.

The types of social services are as follows:

- Pre-social services;
- Services in community centers, including development centers;
- Services in residential centers, including shelters;
- Social services in an emergency;
- Alternative care services for children without parental care;
- Specialized services;
- Telephone or on-line counselling service.

Implementation of the system of social care services, that are financed from the Budget State and from the budgets of Local Government Units, are as responsibility of public bodies in charge of this task, at central and local level.

#### *The Institute of Statistics*

The Institute of Statistics is responsible for the collection, the processing and sharing administrative data as well as providing statistics on migration unaccompanied minors (UAM's). The Institute conducts surveys and generates reports on the situation of migration in the country.

### **B. International organizations**

With respect to international partnerships, Albania actively participates in several regional and international migration consultative processes such as the Budapest Process and Prague Process. It is also part of various initiatives promoting labour mobility, a more effective management of migration flow in the region, border security, free trade, and development and security. These include regional initiatives such as the Migration, Asylum, Refugees Regional Initiative, the Regional Cooperation Council, the South-East European Cooperation Process, the Southeast European Law Enforcement Centre, the Southeast European Cooperation Initiative, the Central European Free Trade Agreement, the Central European Initiative, and the Adriatic-Ionian Initiative. Albania is also a party to various memorandum of understanding (MoUs) and agreements related to migration with other countries on, for

example, irregular migration, counter-terrorism, the fight against organized crime, illicit trafficking of narcotic drugs, exchange of information on migration and control issues, as well as asylum issues.

In addition, Albania has engaged in bilateral cooperation with important countries of destination for its nationals. Negotiations are currently under way with Germany and France for the exchange of information on asylum and migration. Cooperation with countries such as the United Kingdom, Italy and Greece is also ongoing with respect to data and information exchange, return procedures, border control and assistance to victims of trafficking. The increased international cooperation in the field of migration dictates the need to undertake a thorough review of the existing agreements and commitments so as to assess their level of implementation and to draw up important recommendations that can guide implementation as much as cooperation with other countries in the future.

UNHCR, the Office of the Resident Coordinator of the United Nations, Save the Children, Terre des Hommes, UNICEF, GIZ, and World Vision are among international organizations that are dealing with migration issues.

**UNHCR:** UNHCR in Albania works in cooperation with the relevant structures at the Ministry of Interior, namely Directorate for Asylum and Citizenship, Border and Migration Police, National Centre for Asylum Seekers, as well as with other line ministries and civil society to promote access to the asylum system for people in need of international protection, to provide them legal aid, psychosocial aid and accommodation, and to help asylum-seekers and refugees enjoy their rights and fulfil their obligations. UNHCR's support to the authorities in Albania includes capacity building and advocacy. It has a Field Unit at the southern border to monitor border trends, promote coordination among relevant actors and improve identification and referrals of asylum seekers with specific needs in the context of mixed migration flows. UNHCR and its partners support the Border and Migration Police to ensure that pre-screening at the border is done with sufficient safeguards. UNHCR in Albania provides support to the National Reception Centre for Asylum Seekers in Tirana, with provision of services and material support. The capacity of the National Asylum Centre was doubled in 2017. The project was a result of a partnership between UNHCR and UNDP and was funded by the EU Commission. In cooperation with the Municipality of Gjirokastra and Border and Migration Police UNHCR has increased the reception capacity at the border areas, with a differentiated approach for vulnerable categories. Caritas Albania has made available additional reception capacity for 120 persons at the northern border. It consults with refugees and asylum seekers on their integration prospects and needs. UNHCR partners provide Albanian language courses, vocational training and support to access the labour market. In addition, UNHCR is working with Ministry of Interior to promote naturalization of refugees who fulfil the criteria.

**The International Organization for Migration (IOM):** The International Organization for Migration has been operationally present in Albania since 1992. Since then it has become one of the main international partners of the Government of Albania, supporting its continuous progress and efforts in migration governance in line with Albania's priorities of European Union integration. IOM is a member of the UN Country Team in Albania since 2007. It actively

contributes to the implementation of the GoA-UN programme of Cooperation for Sustainable Development 2017-2020, which funds and programmes 17 UN agencies including IOM to Albania's development priorities. It works with the Albanian government to respond to contemporary migration challenges. It supported the development of the National Strategy on Migration Governance 2019-2022; also on the National Strategy on the Reintegration of the Returned Albanian Citizens and its Action Plan (2010-2015). Currently IOM supports Albania migration management in several areas through its instances such as Assisted Voluntary Return and Reintegration; Canada Visa Application for Residents of Albania; enhancing the engagement of Albanian Diaspora; Counter Human trafficking; and it offers capacity building activities and technical support for the Integrated Border Management. In partnership with relevant institutions, IOM facilitates the provision of advice, information and referral services to prospective migrants, immigrants and returnees on regular migration for labour and study purposes, on reintegration opportunities in Albania as well as immigration issues. A national network of Migration Counters has been established and strengthened with IOM support, to increase access to regular migration information, modalities and opportunities.

**The United Nations Children's Fund (UNICEF):** promotes the rights and wellbeing of every child in Albania, UNICEF is the lead humanitarian agency for Child Protection and Education. UNICEF Albania supports government reforms, civil society initiatives and research that help all children to enjoy their human rights. As Albania seeks integration with the European community, through its programs UNICEF ensures that no child is left behind, and that development takes place with equity. Its main focus is on children from the most vulnerable and marginalized groups. Albania is a State Party to the Convention on the Rights of the Child and its Optional Protocols. UNICEF assists government and development partners to understand the obligations arising from the ratification of these treaties and to translate these into national legislation, policy and programs. Social norms and values determine whether all children can develop to their full potential, and whether all children are adequately protected and supported. UNICEF engages in policy dialogue, the sharing of knowledge and public campaigns and provides technical assistance to influence positive social change.

**The Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ):** The development cooperation between Germany and Albania began in 1988. The Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH has been active in Albania on behalf of the German Federal Ministry for Economic Cooperation and Development (BMZ) ever since. In 2008 GIZ opened an office in Tirana. Its main projects are focused on Rural Development, Sustainable Infrastructure; Governance and Democracy; Environment and Climate Change; and Economic Development and Employment. One of GIZ intervention programme is "Migration for Development" which has been creating advisory services and economic prospects for these people in selected countries of origin since the beginning of 2017. It is supporting the local population and assists returnees with their social and economic reintegration. It is part of BMZ's 'Returning to New Opportunities' programme. The programme focuses on individual advice. Persons, who are interested in returning to their country of origin, receive support, from preparation in Germany to a new start back home.

**Save the Children:** has been working in Albania since 1999, earning a reputation for delivering quality programs for children and establishing strong and influential relationships with government and civil society networks. Save the Children, programs cover Basic Education and Early Childhood Care and Development, Child Protection, Child Rights Governance, Health and Nutrition and Humanitarian, implemented in 11 districts of Albania, both urban and rural areas. In recent years, Albania has created many new laws and policies and Save the Children provides practical tools and real field experience to support the government in implementing these to achieve results at scale. It has a Country Program Strategy covering the period 2019-2021. Its overall strategic goal is to ensure that all children survive, learn and can be protected. The focus is on reaching the most deprived and marginalized children, who are too often excluded due to poverty, geography, gender, ethnicity or disability.

**Terre des Hommes:** TDH works to improve the reintegration of returned migrant families in Albania and to prevent unsafe migration. Once children are back in Albania, they can attend TDH's after-school activities to make up for the time they missed school and to be able to reintegrate in the regular education system. In collaboration with local authorities and organisations, it opened eight multi-functional community centres. There, children can engage in psychosocial and recreational activities make new friends and develop their cognitive, social and creative abilities. In addition, regular summer camps are organised. Some of the returned migrant families are supported to initiate small businesses at home or activities that ensure them a basic income. Within the project, 160 families receive small grants and assistance for starting such activities. This allows them to cover some of their daily needs, such as food and school supplies for their children. Many young people benefit from vocational training and thus gain professional skills that allow them to become economically independent. Through different interventions it's made possible the training of professionals at local level and foster cooperation among communities, civil society organisations and authorities, so that they are able to support the reintegration of returned families and prevent unsafe migration. In order to ensure a long-term impact, TDH advocates for proper policies at national and international level. One of the focuses is the best interest of the child at any stage of the migration process.

**World Vision:** began operating in Albania in 1999 in response to the Kosovo refugee crisis. Since then, it has shifted its focus to long-term development and support for the country's most disadvantaged children and young people. Through Community Building, it aims to tackle the root causes of abuse and discrimination, to improve education and build security through proper mechanisms that aim to offer alternatives to poverty, abuse, neglect and migration. In terms of advocacy, also empower communities to engage directly with the government and decision makers to improve policies and practices that improve the lives of the most vulnerable children. WVA advocates **"for"**, **"with"**, and **"by"** communities including children, youth's and civil society and governmental structures. WVA has been implementing in the last two years the program for returnees called **"REINVEST"**.

### **C. Civil Society Organizations in Albania**

**NISMA ARSIS:** Nisma për Ndryshim Shoqëror ARSIS is a non-profit organization established in Tirana, Albania, ensuring to every child, young person, woman and family attain the right to

protection, development and participation. The main goals of NISMA ARSIS actions are related to the prevention of children and youth exclusion, to the development of children and youth full potential and guarantying their rights. NISMA ARSIS offers its services to children and young individuals who live under conditions of poverty, neglect, victimization, conflict, disapproval, exploitation, isolation, racism, in contact with the law, without parental care, live in street situation, victims of abuse and domestic violence, trafficking, don't have a family or a place to live.

Regarding migration, Nisma has implemented various projects, which have facilitated the reintegration of families returned to Albania by improving their access to employment, social services and other needs for a dignified life. Throughout 2019 there have been assessed as families returned from unsafe migration and at risk of unsafe migration 40 families resident in Tirana Municipality. As for, 40 families have been part of the case management process. 24 families have been assisted with direct services (house equipment, rental payment etc.) and other reintegration community services in the MfCC "Stay Together" and in each community baseline. Such projects have promoted cooperation between communities, civil society organizations, and municipal institutions in order to enable the full reintegration of returned children and families. Through capacity building activities the project has as well increased the capacity of civil society service providers and local government bodies to provide quality services to returnees.

Initiative ARSIS is working as a partner of Terre des hommes Albania (2020-2021) for the implementation of the project "Sustainable Socio-Economic Reintegration of Returned Migrants in Albania in Durres Municipality, Administrative Unit of Rrashbull" providing:

- Outreach work for the identification, information, awareness and empowerment of vulnerable returned migrants or persons at risk of unsafe migration
- Quality Multifunctional Community Services delivered to the returned migrants and persons at risk of unsafe migration
- Concrete employment and self-employment opportunities provided to vulnerable returnees.

**IMZHI-** Institute of Migration, Development and Integration, is an NGO registered with the Court of First Instance in Tirana as a new organization, which deals with the migratory movements as a new phenomenon in Albania and mainly deals with youth issues. On its main scope regarding migration, it focuses on:

- Identify problems that result from these flows including:
- Movements within the Albanian territory (causes, problems and solutions)
- Albanian migration (causes, problems and solutions)
- Immigration in Albania (causes, problems and solutions)
- Awareness to live in a much cleaner environment
- Albanian youth education with work and education



## Quality and standardization of the services

For a long time, emigration from Albania has been mostly irregular. Although over the past decades' large numbers of Albanian citizens have succeeded in integrating in other countries, opportunities for regular migration have been still limited. With the liberalization of the visa regime in 2010, patterns and trends of migration from Albania have changed. Its citizens can move within the Schengen area for 90 days and thus leave the country regularly. However, since this possibility is not associated to the opportunity to take up employment abroad, a large number of Albanian nationals applied for international protection based on economic grounds in the Schengen area (and also in UK) as a way to secure their long-term stay in those countries. Most of them have had their application rejected. While being less risky in terms of travel, this new way to emigrate poses serious challenges to the individuals, families and children concerned. Research at local level found that – while showing a smaller 'shock' upon return compared to long-term migrants – Albanian asylum seekers were in an even more precarious situation than before departure: generally, they had to sell all their assets in order to afford the travel, and did not have the opportunity to gain financially or professionally while abroad. At the same time, children were mostly able to quickly integrate into the new country, and suffered also psychologically upon return to Albania.

Analysis of the changing trends in population movements in Albania's neighbouring countries strongly implies the need to strengthen the **country's capacity for reception** of a larger number of arrivals. In this context, close follow-up of the dynamics of migratory movements remains crucial, including early warning signs of potential increases.

The return of Albanian asylum seekers - in terms of size and intensity, in certain years (2015-2017) Albania was at the top of the list of countries for the number of returnees from EU countries, - has given rise to their **difficult reintegration in terms of employment**, health, housing, education and social services. Many returnees, depending on the duration of stay and the experience acquired in the host country, have built up new human and social capital, have their mentality changed and have adopted a new and broader understanding of reintegration. While for many families and individuals such reintegration has not been sustainable, especially in the social-economic aspect, and that the situation of their families has not changed (on the contrary, in some cases it has worsened) vis-a-vis the pre-migration period. This means that reintegration of returnees **is not a dynamic and sustainable process**.

Difficulties regarding the process start with **the first registration of returnees**, in all entry points, and the lack of data collection. There is **no management information system**, which collects information from the returnees and orients them to the proper service providers according to their needs. Such a system would orient all service providers, state stakeholders and CSO's in not overlapping their services and better tackling beneficiaries needs. Also further operational measures need to be undertaken such as tighter checks at border crossing points, more thorough exiting and re-entering interviews, accompanied with information points, which practically target the process difficulties and what to expect in each case (migrating and returning to the country of origin).

Another need concerning services offered is the **strengthening of local capacities** in the area of services, especially in those municipalities with high numbers of returnees. The need for capacity building and trainings of staff for local service providers in drafting social reintegration plans and envisaging funds in accordance with returnees' needs is also very important. This would mean better-trained professionals to deal with migration issues, and would build up a bridge of trust and communication between the returnees and public institutions (migration counters, employment offices etc.). In addition, this would require improving and **expanding the employment structure** and small business opportunities, in order to provide employment for returnees in the formal sector and higher income. This would not only help the economic reintegration but would also contribute to less people feeling pessimistic about their future in Albania and less people seeing migration as 'the only way out'. Depending also on their age, education, country and time of stay, returnees have brought in new human and social capital, which can benefit the Albanian society also.

Another important field to which changes should be made is also the **re-admission of returned children** into the educational schooling process. Immediate enrolment in schools, in order not to be disqualified for that school year, and further facilitation of the school documents. Simplified procedures should be applied to **minimize expenses for returning families** pertaining to translation and notarization of school documents for the children, in such process local NGO's could facilitate with administrative support, and close collaboration with responsible state instances. Further assistance with **Albanian language courses** (for children who have difficulties) is necessary for children. Also, **psychological treatment** and counselling sessions, offered by both parties' state structures (school psychologist) and NGO's would further benefit the returnees to better adapt and re-socialize in the society.

Another area for improvement is also the **healthcare system**. Public health institutions or NGOs that provide services to returnees in this case should provide financial aid and special assistance according to their needs, to overcome health issues and constant psychological stress, anxiety and traumatic situations. Regarding **housing**, there is a **lack of financial aid** from the state structures and various NGO's that offer it is not enough and prolonged enough in time, for the returnees to build upon their lives, pay rent or house repayments. Homeless returnees or those living in difficult conditions should be assisted to prepare the relevant documents to qualify for social housing.

Since the nature of migration is inevitable, and a reality that not only Albania, but also many country face, it is necessary to deal and respond to it in a practical, sustainable and timely manner. Even though Albania has made progress regarding migration response, still further efforts should be made for this process to be managed in such a way as to minimize negative consequences (irregular migration, exploitation, etc.) and maximize positive effects (productive use of remittances, connection to the home country, return from emigration). Further mechanisms to support the transitory period that results after returning to Albania should be established, in order to create interlocutions ways for public instances and NGO's to collaborate and provide for the returnees, so human resources would not be wasted, time would be used efficiently and the reintegration process would have lasting positive impact and positive sustainability.

## Allocation of the funds for the services in the target countries

Regarding the allocation of funds, information can be provided from the National Strategy on Migration (2019-2022). As per the implementation of the strategy all sources of funding is around 341.25 million ALL or approximately 2.7 million Euros. Sources from the state budget are allocated to budget programmes of line ministries and institutions that are tasked with the implementation of the Action Plan. The allocation of funds for the 2019-2021 period has taken into account the ultimate ceilings of the draft medium-term budget (MTBF 2019-2021). Financial resources from the state budget cover about 73.7% of the cost of the Strategy cost, or about 251.3 million ALL, whilst donors have committed themselves to cover 0.8% of the Strategy, which comes to 2.76 million ALL.

The financial gap uncovered by the budget is 25.53% and is part of additional budget requests and negotiations with various donors. It consists primarily of the cost of complementary activities, such as independent assessments and studies, awareness-raising campaigns, projects to increase the accommodation capacities for migrants, pilot programmes for the integration of vulnerable categories of migrants, and so on.

The amount of spending required for the implementation of National Action Plans is derived by costing each of the sub-measures of the action plan individually. When calculating total spending, various elements are taken into consideration, such as the duration of the measure, the number of beneficiaries for certain activities, etc. The cost of the Action Plan is based on budget planning techniques.

The Ministry of the Interior is the main institution responsible in the field of asylum and migration. The main bodies under its supervision responsible for implementing migration policies are the Department of Border and Migration in the ASP General Directorate and the Directorate of Anti-Trafficking and Migration. MOFE and employment offices address legal and labour migration at the local level.

## Solutions and tasks needed to complete to close this gap

To ensure that Albania attains EU levels with regard to border control, prevention and control of irregular migration while safeguarding migrants' rights the following areas need further improvement:

Albania needs to continue to modernize **border management equipment and infrastructure** to strengthen border surveillance, including the green and blue borders. An improved infrastructure and organization of services at crossing points (dedicated lanes, access to information) will result in the reduction of waiting times and will address specific needs of migrants with special needs such as children, the elderly and persons with disabilities.

Furthermore, there is a need to ensure **access to information** on the phases of the pre-screening process, in addition to human rights of undocumented foreigners in general, and of vulnerable categories such as unaccompanied minors, victims of trafficking and asylum seekers, in particular. Information can be made available through **printed materials and**

**interpreting services** at the border crossing points as well as inside the country. Provision of interpreting services in particular at the border needs further improvement as it may hinder the provision of necessary protection in particular to children (both unaccompanied and separated minors) and females, as the only way to understand whether there is a case of a victim- potential victim of trafficking. Adequate budget allocation for interpreting services along with enhanced cooperation with international partners in the field of migration and asylum (such as IOM, UNHCR, etc.) may address the shortcomings in the provision of these services.

**Strengthening national and local capacities** and **dedicating adequate resources** for the effective processing of persons on the move is crucial to ensure adequate treatment and respect of human rights, including and the identification and referral of vulnerable cases to protection services available in Albania. While progress in this respect has been ongoing over the last years, there is still a need to increase the planned **human resources** at the Department for Border and Migration (DBM) within the Albanian State Police in line with the analysis of changing trends in irregular entry and transit, and to monitor further needs for reallocation, based on risk analysis. There is also a need to formally appoint substitute pre-screening specialists who will become involved in this line of work in case there is an increased flow of undocumented foreigners. As a result, it is necessary that the by-laws on pre-screening formally envisage that in case of such flows, other border and migration officers trained in pre-screening will have the mandate to be involved in pre-screening procedures. In addition, the efforts to mainstream gender in border police by encouraging women's participation in border policing and ensuring relevant training for all personnel should be considered.

The increase in mixed population flows has revealed the need for the continuing training of border guards and management personnel by the Training Department at the State Police and for ensuring that it is based on good practices and European standards, such as the European Border and Coast Guard Agency (Frontex) Common Core Curriculum. A basic training on pre-screening procedures, on the rights and procedural guarantees for vulnerable categories such as children, victims of trafficking and potential victims of trafficking and asylum seekers should also be conducted for all Border and Migration officers acting as substitutes in the pre-screening process.

In the context of the increased pressure on border management, it identified gaps and challenges in border procedures, with a focus on identification of vulnerable groups, their protection and referral to specialized services.

#### **1. Access to information and interpreters:**

- The lack of interpreters remains a concern in the Temporary Reception Centers in border areas;
- Lack of women interpreters in the Temporary Reception Centers is especially urgent to be addressed as they can provide a more enabling environment for non-national women to report potential violence and trafficking;

- There is need of qualified interpreters/cultural mediators in asylum issues and in dealing with persons/groups with specific needs too;
- No proper information on rights, duties and services are provided to arrivals at the borders by the BMP;
- There is lack of informational materials in different languages on available services, contacts of local institutions and other issues of interest.

## **2. Access to primary health assistance/services:**

- No medical screening either medical check-up is done to the new arrivals at the border;
- There are no medical personnel present in the Kapshtica's reception center;
- Lack of psychological support to all arrivals in the Temporary Reception Centers at the Korca and Gjirokaster's borders;
- There is limited to no knowledge on procedures to handle services for mixed migration flows among officials of municipalities close to the borders;

## **3. Pre-screening (identification) of persons/groups with specific needs:**

- Lack of (qualified) BMP personnel along with lack of adequate logistics and limited time dedicated to the pre-screening doesn't allow a proper identification, with all safeguards, of persons/groups with specific needs (UASC, SGBV survivors, VoT/PVoT, persons with disabilities);
- Turnover of BMP personnel as well as lack of BMP women personnel in the Temporary Reception Centers in the border areas (pre-screening phase) remains a challenge;
- Insufficient women interpreters/psychologists at the Temporary Reception Centers poses a challenge for dealing with women and children;
- There is need of stable presence of psychologist/s at the pre-screening phase as it is relevant in identifying persons/groups with specific needs;
- Lack of (women) interpreters and psychologists during the pre-screening phase;
- The pre-screening questionnaire does not contain any question related to SGBV, VoT/PVoT therefore it is not possible to identify them during the pre-screening interview;
- The duration of stay is extremely limited, which does not present an opportunity for support other than medical emergencies as well as food and clothing.

## **4. Access to accommodation and social services:**

- The issue of UASC's accommodation in the Municipalities Social Centers remains a major concern; these centers remain largely inappropriate for long stay, they lack staff in general, and in cases where staff is available, they are not trained or experienced to deal with foreign UASC. Residential care institutions are not opening their doors to foreign nationals and UASC because of the gap in the law

121/2016 on Social Care Services. Other privately run shelters and services are not prepared to accommodate big or particular group of UASC.

- No services are provided to SGBV survivors and to persons with disabilities too;
- Lack of accommodation specific to SGBV survivors and to persons with disabilities;
- There is lack of qualified staff (interpreters/cultural mediators, social workers and psychologists) in the existing Municipalities Social Centers, hosting persons/groups with specific needs;
- No social services are provided to categories of non-nationals (asylum seekers, migrants), who are not included in the National Social Services scheme (The Law on Social Services provide this service only to nationals and foreigners that have a definite legal status, such as refugees).

Nisma per Ndryshim Shoqeror ARSIS has been provided support to 30 unaccompanied minors coming from the boarder of Kapshtica mostly, Gjirokastra and identified in Durres in tentative of leaving to Italy. Children were accommodated in the emergency shelter of Nisma ARSIS during the period August – November 2021. Most of the children has declared coming from Greece and some of them were identified the origin of coming camps in Greece through the support of ARSIS Greece. Most of the children were identified as unaccompanied minors and some of them as victims of trafficking in Albania (those who were identified in boarder) without any other status in Albania. There are identified gaps in the law of asylum seekers and in the knowledge of engaged professionals for the treatment of these categories.

## Bosnia and Herzegovina

Bosnia and Herzegovina (BiH) faces challenges every day in all fields of social activity: the consequences of the war in the 1990s are still present, and according to the United Nations 16.9% of the population live with incomes below the poverty line (every sixth household in the country is poor), while according to official country data, about 48% of the population in BiH live on the poverty line. The Directorate for Economic Planning of the Council of Ministers of Bosnia and Herzegovina, in the Annual Report on Social Inclusion for 2019, points out that the poverty rate of the elderly (65+) and children (<15 years) is higher than the national average. The poverty rate of the elderly is 20%, and the share of children living in relatively poor households is 18.7%. The age group 35-64 has the lowest poverty rate. During the first half of 2018, BiH faced a dramatic increase in the number of migrants and refugees entering its territory: from 237 recorded in January to 2,557 in May. The authorities in Bosnia and Herzegovina detected the arrival of 24,068 asylum seekers, refugees and migrants in 2018, while in 2019 there were 29,196; in total for 2018 and 2019: 53,263 – an average of over 2,200 per month (INTER AGENCY OPERATIONAL UPDATE: Bosnia and Herzegovina/ 01-31 December 2019). At the end of December 2019, it is estimated that about 8,000 migrants, asylum seekers, and refugees remain in BiH in need of a range humanitarian assistance at various locations.

OSCE reports that the total number of recorded arrivals between 1 January and 31 July 2018 was 10.145 (compared to a total of 218 during the whole of 2017), among which 175 were unaccompanied and separated children (Assessment: Migrant and Refugee Situation in Bosnia and Herzegovina, Organization for Security and Co-operation in Europe, Mission to Bosnia and Herzegovina).

