

Strengthening cross-border cooperation in the Western Balkan regarding migration management Macedonia

by

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Chapter 1: Introduction

The history of migration in modern Macedonia starts in the early XX century. When the national consciousness of Balkan peoples began to crystallize during the 19th century, European powers found that drawing international frontiers along strategic or economic lines could not easily be reconciled with ethnic considerations. After 1870 Macedonia¹ had been an arena for political and cultural contention between Balkan states that regarded it as their promised land. All three nationalisms, the Bulgarian, Greek, and Serbian, denied the existence of a separate Macedonian identity and claimed Macedonia and the Macedonians as their own for their national states. All three developed complex justifications and rationalizations of their respective claims, which were based on a confusing array of irreconcilably contradictory historic, linguistic, cultural, ethnographic, and other arguments with accompanying statistics.² Macedonians supported the activities of the clandestine Internal Macedonian Revolutionary Organization (IMRO). In 1903 IMRO staged the Ilinden uprising liberating few towns and villages. The Ottoman suppression of the uprising led to a number of civilian casualties. Killings, rapes, and burning of Christian villages were perpetrated by the Ottoman army and irregulars. As Duncan Perry notes, “Brutality was a hallmark” of the Ilinden uprising. Calculations from his archival research indicates that 4,694 Christian noncombatants were killed, 201 villages were burned, 3,122 women and girls were raped by Ottoman soldiers, 12,440 homes were damaged or destroyed, and approximately 70,000 people were left homeless. This was the first wave of migrations in modern times in

¹ The territory known under the name of Macedonia is thus defined: to the south, it extends to Mount Olympus, the mountains on the north bank of the river Bistrica, Lake Prespa and Lake Ohrid; to the west it extends to the River Drim from Debar; to the north-west and north – the Shar Mountains, the highlands north of Skopje, the defile of Kumanovo, the mountains that mark the Serbo-Bulgarian border of before 1912, and finally the Rodope Mountains to the east; source: Rene Picard: *Les archives du Ministere des affaires etrangeres* (Paris). Guerre 1914-1918, Balkans, Dossier general, pp. 158-165, at <http://www.macedon.org/makedonika/index.htm>; On the various definitions of what are the borders of Macedonia see Wilkinson H.R., *Maps and Politics: A Review of the Ethnographic Cartography of Macedonia*, (Liverpool: Liverpool UP, 1951), translated by Dimkovska Sonja, *Kartite i Politikata: Pregled na Etnografskata Kartografija na Makedonija*, (Skopje: Makedonska Kniga, 1992), pp.35-38.

² The Bulgarian, Greek, and Serbian claims were extensively publicized. For a representative sampling of the divergent points of view see T. R. Georgevich, *Macedonia* (London, 1918), and Jovan M. Jovanovic, *Juzna Srbija od kraja XVIII veka do oslobodjenja* (Belgrade, 1941) (Serbian); C. Nicolaidis, *La Macedoine* (Berlin, 1899), and G. Modes, *Makedonikon agon kai i neoteri makedoniki istoria* (Salonika, 1967) (Greek); I. Ivanov, *La question macedoine* (Paris, 1920), and Institut za istoriia pri BAN, *Makedonskiat vupros. Istoriko-politicheska spravka* (Sofia, 1963) (Bulgarian).

Macedonia.³ Most of the migrants that went abroad emigrated to Sofia, although some went as far as the USA. Three years after the Ilinden uprising there was little improvement for villagers, conditions were still so poor that in just one day in March 1906, 600 migrants from Macedonia left for the United States. Chances for work in the booming metropolises of the United States and Canada seemed more real, and within months of the Ilinden uprising the slow trickle of emigration abroad became a stream.⁴

Poor economic conditions in the Balkans often forced local families to send young men abroad to earn additional income. Men of working age left their homes for work a distance away. This labor often entailed logging and hauling in Anatolia, Bulgaria, Romania, Serbia, Egypt, and Asia Minor. In Macedonia, labor migration was known as *pečalbarstvo*, and the migrant himself, as a *pečalbar*. The *pečalbari*, as they were collectively known, were almost exclusively male. While *pečalbarstvo* had existed for several generations, the increased tax burdens of the late Ottoman period, the rising social violence and banditry, and the reduction of agricultural output for each family brought on by the dividing of land over successive generations made the imperative for labor migration greater. One source suggested that in the last decades of the nineteenth century, 70,000 – 100,000 men went in search of work annually to other parts of the Ottoman Empire or Europe.⁵ The Ilinden uprising only heightened the sense of crisis.

In 1912/3 during the Balkan Wars, Bulgaria, Serbia and Greece, conquered Macedonia divided it unequally among themselves, making arbitrary boundaries through Macedonia regardless of ethnological claims of the people. Many inhabitants of Macedonia were killed or forced to exile. Forced migrations of thousands of people happened in that period.⁶ There followed a “veritable migration of peoples, for in Macedonia, as in Thrace, there was hardly a spot which was not, at a given moment, on the line of march of some army or other...All along the railways interminable trains of carts drawn by oxen followed one another; behind them came emigrant families and, in the neighborhood of the big towns, bodies of refugees were found encamped.”⁷ Macedonians of Christian and Muslim faith have been forced to migrate, as well as Greeks and Turks. The Bulgarian government estimated that as many as 111,560 refugees fled to Bulgaria. About 50,000 of them came from the parts of Macedonia conquered by Serbia and to Greece.⁸ At Salonica the Commission visited the Islamic Committee, whose business was to transport Turkish refugees to Anatolia. At the beginning of September, when the Commission made its inquiry, about 135,000 refugees had been sent to Anatolia. Some Greeks were also forced to exile.

The peace conferences and treaties ending the First World War confirmed the partition of Macedonia and the Macedonians based on the Treaty of Bucharest (August 13, 1913), with some minor modifications at the expense of the once again defeated Bulgaria. Greece acquired Aegean Macedonia, the largest Macedonian territory; Serbia got Vardar Macedonia, with the largest

³ See Perry Duncan, *Politics of Terror: The Macedonian Revolutionary Movement, 1893-1903*, Durham and London: Duke UP, 1988, pp.139-140.

⁴ See the Doctoral Dissertation of Gregory Michalidis, *Salvation Abroad*, 2005, University of Maryland, p.75.

⁵ See Institute of National History, *A History of the Macedonian People*, pp. 132-134; Skopje. 1993.

⁶ See International Commission on the Balkans, *Unfinished Peace: Report of the International Commission on the Balkans*, Washington, DC: Carnegie Endowment for International Peace, 1996.

⁷ See *Ibid*, p.151.

⁸ *Ibid*, p.154.

Macedonian (Slavic Macedonian) population. Bulgaria, whose influence in Macedonia had grown steadily since 1870 and who was obsessed with the idea of annexing all Macedonia and thus creating a great San Stefano Bulgaria, ended up with the smallest part, Pirin Macedonia. Athens and Belgrade pretended that Macedonia and Macedonian problem had ceased to exist. Belgrade proclaimed Vardar Macedonia to be Old Serbia and the Macedonians Old Serbs; for Athens, Aegean Macedonia became simply northern Greece and its Slavic-speaking Macedonians were considered Greeks or at best "Slavophone" Greeks. Once the new rulers had consolidated their controls over the respective parts of Macedonia, they initiated policies the aim of which was the destruction of all signs of Macedonian nationalism, patriotism, or particularism. This was to be accomplished through forced deportation and so-called voluntary exchanges of populations, forced transfers of the Macedonian population internally, colonization, social and economic discrimination, and forced denationalization and assimilation through the total control of the educational systems and cultural and intellectual life as a whole. The ethnic map of Macedonia was significantly changed in 1919 when Greece and Bulgaria signed a convention for 'exchange of populations'.⁹ As a result, around 60,000 Macedonians "voluntarily" left Greece and settled in Bulgaria. Following the 1923 Greco-Turkish exchange of populations, 354,647 Muslims left Greece and 339,094 Greeks arrived in Greek Macedonia from Anatolia.¹⁰

The rest of this chapter deals with the history of migrations in the Serbian occupied part of Macedonia, today's Republic of Macedonia. During the interwar period there were further migratory processes in this part of Macedonia. While Macedonians emigrated for economic reasons abroad, much of the Turkish population went back or was forced to go to Turkey. A process going in the opposite direction was the settlement of Serbs in what was a newly created province of Vardar Banovina. The Yugoslav-Turkish population exchange agreement of 1938 was an official endorsement of the migration of Turkish people from the European holdings of the former Ottoman Empire.

Macedonia became an independent entity within communist Yugoslavia following World War II. From a Macedonian national perspective, the establishment of Macedonian statehood, of a free Macedonia, within the confines of the communist Yugoslav federation represented at least a partial Macedonian solution of the Macedonian question. Yet migratory trends continued to occur even in this free part of Macedonia. Most of the Macedonians expelled from Greece during the Civil War there (1947-1949) found refuge in Socialist Macedonia. Between 1948 and 1959, again great numbers of Turks from Macedonia migrated to Turkey. Together with the Turks, Macedonians of Muslim faith and Albanians also emigrated. Since internal movement of citizens of the other Yugoslav republic into Macedonia was not restricted many Kosovo Albanians emigrated to Macedonia during times of Serbian oppression in the province. Macedonian Albanians on the other hand moved to the larger cities of former Yugoslavia such as Zagreb, Belgrade or Ljubljana, looking for job security. Immediately after World War Two some 20,000 Macedonians emigrated to Vojvodina, settling on land vacated by Germans expelled by the Yugoslav communists.

⁹ Often known as the Nouile Treaty as it was signed in Nouile.

¹⁰ See Pentzopoulos, D. *The Balkan Exchange of Minorities and Its Impact Upon Greece*, Paris and The Hague: Mouton, 1962, p.69, 107.

Moreover, after World War II, Macedonians moved to Australia in increasing numbers. The majority arrived post-1960, moving to the suburbs of Fitzroy in Melbourne and Rockdale in Sydney. Much of the emigration is attributed to a disastrous earthquake in Skopje in 1963. The flow of immigrants to Australia waned in the 1970s. After a long lull, emigration to the USA and Canada also resumed in the decades after World War II. Closer to home, emigration from Macedonia to European countries such as Germany, Sweden and Switzerland increased after demand for cheap labor in the Western economies grew in the 1970's and 1980's. Many young Macedonians and, to a greater extent, Albanians from Macedonia emigrated to Western Europe in that period. A particular name for all the Balkan emigrants in that period to Germany is a guest worker, or "gastarbeiter" in German. Many of the Macedonian gastarbeiter are dominantly from Albanian descent that could not find available jobs in the socialist industrial capacities and depended on labor migration as a survival strategy.¹¹

The poor economic performance in 1990s, Kosovo crisis and 2001 internal security crisis increased the number of emigrants and asylum seekers from Macedonia. On the other hand, since independence in 1991 Macedonia hosted refugees from Bosnia and Herzegovina, Albania and Kosovo. Very few of them remained in the country although during the Kosovo crisis in 1999, Macedonia received more than 360,000 refugees within a two month time period. The bulk of the refugees returned home after the Kosovo conflict although some 3,000 Roma from Kosovo have remained in Macedonia. In recent years Macedonia is subject to an increasing flow of people using the country as a corridor for onward travel to Western Europe, Greece in particular. The officially recorded figure for migrants illegally entering Macedonia in 2001 is around 12,100; the actual figure is likely to be much higher.¹²

The money transferred by migrants to their native town or villages or spent and invested there during their short visits are of utmost importance for post-transition economies such as Macedonia. Remittances have grown in value all over the world in the past several years. In several emigration countries, remittances in 2004, estimated by the IMF at 26 billion dollars worldwide, largely exceeded the volume of official development aid (ODA), and in certain cases even of foreign direct investments (FDI) or income gained from the export of goods and services.¹³ Macedonia belongs to this group of countries. The German Ministry of Foreign Affairs estimates that 70.000 Macedonian immigrants in Germany remit about 50 million dollars to Macedonia yearly.¹⁴ The State Statistical Office of Switzerland provides similar data. Data from IMF show that remittances in 2002 made 15.2% of the Macedonian GDP amounting to 278 dollars per capita.¹⁵

¹¹ For the emigration trends during socialist times see Center for Research and Policy Making Study N.3., *How to Make the Economy of Gostivar a Champion?* Skopje, 2006.

¹² See data from the European Agency for Reconstruction available at <http://www.ear.eu.int/macedonia/main/fyrom-a1c2e3h4a5.htm>.

¹³ See: *Migration, Remittances and Development*, ISBN-92-64-013881 published by OECD 2005, p.9

¹⁴ See German Ministry of Foreign Affairs at: http://www.auswaertiges-amt.de/www/en/laenderinfos/laender/laender_ausgabe.html?type_id=14&land_id=110

¹⁵ See: IMF, Balance of Payments Statistics Yearbook, 2003; World Bank, World Development Indicators, 2003.

Table 12: Remittances versus FDI in Macedonian (in million USD)¹⁶

Year	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Remittances	13	34	42.5	64.2	66.2	47.4	69.8	130.2	146.3	155.3
FDI	11.2	30	127.7	32.4	175.1	440.6	77.7	94.2	155.8	97

One of the problems with the study of remittances is the difficulty of investigating their exact amount, especially since a large portion is sent through informal channels, not reported to the central bank or the respective ministry.¹⁷ A significant part of the money remitted circulates either through the emigrants traveling to their home countries or through “couriers” such as relatives, friends as well as private tour operators or bus carriers. This applies to Macedonia too, where the remittances sent via informal channels undoubtedly dwarf the official transfers. For instance, According to some findings, only 15% of the money transfers by Macedonian migrants were made through banks, the rest being made through relatives or friends.¹⁸ Be that as it may, the importance of the emigrants on life back home in Macedonia is huge, emigration is one of the factors that help diminish poverty in the country.

¹⁶ Source: National Bank of Macedonia see at:
<http://www.nbrm.gov.mk/WBStorage/Files/bilten%204%202005%20devizno.PDF> and
http://www.nbrm.gov.mk/WBStorage/Files/Tabela_1.pdf

¹⁷ See: *International Remittances and Development: Existing Evidence, Policies and Recommendations*, by Inter-American Development Bank and Universite de Cergy-Pontoise, January 2006

¹⁸ “Financial potential of migrants and its inclusion in the economy of the Republic of Macedonia”, Seadin Xhaferi, Skopje 2004

Chapter 2: A General Overview of the Question of Migration

Introduction

This chapter aims to provide a general overview of the Macedonian situation regarding the question of migration. Initially, this part of the analysis will focus on the Macedonian institutional infrastructure regarding the problem of migration, as well as on the governmental policies that deal with that issue. In addition, as an important point the role of the international agencies in Macedonia will be described. The status and the rights of the different types of migrants in Macedonia will be presented. A comparison with the Slovenian case will be made. Eventually, at the end of this chapter the Macedonian position regarding security issues and migration flows will be discussed. Concrete measures concerning these issues will be discussed, by analyzing current cases that speak a lot about the capacity of Macedonia to face and deal with challenges in the field of migration and providing security for all citizens.

I PART

Within Macedonia's European Union (EU) enlargement process there are a number of challenges it faces in the area of migrations. To a great extent, there is a debate within the EU about its migration policy (ices), where many countries are very cautious regarding potential migration flows. Among many member states the perception of the Balkans is that of a poor region in the backyard of the EU, a crossroad of organized crime, a source of illegal migrants and cheap labor force that is eager to emigrate and find a better future in the EU. In this part, the analysis will be focused on how the issue of migration is regulated in Macedonia and the attention will be put on the immigration to, as well as on the emigration from Macedonia.

The *Law for Foreigners* was adopted on 23.03.2006.¹⁹ This law is in compliance with the EU standards and was an obligation for Macedonia from the Stabilization and Association Agreement, when Macedonia obliged itself to harmonize the normative regulations in the issue of migrations with the EU. The main changes²⁰ in this law refer to the introduction of four types of visas issued by Macedonian authorities to foreign citizens (airport visa; transit visa; visa for short-term stay and visa for-long term stay), as well as to the conditions that a holder of a foreign passport should fulfill so that his/her travel document is recognized as valid by the Macedonian authorities. Interesting and important points that can be noticed in the new law are the introduced higher fines for aiding and being involved in illegal migration. The reason behind these changes of the law is the need to improve prevention of illegal migration.

¹⁹ www.pravo.org.mk

²⁰ <http://star.dnevnik.com.mk/?pBroj=2974&stID=72233>

Another relevant law to be mentioned in this context is the *Law for Asylum and Temporary Protection* adopted on 25th July of 2003. The general impression and the expert opinion²¹ on the law is that it generally fulfills the European standards in the area of asylum policies. Yet the critics point that the process of harmonizing the other laws with this one as well as the necessary training of the staff of relevant institutions lags behind.²² This law regulates the status, the rights and the duties of the refugees and the asylum seekers and the status of the persons protected by humanitarian law.²³

As a result of the influx of refugees from Bosnia and Herzegovina the term “temporary protection” was for the first time promoted in the Macedonian legislation in 1993, when Macedonia “hosted” some 65, 000²⁴ refugees. Then, during the Kosovo crises 360 000²⁵ refugees from Kosovo found themselves in Macedonia. In 2003 2,544²⁶ people, have used the right to temporary protection among whom 2,328 were from Roma population. Regarding the situation of the Roma refugees, Macedonia faced a great criticism by the UNHCR²⁷ in 2005, when the number of the Kosovo Roma in Macedonia was 2216 (out of whom 12 had the status of refugee, 809 had a “humanitarian protection,” while 1082 had their applications “being processed”). Yet, the official position²⁸ was that Macedonia has “the best law for asylum in the region” and that even 50% of the applications for asylum are accepted while the average number of accepted applications in the most countries in the world is not more than 10%. As the criticism was on the poor conditions of living offered to the refugees, the Macedonian officials were trying to prove that because of the economic (under)development of the country a better environment for the refugees could not be provided.

The Macedonian institution²⁹ that works on the issue of migrations is the Ministry of Interior Affairs, more precisely the Sector for Foreigners and Immigration Issues, with two sub-sections. One is the Section for Asylum and Migrations and the other is the Section for Border Affairs, Foreigners and Traveling of Macedonian citizens. Within the Sector for Foreigners and Immigration Issues functions the Transit Center.

On the other hand, Macedonia has made and is making great efforts in preventing the illegal migration. Important reforms have been done in the area of the border control, with the new law adopted on 8th June 2006 as well as with the successful control of the borders by the Border Police of Macedonia³⁰. Based on the law, the National Center for Border Administration (the members are representatives from the ministries of interior affairs, finance, agriculture, forestry and water supply as well as the Customs)³¹ was established in order to achieve greater efficiency and coordination in the exchange of information. Still much work has to be done especially

²¹ <http://star.dnevnik.com.mk/?pBroj=2952&stID=70509>

²² <http://star.dnevnik.com.mk/?pBroj=2952&stID=70509>

²³ Art.2; *Law for Asylum and Temporary Protection*; 25.07.2003 www.pravo.org.mk

²⁴ <http://www.mvr.gov.mk/Uploads/imigracioni%20prasanja.doc>

²⁵ <http://www.mvr.gov.mk/Uploads/imigracioni%20prasanja.doc>

²⁶ <http://www.mvr.gov.mk/Uploads/imigracioni%20prasanja.doc>

²⁷ <http://www.kanal5.com.mk/ShowNews.aspx?ItemID=5857&mid=1500&tabId=1&tabindex=2>

²⁸ <http://www.kanal5.com.mk/ShowNews.aspx?ItemID=5857&mid=1500&tabId=1&tabindex=2>

²⁹ <http://www.mvr.gov.mk/Uploads/imigracioni%20prasanja.doc>

³⁰ <http://www.mvr.gov.mk/DesktopDefault.aspx?tabindex=7&tabid=199>

³¹ Art.7; *Law for Border Control*; 08.06.2006 www.pravo.org.mk

regarding the information and telecommunication aspects of this area. Regarding the first trimester of 2006³², 716 illegal crossing of the Macedonian border were registered, an increase of 145% since the last year. Moreover, 320 illegal crossing of the Macedonian border were prevented which is an increase of 14,6 % regarding the prevention of the illegal migration since the last year.