Migrants and refugees entering BiH in an irregular manner have used two main routes: arriving overland from Serbia and Montenegro, and majority of those coming from Serbia remained in that country after the closure of the Hungarian state borders in 2015. The other main route starts in Greece and runs through Albania and Montenegro into BiH, and go towards Croatia and further into other EU member states, mainly in Germany and Scandinavian countries.

Most of migrants and refugees is self-declared about the country of origin since, according to the BiH Border Police, most lack personal identification documents. Data from IOM reflects that the main countries of origin are: Pakistan (31%); Syria (17%); Afghanistan (13%); Iran (12%); and Iraq (9%) (Mixed migration flows in the Mediterranean –Compilation of Available data and Information –June 2018).

### Existing services

Social services in BiH regarding migration and protection of migrant rights, as prescribed by the national legal framework is the jurisdiction of the entities of the Republic of Srpska and Federation of BiH, and in the competence of the Cantons and the Brčko District. This is why the state itself and its joint bodies have substantial powers in the field of social protection, and why there is no common strategic framework for the development of social protection, nor common policies in this field.

Entities regulate social protection systems in accordance with their own needs, resources and strategic commitments and they are completely independent, without obligation of mutual harmonization of measures and procedures in the process of exercising rights and providing social protection to users. The Republic of Srpska has a unique management system throughout its territory, but the level of the Federation of BiH is responsible only for establishing the foundation of social protection, and the cantons govern the direct mechanisms of implementation. Brčko District, as a separate administrative unit has special regulations in this area. In the Federation of Bosnia and Herzegovina, the system of social protection includes over 30 ministries and institutions, while Republic of Srpska has a centralized system of social protection and uniform protection at the entity level, within one ministry, and therefore a more efficient social protection system. The responsibility of the implementation of social protection in BiH is divided between the higher (entities, cantons) and lower authorities (local self-governments). The responsibility for the financing of social protection measures is divided between the entities, cantons and local self-governments. Migrants are not specifically treated as beneficiaries of the social protection system but they

have access to different types of interventions that the system provides to citizens when they are in need.

Immediately after the first contact with the Border Police and the Service for Foreigners' Affairs, migrants may seek asylum. The Border Police immediately informs the local competent organizational unit of the Service for Foreigners' Affairs for their acquisitions, where they will receive confirmation of the expressed intention to seek asylum, and will send them to asylum center if they need accommodation. The Asylum Sector of the Ministry of Security records their request, registers them and issues them Asylum Seeker Card. Asylum Sector shall conduct an interview with them and make a decision on the asylum claim at the latest within six months, and exceptionally within 18 months of applying for asylum. During this process, the migrant can stay in BiH while waiting for the final decision on the application for asylum and is entitled to services offered through the work of state institutions, international and national organizations. Services that are available during the asylum procedure provide further help and support to migrants and refugees:

- Information regarding the process of determining refugee status, support legal pathways and family reunification, restauration of family links, voluntary return to home country
- Food distribution, accommodation
- Medical attention and access health services, and the emergency services; sexual and reproductive health care
- Free legal assistance, legal guardianship for unaccompanied and separated children
- Access to education and services for children
- Psychosocial support and counselling
- Access to the labour market
- Interpretation

#### **A. Public institutions**

**The Emergency Services of Bosnia and Herzegovina** - Police, Fire brigade and Ambulance are available to asylum seekers and, although some health centers will ask for documents (valid Attestation of Expressed Intent to Seek Asylum, known as the 'white paper', or a valid Asylum Seeker Card, known as the 'yellow card') they can receive medical support at the emergency services.

**Health services:** Asylum seekers are entitled to primary health care under the Law on Asylum, but in most cases access to health care can be complicated for couple of reasons: are the health service at primary or secondary health care level, do they have valid documents, are they placed in Reception centers or not. This means they have a right to primary health care provided in a category of institution called "Dom zdravlja" (Health Center). Secondary health care in Bosnia and Herzegovina, like child birth is, is supported on a case by case basis by Danish Refugee Center. Most of the health centers will ask for documents - "white paper" or "yellow card", and if they do not have valid Asylum Seeker Card, the law does not provide



for primary health care, but it can be provided through emergency health care if needed. Asylum seekers can get health care in the Reception Centers or outside of it. Access to health care is simpler if they are residing in one of the reception centers since each of these locations have doctors on site or make regular visits to provide check-ups and make referrals to local health care centers for primary health care services when needed.

**Reception centers:** there is a number of different centers offering accommodation that are available in Bosnia and Herzegovina: The Delijaš Asylum Centre, Delijaš, Trnovo; The Salakovac Refugee Reception Centre, Salakovac, Mostar; Ušivak Temporary Reception Centre, Hadžići, Sarajevo Canton; Sedra Temporary Reception Centre, Cazin, Una-Sana Canton; Bira Temporary Reception Centre, Bihać, Una-Sana Canton; Miral Temporary Reception Centre, Velika Kladuša, Una-Sana Canton; The Borići Temporary Reception Centre, Bihać, Una-Sana Canton.

The Delijaš Asylum Centre is managed by the Sector for Asylum of the Ministry of Security of Bosnia and Herzegovina and provides a limited amount of accommodation and essential and basic services for asylum seekers. The Salakovac Refugee Reception Centre is managed by the Ministry for Human Rights and Refugees of Bosnia and Herzegovina and provides a limited amount of accommodation and essential and basic services for asylum seekers, refugees, and persons granted subsidiary protection. The Ušivak Temporary Reception Centre, in Hadžići in Sarajevo Canton, is managed by the Service for Foreigners' Affairs with center management supported by IOM, and provides a limited amount of accommodation and essential and basic services to a mixed profile of residents, but predominantly single men. These four RC are managed by IOM and provide a limited amount of accommodation and essential and basic services: Sedra Temporary Reception Centre, Cazin, Una-Sana Canton (exclusively for families with children and vulnerable individuals); Bira Temporary Reception Centre, Bihać, Una-Sana Canton (mixed profile of residents, predominantly single men); Miral Temporary Reception Centre, Velika Kladuša, Una-Sana Canton (mixed profile of residents, (predominantly single men)); The Borići Temporary Reception Centre, Bihać, Una-Sana Canton (exclusively for families with children and vulnerable individuals).

Each RC has limited space so its own admission criteria/eligibility and process and some require referral, and asylum seekers must have valid documents (white paper or yellow card) or to be referred. These centers are often full, and while occupancy rates fluctuate on a daily basis, as of 31 December 5,341 people are assisted in formal accommodation sites across BiH, not including approximately 1,800 of migrants who are outside formal accommodation (INTER AGENCY OPERATIONAL UPDATE: Bosnia and Herzegovina/ 01-31 December 2019).

**The Service for Foreigners' Affairs (SFA):** an independent administrative unit within the Ministry of Security that is responsible for the entry and stay of foreigners in BiH and performs a number of duties related to asylum. Its aim is to provide asylum seekers with the first step in the process of applying for international protection and for asylum. The SFA issues an "Attestation of Expressed Intent to Seek Asylum" (known as "white Paper") and refers asylum

seeker to one of the available reception facilities, assuming available space. There are 16 SFA offices in Bosnia and Herzegovina in the following locations: Sarajevo, Banja Luka, Mostar, Tuzla, Zenica, Brčko, Doboј, Bihać, Travnik, Trebinje, Bijeljina, Livno, Goražde, Ljubuški, Orašje.

**The Ministry of Security:** is responsible for the creation, maintenance, and implementation of immigration and asylum policy in Bosnia and Herzegovina. This Ministry issues decisions on applications for asylum filed by asylum seekers, manages the Delijaš Asylum Centre, cooperates with the Ministry for Human Rights and Refugees for accommodation of asylum seekers in the Salakovac Refugee Reception Centre and is responsible for conducting refugee status determination interviews and deciding on applications. Once status as a refugee has been determined or you are granted subsidiary protection, the Ministry for Human Rights and Refugees is responsible for taking care of the rights and concerns of refugees and persons granted subsidiary protection.

**The Ministry of Human Rights and Refugees:** once an asylum seeker receives a positive decision on her/his claim, they are registered as a refugee or as a person granted subsidiary protection and become the responsibility of the Ministry of Human Rights and Refugees. A refugee or a person granted subsidiary protection has the option of being accommodated in the Salakovac Refugee Reception Centre (so long as space is available) or at a registered private address if he/she can arrange this for themselves.

**The Border Police:** besides managing of the official border crossings, BP escort refugees asking for asylum to the closest Service for Foreigners' Affairs Office to register their intent to seek asylum and obtain an Attestation of Expressed Intent to Seek Asylum.

**The Centers for Social Work:** as municipal or cantonal institutions, they have a role to provide social assistance and protection, in particular to families and vulnerable people. According to national and international legislation, they are obliged to ensure legal guardianship and protection to all unaccompanied and separated children regardless of their nationality. These centers appoint guardians for unaccompanied migrant and refugee children in cooperation with UNICEF, UNHCR, BHWI, Save the Children, and other partners. Centers for Social Work have a responsibility to address violence, abuse, neglect, and exploitation of children, and domestic violence.

## **B. International organizations**

UNHCR, the Office of the Resident Coordinator of the United Nations, IFS-Emmaus, Save the Children, SOS Kinderdorf, UNICEF, World Health Organization and World Vision are among international organizations that are dealing with migration issues in BiH.

**UNHCR Information Centre, Sarajevo:** this Information center is managed by UNHCR. The Centre is staffed by UNHCR and its partners, the Bosnia and Herzegovina Women's Initiative and Vaša Prava BiH (UNHCR's free legal aid partner). Asylum seekers can get following

information: how to seek asylum, about its rights and obligations; how to get Attestation of Expressed Intent to Seek Asylum; how to apply for asylum with the Sector for Asylum, the registration interview and getting your Asylum-Seeker's Card; information on psychosocial support; free legal information and assistance from a lawyer, including legal representation in the asylum process; information on accommodation at the Delijaš Asylum Centre, the Salakovac Refugee Reception Centre, and the Ušivak Temporary Reception Centre; referrals to IOM for possible Assisted Voluntary Return and Reintegration program; support for people with vulnerabilities and special needs; referrals and help finding services you need; referrals for primary health care services.

**The International Organization for Migration (IOM):** in Bosnia and Herzegovina is working to address a range of migrant needs, including: accommodation/shelter; Transportation to and from key services; Food, Non-Food Items, water and sanitation; Interpretation; Psychosocial support; Assisted voluntary return and reintegration (please expand the section below for more detail); Referrals to other services.

In 2018, with the support of the European Union (DG ECHO and DG NEAR), IOM opened four new Temporary Reception Centers in Una Sana Canton (Sedra Temporary Reception Centre, Bira Temporary Reception Centre, Miral Temporary Reception Centre, Borici Temporary Reception Centre) with the support of the Council of Europe Development Bank, and IOM opened one new Temporary Reception Centre in Hadzici Municipality (Usivak Temporary Reception Centre). In these centers IOM provides basic needs of migrants, including food, hygiene products, clothes for those with skin diseases, water, sanitation and hygiene facilities (toilets and showers), 24/7 IOM center management staff, and 24/7 cleaning, maintenance and security personnel. IOM is also responsible for CCCM - Centre Coordination and Centre Management, in support of and in close cooperation with the Service for Foreigners' Affairs. IOM, in coordination with State, Entity, cantonal and local authorities, scaled up its operations in key migrant locations across the country through the reinforcement of IOM Mobile Protection Teams. These mobile teams have been operating since June 2017, assisting migrants in vulnerable situations, providing safe transportation, interpretation services, provision of temporary and protection-sensitive accommodation, food and other necessities.

**The United Nations Children's Fund (UNICEF):** promotes the rights and wellbeing of every child and globally and in Bosnia and Herzegovina, UNICEF is the lead humanitarian agency for Child Protection and Education. In Bosnia and Herzegovina, UNICEF works with Government partners and their sub-national institutions (Centers for Social Welfare), UN agencies, and NGO partners (Danish Refugee Council, Save the Children, SOS Children's Villages, World Vision, Zene sa Une) to meet children's immediate needs, including safety, protection, health care, adequate nutrition and education. UNICEF supports the following the services in Bosnia and Herzegovina: Child Friendly Spaces (CFS) in 6 reception centers (place to develop, play, learn, and strengthen their resilience; have access psychosocial support); Mother and Baby Corners (MBC) in 5 reception centers (provide parents with Infant and Young Child Feeding counselling, information/awareness raising on breastfeeding and hygiene, psychosocial

counselling, and support the provision of infant food and hygiene products); Adequate interim care, protection and provision of support services to unaccompanied and separated children and children at risk/child victims of violence, abuse, and exploitation; Enrolment of children into public schools; Pediatric care and urgent dental care; and Immunization.

**UNFPA:** United Nations sexual and reproductive health agency and in BiH is working in collaboration with the health sector and partners such as DRC, Save the Children, Jesuit Refugee Services, and CSO Žene sa Une to support reproductive health care for women and youth, access to modern contraceptives, and the provision of dignity kits. It is also a lead UN agency in the Protection sub-cluster on gender based violence (GBV) in emergencies.

**The Danish Refugee Council (DRC):** an international NGO, supports vulnerable refugees and migrants in Una-Sana Canton, Mostar, and Sarajevo. They work in two key areas: health care and protection. Regarding of health care, DRC are responsible for the provision of primary health care and a limited amount of secondary health care in a number of the Reception Centers (but not all of the Reception Centers). In terms of protection, they have staff who work to prevent, reduce/mitigate and respond to risks and consequences of violence, coercion, deliberate deprivation and abuse of persons, groups and communities so they are present in a number of the Reception Centers but also conduct outreach to other areas where refugees and migrants are known to congregate. One of important task is to refer persons and victims in need to relevant service to get help (victims of sexual and gender based violence and those in risk, persons in need of psychosocial support, children without parents or formal caregivers...).

**World Health Organization (WHO):** has a role to respond to requests from the host country to support policy-making for sustainable health development, taking a holistic health-system approach. Since the large influx of migrants, WHO BiH is dealing with the issue of the health care of migrants, refugees and asylum seekers, as well as it focuses on activities aimed at involving and coordination of the role of health care institutions at the local and entity level in the area of profiling health and epidemic reporting, plans for emergency situations and cultural mediation.

**Save the Children:** implementing programs in Bosnia and Herzegovina in four thematic areas - Child Rights Governance, Child Protection, Education and Emergency. In terms of migrants, the focus of its scope of work is on children, particularly unaccompanied children. As a response, since June 2018, the Save the Children, in partnership with local organisation Žene sa Une and with UNICEF's support, have been implementing activities for children, mothers with babies and expecting mothers on the move, on the territory of cities of Bihać and Cazin. The first mobile Child Friendly Space for refugee and migrant children (a safe environment for the youngest where they can regain the sense of normalcy and structure through organized activities of playing, socialising and learning) was opened in Bihać in 2018. Among other things, Mother & Baby Corners have been established in TRC Bira, Borići, and Sedra.

### C. Civil Society Organizations in Bosnia and Herzegovina

**The Red Cross Society of Bosnia and Herzegovina:** offers various types of assistance to asylum seekers and refugees and works in collaboration with IOM, UNHCR, the government, and other actors on the ground. The Red Cross is present countrywide but have increased focus on support for asylum seekers and migrants in key locations, such as in Una-Sana Canton. In regard to humanitarian assistance, the Red Cross supports asylum seekers with food, first aid, psychosocial support and basic supplies for subsistence.

**Vaša Prava BiH (VP):** an NGO and one of UNHCR's partners which offers free legal information, legal counselling, and legal assistance services. Asylum in Bosnia and Herzegovina is one of their main areas of expertise. Vaša Prava staff are frequently present at a number of the reception centers in Bosnia and Herzegovina.

**The Bosnia and Herzegovina Women's Initiative (BHWI):** an NGO and one of UNHCR's partners which offers a range of services to asylum seekers and refugees. BHWI provide: Psychosocial support; Interpretation and transportation services for official services and institutions; Recreational and vocational activities. BHWI are present in a number of the reception centers in Bosnia and Herzegovina. The Bosnia and Herzegovina Women's Initiative, Vaša prava BiH and Fondacija lokalne demokratije have signed an agreement with the Ministry of Human Rights and Refugees with the aim of providing psychosocial and legal aid to refugees and asylum seekers in reception centers.

**The IRIS BiH Network** is an informal group of 32 civil society organizations from the whole territory of Bosnia and Herzegovina, networked with other national networks from Albania, Montenegro, Macedonia, Serbia (national networks make regional network) The IRIS BiH Network has aim to strengthen the capacities of CSOs-social service providers with the purpose of improving the position and ensuring a dignified life for the most vulnerable groups of citizens in BiH and to increase the impact on the reforms of the public sector of social protection in Bosnia and Herzegovina. **Žena sa Une**, members of IRIS network, provide services (Child Friendly Space and Mother & baby Corners) intended for children refugees and migrants as part of humanitarian care of persons legally and/or illegally residing in Una-Sana Canton, as well as safe accommodation to vulnerable individuals, where they also receive counselling and psychosocial support.

Help/Info Desk is one of the services provided by the **Association of citizens "Otaharin"**, member of IRIS network, which presumes providing relevant information and support to returnees, migrants and other marginalized and vulnerable groups in Bijeljina and Živinice.

IRIS CSO "Zemlja djece u BiH", in Tuzla voluntarily, provided accommodation and protection of unaccompanied children and families with children in Tuzla. In December 2019, Humanitarian Association **Pomozi.ba** rented a closed motel in Tuzla in order to remove at least part of the migrants and refugees from the streets and bus station during the winter. As a local partner, together with IOM, NGO Pomozi.ba worked overnight to rapidly prepare one of the

facilities in Blažuj for the provisional accommodation of migrants, until the site is fully equipped.

### Quality and standardization of the services

As one of the poorest countries in Europe which GDP per capita is 28% of the EU average, with still present consequences of the war in the 1990s, Bosnia and Herzegovina is a country in transition that faces challenges every day in all fields of social activity. Poverty is viewed through health, education, employment opportunities and access to social welfare institutions. As stated above, social protection in BiH is under the jurisdiction of the Entities of the Republic of Srpska and the Federation of BiH, as well as the competencies of the Cantons and the Brčko District. This means that state of Bosnia and Herzegovina and its joint bodies do not have essential competencies in the field of social protection, as well as that there is **no single strategic framework for the development of social protection, nor there are common policies** in this field (only a couple of strategies at the entity levels that cover certain aspects of the social protection system such as social housing, deinstitutionalization, equalization of possibilities for persons with disabilities). Migrants/asylum seekers are **not specifically treated by laws** as beneficiaries of the social protection system.

**A lack of coordination among levels of government**, as well as within local administrations themselves, is one of the most important gaps. In addition, lack of strategic documents **at local level** that recognize migrants as a vulnerable group, lack of clear protocols or standard operating procedures where roles, responsibilities, accountability and actions are defined within service providers, uniform guidelines for handling migrants and refugees in vulnerable situations, inadequately trained staff to deal with them and poor understanding of legislation and procedures, are identified as the main challenges to ensure an effective local government response. Having in mind burdened social system in BiH and lack of financial constraints, social protection rights foreseen by the laws have not been fully implemented in practice. **Relevant stakeholders in BiH are insufficiently coordinated** and under-prepared to respond to the current situation surrounding migrants and refugees in the country. A Proposal of New Law on social services in Federation of Bosnia and Herzegovina presented in mid-April 2021 defines those foreign citizens and stateless persons may exercise social services in accordance with the regulations in force in Bosnia and Herzegovina, international treaties and conventions. Also, the Law on Social Protection in the Republic of Srpska defines that foreign citizens can exercise their rights. However, in whole country, in practice, it is impossible to exercise these rights due to various legal preconditions.

**The whole process of asylum procedures** is facing significant obstacles due to lack of employees in respective institution, lack of facilities for increased number of asylum seekers while in process and poor coordination amongst the authorities on state, entity and cantonal level. Lack of asylum seeker cards, which is under jurisdiction of Ministry of Security, prevent access to the rights provided by the Law on Asylum, in the first place right to accommodation and health care.

Social welfare centers, as **social services**, **do not have enough capacity to assess the needs of vulnerable groups**, nor funding to provide adequate support, which can lead to further social

deprivation of citizens. The result is that some benefits are not paid or the amounts are reduced. At the top, at social welfare centers there are insufficient human and financial capacities to deal with migrants and refugees, especially regarding potential cases of gender-based violence or unaccompanied and separated children, human trafficking cases.

Although there are 8 reception or transit center facilities, **the capacities are not sufficient in regard to number of migrants, refugees and asylum seekers**. According to OSCE, there were up to about 7,500 migrants while there are officially 4,500 places in accommodation, which clearly indicates that the additional accommodation is necessary (data from August 2019). This number is reduced, but still there are 1,800 estimated asylum seeker and migrant population in BiH outside formal accommodation capacities at the end of December 2019 (UNHCR Inter agency operational update for December 2019). This means that vulnerable migrants and refugees usually have to stay in a local hotels, hostels or improvised accommodation like abandoned and ruined facilities and similar. The number of persons in these settlements is increasing and this makes an impact on living and sanitary conditions that are deteriorating. Having in mind their location, none are located at border entry and exit points, which is making big problem for accommodating those who are entering/leaving the country. By the end of 2019 there was a notable increase with regard to the large number of families with children and UASC arriving to the TRCs, some of whom could not be accommodated, once again highlighted the need for additional appropriate protection-sensitive accommodation capacity. In general terms, accommodation for migrants, refugees and asylum-seekers varies from location to location, and includes many ad hoc and informal solutions.

In regard to **readmission agreements**, BiH has signed readmission agreements with the EU and most neighboring countries, but situation in the field is problematic: from Croatia with violent push backs of migrants and sometimes unprotected border with Serbia and Montenegro which allows uncontrolled influx of migrants. In regard to EU counties and **return of illegal migrants**, BiH is faced with illegal migrants without identification documents and lack of mechanisms for positive identification negatively effects on returning/transferring of migrants to the country of region.

One of the gaps is seen in **integration of migrant children into the educational system**. According to UNHCR data, since the beginning of 2019, total of 402 children attended the primary and summer schools. All children that were enrolled in the previous school year are to continue this school year within the same schools. Furthermore, 12 UASC (six new in December) are attending schools in Bihać (UNHCR Inter agency operational update for December 2019). In January 2020, there are 660 migrant children in the country, of whom 450 are unaccompanied minors. 84 children living in camps in Una Sana Canton are enrolled in local schools (CARITAS, Update 14 January 2020, <https://www.caritas.eu/migrant-emergency-in-bosnia-and-herzegovina/>).

UNICEF jointly with Save the Children team of cultural mediators in education continued to support the children at schools by accompanying them to and from the school, assisting them in their individual school work as well as assist teachers in school for more effective and efficient teaching processes. Although there are certain number of refugee and migrant children who are regularly attending primary schools, this number is slowly increasing and majority of refugee children are still excluded from formal education as well as the remaining children await the obligatory pre-school medical certificates school or pending approval of the Cantonal Government. Also not all children can participate in educational and creative workshops and other informal activities that are usually provided by local CSOs in partnership with UNICEF.

According to the Law on Asylum, asylum seekers are entitled to primary **health care**, but access to health care system is very restrictive in BiH. In most cases access to health care can be complicated for couple of reasons: are there health service at primary and secondary health care level, do they have valid documents, are they placed in Reception centers or not. This means that health care is unevenly provided to migrants and refugees, and depends greatly on the location and the type of assistance needed. There were 6,288 medical check-ups conducted in December 2019 (UNHCR, December 2019), but still referral mechanisms for healthcare services for migrants, asylum seekers, and refugees outside of TRCs are not existing and solutions for the provision of healthcare to all, irrespective of legal status does not exist. Services are funded from varying sources and there is no health care-focused coordination or data gathering system in place. No systematic approach or protocols are in place to prevent or treat infectious/serious diseases.

**CSOs as currently the main providers of direct humanitarian assistance to migrants and refugees** throughout the country and are engaged countrywide, in reception centers as well as in those locations with the highest number of migrants and refugees. Their presence in the field is limited: they lack significant or sustainable funding, their organizational capacities are different and they do not have sufficient knowledge of laws in social security and legislation about migrants in general.

From one side there is the fact that numerous migrant population is placed in inadequate accommodation, which makes part of local population feels worried about their security and threatened by migrants. From another side, migrants face discrimination in different areas relevant for their everyday living from local people due to the **prejudice and xenophobia**.

### Allocation of the funds for the services

According to the Agency for Statistics of BiH, GDP of Bosnia and Herzegovina in 2019 grew by 2.8 percent, and in 2018 by 3.7 percent. The Agency for Statistics of BiH also stated the estimate that the GDP of BiH for 2020 could amount to 31.05 billion BAM and be lower by 4.3 percent than in 2019.