The EU is still examining the capacity of Macedonia to deal with the issue of illegal migration. To a great extent that is the reason for EU's insisting on the need for Macedonia to have readmission agreement with all the Union's members as one of the main conditions for the liberalization of the visa regime for Macedonian citizens. On the other hand, it seems unreasonable that Macedonia with 2 million people could be an immigration treat for the EU. Only 0.01% immigrants from Macedonia were registered in the EU by Eurostat in 2003. In addition, information of foreign embassies in Macedonia show that 80% of the visas that were issued to Macedonian citizens were not misused.³³ Yet, it is more than obvious that the EU wants to make sure that Macedonia is not a "perfect transit country" for the illegal migrants that are trying to get in some of the EU countries. In that direction the readmission agreement(s) would mean that all citizens of third parties that came in EU through Macedonia are to be deported back in Macedonia, as the last country where they have entered before they have entered the Union.

The number of the Macedonian citizens that live abroad is 284, 000. This number is not very relevant having in mind that data from 1994 has been used in the methodology. The national institution that deals with the issue of emigration is the Ministry for Foreign Affairs, more precisely the State Counselor and the Sector for Emigration with its staff of 10 people³⁴. The Ministry of Foreign Affairs is coordinating its activities with the Agency for Emigration. In this context should be stressed that Macedonia does not have a Law for Emigrants, so that issue is regulated by the basic legal acts, the Constitution and the Law for Foreign Affairs. Macedonia is facing great problems keeping track of the Macedonian citizens emigrated abroad, partly due to the lack of a Documentation Center³⁵ as part of the Ministry of Foreign Affairs.

The rights of the emigrants from Macedonia to other countries have been raised since the new right wing government has been elected in the summer of 2006. The new government has shown a great interest to pay more attention to the Macedonian citizens living abroad, announcing that they will soon gain the right to vote at national elections. Introducing such changes in the electoral law is a very serious step that needs a thorough analysis and debate.³⁶ Many issues and questions would emerge with the regulation of that right. For example it has to be decided which category of citizens that are abroad have the right to vote; at which elections they would have the right to vote, local or national; how would the implementation of the right to vote while living in a foreign country be regulated against the right to a secret ballot and so on. Besides transparency a big question is how much such an endeavor would cost. Until now only one analysis exists that is referring to this issue but it is focused only on comparative experiences in countries that have regulated the election right for their citizens abroad. The problem is that the Macedonian context

³² <http://www.mvr.gov.mk/ShowAnnouncements.aspx?ItemID=2770&mid=1026&tabid=199&tabindex=7>

³³ www.dnevnik.com.mk; 29.11.2006

³⁴ Macedonia-Migration Questionnaire (December 2006) <http://www.marri-rc.org/library.php>

³⁵ Macedonia-Migration Questionnaire (December 2006) <http://www.marri-rc.org/library.php>

³⁶ Comparative analysis of the vote privilege of the Diaspora <http://www.pravo.org.mk/analizi.asp?ID=51>

should also be taken into consideration. At the moment there are not any recommendations regarding the best solution for Macedonia based on evidence based analysis.

Within our analysis the role of some international and regional organizations regarding the issue of migrations should be also mentioned. The International Organization for Migration (IOM) is an inter-governmental organization established in 1951. Macedonia is one of the 19 observer states, while the number of member countries is 120. IOM is trying to play an important role with the support of the implementation of the Macedonian national plan and to foster regional cooperation. In cooperation with the government, IOM is trying to contribute to the development of the institutional 'voluntary return mechanism', by facilitating the voluntary return of irregular migrants stranded in Macedonia³⁷.

Another important initiative is the Migration, Asylum, and Refugees Regional Initiative (MARRI)³⁸, which was formed in 2003 within the context of the Stability Pact for South Eastern Europe. Macedonia is one of the six member states of the initiative. The main issue of interest for MARRI is the population movements in the Western Balkan. Interestingly, the general view by MARRI is that the issue of migration is not very much in the focus on a national level. Therefore, the MARRI Regional Center supports the harmonization of the national legislation with the EU aiming the European and international standards to be met by the normative regulation in the members of MARRI. To a great extent, the main goal of the activities of MARRI is capacity building of the national institutions that are dealing with the issue of migrations. As an important point in the approach of MARRI is the support for regional cooperation among its member countries and the support of developing regional migration management.

Third relevant initiative that deals with the issue of migration in Macedonia and the Western Balkans is the so-called Budapest process³⁹. The process was initiated by Germany in 1991 and now it functions as forum of more than 50 countries and 10 international organizations. The main purpose of the forum is exchange of information, experiences and best practices regarding the issues of regular and irregular migration, asylum, border management, trafficking human beings est.

The international organizations that work on this issue are interested in the implementation of the legislation and are especially interested in the implementation of the national plans of action, in the countries as the Western Balkan, which are facing great problems regarding irregular migration and organized crime. The Macedonian National Plan of Action for Asylum and Migration was adopted in 2002. Some of the activities have been done since the new Law for Asylum was passed in 2003, but still no progress has been made in the information and telecommunication aspects of the problem of migration in which context is the Schengen Information System. At the moment there is not an initiative for a new action plan to be adopted that would treat the more current issues neither there is a thinking of some revision and update of the 2002 Action Plan.

³⁷ <http://www.iom.int/jahia/page704.html>

³⁸ <http://www.marri-rc.org/>

³⁹ <http://www.icmpd.org/default.asp?nav=home>

II PART

Macedonia has never faced constant immigration flows (except during recent war crises in the region when a great number of refugees from Bosnia and Herzegovina, and Kosovo came in Macedonia). Because of its poor economic development Macedonia has not been perceived as a country attractive for labor to emigrate from other countries. On the other hand countries such as Slovenia have faced a great interest of the labor from other countries. During the late 1990's Slovenia had 42,500 foreign persons (having come from other countries most likely from former Yugoslav republics; the total Slovenian population at that time was 1,992,000), while Macedonia had no more than 600 registered foreigners (the total Macedonian population at that time was 1,991,400).

Maybe these numbers⁴⁰ had inspired Slovenia to stipulate quite interesting solutions regarding the rights of the foreigners. There are statistics⁴¹ that show, especially in the late '90 before Slovenia has imposed visas, an increasing trend of immigrants that hold a work permit. Their number has never been less than 22 600 immigrants which is more than half of the total foreign population in Slovenia. Some of the interesting solutions regarding the rights of foreigners refer to the issue of voting rights. In Slovenia voting privileges are regulated by the law and the constitution. Article 43 of the Slovenian constitution⁴² regulates the right to vote. The 3rd paragraph of this act says, that the law may also allow foreigners to vote, while in addition, the 3rd paragraph of the 5th article of the Slovenian Law on Local Elections⁴³, says that all foreigners with a regulated permanent stay in Slovenia can vote. Based on this normative framework foreigners can vote in Slovenia, but only in the local elections. This right does not apply to the parliamentary and presidential elections.

In Macedonia, the Law for Foreigners (adopted on 23rd March 2006) regulates the rights and duties of the foreign citizens residing in the country. In article 88 it is stipulated that a foreigner with permanent residence has the same rights as the Macedonian citizens except the right to vote. That means that a foreigner in Macedonia has the right of residence in Macedonia without any time limitation, right of work, right of education, right of recognition of his/her professional qualifications, social protection, tax benefits alleviations, access to goods and services, right to associate and membership in work organizations, right of access to the all territory in Macedonia.

On the other hand, contrary to the positive perception of the Slovenian Law for Foreigners, Slovenia faced many critics⁴⁴ regarding the new law for asylum.⁴⁵ The ratification of the Slovene Law on Asylum is quite a controversial topic in Slovenia. The first and the biggest problem with

⁴⁰ <http://www.iom.int/jahia/Jahia/cache/bypass/pid/8?entryId=4992>

⁴¹ <http://www.iom.int/jahia/Jahia/cache/bypass/pid/8?entryId=4992>

⁴² <http://www.dz-rs.si/index.php?id=150&docid=28&showdoc=1>

⁴³ http://zakonodaja.gov.si/rpsi/r08/predpis_ZAKO308.html

⁴⁴ http://www.delo.si/index.php?sv_path=41,35,102011&src=rp

⁴⁵ http://zakonodaja.gov.si/rpsi/r07/predpis_ZAKO1437.html

this law is that the police (due to safety reasons and for anti - terrorist measures) is given the right to decide, if a certain person can in fact ask for an asylum or not. This may result in direct deportations from Slovenia, even before the asylum seekers have a chance to ask for it and is therefore a violation of human rights. The second problem is that now the asylum seekers are not entitled financial help in regard with judicial problems.

The Slovenian authorities present the new asylum law as EU compatible, which in fact it is, but the problem is, that the EU standards are only basic requirements. The first international organization that pointed a finger to this problem was the UNHCR in Geneva. Their opinion is that the Slovenian law on asylum is in violation of international law, and that it is not helping the unity of the EU asylum laws. There is a big possibility that some asylum seekers may be deported into countries, where they may find themselves in danger. The Slovenian Ministry for Internal Affairs replied that the new changes in the asylum act are not new in the EU countries, since the police deals with the asylum seekers also in Finland, Denmark, Norway, Czech, France Germany and Luxemburg.

According to statistics⁴⁶ Slovenia is facing a high interest by asylum seekers who are trying to find a “shelter” in a democratic and safe country. Thus, for 2004, 1174 applications for asylum were made in Slovenia, as registered by the UNHCR, while for the first nine months of 2005 that number was even higher (1229). On the other hand, according to the latest official statistics available from the Ministry of Interior Affairs Macedonia received a much lower number of asylum applications (51),⁴⁷. The rights and duties of the asylum applicants in Macedonia are regulated with the article 48 of the Law for Asylum and Temporary Protection. Asylum seekers in Macedonia have the right of: residence; accommodation; basic health service; right of work but only at institutions and organizations for which the Ministry for Labor and Social Policy has given an approval; contact with UNHCR and other humanitarian NGOs that can provide legal help for the asylum seeker. Since one gets a refugee status he/she has the same rights and obligations as the Macedonian citizens except the right to vote, founding and membership in political organizations. In that regard a refugee has the right of gaining property; of work; accommodation by the state; financial help; health insurance. When one gets the status of a person that is protected for humanitarian reasons he/she has the right of: residence on the territory of Macedonia for one year (it can be prolonged depending of the situation); accommodation provided by the state; financial help; health insurance and education.

III PART

It should be noted that since the events that happened on 11th September 2001 the perception of the terrorist threat and the course of the events have dramatically changed. Macedonia has managed to find its own strategy how to fit in the new framework of the global policy against the terrorism. Against some critics, Macedonia assessed that the best approach in that “battle” would be to develop more close relations with USA and to become its ally. In that regard was the

⁴⁶ http://www.delo.si/index.php?sv_path=41.35.102011&src=rp

⁴⁷ <http://www.mvr.gov.mk/DesktopDefault.aspx?tabindex=5&tabid=102&parent=100>

agreement for exemption of American citizens from the International Criminal Court, and the involvement of the Macedonian army in the USA and NATO missions in Afghanistan and Iraq. Thanks to that approach and regardless of the ethics behind the chosen policies that were often an object of public and expert criticism, Macedonia to a great extent, has succeeded to gain international support and got an unambiguous sign that it will be invited to join NATO at the Alliance's Summit in Riga in December 2006. However, it should be stressed that Macedonia has made great progress in the reforms of the army which is one of the main criteria for the NATO accession. That progress was recognized in the EU reports.

Regarding the potential terrorist threats to the Macedonian security, the general impression is that Macedonia does not face a direct treat. Still, according to some Macedonian experts, because of its involvement in the missions in Iraq and Afghanistan, a potential danger of terrorist attacks faces the country⁴⁸. According to them the fear of Macedonia becoming a country "exporting" of fundamentalist Islamists is not real at the moment. On the other hand, the foreign experts⁴⁹ believe that the terrorism should be perceived as a global treat and that all countries should be worried of the global consequences of the "war on terror". They give the example of Spain and Netherlands, which according to them are countries with low level of terrorist treat but still they have faced serious terrorist incidents.

Regardless of the strategies and the plans for prevention of a terrorist danger that Macedonia has adopted, to some extent doubts exists of the capacity of Macedonia to deal with potential terrorist attacks. Yet professors⁵⁰ of the Police Academy in Skopje are positive that if terrorism occurs the relevant institutions in Macedonia can tackle well this problem. They expect an increase of the danger from global terrorism to influence all countries in the world as well as Macedonia.

The National Concept for Security and Defense⁵¹ is the basic document concerning Macedonian security. This document updated the Strategy for Security and Defense. Within two main treats that can affect Macedonia in the current process of globalization are recognized: terrorism and organized crime. The focus is also put on the global trends of migration, especially irregular migration, since Macedonia even in the National Concept is regarded as a crossroad of terrorism, irregular migration, human trafficking, drug and arm trafficking from Asia and Africa to Western Europe. The main objectives that Macedonia has to achieve in the prevention of organized crime and illegal migration are: active participation in expanding the peace and stability in the world, as well as development of the good neighboring relations and regional cooperation. Regarding the regional cooperation and the neighboring relations, Macedonia since the first EU report from 2002 got positive assessment and that was trend that is continuously positively noticed in the other reports.

The activities that have to be taken in the "battle" against the terrorism, irregular migration and the organized crime, stipulated in the National Concept are: achieving an efficient border police; harmonization of the mechanisms and procedures for exchange of information; improvement of the cooperation and coordination of the Ministry for Interior Affairs with the armed forces;

⁴⁸ <http://www2.dw-world.de/macedonian/politik/Mazedonien/1.200734.1.html>

⁴⁹ <http://www2.dw-world.de/macedonian/politik/Mazedonien/1.200734.1.html>

⁵⁰ <http://www2.dw-world.de/macedonian/politik/Mazedonien/1.200734.1.html>

⁵¹ http://www.vlada.mk/assets/Vladina_koncepcija_za_bezbednost.pdf

decentralization of the police to a local level according to the EU standards. Some progress has been achieved, but still great challenges for Macedonia are the mechanisms and procedures for exchange of information and the police reform.

Regarding the real work on the challenges of terrorism and illegal migration Macedonia faced a very controversial situation in 2001. In the vicinity of “Rashtanski lozja” [the vineyards of Rashtak] when seven persons allegedly immigrants, six Pakistani and one citizen of India, were killed under suspicious circumstances by representatives of one unit of the Ministry for Internal Affairs. The Ministry at that time claimed that the killed persons were terrorists. Yet in the public there were rumors⁵² that the case “Rashtanski lozja” was ‘constructed’ and that the people killed were economic immigrants who were trying to get to Greece traveling through Macedonia. The foreign press⁵³ perceived this case as a spoiled effort of Macedonia to gain the affinity of America and to be perceived as a great fighter against the global treat of the terrorism, as the official version regarding this case was that the “terrorists” were planning attacks on a number of embassies in Skopje. The American authorities were quite reserved regarding the presented arguments by the Ministry for Interior Affairs at that time.⁵⁴ At the end of the judicial process the defendants were not sentenced, but according to some⁵⁵, many things during the process have not been cleared up. It was not proven whether the persons killed were indeed terrorists.

Another case that drew much public interest is the largest trial regarding illegal migration, better known as “Jug 2.” At the end of the trial a total sentence of 100 years was passed for the 21 defendants involved in the case.⁵⁶ The main organizers of the crime were sentenced to 12 years in jail, while the others that provided the transport were sentenced to 5 years in jail. The case involved a very carefully thought out practice of smuggling illegal migrants from Albania, through Macedonia to Greece. Most of the illegal activities took place in the period of December 2005 to May 2006 when the crime was discovered by the police and this “chain of organized crime was broken.” In the mentioned period more than 100 Albanian citizens (also citizens from Moldova and India) illegally migrated to Greece by paying the smuggling gang between 200 and 800 euros.⁵⁷

The main controversy in this case was the involvement of representatives of the customs and the police, especially since one of the defendants (the commander Blazho Ivanov) accused high officials at that time that they had ‘constructed’ the case against him, because he did not approve and cooperate in their “business” of smuggling cigarettes.⁵⁸ Since the affair was revealed during pre- election period the political connotation were evident. Around that time an NGO affiliated to Gjorgji Ivanov, the brother of the defendant Blazo Ivanov, made an opinion poll that showed very low support for the political party in power. The ruling Social Democrats accused the NGO that the results of the opinion poll were rigged against them as a revenge for the arrest of Mr.Ivanov⁵⁹. Eventually, this case to a great extent got a political connotation and defocused the

⁵² <http://www.a1.com.mk/vesti/default.asp?VestID=13823>

⁵³ <http://www.a1.com.mk/vesti/default.asp?VestID=8380>

⁵⁴ <http://www.a1.com.mk/vesti/default.asp?VestID=11815>

⁵⁵ <http://www.vreme.com.mk/DesktopDefault.aspx?tabindex=7&tabid=1&EditionID=401&ArticleID=25706>

⁵⁶ <http://www.a1.com.mk/vesti/default.asp?VestID=71234>

⁵⁷ <http://217.16.70.245/?pBroj=2185&stID=76937&pR=15>

⁵⁸ <http://www.vreme.com.mk/DesktopDefault.aspx?tabindex=14&tabid=1&EditionID=755&ArticleID=49128>

⁵⁹ <http://www.a1.com.mk/vesti/default.asp?VestID=67806>

public attention from the main point of the trial. Thus, the largest trial on illegal migration in Macedonia could not avoid controversy.

Conclusion

Focusing on the institutional frame regarding migrations and the most current cases of illegal migration (that were presented in this chapter), it is easy to assess the level that Macedonia has reached regarding this problem and the future challenges facing it. Some questions regarding the institutional and legal framework have to be decided, especially regarding the issue of the Macedonian emigration, but more important point here is the debate that has to be developed and fostered so as to provide relevant solutions of that issue. In addition, besides the positive assessment of the role that Macedonia has in the regional cooperation regarding the organized crime and illegal migration, still the institution building is an area that needs more attention. Eventually, it is more than clear that the overall political context is important for the improvement of the situation regarding this issue. The rule of law and the corruption are inevitable points that need to be worked out so Macedonia could deal with the criminal activities connected to the illegal migration more efficiently and responsibly.

CHAPTER 3: Structural Problems regarding migration flows

Comparatively little has been written on emigration from Macedonia, immigration to Macedonia and the inner-country migrations. However a lot has been written on ethnic relations between the Albanian minority and the Macedonian majority – a crucial factor which affects emigration from Macedonia, immigration to Macedonia and in the same time influenced the inner country migration flows in the last thirty years. As a result significant number of the emigrants from Macedonia is ethnic Albanians. The other Macedonian migrations are however influenced by historical events happening in Macedonia, but also in the neighboring countries where the Macedonians live (i.e. the Greek civil war).

The exact number of emigrants, and immigrants is however unknown as there were 5,613 claims for asylum by Macedonians in 2001 and 5,549 in 2002, with a low 2% recognition rate and a 7% total rate of protection (including temporary protection status), which likely accounts for a certain number of returning migrants. Although no information is available about the ethnicity of the asylum-seekers, the circumstantial evidence indicates that many are members of either the Albanian or of the Roma minority.

As mentioned before the data on immigration from Macedonia is also not reliable, although every Macedonian citizen who intends to stay abroad for the period longer than 3 months is legally obliged to report this stay in the Ministry of Interior, very insignificant number of citizens obeys to the rule. The Macedonian Agency for Emigration estimates that there about 350.000 Macedonian citizens living abroad, whereas according to the Ministry of Foreign Affairs

this number amounts to 800.000.⁶⁰ Both numbers seem overstated and unreliable, since they refer to both institution's "own estimates" as well as fragmented and mostly outdated information from Macedonian consular representatives and census data from several countries suspected of hosting the biggest number of Macedonian immigrants.

Therefore, we have taken two measures as currently most reliable and up to date sources to measure immigration from Macedonia: (i) the 2002 census data and (ii) the voter's lists prepared for the Parliamentary elections held in July 2006. This data show that almost 10% of the population of Macedonia lives abroad; most of them are ethnic Albanians; and they reside mainly in Europe.

Table: Total number of persons from Macedonia, reported as being abroad, according to the country of stay.⁶¹

Number of persons from the Republic of Macedonia	Country of stay
5937	Switzerland
5874	Italy
4426	Germany
1298	Austria
825	USA
4635	Other countries
22995	Total

Table: Total number of persons from Macedonia living abroad, according to the ethnic affiliation.⁶²

Number of persons from the Republic of Macedonia	Ethnic affiliation
14155	Albanians
6611	Macedonians
2229	Other
22995	Total

The number of emigrants from Macedonia has risen further since the 2002 Census. According to the updated list of registered voters presented at the beginning of May by the Ministry for Justice there are 59.650 voters staying abroad to the period of up to one year, among the total of 1.742.316 registered voters in the Republic of Macedonia.⁶³

⁶⁰ Information obtained from Seadin Xhaferi, deputy-director of the Agency for Emigration, and from Sashko Todorovski, head of the department for emigration within the Ministry of Foreign Affairs

⁶¹ Source: State Statistical Office, Census 2002, Book IV- "The citizens of the Republic of Macedonia absent abroad", Skopje, April 2004, pp. 18, 48, 50, 58, 124, 136

⁶² Ibid. pp.145, 160,161,165,198,204

⁶³ See: "Preku telefon i Internet do informacija za pravoto na glas", Vreme, May 5, 2006

To explain the reasons why citizens from Macedonia immigrate and what are the structural problems they face upon return we will use the evidence gathered through the IOM project, “Fostering Sustainable Reintegration in Albania, Kosovo (Serbia and Montenegro) and Macedonia, by reinforcing local NGO capacity service provision to returnees,” carried out within the framework of the European Commission’s High Level Working Group. The study targeted migrants who are asylum-seekers, rejected asylum-seekers, visa “overstayers” and other irregular migrants.

The project findings were that the overall economic/housing situation in the home country has been the worst for the Macedonians who have participated in the project, as 35.1% of them noted that their economic conditions were very unsatisfactory and 48.6% noting they were unsatisfactory before leaving the country. With respect to housing conditions, 48.6% of Macedonians felt they were very unsatisfactory and an additional 27.0% felt they were unsatisfactory. As a result the main reasons why they have departed were the following: general insecurity (78.4%), poor living standards in the country of origin (56.83%) and economic hardship (48.6%).

Quite a significant percentage of these immigrants work on the black market, however, as just 25% of respondents working in Germany have had working permit, whereas others in other countries had none (overall 38% of all worked and only 3% had working permit). This implies that upon return these people can not claim pension rights in Macedonia, neither can assume the same from Germany.

Macedonians are the most indifferent of all potential returnees, with nearly one-third (31%, or seven respondents) saying they are indifferent to return. The rate of those saying that return would be a personal failure is the lowest among Kosovars (10%, or eight respondents) and the highest among Macedonians (18%, or four respondents). The primary circumstances under which migrants would be willing to return on a permanent basis are: acceptable level of security (78.4%); secured employment (91.92%), and acceptable living standards (81.1%); whereas acceptable medical and education services are least considered as important when returning home. As shown in a previous IOM study (2002a), there is a connection between perception of success and willingness to return: the stronger the perceived success, the stronger the will to return. The inverse applies in this case. The different migrant communities may also have different attitudes – as noted, much of the assessment of return is subjective; when returnees were asked to say why they were returning in one study, non-economic factors – the more emotional and subjective – dominated (King, 2000: 17). Thus, the immediate social context – both in the host country and at home – plays a significant role.

The Macedonians are the most pessimistic of all national groups, with 29.7% (11) saying they believe conditions will be very unsatisfactory when they will return and an additional 48.6% (18) selecting “unsatisfactory”. Just 10.8% (4) say conditions will be “satisfactory”, 8.1% (3) do not know, and no respondents believed that conditions would be “very satisfactory.”

It should be noted that return migration is closely linked to the question of irregular migration: very often, individuals considering a return home – a return which will likely be an assisted one, as opposed to the return home of regular migrants at the expiry of a short-term work visa – are irregular migrants. The European Commission, as well, has become interested in the

topic of voluntary return, not least because of its connection with irregular migration (European Commission, 2002a). Based upon the Commission's Green Paper and the intensive discussion surrounding it, a Communication was issued in October 2002 (European Commission, 2002b). This Communication, among other things, noted the importance of integration, saying that

Care will also have to be taken to ensure that the ground is prepared for profitable reintegration both for the returnee and for the place of origin. This will require both a firm commitment on the part of the third country and the readiness of the European Union and its Member States to provide the necessary assistance where required (European Commission, 2002b: 5).

In other words, what are the grounds for profitable (sustainable) reintegration irregular migrants in EU Member States? – Receiving return assistance. The main types of return assistance desired were: loans for small and mid-size business start-up (63.0%), followed by job-seeking assistance (55.9%) and a housing allowance (50.2%).

Macedonia does not offer any type of return assistance to immigrants, neither has a policy to attract immigrants back home. However we analyzed the current conditions under which the returning migrants could get loans, housing, get their belongings back home and access medical and educational services.

Loans for small business start-up are clearly the assistance type of choice. There appears to be a widespread lack of confidence in the economy to provide jobs, hence the wish to establish one's own place of business. This is relevant considering the level of unemployment in Macedonia reaching 361.335 people in October 2006. By starting up one's own business, one is not dependent upon an employer for work. Furthermore, if a returnee starts a small business, there may be jobs created if the business is successful; given the network nature of migration, these jobs could theoretically go to other returnees. Those immigrants that are returning home and are starting up their own business are also transferring knowledge and technology and contribute to the development of the local communities where their businesses are located⁶⁴.

However for one returning immigrant to receive loan and start up his/her own businesses s/he should provide a collateral (most preferable means of collateral are mortgage on the house, apartment, or office base located in the profitable economic areas of the towns) to the financial institution approving the loan scheme. And if as many as half of the surveyed immigrants were looking for housing allowance as a mean of returning assistance than they would not have the preferable collateral for the desired loan and thus would not get the loan itself.

The job seeking assistance is also not realistically to be provided for the returning migrants, as Macedonia does not provide such assistance to this particular group of people but provides assistance to all unemployed through the Bureau for employment that serves as a interlocutor between the job and employee seeking groups. Recently with the new Law on Labor Relations (Official Gazette 62/2005) a more pro-active measures to decrease unemployment were introduced through the private agencies for employment that also appear as intermediaries between the employers and job seekers.

⁶⁴ As in CRPM's study "How to make the Gostivar economy champion?", 2006

Housing per se is not provided by the state except for the poor, young couples or the family of the victims of the 2001 conflict. The state does not have any schemes for provision of housing allowance, but such can be obtained on the market, from financial institutions such as banks, on commercial basis. For this to happen one must provide collateral, which again is a house, flat or an office base. However, there were successful cases when the host country provided housing allowance for the immigrants returning to their country of origin, such as the return of Roma from Germany in the eighties.

The immigrants face one prominent problem when coming back home, they have to pay custom fees for all belongings they bring back home. No alleviations are provided to facilitate the return of the migrants.

Education and health services are provided for all. Primary education is compulsory and free of charge. It is provided through a developed network of schools in all urban and rural areas in the mother language of all ethnic groups living in Macedonia. Health care in Macedonia is delivered through a system of health care institutions. It is organized at the three levels: primary (PHC), secondary and tertiary care. The implementation of the functional divide between the three is outstanding however. The last years have seen a substantial growth of the private sector, especially in the field of PHC. Most dentistry practices have been privatized, a process later expanded to the pharmacies too. Most of the Macedonian citizens are health insured as all that are employed, retired and studying are health insured through the employer, while those not working are again health insured through the budget, as a part of the solidarity system.

Chapter 4: The Macedonian Migrant: A Profile⁶⁵

<i>Area under consideration</i>	The Macedonian migrant is a person who:	<i>Statistical support for the claim</i>
<i>Economic conditions</i>	finds the economic conditions in Macedonia unsatisfactory;	48.6% of Macedonian migrants note that their economic conditions were unsatisfactory. 35.1% of them consider their economic conditions at home very unsatisfactory.
<i>Housing</i>	finds his/her previous housing conditions very unsatisfactory;	48.6% of Macedonian migrants feel that their housing conditions were very unsatisfactory. An additional 27.0% feel that they were unsatisfactory.
<i>Unemployment</i>	is unemployed prior to departure;	56.8% of Macedonian migrants were unemployed before leaving the country. 10.8% of them were unemployed for five to ten years. Unemployment for less than one year prior to departure is 8.1%.
<i>Insecurity</i>	perceives Macedonia as a country of general insecurity;	78.4% of Macedonian migrants point out at general insecurity as a reason for leaving the country.
<i>Ethnic cleavages</i>	does not pay too much attention to the ethnic differences in Macedonia;	35.1% of Macedonian migrants find ethnic cleavages a reason to leave.
<i>Poor living standards</i>	minds the poor living standards in Macedonia;	56.8% of Macedonian migrants identify poor living standards as a reason for departing.
<i>Circular migration</i>	leaves his/her home for the first time;	78.4% of Macedonian migrants have left their home for the first time. Circular migration is not very current.
<i>Voluntary return</i>	is not very keen to return home voluntarily;	The period of 2000-2004 saw only 1483 voluntary returns to Macedonia.
<i>Native language</i>	speaks Albanian or Macedonian as his/her native language;	46% of Macedonian migrants have Albanian for their native language, whereas 43% of them opt for Macedonian. The rest of 11% have another mother tongue.
<i>Ethnic affiliation</i>	has Albanian or Macedonian ethnic affiliation;	The percentage is similar with the one of native language.
<i>Age</i>	is of 19-29 years of age;	Over two-thirds (67.6%) of Macedonian migrants are aged between 19 and 29. Those between 30 and 39 comprise 18.9% of Macedonian migrants.
<i>Gender</i>	is male;	59.5% of Macedonian migrants are males. Macedonia has the highest percentage of women (40.5%) migrants in the Balkans.

⁶⁵ Adapted from Amanda Klekowski von Koppenfels, "Profiling of Irregular Migrants and Analysis of Reintegration Needs of Potential Returnees from Kosovo (Serbia and Montenegro), Albania and Macedonia in Belgium, Italy, the United Kingdom and Germany," Final Research Report to the European Commission, November 2004.

<i>Marital status</i>	is single;	Three-quarters (75.7%) of Macedonian migrants are single, 16.2% married and 8.1% divorced.
<i>Children</i>	has no children;	86.5% of Macedonian migrants have no children.
<i>Education</i>	has secondary education;	59.5% of Macedonian migrants have secondary education, 16.2% primary, 5.4% - university degree and 2.7% – a vocational training.
<i>Work experience</i>	has no substantial working experience;	21.6% of Macedonian migrants have a working experience for one to five years, 13.5% of them – for less than a year and 5.4% – for more than ten years.
<i>Reasons for selecting the host country</i>	perceives the host country as a temporary destination until moving permanently elsewhere;	37.8% of Macedonian migrants so perceives the host country. 18.9% of them selects the host country because of other Macedonian citizens live there. 13.5% do so because of family reunion. For 10.8% selecting the host country is a pure coincidence. Rumors about advantageous asylum policy in the host country and suggestions from persons who assist migrants to leave also play a role in selecting a host country.
<i>Length of stay</i>	has been staying in the host country for two to five years;	56.3% of Macedonian migrants have been staying in their host countries for two to five years. More women than men stay for one to two years, while fewer women stay for two to five years than had men. When it comes to longer stays, men and women are approximately equal.
<i>Knowledge of the language of the host country</i>	speaks the local language on a basic level;	59.5% of Macedonian migrants speak the local language on a basic level. 27.0% of them speak it well, while 13.5% do not speak it at all. None of them claims that (s)he speaks it fluently. Men’s knowledge of the local language is stronger than is women’s.
<i>Legal status of departure</i>	has gone abroad illegally;	54.1% of Macedonian migrants have headed abroad illegally. Men are more likely to have left home illegally than women.
<i>Current residence status</i>	is a visa overstayer or remains undocumented after the first entry;	32.4% of Macedonian migrants are visa overstayers. 27.0% of them are persons undocumented since the first entry. Women are considerably more likely to be visa overstayers and less likely to be rejected asylum seekers.
<i>Work history in host country</i>	has no work permit;	2.7% of Macedonian migrants have work permits. Women work less often than men.
<i>Studies in host country</i>	does not study in the host country;	A negligible percentage (approx. 3%) of Macedonian migrants pursue studies in the host country.

<i>Remittances and importance of remittances</i>	sends remittances every so often;	32.4% of Macedonian migrants send remittances. Women send remittances home somewhat less often than do men. 33% believe that remittances are important to their families.
<i>Success of stay</i>	is happy with the outcome of his/her stay abroad;	45.9% of Macedonian migrants note that their stay abroad has been successful. Women, for the most part, are more positive about their stay abroad than men.
<i>Wish to return home</i>	has no wish to return home;	29.7% of Macedonian migrants express wish to come back home. 21.6% say maybe. The rest does not contemplate such a motion.
<i>What return means to migrants</i>	has no particular stance on what return means to him/her;	31% of Macedonian migrants are indifferent to return. 18% of them see eventual return as a personal failure. 5% of them see it as a positive step. Women are considerably more unsure about what return actually means to them.
<i>Expectation from return</i>	has no belief in fast improvement of conditions back home;	48.6% of Macedonian migrants believe that the general conditions in Macedonia will remain unsatisfactory for some time to come. 29.7% of them think that the conditions will be very unsatisfactory. 10.8% say conditions will be satisfactory, 8.1% do not know, and none believes that the conditions will become very satisfactory.
<i>Circumstances of permanent return</i>	finds secure employment, acceptable level of security and good living conditions the most important factors in a decision about permanent return.	91.9% note that secure employment is the most important factor in a decision about permanent return. 83.8% thinks so of the acceptable level of security, whereas 81.1% gives most weight to living standards.

Chapter 5- Conclusion Emigrating from and Migrating to Macedonia

Case study 1: Escaping into Macedonia

Ms. Menka Milevska- Gagalova (Melpomeni Gagalis) was born on 19th January, 1931 in the village of Gornichevo (Keli) near Lerin (Florina) in the Northwestern part of Greece, near the border with the Republic of Macedonia. Ms. Gagalova was born in the part of Macedonia that Greece conquered during the Balkan wars 1912/1913 and kept it after the First and the Second World Wars. While at the time of conquest (Aegean) Macedonia majority of the population of this region was Macedonian, with a strong presence of Turks, Jews and Greeks, the demographics of this area have gradually and at times abruptly been changed. The partition of Macedonia among Bulgaria, Greece, and Serbia during the Balkan Wars of 1912-1913 was a national disaster that divided Macedonians among three different states.⁶⁶

The partition of Macedonia among Bulgaria, Greece, and Serbia during the Balkan Wars of 1912-1913 was a national disaster that divided Macedonians among three different states. Greeks, Bulgarians, and Serbs tried to assimilate the indigenous population. For Athens, Aegean Macedonia became simply northern Greece and its Slavic-speaking Macedonians were considered Greeks or at best "Slavophone" Greeks. Needless to say, the claims of official Athens the partition and their policies solved or put an end to the Macedonian problem turned out to be no more than wishful thinking and self-deception. Macedonians rejected the partition of their land and the settlement based upon it.

Yet the Greek state also took specific measures to force the Slav-speaking population to speak Greek and to assimilate into Greek society. The Greek government changed Slavic place names and personal names to Greek ones and ordered religious services to be performed in Greek. These measures entailed considerable force, especially during the Metaxas regime (1936-1941), when the use of the Slavic language was forbidden and education in Greek was enforced. Milder versions of these tactics remained in place during the 1950s and early 1960s. The illiberal policy of the Greek government reached its climax under the Metaxas monarchist-fascist dictatorship (1936-1941) when even the private use of Macedonian language was forbidden.⁶⁷ Defiance of this ban produced Draconian measures, where a great numbers of Macedonians were convicted and deported to desolate Greek islands. While evening schools were opened in which adult Macedonians were taught Greek, ethnic Macedonian localities were flooded with posters that read "speak Greek". Even more, a law that was adopted in 1936 forced Macedonians to change their personal names into the Greek ones. Thus, Jovan Filipov, became Yannis Fillipidis, while Ms. Gagalova's name was changed into Melpomeni Gagalis.

⁶⁶ See for example Stojan Kiselinovski, *Etnickite Promeni Vo Makedonija*[Ethnic Changes in Macedonia] : 1913-1995, Kultura: Skopje, 2000, or by the same author *Grchkata Kolonizacija vo Egejska Makedonija*[The Greek Colonization of Aegean Macedonia] 1913-1940, Institut za Nacionalna Instorija: Skopje, 1983.

⁶⁷ On September 7, 1938 the legal Act 2366 was issued. This banned the use of the Macedonian language

Although harsh, there is no doubt that the Greek policies of repression had failed. In December 1944, Captain P. H. Evans, an agent of the Special Operations Executive (SOE) who spent eight months in Western Greek (Aegean) Macedonia as a British Liaison Officer (BLO) and station commander, reported to the Foreign Office:

It is a predominantly a SLAV region not a GREEK one. The language of the home, and usually also of the fields, the village street as is given on the market is MACEDONIAN, a SLAV language.... The Place names as given on the map are GREEK but the names which are mostly used ... are SLAV names. The GREEK ones are merely a bit of varnish put on by Metaxas.... GREEK is regarded as almost a foreign language and the GREEKS are distrusted as something alien, even if not in the full sense of the word, as foreigners. The obvious fact, almost too obvious to be stated, that the region is SLAV by nature and not GREEK, cannot be overemphasized.⁶⁸

The Macedonians of Northern Greece have kept their identity despite the assimilation strategy of the Greek state. Yet, even harsher times were to come.

During World War Two, in a partisan struggle, ethnic Macedonians in Vardar Macedonia won the right for a free federate republic within the framework of the Yugoslav federation. The creation of the Yugoslav Socialist Republic of Macedonia also had large influence on the Macedonians who lived in Greece. Promising equal treatment to the minority Macedonians and a large autonomy of Aegean Macedonia within the auspices of a communist state the Greek communists were able to attract the Slavic population by forming separate units-- Slovenomakedonski Narodno Osloboditelen Front (SNOF). Thus, during the Greek Civil War (1946-1949) fought between the forces of the right wing- monarchist Greek government, and the communist National Liberation Front-Greek Popular or Liberation Army (EAM-ELAS), most of the Macedonians joined the latter. However, in 1949 DAG forces were defeated and a new exodus of Macedonians from Greece followed. The number of those who fled is estimated at 100,000 including 28,000 children. In fact, the victory of the Greek monarchists meant that Macedonians in Greece would remain unrecognized as a minority group.

Moreover, in 1947, the Greek government adopted a law that deprived all those who that had fought against the government in the Civil War, thus including many ethnic Macedonians, from their citizenship and their property. The situation remained complicated because part of the remaining Macedonian population fled to the new Yugoslav federation (Vardar Macedonia) and to other East European countries, while a considerable number of them emigrated to Western countries (mainly Canada and Australia), giving rise to a Macedonian diaspora. The creation of the Socialist Republic of Macedonia in 1944 officially sanctioned the Macedonian identification and provided this population with a prospective national homeland.