According to the Reports of the Central Bank of BiH for 2018 and 2019, still, a significant part of gross domestic product is allocated for budget transfers for social protection (permanent financial assistance, child care, protection of civilian victims of war, civilian disabled persons, veteran's benefits including war invalids), and gross social product for health and social activities protection for 2016 was 4.59%, for 2017 it was 4.52%, for 2018 it was 4.62% and for 2019 it was 4.71%. According to the LAW on financing institutions of Bosnia and Herzegovina and international obligations of Bosnia and Herzegovina for the year 2018 there were 77.420.000 BAM appointed for Border Police, for the year 2019 there were 78.550.000 BAM appointed for Border Police and for the year 2020 there were 81.716.000 BAM appointed for Border police.

Migration and protection of migrant rights is in the jurisdiction of the Entities of the Republic of Srpska and Federation of BiH, and in the competence of the Cantons and the Brčko District.

In Republic of Srpska financing rights based on social welfare and co-financing of the institutions of social protection is defined by the Law on Social Protection and sources of financing of social protection systems can be from public funds, which are provided in the budget of the Republic and local governments, from donors (natural and legal persons) and from the population and from personal funds of the users of social welfare.

According to the Budget for 2019 of the Republic Srpska, the amount of 1.461.920.444 BAM was envisaged for the sector for social welfare, and out of this amount there are specific amounts for co-rights of beneficiaries, for co-financing of the work of social welfare institutions founded by the Republic or for the financial support of the Public Fund for child protection. According to Budget of Republic of Srpska for 2020, the amount of 1.447.158.802 BAM was envisaged for sector of social welfare, and according to Budget of Republic of Srpska for 2021, the amount of 1.519.388.780 BAM is planned for sector of social welfare.

Funding for social protection, protection of civil war victims and protection of families with children in Federation of BiH is provided in accordance with the regulations of the Federation and the Canton of municipal budgets, cantonal budgets, investments of the founders of institutions, personal participation of users, legacies, gifts and endowments, as well as from other sources. The budget of the Federal Ministry of Labour and Social Protection in 2018 amounted 448.489.260 BAM, for 2019 amounted 477.997.432 BAM, for 2020 amounted 187.270.345 BAM and for 2021 amounted 258.572.135 BAM. The laws in Canton contain identical provisions on financing of social protection rights as Federal law. Also, the municipal budget has lines for funding following: material expenses and salaries of employees in social welfare institutions established by the municipality; municipal associations of persons with disabilities, Red Cross associations, people's kitchens; other rights to users of social protection: pensioners, students, mothers, persons with disabilities and socially vulnerable individuals and families (assistance for the rehabilitation of individual facilities, assistance for the cost of burial, assistance for accommodation expenses, the cost of medicines and treatment, emergency social assistance to individuals etc.). These amounts are determined by the municipalities.

Funds for the realization of the rights are provided by the Brčko District budget, and revenues are collected from the contributions, taxes, donations and other means, and in accordance with the provisions of the Law on Social Welfare of Brčko District. The Budget of Brčko District for 2019 was in the amount of 229.5 million BAM (24.5 million BAM for social protection sector), Budget of Brčko District for 2020 was in the amount of 256.2 million BAM (26.08 million BAM for social protection sector) and the Government of Brčko District has adopted the proposal of the budget of the Brčko District for 2021 in the amount of 238.22 million BAM (26.36 million BAM for social protection sector).

Regarding the international help, concretely help from the EU, since the beginning of the influx of refugees and migrants in Bosnia and Herzegovina, the European Union has worked closely with UN agencies, other humanitarian organizations and the Bosnian authorities to meet the humanitarian needs of the most vulnerable refugees and migrants, emergency assistance, which is implemented by international humanitarian organizations. This emergency response addresses the needs of the refugees and migrants present. The EU and its partners have improved the humanitarian situation in the country and ensured more than 4,000 places in 5 new accommodation facilities (European Commission, European Civil Protection and Humanitarian Aid Operations, Bosnia and Herzegovina, 2019).

The European Commission adopted on 29 April 2019 a second special measure on supporting Bosnia and Herzegovina in managing migration flows for an amount of 13 million euros, and on June 21<sup>st</sup> 2019 the agreement on implementation with International Organization for Migration was signed. This action will be implemented by IOM in cooperation with the UNHCR and UNICEF. This support will ensure accommodation and food for refugees, asylum seekers and migrants. It will improve protection standards and living conditions as well access to social and health services, including education for school-aged children.

The EU funding will also strengthen the capacity of Bosnia and Herzegovina's authorities in border management, as well as for identification, registration and referral to services for refugees, asylum-seekers and migrants and support for assisted voluntary return.

This new EU action will build on the results of the previous support measures through which the EU has provided 9.7 million euros to help the country cope with the influx of migrants it has experienced since 2018. The action is part of a wider EU assistance to the country. Since 2007, the EU has been assisting Bosnia and Herzegovina in the area of asylum, migration and border management for an amount of €24.6 million. Since January 2016, Bosnia and Herzegovina also benefits from the regional program 'Support to Protection-Sensitive Migration Management' worth €8 million.

In order to make full use of EU funding, Bosnia and Herzegovina's authorities need to ensure effective coordination in managing the migration situation. In particular, they need to take over the management of the Temporary Reception Centers supported with EU funds and identify further suitable locations for accommodation.

## Solutions and tasks needed to complete to close this gap

### HARMONIZATION OF LEGISLATION WITH THE PROVISIONS OF THE ACQUIS AND FOSTER COMMUNICATION AND COOPERATION AMONG ALL RELEVANT STAKEHOLDERS DEALING WITH MIGRANT CRISIS

- Continue the process of harmonization of legislation with the provisions of the acquis and with intensive action of all levels of government, with parliaments playing a special role
- Harmonizing state and entity laws with the real needs of migrants
- Develop strategic framework for the provision of social protection and common policies in this field and the effective functioning of the migration management system
- Ensure effective coordination of border control and migration management and strengthen asylum procedures in order to provide international protection to persons who need it
- Jointly develop unique and clear procedures in all fields (education, health, social security, social services...) at all levels (local, cantonal, entity and state level), and train governmental representatives in practicing it
- Develop emergency plans with clear responsibilities of all levels of government, with international, national and volunteer engagement protocols and with emergency accessible financial sources for the needs of accommodation and shelter, emergency medical care, necessary clothing, hygiene products and food
- Ensure that unaccompanied children get legal guardian and develop referral mechanism for unaccompanied and separated children for BiH authorities and professionals working with and for migrant children, providing guidance and protection procedures
- Strengthen data collection to ensure more effective monitoring of the situation and contribute to the development of evidence-based strategies
- Organize co-ordination meetings with relevant stakeholders (governmental representatives, international organizations and NGO service providers) to discuss developments and funding needs as well as to plan their activities and merge them
- Reassess existing Readmission agreements as well as sign the new ones with the countries that produce large number of migrants

### STRENGTHEN CAPACITIES OF REPRESENTATIVES OF GOVERNMENTAL INSTITUTIONS TO DEAL WITH MIGRANT CRISIS

- Strengthen the capacities of representatives of governmental institutions, in the first row of employees of BiH Border Police and Service for Foreigners' Affairs, on the correct procedure for approaching and screening migrants

- Strengthen capacities and raise awareness of representatives of all governmental institutions on the problem of unaccompanied and separated children, gender-based violence and trafficking, as well as for identifying potential victims in the migrant crisis
- Foster efficient communication among all governmental institutions at all levels (local, cantonal, entity and state level) and establish channels to ensure that information is properly disseminated
- Educate representatives of all governmental institutions on understanding of legislation and procedures

#### DEVELOPMENT OF REGIONAL STRATEGY FOR ACCOMMODATION AND SUPPORT TO MIGRANTS

- Identifying additional places for accommodation and open new formal accommodation centers, especially for families with children and other vulnerable groups
- Improve living conditions in existing accommodation to become adequate and protection-sensitive accommodation that meets international standards
- Advocating for the relocation of migrants, asylum seekers and refugees from the inappropriate locations (open spaces) and private accommodation to appropriate reception centers
- Increase the number and capacities of staff employed in accommodation (centers) that are enabled to provide adequate support and services to migrants, asylum seekers and refugees

#### DEVELOP A SYSTEMATIC APPROACH TO EDUCATION AND INTEGRATION OF CHILDREN IN EDUCATIONAL SYSTEM

- Develop and enforce protocol for institutions in charge for integration of migrant, asylum seeker and refugee children into public educational system
- Strengthen capacities of educational institutions' employees to provide adequate support and integrate children of migrants, asylum seekers and refugees with other children in public educational system
- Foster efforts to involve kindergarten age migrant, asylum seeker and refugee children into formal education, especially unaccompanied and separated children
- Intensify efforts to integrate primary school age migrant, asylum seeker and refugee children into formal education, especially unaccompanied and separated children
- Ensure that all children older than 15 have access to high school education and learning

#### PROVIDE HEALTHCARE EVENLY TO ALL MIGRANTS, ASYLUM SEEKERS AND REFUGEES REGARDLESS THEIR PLACE OF STAY, LEGAL STATUS AND THE TYPE OF ASSISTANCE THEY NEED

- Provide healthcare to all migrants in the country through healthcare coordination of funding of services and data gathering system
- Organize provision of healthcare to all migrants following a systematic approach and developed protocols of acting
- Provide sustainable referral mechanisms for healthcare services for migrants, asylum seekers, and refugees outside of TRCs
- Ensure quality primary healthcare for refugee and migrant vulnerable groups, such as unaccompanied and separated children, pregnant women, single parents, persons with disabilities, ill persons and victims of violence
- Increase capacities of healthcare institutions and its employees to provide help to migrants, asylum seekers and refugees

#### STRENGTHENING THE CAPACITIES OF CSO DEALING WITH MIGRANT ISSUES

- Identifying CSOs working with migrants, by program and territorial principle
- Licensing CSOs working with migrants and creation of a database of CSOs who are service providers
- Focusing on providing accessibility of services for children migrants and unaccompanied children and work closely with the municipality to plan joint activities aimed at children migrants
- Continue to acknowledge the role of CSOs in providing access to basic social services through funding and defining their role in assisting migrants
- Fostering communication between CSOs and institutions dealing with migrant issues and linking with relevant institutions in order to merge and improve service provision
- Organizing support in providing additional training in working with marginalized groups of CSOs volunteers and professional staff (psychologists, social workers, teachers)

#### ENSURE THAT HUMAN RIGHTS OF MIGRANTS, ASYLUM SEEKERS AND REFUGEES ARE RESPECTED

- Conduct raising awareness of local community, through different educational activities and media campaigns, in order to prevent and reduce discrimination towards migrant population
- Support initiatives aimed at promoting social cohesion and interactions between migrants, asylum seekers, refugees, and the local population in host communities
- Support and involve local population that offers help to migrants, asylum seekers and refugees in organized raising awareness activities
- Creating guidelines for media in reporting on migrants, especially children and provide trainings in order to end stigma and negative reporting toward migrants and refugees

## North Macedonia

The North Macedonia has been an important transit country along the Balkan migration route. The NM borders Greece to the South, Bulgaria to the East, Albania to the West, and Kosovo\* and Serbia to the North. An important refugee source country in the past, North Macedonia is now regarded as a key transit country by EU migration agency authorities<sup>67</sup>. The southern border with Greece has long been the main entry point both for legal and illegal entries for many refugees and migrants from the Middle East who cross North Macedonia towards Central and Western Europe. At the height of the migrant crisis in 2015 and 2016, North Macedonia erected a fence on parts of its border with Greece as more than a million people crossed the border and transited the country, according to estimates. The army has since maintained a heightened presence there. The northern border with Serbia is another hot-spot for refugees and migrants trying to cross into Serbia and continue their journey north.

The Western Balkan Route that crosses NM is one of the main migration routes into the European Union. The total estimated number of arrivals in mixed movement up to the end 2020 is 41,257; 211 asylum claims were submitted in 2020 and 2 persons were granted subsidiary protection<sup>68</sup>. Since the onset of recent migration and refugee challenges, several NGOs and international human rights bodies have begun reviewing the system and reporting on problems.

In April 2016 the National Assembly adopted amendments on the Law on Asylum and Temporary Protection. These amendments addressed two issues: family reunification and the concept of safe third country. The amendments introduced a new article as an addition to the already existing safe third country concept, providing that asylum seekers can be returned to a safe third country without substantively assessing their asylum claims if they have entered the country from an EU, NATO or EFTA member state that has ratified and implements the 1951 Refugee Convention, the ECHR and has an asylum procedure in accordance with the Convention. This leaves only a land-crossing from Kosovo\* as a legitimate crossing.

A forward-looking multi-year Country Strategy was developed in a consultative process with staff, partners and refugees and reflecting a comprehensive trend analysis and research by the Foresight Community of Practice.

## Existing services

At the beginning of 2020, North Macedonia adopted the new Strategic Plan of the Ministry of Interior for the period 2020-2022.<sup>69</sup> From the aspect of migration, special priority is given to the prevention of cross-border crime and illegal migration, control of the readmission processes, and the realisation of the right to asylum. In the part of the Strategy set for capacity building activities of the Bureau for Public Safety related to border management and

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<sup>67</sup> Frontex, Western Balkan Route, 2017, <http://frontex.europa.eu/trends-and-routes/western-balkan-route/>

<sup>68</sup> Available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/605c466df.pdf>

<sup>69</sup> Available at: <https://mvr.gov.mk/Upload/Editor Upload/STRATESKI%20PLAN%202020-2022.pdf>

migration, the focus is on cross-border police cooperation, coordination with EU agencies and joint contact points, building a new reception centre for foreigners, and harmonisation of the national system with EU Schengen requirements for border management. The IBM Strategy<sup>70</sup> expired in 2019 and has not been renewed. Although drafted, the new Strategy for Integration of Refugees and Foreigners in North Macedonia<sup>71</sup> has not yet been adopted.

The National Strategy on Integration of Refugees and Foreigners 2017-2027, which contains sections on employment, social protection, housing, education, and so on, is still not adopted. According to the interviewees, the main reasons for this remain political and are a reflection of the lack of political courage to advance a more humane approach towards migrants. The political positions might be a reflection of the fears among the general population which rest in radicalised perceptions of the migrants, thus extending instead of curbing xenophobia and racism against migrants. This indirectly maintains the issue of migrants and their human rights, and of migration overall, as a heavily securitised issue.

The implementation of the strategy for the formalisation of the informal economy (2018-2022) has continued. The Action Plan for the Formalisation of the Informal Economy 2019-2020 was discussed by the Economic and Social Council in June 2019.<sup>72</sup>

The North Macedonian government has pledged to build a new centre for foreigners that should meet the basic standards for humane and dignified accommodation and treatment of migrants. However, although it was supposed to be completed by 2020, the new strategy of MoI<sup>73</sup> envisages for the centre to be completed by the end of 2022. The remaining active state institutions such as the National Commission for Combating Trafficking in Human Beings and Illegal Migration, the National Referral Mechanism (NRM), the Special Task Force on Countering Trafficking in Human Beings and Illegal Migration, and mobile teams for fighting illegal migration and human trafficking were performing their daily routine tasks and activities.

In North Macedonia, international and domestic organisations mainly reduced capacities and activities at the transit and reception centres. The UNHCR and IOM have reduced their presence in the transit centres at border crossings. UNICEF and Save the Children are no longer active in the transit sites. The Danish Refugee Council (DRC) has closed its field office in North Macedonia. Regarding domestic/local organisations, the Red Cross was present in the transit centres Vinojug and Tabanovce on daily basis and provided medical assistance and food and non-food items to migrants. MYLA, likewise, was present in both transit centres on a daily basis, while the remaining local organisations have all reduced their activities and presence.

In North Macedonia, only a small number of migrants who entered the country filed for asylum. Nevertheless, the number of asylum claims, compared to the number of claims in the previous year, increased by over 60%. Out of the total number of asylum claims, 159 claims were launched before the police stations, 231 claims were launched at the detention centre

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<sup>70</sup> Available at: <http://www.igu.gov.mk/files/STRATEGY.pdf>

<sup>71</sup> Draft Strategy for Integration of Refugees and Foreigners in North Macedonia is available at: <http://mtsp.gov.mk/predlog-zakoni1.nspix>

<sup>72</sup> Chapter 19 North Macedonia Shadow Report, IRIS Network

<sup>73</sup> Strategic Plan of the Ministry of Interior 2020 – 2022. Available at: [https://mvr.gov.mk/Upload/Editor\\_Upload/STRATESKI%20PLAN%202020-2022\(1\).pdf](https://mvr.gov.mk/Upload/Editor_Upload/STRATESKI%20PLAN%202020-2022(1).pdf)

for foreigners and 115 asylum claims were launched by migrants accommodated in both transit centres Vinojug (92) and Tabanovce (23). The most represented nationalities were migrants and asylum seeker from Afghanistan, Pakistan, Iraq, Syria, Algeria, Morocco, Algeria, etc.

### **Delaying asylum procedures in North Macedonia**

During 2019, in six cases, asylum claims launched in TC Tabanovce, near the border with Serbia, were not processed within a reasonable time. The applicants were not transferred to AC Vizbegovo in Skopje, as required by law, but were kept in TC for up to 8 days due to the lack of communication and coordination among institutions. In three individual cases, UAMs that expressed interest and filed for asylum in TC Tabanovce were held for 8 days in this TC before being transferred to AC in Skopje. The law states that in cases minors apply for asylum, authorities must immediately appoint them guardians and it is mandatory that the transfer of UAMs asylum seekers occur in the presence of an appointed guardian or a representative of the MLSP. As a result of the lack of communication and the absence of a social worker, the police refused to transfer the minors to AC in Skopje. In these cases, MYLA intervened and demanded the presence of a social worker and immediate transfer of the minors to AC in Skopje, where the conditions are far more humane compared to the conditions in TC Tabanovce. Only after the intervention, the minors were transferred to AC in Skopje, where they were duly registered and accommodated in a separate area designated for UAMs. In two more cases, asylum seekers that launched their claims in TC Tabanovce were kept for 8 days in this TC due to the lack of will of the border police to transfer them to AC in Skopje. The problem occurred between shifts of the police personnel in which each time the other shift was blamed as responsible for conducting the transfer. Namely, after launching their asylum claims, the other police shift used different excuses to delay the transfer.<sup>74</sup> MYLA reacted several times and after 8 days of constant urges and requests, they were transported to AC Vizbegovo in Skopje. Lastly, there was one case with a mentally challenged asylum seeker. According to the Rulebook on the Standards for the Reception of Asylum Seekers,<sup>75</sup> the manager of the institution demanded a health examination of the asylum seeker before placing him in the reception centre, but the problem was that there was no competent doctor in the TC in Tabanovce who could examine the asylum seeker. Therefore, the documents provided by the medical staff were not sufficient for the manager of the asylum reception centre as they did not provide any information about the mental health status of the asylum seeker and the potential needs for special care, treatment, etc. With the facilitation of MYLA's lawyers, a competent doctor examined him and issued a certificate of his health condition. Once all documents for transfer and admission were completed, the asylum seeker was registered and accommodated in AC in Skopje.<sup>76</sup>

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<sup>74</sup> The staff claimed that the previous shift has not prepared the documents for the transfer; have not left any note that a transfer to Skopje was needed; were not aware of any asylum claim in the camp, otherwise they would have arranged transfer to Skopje; and other excuses.

<sup>75</sup> Each asylum seeker before being admitted to the reception centre must be examined by a doctor that will release a certificate of his health condition.

<sup>76</sup> MYLA field Report 2019 available at: <https://myla.org.mk/wp-content/uploads/2020/05/FIELD-REPORT-2019-MYLA.pdf>



North Macedonia continues to play an active and constructive role in the management of mixed migration flows. It remains on one of the main transit routes for mixed movement. It cooperates effectively with neighbouring countries and EU Member States, including with guest officers from the EU Member States on the ground. Considerable efforts to ensure basic living conditions and services for all migrants staying in the country continued. The registration of migrants and adequate protection-sensitive profiling improved but needs to be carried out in a more systematic manner. The Status Agreement with the European Border and Coast Guard Agency has not been signed yet. The problem of frequent smuggling activities at the northern border needs to be further addressed.<sup>77</sup>

The number of migrants smuggled remains high and combating smuggling networks must be improved and be a priority. Both reception and transit centers on the southern and northern borders provide short-term accommodation for a total of 971 persons. Neither of the transit centres are suitable for long-term stays, and the authorities continue to be reluctant to allow for more than a temporary stay. The readmission agreement with the EU is being implemented in a satisfactory manner by the country. According to EUROSTAT, 3,850 citizens of North Macedonia were ordered to leave in 2019 (3,500 in 2018). There were 3,005 returned following an order to leave (a return rate of 78%) in 2019 against 3,470 in 2018 (99%). Assisted voluntary returns procedures were carried out for 25 migrants towards third countries. Attention should be given to successful reintegration of returnees. Kosovo\* Roma refugees estimated at 343, remain in limbo, with an uncertain status. Except for a limited number (16) of recognised refugees, the rest have either subsidiary protection (198) or no status (129), and are just tolerated in the country. After two decades of living in the country, with various statuses, they need the authorities to find a sustainable solution.

The Law on international and temporary protection, adopted in April 2018 is largely aligned with the EU acquis. By-laws deriving from the law on international and temporary protection were adopted. A gap remains in the area of detention for people in irregular movements, as the current legislation does not provide alternatives to detention. The law provides the right for family reunification. Recognised refugees can benefit from it immediately but concerns remain on delayed family reunification for people under subsidiary protection, for 2 years following status recognition. Since subsidiary protection is becoming a prevalent form of protection granted in the country, including for unaccompanied children, such delays may significantly affect the right to family unity and, in the case of children, contravene the principle of the best interest of the child. A new Law on foreigners entered into force in May 2019. Among other benefits it grants long-term residence to people who have enjoyed international protection, thus facilitating their local integration. However, they must still present proof of regular income and a registered place of residence to benefit from this provision. Given the extreme vulnerability of some applicants, there is a risk that this new provision remains only theoretical. Such requirements are especially difficult for Kosovo Roma who are still under subsidiary protection. Their status is reviewed every year and prevents them from acquiring long term employment.

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<sup>77</sup> [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/north\\_macedonia\\_report\\_2020.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/north_macedonia_report_2020.pdf)

The asylum procedure still needs to be implemented fully in line with the EU acquis. Regular reception capacity remained unchanged and is adapted to current needs. The arbitrary detention of people apprehended in irregular movements in the reception center for foreigners in the Gazi Baba municipality to ensure their testimony as witnesses in court cases against smugglers continued. As of the end of November 2019, a total of 214 asylum seekers (48% of all asylum applications) were detained in the centre for foreigners in Gazi Baba before being released and admitted to the reception center for asylum seekers in Vizbegovo (close to Skopje). The safe house, previously operated by the Jesuit refugee service under the supervision of the Ministry of Labour and Social Policy, is no longer available. Consequently, the practice of generally not detaining women and children for migration related purposes changed and, as of the end of November 2019, a total of three women and 32 children, including 29 unaccompanied children, were detained in Gazi Baba, although for a short period of time. An alternative housing solution needs to be found for the most vulnerable. However, due to the COVID-19 crisis, the Government decided that all new asylum seekers are to be quarantined for an initial period of 25 days in the transit center Vinojug, at the Southern border. Access to the asylum procedure continued to be ensured. In 2019, 490 applications for asylum were submitted (163 in 2017 and 299 in 2018), out of which 121 (27%) were from Pakistan, 112 (25%) from Afghanistan and 50 (11%) from Syria. Asylum claims were promptly registered and processed. The existing database on foreigners, still needs to be upgraded through the development of a new asylum module, which should provide a case management tool for processing asylum claims. There is no backlog of asylum cases, although the majority of cases are discontinued, due to the high rate of claim abandonment. With the exception of a subsidiary protection status granted in 2019 on humanitarian grounds to one person from Kosovo, there have been no positive decisions for granting asylum since December 2018. Decisions on status determination are usually accompanied by an automatic ruling of expulsion without quality assessment of whether an individual may be subject to persecution upon return. The quality of asylum adjudication remains a concern, also at the appeal level. The judicial review is administrative, and the Administrative and High Administrative Courts deliver decisions on technical rather than on substantial grounds. However, the new Law on administrative disputes should improve some critical points. In 2019, the Sector for Asylum continued the practice of terminating international protection for refugees from Kosovo who were granted subsidiary protection. Between January and December 2019, 22 Kosovo Roma (14 cases) lost subsidiary protection. Such practices undermine the possibilities of finding a durable solution for the remaining refugees from Kosovo and closing the long-standing issue. Legal aid under the amended Law on free legal assistance, remained ineffective. No individuals undergoing an asylum procedure were granted state-funded free legal aid. A positive development is the enrolment of asylum-seeking children in the local schools, as of September 2019. This is in line with the new Law on primary education, which specifically provides for inclusion of refugees and asylum seekers in the national education system and sets up measures to facilitate such integration. Further improvements of the asylum system are still needed. Following a period when it was relatively high on the government's agenda, developments are left mainly to the technical level in the relevant Ministries. The country cooperates with the European Asylum Support Office (EASO) on the basis of comprehensive roadmaps. The first Roadmap to support the establishment of asylum and reception systems

in line with EU standards was implemented between 2017-2019, a new roadmap for the period 2020-2022 is being finalised.<sup>78</sup>

A dedicated task force for fighting trafficking in human beings and illegal migration that includes representatives from the Ministry of the Interior and two prosecutors from the Basic Public Prosecutor's Office for Prosecuting Organised Crime and Corruption is operational. In 2019, there were six identified victims of trafficking, all are females and four are children (two victims of forced marriage, one of sexual exploitation and one of forced labour, one of whom is foreign). There were final convictions including plea bargains against 23 individuals for trafficking in human beings or migrants smuggling. In the first quarter of 2020, five individuals were indicted for trafficking of human beings and 11 individuals were indicted for smuggling of migrants.<sup>79</sup>

#### A. Public Institutions

A key factor conducive to ensuring institutional ownership is clarity in terms of roles and responsibilities of and in institutions under migration governance at both the central and the local level. According to information provided by Ministry of Interior for asylum seekers<sup>80</sup>, there is a list of public institutions that are responsible for this area:

**Ministry of Interior** - Section for asylum<sup>81</sup> or any Police Station – for applying for recognition of the right to asylum.

**Ministry of labor and social policy**<sup>82</sup> - Section for asylum, migration and humanitarian aid is the place where persons can apply for accommodation and health care.

**Administrative Court in Skopje**<sup>83</sup> – for applying for judicial review.

**Reception center for asylum seekers**<sup>84</sup>- There is one Reception center for asylum seekers in the country, settled in Skopje, Vizbegovo, with a capacity to accommodate 150 asylum seekers<sup>85</sup>.

**Ministry of justice**<sup>86</sup> provides legal assistance.

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<sup>78</sup> [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/north\\_macedonia\\_report\\_2020.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/north_macedonia_report_2020.pdf)

<sup>79</sup> [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/north\\_macedonia\\_report\\_2020.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/north_macedonia_report_2020.pdf)

<sup>80</sup> Information brochure for asylum seekers, Ministry of Interior of North Macedonia, [https://static.help.unhcr.org/wp-content/uploads/sites/57/2020/04/17103054/Asylum-Brochure-English.pdf#\\_ga=2.76184213.1635366513.1617579591-321841583.1617579591](https://static.help.unhcr.org/wp-content/uploads/sites/57/2020/04/17103054/Asylum-Brochure-English.pdf#_ga=2.76184213.1635366513.1617579591-321841583.1617579591)

<sup>81</sup> MINISTRY OF INTERIOR - SECTION FOR ASYLUM, Goce Delcev no.9, 1000 Skopje (MTV-Building)

<sup>82</sup> Ministry of labor and social policy, Tel. (389 2) 3106-371, Dame Gruev 14, 1000 Skopje

<sup>83</sup> Administrative Court in Skopje, Tel. (389 2) 3203-200, Orce Nikolov bb, 1000 Skopje

<sup>84</sup> Reception center for asylum seekers, Tel. (389 2) 2600-221, v. Vizbegovo

<sup>85</sup> Tabanovce Reception and Transit Center: +389 71 997 508; Vinojug Reception and Transit Center: +389 78 846 013

<sup>86</sup> Ministry of justice, <http://www.pravda.gov.mk>

**Ombudsman in the Republic of North Macedonia**<sup>87</sup>: in case one has concerns regarding the legality and conditions of detention, he/she can contact the National Preventive Mechanism within the Office of the Ombudsman.

B. International organizations

**The International Organization for Migration (IOM) in North Macedonia**<sup>88</sup> was established in 1999 and with the purpose to assist the country in the implementation of the Stabilization and Association Agreement, with particular emphasis on migration management. Since then, IOM Skopje activities have expanded to address a variety of pressing migration related issues including trafficking in human beings, technical cooperation and institutional capacity building in the field of migration, Voluntary Return and Reintegration Programmes, Economic stabilization programmes etc. IOM's strategy takes into consideration the EU membership process and the need for progressive alignment with the EU migration acquis as one of the main driving element of its activities. IOM's primary objective in North Macedonia is to act in full partnership with the Government and national and international partners in order to work towards strengthened and harmonized standards in all key migration-related areas.

**UNHCR - United Nations High Commissioner for Refugees**<sup>89</sup> – The main priorities of UNHCR are to strengthen the system of international protection in the country in line with applicable international standards and assist the Government and civil society in responding to the most urgent humanitarian and protection needs of the refugees and asylum seekers. UNHCR Skopje places particular focus on enhancing protection monitoring, child protection, creating more favorable environment for local integration, as well as on improving referral and profiling processes, so to ensure that all those in need of various forms protection are timely assisted. Representation in North Macedonia manage UNHCR Hotline for refugees, asylum-seekers and stateless persons. They also visits immigration detention centres periodically to monitor whether the treatment of asylum seekers in detention is in accordance with international standards, but does not investigate individual complaints about conditions of detention. Information for refugees and asylum-seekers in North Macedonia – [help.unhcr.org](http://help.unhcr.org).

**The United Nations Children's Fund (UNICEF)**<sup>90</sup>: From the very first delivery of emergency supplies of food, clothing and hygiene products to children in Yugoslavia in 1947 - through to recent support to children on the move during the European Refugee and Migrant crisis - UNICEF has been on the ground to meet children's immediate needs during times of crisis. In 2015 through to 2017, UNICEF was on the ground in Gevgelija and Tabanovce working with partners to support and protect refugee and migrant children transiting or stranded in the country on their way to Europe. In view of the sharp increase in refugees and migrants' flow, including children and women from Greece towards Serbia and potential impacts on children,

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<sup>87</sup> Ombudsman in the Republic of North Macedonia, <http://ombudsman.mk/upload/NPM-dokumenti/NPM%20Eng.pdf>

<sup>88</sup> The International Organization for Migration (IOM) in North Macedonia, <https://north-macedonia.iom.int/>

<sup>89</sup> UNHCR - United Nations High Commissioner for Refugees, <https://www.unhcr.org/north-macedonia.html>, SMS, Viber, WhatsApp): +389 70 229 001

<sup>90</sup> <https://www.unicef.org/northmacedonia/topics/refugee-and-migrant-children>

a Situational assessment of refugee and migrant children was conducted, and UNICEF is providing ongoing support in this topic.

### C. Civil Society Organizations

**Macedonian Young Lawyers Association (MYLA)**<sup>91</sup>: As of 2010, Macedonian Young Lawyers Association has been partner to the UN High Commissioner for Refugees (UNHCR) in providing legal aid to persons under the UNHCR mandate in the Republic of North Macedonia. They manage Hotline for refugees, asylum seekers and stateless persons (SMS, Viber, WhatsApp), with the support of UNHCR North Macedonia. Main MYLA office and Vizbegovo Reception Center for asylum seekers: +389 78 359 297

**Open Gate**<sup>92</sup> is a leading self-sustained organization in the Republic of Macedonia, acknowledged on both national and international level. The main goal of Open Gate is to invest all their effort and capacity in creating a society freed from inequality, poverty, prejudice and discrimination, violence and trafficking in humans, and to build a place where people's rights are widely respected and all citizens are given equal opportunities for socio-economic independence. Open Gate is a member of La Strada International, leading European NGO network that works to ensure a world without trafficking in human beings by promoting respect for human rights. In 2014, Open Gate executed programs for a more successful integration of asylum seekers at the Reception Center in Vizbegovo. However, following the growing number of migrants who would illegally cross the border, in 2015, Open Gate moved its work to the field, providing immediate help and support to migrants, refugees and asylum seekers. For this purpose, mobile task force teams were established in the transit centers Vinojug – Gevgelija and Tabanovce. Open Gate rendered its services beyond these transit centers, i.e. along the border areas in the north and the south of the country. The organisation was one of the main service providers during the mass migration movement with more than 100 field workers, currently the activities aimed for this particular groups are not provided due to the lack of funding.

**The City Red Cross of Skopje** offers free assistance for refugees and asylum seekers. Services include support to access national services and programmes, social counselling, psychological support, educational and recreational activities. SOS line for psychosocial support, every workday between 9AM and 1PM.<sup>93</sup>

**Center for Intercultural Dialogue (CID)**<sup>94</sup>, Kumanovo works for society of intercultural dialogue, active citizenship and sustainable development where all people live together with mutual respect. Organize different activities for young refugees and migrants, e.g. collect books for the refugees living in a transition refugee camp in Tabanovce, small village just a few kilometres away from Kumanovo and the Serbian border.

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<sup>91</sup> Macedonian Young Lawyers Association (MYLA), <https://bit.ly/39G7LWH>

<sup>92</sup> Open Gate, <https://lastrada.org.mk/about-us/?lang=en>

<sup>93</sup> The City Red Cross of Skopje offers, SOS line for psychosocial support, Tel: +389 71 379 110

<sup>94</sup> Center for Intercultural Dialogue (CID), <http://cid.mk/new/about-us/>; <https://yeu-international.org/cid-refugees-and-books-donation-of-books-in-the-main-square-of-kumanovo/>

**The Balkan Refugee and Migration Council (BRMC)**<sup>95</sup>: coalition of five civil society organizations from Bosnia and Herzegovina, Macedonia, Kosovo and Serbia. The organizations that are members of this Coalition are distinguished civil society organizations with specific authorizations, demonstrated through years of work in the field of asylum and migration policies both at national and international level.

**NGO Legis**<sup>96</sup> lays its activity with focus on delivering needed humanitarian aid in every aspect and making any effort to prevent violation of basic rights and freedom of people who have been hard-up, fallen victims of any disaster, affected by war and similar calamities, wounded, crippled, oppressed or left hungry and homeless, both on national and international level. Legis is a local organization primarily providing humanitarian aid (food and non-food items) and legal counsel to refugees, asylum seekers, people in irregular migration and local communities in social risk from 3 municipalities in Skopje: Chair, Gazi Baba and Butel. As of 2015, Legis is present with field staff in 2 border -transit centers, (Tabanovce on the northern and Vinojug on the southern border) providing humanitarian aid and monitoring of access to HR and protection and Center for foreigner detention and, follows irregular migration in the so-called Lipkovo region on the Northern border with Serbia. As of 2020, Legis began a program for work skills and employment of asylum seekers within the Center for reception of asylum seekers in Vizbegovo, Skopje. Legis is part of regional and European migration and asylum networks such as: PICUM, IRIS and MAPS and cooperates closely with the National prevention mechanism against torture within the Ombudsperson office regarding HR violation among refugee and migrant population.

### Quality and standardization of the services

The legal framework is largely in line with EU standards. The crisis situation at the country's borders was extended, authorising continued deployment of the army. The Ministry of the Interior is the main actor in the field of migration. The fragmentation of tasks between the institutions dealing with migration persists, making management less effective. Progress was made on implementing the standard operating procedures (SOPs) for unaccompanied and separated children and for vulnerable categories of foreigners. The Resolution on Migration Policy adopted by the government in 2015 is the main policy document in this field.

The country continues to play an active role in the management of mixed migration flows. It remains on one of the main transit routes for irregular mixed movement. The contingency plan to manage large migratory flows still needs to be finalised and agreed upon. With the support of guest officers from EU Member States, effective control at the southern border has been ensured. The country has still not set up a fully-fledged protection sensitive migration management system. In the absence of a proper system for managing irregular movements, the practice of returning migrants outside of a legal and/or procedural framework reportedly

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<sup>95</sup> The Balkan Refugee and Migration Council (BRMC), <https://myla.org.mk/2020/03/balkan-refugee-and-migration-council/?lang=en>

<sup>96</sup> NGO Legis, [www.legis.mk](http://www.legis.mk)

continued. There is a systematic substantial discrepancy between the figures of reported illegal crossings and presence in the transit centres, which are often almost empty.

Irregular movement in 2020 through the territory continued at an increased pace compared with the previous two years. The official number of irregular arrivals in 2019 stands at 20314, a 16% increase compared with 2018. However, the real number of arrivals in 2019 is estimated to be much higher. Movements are predominantly northward, from Greece towards Serbia. The migrant profile remained largely the same as in the previous two years, with nationals of Pakistan (35%) and Afghanistan (23%) constituting the largest groups, predominantly single males. People in irregular movement remain targets of organised criminal groups engaged in people smuggling, that often extort money and abuse them in various ways. The number of detected smuggling attempts has increased, and although police operations and some arrests took place, smuggling continues on a large scale. As of December 2019, around 119 people were stranded in the country. 82 criminal charges were filed against 64 individuals for smuggling migrants. There were convictions against 23 individuals.

Both reception and transit centers on the southern and northern borders provide short-term accommodation for a total of 971 persons. Neither of the transit centres are suitable for long-term stays, and the authorities continue to be reluctant to allow for more than a temporary stay. The readmission agreement with the EU is being implemented in a satisfactory manner by the country. According to EUROSTAT, 3,850 citizens of North Macedonia were ordered to leave in 2019 (3,500 in 2018). There were 3,005 returned following an order to leave (a return rate of 78%) in 2019 against 3,470 in 2018 (99%). Assisted voluntary returns procedures were carried out for 25 migrants towards third countries.

Kosovo\* Roma refugees estimated at 343, remain in limbo, with an uncertain status. Except for a limited number (16) of recognised refugees, the rest have either subsidiary protection (198) or no status (129), and are just tolerated in the country.

#### Asylum Institutional set-up and legal alignment

The Law on international and temporary protection, adopted in April 2018 is largely aligned with the EU *acquis*. By-laws deriving from the law on international and temporary protection were adopted. A gap remains in the area of detention for people in irregular movements, as the current legislation does not provide alternatives to detention. The law provides the right for family reunification. Recognised refugees can benefit from it immediately but concerns remain on delayed family reunification for people under subsidiary protection, for 2 years following status recognition. Since subsidiary protection is becoming a prevalent form of protection granted in the country, including for unaccompanied children, such delays may significantly affect the right to family unity and, in the case of children, contravene the principle of the best interest of the child.

A new Law on foreigners entered into force in May 2019. Among other benefits it grants long-term residence to people who have enjoyed international protection, thus facilitating their local integration. However, they must still present proof of regular income and a registered place of residence to benefit from this provision. Given the extreme vulnerability of some applicants, there is a risk that this new provision remains only theoretical. Such requirements

are especially difficult for Kosovo\* Roma who are still under subsidiary protection. Their status is reviewed every year and prevents them from acquiring long term employment.

Regular reception capacity remained unchanged and is adapted to current needs. As of the end of November 2019, a total of 214 asylum seekers (48% of all asylum applications) were detained in the centre for foreigners in Gazi Baba before being released and admitted to the reception center for asylum seekers in Vizbegovo (close to Skopje). The safe house, previously operated by the Jesuit refugee service under the supervision of the Ministry of Labour and Social Policy, is no longer available. Consequently, the practice of generally not detaining women and children for migration related purposes changed and, as of the end of November 2019, a total of three women and 32 children, including 29 unaccompanied children, were detained in Gazi Baba, although for a short period of time. An alternative housing solution needs to be found for the most vulnerable. However, due to the COVID-19 crisis, the Government decided that all new asylum seekers are to be quarantined for an initial period of 25 days in the transit center Vinojug, at the Southern border. Access to the asylum procedure continued to be ensured.

In 2019, 490 applications for asylum were submitted (163 in 2017 and 299 in 2018), out of which 121 (27%) were from Pakistan, 112 (25%) from Afghanistan and 50 (11%) from Syria. Asylum claims were promptly registered and processed. There is no backlog of asylum cases, although the majority of cases are discontinued, due to the high rate of claim abandonment. With the exception of a subsidiary protection status granted in 2019 on humanitarian grounds to one person from Kosovo\*, there have been no positive decisions for granting asylum since December 2018. Decisions on status determination are usually accompanied by an automatic ruling of expulsion without quality assessment of whether an individual may be subject to persecution upon return. The quality of asylum adjudication remains a concern, also at the appeal level. The judicial review is administrative, and the Administrative and High Administrative Courts deliver decisions on technical rather than on substantial grounds. However, the new Law on administrative disputes should improve some critical points.

In 2019, the Sector for Asylum continued the practice of terminating international protection for refugees from Kosovo\* who were granted subsidiary protection. Between January and December 2019, 22 Kosovo\* Roma (14 cases) lost subsidiary protection. Such practices undermine the possibilities of finding a durable solution for the remaining refugees from Kosovo\* and closing the long-standing issue. Legal aid under the amended Law on free legal assistance, remained ineffective. No individuals undergoing an asylum procedure were granted state-funded free legal aid.

A positive development is the enrolment of asylum-seeking children in the local schools, as of September 2019. This is in line with the new Law on primary education, which specifically provides for inclusion of refugees and asylum seekers in the national education system and sets up measures to facilitate such integration.

The country cooperates with the European Asylum Support Office (EASO) on the basis of comprehensive roadmaps. The first Roadmap to support the establishment of asylum and



reception systems in line with EU standards was implemented between 2017-2019, a new roadmap for the period 2020-2022 is being finalised.

Northern Macedonia continues to apply quarantine measures at Temporary Transit Center (TTC) Vinojug in Gevgelija for the incoming migrants, making interaction and communication with migrants even more difficult and challenging, however, the Assisted Voluntary Return and Reintegration (AVRR) info teams utilize various media to spread basic information on COVID-19 protection as well as information about Country of Origin (CoO), and also provide AVRR counselling.

Regarding RSM, in March 2020, the Ministry of Labor and Social Affairs submitted a proposal to the Government to declare the camp Vinojug, Gevgelija as a camp in which the state will implement the quarantine measure for all potential asylum seekers and all new arrivals to pass through a 25-day quarantine, after which they would be transferred to the Reception Center as asylum seekers. By Decision of the Government, on the recommendation of the Ministry of Labor and Social Affairs policy the request is adopted without specific guidelines for the operation of the camp in those conditions.<sup>97</sup> However, based on the analysis of the data, Legis found that the minimum day of stay in quarantine is 40 days on average, and according to allegations from the field this practice occurs due to lack of tests in the local hospital in Gevgelija. At the same time, it was pointed out that there is a priority the local population, which further endangers the health of asylum seekers at a disadvantage compared to the citizens of RSM. A quarantine measure is also imposed on persons found in migration with organized crime groups, in order to participate in court proceedings in the role of witnesses for the Public Prosecutor's Office. For Unlike the Vinojug camp, there is no quarantine in the Tabanovce camp, although the camp detains persons in need of medical and / or humanitarian assistance, or who have been found in migration with organized criminal groups as witnesses in a Public procedure Prosecutor's Office in Kumanovo, but, according to the information from Legis, no longer than 7 days. In both border camps there are no available antibacterial means for hygiene in the sanitary premises and/or within the camp and constant access to protection equipment for staff from state institutions and/or newcomers. Prevention information is missing and protection of multiple languages in written, audio and video formats. Unlike the camp in Gevgelija where it is allowed to leave the cabin only for use of the sanitary facilities and accompanied by 2 uniformed persons from Macedonian or foreign police, movement through the camp is allowed in Kumanovo, but the sanitary facilities are not are in operation or lack hygiene items.

### Allocation of the funds for the services

There are no accurate data available related to funding of services for migrants in North Macedonia, only related to specific subgroups. Having that in mind, in the reports of civil society organizations can be found that the Government does not allocate sufficient funds for the implementation of policies and laws in the action against trafficking in human beings, so related actions are mostly funded by the international donors. E.g. IOM Mission in North Macedonia (North Macedonia) assisted the Government of North Macedonia in addressing

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<sup>97</sup> Decision bp.44-17 / 28, Skopje, April 25, 2020.

the emergency situation created by the recent refugee crisis by building capacities and providing technical equipment to relevant governmental agencies while facilitating direct assistance and support to asylum seekers, refugees, and migrants, with the project in the amount of 2 447 300 EUR during period 2015 – 2019<sup>98</sup>. Specifically, the project has facilitated the effective and expedited registration of migrants at the Transit Reception Centre in Gevgelija through the employment of 16 data entry clerks who worked together with the Border Police. It has also procured much-needed vehicles for the Border Police, the Centre for Crisis Management and the social services of the Ministry of Labour and Social Policy, which enabled them to respond to changing and sometimes escalating migrant movement patterns. In addition, the project has covered the cost of establishing temporary migrant accommodation in the Transit Reception Centres, with a total capacity of up to 200 persons and helped improved the sanitary conditions in the Transit Reception Centres in Gevgelija and Tabanovce through the construction of mobile toilets and shower containers. Accommodation facilities at the Centre for Asylum seekers in Vizbegovo were also upgraded, including the connection to the water supply system and healthcare facilities in Gevgelija and Kumanovo.

European commission, as a part of financial assistance under IPA II, in the indicative funding allocation 2014-2020 in the amount of 608.7 million EUR also plan certain budget for Rule of law & fundamental rights, including “improving border management and implementation of visa, migration and asylum policies in line with EU law (acquis).<sup>99</sup>

When talking about governmental funding, it is worth noting that in 2019 Open Gate received a one-year project from MLSP for running the state shelter and in 2020 the Organisation was granted funds from the Government for addressing the COVID-19 consequences.<sup>100</sup>

Lack of funding for the implementation of the reintegration programs in general is observed. Most of the measures and activities are provided by citizens' associations, i.e. by Open Gate. The State's Employment Agency has programs to support these vulnerable groups, but they are not properly adapted to be used by the victims of trafficking due to the fact that they do not have personal data protection and therefore access to these employment programs is difficult.<sup>101</sup> However, the new Employment and Social Reform Programme 2022<sup>102</sup> under one of the objectives “Reducing unemployment among long-term unemployed and persons belonging to other vulnerable groups” have 2.000.000 EUR allocated for the purposes of “development of social entrepreneurship, aiming at job creation and integration of the most disadvantaged categories into the labour market” which includes “victims of trafficking in

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<sup>98</sup> Assistance to North Macedonia in addressing the 2015 - 2019 refugee crisis, <https://coebank.org/en/donors-and-trust-funds/beneficiaries-donor-funds/migrants-and-refugees-north-macedonia/>

<sup>99</sup> North Macedonia - financial assistance under IPA II, European Neighborhood Policy and Enlargement Negotiation, [https://ec.europa.eu/neighbourhood-enlargement/instruments/funding-by-country/north-macedonia\\_en](https://ec.europa.eu/neighbourhood-enlargement/instruments/funding-by-country/north-macedonia_en)

<sup>100</sup> Previously, the last time the Government awarded funds to CSOs related to anti- trafficking was in 2015. In the period 2016-2018, CSOs working on curbing human trafficking received no government funds.

<sup>101</sup> Open Gate, Analysis of challenges in identification, protection and reintegration of victims of human trafficking, 2020 <https://drive.google.com/file/d/1UILB0DADHztZO-lgF5oNBKRjYFcQj90K/view>

<sup>102</sup> (r)ESRP – Revised Employment and Social Reform Programme 2022 (December 2019), <http://www.mtsp.gov.mk/espr-espr.nspix>

human beings”<sup>103</sup>. In the Shadow report of IRIS network, it is mentioned that the Government of NM should ensure longer-term funding for the services that CSOs provide to migrants or contribute to the services provided by the State. Moreover, additional services for migrants should be developed in dialogue and partnership with the stakeholders, especially CSOs active on the ground, and that the process of licensing of CSOs for certain services should be monitored and its consistent implementation ensured.

## Solutions and tasks needed to complete to close the gap

### HARMONIZATION OF LEGISLATION WITH THE *ACQUIS*, ITS ENFORCEMENT AND MONITORING

- The asylum procedure still needs to be implemented fully in line with the EU *acquis*, so further harmonization of the legislative framework is needed;
- Further monitoring of legislative framework enforcement;
- Further development of the strategic framework and accompanying action plans in the field of social inclusion, education, irregular migration. That is why further improvements of the asylum system are still needed. Following a period when it was relatively high on the government’s agenda, developments are left mainly to the technical level in the relevant Ministries;
- Foster anticipatory governance in developing and implementing a Migration Policy, and in building strategic and anticipatory governance capacities to support transition to long-term and participatory planning and policy-making. This will raise institutional trust and help address causes of social problems impacting the protection environment<sup>104</sup>.

### STRENGTHENING OF SUPPORT PROGRAMS CAPACITIES TO MIGRANTS AND ASYLUM SEEKERS PROVIDED BY STATE AND CSOs

- Develop and provide training programs on work with vulnerable groups of migrants/asylum seekers/persons with approved protection
- Strengthen the capacities of police officers in charge of working with asylum seekers, in particular border police officers, to enhance knowledge of international humanitarian law standards and the recognition of the need for asylum protection;
- Registration of all individuals apprehended in irregular movement for migration management purposes should be carried out in a more systematic manner<sup>105</sup>.  
Registration should be followed by systematic protection-sensitive profiling and

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<sup>103</sup> *Ibid*, p.121.

<sup>104</sup> Available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/605c466df.pdf>

<sup>105</sup> Available at: [https://ec.europa.eu/neighbourhoodenlargement/sites/near/files/north\\_macedonia\\_report\\_2020.pdf](https://ec.europa.eu/neighbourhoodenlargement/sites/near/files/north_macedonia_report_2020.pdf)

referring anyone identified as being in need of international protection to national protection mechanisms.