During the harsh winter of 1947 fighting intensified again in the Lerin (Florina) region. Hearing rumors of brutalities being committed against Macedonians by the Greek royalist in the surrounding villages the family of Ms. Gagalova decided not to risk facing the Greek right wing forces and fled to the north. The border with Socialist Republic of Macedonia was(is) twenty five kilometers away. Taking only their most precious belongings with them the Gagalov family

⁶⁸ See Public Records Office (London), FO371/43649, Chancery (Athens) to Southern Department, 12 December 1944, Enclosure. Captain P. H. Evans's "Report on the Free Macedonia Movement in Area Florina 1944" (14 pp.) is given verbatim in Rossos, "Macedonians of Aegean Macedonia," A British Officer's Report, 1944," *The Slavonic and East European Review* 69, no. 2 (April 1991), 282-88.

crossed the border over mountain Kajmakchalan on 21st January 1947. They found themselves in the village of Sovich, Mariovo region. The father Dimitar immediately looked for a job, while the mother Evgenija was left home taking care of the four daughters, Hrisula, Ljupka (Agapi), Menka, and Aleksandra (Alexandra). Since Dimitar was a construction worker and could not find a job in the mountainous region they moved to Novaci, a village nearby Bitola. Evgenija found a job as a tailor. She used to do some sewing and stitching in her native village and used the skills to survive in her new land. They remained in the village for eight months. Then, they were given a small house that before the World War Two belonged to the Jews of Bitola to live in. This was to be a temporary solution as the communist party decided to send Macedonian refugees from Northern Greece to Vojvodina, to live on the property of the local Germans that were expelled from that region after the war. Not to leave Bitola all the sisters except Menka married to local men. Menka finished a vocational school in Bitola and met a young communist secret police officer Aleksandar Milevski.

Since Aleksandar got a post in Eastern Macedonia the whole family moved there. The father got a job as a security guard at storage of a construction company while the mother continued sewing. Aleksandar got them a flat of their own. After six years Aleksandar who already got a daughter with Menka, was moved to Gevgelija, a town in Southern Macedonia. Dimitar and Evgenija moved back to Bitola, the father getting a job in the local sugar processing plant. They were given a flat to share with another family by the company. Only in 1962 they got a flat of their own from the state dying in Bitola in 1972. Aleksandar was given a new job in Tetovo and later to Prilep moving the whole family along. Finally in 1966 Aleksandar got a job in Bitola where the family permanently settled.

Case Study 2: Leaving Macedonia and Dreaming of a Return

This is the story of Bakiu family. Mr. Naim Bakiu born in Skopje, 1976, graduated from the Pedagogic Department within the University of Skopje in 1998. He began working in the Pension and Health Insurance Fund soon thereafter. In 1999 he was promoted to a higher position. However, in 2003 he met his love while visiting friends in Kosovo. She was/is from Albanian from Kosovo that lives in Finland. At the end of 2003 they married. Early 2004 Naim quit his job and moved to Turku in Finland. Immediately he started learning Finnish. In a record time of year and a half Naim learned the Finnish language. He obtained a residence permit and began working as a translator/interpreter. Soon thereafter he began working as a teacher for ethnic Albanians living in Finland. After another year he passed a course for bus drivers and began working for the local bus company first as a temporary employed person and later as a fully paid driver. At the moment he still works in this company. Ever since he moved to Finland he has visited his relatives in Macedonia only once. He stays in touch with the family sending remittances back home. His wife is also employed in a private Finnish company. They have no intention to come back to Macedonia or Kosovo at the moment hoping to return at a later stage.

Naim's brother, Agron lives in Ascoli-Piceno near Ancona in Italy. His story is quite different. Born in 1975 in Skopje, he finished high school there. Yet, immediately after graduation, in 1994, he emigrated to Italy. Agron is a typical case of a *pechalbar* (in Albanian *gurbetchar*). His

reasons for emigration were economic, as Agron wanted to help the family meet ends. As few job opportunities are present in Macedonia and Agron had to seek employment abroad. In the beginning he was asylum seeker and could only obtain job on the grey market. He worked manual jobs mainly in the construction business. Later, he applied for a residence permit getting it in 1996. For these two years Agron did not return home. Yet he sent remittances back home. During the next four years (1996-2000) he switched between jobs moving from town to town. In 2001, he found a good job and permanently resided in Ascoli- Piceno. Since 1996 he returns to visit his family twice a year. In 2002 Agron married a local girl from his old neighborhood in Skopje. Six months after they married Agron's wife obtained the necessary papers to move to Italy, and joined him in the winter of 2002. They live together in Italy now the wife still learning the language. Both of them are convinced to return back to Macedonia. At first they want to accumulate the necessary capital to come and invest in private business in Macedonia.

Naim and Agron's cousin Burim is in Sweden. His story is similar to Agron's. Born in 1976 he graduated from high school in 1994 getting a job at the Skopje Airport after two years looking for opportunities on the employment market. His job entailed a lot of travel. In 1997 on one of the business trips to Sweden Burim met a girl and fell in love. She is Kosovo Albanian, a refugee. The following year they got married in Macedonia and moved to Sweden immediately. For two years Burim studied Swedish working on the grey market meanwhile. After learning Swedish Burim began working as a teacher of Albanian language for ethnic Albanian refugees and asylum seekers. Burim's family also wants to return to Macedonia. It is a question of time and money to do that. Meanwhile Burim and his wife sent remittances to help their families.

Case Study3: Escaping Macedonia for a Better Life and Preparing to Return

Goran Stojanovski decided to leave Macedonia in 1972 and emigrate to Düsseldorf, Western Germany. At that time Germany needed cheap labor force attracting it from the Balkans. Goran worked well with pipes getting employment in *Mannesmann*. Soon after his arrival he got a permanent residence permit. He fulfilled the conditions to obtain a German citizenship but refused to do so since Germany does not tolerate dual citizenship and Goran would have had to renounce his Macedonian (old Yugoslav). After five years working in Germany he met his love during the summer holidays spent back in Macedonia. Goran married Cveta that summer and took her with him to Germany. She also got a residence permit. Most of their friends are either Macedonians or other former Yugoslavs. The region around Düsseldorf boasts a strong presence of emigrants from former Yugoslavia and the Balkans. Therefore, the cultural life for many of them is not much different than life lived back at home. Organized in small cultural societies and church communities Macedonians alike other Balkan emigrants mingle among themselves. There are few German friends to socialize with but most of the social life is concentrated on the ethnic kin. In 1979 Goran and his wife got a son. Curiously, Cveta decided to have Stefan back home and he was born in Skopje. She brought Stefan up for a couple of years before taking a part time job as a cleaner. Stefan was raised and educated in Germany. The family savings have been invested in building a family house back home, buying three shops to rent to interested clients. After getting retired they want to invest in car mechanics business back in Macedonia. Not surprisingly, this is the educational background of Stefan. Yet, Stojanovski family does not want to fully disentangle from their German life. They have bought a small flat in Düsseldorf the place where Goran originally emigrated to. It is not clear if Stefan would be interested in moving back

to Macedonia with Goran and Cveta. Life in Macedonia is very different than the one in Germany. Like many second generation emigrants Stefan is dazed and confused about his identity and belongingness.

Case Study 4: Escaping Macedonia and Coming Back

The story of the dairy “*Caseificio Cesarina*”, producing different sorts of yellow and white cheese and other dairy products is a bit of an oddity in Macedonia. This family managed to remain in tact despite having the son move to Italy living and working there for a while. Nagip Fejzi from Gostivar moved to Italy and found a job as an ordinary worker in milk dairy “*Caseificio Cesarina*” near Rome. He advanced quickly from the worker to supervisor position. In the meantime, the dairy started to face financial problems, and Nagip took the risk and invested his money in the factory buying off the management package. Now the factory in Italy has 9 employees, 3 of them from Gostivar.¹ In 2001, Nagip has decided to invest in opening a milk dairy in his native village Belovishte in the Municipality of Gostivar. Although the company is registered as “*Caseificio Cesarina*” it is more familiar by its brand name “Fejzi” in Macedonia. Besides the dairy in Belovishte, the company operates also a store in the center of Gostivar and one in the center of Skopje. The factory in Italy produces for the Italian market only and the factory in Belovishte only for the Macedonian market as well. However, the plans to penetrate on foreign markets are developed as the owner awaits for the approval from the Macedonian Ministry of Health to exports the dairy products produced in Macedonia. The company intends to start soon with construction of the bigger and more sophisticated plant in Gostivar, which should improve the production capacity as well as enhance the employment.

Chapter 6: Conclusion and Recommendations for the Government

Migrations are not new phenomenon for Macedonia. Thousands of Macedonians of all ethnicities, young men mostly, have been emigrating abroad since the late XIX century. There have been both migrations into as well emigration out of Macedonia. During times of armed conflicts such as the Balkan Wars, the First and the Second World War, there has been exodus of members of different nations in and out of Macedonia. Political dictatorships, fascist or communist alike have also resulted in population shifts. While wars and political turbulences have increased migrations peace has rarely meant reversal of fortunes. In peaceful times, the state of the economy has affected migration trends. Colonies of emigrants from Macedonia have been formed in industrial towns in the USA, Canada and Australia. Migrants to Western Europe have tended to cluster in the German speaking countries and Scandinavia. Since independence Italy and the Great Britain have been destinations for many. Dreaming a better future many young citizens of Macedonia try legal and illegal ways how to reach Western Europe and find jobs there. Even more recent trends have witnessed a dozen of Macedonian residents apply for and work in companies such as KBR (formerly Kellogg Brown and Root) supporting NATO or USA missions in far away and dangerous places like Afghanistan or Iraq. Buildings in

Kumanovo, a large northern Macedonian town where KBR was operating during the Kosovo crisis and the early 2000's, have been nicknamed "Afganistanka" and "Irachanka" denominating where many of its residents have went abroad to find employment. At least two Macedonian citizens have been killed in Iraq, speculations about a dozen more gone missing ripe. The numbers of are high- while the Macedonian Agency for Emigration estimates that there about 350.000 Macedonian citizens living abroad, according to the Ministry of Foreign Affairs this number amounts to 800,000.⁶⁹ Economic are the main reasons for emigration. Yet, emigrants help kin back home.

The money transferred by migrants to their native town or villages or spent and invested there during their short visits are of utmost importance for post-transition economies such as Macedonia. Remittances have grown in value all over the world in the past several years. In several emigration countries, remittances in 2004, estimated by the IMF at 26 billion dollars worldwide, largely exceeded the volume of official development aid (ODA), and in certain cases even of foreign direct investments (FDI) or income gained from the export of goods and services.⁷⁰ Macedonia belongs to this group of countries. The German Ministry of Foreign Affairs estimates that 70.000 Macedonian immigrants in Germany remit about 50 million dollars to Macedonia yearly.⁷¹ The State Statistical Office of Switzerland provides similar data. Data from IMF show that remittances in 2002 made 15.2% of the Macedonian GDP amounting to 278 dollars per capita.⁷²

Studies show that remittances can affect local economic development, poverty reduction, improvement of education level, generate growth, investments in new value added.⁷³ Governments hope that remittances will facilitate creating of a long-lasting link between emigrants and their home country, which will be accompanied by transfer of the skills and knowledge gained in a more developed market environment.⁷⁴ For that reason, the national policy-makers use various options for attracting and proper utilization of remittances. The remittances Macedonians send back are vital to the survival of their families. However, their impact on the Macedonian economy can go further from sending remittances throughout the year and spending money in the local economy during the holiday's season. While remittances contribute to the increase of domestic consumption and poverty reduction in the home countries, they can also pose valuable sources for economic development and investment too.

At the moment, the significant amount of transfers remitted to Macedonia does not contribute to the more sustainable socio-economic development of the country. Largely spent on houses and flats this money rarely seems to create any value added for the local economy. A small number of private manufacturing ventures in Macedonia area have been established by returning emigrants, taking advantage of the technological knowledge and capital they have acquired in Western Europe. They have recruited skilled workforces and utilized commercial contacts built

⁶⁹ Information obtained from Seadin Xhaferi, deputy-director of the Agency for Emigration, and from Sashko Todorovski, head of the department for emigration within the Ministry of Foreign Affairs

⁷⁰ See: See: Migration, Remittances and Development, ISBN-92-64-013881 published by OECD 2005, p.9

⁷¹ See German Ministry of Foreign Affairs at: http://www.auswaertiges-amt.de/www/en/laenderinfos/laender/laender_ausgabe.html?type_id=14&land_id=110

⁷² See: IMF, Balance of Payments Statistics Yearbook, 2003; World Bank, World Development Indicators, 2003.

⁷³ See: Migration, Remittances and Development, ISBN-92-64-013881 published by OECD 2005, pp.286-298

⁷⁴ See Ibid.

previously, so that to link their businesses with foreign markets and establish themselves as leading producers in Macedonia. The juice producer “Gudalat”, the dairy products maker “Caseificio Cesarina – Fejzi”, leaders in their business sector are some of the most successful examples. They show that the emigrants could contribute in the creation of a sustainable SME’s sector in Macedonia. The government should ease the procedures for the emigrants to return home and invest in Macedonia. It should promote a policy for attracting and utilizing remittances as soon as possible. Emigrants have become ministers in the new government of Macedonia. They should remember their own life stories and experiences and start working immediately on bringing many more back home to work for the country and to stop others leaving too.

Appendix

(a) Legal Framework regarding migrations flows

STATE POWERS AND RESPONSIBILITIES

<i>Field</i>	<i>Act</i>	<i>Short Description</i>	<i>Reference & Status in Macedonia</i>
<i>Entry, stay and exit</i>	The Universal Declaration of Human Rights (UDHR)	Art. 13(2) – Right to leave and re-enter one’s own country.	GA res. 217A (III), UN Doc. A/810 at 71 (1948) Since the Declaration is not legally binding in technical terms, there are no signatories to the Declaration. GA res 2200A (XXI)
	The International Covenant on Civil and Political Rights (ICCPR)	(1) Limitations on exit if related to national security, public order, public health or morals or the proper administration of justice; (2) Right to re-enter; (3) Procedural protection for aliens lawfully present in a State prior to being expelled, including review by a competent authority and the opportunity to submit reasons against the expulsion; (4) Procedural rights may be denied, if national security so requires.	United Nations Treaty Series (UNTS), vol. 999, p. 171 & vol. 1057, p. 407 Treaty succession 18.01.1994
Regional instruments and activities	legal Council Directive on the condition of entry and residence of third-country nationals for the purposes of studies, vocational training or voluntary service	Conditions for entry and residence, such as admission to an establishment of higher or professional education, means of subsistence, sufficient knowledge of the language of the course and prior payment of enrolment	COM(2002) 548 2002/0242 (CNS) 7.10.2002

		fees; Period of validity and renewal of residence permits; Rights of third-country nationals, such as right to enter and reside, qualified right to travel and to work; Procedure and transparency in residency permit application process	
	Council Decision on a joint action adopted by the Council on the basis of Article K.3.2.b of the Treaty on European Union concerning travel facilities for school pupils from third countries resident in a Member	(1) Visa exemptions for third-country nationals who are legal residents of another Member State in case of school excursions.	31994D0795 94/795/JHA 30.11.1994
	Council Resolution on the status of third-country nationals residing on a long-term basis in the territory of the Member States	(1) Conditions for the acquisition of long-term resident status, such as period of legal continuous stay, stable & adequate resources, insurance, relaxed conditions for refugees & third-country nationals born on the territory of a Member State; (2) Considerations of public policy, health or domestic security as a basis for withholding the status; (3) Procedures; (4) Enhanced protection against expulsion; (5) Right of residence in a second State of residence.	COM(2001) 127 2001/0074 (CNS) 13.3.2001
National, Macedonian legal instruments and activities	Law on Foreigners	(1) Conditions for entry, such as means of subsistence, letters of invitation, travel insurance; (2) Right to nuclear family reunion; (3) Types, issuance and cancellation of visas; (4) Temporary residency permits; (5) Marriage of	Off'l Gaz'te RM No. 23 23.03.2006

		convenience; (6) Illegal residence; (7) Expulsion & ban on entry/exit; (8) Travel documents & proof of identity; (9) Search; (10) Domicile reporting; (11) Records & files; (12) Legal aid.	
	Law on supervision of state border	(1) Information exchange facilitation; (2) Border-crossing; (3) Border control; (4) International police cooperation; (5) Personal data collection & procession.	Off'l Gaz'te RM No.71 08.06.2006
	Law on supervision of border crossing and movements in the border zone	(1) Border-crossing points & procedures; (2) Movement & stay in the border zone.	Off'l Gaz'te RM No.19/04 30.03.2004
	Law on asylum and temporary protection	(1) Non-refoulement & exceptions; (2) Safe countries; (3) The role of UN High Commissioner for Refugees; (4) Legal aid; (5) Regular & urgent procedures; (6) ID papers; (7) Legal status, rights & duties.	Off'l Gaz'te RM No. 49, 25.07.2003
<i>Consular protection and assistance</i>	The Vienna Convention on Consular Relations	(1) Protection of the interests of the sending State and of its nationals, both individuals and bodies corporate, within the limits permitted by international law; (2) Assistance to nationals, both individuals and bodies corporate, of the sending State; (3) Issuance of passports and travel documents to nationals of the sending State, and visas or appropriate documents to persons wishing to travel to the sending State; (4) Representation for nationals of the sending State before the tribunals and other authorities of the receiving State ...where, because of absence or any other reason, such	UNTS Nos. 8638-8640, vol. 596, pp. 262-512 Treaty succession 17.11.1991

nationals are unable at the proper time to assume the defense of their rights and interests.

RIGHTS OF PERSONS MOVING ACROSS BORDERS

*Internationally
recognized
standards
applicable to all
migrants*

The International Covenant on Civil and Political Rights (ICCPR)

(1) Definition of basic rights of all persons: the right to life, liberty and security, not to be held in slavery or servitude, not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment; not to be subjected to arbitrary arrest, detention or exile; to marry and to found a family; (2) Rights provision without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Supra

The International Covenant on Economic, Social and Cultural Rights (ICESCR)

(1) Guarantee of the right to work, free choice of employment and just and favorable conditions of work, the right to form and join trade unions, the right to social security, including social insurance, an adequate standard of living, the highest attainable standard of physical and mental health, education (compulsory and free at the primary level), and the right to take part in cultural life and benefit from scientific progress.