- The existing database on foreigners, still needs to be upgraded through the development of a new asylum module, which should provide a case management tool for processing asylum claims.
- Foster efficient coordination among stakeholders;
- Create, update and distribute the list of available services provided by state, CSOs, international organizations;

#### ENSURE THAT HUMAN RIGHTS OF MIGRANTS, ASYLUM SEEKERS AND REFUGEES ARE RESPECTED

- Attention should be given to successful reintegration of returnees. After two decades of living in the country, with various statuses, they need the authorities to find a sustainable solution; (Finding sustainable legal solutions for the remaining Kosovo\* refugees, in line with the country's 2019 Global Refugee Forum pledge);
- Improve living conditions in existing accommodation to become adequate and protection-sensitive accommodation that meets international standards;
- Increase of educational activities for migrant children;
- State-financed provision of quality interpretation services, at all stages of the asylum procedure;
- State-financed provision of quality and free-of charge legal aid, at all stages of the asylum procedure;
- Provision of state-sponsored integration services for persons with international protection status;
- Full socio-economic inclusion of asylum-seekers, as early as feasible in the asylum procedure, by securing access to language classes, labour market and fundamental rights. The ultimate goal is to ensure viable integration prospects.
- The number of migrants smuggled remains high and combating smuggling networks must be improved and be a priority;
- Provide quality primary healthcare for refugee and migrant vulnerable groups, such as unaccompanied and separated children, pregnant women, single parents, persons with disabilities, ill persons and victims of violence;
- Conduct raising awareness of local community, through different educational activities and media campaigns, in order to prevent and reduce discrimination towards migrant population;
- Creating guidelines for media in reporting on migrants, especially children and provide trainings in order to end stigma and negative reporting toward migrants and refugees;
- Establish local multidisciplinary teams consisted of all local relevant actors for the asylum system and work to strengthen their capacities and develop referral mechanisms;

## FOSTER COOPERATION AMONG RELEVANT STAKEHOLDERS DEALING WITH MIGRANT ISSUE

- Improve the cooperation of relevant institutions, international and domestic organizations, CSOs;
- Strengthening the capacity of local self-governments and councils for migrations especially in terms of cross-sectoral cooperation protocols and provision of integrated services;
- Acknowledge the role of CSOs in providing access to basic social services through funding and defining their role in assisting migrants, as well as licensing CSOs working with migrants and creation of a database of CSOs who are service providers;
- Organizing support in providing additional training in working with marginalized groups of CSOs volunteers and professional staff (psychologists, social workers, teachers).

### Montenegro

During the big migration wave in 2015 affecting all European countries, Montenegro was not part of the “Western Balkan Route” so the number of asylum seekers and migrants was drastically reduced. The situation was significantly changed already in August 2017 since there has been an increase transit through Montenegro due to higher number of green border crosses from Albania through so called “Adriatic route” or Southern Balkan route, and migrant influx and transit through Montenegro towards Croatia and Bosnia and Herzegovina. The entry point is the green border near the border crossing Bozaj and currently there is one main exit point in the city of Pljevlja in the northern part of the country, which borders Serbia and Bosnia and Herzegovina.

From the establishment of the asylum system in January 2007 until 15.10. In 2020, 15,937 applications for international protection were submitted in Montenegro, which testifies to the increased movements of various migration groups from mid-2017 onwards. The largest number of applications was submitted in 2013 (3,554), followed by 2018 (3,104), 2014 (2,312) and 2019 (1,921). In relation to the submitted applications since 2007, 84 protections have been granted, of which 52 are asylum statuses and 32 are granted subsidiary protections. The largest number of asylum seekers comes from Syria (21) and Iran (12). When it comes to the number of persons with approved subsidiary protection, we also have the largest number of persons from Syria (8), followed by Belarus (5). However, regardless of the fact that Montenegro consistently implements the Law on International and Temporary Protection of Foreigners, the fact is that statistical indicators clearly indicate that these persons still see Montenegro as a transit country, and in most cases proceedings are suspended, as these persons leave Montenegro for the duration of the proceedings. Although today the Montenegrin asylum system is considered functional, it is necessary to further improve it and

constantly promote the idea of respect for human rights as a basic value of our constitutional and modern international legal order.

Although institutional organization and legal alignment have been strengthened by the entry into force of a series of laws, by-laws and action plans, the issue of legal and illegal migration, including migration management, readmission agreement and asylum is a strong challenge for Montenegro, and financial resources are insufficient.

The legal framework on migration was significantly strengthened with the entry into force of the new Law on Foreigners in March 2018, as well as the adoption of the Law on Amendments to the Law on Foreigners in early 2019 and the adoption of accompanying bylaws. In 2018, the Ministry of the Interior adopted 19 Ordinances. In accordance with the above amendments to the law, in 2019, 4 more Rulebooks (bylaws) were adopted. The key novelty is that in the future, the annual quota will be determined only by activities, and not by occupation in which foreigners can be employed. Among other things, the deadlines for resolving the submitted applications will be shortened from 20 to 15 days, and when applying for a temporary residence and work permit, the foreigner / employer will not be asked to extract from the act on systematization with the employer, which is in accordance with findings and recommendations from the shadow report from 2019. In accordance with the Decision on determining the annual number of permits for temporary residence and work of foreigners ("Official Gazette of Montenegro", No. 2/19), the annual quota for 2019 was determined in the total number of 20,454 permits. In 2019, a total of 50,512 cases for temporary residence / work were received, which with 1,627 unresolved cases from the previous period, makes a total of 52,139 cases in progress. In the period 2019. a total of 48,712 cases were resolved, of which 45,551 requests were approved. In 2019, a total of 89 appeals were received, of which 55 were rejected, 4 were rejected, 28 decisions were annulled, and 2 were carried over to 2020. The decision on determining the annual number of permits for temporary residence and work of foreigners for 2020 ("Official Gazette of Montenegro" No. 69/2019) determined 20,454 work permits for foreigners. Until 08.10.2020. 13,951 work and employment permits were issued to foreigners, i.e 40.25% less than in the same period in 2019, which is directly related to unexpected events related to the COVID-19 virus pandemic

## Existing services

According to Montenegrin legislation in terms of migration issue, concretely according to the Law on International and Subsidiary Protection of Foreigners and the Law on Foreigners, there is a classification of service users. This classification is important because it determine the scope of their rights in Montenegro, and accordingly the services that civil society organizations are able to provide them: migrants; foreign persons who have expressed their intention to apply for asylum; asylum seekers/foreign persons seeking international protection; foreign persons who have been granted international or temporary protection; Montenegrin citizens who have been returned to Montenegro through the system of

readmission or voluntary return; foreigners staying in Montenegro on grounds of temporary work and residence permits and foreign persons seasonal workers.

When it comes to foreigners in Montenegro, the scope of their rights and obligations, as well as the ways of obtaining the rights from the field of health and social protection in Montenegro, is defined based on of their granted temporary stay in the territory of Montenegro. According to the Law on Foreigners, foreigners can be granted with stay up to 90 days, temporary residence, and permanent residence.

The Law on International and Subsidiary Protection of Foreigners in Montenegro defines services and type of support that are provided to asylum seekers and/or persons enjoying international or temporary protection. Those services can be provided through work of public institutions, international organizations operating in Montenegro and civil society organizations working in the field of providing help to endangered persons, including migrants and asylum seekers.

#### **A. Public institutions**

Through work of competent ministries (Ministry of Interior; Ministry of health; Ministry of Finance and Social Welfare; Ministry of Education, Science, Culture and Sports) and its institutions, asylum seekers and/or persons enjoying international or temporary protection can obtain, besides necessary papers/documents, services in regard to accommodation, psychological and medical help, health care, access to employment, courses for learning Montenegrin language.

**Office for Asylum (Ministry of Interior)** has the responsibility to record persons seeking international protection in Montenegro and for the first-instance decision-making on requests for international protection. Upon request, Office issues certificate of receipt of request for the period of one month and it serves as identification document of the asylum seeker and provides him/her the right to free movement in the country and exercise of all the rights prescribed by the Law on International and Subsidiary Protection of Foreigners in Montenegro. The Office is in charge to resolve the request for asylum, and upon granting the stay in Montenegro, issues appropriate identification documents.

**Centre for reception of persons seeking international protection (Ministry of Interior)** was opened in 2014 in Spuž, near Podgorica, the capital of Montenegro, with financial support from UNHCR and the European Commission. The Centre for reception has access to all necessary infrastructures to accommodate 104 persons with separate capacities for families, children, women and single persons. In addition to infrastructural capacities, the Centre has educated staff that provides psychosocial and medical support (social workers, psychologist and health workers). This is open type facility, so persons (asylum seekers/international protection seekers) placed here have the freedom of movement.

**“Additional” accommodation of persons seeking international protection (Ministry of Interior)** was opened because of the increased number of migrants that required more accommodation capacities beside the Centre for Reception in Spuž. Additional accommodation is placed in Podgorica, in settlement called Konik. This is also open type facility, and besides the freedom of movement, they have other services they need (medical care, psychosocial support and the other).

**Office for readmission and illegal migrations (Ministry of Interior, Police Administration)** is responsible primarily for the return of migrants who were found in the territory of Montenegro without appropriate identification documents and residence permits into their country of origin. Within its competences, Office provides an adequate procedure and documentation for the return of persons to their country of origin. Besides, Office is responsible for reception of Montenegrin citizens who had left Montenegro and stayed illegally in other countries or those who were denied asylum in the European Union countries, and who need to be returned to Montenegro under the readmission system.

**Department for Foreigners, Visas and Combating Illegal Migrations (Ministry of Interior, Police Administration)** is responsible for accommodation in the Reception Centre for Foreigner persons who are staying illegally in the territory of Montenegro or have committed a criminal offence or a crime during the procedure upon the request for international protection. In cooperation with the Office for Readmission, they have been returned to the country of origin or the first safe country where they had submitted a request for international protection.

**Reception Centre for Foreigner persons (Ministry of Interior, Police Administration)** is closed type of facility where persons who are staying illegally in Montenegro or have committed a criminal offence/crime during the procedure upon the request for international protection are accommodated. Besides, this is a place where migrants may state their intention to apply for asylum and thereafter they are given a period of 15 days to submit a request for international protection and enter the asylum system in Montenegro. Upon the receipt of a certificate of the stated intention to submit a request for international protection, these persons are entitled to free movement as well as accommodation at facilities of persons seeking international protection.

**National Office for Combating Human Trafficking (Ministry of Interior)** monitors the treatment of potential victims of trafficking. Also, Office provides education to all relevant entities on the rights of these persons and protection mechanisms within the law and international regulations. In cooperation with UNICEF, with the support of all relevant governmental and non-governmental actors, developed Standard Operating Procedure for the treatment of unaccompanied minors and children victims of human trafficking. The document clearly defines competences and obligations of all institutions and organizations when it comes to the protection and support to migrant unaccompanied minors.



**Department for the integration of foreigners with approved international protection and reintegration of returnees by readmission at Directorate for Administrative Affairs, Citizenship and Immigration (Ministry of Interior)** is responsible for accommodation, integration of migrants, education and access to the labour market of persons who have been granted with international or temporary protection in Montenegro and/or coordination of the support system for integration and social inclusion of this target group. Additionally, the Office is competent for reintegration of Montenegrin citizens who have been returned to Montenegro under the readmission system.

**Centre for Social Work (Ministry of Labour and Social Welfare)** are of huge importance for asylum seekers especially when it comes to providing help and support for vulnerable categories (children, single mothers, families, persons who are victims of different kinds of violence), particularly to migrant unaccompanied minors. They are competent in determining of a guardian so that those children could apply for international protection and enter the system that can provide them with support and protection. Also, municipal CSOs are in charge for implementation of financial aid granted to persons seeking international protection. According to the Law on Social and Child Protection, in the scope of their work is to monitor integration of these persons and to ensure access to the existing social services in Montenegro.

**Employment Office** is competent to provide assistance in employing persons who have been granted international or temporary protection according to the Law on International and Subsidiary Protection. However, currently effective Employment Law does not define this category of persons as employable category and there is currently no possibility for their employment, but very soon there will be amendments in this direction.

**Municipal Health Centers and Clinical Hospital Centre (Ministry of Health)** provide health care to persons seeking international protection in Montenegro. Health care is one of the most important components of providing services and actions in emergency situations, but this services are important on the regular basis as well.

**Montenegrin language courses (Ministry of Education)** Ministry of Education and Office for Refugees in 2019 started to organize Montenegrin language courses for asylum seekers and/or persons enjoying international or temporary protection through Licensed Adult Education Providers. Learning program is in accordance with Common European Framework of Reference for Languages: Learning, Teaching, Assessment, A1 level.

## **B. International organizations**

**International organizations operating in Montenegro provide support to relevant stakeholders. UNHCR and IOM are leading UN organizations supporting the work of the governmental bodies and the Red Cross of Montenegro.**

**United Nations High Commissioner for Refugees (UNHCR)** is UN organization that, besides offering support to displaced persons, internally displaced persons and refugees in

Montenegro, during the migrant crises in the Balkans, prepared all activities and resources for providing support to persons seeking international protection. Also provides support to stateless persons which is very important for the number of children born during the journey of migrants and various legal procedures regarding this issue. Directly, UNHCR provides support through its activities or through cooperation with CSOs: legal assistance, access to rights and in particular to the asylum system, psychosocial support, obtaining documents, support in health care, individual support, representation, registration, education and translation.

UNHCR also provides support to public institutions in Montenegro with the aim to improve conditions in the Centre for reception and accommodation of person seeking international protection, as well as with the aim of improvement of integration of persons with granted international or temporary protection. One of the main tasks of UNHCR is to monitor implementation of the Law on International and Subsidiary Protection and application of international conventions and respect of human rights, and UNHCR took part in the development of the Operational plan in case of increased influx of migrants in Montenegro. UNHCR works with the Government and within the UN system in Montenegro to ensure the inclusion of PoCs in all relevant strategic and legislative documents, and is leveraging networks with the EU Delegation, EASO, Frontex, IOM and the civil society sector at national and regional levels to foster comprehensive approaches to protection and solutions.

**International organization for migrations (IOM)** carries out activities for persons seeking international protection and activities of providing support in order to strengthen the capacity of state institutions and/or the capacity of the asylum system. IOM provides assistance in voluntary return of migrants into the country of origin, and secures funds and documentation required for its return. IOM provides support to the Centre for reception and accommodation of persons seeking international protection and provides assistance in registration of migrants in the Centre. Border police is supported by IOM in transportation of migrants from the border area to the Office for Asylum.

### **C. Civil Society Organizations in Montenegro**

**Red Cross of Montenegro (RCM)** cooperates with Ministry of Interior that is in charge for asylum system in the country and all relevant migration issues. As a humanitarian organization, RCM provides humanitarian assistance to socially disadvantaged and vulnerable categories, refugees, displaced persons and internally displaced persons ever since it was established. In line with its role and mandate as an auxiliary to the state in the humanitarian area, RCM was involved in activities related to asylum seekers and migration in general according to the Law on International and Subsidiary Protection and the national contingency plan in case of an emergency.

The RCM staff and volunteers provide: food, water and First Aid for vulnerable migrants at the reception center (mothers with children and people with wounds waiting outside of the gates of the reception center until 2 PM to be registered); non-food items (NFIs) for migrants in the reception center; psycho-social support; restoring family links (RFL) services (calls and Wi-Fi hotspot); medical assistance. RCM provides First Aid in the alternative accommodation or outside of the reception center, if needed. RCM is in charge of transportation of migrants to hospitals and health centers and procurement of medicines; assistance in communication with local institutions; follow-up for refugees in integration—communicating with schools, employers, organizing weekly visits to the homes of refugees and inviting them to RCM workshops and sessions; language courses; information sessions; educational and prevention activities in the area of First Aid, prevention of human trafficking, HIV/AIDS, public health, hygiene and similar. The Red Cross of Montenegro has 21 local organizations and it provides support to migrants, international protection seekers and refugees in the entire territory of Montenegro.

**NGO Pravni centar (NGO Legal Centre)** provides free legal assistance to international protection seekers and persons with granted protection, as well as support in access to rights in 3 towns in Montenegro: capital Podgorica, south – Bar and north – Berane. Besides legal assistance they represent international protection seekers in the procedure of seeking international protection, as well as they prepare them for interviews, help them to ensure required documentation, and on the top, provide assistance in family reunification and access to rights.

**NGO Bona fide** is a civil society organization based in Pljevlja that works almost 2 decades providing support to women and children victims of domestic violence through providing accommodation in a safe house. Because of the increase of migrant influx Pljevlja become main exit point in the northern part of the country, and there is no accommodation for migrants, NGO Bona fide has placed a certain number of migrants who had stayed on Pljevlja for several days trying to leave Montenegro illegally and to cross the border and reach Bosnia and Herzegovina. During the period from beginning of 2018, this organization has ensured humanitarian aid and accommodation for around 1800 persons.

**Other CSOs** - many other organizations provide support services for different target groups of endangered persons, but there is no valid database on these organizations and their activities in terms of support and services intended for migrants/asylum seekers/returnees. Besides concrete support, civil society organizations are actively involved in monitoring the legislative and political framework related to migrations, campaigns, reintegration of human trafficking victims, Roma persons, displaced and internally displaced persons. Among others, these NGOs are CEDEM, SOS telephone for women and children victims of violence Podgorica, Montenegrin Women's Lobby. Also, several organizations like Građanska alijansa (Civic Alliance) and the Child Rights Centre have analysed the asylum system, respect of human rights, proposal for more sustainable, more practical and more humane manners of treating migrants, asylum seekers and returnees.

## Quality and standardization of the services

According to the Law on International and Subsidiary Protection of Foreigners in Montenegro, competences of state bodies are defined and there are different services provided within state institutions:

- Ministry of the Interior: Office for Asylum, Centre for reception of persons seeking international protection and “Additional” accommodation of persons seeking international protection in Konik; the National Office for Combating Human Trafficking;
- Police Administration: Office for readmission and illegal migrations; Department for Foreigners, Visas and Combating Illegal Migrations; Reception center for Foreigner persons; Office for Refugees;
- Ministry of Labour and Social Welfare: Centre for Social Work.

Except the aforementioned, the following institutions are involved in the support system: Ministry of Health (Health Centers, Clinical Hospital Centre), Ministry of Education, as well as the Employment Office. Regarding international organizations, the largest contribution to Montenegro is given by UNHCR and IOM, while in terms of CSOs there are Red Cross of Montenegro, NGO Legal Centre and CSO Bona Fide as service providers.

According to EU Montenegro Progress Report, Chapter 24 - Justice, Freedom and Security Situation, in the area of monitoring legal and illegal migration, including migration management, readmission agreement and asylum, poses a strong challenge for Montenegro. Institutional organization and legal alignment have been strengthened by the entry into force of a series of laws, by-laws and action plans. However, Montenegro has to make significant efforts in this area, especially regarding accommodation and access to services, because despite the legal obligations prescribed, the financial resources are insufficient.

The large increase in illegal migration presents a significant pressure on administrative and **reception capacities** that still do not meet real needs. In terms of accommodation, current reception system in Montenegro has a limited capacity of 80 places (65 in the Asylum Centre in Spuž and 15 in the adjacent Foreigners’ Centre). With the wave of migrants at the end of 2017 onward, the Asylum and Foreigner Centers’ capacities have been exceeded on several occasions, so the Government rented and opened a third facility - “Additional” accommodation of persons seeking international protection in Konik to accommodate 128 persons per day. But, the access to essential services, safety and security, poor standards of accommodation, critic hygienic conditions and difficulties for those accommodated to get access to basic assistance and essential services (primarily health care, clothes, hygienic material etc.) was often of concern. At its peak it is estimated that some 350 people were accommodated in various premises in Konik and Spuž. From another side, **funding the reception system** is mostly depending on external support from international organizations

(UNHCR and IOM) which fill critical gaps from security to accommodation, health care, clothes and hygienic items and psycho-social support, and helped to expand the Asylum Centre's capacity for 24 additional beds, and with 2 containers for accommodation which were adapted into sanitation containers. **On the north**, from the beginning of 2018 NGO Bona fide from Pljevlja is providing support to women and children victims of violence through the program in a safe house, and provides accommodation and humanitarian assistance to migrants (food, cloths). Since May 2019, IOM and UNHCR is funding NGO Bona Fide's activities. **There is no adequate response from local self-government** in case of a large influx of migrants in Plevlja. In 2019 Ministry of Interior has established Working group for monitoring the migrant crisis in Pljevlja and this team is in charge for coordinating activities for reducing and combating illegal entering of migrants through green borders, as well as stopping the smuggling of persons and strengthening the safety of all citizens through information exchange and permanent monitoring the situation in the field of social protection, health care and safety.

Another challenge for Montenegrin services are in the field of social care, education and employment of asylum seekers. Although the Law on International and Temporary Protection of Foreigners provides employment opportunities for asylum seekers, in practice there are number of obstacles that make this opportunity unavailable. Difficult access to labor market, hence more difficult gain of independence in the community is a significant obstacle for the integration of these persons, increasing the needs for the provision of services, support and humanitarian aid.

Identification of cases of **trafficking among migrants** in transit is challenging as well since migrants are not likely to reveal to officials elements that could lead to an identification of trafficking in persons, under fear of being delayed in their journey towards other European countries.

Unfortunately, providing support to these persons is greatly impeded by the **language barrier**, services are mainly of urgent medical and humanitarian character, there is lack of psychosocial support programs, and xenophobia of the local population in the places where migrants reside is recognized. Regarding the **Montenegrin language and organized course** in the Montenegrin language they were organized as individual activities organized by civil society organizations (for instance Red Cross of Montenegro), UNHCR and since 2019 by the Ministry of Education through Providers for Adult Learning. There are not enough recreational activities and exchange with the local population which is insufficiently informed about all that migrations bring and what problems these persons face on their journey towards a better life. **Xenophobia and expression of stereotypes** on increased criminal activities in places in which migrants reside is present.

Given the existing number of **civil society organizations** providing social services in Montenegro, very few organizations are involved in the work with beneficiaries belonging to any of the categories listed above. Cooperation with civil society organizations has not been sufficiently developed, which reduces the level of support in the integration and social

inclusion of persons with approved protection. Shortage of financial resources and funds was one of the obstacles in the previous work and engagement of civil society organization in activities to provide support to international protection seekers, asylum seekers and migrants. Sufficient funds would provide organizations with the opportunity to properly prepare their own capacities and ensure conditions for the provision of support.

Current **health system** properly meets urgent needs of persons seeking international protection in Montenegro. Given that the existing health system is responsible to provide health services, and reception system has its own employees for providing medical assistance; the RCM provides First Aid in the alternative accommodation or outside of the reception center, if needed. Besides, the RCM is in charge of transportation of migrants to hospitals and health centers and procurement of medicines.

The law also provides for one-time financial assistance, however, most of these requests are not realized due to the lengthy procedure and the fact that the largest number of asylum seekers leave Montenegro very quickly (7 to 10 days), so that services provided to these persons are mainly those referring to urgent medical or humanitarian nature.

### Allocation of the funds for the services

There are no budget funds strategically allocated by the government to civil society organizations for providing services for migrants. Currently, support for projects in this area is largely provided by the European Union in Montenegro, UNHCR, IOM and GIZ. According to the data of the Annual Law on Budget for 2018, the amount 624.766 euros was granted to Asylum center, while in 2019 this amount is 1.323.155 euros (the Annual Law on Budget for 2019). The same annual laws on budget predicted the amount of 174.500 euros in 2018, and the amount of 195.545 euros in 2019 for the work of the Office for refugees. National Office for Combating Human Trafficking was granted with the amount of 155.000 euros for 2019 according to the Annual Law on Budget for 2019.

In 2018, some 4 570 people declared their intention to seek asylum, 3 127 of which subsequently lodged an asylum request. This represents a 268% increase compared with 2017. The reception capacity stands now at 304 beds in total, including 104 in the Centre for asylum seekers in Spuž and 200 in the alternative facility.

According to the published data from Ministry of Interior, during 2018, out of 4,570 persons half of them were placed in the Centre for the reception in Spuž (2,424 persons) and the other half in alternative accommodation (2,146 persons), mainly for short stays of one week. On average, the number of people to be accommodated daily was between 130-140. The costs incurred by the state budget for asylum exceeded EUR 1 million and represented a five-fold increase compared with 2017 (Shadow report for Montenegro in regard to screening of Chapter 19- Social Policy and Employment and Chapter 24- Justice, Freedom and Security, SOS Podgorica).

Due to the small capacity of the Centre for the reception, the amount for paying the alternative accommodation was 382.000 euros, while the amount just for the first 4 months in 2019 was 400.000 euros, and there is still a debt of 145.000 euros. According to the estimation of the Ministry of Interior, till the end of 2019, alternative accommodation will cost the Government of Montenegro additional 850.000 euros. Those amounts refer just for the accommodation, not for the costs of food and costs for meals in the Centre for the reception in Spuž. Amount for food in this Centre for 2018 was 78.500 euros, while the meals for the first 4 months in 2019 cost 32.500 euros. Costs for electricity for the Centre in 2018 were 42.000 euros.

In 2018, UNHCR donated 99.320 euros worth of NFIs, including clothing, footwear, hygiene items and baby items to the Asylum Centre. Also, funding the reception system is mostly depending on external support from international organizations (UNHCR and IOM) which fill critical gaps from security to accommodation, health care, clothes and hygienic items and psycho-social support. In addition, in 2018, UNHCR donated 66.000 euros worth of emergency response equipment to the Directorate for Emergency Situations and the Red Cross of Montenegro. The Directorate was provided with 3.200 thermal blankets, 1.200 foam mattresses, 130 plastic tarpaulins, 70 sleeping bags and 4 large plastic tarpaulins. The Red Cross of Montenegro received blankets, sleeping bags, foam mattresses, plastic tarpaulins, beds, tables and chairs (UNHCR, Montenegro 2018 Factsheet).

## Solutions and tasks needed to be completed to close this gap

### HARMONIZATION OF LEGISLATION AND ITS MONITORING

- Further harmonization of the legislative framework, and the development of by-laws, regulations and procedures
- Continuous monitoring of legislative framework enforcement and defining weaknesses need to be addressed with amendments
- Promotion of a gender-sensitive approach to migration in the legislative framework and practice
- Defining special measures for protection of the vulnerable groups – children, women victims of violence, victims or potential victims of human trafficking, single parents, elderly
- Develop mechanisms for identification of unaccompanied minors

### INVOLVING CSOs AS SERVICE PROVIDERS

- Identifying CSOs able to provide services and support to migrants, international protection seekers and persons with granted protection
- Strengthening capacities of CSOs to license their services

- Allocate financial resources for the provision of services by CSOs to all beneficiaries in migration
- Promote services provided by CSOs
- Ensure timely access of vulnerable migrant groups with CSOs
- Promote a holistic approach in strengthening refugees' self-reliance

#### ESTABLISH COOPERATION OF ALL RELEVANT ACTORS AT NATIONAL LEVEL

- Improve the cooperation of all relevant bodies and institutions, international and domestic organizations, CSOs by clearly defining responsibilities and signing memorandums on cooperation
- Develop unique data base for monitoring migration flows and identifying vulnerable categories
- Assume leading role in improving coordination among stakeholders in the sector of refugee integration

#### STRENGTHENING RESPONSE TO MIGRATION AT MUNICIPAL LEVEL

- Establish local multidisciplinary teams consisted of all local relevant actors for the asylum system and work to strengthen their capacities and develop referral mechanisms
- Use participatory approach in creating services designed to support migrants/asylum seekers/ persons with approved protection (involving all relevant actors and users at the first place)
- Prepare local action plan and allocate resources to work with beneficiary categories
- Provide support to local CSOs working as service providers
- Involve, sensitize and involve more legal representatives in order to provide legal help for regulating legal status

#### ADDITIONAL TRAINING PROGRAMS FOR STATE AND CSO SERVICE PROVIDERS

- Develop and implement training programs on the gender component of asylum in accordance with the Istanbul Convention
- Develop and provide training programs on work with vulnerable groups of migrants/asylum seekers/persons with approved protection
- Conduct joint training of all relevant actors at municipal level in order familiarize them with each other responsibilities
- Raising awareness within relevant state institutions and departments responsible for the provision of support and access to rights from relevant fields both at national and local level



- Conduct regular joint training of police officers in charge of working with asylum seekers, in particular border police officers, airport officials and representatives of misdemeanour bodies, to enhance knowledge of international humanitarian law standards and the recognition of the need for asylum protection

#### BREAKING PREJUDICES AND XENOPHOBIA

- Conduct researches to examine and monitor public opinion on migrants
- Use research results to define and create measures of prevention of social intolerance and possible conflicts
- Support educational programs in school and community (formal and non-formal) focusing on the development of intercultural dialogue and the enhancement of intercultural competences

#### IMPROVING LIVING AND HEALTH CONDITION IN ACCOMMODATION

- Establish Centre for reception on the north, in Pljevlja, and adjust abandon military capacities
- Improve living conditions in existing accommodation through education of users on hygiene issues, risk on possible transmitted diseases
- Identify gaps and create solutions to ensure effective access to rights and services (employment, equitable quality education, social care and psychosocial support, including in gender-based violence/GBV cases);

## SERBIA

In the past three decades, Serbia was faced with a turbulent migration flows which started in the nineties with arrival of refugees from the former Yugoslavia and internally displaced persons from AP Kosovo and Metohija, while, in the same time, a large number of citizens emigrated to the countries of Western Europe and North America. According to UNHCR data, Serbia hosts over 26,200 refugees and 198,500 IDPs from the ex-Yugoslavia region and some 1,950 persons at risk of statelessness (UNHCR Serbia<sup>106</sup>). On a top of that, in the past 5 years, Serbia is faced with migrants, refugees and asylum seekers from countries in Asia and Africa, irregular migrants and returnees under the Readmission Agreement. On average, 30,000 to 40,000 migrants cross into Serbia each year: the migrants travel from central Asia and the Middle East along the Balkan route to reach western European countries. Almost all of

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<sup>106</sup> UNHCR Serbia: <http://www.unhcr.rs/en/>

migrants and refugees currently residing in Serbia want to continue their journey to EU. During the peak of the migrant crisis in 2015-2016, over one million migrants travelled through Serbia on their way to Western Europe. Serbia is the main corridor for people traveling from North Macedonia and Bulgaria to Bosnia and Herzegovina and recently the new route has been established through Albania and Kosovo. Serbia's role has mainly been that of transit country; nevertheless, the migration flows have placed a humanitarian and financial strain on its asylum system.

According to the UNHCR data, in 2019, a significant number of newly arrived migrants are unaccompanied and separated children and young adults, especially from Pakistan, Afghanistan and from Arab countries. According to UNCHR data, from January to July 2019, 15% of arrivals out of total number of migrants arrived in Serbia are unaccompanied/separated children (UNHCR Serbia Snapshot - July 2019). Data for 2019 compiled by UNHCR and partners shows that they identified, assisted, counselled and/or referred over 3,800 UASC and provided guardians to 1,358 UASC (UNHCR, Quantitative Snapshot of UNHCR Serbia Achievements 2019). According to the UNHCR data, a total of 7950 new refugees and migrants were present on the territory of the Republic of Serbia at the end of October 2020. The number of observed arrivals is 2703 (80% arrived from North Macedonia, 8% Albania, 5% Bulgaria, and smaller numbers from Bosnia and Herzegovina, Montenegro, Hungary), including 279 unaccompanied and separated children (UASC). Nevertheless, according to the UNHCR data for the period January – November 2020, 24180 new refugees and migrants have been observed to have arrived in Serbia. Regarding the accommodation facilitates the total number of active accommodation capacities remained the same (16), but their locations changed. While in March there were active reception centres in Bujanovac and, as well as a reception and transit centre in Miratovac, since June the total occupancy of their accommodation capacities is zero. In addition, the reception centre "Divljana" was reactivated in April. Pirot was reactivated in March. The number of residents in Asylum or Reception/Transit Centers, again increased to 6,938 at the end of the November 2020. They comprised 3,217 citizens of Afghanistan, 1,526 of Syria, 382 of Pakistan, 322 of Bangladesh, 291 of Morocco and 1,200 from 48 other countries. 5,984 are adult men, 272 adult women and 682 children, including 259 UASC. They enter through illegal ways and travel irregularly. Also, they take no legal procedure which makes them even more vulnerable since they are not familiar with information on the procedure, opportunities and possibilities opened for migrants in Serbia, so they are exposed to various risks while trying to reach Western Europe. Due to the closure of borders along the Western Balkan route, these risks are even bigger.

### Existing services

The national response to the crisis of mass influx of migrants in 2015 is outlined in the Government's Response Plan in Case of Mass Influx of Migrants with following key measures:

border protection, reception facilities and registration, health care provision and securing public health, WASH, humanitarian NFI assistance, caring for unaccompanied minors, ensuring public order and providing migrants with information about the asylum procedure. The need to provide special assistance for particularly vulnerable categories of migrants is recognized (Government of Republic of Serbia, Response Plan in Case of Mass Influx of Migrants).

By opening Chapter 24 in July 2016, Serbia committed itself to aligning its practices with the EU's in the area of justice, freedom and security, including issues related to compliance as regards asylum and migration and during 2018, three new laws were adopted in order to improve the area of asylum and migration: the Law on Asylum and Temporary Protection (LATP), the Law on Foreigners, and the Law on Border Control, and secondary legislation. Furthermore, the National Strategy for Combating Irregular Migration 2018-2020 was adopted the same year. In 2019 the Law on employment of foreigners and the Law on foreigners, which are relevant for the asylum seekers, were amended (Zakon o izmenama i dopunama Zakona o zapošljavanju stranaca, "Sl. glasnik RS", br. 31/2019; Zakon o strancima, "Sl. glasnik RS", br. 24/2018 i 31/2019). The same year, Serbia signed Status agreement between the European Union and the Republic of Serbia on actions carried out by the European border and coast guard agency in the Republic of Serbia (January 21<sup>st</sup>, 2019). For unaccompanied minors, the Family Law is important, then for victims of domestic violence, the Law on the Prohibition of Domestic Violence is important, which expanded the measures that can be taken against the perpetrator and introduced a number of novelties. The Law on Free Legal Aid has been in force since October 2019. Its implementation is important because non-governmental organizations can provide free legal aid in the field of asylum and discrimination. Laws that regulate education are also important for education, but that is not the subject of this study.

According to **the Law on Social Protection (Official Gazette, no. 24/2011)**, migrants are entitled to social protection services to the same extent as the citizens of Serbia: beneficiaries of the social protection services can be, besides citizens of Serbia, persons with other citizenship or stateless persons (Article 6) in line with the law and international agreements. The regulations on social welfare for persons seeking asylum or who have been granted asylum are within the jurisdiction of the Ministry of Labour, Employment, Veteran and Social Issues, which has enacted a Rulebook on Social Welfare for Persons Seeking or Granted Asylum. According to the Rulebook, persons seeking or granted asylum may receive monthly financial aid if they are not housed in an asylum centre and if they and their family members do not receive an income or that income is lower than the threshold required by the Rulebook. Therefore, this Rulebook only provides social welfare to persons residing in private accommodation, which is counterintuitive as persons staying in such accommodation usually do not require social welfare in the first place (Rulebook on Social Welfare for Persons Seeking or Granted Asylum, Official Gazette no. 44/2008).

Those services are provided to migrants and asylum-seekers through work of state institutions as well as with international and national organizations.

State institutions, international and national organizations provide refugees and asylum-seekers in Serbia with the following services (UNHCR<sup>107</sup>):

- Information on asylum procedures and refugee status determination;
- Reception and accommodation;
- Food distribution;
- Medical assistance;
- Legal counselling and assistance;
- Psychological and psychiatric counselling;
- Educational activities and counselling related to integration;
- Provision of Serbian language classes and vocational trainings;
- Interpretation during medical and legal proceedings;
- Assistance in search for job and/or accommodation;
- Assisted Voluntary Return to the country of origin.

## A. State institutions

The area of migration management is in its nature multi-sectoral and different aspects of migration can be found under the competencies of different ministries and other government agencies. The Ministry of the Interior (MoI) and Commissariat for Refugees and Migration (CRM) have the broadest scope of tasks in migration management. The other responsibilities for migration management are shared among ministries in charge of social affairs, foreign affairs, justice, defence, health, etc. At the state level, there is the Coordination Body for Migration Monitoring and Management to unite their work.

**The Coordination Body for Migration Monitoring and Management**, as intergovernmental body, is in charge for coordination between state institutions at the national level. This Coordination Body is responsible for giving guidance to the work of ministries and special organizations, defining the objectives and priorities of migration policy, as well as monitoring and management migration at the national level.

**Ministry of Interior**, within the scope of work of **Border police**, **Service for Foreigners' Affairs** and **Police**, has the key responsibility to control the border and movement and stay of foreigners, including asylum procedures. In order to protect refugees and migrants while in Serbia, police officers are in charge of their security (life and personal protection, violence prevention, human trafficking, etc.), as well as the maintenance of public order and peace.

**The Asylum Office**, in charge for procedure of asylum seeking, is in the competence of the Ministry of interior. According to the law, migrants are allowed to seek asylum at any police station all over Serbia, in the detention center, at the border or in any official interaction with the police. Police officers are often the first people with whom migrants come into contact and police officers are in charge for registering migrants. During the registering procedure, a migrant has the right to seek asylum and he/she gets a certificate as proof of expression of an

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<sup>107</sup> UNHCR, <https://help.unhcr.org/serbia/where-to-seek-help/>

intention to apply for asylum. In that case, a migrant has the right, within the next 72 hours, to get to one of the centers for asylum seekers, where they are registered. After 15 days from the date of registration, and in the event that the Asylum Office does not delay the submission of an application for asylum, it leaves the registered person eight days to submit an application for asylum independently, in writing, on the prescribed form, and submit it to the Asylum Office. Only by applying for asylum does the status of an asylum seeker within the meaning of the Law on Asylum and Temporary Protection be acquired.

Having this, so called 72-hours-paper, enables asylum seekers to be accommodated in one of the respective asylum/transit/reception centers, or in any private accommodation (upon request) and medical care (beyond just the emergency life-saving health care interventions reserved for irregular migrants). The Asylum Office must decide on the application within 3 months of its submission, during which time one or more hearings are held to establish all of the facts and circumstances relevant to rendering a decision. This deadline may be extended to up to 9 months.

Procedure for unaccompanied children (UASC) - person under 18 who are not accompanied by their parents or by adults who by law or custom have responsibility to do so, are assigned a temporary guardian immediately after it has been established that the child is unaccompanied/separated. Unaccompanied children can express oral intention to seek asylum, but until the social welfare center does not appoints a temporary legal guardian, the formal request cannot be submitted. The guardian assists UASC with: accommodation, medical and psychological care, school, tracing his/her family, etc. Asylum procedures on applications submitted by children are no different than for those submitted by adults that represent a serious issue of concern in practice. After submitting the asylum application, the child is assigned a legal representative who manages the case, and in cooperation with the child's legal guardian, prepares the child for the interview with the Asylum Office.

**Police Directorate**, specialized units have been formed for combating irregular migration, with the Border Police Directorate, Regional Border Police Centers, Criminal Investigation Police Directorate – SBPOK (Unit for Combating Organized Crime), Belgrade Police Department – Directorate for Foreigners and Regional Police Departments. Serbia and EU signed agreement on actions carried out by the European border and coast guard agency in the Republic of Serbia in January 2019. This agreement is crucial for management of the common borders and Frontex is able to coordinate operational cooperation of the EU member states and Serbia.

Moreover, The Ministry of Interior and **Republic Public Prosecutor's Office** signed a Memorandum of Understanding in the area of combating human smuggling. The aim of MoU is to establish more efficient cooperation between the police and the prosecutor's office to suppress human smuggling, conduct investigations and intensify information-sharing with police services in the region and EUROPOL. Based on this MoU, the **Task Force on Combating Human Smuggling** was established.

**Commissariat for Refugees and Migrations (CRM):** is a public agency with responsibility to manage all areas of migration policy in the Republic of Serbia and its main job is to deal with professional and other activities related to protection, registration, disposal, return and integration of refugees and migrants (<http://www.kirs.gov.rs/>). Established in 1992, as a separate organization within the public system, Commissariat for Refugees formed by the Law on refugees<sup>108</sup>, with the adoption of the Law on migration management (RS Official Gazette, no. 107/12) continues to work as the **Commissariat for Refugees and Migration in accordance with both laws**. In accordance with mentioned law, it performs following tasks: proposing to the Government about the goals and priorities of migration policy; proposing to the Government measures to achieve the positive effects of legal migration and combating illegal migration; monitoring the implementation of migration policy; providing the state government, autonomous regions and local government data relevant to the development of strategic documents in the field of migration; proposing projects in the field of migration management within the scope of their work and the preparation of the annual report to the Government on the situation in the field of migration management. Furthermore, CRM performs these tasks as well: collecting, integration and analysing data and indicators for migration management; reporting on immigration and emigration; development and regular updating of the migration profile of the Republic of Serbia to establish a unified system for collecting, organizing and sharing information; establishing cooperation with the members of European migration network; training of persons engaged in activities relevant to migration management; ensuring the availability of information relevant to migration issues, as well as other duties specified by law (article 9 of the Law on migration management). Commissariat cooperates with the Red Cross organization, humanitarian, religious and other organizations, associations and individuals. At the local level, CRM operates through local branch offices and at the local level cooperates with Local migration councils (consisted of representatives from the field of social work, employment, health and education).

**Asylum and reception/transit centers:** managed by the Serbian Commissariat for Refugees and Migration (SCRM) and provide accommodation, food and other basic services to asylum-seekers and refugees. Since the great influx of refugees during 2014-2015, in addition to regular centers for accommodation of asylum seekers, new temporary centres for the accommodation have also been opened. In order to enter an Asylum Centre or a Reception/Transit Centre migrants must have a valid Certificate on Intention to Seek Asylum (the ISAC) or a valid Asylum-Seeker's Card which are issued by Asylum Office. CRM is managing a total of 19 transit, reception, and asylum centers throughout the country, but according to UNCHR data, two RC are currently closed (In 2012, Serbia had two reception centers; in 2016

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<sup>108</sup> The 1992 Refugee Law, which applied only to refugees from the former Yugoslavia, provided specifically for the protection of "personal property and other rights and freedoms of the refugees, and provide for their protection under international law, in the manner set for its own citizens." Refugees from Croatia and Bosnia and Herzegovina enjoyed the protection of national labor laws but asylum seekers and mandate refugees did not. (Source: <https://www.refworld.org/docid/485f50d0c.html> )

there were six, and in 2019 there are 17 operating governmental reception centers for asylum seekers and migrants). Out of these 17, there are five asylum centers in Krnjača, Sjenica, Bogovađa, Tutin, and Banja Koviljača; five transit centres in Adaševci, Šid, Principovac, Sombor, and Subotica; five reception centers in Preševo, Obrenovac, Bujanovac, Divljana, and Bosilegrad; and two reception-transit centers in Pirot and Dimitrovgrad (CRM, <http://www.kirs.gov.rs/articles/aboutus>). Each asylum and reception/transit center has a set of defined rules and obligations that each resident must comply with. The accommodation facilities are situated in border areas near North Macedonia, Hungary and Croatia, where the refugee and migrant flow has been most intense. There is a total of around 6,140 available accommodation spots (long term capacity), with a possibility to expand by additional 1,120 short-term capacities.

Number of active accommodation capacities corresponds to the number of migrants present at the territory - the number of asylum seekers and migrants counted at any one day again grew to 5,833 in December, nearing the figure of 6,000 (UNHCR, Centre profiles Serbia, 2019). In February 2020, there were 5,697 persons accommodated in 17 reception/transit centers: 4,558 males, 302 females and 837 children, out of which there were 429 UASC. However, capacity continues to be insufficient and people often end up in open spaces, like parks or surrounding the camps or the border areas.

In regard to the accommodation of unaccompanied and separated children (UASC), the Ministry of Labor, Employment, Veteran and Social Policy in April 2019 brought mandatory instructions for centers for social work and other institutions of social protection for its placement in specialized institutions. UASCs more aged than 14 are currently hosted in Asylum Centre (AC) Bogovadja and AC Sjenica, run by SCRM. In contrast, UASC under the age of 14 are accommodated within the social protection welfare system Centre in Belgrade (Zmaj and Vodovodska), Centre in Nis, and Integration House run by Jesuit Refugee Service. However, certain developments have been made in securing a safe house for migrant children survivors of violence and trafficking. Children under the age of 14 are accommodated in two facilities located in Belgrade and one in Loznica. Nevertheless, competent authorities need to make additional efforts to provide adequate housing for UASC. Besides, in 2016, as a result of the strategic cooperation between the Ministry of Labour, Employment, Veteran and Social Policy, UNICEF and IDEAS, the Standard operation procedures for protection of refugee/migrant children are established and are basis for coordinated acting of all participants in the process of providing support and identification of endangered refugee/migrant children. In the period 2018-2019, 2229 unaccompanied children used the guardianship services provided by IDEAS with the support of UNHCR. From 2019, caregivers began to provide basic psychosocial support to children to cope with everyday challenges. The results of the project led to it being recognized as a good practice in the field of child protection by UNHCR in Europe for 2017-2018, as well as by the Council of Europe in 2019 as part of the analysis of child-friendly approaches in the field of migration. The project was recognized as a good practice by the Ministry of Labour, Employment, Veterans and Social Affairs, which adopted the developed

model as a model of guardianship to be funded in the period 2020-2021 through EU support, with the aim of introducing guardianship for refugee / migrant children. into the system of financing from the state budget from 2021.

**Ministry of Labour, Employment, Veteran and Social Policy** is responsible for the social protection system, anti-discrimination policy, the system of family protection, obtaining the rights and integration of refugees and displaced persons, returnees under readmission agreements, protection of migrants and unaccompanied children. The competencies of this Ministry are significant in the domain of protection of unaccompanied minors or minors separated from parents or legal guardians.

**Centers for social work**, under the Ministry of Labour, as the key institution in the social protection system, provide social protection services to all registered migrants, equally as it should do for citizens of Serbia. Foreign citizens and non-citizens as beneficiaries of social rights can be unaccompanied children, adults and senior citizens who are “in need of social welfare” and victims of trafficking. They are granted with the right to information relevant to the determination of their social needs, as well as how those needs can be met; the right to participate in the assessment of their condition and in decisions relating to the selection and acceptance of services; the right to confidentiality and privacy in the provision of services; the right to complain (Articles 34-39 of the Law on Social Protection). CSW are responsible for protecting the interests and rights of children in all situations where they can be endangered, as well as for protection of victims of domestic violence and adults and the elderly who are unable to live in their family and are not able to make decisions about themselves. There are no specialized bodies or authorities in the social care system of Serbia which would handle only unaccompanied migrant and refugee children, but there are institutions providing accommodation to vulnerable group within migrant population:

- Based on Regulation on the Network of Social Protection, Official Gazette of RS, no. 16/12, reception of unaccompanied minor foreigners is performed at the Institute for Education of Children and Adolescents “Vasa Stajić” in Belgrade and the Institute for Youth Education in Niš, as well as the Home for Children and Youth with Developmental Disabilities “Kolevka” in Subotica and the Centre for the Protection of Infants, Children and Youth in Belgrade, as well as one NGO-run in Loznica. At the beginning of May in 2017, Jesuit Refugee Service opens Integrating house according to MoU with Ministry of Labour, Employment, Veteran and Social Policy, City Center for Social Work and Center for protection of human trafficking with the aim to accommodate unaccompanied minors, under the age of 14 years, in Belgrade.
- Shelters for women victims of violence (domestic and partner violence) as a specialized service with accommodation for up to six months, and other support activities (legal support, assistance in education and employment...).
- Centers for foster care and adoption are social welfare institutions dealing with the protection of children through foster care, but still applied to significantly small number of migrant children.



- Centre for the protection of victims of trafficking is an institution of social protection that performs assessment of the situation, needs, strengths and risks of human trafficking victims, performs identification and provide adequate assistance and support to victims of trafficking for their recovery and reintegration.

**Ministry of Education, Science and Technological Development** is a key player in the area of the right to education of refugees and migrants within the all levels of education (pre-school education, primary, secondary and higher education, as well as adult education). Asylum seekers have the right to free primary and secondary education. With joint efforts of this ministry, UNICEF, CRM and other international and non-governmental organizations, asylum-seeking children are included in mainstream education in line with the regulations governing mandatory attendance of primary schools for all the children irrespective of their status or the status of their parents.

**Ministry of Health:** all foreign citizens, stateless persons, asylum seekers, persons who have been granted refugee status or subsidiary protection, persons who are permanently settled, temporarily residing or transiting through the territory of the Republic of Serbia have the right to primary health care free of charge and the funds for these services are provided from the budget (according to Article 3 of the Law on Health Protection). Irregular migrants are only eligible for urgent medical care.

**Local self-government units** have a significant role in integration of migrants and in exercising their rights. At the local level, municipalities and cities have formally established the Council for migrations. These councils perform activities related to monitoring and reporting to CRM in the territory of the autonomous province and local self-government. Where councils are not operating, their role related to migrants and refugees are performed by trustee of the CRM.

**In the area of the prevention of irregular migration, the following bodies have a significant role:**

- Coordination Body for Migration Monitoring and Management is in charge of directing the work of the ministries and special organizations for the purpose of defining migration policy objectives and priorities and monitoring and managing migration;
- Council for Combating Trafficking in Human Beings;
- Centre for Human Trafficking Victims Protection, operating as social protection institution;
- Commission for monitoring the visa-free travel scheme in the European Union is in charge of reviewing issues related to the increase in the number of obviously ungrounded asylum application submitted by Serbian citizens in EU countries. in European Union countries coming from the territory of the Republic of Serbia and proposing to the Government considerations and decisions in relation to the measures directed at the reduction of the number of false asylum applications;
- Council for Integration of Returnees under the Readmission Agreement.

## B. International organizations

International organizations operating in Serbia provide support to relevant stakeholders. UN agencies and IOM are leading organizations supporting the work of the governmental bodies.