GA res. 2200A (XXI), 21 UN GAOR Supp. (No. 16) at 49, UN Doc. A/6316 (1966), 993 UNTS 3

Treaty succession
18.01.1994

The Convention on the Elimination of All Forms of Discrimination Against Women

(1) Elimination of sex role stereotyping; (2) Suppression of traffic in women and exploitation of prostitutes; (3)

GA res. 34/180, 34 UN GAOR Supp. (No. 46) 193, UN Doc. A/34/46; 1249 UNTS 13; 19

	(CEDAW)	Termination of discrimination in the field of employment and citizenship; (4) Elimination of gender discrimination in rural areas.	ILM 33 (1980) Treaty succession 18.01.1994
	The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women	(1) Establishment of a communications procedure allowing individuals or groups to submit complaints to the Committee.	GA res. 54/4, annex, 54 UN GAOR Supp. (No. 49) 5, UN Doc. A/54/49 (Vol. I) (2000) Ratification 17.10.2003 GA res 2106 (XX)
	The International Convention on the Elimination of All Forms of Racial Discrimination (CERD)	(1) Guarantee, without distinction as to race, color, national or ethnic origin, of the right to equal treatment before the tribunals and all other organs administering justice, to leave any country, including one's own, and to return to one's country and the right to nationality.	660 UNTS 195 Treaty succession 18.01.1994
	The Convention on the Rights of the Child (CRC)	(1) Protection of migrant children from violence, abuse, neglect, exploitation and sexual abuse.	GA Doc. A/RES/44/25 Treaty succession 02.12.1993
Regional legal instruments and activities	Green paper on a Community return policy on illegal residents	(1) Recommendation to use the term "undocumented" instead of "illegal" whenever human beings are concerned; (2) Formulation of the principle of giving priority to voluntary return in all relevant documents concerning return policy; (3) Establishment of an independent monitoring institution; (4) Development of alternatives to detention; (5) Development of a code of conduct	COM (2002) 175 29.07.2002

		for expulsion, detention and removal; (6) Groups that should never be detained during expulsion; (7) Binding standards of detention; (8) Improvement of removal procedure.	
<i>Migrant workers</i>	The Convention concerning Migration for Employment (Revised) (No. 97)	(1) Provision of free and accurate information to migrants; (2) Prevention of misleading propaganda; (3) Facilitation of departure, journey and reception of migrants; (4) Prevention of discrimination against migrants; (5) Permission to send remittances.	120 UNTS 70 Treaty succession 17.11.1991
	The Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (No. 143)	(1) Requirement to the States to respect the human rights of migrants, to investigate, monitor and suppress trafficking and to provide equal opportunity and treatment in the areas of employment, social security, unions, and cultural rights.	Treaty succession 17.11.1991
	The Convention concerning Forced or Compulsory Labor (No. 29)	(1) Suppression of forced or compulsory labor in all its forms.	39 UNTS 55 Treaty succession 17.11.1991
	The Convention Concerning Abolition of Forced Labor (No. 105)	(1) Suppression of forced or compulsory labor in all its forms.	Ratification 15.07.2003
	The Equal Remuneration Convention (No. 100)	(1) Application to all workers of the principle of equal remuneration for men and women workers for work of equal value.	165 UNTS 303 Treaty succession 17.11.1991
	The Discrimination (Employment and Occupation)	(1) Obligation to promote equality of opportunity and treatment in respect of	

		Convention (No. 100)	employment and occupation for all.	Treaty succession 17.11.1991 Doc. A/RES/45/158
		The UN Convention on the Rights of All Migrant Workers on Members of their Family	(1) Reaffirmation of basic human rights norms and their embodiment in an instrument applicable to migrant workers and their families; (2) Guarantee of minimum rights for migrant workers and members of their families who are in legal or undocumented/ irregular situation; (3) Prohibition of torture or cruel, inhuman or degrading treatment or punishment, slavery or servitude and forced or compulsory labor, arbitrary or unlawful interference with privacy or attacks on honor and reputation; arbitrary denial of property; collective expulsion; (4) Freedom of thought, religion and conscience guaranteed; (5) Entitlement “to effective protection by the State against violence, physical injury, threats, and intimidation, whether by public officials or by private individuals, groups or institutions;” (6) Setting out the rights of migrants in expulsion proceedings; (7) Right of all migrants to seek the protection and assistance of the consular or diplomatic officials of their countries of origin.	Neither ratified nor signed
Regional instruments activities	legal and	The European Convention on the Legal Status of Migrant Workers	(1) Migrants in legal work situations	CETS No. 093
		The European Convention on	(1) Provision of same absolute, non-	Neither ratified nor signed

	Human Rights (ECHR)	derogable rights to foreign nationals as to European nationals, including the right to life and to be free from torture.	Ratification 10.04.1997
	The European Social Charter (ESC)	(1) Provision of equal access to social housing for foreigners; (2) Accessible, effective health care facilities for the entire population; (3) Right to social security, social welfare and social services; (4) A limited right to family reunion; (5) Procedural safeguards in the event of expulsion; (6) Right of women and men to equal treatment and equal opportunities in employment; (7) Prohibition of forced labor; (8) No discrimination in application.	Signature 05.05.1998 Ratification 31.03.2005
	The EU Council Directive establishing a general framework for equal treatment in employment and occupation	(1) Protection against dismissal or other adverse treatment by the employer as a reaction to a complaint within the undertaking aimed at enforcing compliance with the principle of equal treatment; (2) burden of proof that there has been no breach of the principle of equal treatment in case of legal proceedings – to the respondent; (3) measures to promote dialogue among social partners, including NGOs, with a view to fostering equal treatment; (4) Measures to ensure that any provisions contrary to the principle of equal treatment are abolished.	2000/78/EC 27.11.2000
<i>Refugees</i>	The 1951 UN Convention Relating to the Status of Refugees	(1) <i>Non-refoulement</i> – a legal obligation of States to refrain from forcibly returning refugees to countries in which	189 UNTS 150 Treaty succession

		they would face persecution; (2) Exceptions to a state's <i>non-refoulement</i> obligation – states may return to a country of persecution an individual regarded “as a danger to the security of the country” of refuge as well as someone who “having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of that country;” (3) Regulation of rights of refugees who have been admitted into the territory of another country; freedom of religion, access to court, elementary education (same rights must be accorded to refugees as to citizens); (4) Guarantee of public relief to refugees lawfully residing in a host country; (5) Prohibition on application of the Convention in a discriminatory way regarding race, religion, and country of origin. With regard to wage-earning employment, refugees are accorded national treatment after three years of residence in the host country.	18.01.1994
<i>Conflict-induced displacement</i>	The European Union Council Directive on minimum standards for giving temporary protection in the event of a mass influx of displaced persons	(1) Protection in situations of mass influx if the Council, upon recommendation by the Commission and taking into account reception capacities of the Member States, so decides by a qualified majority; (2) Temporary protection up to a maximum of three years; (3) Obligation for the	Official Journal L 212, 07/08/2001 0012 – 0023 2001/55/EC 20.07.2001
Regional instruments activities	legal and		

		Member States to grant beneficiaries a residence permit, employment authorization, access to suitable accommodation, social welfare and medical assistance, access to education for those under the age of 18, and nuclear family reunification; (4) Requirement to the States to allow beneficiaries to lodge an asylum application. States may suspend the examination of such applications until after the end of temporary protection.	
	The European Union Council Directive on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted	(1) Subsidiary protection to any person who cannot return to the country of origin because of serious harm, which consists of (a) death penalty or execution; (b) torture or inhuman or degrading treatment or punishment of an applicant in the country of origin; (c) serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict.	Official Journal L 304, 30/09/2004 0012 - 0023 2004/83/EC 29.04.2004
<i>Torture victims</i>	The 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	(1) Commitment not to return a person “where there are substantial grounds for believing that he would be in danger of being subject to torture.”	1465 UNTS 85 Treaty succession 12 Dec 1994
Regional instruments and activities	legal The European Convention on Human Rights and Fundamental Freedoms	(1) Prohibition of return to a State where there is a “real risk” that the person will be subject to inhuman or degrading treatment and punishment.	Supra
<i>Stateless persons</i>	The Convention Relating to the	(1) Accordance to stateless persons	360 UNTS 117

Status of Stateless Persons	within the territories of contracting parties treatment at least as favorable as that accorded to their nationals with respect to religion, property, association, access to justice, employment, rationing, housing, public education, public relief, social security, administrative assistance, movement, identity papers, travel documents, fiscal charges and transfer of assets.	Treaty succession 18.01.1994
The Protocol Relating to a Certain Case of Statelessness	(1) In a State whose nationality is not conferred by the mere fact of birth in its territory, a person born in its territory of a mother possessing the nationality of that State and of a father without nationality or of unknown nationality shall have the nationality of the said State.	<i>League of Nations, Treaty Series, vol.179, p.115.</i> Treaty succession 18.01.1994
The Convention on the Reduction of Statelessness	(1) A Contracting State shall, upon fulfillment of certain conditions, grant its nationality to a person born in its territory who would otherwise be stateless or to a person, not born in the territory of a Contracting State, who would otherwise be stateless, if the nationality of one of his parents at the time of the person's birth was that of that State; (2) If the law of a Contracting State entails loss of nationality as a consequence of any change in the personal status, recognition of affiliation, renunciation of nationality, naturalization in a foreign country,	989 UNTS 175 Neither ratified nor signed

		departure, residence abroad, or failure to register, such loss shall be conditional upon possession or acquisition of another nationality.	
<i>Human trafficking and smuggling</i>	The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	(1) Requirement to States to adopt measures to criminalize trafficking, to provide assistance and protection to victims of trafficking, to provide repatriation assistance to victims of trafficking, and to prevent and combat trafficking.	Doc. A/55/383 Signature 12.12.2000 Ratification 12 01.2005
	The Protocol against the Smuggling of Migrants by Land, Sea and Air	(1) Requirement to States to adopt measures to criminalize smuggling and to prevent smuggling to preserve and protect the rights of migrants who have been smuggled and to facilitate the return of migrants.	Doc. A/55/383 Signature 12.12.2000 Ratification 12 01.2005
	The International Convention for the Suppression of the Traffic in Women and Children	(1) Agreement to punish any person who procures, entices or leads away, for purposes of prostitution, another person, exploits the prostitution of another person, keeps or manages, or knowingly finances or takes part in the financing of a brothel.	96 UNTS 271 Treaty succession 18.01.1994
	The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Sex Work of Others	(1) Identical with previous.	Signature 12.12.2000
	The United Nations Convention Against Transnational Organized Crime	(1) Criminalization of participation in an organized criminal group; (2) laundering of proceeds of crime; (3) Measures to combat money-laundering;	Doc. A/55/383 Signature 12.12.2000

		(4) Measures against corruption; (5) Assistance to and protection of victims.	Ratification 12.01.2005
	The Hague Convention 28 on Civil aspects of International Child Abduction	(1) Measures to secure the prompt return of children wrongfully removed to or retained in any Contracting State. (2) Measures to ensure that rights of custody and of access under the law of one Contracting State are effectively respected in other Contracting States.	Treaty succession 01.12.1991
	The ILO 182 Convention on the Worst Forms of Child Labor	(1) Measures to secure the prohibition & elimination of all forms of slavery, sale & trafficking of children, debt bondage & serfdom, forced or compulsory labor, forced or compulsory recruitment of children for use in armed conflict, the use, procuring or offering of a child for prostitution, for the production of pornography, use, procuring or offering of a child for illicit activities, especially the production and trafficking of drugs, work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children under age of 18; (2) Monitoring mechanisms.	38 I.L.M. 1207 (1999) Ratification 30.05.2002
National, Macedonian legal instruments and activities	Criminal Code	(1) Art. 418 – Slavery, Servitude & Bondage; (2) Art. 418a – Trafficking in Human Beings; (3) Art. 418b – Human Smuggling; (4) Art. 418c – Organized Human Trafficking & Smuggling	Off'l Gaz'te RM No.19 30.03.2004
	Law on Public Prosecution	(1) Art. 29 – Organized Crime Department	Off'l Gaz'te RM No. 38 17.06.2004

	National plan on asylum and migrations	(1) Standardized asylum-seeking form; (2) Technical and human capacity building of the Asylum and Migrations Department; (3) Information system redesign & data-base creation; (4) New accommodation facilities; (5) Improvement of coordination; (6) Legal harmonization; (7) Conclusion of readmission agreements.	2003
	National strategy and action plan for combating trafficking in human beings and illegal migration	(1) Preventive measures aimed at addressing the root causes of trafficking; (2) Measures aimed at disseminating information & awareness raising campaigns about trafficking; (3) Measures to be taken by the Ministry of the Interior regarding identification of victims of trafficking and illegal migrants as well as prosecution of traffickers.	Off'l Gaz'te RM No. 23-457/1 05.02. 2002
<i>Nationality</i>	The Universal Declaration of Human Rights	Art. 15 – Right to a nationality.	Supra
	The Convention on the Reduction of Statelessness	(1) Requirement to States to grant nationality to persons born in their territories who would otherwise be stateless	Supra
	The Convention on the Elimination of All Forms of Discrimination against Women	(1) Granting women equal rights with men to acquire, change or retain their nationality; (2) Granting women equal rights with men with respect to the nationality of their children.	Supra
	The Convention on the	(1) Agreement that the nationality of the wife shall not be affected by celebration	309 UNTS 65

		Nationality of Married Women	or dissolution of a marriage between a national and an alien, change of husband's nationality the during marriage; (2) Agreement that the alien wife may, at her request, acquire the nationality of her husband through specially privileged naturalization procedures.	Treaty succession 20.04.1994
<i>Family unity</i>		The Universal Declaration of Human Rights	Art. 16(3) – State protection of the family as a fundamental group unit of society.	Supra
		The Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages	(1) Permission to restrict the admission of minor children over the age of twelve.	521 UNTS 231
Regional instruments and activities	legal and	The European Union directive on family reunification	(1) Right to family reunion of a sponsor holding a residence permit issued by a Member State for a period of validity of at least one year who has reasonable prospects of obtaining permanent residence, if the members of his/her family are third country nationals of whatever status; (2) Possibility for rejection of an application for entry and residence of family members on grounds of public policy, security or health; (3) Requirements for the exercise of the right (accommodation, insurance, income, compliance with integration measures); (4) Family members' access to education, employment and self-employed activity, vocational guidance, initial and further	Treaty succession 18.01.1994 OJ L 251 03.10.2003 2003/86/EC 22.09.2003

training; (5) Checks and inspections where there is reason to suspect that there is fraud or a marriage, partnership or adoption of convenience; (6) Right to mount a legal challenge where an application for family reunification is rejected.

INTERNATIONAL COOPERATION

State-state cooperation in combating human trafficking and Smuggling

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children

(1) Cooperation in identification of perpetrators or victims of trafficking in persons; (2) Types of travel document that individuals have used or attempted to use to cross an international border for the purpose of trafficking in persons; (3) Means and methods used by organized criminal groups for the purpose of trafficking in persons.

Supra

The Protocol against the Smuggling of Migrants by Land, Sea and Air

(1) Information sharing on issues relevant to combating smuggling, such as embarkation and destination points, routes, carriers and means of transportation, authenticity of travel documents and the theft or related misuse of blank travel or identity documents; concealment and transportation of persons, unlawful alteration, reproduction or acquisition or other misuse of travel or identity documents; legislative experiences, practices and measures; scientific and technological information useful to law enforcement, etc; (2) Cooperation with

Supra

			each other and with competent international organizations, non-governmental organizations, other relevant organizations and other elements of civil society.	
Regional instruments and activities	legal and	The UN Convention Against Transnational Organized Crime	(1) Confiscation of proceeds of crime; (2) Extradition; (3) Transfer of sentenced persons; (4) Mutual legal assistance; (5) Joint investigations; (6) Transfer of criminal proceedings; (7) Law enforcement.	Supra
		European Convention on mutual assistance in criminal matters and its additional protocols	(1) The requested Party shall effect service of writs and records of judicial verdicts which are transmitted to it for this purpose by the requesting Party.	ETS No. 030 Signature & Ratification 28.07.1999 Entry into force 26.10.1999
<i>Entry, stay and exit</i>		Council Directive on the mutual recognition of decisions on the expulsion of third country nationals	(1) The issuing Member State shall provide the enforcing Member State with all documents needed to certify the continued enforceability of the decision.	301L0040 2001/40/EC 28.05.2001
Regional legal instruments and activities				
National, Macedonian legal instruments and activities		Readmission agreements	(1) Italy, (2) Slovenia, (3) France, (4) Slovakia, (5) Germany, (6) Hungary, (7) Poland, (8) Spain, (9) Austria, (10) Benelux, (11) Denmark, (12) Switzerland, (13) Bulgaria, (14) Croatia, (15) Romania, (16) Albania, (17) Norway and (18) Sweden.	(1) Off'l Gaz'te RM No. 34/97; (2) 21/98; (3) 13/99; (4) 13/99; (5) 9/2004; (6) 42/2004; (7) In Process of Ratification (IPoR); (8) 68/2006; (9) Ratified but not Published (RbnP); (10) IPoR; (11) IPoR; (12) 27/98; (13) 12/2002; (14) 47/2002; (15) 42/2004; (16) 40/2005; (17) IPoR; (18)

<i>Responsibility sharing for refugees and displaced persons</i>		The 1951 UN Convention Relating to the Status of Refugees	(1) Cooperation with the UN High Commissioner for Refugees, including providing information on the conditions of refugees, the implementation of the Convention and laws, regulations and decrees related to refugees.	IPoR. Supra
		The Protocol Relating to the Status of Refugees	(1) Cooperation of the national authorities with the United Nations; (2) Information on national legislation.	606 UNTS 267 Treaty succession 18.01.1994
Regional instruments and activities	legal and	EU Council Decision on the exchange of information concerning assistance for the voluntary repatriation of third-country nationals	(1) Information exchange & coordination regarding national voluntary return programmes.	L 147 05.06.1997 97/340/JHA 26.05.1997
<i>Negotiated commitments in trade agreements</i>		The General Agreement on Trade in Services (GATS)	(1) Provision of a framework for States to make commitments that govern temporary movement of certain service providers.	1869 UNTS 183; 33 ILM 1167 (1994) Treaty accession 04.04.2003

Strengthening Cross Border Cooperation in the Western Balkans Regarding Migration Management

Case study: Croatia

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For

Group 484

Introduction

International organisations and scientific networks (e.g. IOM, Vienna Migration Module, European Migration Network) emphasize the necessity to gather the existing statistics and to compare the ways in which data was collected, especially in South-Eastern Europe, because the existing official statistics are unbalanced and difficult to obtain. This proves to be relevant in Croatian case as well. The institutions which usually collect data on migration do not integrate their reports and methodologies. This research cannot resolve the problem of the validity and reliability of the existing statistical data on migration in South-Eastern Europe. However, it can depict the relevant migration flows as well as factors which generate these flows based on the existing secondary statistics.

Beside the existing secondary statistics, public debates can also pinpoint some types of mobility which are not included in the reporting provided by the relevant institutions. The detection of certain migration flows by the public shows also which phenomena are recognized as relevant. Accordingly these phenomena will be easier categorized as “problematic” by politicians and journalists. The social and political relevance of certain migration flows and mobility types is therefore not proportional to its size, frequency or durability. Such migration flows should nevertheless also be included in the arguments on migration management in the region because of their potential to politicize the discourse on migration. Also these flows (e.g. immigration, re-migration of labour emigrants, retirement migration) have the potential to grow into stronger currents which will consequently demand a certain type of management and regulation.

The governments in the region are usually not aware of the political, social and economic importance of migration issues, regardless of the economic, social and demographic potential of the migration flows and migrant settlement. The main incentive for the governments in the region to deal with migration is still the international pressure, usually from the EU. Under such political circumstances the focus of the political actors is distorted and pointed towards the issues which are relevant for the European debates or dedicated to the political stabilization of the region, i.e. the issues of the return of the refugees and the control of irregular migration as well as trafficking and the institution of asylum. Beside these, still very important migration issues, new topics could and should also be introduced in the institutional treatment of migrations in South-Eastern Europe. They include the legal and social status of labour migrants in the EU countries (primarily Germany, Austria, Sweden and France) from the South-Eastern Europe, emigration potential within the region, re-migration of the labour migrants and diasporans as well as their investment in the local economies etc. Migration management includes regulation and generation of migration as well as retaining of potential migrants.

Considering the fact that political actors and opinion leaders still underestimate the relevance of all migration types and problems¹, the report will concentrate on different aspects of migration flows and consequences and it will also offer some basic recommendations for the possible migration management outlines.

Relevant migration issues detected through the secondary statistics and Croatian public debate

Using the secondary statistics as well as public debate, as an additional tool to pinpoint the relevant migration flows and migration issues for Croatia and neighbouring countries, one can emphasize the following migration flows as well as potential migration flows which would

¹ This claim is based on the fact that the majority of countries in the region still don't have the official migration policy.

require inducement and/or regulation (the ranking doesn't represent the importance of the topics for the debate or the objective relevance of the particular type):

1. Re-migration

a) *return of refugees*

The return of the refugees is in progress and the government as well as the NGOs get high marks for their programmes. However the sustainability of the return is not guaranteed and the local authorities often obstruct the process of return. This type of migration is relatively well statistically covered and attracts the interest of the public.

b) *return migration of labour emigrants (or targeted migrant policies?)*

Although some labour migrants in Europe return home until the retirement age the latest, the greatest part stays in the traditional immigration countries: Germany, Austria, Switzerland and Sweden. The return of labour migrants is one of the national goals which always achieve the consensus in the debates, however there are no measures still which would generate and regulate their re-migration.

c) *"brain-drain" vs. "brain-gain": re-migration of the highly educated?*

One of the measures that were actually introduced by the Ministry of science, education and sport and showed first results were concentrated on the return of the top scientists who made their careers abroad. These measures however don't include highly educated who were a part of the Croatian brain-drain but who couldn't maximize or even utilize their knowledge and skills (so called brain-waste). The debates treat their absence however as an "impoverishment" of Croatian society.