**The UN Country Team (UNCT)**<sup>109</sup> in the Republic of Serbia currently comprises 19 UN Agencies, Funds and Programs, both resident and non-resident who work together to advance national development priorities in line with the Agenda 2030 and 17 Sustainable Development Goals. All relevant actors in the field of support to migrants cooperate with a mechanism for the coordination of the UN System in Serbia which deals with crisis: **UN Theme Group on Refugees**. This Thematic Group coordinates the work of the sectoral working groups headed by the Government:

- Working Group for the Protection of Refugees (co-chaired by the Ministry of Labour, Employment, and Social Welfare and UNHCR);
- Working Group for accommodation/NFI/WASH (co-chaired by the CRM, Ministry of Labour, employment and social welfare and UNHCR);
- Working group for health care/ food/nutrition (co-chaired by the Ministry of Health and the World Health Organization);
- Working Group to support local communities (co-chaired by the Ministry for Local Government and UNDP).

**The UN Refugee Agency (UNHCR)**<sup>110</sup>, office in Serbia, agency that is mandated to lead and coordinate international action for the protection of refugees and resolve refugee problems worldwide (mainly in the area of protecting the rights and welfare of refugees, as well as in terms of providing durable solutions for refugees), supports the Government of Serbia in strengthening the national asylum system and protection-sensitive migration management in line with applicable global and regional treaties and standards. Together with partners assist due access to asylum procedures and public services, intervene in child protection as well as SGBV prevention and response in some 30 sites across the country, also together with partners assist a sustainable integration of recognized refugees through free legal aid, financial, education and employment support; supports legal aid and advocates for solutions for persons displaced within the region and, together with the OSCE, monitors beneficiary selection of the Regional Refugee Housing Program (RHP). UNHCR supports authorities and civil society in creating systemic solutions to persons lacking birth registration and personal documentation and other actions to end statelessness in Serbia. Operationalizing the Global Compact for Refugees, UNHCR Serbia works closely with the Government, UN and development partners, international financial institutions and other stakeholders to secure

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<sup>109</sup> UNCT, <https://serbia.un.org/en>

<sup>110</sup> UNHCR, <http://www.unhcr.rs/en/>

the inclusion and improvement of the situation of persons of concern in the nationalization of sustainable development goals, the UNSDCF for Serbia and other developmental processes. UNHCR Serbia enjoys regular cross-border cooperation with UNHCR teams in neighboring countries, including Bosnia and Herzegovina, Bulgaria, Croatia, North Macedonia, Hungary, Montenegro and Romania. In Serbia, UNHCR supports civil society organizations that provide direct assistance to migrants.

**United Nations Children's Fund Serbia**<sup>111</sup> in regard to refugee and migrant response has 4 core strategic priorities: **Child protection** (focuses on the overall well-being of all refugee and migrant children: i) identifying the most vulnerable and at risk; ii) referring them to social workers and further specialized care; iii) enhancing competences of all service providers for quality and timely care; and iv) providing meaningful services to UASC); **Gender-based violence** (implements dedicated programming on gender-based violence (GBV) in emergencies; establishing safe spaces for women and girls, and documenting good practices to ensure that women and girls are at the center of GBV prevention and response interventions); **Education** (supports school administrations, local institutions and partners to enrol and promote regular attendance of refugee and migrant children in Serbian schools, and promotes non-formal education activities. In 2019, dedicated efforts are being made in evaluating learning outcomes, engaging parents, and ensuring secondary school enrolment and retention, especially for UASC and girls); and **Health and nutrition** (supports nutrition and health services to mothers and babies through Mother and Baby Corners, and plays a pivotal role in providing technical support on nutrition and early childhood development to other institutions and actors).

**The IOM Mission in Belgrade**<sup>112</sup>, established in 1992 and became an IOM Member State in 2001, since its establishment is following the needs and priorities of the Government of Serbia and, in close partnership and coordination with the Ministry of Interior of Serbia and Commissariat for Refugees, IOM Serbia has supported Government efforts in managing migration challenges. Its activities include post-emergency humanitarian assistance programs, psychosocial support, transition and recovery support, counter-trafficking, assisted voluntary return, compensation programs, durable solutions for refugees and Internally Displaced Persons (IDPs), capacity building in migration management, labour migration, and migration and development.

**Danish Refugee Council Serbia (DRC Serbia)**<sup>113</sup> is engaged in shelter and WASH interventions aiming at improving reception conditions in asylum centers and various recently opened reception and transit centers in the country, protection, including child protection, information dissemination, health assistance, provision of food and SGBV i child protection.

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<sup>111</sup> UNICEF Serbia, <https://www.unicef.org/serbia/en/refugee-and-migrant-crisis>

<sup>112</sup> IOM Serbia, <https://serbia.iom.int/>

<sup>113</sup> DRC, <https://drc.ngo/where-we-work/europe/serbia>

**International Aid Network (IAN)**<sup>114</sup> has its aim to take care of mental health state and provides psychological support to migrants.

**ADRA (global humanitarian organization of Christian Adventists)**<sup>115</sup> through partnership with local communities, organizations and local governments manages to influence the quality of life for many through the work in the following areas: operation in accidents, social justice, economic empowerment and prevention of gender-based violence. In regard to migrants, ADRA provides educational workshops for women in Belgrade.

**Jesuit Refugee Service (JRS)**<sup>116</sup> is a non-profit Catholic humanitarian organization which runs Integrating house for unaccompanied minors, under the age of 14 years, in Belgrade. It has a small capacity - up to 20 places and mainly places minors identified as victims of sexual abuse, exploitation, smuggling, potential victims of trafficking, or those who are just too small to be anywhere else.

In addition to UN agencies, protection of refugees and migrants and particularly vulnerable groups within this population, in the last couple of years are concern of **active international organizations**: Save the Children, International Rescue Committee, Catholic Relief Services, Médecins Sans Frontières, Médecins du Monde, Real Medicine Foundation, OXFAM International, Caritas, CARE International, ASB and many others.

### **C. Civil Society Organizations in Serbia**

The state-based institutions and the Commissariat for Refugees and Migration of the Republic of Serbia as important institutions are giving a systematic approach to the overall integration process through various programs and activities, but CSOs are filling a lot of gaps that become visible in practice: provision of many forms of support to vulnerable migrant groups and their families; organize community activities; strengthening capacities of representatives of institutions and local governments to create the appropriate program for the reception and protection of migrants (trainings for public sector employees providing support to migrants), as well as training for representatives of other CSOs working with migrants; the provision of cultural mediation; provision of alternative accommodation; organization of workshops and activities of psychosocial support to migrants; the implementation of the program protection of specific groups of migrants (unaccompanied minors, victims of domestic violence, victims of trafficking, etc.). Migrants are informed about their rights by civil society organizations, as well as represented before public institutions, free of charge. CSOs are providing educational support regarding the formal school system and focusing on support for children in terms of their preparation for inclusion into schools. Also, CSO provide informal learning for children and do consulting of the parents of migrant children regarding the children's school needs and specialized training of teachers about migrants, their needs, and culture. Having in mind stated

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<sup>114</sup> IAN, <https://ian.org.rs/>

<sup>115</sup> ADRA, <https://www.adventisti.net/institucije/adra/>

<sup>116</sup> Jesuit Refugee Service, <http://jrs.rs/pedro-aruppe-house-by-laszlo-koval/>

above, it is clear that civil society organizations are holders of many initiatives and projects related to the protection of refugees and migrants in Serbia, but the most important of all are **provision of information and concrete social services to migrants and asylum seekers.**

**There are 3 main areas of work of CSOs: dealing with the issues and challenges of unaccompanied minors; protection of children victims of trafficking; protection of GBV victims.** Thanks to its experience in work with different types of vulnerable groups, civil society organizations are taking an increasingly important role in the delivery of social services to migrants. In cooperation with centers for social work, many CSOs are working in order to provide protection of unaccompanied minors and women at risk of violence. CSOs, specialized in the provision of psychosocial support, thanks to professional and experienced staff, are predominantly providing this type of service in regard to state institutions (Šunderić, Ž. Vodič za upućivanje i pružanje socijalnih usluga migrantima u Republici Srbiji).

Some of the CSOs active in the field of providing services to migrants and asylum seekers:

**Red Cross of Serbia** has been active in the areas of distributing humanitarian aid, finding family members, providing technical and logistic support, as well as informing the public and professionals about current challenges.

**ASTRA**<sup>117</sup> is dedicated to the eradication of all forms of trafficking, especially women and children, founded in 2000 and is the first organization to address the problem of human trafficking in Serbia. As a leader in the field of combating human trafficking in Serbia, ASTRA, since its establishment, is dealing with the problem of irregular migration, i.e. treats different forms of trafficking and different categories of victims - women, children and men.

**Autonomous Women's Center**<sup>118</sup> is an organization that is already 25 years engaged in providing direct support to women victims of all forms of gender-based violence. As a member of the European Women's Lobby and WAVE - Network of women's organizations in Europe, the Autonomous Women's Center advocates for a better position and treatment of women refugees and migrants, not only in Serbia but in the whole of the European continent, pointing to the particular problems faced during their migrant route.

**Group 484**<sup>119</sup>, primarily established as an organization that provides humanitarian, psychosocial, legal and informative assistance to refugees and internally displaced persons, more than a decade is working on a systematic approach to the issue of forced migration and migration in general. **Research and Advocacy Unit Centre for Migration (CEMI)** is established within the Group 484. CEMI, through the presentation of key research results, promotes and advocates for changes in public policies; contributes to the understanding of migration in the context of social development, as well as the inclusion of vulnerable migrant groups in the community. The Center promotes understanding of different forms of migration flows in

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<sup>117</sup> ASTRA, <https://www.astra.rs/>

<sup>118</sup> AWC, <https://www.womenngo.org.rs/>

<sup>119</sup> Group 484, [www.grupa484.org.rs](http://www.grupa484.org.rs)

Serbia, in the context of regional and global migration trends, participate in the creation of migration policy.

**Atina**<sup>120</sup> may, if necessary, provide support and accommodation to potential victims of trafficking.

**Belgrade Centre for Human Rights (BCHR)**<sup>121</sup>, a partner of the UNHCR since 2012, as non-profit organization interested in improving the theory and practice of human rights, performs following activities in regard to migrants and asylum seekers: research, reporting on human rights, and the most important - legal assistance to asylum seekers. Lawyers of the BCHR explain asylum-seekers their rights and obligations and represent them before appropriate authorities or courts.

**Praxis**<sup>122</sup> deals with the protection of human rights by providing legal protection and advocacy for the removal of systemic barriers in accessing rights. Praxis works in the field of status and socio-economic rights, anti-discrimination, gender equality, migration, child rights and public administration reform.

**Novi Sad Humanitarian Centre via the Terre des hommes Foundation (TDH)**<sup>123</sup> and **UNICEF** has provided significant support to the most vulnerable migrants - children and their families, especially through the corner for mothers and babies where migrant children and mothers can get a clean and safe space for relaxation, dressing, bathing baby, to rest and sleep; clean sheets and towels; help to mothers with the children while they rest or use other services; leisure and recreational activities (creative and educational workshops, educational activities for women and men); food aid for the most vulnerable (croissants, UHT milk, water); assistance in hygiene products for children and mothers; psychological first aid for traumatized children, mothers and adolescents et.

**Crisis Response and Policy Center (CRPC)**<sup>124</sup> deals with the promotion and protection of human rights and human rights education, with activities especially dedicated to the protection of vulnerable individuals and groups, their identification, assessment of needs and advocating for their rights.

**Humanitarian Centre for Integration and Tolerance (HCIT)**<sup>125</sup>, since 1999 has a status of an executive partner of the UNHCR in providing legal protection and help to refugees, and since 2012 to asylum seekers in Serbia and provides information on asylum procedures and refugee status determination. HCIT has also become a legal aid provider to asylum seekers.

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<sup>120</sup> Atina - <http://www.atina.org.rs/sr/zajedno-gradimo-prostor-za-integraciju-migranata-i-izbeglica>

<sup>121</sup> Beogradski centra za ljudska prava, <http://www.bgcentar.org.rs/o-nama/>

<sup>122</sup> Praxis, <https://www.praxis.org.rs/index.php/sr/about-us/what-is-praxis>

<sup>123</sup> NSHC, [http://www.nshc.org.rs/realizovan/pr\\_realizovan/53](http://www.nshc.org.rs/realizovan/pr_realizovan/53)

<sup>124</sup> CRPC, <http://www.crpc.rs/>

<sup>125</sup> HCIT, <https://hcit.rs/>

**Balkan Centre for Migration and Humanitarian Activities**<sup>126</sup>, among others, provides humanitarian and legal assistance, education and psychosocial support to migrants from the Middle East. One of the very important project is "MILC Project" - help migrants in provision of medical care, legal and translation service.

**Center for Research and Society Development IDEAS**<sup>127</sup> since 2015 works on improvement of the protection of migrant/refugee children. At that time, in charge for development of the instructions for children protection in the area of social protection, local government and police. Since 2018, together with UNHCR, provides support to the social protection system in offering services for custody and running the cases for refugee/migrant children.

**Psychosocial Innovation Network (PIN)**<sup>128</sup> provides psychosocial support, empowerment, capacity strengthening, and improvement of quality of life of vulnerable and marginalized individuals and groups.

**SIGMA PLUS**<sup>129</sup> involved in activities for providing help to migrants and asylum seekers – providing clothes, informing on possibilities for asylum seeking procedure in Serbia, mediation for urgent medical help and medical drugs supply.

### Quality and standardization of the services

Many migrants do not seek protection in Serbia, their aim is to move on to EU. In 2020, 161 decisions were made concerning 223 people. Only 19 decisions were positive (granting some form of protection) and 142 were negative. The number of total decisions, meanwhile, decreased by 28% compared to 2019 and was "the lowest in the past four years," said the report, published last Wednesday (March 17) by the European Council on Refugees and Exiles (ECRE). From another side, due to extreme fluctuations in the number of migrants, it is very difficult to plan activities and resources, especially in regard to irregular entry. Due to **irregular migration**, there are still a lot of migrants who enter and leave the country without being registered and having access to the social, educational and health system. Weak national economy combined with lack of political will are failing to connect migration management and social welfare systems and to introduce much needed social services for migrants which will help protect and integrate them into the local communities. There are shortcomings in terms of integration, of course, but something is still being done. There are individual integration plans, which KIRS develops, then a lot has been done in the field of education, but the focus lies in the fact that it is all mostly funded by donors.

**Coordination among all these state institutions as well as with international and national organizations** active in the field needs to be strengthened. At an operational level, information

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<sup>126</sup> BCMHA, <http://www.bcm.org.rs/projekat-milc/>

<sup>127</sup> IDEAS, <http://ideje.rs/o-nama/>

<sup>128</sup> PIN, <https://psychosocialinnovation.net/about-us/>

<sup>129</sup> SIGMA PLUS, <http://www.nvosigmaplus.org.rs/>

exchange and ad hoc coordination among institutions are in place. State institutions providing services lack human resources - CRM, MoI and centers and facilities for the accommodation, especially staff involved in combating irregular migration. Their capacity to work with migrants in the new situation are weak. Lack of training and motivation of police officers working on the border, their frequent rotation in the field is recognized. It is necessary to further develop policies and capacities for the implementation of **social protection services** in order to enable greater availability and quality of services, especially to improve the regulatory framework and strengthen the existing mechanisms for the provision of the services including improvement of the system for funding the services. It is necessary to strengthen cooperation among actors in terms of coordination at the local level and to provide full support to local communities in the implementation of integration programs. Very limited number of local self-governments has cross-sectoral cooperation protocols, and no integrated services have been established in any municipality or city. Furthermore, development of regional mechanisms for early detection of the position of migrants, exchange of data on the position of migrants and establishment of permanent forum for discussions in order to make the best decisions are needed.

**Division of responsibilities between state institutions and CSOs** are dysfunctional, especially when it comes to vulnerable groups of migrants, such as unaccompanied minors, GBV victims, elderly, girls...

Some of the most active **civil society organizations** in supporting migrants are those with a history of supporting migrants since the 90s. Increasing numbers of migrants, their problems (unaccompanied children, migrants with all kinds of disabilities, victims of violence), as well as increased funds (primarily the EU) for their support, have brought many civil organizations into the arena. Along with the strengths of their work, there are also weaknesses. This lead to unregulated work of some CSOs with migrants – providing services for which they are not licensed and not coordinating their activities with competent government bodies, which in some areas duplicates resources, and in some they are insufficient, their activities are project based. Furthermore, this “concentration” on supporting migrants has left many vulnerable groups outside the scope of the services of civil sector organizations (Čekerevac, A., Perišić, N., Tanasijević, J., 2017). Provision of psychosocial services by CSOs needs to be monitored in regard to adopted Guidelines for the provision of psychosocial services.

The problems CSOs are facing in the provision of social services are related to cases that require multi-sectoral cooperation or service that is a combination of services from different systems. CSWs and social care services provided by CSOs can not work isolated. One of the main problems is referral of unaccompanied minors: CSOs believe that one of their priority activities is identification and referral of unaccompanied minors and separated children regardless of their age, although standard operational procedures allow CSOs to work on identification and referral of children above the age of 14. On a top, with insufficiently slow reaction of CSWs and failure to exercise their powers, violence, smugglers and/or exploitation of children occur (Šunderić, Vodič za upućivanje i pružanje socijalnih usluga migrantima u Republici Srbiji). From another side CSWs employees recognized disadvantage in lack of clear



and consistent instructions on professional procedures and competencies of the CSW, especially in terms of the right to social welfare benefits and establishing the differences between asylum-seekers, those who had obtained asylum status, and finally those belonging to Serbian citizens.

All **children and minors** are in the great risk of different kind of violence, trafficking and trauma. There is also a lack of early identification and assessment of age, ie the lack of a legal framework. System for identification and reaction in cases of violence and trafficking exists, but is not at an adequate level and state officials are insufficiently prepared for reaction in these cases. It is important to ensure **minimum quality conditions for security of all of them in accommodation centers**. Often families in general do not get support from the institutions since they are not determined to stay in Serbia and therefore they lack the motivation of further integrate in the society. **Unaccompanied minors** are in the greatest risk. They need **additional support** in the form of an education, psychosocial and even psychiatric support, while the informal help in form of a kindness, attention and commitment of all people who are working with them is more than welcomed. Due to the lack of legal avenues to enter the EU to apply for asylum, significant number of children, particularly UASC proceed with their journey through irregular routes, facilitated by smugglers, to reach Western Europe. The majority of children are not willing to stay in Serbia, but rather wish to continue their journey with smugglers. Often the families from the country of origin support their journey with smugglers. Territorial criteria for appointment of the legal guardian to the unaccompanied minors is still the guiding rule. From their initial contact with the authorities of the Republic of Serbia, until the procedure has been completed, unaccompanied asylum seekers change their legal guardians three times. This prevents minors to build a relationship of trust with their guardians and can create a re-traumatization of the minor. There are still concerns about systematic monitoring of minor asylum seekers during the asylum process with regards to coordination of temporary guardians about the condition of minors, exchange of information and mutual reporting between different legal guardians and follow up of the case is crucial for achievement of the best interests of a child.

Active involvement of the legal guardian and early identification of the drug abuse is very important in regard to the **drug addicted minors** who often have violent episodes. They need systematic psychiatric/psychological support to avoid developing an addiction.

Another vulnerable group of migrants are **migrant women and girls** face specific challenges and protection risks: family separation, psychosocial stress and trauma, health complications, particularly for pregnant and nursing women, physical harm and injury, and risk of exploitation and gender-based violence, including domestic violence. Although all relevant actors are well informed about their roles and responsibilities, regarding the identification, response and referral pathways in cases of GBV and domestic violence, the response is still not unified throughout the country.

One of the very first problems that migrants encounter upon arrival in Serbia is the **language and cultural barrier**. Starting from the border police, officials in the RCs, towards employees of state welfare, health or educational institutions, there is a low number of those who can communicate in English with migrants, while there is an obvious lack of cultural mediators/translators who speak Arab, Farsi and Urdu. Without translators and mediators, language barrier is an obstacle to the provision of many services such as asylum-seeking procedure, counselling, assessment or support planning.

Although the **accommodation of migrants** is not a crucial challenge at the moment, an increased number of migrants, especially prolonged stay due to border closure, require additional actions on part of the CRM. Without accommodating migrants in RCs, they do not exercise their legal right to accommodation which means that this would bar migrants from exercising their right to asylum, because this is dependent upon accommodation in one of the reception centers. Furthermore, the right to asylum is related to many other rights in the national context: the right to social welfare cash benefits and the right to a working permit.

By 2017, overcrowding, lack of privacy and poor hygiene were just some of the reported issues (Conditions in reception facilities, Serbia<sup>130</sup>). There is a lack of capacities for accommodation of vulnerable migrants, and one of the biggest challenge, at the moment, is the increased number of **unaccompanied minors and their accommodation**. Even there are **specialized accommodation centers and shelters for UASC**, most of them are exposed to many risks being accommodated in the same space where adults are placed (i.e. possible incident of various forms of violence (especially sexual)) or trying to cross the border illegally with group of adults. From another side, migrants travel without official documents, so it is hard to identify their year of birth (they can pretend to be younger or older). When it comes to the conditions in transit/reception centers, it was observed that there is a need for more educational and occupational activities to help children/adolescents to productively use their spare time, help them acquire new skills and prevent potential risky behavior.

The language barrier and limited number of interpreters for the languages spoken among the migrants resulted in **lack of interest among the children to attend the classes** they do not understand. An additional challenge is **lack of interest of many parents in educational activities**, as they are certain their stay in Serbia is only temporary. These are the main reasons why the majority of children are not included in the regular school system - according to the available data in 2017, there were about 10% migrant children attending schools in Serbia, out of a total number (Čekerevac, A., Perišić, N., Tanasijević, J., 2017). The assistance provided to children includes the provision of textbooks and education material, assistance in having foreign degrees recognised, learning support and financial support for engaging in extracurricular activities. Ministry of Education, Science and Technological Development adopted the Rulebook on the inclusion of asylum seeker/refugee students in the education

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<sup>130</sup> Conditions in reception facilities, Serbia,

<https://www.asylumineurope.org/reports/country/serbia/conditions-reception-facilities>

and upbringing system that regulates in more detail the manner of enrolment of students and the manner of providing measures of support for inclusion in the educational system. The major success has been achieved in the area of elementary school education of migrant children. Regarding secondary education, it is identified low motivation of migrant children to attend schooling. Usually, they choose to attend secondary vocational school. However, teachers usually do not speak basic English, they lack competences to integrate migrant children in the school life, lack of knowledge on migrant needs, their culture and similar, and very often they do not have any support except the support from CSOs in provision of specialized workshops in this issues.

Support and services within employment area has also been very scarcely addressed within all strategic documents. Situation in the country in terms of labour market is followed by trends and vulnerability of unemployed, low labour market activity and low employment rates — especially vulnerable groups and youth, high level of informal employment. From another hand, migrants have problems in providing official documents and diploma on completed level of education (qualification), as well as financial sources to provide translated transcripts/diploma or for obtaining working permits. Although individual plans for the integration of migrants into society should be developed by CRM, the system is yet underdeveloped, so consequently, there are no structured and individualized plans regarding **employment and integration for migrants**.

According to the Law on Health Protection **health services** are available free of charge and registered migrants and asylum-seekers have access to the public health system. Irregular migrants are only eligible for urgent medical care. Regarding the health services provided in the reception centers and accommodation in general, the most important types of support which are needed include **mental health services and specialized support in the system of psychiatric care**. Standard psychosocial support is inadequate for adults who are depressed and aggressive, especially for women and children who are experiencing severe trauma and are victims of different forms of violence. Furthermore, there are cases of violent incidents among the refugee/migrant population, increased anxiety and depression, school dropouts, departures from accommodation centers in order to illegally cross the border with neighbouring countries, reported sexual and gender-based violence cases. Although there is a psychological help provided in most accommodation centers within the medical team, there is a lack of specialized **psychological assistance for above mentioned groups**.

**Data exchange** between government bodies and other stakeholders are limited. **Keeping records** and documentation are not at the adequate level, as well as there is the lack of capacity for participative planning and evaluation of cross-sector cooperation in this regard. There is **no reliable records** on specific groups within the general migrant group (like unaccompanied minors), which is the starting point for systematic monitoring of the position and movement of migrants and asylum seekers. Data on the number of human trafficking victims, as well as on the number of women and children exposed to violence, are not reliable. When it comes to **keeping data within CSWs**, available annual reports on the work of local CSWs do not offer any

information on the frequency of migrants exercising their right to this type of support. Foreign nationals are not specifically recognized in the records, and they could potentially be traced through another beneficiary category: neglected persons, victims of violence, persons with behavioural issues, persons with troubled family relationships, and persons who are socially and materially jeopardized.