2. Transit, irregular migration, illegal immigration and trafficking

Croatia is a part of the route of the unregistered migrants already for several years. They try to enter the countries of the EU by different means, mostly illegal. This problem is even more accentuated now after Slovenia and Hungary joined the EU and after the Schengen borders emerged towards Croatia.

3. Sustaining the trans-border mobility

Expanding Schengen border will influence the existing mobility on Croatian borders. The public debates show concern about the emerging difficulties to sustain free movement between Croatia and the new EU members. These debates don't envisage however the same problem for Bosnia and Serbia once Croatia joins the EU.

4. Immigration

a) *labour immigration*

In spite of the high unemployment rates, rising Croatian economy demonstrates the need for the specific types of labour. Even now the immigration supersedes the emigration. The more significant labour immigration is only a matter of time. Croatian society and Croatian institutions aren't however prepared for the social consequences of the labour immigration. Racialized anti-immigrant comments can be found in the media especially about the Chinese immigrants despite the fact that they are not included in the Croatian labour market and do not show any wishes to compete with the local job-seekers.

b) *consumer immigration and international retirement migration*

Many European citizens buy the real-estates in Croatia and spend considerable amount of time on the Croatian coast. The public debates usually show concerns about “the high number of possible foreigners” and “the national loss of the land and the coast”. The examples of Spain, Italy, Portugal and Greece show that the regulation of this new type of immigration and mobility is necessary if the migrants’ goals (i.e. high quality of life) and the goals of the local community (i.e. new capital, new jobs and new population) are to be achieved without negative effects like environmental devastation.

c) *immigration of expatriate descendants*

Many discussions refer to the immigration of expatriate descendants as a desirable social and political goal. According to the public debates immigration of the third or fourth generation of Croatian emigrants would bring in the additional human and other forms of capital. Their immigration would enrich Croatian society with new human, economic and social capital.

5. Retaining the possible migrants

There is a great migration potential which can weaken the total human capital of Croatia. The problem of emigration potential is more accentuated in Croatia than in other East European countries because the existing family ties with the Croatian migrants in the West European countries i.e. the mezzo level of Croatian migration trends can easily result with a new migration wave. According to the present debates and data, an additional labour emigration would weaken the Croatian society and economy and it would reinforce the disturbing demographic trends.

1. Re-migration

a) *Return of refugees*

One of the politically and socially most relevant migration flows concerns the return of refugees, particularly Serb refugees from Croatia currently residing abroad, mostly in Serbia and Bosnia-Herzegovina. According to the Croatian Ministry of the Sea, Tourism, Transport and Development (2007) there were 342.897 registered returnees in January 2007 since the beginning of the return process in 1995: 219.255 Croats (64%) and 123.642 Serbs (36%). The majority of Serb refugees (90.909) returned from Serbia and Montenegro and 9.148 from Bosnia-Herzegovina. In 2006 a total of 5.478 persons returned to their homes, among them there were 82% of ethnic Serb returnees.

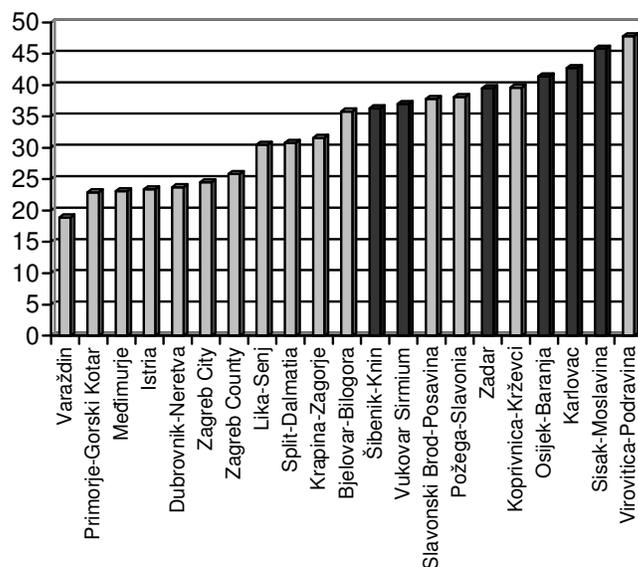
The data provided by the UNHCR Representation in the Republic of Croatia (2006) are similar to those provided by the Croatian Ministry. They include however the registered spontaneous returns as well as returns from the third countries. According to UNHCR (2006) the total number of refugees who returned to Croatia is 140.544 with 13.705 returns from Bosnia-Herzegovina and 91.477 returns from Serbia and Montenegro.

The exact number of refugees who want to return to Croatia is still not available. Considering the return applications, reconstruction claims and housing applications which are already submitted by the refugees living in Serbia and Bosnia-Herzegovina the number of potential returnees is estimated at less than 20.000 persons by the Croatian Ministry of the Sea, Tourism, Transport and Development. According to the same Ministry the plan for 2007 envisages reconstruction of approximately 1500 houses, also out of the total of submitted housing requests by tenancy right holders 8.921 remain to be solved i.e. around 7.000 housing units should be provided the Croatian state.

This data is a good indicator that the return migration of refugees will continue in the future and that this flow will remain stable in the next couple of years. There are no significant legal barriers that could stop the return process but the pace of the return will mainly depend on the purchase of apartments (4.000 apartments in the next five years) for the tenancy right holders. Since the “public-private partnership model” is a new programme which hasn’t been applied so far and which should enable the return of those refugees who didn’t have privately owned houses and apartments prior to the war it is difficult to estimate whether this programme will go according to plan.

The statistics resulting from the official records on return of refugees and displaced persons however doesn’t follow the sustainability of the return. Although the official statistics provide data which could lead to a conclusion that the return is stable, a considerable number of returnees re-migrated again and/or are using transnational dwelling as a survival strategy, using the social capital among the relatives in Croatia and Serbia and the support they can get from Croatian state and NGOs in the region. The scarce resources the returnees have force some of them to resort to higher mobility in order to utilize the resources in two or even several destinations. The existing statistics on the quality of life (Hromatko, 2006) proves that the inhabitants of the war torn areas, i.e. the areas where the majority of refugees return still show less satisfaction about meeting their basic needs. About one third of the population (31,2%) in Croatia state that their households have problems meeting their needs (Hromatko, 2006:14) and the respondents from low income households state that more often than others.

Graph 1: Difficulties in meeting household needs in Croatian counties (Hromatko, 2006:14)
Counties with high number of returnees in black



The respondents in the counties which were particularly affected by the war and which accordingly have high numbers of refugees and returnees, show greater concern about meeting the basic household needs (food, heating, bills etc.) than the respondents in other counties. This simple subjective indicator tells us that the returnees face great economic, everyday life hardship which can directly influence the sustainability of their return and induce new migrations or other types of mobility. Objective criteria such as the GDP of the counties show that the counties with high numbers of returnees (such as Sisak-Moslavina,

Karlovac, Vukovar-Sirmium etc.) have lower GDP rates than other counties (ECORYS, 2005). This is an additional criterion which can be used to evaluate the sustainability of the return. The areas with low GDP rates have smaller chances to attract additional capital and create opportunities for their inhabitants without the additional assistance from the governmental bodies, international aid programmes and NGOs.

Further on, the returnees have to face disturbed inter-ethnic relations in the areas of the return where the only secure jobs are offered by the local authorities (local government) and the state agencies (police, army, post offices etc.). Local jobs and the foreign aid are seen as valuable basic resources for which there is an accentuated ethnic competition. Bosnian Croat settlers and local Croat returnees usually see themselves as primary victims of the conflict and therefore perceive themselves as group entitled to occupy these positions. The local politics in such circumstances is transformed into an ethnic competition for the scarce resources. The central government refused so far to get involved in the local disputes over the possible ethnic quotas in the police and state agencies fearing re-ethnicization of Croatian politics on the national level.

Socio-political and socio-economic situation in the areas of the return is not favourable for the sustainability of the return and direct measures from the central government and international aid organizations are necessary in order to stabilize the local economies and local communities. Croatian government produced a National strategy for regional development (ECORYS, 2005) which deals also with the reconstruction and development of "disadvantaged areas". The Strategy envisages measures such as:

- support for very small firms, including mentoring;
- access to micro- finance for small firms, promoting business start ups, promotion of an enterprise 'can do' culture, business development in rural areas;
- local human capital development;
- local infrastructural development;
- village renewal;
- providing opportunities for meaningful work and training (using public works projects).

The second objective of this programme (ECORYS, 2005) is to build capacity nationally, within counties and within the disadvantaged areas to work together. The authors of the Strategy state that the sustainable development of lagging areas requires new working methods and a shift from 'subsidy thinking' to more proactive and integrated interventions tackling the causes of disadvantage. To make such a shift, education of professionals within the managing institution and other government agencies is foreseen. Once the designation of disadvantaged areas is finalised, County Partnerships in those areas will be invited to set up a Working Group(WG) that will participate in the preparation and management of development strategies for those areas. Before starting their tasks, members of the WG will be trained in the skills needed for their task, such as collaborative working methods, strategy drafting, leader-ship etc.

These points are still not operationalized and it is not clear what kind of funding will be used in order to implement the foreseen measures and objectives. The continuance of the present social, economic and political affairs in the areas of the return will probably produce higher emigration potential in the future jeopardizing not only the sustainability of the return but also the demographic "sustenance" of these areas in general. The current conceptualizations of migration potential of certain areas (Krieger, 2004) emphasize several aspects which are useful for the explanation of the new migration flows. Behaviour and attitudes of potential migrants are not only formed at the individual level but also at the group level, mainly in the larger family context. Further on, the main incentive for migration is not only the income maximisation but also the risk assessment and intentions to minimise risk. Finally, potential

migrants, particularly in rural and under-developed regions are constrained by market failures other than the labour market, which have a direct influence on the individual and his family.

In order to change the current affairs and minimize the risk of the new depopulation, swift operationalization of the proposed measures as well as additional involvement from the central authorities will be necessary. The decision of the central government not to interfere extensively into the local affairs has its legitimate democratic rationale however the scarce resources and strong ethnic competition makes its involvement necessary. Direct measures could be supplemented with a general VAT release and the expansion of tax free production zones. Further on, governmental leadership and professional guidance in the matters of joint agricultural production could be an additional measure in order to stabilize the local economy and stop the depopulation of the area.

b) Return migration of labour emigrants (or targeted migrant policies?)

The return of labour migrants is one of the national goals which always achieve the consensus in the public debates, however there are no measures still which would generate and regulate their re-migration. Since 1970s some countries actively promoted return migration e.g. Greece and Turkey, whereas some countries, e.g. Spain provided some support for the individual returnees.

Many Croatian labour migrants in Europe return home until the retirement age the latest, however the greatest part stays in the traditional immigration countries: Germany, Austria, Switzerland and Sweden. Labour emigration from Croatia started already in the late 1950s (illegally) and Croatian labour emigrants constituted a relative majority among the first emigration wave from Yugoslavia in the early 1960s (Künne, 1979). Labour emigration from Croatia continued with some oscillations during the following decades. Today there are more than 350.000 Croatian citizens living in European countries. The following table gives an overview of only selected typical old and new countries of immigration:

Table 1: Croatian citizens in selected European countries 1996-2003 (Mišetić, 2007)

Year	Germany			Switzerland			Sweden			Slovenia			Czech Republic		
	number	Index 1994.=100		number	Index 1994.=100		number	Index 1994.=100		number	Index 1994.=100		number	Index 1994.=100	
1996.	201.923	100,0	-	43.615	100,0	-	4.266	100,0	-	5.788	100,0	-	1.999	100,0	-
1997.	206.554	102,3	102,3	43.727	100,3	100,3	5.490	128,7	128,7	6.017	104,0	104,0	2.112	105,7	105,7
1998.	208.909	103,5	101,1	43.377	99,5	99,2	6.814	159,7	124,1	5.245	90,6	87,2	2.076	103,9	98,3
1999.	213.954	106,0	102,4	43.764	100,3	100,9	7.170	168,1	105,2	6.720	116,1	128,1	2.213	110,7	106,6
2000.	216.827	107,4	101,3	43.876	100,6	100,3	7.520	176,3	104,9	6.751	116,6	100,5	1.948	97,4	88,0
2001.	223.819	110,8	103,2	44.097	101,1	100,5	6.859	160,8	91,2	7.221	124,8	107,0	1.828	91,4	93,8
2002.	230.987	114,4	103,2	43.548	99,8	98,8	5.470	128,2	79,7	7.208	124,5	99,8	1.828	91,4	100,0
2003.	236.570	117,2	102,4				4.194	98,3	76,7				1.797	89,9	98,3

Source: (Statistisches Bundesamt) Germany, (Bundesamt für Statistik) Switzerland, (Statistiska centralbyrån) Sweden, (Statistični urad Republike Slovenije) Slovenia and (Český statistický úřad) Czech Republic

The presented number of Croatians who live abroad would be much higher if the emigrants in the overseas destinations (United States, Canada, Australia, New Zealand) and other European countries (Austria /more than 60.000 according to OSTAT/, Norway, France, Netherlands, UK) as well as naturalized Croatians were also considered. The first wave of

naturalization started already in the 1970s and the second after the dissolution of Yugoslavia. Many emigrants asked for the citizenship of their respective countries of immigration once the Yugoslav passports didn't guarantee the legal safety in 1992. Many among them applied for Croatian citizenship once they were naturalized however the new regulations in Germany and Austria allow their authorities to check the lists of citizens in the countries of emigration when they decide about the naturalization of their immigrants. These countries do not allow double or multiple citizenships and it can be expected that the number of illegal double citizenships among Croatian migrants will decline.

The following table shows that the number of immigrants who decide to take the citizenship of their respective immigration countries is stable and doesn't involve high shares in numbers of Croatian immigrants.

Table 2: Naturalized Croatian citizens in selected European countries 1996-2003 (Mišetić, 2007)

Year	Germany		Switzerland		Sweden		Slovenia		Czech Republic	
	number	Share in the number of Croatian citizens in the previous year	number	Share in the number of Croatian citizens in the previous year	number	Share in the number of Croatian citizens in the previous year	number	Share in the number of Croatian citizens in the previous year	number	Share in the number of Croatian citizens in the previous year
1996.	2.391	-	632	-			398	-	8	-
1997.	1.914	0,9	667	1,5			348	6,0	5	0,3
1998.	2.373	1,1	634	1,4			597	9,9	5	0,2
1999.	1.648	0,8	671	1,5			568	10,8	2	0,1
2000.	3.316	1,5	970	2,2	231	3,1	404	6,0	4	0,2
2001.	3.931	1,8	1.045	2,4	925	12,3	288	4,3	3	0,2
2002.	2.974	1,3			1.569	22,9	340	4,7	8	0,4
2003.					1.531	28,0	519	7,2	10	0,5
TOTAL	18.547	-	4.619	-	4.256	-	3.462	-	45	-

Source: (Statistisches Bundesamt) Germany, (Bundesamt für Statistik) Switzerland, (Statistiska centralbyrån) Sweden, (Statistični urad Republike Slovenije) Slovenia and (Český statistický úřad) Czech Republic

Naturalization doesn't tell us much about the assimilation in the sphere of identification because the majority of the first generation immigrants do not and cannot lose their current ethnic identity, habits and allegiances (Esser, 1980). This is why we can count the naturalized immigrants to the whole group of Croats abroad. Accordingly there are more than 400.000 Croatian labour migrants in the European countries and even more if the migrants in the overseas countries were also considered.

The public debates stress the necessity to induce the return migration flow of labour emigrants in order to improve the Croatian demographic potential and/or to improve the inflow of human and economic capital. Croatian government even introduced legal measures in the 1990s which would allow the return migrants to re-migrate without high legal burdens. One of the measures involved the release from import taxes (but not the VAT) for the personal belongings. These measures however couldn't induce a significant re-migration flow. The research on the return migration from Germany (Constant and Massey, 2002) shows that the re-migration of the former German guest workers² was not selective of age,

² Germany is still the top destination for the Croatian emigrants and "harbours" the highest number of Croatian and other emigrants from the Yugoslav successor states in Europe.

sex, or state of residence in Germany, but migrants from the former Yugoslavia were least likely to return home. These data show also that the immigrants in Germany return only when they lose access to German jobs, have strong social and economic contacts to the home country, and lack social, political or psychological ties to Germany (Constant and Massey, 2002:32). The typical return migrant is jobless with no relatives in Germany, who does not feel German, is not a German citizen, and has a spouse and children at home to whom remittances have been sent. If Constant and Massey (2002) are right the idea that the return migration could improve the demographic and economic potential of the emigration country is a simple illusion. Actually the governments in the region are probably quite happy about their emigrants' willingness to help their respective economies through remittances. Croatia and Bosnia-Herzegovina are among the top 15 countries with the highest total remittances received per capita in 2001 according to IMF (2003):

Table 3: Top fifteen countries with the highest total remittances received per capita, 2001

Country	Total remittances (in millions)	GDP (in millions)	Total population	Total remittances as percentage of GDP	Total remittances per capita
Luxembourg	576.0	18,540.0	442,972	3.1	1,300.31
Jamaica	1,058.7	7,784.1	2,665,636	13.6	397.17
Jordan	2,011.0	8,829.1	5,153,378	22.8	390.23
Portugal	3,573.0	109,802.5	10,066,253	3.3	354.95
Belgium	3,493.0	229,609.6	10,258,762	1.5	340.49
El Salvador	1,925.2	13,738.9	6,237,662	14.0	308.64
Vanuatu	53.3	212.8	192,910	25.0	276.14
New Zealand	1,034.0	50,425.3	3,864,129	2.1	267.59
Dominican Republic	1,982.0	21,211.0	8,475,396	9.3	233.85
Bosnia-Herzegovina	860.1	4,769.1	3,922,205	18.0	219.29
Albania	699.0	4,113.7	3,510,484	17.0	199.12
Greece	2,014.0	117,168.7	10,623,835	1.7	189.57
Austria	1,513.0	188,545.5	8,150,835	0.8	185.63
Switzerland	1,255.0	247,090.7	7,283,274	0.5	172.31
Croatia	727.7	20,260.5	4,334,142	3.6	167.90

Source: International Monetary Fund (2003) *Balance of Payments Statistics Yearbook 2002*
Washington DC: IMF Publications Services

Although publicly proclaimed, significant return migration is highly unlikely and could potentially disturb the economy of the former emigration country as well as produce greater social problems for returnees if actualized. Nevertheless a channel for the return migrants should remain open because many emigrants cannot integrate in their respective immigration countries³ and their emigration countries still have an obligation to mind about their citizens abroad. Their return should be enabled and even induced through programmes which would involve measures such as: exemption from VAT upon return; support for establishing small firms, including mentoring; access to micro- finance for small firms, promoting business start ups. Further on, Croatian labour market demands lately a new immigration for some industrial branches e.g. ship building, construction and tourism (Skupnjak-Kapić, 2006). These are the niches that could be filled with the Croatian labour emigrants who cannot integrate in their respective immigration countries and who are willing to adjust to the demands of the Croatian labour market. Croatian consulates and Croatian

³ This does not mean that all return migrants are “failures” in either economic or social terms, but neither were they necessarily the most successful because both upward and downward mobility in the receiving society may reduce the propensity to return (Richmond, 1984).

migrant association could offer information, mentoring and re-education for those migrants who decide to return to Croatia.