### Allocation of the funds for the services in the target countries

According to the Draft National Strategy on Social Protection 2018-2020, the share of expenditure on social protection and security in GDP in Serbia is lower than the average in the EU28. Employment and Social Reform Program 2018-2020 states that the expenditure on social protection and security in Serbia in 2016 amounted to 23.4% of GDP, while expenditures for these purposes in recent years are moving at a level of about 29%. Comments to this Draft Strategy, made by many CSOs in Serbia, state that this data are misinterpreted since social protection (in the broad sense) in the EU occupies a high place among the priorities reflected in the large expenditure on social protection in most Member States and to that end, on average, spend almost 30% of GDP. CSO Foundation Center For Democracy Centre for democracy points out that, according to the latest Eurostat data, in 2016 the EU member states on average allocated 38.1% of GDP for social protection, while the reallocation separation of the Republic of Serbia in 2016 and in the same purpose amounted only 21.5% (Fondacija Centar za demokratiju, Komentari na nacrt Strategije socijalne zaštite za period 2019-2025).

According to the Law on Budget for 2018, the budget for the Ministry of Labour, Employment, Veteran and Social Policy was 145.9 billion dinars, out of which the budget for the system for permanent help to migrant population in Serbia amounted to 1.3 billion dinars. The Commissariat for refugees and migrants, based on the same Law, got the amount of 4.4 billion dinars for its work, while the budget fund for activities of the Serbian Red Cross amounted 300 million dinars.

The figures for the Ministry of Labour, Employment, Veteran and Social Policy are reduced for 2019 according to the Law on Budget for 2019, so the Ministry was allocated with 126.9 billion dinars, out of which the budget for the system for permanent help to migrant population in Serbia amounted to 43.3 million dinars. From another side, the Commissariat for refugees and migrants, with the same Law, got higher amount and the budget amounted 5.4 billion dinars, while the budget fund for funding the Serbian Red Cross remained the same (300 million dinars). The novelty is the new budget line within the Ministry of health that got budget 17.9 billion dinars, and specified amount of 179 million dinars for the support of providing health care to migrants.

Services for the migrants are funded both from the state and municipal budget. In 2016, the Government of Serbia adopted the Resolution on special purpose transfers to social security.

This Resolution determines the amount of the transfer, the criteria for its distribution, as well as criteria for participation of the self-governments. Dedicated transfers provide additional funding from the state budget to finance social welfare services under the jurisdiction of self-governments. The Resolution stipulates that the funds are earmarked for social services in less developed self-governments, in municipalities where there are institutions in the process of transformation, as well as the financing of innovative services and social protection services of special importance for the Republic of Serbia.

According to the EC's Report from 2020<sup>131</sup> There is a lack of funding for developing community-based services, and for supporting licensed service providers and social services, and according to the researches on mapping the social services provides within local self-government units from 2012 and 2015, the total expenditures for social protection services in 2015 amounted to approximately 0.065% GDP, and in 2012 - 0.07% GDP. In 2018, the total expenditures for social protection services under the jurisdiction of local self-government units amounted to 3.65 billion dinars, 0.07% of GDP. (Matković, G, Stranjaković, M, Mapiranje usluga socijalne zaštite u nadležnosti jedinica lokalnih samouprava u Republici Srbiji<sup>132</sup>). Analyzing the social services provided by the centers for social welfare to migrants and asylum seekers, there are no official data within available annual reports on the frequency of migrants exercising their right to this type of support – foreign nationals are not specifically recognized in the records, and they could potentially be traced through another beneficiary category: neglected persons, victims of violence, persons with behavioural issues, persons with troubled family relationships, and persons who are socially and materially jeopardized (Čekerevac, A., Perišić, N., Tanasijević, J., Social Services for Migrants: The Case of Serbia). This clearly implies that it is not possible to determine the expenditures from the municipal institutions for migrants and asylum-seekers.

The largest support to migrant management and facilitation is the European Union. Since mid-2015, when it began to increase the inflow of migrants into the territory of the Republic of Serbia, till the end of 2019 the EU has donated more than 98 million in direct assistance to state institutions, local governments, international and civil society organizations and end users. EU, through various projects helped the Republic of Serbia: providing humanitarian assistance to migrants, their protection and particularly to children; adequate housing conditions and life in reception and asylum centers, including food, health care and education; assistance to local communities where migrants are located to strengthen social cohesion; border management and the fight against human trafficking; assistance for capacity building

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<sup>131</sup> [https://ec.europa.eu/neighbourhood-enlargement/sites/default/files/serbia\\_report\\_2020.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/default/files/serbia_report_2020.pdf)

<sup>132</sup> Matković, G, Stranjaković, M, Mapiranje usluga socijalne zaštite u nadležnosti jedinica lokalnih samouprava u Republici Srbiji, 2020 <https://it.ly/3qk6FHa>

of Serbian institutions involved in migration management (Podrška Evropske Unije upravljanju migracijama u Srbiji<sup>133</sup>).

In 2017, European Commission stated that support for migration-related activities in Serbia amounted more than € 80 million in the period 2015-2017. These funds, through different EU financial mechanisms, helped Serbia to ensure the accommodation of migrants and refugees in accommodation centers; to support the delivery of health and other primary services to refugees, migrants and host communities; and to reinforce its border control capabilities (European Commission<sup>134</sup>). EU humanitarian assistance includes direct support to refugees through the Commission's humanitarian partners, and also capacity-building to enable the authorities to respond more effectively. The most significant efforts have been made to improve conditions at the government run reception centers, where the EU has been the main and sometimes only donor. As a result, the authorities are able to accommodate up to 6,000 people.

In addition to humanitarian assistance, the European Commission provides the Western Balkans with financial and technical support for migration and the refugee crisis, primarily through the instrument for pre-accession. According to data published in 2016, the Commission has provided assistance to Serbia in the area of migration and border management that amounted € 54 million since 2007 (European Commission<sup>135</sup>). The assistance concentrates on the technological upgrade of equipment at border posts and infrastructures; upgrade and extension of asylum facilities; drafting of the new law on asylum and reform of the national asylum system; construction of the 'Common Crossing Points'; waste disposal, water and sanitation and other needs to be identified in cooperation with the Ministry of Labor, Employment, Veteran and Social Policy as well as the Commissariat for Refugees; projects to expand existing accommodation capacities for migrants in Serbia; an EU twinning project with a focus on drafting a new law on asylum and stepping up the reform of the asylum system and further development of Serbia's border surveillance systems.

According to official data from United Nations Serbia, during the first three years of implementation of the Development Partnership Framework – DPF (2016-2020) signed between the Government of the Republic of Serbia and the UN Country Team (UNCT), the UNCT Serbia delivered US\$ 193 million worth of assistance. Out of this amount US\$ 150 million was delivered for regular development activities and US\$ 43 million for refugee/migration related activities (UN<sup>136</sup>).

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<sup>133</sup> Podrška Evropske Unije upravljanju migracijama u Srbiji, <http://euinfo.rs/podrska-eu-upravljanju-migracijama/>

<sup>134</sup> European Commission, [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_17\\_3730](https://ec.europa.eu/commission/presscorner/detail/en/IP_17_3730)

<sup>135</sup> European Commission, [https://ec.europa.eu/commission/presscorner/detail/en/MEMO\\_15\\_5535](https://ec.europa.eu/commission/presscorner/detail/en/MEMO_15_5535)

<sup>136</sup> UN, <https://serbia.un.org/en/about/about-the-un>

## Solutions and tasks needed to complete to close this gap

### IMPROVEMENT OF LEGISLATION AND ITS ENFORCEMENT

- Strengthen the process of revising strategic documents and accompanying action plans relevant in the field of social inclusion, education, irregular migration
- Further develop and adopt by-laws in order to make laws more effective in regard to tolerated stay of migrants who have intention to seek for asylum, travel documents for persons with international protection, stay and possibility for naturalization, family reunion, procedure for determination of the age of the children/minors

### IMPROVE THE EXISTING SUPPORT SYSTEM TO MIGRANTS AND ASYLUM SEEKERS PROVIDED BY STATE AND CSOs

- Increase the number of translators and male and female cultural mediators in all institutions providing services starting from the border police, officials in the RCs, towards employees of state welfare, health or educational institutions in order to reduce the language barrier as an obstacle to the provision of the services
- Separate the procedures for unaccompanied minors with the aim to organize more efficient procedure adjusted to the children needs
- Use the capacities and expertise of CSOs and support them by the state in the provision of currently lacking services to migrants, support the process of licensing the services
- Create, update on a regular basis and distribute the list of available services with its description both at local and national level using all available capacities and help: CSOs, international organization, voluntary groups
- Complete the service standardization process and licensing of social protection institutions and professional workers and develop functional system to monitor and evaluate the provision of social protection services

### COORDINATION AMONG ALL STATE INSTITUTIONS, INTERNATIONAL AND NATIONAL ORGANIZATIONS NEEDS TO BE STRENGTHEN

- Support activities, coordination and exchange information among state institutions, international organizations and CSOs in all fields (education, social welfare, health...) aimed at improving the position of migrants at national and local level
- Strengthening the capacity of local self-governments and councils for migrations especially in terms of cross-sectoral cooperation protocols and provision of integrated services
- Increase the number of human resources within state institutions providing services (CRM, Mol and centers and facilities for the accommodation, especially staff involved in combating irregular migration) and provide them additional training

#### PROVIDE ADDITIONAL SUPPORT FOR VULNERABLE GROUPS IN THE ACCOMMODATION, INFORMATION, EDUCATION, PSYCHOSOCIAL AND PSYCHIATRIC SUPPORT

- Open more specialized accommodation of vulnerable migrants, especially of unaccompanied minors and victims of gender-based violence cases and make the current accommodation capacities safe for children, women and girls in order to prevent violence against them
- Consider the new approaches to determine the age of migrants in order to recognize minors comparing to adults claiming to be minors, as well as unaccompanied children from groups of adult men and improve policy framework
- Foster activities to accommodate children under custodian protection in alternative accommodation, especially in foster families, and establish accommodation facilities in smaller towns in a form of day care for children
- Improve the system for identification and reaction in cases of violence and trafficking exists by the state officials, provide free psychosocial and legal support to vulnerable groups of migrants who are victims of violence and provide them with relevant information on the protection from the violence

#### IMPROVE LIVING CONDITIONS IN ALL TYPES OF ACCOMMODATION

- Ensure quality conditions for security in accommodation centers
- Improve the living conditions in terms of lack of privacy and poor hygiene
- Raise the level of satisfaction of migrants and asylum seekers with food and provide possibilities for them to prepare their own dish
- Organize more recreational, sport and other activities for adults, as well as more educational and occupational activities to help children/adolescents to productively use their spare time, help them acquire new skills and prevent potential risky behaviour in the transit/reception centers

#### INTEGRATE CHILDREN IN THE EDUCATION SYSTEM AND PROVIDE THEM WITH QUALITY EDUCATION

- Develop systematic approach for learning Serbian language within additional classes and courses
- Provide teachers with support with presence of assistant from the migrant population
- Organize additional classes to fill the gap in their formal education
- Organize teacher training on specialized methods of work with children, competences to integrate migrant children in the school life, their needs and culture
- Motivate parents to create links with school and raise the level of their interest by involving them in school life
- Raise the number of educational activities for migrant children



#### FOSTER IMPROVEMENT OF SUPPORT AND EMPLOYMENT POSSIBILITIES FOR ASYLUM SEEKERS AND OTHER BENEFICIARIES OF INTERNATIONAL PROTECTION

- Employment services should be recognized within strategic documents and more active support provided by National Employment Agency and other stakeholders for asylum-seekers and other beneficiaries of international protection
- Start developing structured and individualized plans regarding employment and integration for asylum-seekers and other beneficiaries of international protection (the tailor-made approach), with the same attention to those with any education and those with high level of education and expertise, as well as those with no official records on the qualification
- Organize informative campaigns for business sector as possible employers of asylum-seekers and other beneficiaries of international protection, and address the issue of work permits and how to compensate for the lack of diplomas (this is not about “nostrification” where they should lobby to be exempted from paying fees, but it is about cases when they do not have a physical degree or other proof of education).

#### IMPROVE THE PROVISION OF COMPLETE HEALTH SERVICES AVAILABLE FREE OF CHARGE FOR ALL CATEGORIES OF MIGRANTS

- Enhance the mental health services and specialized support in the system of psychiatric care within the reception centers and accommodation in general, especially for adults and children who are experiencing severe trauma and are depressed and aggressive
- Organize additional training for health care employees on the rights of migrants and asylum seekers, procedure and documentation they need to have in order to get health care services, as well as on cultural diversities

#### KEEP AN ACCURATE STATISTICAL RECORDS SEPARATED BY GENDER, AGE AND VULNERABILITY CRITERIA

- Keep the records and documentation on specific groups within the general migrant group in all institutions, agencies and organizations, with special reference to the accepted and accommodated persons in the reception centers and the centers for asylum seekers
- Establish reliable data base on migrant population through cooperation among all the stakeholders, locally and at the national level, and systematic monitoring of the position and movement of migrants and asylum seekers
- Keep the official records on the number of human trafficking victims, as well as on the number of women and children exposed to violence, pregnant women, unaccompanied minors as the most vulnerable groups

## RAISE PUBLIC AWARENESS ON THE RIGHTS OF MIGRANTS, REDUCE DISCRIMINATION AND FOSTER INTEGRATION

- Launch media campaign to reduce discrimination towards migrants
- Organize manifestations in which local population can get familiarize with migrant population (integrative character events, cultural manifestations), including provision of information on the rights and benefits of migrants and asylum seekers, as well as information on the problems and obstacles they face with
- Improve the process of integration of asylum seekers and persons granted asylum
- Further develop specialized services for the integration of asylum seekers and persons granted asylum or international protection

## ALLOCATION OF THE EU FUNDS FOR THE SERVICES IN THE TARGET COUNTRIES

According to the European Commission report, since the beginning of the crisis in 2015, more than €141 million of EU assistance has been provided in support of the Western Balkans to directly address the refugee and migration crisis. In addition, since 2007, €216.1 million has been provided to support the Western Balkans partners on migration under regular financial assistance under the Instrument for Pre-Accession.

Support has also come in the form of expertise from EU Agencies and Member States, with a strong focus on transposing EU norms and standards into the national migration policy and legal frameworks. 48 guest border guards have been deployed in Serbia and 146 in North Macedonia. While this has helped to build stronger migration, asylum and border management systems, national administrative capacities continue to remain limited and often struggle to meet the challenge of new migratory flows.

Bosnia and Herzegovina has faced a significant increase of arrivals. Estimates suggest that since January 2018, over 45,000 refugees and migrants have entered the country. This has created a serious challenge, with some 3,300 accommodated in official centres at present. Since 2018, the Commission has been working with humanitarian partners and the authorities to cover the basic needs of refugees and migrants and to help the country strengthen its migration management capacity, allocating €34 million in additional EU funding. This is supporting temporary reception centres, and access to food, basic services and protection for the most vulnerable, with over 3,500 people benefitting. As winter arrives, the authorities of Bosnia and Herzegovina need to swiftly identify suitable accommodation facilities for the refugees and migrants stranded in the country. The EU is ready to assist in financing these

additional facilities as long as they respect the internationally recognised standards, and in supporting the most affected local communities.<sup>137</sup>

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<sup>137</sup> Communication from the commission to the European Parliament, the European Council and the Council: Progress report on the Implementation of the European Agenda on Migration (16.10.2019.), <https://ec.europa.eu/transparency/regdoc/rep/1/2019/EN/COM-2019-481-F1-EN-MAIN-PART-1.PDF>

## RECOMMENDATIONS

After certain progress in the field of migration and border management in the WB region, there was a slowdown and stagnation, which were significantly caused by the COVID-19 pandemic. Further gradual harmonization of domestic legislation with the EU acquis and further implementation of regulations continued in the WB countries during the reporting period, especially through the adoption of necessary bylaws and capacity building. Some new strategies and action plans were adopted as well, and WB regional cooperation was enhanced.

However, due to the COVID-19 pandemic situation and intensified migration flows in the WB region, given the limited range of national policies, the regional approach and strengthening of regional cooperation between relevant authorities and CSOs is needed, especially through cross-sectoral cooperation. Therefore, new and specific policies on the protection of vulnerable groups of migrants and the treatment of migrants in the context of the COVID-19 pandemic, are needed.

Migrants who have entered the country and who want asylum should be given access to the asylum procedure.

It is necessary to have more efficient registration of migrants and a constructive regional solution for assessing the profiles of migrants in the WB region.

It is necessary to further improve border infrastructure and accommodation facilities of border points, increase logistical equipment and human resources, as well as further professional training.

It is necessary to improve interpretation services, especially for rare languages, and to provide interpretation services at the borders, in order to ensure access to information about rights and procedures for migrants and refugees in the first phase.

The WB countries should continue their efforts to conclude readmission agreements or at least working agreements with the countries of origin of the largest number of migrants, and it would be also useful to consider the possibility of a single regional agreement of the WB countries with the countries of origin.

Communicate for social change to improve the public narrative about the integration of refugees by fostering new attitudes and behaviours in host communities and broadening the platform of stakeholders to combat misinformation.

Strategically engage with a wide range of stakeholders (civil society, private sector, academia, non-traditional partners, international organizations, and others) to build new partnerships and mobilize a broader coalition to advocate for the rights of people.

It is necessary for CSOs to continue activities of psychosocial support and other activities with migrants in camps and increase their presence in reception and asylum centres.

It is necessary to provide proper care to the most vulnerable groups of irregular migrants, develop a standard operating procedure on the treatment of UAMs and assess their eligibility for asylum.

It is necessary to ensure adequate shelters for victims of gender-based violence and trafficking in human beings, as well as reintegration of victims.

During the COVID-19 crisis, it is necessary to continue to provide and ensure humanitarian support to migrants and asylum seekers, as well as other needs related to clothing and footwear.

#### TABELAR REVIEW OF THE MAIN RECOMMENDATIONS

Legal framework	Institutional framework	Support system to migrants	Raising public awareness on the rights of migrants
<p><b>-Ratify or accede to relevant conventions,</b> protocols, and regional instruments and implement the obligations arising from international documents and Conventions</p> <p><b>-Harmonization of national legislations</b> with the provisions of the acquis and with the real needs of migrants</p> <p><b>-Strengthen the process of revising strategic documents</b> and accompanying action plans relevant in the field of social inclusion, education, irregular migration</p> <p><b>-Further develop and adopt by-laws, regulations and procedures</b> in order to make laws more effective in regard to tolerated stay of migrants who have intention to seek for</p>	<p><b>-Continue developing effective cooperation of all relevant actors</b> and foster communication and cooperation among all relevant stakeholders dealing with migrant crisis <b>at national level</b></p> <p><b>-Establishing protection sensitive migration management system,</b> starting from registration followed up by protection-sensitive profiling and referral to the national protection system</p> <p><b>-Strengthening national and local capacities</b> and <b>dedicating adequate resources</b> for the effective processing of persons on the move</p> <p><b>-Jointly develop unique and clear procedures/canals of communication</b> in all fields (education, health, social security, social services...) at all levels</p>	<p><b>-Improve infrastructure and organization of services at crossing points</b> to reduce waiting times and address specific needs of migrants with special needs such as children, the elderly and persons with disabilities</p> <p><b>-Organize co-ordination meetings with relevant stakeholders</b> (governmental representatives, international organizations and NGO service providers) to discuss developments and funding needs as well as to plan their activities and merge them</p> <p><b>-Increase the number of human resources</b> (border, pre-screening specialists, police, services)</p>	<p><b>-Conduct researches</b> to examine and monitor public opinion on migrants</p> <p><b>-Use research results to define and create measures of prevention</b> of social intolerance and possible conflicts</p> <p><b>-Support educational programs in school and community (formal and non-formal)</b> focusing on the development of intercultural dialogue and the enhancement of intercultural competences--</p> <p>Implement <b>raising awareness</b> campaigns of local community, through different educational activities and media campaigns, in order to prevent and reduce discrimination towards migrant population</p> <p><b>-Support initiatives aimed at promoting social cohesion</b> and interactions between</p>

<p>asylum, travel documents for persons with international protection, stay and possibility for naturalization, family reunion, procedure for determination of the age of the children/minors</p> <p>-Continuous <b>monitoring of legislative framework enforcement</b> and defining weaknesses need to be addressed with amendments</p> <p>-Promotion of a <b>gender-sensitive approach to migration</b> in the legislative framework and practice</p> <p>-<b>Defining special measures for protection of the vulnerable groups</b> – children, women victims of violence, victims or potential victims of human trafficking, single parents, elderly</p> <p>-Develop <b>protocols and mechanisms for identification of unaccompanied minors</b></p> <p>-<b>Reassess existing Readmission agreements</b> as well as sign the new ones with the countries that produce large number of migrants</p>	<p>(local, cantonal, entity and state level), and <b>train governmental representatives in practicing it</b></p> <p>-<b>Strengthen capacities of representatives of governmental institutions to deal with migrant crisis</b> - training on the correct procedure for approaching and screening migrants, the problem of unaccompanied and separated children, gender-based violence and trafficking, as well as for identifying potential victims in the migrant crisis</p> <p>-Develop <b>emergency plans with clear responsibilities of all levels of government</b>, with international, national and volunteer engagement protocols and with emergency accessible financial sources for the needs of accommodation and shelter, emergency medical care, necessary clothing, hygiene products and food</p> <p>-<b>Strengthening response to migration at municipal level</b></p> <p>-The <b>governments' budget</b> for the implementation of the national strategies and action plans should be increased, including</p>	<p>-Make information on <b>rights and services of foreigners</b> more accessible and ensure <b>access to information</b> on the phases of the pre-screening process, in addition to human rights of undocumented foreigners in general, and of vulnerable categories such as unaccompanied minors, victims of trafficking and asylum seekers, in particular</p> <p>-Provision of <b>interpreting services</b> in particular at the border needs</p> <p>-<b>Improve living conditions in all types of accommodation</b> and protection-sensitive accommodation that meets international standards (security, privacy and poor hygiene, food, recreational, sport and other activities for adults, as well as more educational and occupational activities to help children/adolescents to productively use their spare time, help them acquire new skills and prevent potential risky behaviour in the transit/reception centres)</p>	<p>migrants, asylum seekers, refugees, and the local population in host communities</p> <p>-Support and <b>involve local population</b> that offers help to migrants, asylum seekers and refugees in organized raising awareness activities</p> <p>-Improve the <b>process of integration of asylum seekers and persons granted asylum</b></p> <p>-Reassess the <b>guidelines for media in reporting</b> on migrants, especially children and provide trainings in order to end stigma and negative reporting toward migrants and refugees</p>
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	<p>allocation of adequate budget allocation for services along with enhanced cooperation with international partners in the field of migration and asylum (such as IOM, UNHCR, etc.)</p> <p>-Modernization of <b>border management equipment and infrastructure</b> to strengthen border surveillance, including the green and blue borders</p> <p>-<b>Establish reliable data base on migrant population</b> through cooperation among all the stakeholders, locally and at the national level, and systematic monitoring of the position and movement of migrants and asylum seekers and contribute to the development of evidence-based strategies</p> <p>-Keep an <b>accurate statistical record</b> separated by gender, age and vulnerability criteria</p> <p>-<b>Increase the efforts in investigation of cases of trafficking, labour exploitation and child sexual exploitation and proceed with effective</b></p>	<p>-Open <b>specialized accommodation of vulnerable migrants</b>, especially of unaccompanied minors and victims of gender-based violence cases and make the current accommodation capacities safe for children, women and girls in order to prevent violence against them</p> <p>-Foster activities to <b>accommodate children under custodian protection in alternative accommodation</b>, especially in foster families, and establish accommodation facilities in smaller towns in a form of day care for children</p> <p>-<b>Strengthen the role of CSOs as service providers</b> (identification, licensing, creation of a database of CSOs who are service providers), focusing on providing accessibility of services for children migrants and unaccompanied children and work closely with the municipality to plan joint activities aimed at children migrants</p> <p>-Organizing support in providing <b>additional training in working with marginalized groups of CSOs volunteers</b> and</p>	
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	<p><b>prosecution of perpetrators</b></p> <p>-Ensure <b>continuous involvement, partnership with CSOs and structured dialogue</b> in the area of migration through consultation in the policy creation and law-making process</p>	<p>professional staff (psychologists, social workers, teachers)</p> <p>-The started process of <b>integration of migrant children in education system</b> has to be further developed, especially with ensuring additional support and training in native languages of the respective countries</p> <p>-Strengthen <b>capacities of educational institutions' employees</b> to provide adequate support and integrate children of migrants, asylum seekers and refugees with other children in public educational system</p> <p>-Foster <b>efforts to involve kindergarten age migrant, asylum seeker and refugee children into formal education</b>, especially unaccompanied and separated children</p> <p>-<b>Provide healthcare evenly</b> to all migrants, asylum seekers and refugees regardless their place of stay, legal status and the type of assistance they need through healthcare coordination of funding of services and data gathering system, and</p>	
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		<p>sustainable referral mechanisms</p> <p>-Ensure <b>quality primary healthcare for refugee and migrant vulnerable groups</b>, such as unaccompanied and separated children, pregnant women, single parents, persons with disabilities, ill persons and victims of violence</p> <p>-Enhance the <b>mental health services and specialized support</b> in the system of psychiatric care within the reception centers and accommodation in general, especially for adults and children who are experiencing severe trauma and are depressed and aggressive</p> <p>-Foster improvement of support and <b>employment</b> possibilities for asylum seekers and other beneficiaries of international protection</p>	
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