Such measures are not new. After the global economic crisis in 1973 many former emigration countries had high number of returnees for which new programmes had to be designed. In Spain e.g. there were 500.000 returnees in the period between 1975 and 1990 (Marmora, 1999) and Germany and Turkey made a treaty on assistance for returnees which included receiving loans, technical advice, administrative assistance, tax exemptions for the import of capital goods and training courses for possible new entrepreneurs in Turkey (Marmora, 1999).

The public debates in Croatia usually emphasize the obligation of the Croatian state to take care of its citizens abroad. The negative examples concentrate on the previous regimes which supposedly didn't care about their citizens and allowed depopulation of some Croatian regions. Croatian foreign policy and Croatian consulates however concentrate mainly on the preservation of the Croatian ethnic identity in the countries of immigration and exercise pressure on the educational authorities in the areas where Croatian migrants concentrate. They hope that the classes in Croatian language or the introduction of Croatian schools could insure the continuation of Croatian culture, language and identity abroad. The legal status and the socio-economic status of migrants are usually seen as a "private matter" of each migrant or migrant family. The accession of Croatia in the EU will regulate the status of Croatian citizens abroad however Croatian and other governments in the region could help their labour emigrants to achieve better status within the EU and other typical immigration countries. Integration in the welfare systems, better regulations on retirement options etc. could be introduced in order to help the large migrant population. Martin Baldwin-Edwards (1997) suggested the following four basic mechanisms by which immigrants can be incorporated into a national welfare system:

1. by 'structural acceptance' or toleration of the system
2. through 'denizenship' or some explicit active immigrant policy
3. by treaty for 'privileged aliens'
4. through international human rights norms enforced by the courts i.e. case law

These mechanisms could become at least partially operational if the governments of the emigration countries had a joint stance towards the EU on the issues of migrant political and socio-economic status and if they were actively engaged in promoting their own citizens' interests in the EU. The public debates emphasize the return of labour migrants however the opinion leaders couldn't go beyond simple normative statements about the necessity of the return and preservation of demographic reproduction in Croatia. Creating stronger linkages with the Croatian migrant communities would be the first step to induce modest return migration or to help migrants to integrate further in their new host societies.

c) *"brain drain" vs. "brain gain": remigration of the highly educated?*

Brain drain in the Southeast European countries is an important topic not only for the public, social scientists and the politicians in the region. Conferences on reconstruction in Southeast Europe (e.g. "Brain drain and the academic intellectual labour market in South East Europe" held in Bucharest 18-19 June 2004) usually emphasize the negative effects of the emigration of the highly educated. The public debates revolve around the question: how to bring the scientists and highly educated migrants back. Croatia is a country with the high emigration rate of the highly educated. The numbers that were used in the public debates ranged from 4.000 to 40.000 highly educated emigrants in the period 1991-2001. Croatian Minister of science and technology in the previous government stated in 2003 that 4.738 highly educated Croatian citizens emigrated in the period 1991-2001. He stated however that the likely figure is 10.000 (Adamović and Mežnarić, 2003). According to the same Ministry the

total number of scientists⁴ who left Croatia by 2000 was 849. Among them there were 346 or 40,75% scientists with PhD, 319 or 37,57% scientists with MA and 184 or 21,57% of young researchers. The average age of the scientists who left Croatia ranged between 40 and 49 years of age. However the researches which dealt with the potential and real emigration of the scientists show that the average age of the scientists who left Croatia from 1990-1995 was under 40 (Golub, 2001). According to this research younger scientists show greater readiness and willingness to emigrate. Nevertheless the number of potential emigrants among young scientists is declining constantly. The comparison of the researches that were conducted at the beginning of 1990s and in the late 1990s shows that the share of potential emigrants among young scientists declined from 78,7% to 56% (Golub, 2000). Adamović and Mežnarić (2003:149) synthesized the data on emigration potential of the young Croatian scientists:

Table 4: Potential migration of young scientists 1990-2000

Wider potential emigration contingent	Young scientists -1990 (Golub, 2000)	Young scientists -1998 (Golub, 2000)	Young scientists ("scientific novices") -2000 wider potential emigration contingent (Adamović and Mežnarić, 2003)	Young scientists ("scientific novices") -2000 narrow potential emigration contingent (Adamović and Mežnarić, 2003)
Potential base for emigration	78,7%	56,0%	66,7%	21,7%
Definitely decided to leave or leaving	11,7%	7,3%	2,4%	2,4%

Source: Adamović and Mežnarić (2003:149)

Today's real emigration potential among young scientists weakened significantly. This doesn't mean however that the brain drain is losing its significance in general. Highly educated sections of the Croatian population which include those who do not work in the science and do not contribute to the research and science, still make decisions to emigrate easier than the rest of the population. The share of potential migrants among the highly educated is still the highest. According to the research that was conducted recently individuals with the higher education are more likely to consider emigration (Božić and Burić, 2005):

Table 5: The share of potential migrants within professional groups

No school / Primary school	7,7%
Unfinished secondary school	15,1%
Finished secondary school, high school	14,3%
College / University	18,3%

Source: Božić and Burić (2005:23)

The main problem with the highly educated emigrants who do not work in science is the low probability to find positions suitable to their educational grades or the so called "brain waste". Many highly educated migrants usually cannot find appropriate jobs in their new immigration countries. The labour markets of these countries require low skilled workers willing to take

⁴ Scientists are counted as those who were employed by the Croatian research institutes or universities.

less paid jobs in the primary sectors. Therefore these countries do not profit from the high shares of the highly educated among the immigrants. Emigration countries however lose high numbers of the population which could significantly contribute to the development of the economy and society. The share of the highly educated population within the total population of Croatia is still very low:

Table 6: The share of highly educated in Croatian population (1971-2001)

Educational level	1971		1981		1991		2001	
	number	%	number	%	number	%	number	%
Higher than high school	47.342	1,4	99.724	2,8	156.152	4,0	150.167	4,08
University degree	74.376	2,2	131.937	3,6	204.066	5,3	267.885	7,27
Total	121.718	3,6	231.661	6,4	360.218	9,3	418.052	11,35

Source: Census, Croatia (Adamović and Mežnarić, 2003:147)

Any new losses of the highly educated population could produce problems for Croatian strategic plans regarding improvement of economic structure. The improvement of production, service and exports can only be fulfilled with the full engagement of this part of the population. This is why measures which would keep potential highly educated migrants are necessary. So far the government hasn't introduced measures to prevent further emigration but the Ministry of science, education and sport introduced important measures to keep at least young scientists in the country. According to the research conducted several years ago, there are several important factors which could enable young scientists to stay in Croatia (Adamović and Mežnarić, 2003):

Table 7: Reasons to stay in Croatia for young scientists

Rank	How important, based on your personal experience, are the following factors for your decision to stay in Croatia?	Arithmetic middle	Standard deviation	Important and very important in %
1	Secure accommodation	4,31	0,95	86,3
2	Quality of life	4,18	0,89	82,2
3	Job security	4,11	0,96	80,1
4	Good relationship with the mentor	3,95	0,98	75,4
5	Family, parents, girlfriend, boyfriend	3,93	1,13	72,2
6	Personal scientific advancement	3,90	0,92	76,2
7	Personal reasons	3,84	1,06	66,6
8	Relations with the colleagues and the co-workers	3,79	0,96	69,6
9	General prospects in Croatia	3,66	1,10	52,9
10	The field of the scientific work	3,57	0,98	62,0
11	Career in the institute or university	3,52	0,95	55,1
12	Cultural life	3,51	0,97	54,6
13	Friends and social contacts	3,50	1,01	54,0
14	Cooperation with the prominent scientists	3,43	1,01	68,1
15-16	Education of the children	3,26	1,19	48,1
15-16	Professional plans of the family members	3,26	1,13	47,8
17-18	No real chance to leave	2,93	1,19	33,8
17-18	High costs for travel and accommodation abroad	2,93	1,12	31,9
19	Love for the homeland	2,90	1,27	33,2

Source: Adamović and Mežnarić (2003:156) /Likert scale: 1 – completely unimportant; 5 – very important/

The Ministry of science, education and sport introduced long term loans without interest rates for the scientists younger than 35, in order to enable their secure housing. The jobs of the scientific novices are relatively safe if they fulfil the criteria for the career advancement which

includes: writing PhD until the deadline, attending international conferences and writing articles for the scientific journals. Further on introduction of the "Bologna process" in the Croatian universities enables young scientists to secure their relations with their mentors and to acquire degrees which are internationally recognized. It seems that the measures introduced by the Ministry are adequate and any new measures could additionally help the potential emigrants among young scientists to reconsider their decision.

However, these measures cannot induce the return migration of the highly educated which seems to be a priority in the Croatian public debates. It is very difficult to mobilize highly educated migrants to return without additional boosts to the economy which should produce new jobs for the highly educated. Nevertheless the measures are introduced in order to induce the return of the Croatian scientists who work abroad as well as measures which could result with higher circulation of the Croatian and foreign scientists in Croatian universities and research institutes. According to Cervantes and Guellec (2002) governments can do quite a lot to address the causes of the brain drain. Science and technology policies are the most important concepts which can help reducing the brain drain. Developing centres of excellence for scientific research and framing the conditions for innovation and high tech entrepreneurship can make a country attractive to highly skilled workers, both from within the country and from outside. Consequently, National Foundation for Science, Higher Education and Technological Development of the Republic of Croatia (NZZ) launched the Homing programme for Croatian scientists abroad and international scientists who want to do their research in Croatia. Program "Visitor" enables (highly) qualified academics and industrial researchers resident outside Croatia to carry out research project of their own choice in Croatia, in those areas that are defined as strategic priorities of NZZ. Program "Senior" enables outstanding professors and scientists resident outside Croatia to take employment in Croatian university or institute and to carry out research project. The purpose of the program "Postdoc" is to advance the professional competence and independence of young researchers who have recently earned their doctorate. So far dozens of scientists and young researchers took this opportunity. Additionally Ministry of science, education and sport invested in centre of excellence – Mediterranean for life sciences (MedILS) in Split which "mission" is to become the "breeding ground" of a new generation of young multidisciplinary scientists as well as to be the centre of scientific excellence in the development of original projects for fundamental understanding of life and its manifestations.

Such measures were rewarded by the Stability Pact which has selected Croatia as headquarters for Agency for Educational Reform Initiatives for the South Eastern-Europe (ERI SEE). The Agency operates within the Task Force on Education and Youth of the Stability Pact, and it was initiated on the basis of the Nicosia Memorandum on Understanding, which was signed by the education ministers of the countries of the Region: Albania, Bosnia and Herzegovina, Bulgaria, Montenegro, Kosovo (UNMIK), Croatia, Macedonia, Moldova, Romania and Serbia, during 2003/2004.

2. Transit, irregular migration, illegal immigration and trafficking

Croatia is a part of the route of the unregistered migrants already for several years. They try to enter the countries of the EU by different means, mostly illegal. This problem is even more accentuated now after Slovenia and Hungary joined the EU and after the Schengen borders emerged towards Croatia. According to the Public relations and media office of the Slovenian government the largest number of irregular migrants enter Slovenia from Croatia in the Ormož and Ljutomer regions. From 1995 till 2000 the number of captured illegal migrants arriving from Croatia has risen by 543%. In the year 2000 more than 24.100 irregular migrants was fined for illegal border crossing in Croatia. However the measures introduced by the Croatian police after its inclusion in the regional cooperation initiatives regarding border controls resulted with the decline of the irregular border crossings. According to Head

of Illegal Migrations Department, Ministry of Interior the number of illegal crossings of the Croatian state border is continuously falling:

Table 8: Illegal crossings of the Croatian state border 1996-2003

1996	3.200
1997	8.303
1998	10.556
1999	12.340
2000	24.180
2001	17.038
2002	5.861
2003	4.214

Source: Head of Illegal Migrations Department, Ministry of Interior

The origin country of the irregular migrants was usually Iran, Romania, Serbia and Montenegro, Turkey, Bosnia-Herzegovina, Macedonia and Moldova. However the number of the illegal immigrants who were not caught crossing the border but living in Croatia is relatively high. During 2003 there were 2.604 criminal charges against illegal immigrants and in 2004 there were 2.554 criminal charges. In 2003 there were 10.671 transgression charges and in 2004 11.402 transgression charges against illegal immigrants (Ministry of Interior of the Republic of Croatia, 2005:20). The illegal immigrants are usually construction workers or illegal labour force in catering, particularly during the tourist season on the coast, mainly from neighbouring countries.

The number of trafficking victims from Croatia is very low, however Croatia is on the trafficking route from the former Soviet republics and some Southeast European countries towards the West European countries.

Table 9: Number of identified and assisted trafficking victims 2000-2004, Stability Pact

Country of origin of victim	2000	2001	2002	2003	2004	Total
Albania	219	445	375	345	366	1.750
Moldova	319	382	329	313	300	1.643
Romania	163	261	243	194	193	1.054
Bulgaria	46	96	164	172	143	621
Kosovo, province of	54	67	165	192	90	568
BiH	0	0	8	17	39	54
Serbia	0	1	10	13	21	45
Croatia	0	0	1	1	6	8
Montenegro	0	0	2	3	5	10
fyRo Macedonia	0	0	0	14	12	26
SEE countries subtotal	801	1.252	1.297	1.264	1.165	5.779
Ukraine	68	97	104	47	41	357
Russia	7	22	21	5	4	59
Belarus	8	9	1	2	1	21
Georgia	0	3	2	0	2	7
Other	3	0	5	11	14	33
Other countries subtotal	86	131	133	65	62	477
<i>Total numbers of victims trafficked into, via or from South Eastern Europe</i>	<i>887</i>	<i>1.383</i>	<i>1.430</i>	<i>1.329</i>	<i>1.227</i>	<i>6.256</i>

Source: Surtees (2005:31-32)

The authors of the study on trafficking in Croatia (Štulhofer and Raboteg-Šarić, 2001) claim however that the trafficking of the women and children in Croatia is a more serious problem than fragmentary official data indicate. The authors suggested several additional measures to supplement the existing National Plan of Action for Combating TiWC and trafficking in

general (Štulhofer and Raboteg-Šarić, 2001:10). Beside special training for police, legal reforms and training for judges they suggest stronger mass media involvement, establishment of coordinated network of organizations and institutions sharing information, providing expert assistance and coordinating fund-raising and research activities etc.

There are other types of migration flows that capture the attention of the public debates regardless of their low numerical significance. Such is the case of the asylum seekers in Croatia. The following table gives an overview of the asylum seekers in Croatia during the late 1990s until 2005.

Table 10: Number of asylum seekers 1997-2005

Year	Dismissed	Approved	Still considered	Procedure stopped	Rejected	Total
1997	1					1
1998	25			1		26
1999	17			3		20
2000	18			5		23
2001	68			4	15	87
2002	17			3	73	93
2003	9			2	48	59
2004 (till 30 June)	20			2	31	53
2004 (since 1 July)	52		1	46		99
2005 (till 31 August)	81			73		154
Total	308		1	139	167	615

Source: Ministry of Interior (2005:18)

From 1997 till 30 June 2004 there have been 362 asylum seekers. The new law on asylum was firstly applied on 1 July 2004 and until November 2005 additional 253 foreigners asked for the asylum in the Republic of Croatia. The asylum seekers usually come from Turkey, Serbia, Montenegro, Iran, Iraq, Pakistan, Bangladesh, West African countries and the former Soviet republics. In 2006 asylum was finally granted to a seeker from one African country who was a victim of religious discrimination and sexual mutilation.

The number of the asylum seekers in Croatia is relatively low nevertheless it is an important topic in the public debates. The local communities usually oppose the building of the asylum centres on their territories irrationally fearing that the asylum seekers could negatively influence their everyday life. It seems that the local communities see asylum seekers and migrants in general as a threat. The most important measure regarding migration management in the sphere of asylum would be to educate the representatives of the local communities and positively influence the public debates on the institution of asylum. This could be done within the general strategy for migration policy particularly when the issues of xenophobia are dealt with. The current proposal for Croatian migration policy includes measures which suppose to "secure non-discriminating behaviour towards immigrants in economic, social and cultural life" (Ministry of Interior, 2005). It foresees joint action of the Ministry of economy, labour and entrepreneurship; Ministry of culture; local authorities as well as of institutions of local and regional self-government to work on such measures. It seems however that such measures can only be effective if joint action is concentrated on education of the general population to curb existing and possible racist and xenophobic reactions towards all immigrants.

Proposed "Strategy for the migration policy of the Republic of Croatia" mainly concentrates on the problems of irregular migration, transit migration and illegal labour force in Croatia. Measures suggested in the Strategy concentrate on balancing of the Croatian laws on migration with the laws of the European Union and international standards, development of the asylum policy, increasing the capacities for the asylum seekers, introduction of the institute for humanitarian protection as well as further regulation of the immigration laws. However it is still unclear which specific measures will be introduced to achieve the listed goals. In March 2006 the group of representatives in the Croatian Parliament organized a round table regarding the proposed Strategy together with the social scientists and representatives of the international organizations in Croatia. The shortages of the proposal were addressed by several speakers and the new improved Strategy is still developed by the Croatian government.

3. Sustaining the trans-border mobility

Expanding Schengen border will influence the existing mobility on Croatian borders towards the EU. The public debates show concern about the emerging difficulties to sustain free movement between Croatia and the new EU members. Slovenia e.g. is joining the Schengen agreement in November 2007 although the more realistic date is June 2008 because of the synchronization of the information sharing system in the EU. This could influence the current arrangement which enables Croatian citizens to enter Slovenia, Hungary and Italy only with ID cards and without the passport. Also the current number of local border crossings could be reduced. Slovenia, Hungary and Italy are at the moment looking for legal possibilities which would prolong these arrangements and secure the intense trans-border mobility between these countries and Croatia. They are preparing a joint proposition to the European Commission in order to resolve this problem. However the chances to harmonize the European regulations with this proposition are slim. One option includes high fines for those Croatian citizens who would cross into third EU countries after entering Slovenia, Italy or Hungary with ID. The second option includes the introduction of the border registers for the Croatian citizens who enter Slovenia, Hungary or Italy with IDs. The third, most strict version, envisages territorial limitations of mobility for Croatian citizens who enter these countries with the ID (30-50 km) and/or preservation of the right to enter with the ID only for the population close to the border.

The public debates in Croatia express fears about the general trends in the EU regarding restrictions of mobility on its borders. These debates don't envisage however the same problem for Bosnia, Serbia and Montenegro once Croatia joins the EU. This is an issue that will have to be addressed during the accession process because the EU strategy for the region envisages a lot of cooperation and mobility but ends with the inclusion of the state within the Schengen boundaries which "cuts off" neighbouring countries in the end effect.

4. Immigration

a) labour immigration

In spite of the high unemployment rates, rising Croatian economy shows the need for the specific types of labour. Even now, officially, the immigration supersedes the emigration. According to Central Bureau of Statistics (Državni zavod za statistiku, 2006) the number of immigrants in the period 1995-2004 exceeds the number of emigrants, resulting in a positive net migration during the whole period.

According to the Ministry of Interior in the year 2004, 18,383 persons immigrated to Croatia and 6,812 persons emigrated resulting in a positive net migration of 11,571 persons. The majority of immigrants arrived from Bosnia and Herzegovina, (60.6%).

However, the official data do not fully reflect the actual state as the registry is still not in line with the international recommendations. The reporting is also limited as figures include all Croatian nationals who reported their departure and only permanently residing foreigners who reported their place of permanent residence in the Republic of Croatia at the Registration Department of the Ministry of Interior. The size of emigration is probably underestimated, because the emigrants often do not report their dwelling abroad to the Ministry of Interior.

The new law on foreigners was introduced in January 2004 and it regulates the immigration, employment and dwelling of foreigners. A work permit is issued to a foreigner by the Ministry of Interior upon a request from the employer. The work permit is issued for a limited period of time which usually corresponds to the duration of the work contract, but no longer than two years. Since 2004, the Government of the Republic of Croatia is deciding about the annual quota of work permits for foreigners, by sectors and counties. It decides about the quota for new employment, for the extension of already issued work permits and for seasonal employment. The decision of the Government is based on the proposal of the Ministry of the Economy, Labour and Entrepreneurship, as well as on the opinion of the Croatian Employment Service. The implementation of the new law reduced the number of issued work permits due to the introduction of exemptions for the work permit claims for 23 categories of foreigners: permanently residing foreign nationals, foreign spouses of Croatian nationals, managers and members of supervisory boards, artists and other. Out of quota work permits are issued for: international commuters, foreign top managers, teachers teaching in the language of ethnic minorities, professional athletes etc.

Table 11: Issued and used work permits in different branches (until 22 September 2006)

Branch	2004		2005		2006	
	<i>issued</i>	<i>used</i>	<i>issued</i>	<i>used</i>	<i>issued</i>	<i>used</i>
Ship building	1.099	340	270	222	110	99
Construction	1.000	616	610	537	336	326
Tourism	310	120	370	148	516	180
Culture			68	11	45	7
Science and education	150	9	60	12	10	-
Traffic					4	-
Health care	30	1	22	10	16	2
Total	2.589	1.086	1.400	940	1.037	614

Source: Ministry of Interior of the Republic of Croatia, 2006

The new Law on Foreigners introduced a business permit, which is considered as both the residence and work permit in the territory of the Republic of Croatia. It has replaced the former business visa and it is issued to a foreign citizen who has registered craft business or who has a free lance profession, who runs business operations in his/her registered company. It also applies to foreigners who provide services on behalf of a foreign employer, investor.

According to the Ministry of Interior in the year 2004, 3.417 business permits were issued. Already in the year 2005, this number increased to 3.875 whereas in 2006 more than 4.600 business permits were issued. Interestingly the number of business permits surpassed the number of work permits. The highest number of business permits was issued for the citizens of Bosnia-Herzegovina who mostly provide services on behalf of their employer followed by citizens of Macedonia, China, Slovakia, Italy, Serbia and Montenegro, Germany, Slovenia and Austria.

According to the Ministry of Interior on 30 November 2005, 11,348 foreign citizens had temporary residence status and 13.879 had status of permanent residents. Together with

3,305 foreigners registered with business permits the total number of regular immigrants in Croatia amounts to 28,532.

Croatian society and Croatian institutions aren't however prepared for the social consequences of the labour immigration. Racialized anti-immigrant comments can be found in the media especially about the Chinese immigrants despite the fact that they are not included in the Croatian labour market and do not show any wishes to compete with the local job-seekers. The proposed Strategy for migration policy of the Republic of Croatia (2005) envisages introduction of the integration policy for immigrants but doesn't specify how this policy will be accomplished. It specifies however that the immigrants with permanent residence will be obliged to learn Croatian language, history and culture. It also foresees the programme to objectively inform the public about the different aspects of migration phenomena which is supposedly a precondition for fighting possible xenophobia and prejudices against the foreigners. Further on, the Strategy envisages measures which would ensure non-discriminating attitudes and behaviour towards immigrants in economic, social and cultural life as well as enable the immigrants to acquire equal rights and consequently Croatian citizenship.

The envisaged measures aren't specified but the revised version of the Strategy will probably resemble the measures of immigration and integration policies of the typical central European immigration countries (Becker, 2005). Likely difference will consist in the fact that the current law on Croatian citizenship is a combination of *ius sanguinis* and *ius soli* which will enable the second generation of immigrants to acquire Croatian citizenship easier than in some Central European immigration countries. The greatest number of immigrants comes from the successor states of the former Yugoslavia which will make their integration in the Croatian society much easier, particularly when their language skills and their acquaintance with the institutional traditions are considered. Some multiculturalist measures were so far applied only for the autochthonous ethnic minorities but immigrants from other successor states will probably be able to utilize these policies to preserve their cultural and ethnic identities. Particularly Serbian, Bosniak, Macedonian, Albanian and Montenegrin immigrants will be in a position to integrate, not only in the Croatian society, but also in the existing ethnic minority communities in Croatia if they choose to do so.

The preliminary Strategy for migration policy of the Republic of Croatia doesn't specify many necessary measures regarding integration of immigrants but it shows that the representatives of the relevant institutions in Croatia are aware of the necessity to introduce a functioning migration and immigrant policy according to the existing standards in the European Union. The final proposal for the Strategy will have to address all specific measures regarding economic, social, political and legal integration of immigrants in order to achieve functioning and non-discriminating migration policy.

b) consumer immigration and international retirement migration

Many European citizens buy the real-estates in Croatia and spend considerable amount of time on the Croatian coast. The public debates usually show concerns about "the high number of possible foreigners" and "the national loss of the land and the coast". The examples of Spain, Italy, Portugal and Greece show that the regulation of this new type of immigration and mobility is necessary if the migrants' goals (i.e. high quality of life) and the goals of the local community (i.e. new capital, new jobs and new population) are to be achieved without negative effects e.g. environmental devastation.

In nine years only 3.553 foreigners officially bought real estates in Croatia, mostly on the coast.

Table 12: Number of permits to buy real estates in Croatia, issued to foreigners by Ministry of foreign affairs 1995-2004

Rank	Citizenship of the buyer	Number of permits
1	Germany	2.102
2	Austria	731
3	Hungary	128
4	United Kingdom	81
5	USA	77
6	Denmark	51
<i>Other countries</i>		383
Total		3.553

Source: Croatian Chamber of Economy, 2006

Croatian laws allow foreigners to buy real estates in Croatia but only regarding the principle of reciprocity. So far Czech, Slovak, Italian⁵, Slovenian and other foreign citizens couldn't buy a real estate in Croatia, however journalists usually point out the fact that many foreigners register company in Croatia which are allowed to acquire properties. Many real estates are acquired then through such companies. Journalists claim that there are up to 40.000 foreign owned real estates in Croatia. New owners of the real estates, especially retired and elderly, spend considerable amount of time in their new houses and apartments.

There are at least a thousand Europeans⁶, mainly Germans and Austrians, who spend at least three or four months on the coast and in hinterland of Istrian peninsula. However the numbers can be much higher if all "international", "retired", "migrants" are included. There are many Slovene, Bosnian and Serbian citizens who bought their real-estates on the Croatian coast in 1970s and 1980s. After the break up of Yugoslavia and after Croatia gained independence many among them were already retired and all of them became foreign citizens. While the Slovene citizens used their real-estates as second homes or new residences already during the war, Bosnian citizens started using them not as a last resort but as last refuge during the Bosnian war 1992-1995, while the Serbian citizens were selling their houses or visited them only occasionally after the first diplomatic normalisation agreement between Zagreb and Belgrade in 1996 and after the visas were suspended in 2003. Further on, there are Croatian return labour migrants from continental Croatia and Bosnia who acquired German, Austrian, Swiss, Swedish and other citizenships and who reached their retirement age. All these groups have their residences in amenity-rich areas, tourist resorts and very complex life histories and motivations.

Every single category of international retirement migrants on the Croatian coast is a challenge to international retirement migration as a concept, in terms of numbers, mobility, internationality and transnationality, reference to consumption and amenities, retirement status etc. Elderly Germans and Austrians in Istria are only couple of hours (by car) away from their main residences in Austria, Bavaria, Baden-Württemberg. They are able to move back and forth (which many do) in a monthly, bi-weekly or even weekly rhythm. At the end of the year they can claim they spend even six or more months in their new residences. However their pendular movement poses a problem when we try to determine their main residence and their migrant status. The possibilities for different management of family affairs (grandchildren, visits to friends and relatives) differs them greatly from e.g. elderly Northern Europeans on Costa del Sol who are not able to preserve this kind of contact intensity. This type of mobility can also have completely different consequences for the local social integration of international retirement migrants on the Northern Adriatic coast. They can also deal with their health difficulties at home and thus minimise the risks of a treatment in a non-

⁵ Italian Ministry of Foreign Affairs recently informed Croatian Ministry of Foreign Affairs that Italy does allow Croatian citizens to buy property in Italy.

⁶ According to the real estate agents majority of buyers are in their late fifties or retired and one fifth of them move in their houses immediately after they purchase them.

EU country with much lower healthcare budget. In their case transnationality is not just a more appropriate label than the internationality but also a much more relevant issue. Their social behaviour and their mobility patterns differs them from the typical international retirement migrants as described in European literature on international retirement migration (King et al 2000).

The presence of the international retirement migrants and second home owners on the Croatian coast however brings problems and opportunities that will have to be addressed by the planners of the new Strategy for migration policy. The problems include issues like fulfilment of health care rights for the citizens of the European Union, devastation of the coastal area through construction and rising prices of the real estates in the coastal areas which makes housing problems of the local young families even more accentuated. The opportunities include import of economic and human capital, emerging job opportunities (e.g. catering and health care) as well as reconstruction of the deserted Mediterranean villages.

c) immigration of expatriate descendants

Many discussions refer to the immigration of expatriate descendants as a desirable social and political goal. According to the public debates immigration of the third or fourth generation of Croatian emigrants would bring in the additional human and other forms of capital. Public discussions emphasize the large number of persons overseas with Croatian ethnic identity and estimate the number of Croats abroad in seven digit figures. US Bureau of census (1998) released information about the number and characteristics of "persons of Croatian ancestry". According to the Bureau there were 409.458 Americans with Croatian ancestry in 1990. Considering the traditional Croatian emigration to the US, Canada, Argentina, Chile, South Africa, Australia and New Zealand (which started already in 1830s and boomed in periods 1893-1914; 1920s; late 1940s; and since 1960s) and strong diaspora communities in these countries, the number of persons overseas with some sort of Croat ethnic identity (salient or symbolic) could be higher than a million. Immigration of diasporans would enrich Croatian society with new human, economic and social capital. During the 1990s Croatia even had the Ministry of immigration which was primarily dealing with the issues of re-migration of the expatriate descendants in diaspora. At that time the first wave of return was registered. Ministry of Interior registered 30.429 returnees from diaspora in the period 1990-1997, however the research in this area showed that 45% of those who registered as returnees are still working in their respective countries, around 30% of registered never appeared at the addresses in the registry, and that only 16% of registered returnees can be counted as real returnees (Šakić, 1998). Apparently many "returnees" registered only for patriotic or private reasons (e.g. securing their old houses and apartments) but never actually returned.

The proposed Strategy for migration policy mentions the return from diaspora again as a desirable goal but doesn't specify the necessary measures. It recognizes however the problems of the diasporan immigration/re-migration. The most important one is legal – particularly the criteria which would regulate acquiring Croatian citizenship in diaspora. As in the case of return labour migrants the return/immigration of diasporans should be enabled and even induced through programmes which would involve measures such as: exemption from VAT upon return; exemption from VAT for major imports; support for establishing small firms; access to micro- finance for small firms, promoting business start ups; integration in Croatian education system etc. Close cooperation with the Croatian diaspora communities in order to offer and organize migration to Croatia would be necessary. In December 2006 Croatian World Bank was established by active Croatiaian diasporans in the US. The bank plans to accumulate the Croatian capital abroad in order to improve the financial status of Croatian diaspora and to invest in Croatia. Close cooperation of the Croatian Government and the Croatian World Bank would also enable easier immigration/re-migration of Croatian expatriates.

5. Retaining the possible emigrants

There is a great migration potential which can weaken the total human capital of Croatia. The problem of emigration potential is more accentuated in Croatia than in other East European countries because the existing family ties with the Croatian migrants in the West European countries i.e. the mezzo level of Croatian migration trends can easily result with a new migration wave. According to the present debates and data, an additional labour emigration would weaken the Croatian society and economy and it would reinforce the disturbing demographic trends.

The recent research on migration potential of Croatia shows that 460.000 persons older than 14 consider emigration; that 92.000 already took some steps which would enable them to emigrate and that 14.700 person probably already asked for work and/or residence permit abroad.

Table 13: Migration potential of Croatia

<i>Type of migration potential</i>	<i>Empirical operationalization</i>	<i>Share in total population</i>	<i>Estimated number of potential migrants</i>
General	Persons thinking about emigrating and living temporarily or permanently abroad	12,5	460.000
Probable	Persons who took following measures in order to emigrate: – gathered information about the destination – asked for work and/or residence permit – took care about dwelling, housing – took care about the job	2,5	92.000
Real	Persons who already asked for work and/or residence permit	0,4	14.700

Source: Božić and Burić (2005:21)

The respondents in the survey gave the following reasons for their consideration to emigrate:

Table 14: Reasons for potential emigration from Croatia

<i>Reasons for potential migration</i>	<i>Important</i>	<i>Un- important</i>	<i>Completely un- important</i>
There are better possibilities to earn more abroad	94%	3%	3%
Working conditions abroad are better	94%	4%	2%
Unemployment/I cannot find any job in Croatia	76%	9%	15%
I cannot find a job in my profession	66%	12%	23%
Possibilities for further education are much better abroad	54%	18%	28%
Political situation in Croatia	43%	25%	31%
I want to experience and learn something new; I am curious	43%	20%	37%
I have a family or a part of the family abroad	26%	13%	61%
Ecological problems in the area where I live	23%	18%	59%
I have better possibilities to advance my career abroad	8%	16%	13%
Because of unfortunate family relations	8%	12%	80%
As a member of an ethnic minority I feel deprived	4%	12%	84%

Source: Božić and Burić (2005:25)

The common denominator of the reasons to emigrate is the wish for security, primarily economic security as well as the strength of economic pull and push factors, primarily unemployment. The objective indicator (unemployment) and subjective economic indicators (perception of the life abroad) are stronger than the subjective indicators and that confirms the socio-economic nature of the potential new emigration from Croatia. However respondents are realistic about the possibilities to actually emigrate. 52% of all respondents

estimated that it is unlikely or very unlikely that they will actually emigrate because of their current arrangements. Only 9% of all respondents see their emigration as highly probable or as entirely certain.

Retaining possible migrants is not a goal of the proposed Strategy for migration policy however Croatia might lose additional 40.000-90.000 inhabitants. It is very difficult to specify precise measures which could retain possible migrants. Measures that could prevent additional emigration are rather general measures of the government, particularly reducing unemployment and diversification of labour market. Nevertheless, some areas with the high emigration potential can be targeted by the government and additional measures can be formulated. Since emigration potential is high in already depopulated (e.g. Lika) and impoverished (e.g. Banovnina) areas the existing plan for the National strategy for regional development (ECORYS, 2005) which deals also with the reconstruction and development of "disadvantaged areas", is a good basis for the development of such measures.

Conclusion

Croatian case shows that the types of migration and of spatial mobility can be diverse and numerous in the South East Europe. New trends can be observed, particularly labour immigration, consumer or quality of life circulation, international retirement migration. Some old problems regarding migration patterns are still present: relatively high emigration potential, still unfinished return of refugees, low return migration rates, relatively high numbers of irregular migrants; and some issues have to be additionally addressed by the policy makers: retaining possible emigrants, improving the status of labour emigrants in their respective host societies, social and political integration of immigrants and regulating international retirement migration.

Croatian case is specific in some respects (labour immigration and international retirement migration) however it is similar to other South East European cases as well (high numbers of refugees, labour emigrants, numerous diaspora, relatively high numbers of irregular migrants and potential emigrants, problems in sustaining trans-border mobility etc.). Policy makers and NGOs in the region could cooperate not only by exchanging experiences regarding the formulation of the national migration policies but also negotiate arrangements on trans-border mobility and coordinate a joint action to improve the status of labour emigrants in the European countries, the status of returnees as well as to start a regional "brain-circulation".

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PhD Drasko Marinkovic*

MIGRATION FLOWS in BOSNIA and HERZEGOVINA

Bosnia and Herzegovina is situated in the western part of the Balkan Peninsula and has borders with the Republic of Serbia and the Republic of Montenegro in the east and south-east and with the Republic of Croatia in the north, west and south. Administratively it is divided on Federation of Bosnia and Herzegovina (51%) and Republic of Srpska (49%) and District of Brčko. Federation of Bosnia and Herzegovina consists of 10 cantons - counties that have 79 municipalities, Republic of Srpska has 62 municipalities while Brčko is a separate administrative unit – District.

On the surface of 51.209,2 square kilometers, according to the estimates of the Public agency for statistics, there are about 3.840.000 inhabitants.¹ According to the ethnical structure, the most numerous nations in Bosnia and Herzegovina are Bosniacs, Serbs and Croats, as well as the significant number of the members of the minorities. The official alphabets are Latin and Cyrillic and the official currency is convertible mark (1KM = 0,511292 Euros). The climate is mainly continental, severe continental at the mountains and mediterranean at the south. The fertile cultivated surface covers 49,5% of the land, which gives the manifold possibilities for agriculture and production of the food in the suitable climate conditions. Around 46% of the territory is covered by the different types of wood and this region is well-known by the hydro-potential the supply of coal and other natural resources.

According to the last Census from 1991, Bosnia and Herzegovina had 4.377.033 inhabitants and 1.207.098 households², with the average population density of 85,6 inhabitant per square kilometers. Population density varied in some regional units and municipalities, especially in the urban and rural areas. The indexes of the increase of the population of Bosnia and Herzegovina were very different in some periods, which were determined by the high rate of the natural growth, migrations of the population and total socio-economic development. In the period from 1948 to 1991, the index of the increase of the population was very high so the number of the households increased more than twice. At the same time, the average size was decreased from 5,2 to 3,6 members per household. In the same period, the intensive increase of the number of population in the municipal centres was registered as well as the slower increase in the other places, which the intensive migrations of the population at the direction village – town contributed to.

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¹ These estimates of the Agency for Statistics of Bosnia and Herzegovina are very often denied in expert-scientific analyses and researches according to which Bosnia and Herzegovina currently has about 3,5 million of population.

² Census of Population for 1991., Republic Institution for Statistics of the Socialist Republic of Bosnia and Herzegovina, Sarajevo, 1991.

Through the historic development the basic components of the natural movement of the population of Bosnia and Herzegovina had various characteristics. After the World War II, the process of demographic transition was intensified, conditioned, before all by the industrialization of society which is followed by the constant rural-urban migration of the population and urbanization and deruralization. According to the data from 1953 in Bosnia and Herzegovina, extremely high rate of birth rate of 38,5‰ was registered, high mortality of 14,4‰ so the natural growth was 24,1‰. According to the Census from 1991 at the same territory, the rate of the birth rate was 15,4 ‰ and mortality 6,7‰ so the rate of the natural growth was 8,7‰. The former indicators illustrate the late sub-phase of the demographic transition, which is manifested by the intensive decrease of the rates of birth rate and mortality. Demographic transition of this region has extremely regional characteristics which are conditioned by numerous transitional factors. The increase of the population of Bosnia and Herzegovina until 1991 was mainly determined by the natural components of the movement where the negative migration balance of the population had a special significance.³

The movement of the number of population in Bosnia and Herzegovina after 1991 is very ungrateful for the scientific analyses because there has not been any Census on this territory for the last fifteen years. Also until now, the published results of the Census from 1991 are incomplete so we must use the estimates given by the statistics institutions, agencies and other institutions. Four years of war left the enormous socio-economic consequences in the development of this region and at the same time they influenced the great changes in the number of inhabitants. In that period, there were extensive movements and internal and external migrations of the population which exceeded all the former ones in Bosnia and Herzegovina. From the territory of both entities: Republic of Srpska and Federation of Bosnia and Herzegovina, a great number of the native population emigrated in the direction of the other entity, neighbouring countries (Croatia and Serbia and Montenegro) and to the other countries in the world. The process of the exile was characterized by the great depopulation within the borders but the emigration outside the borders of Bosnia and Herzegovina as well after which the partial return of the population is followed by. In that period, there were significant immigrations of the refugees from the neighbouring countries. After the loss of the refugee status abroad, greater number of the returnees had become displaced persons by the change of the pre-war place of residence in Bosnia and Herzegovina.

According to the official statistics estimates, Bosnia and Herzegovina currently has about 3,8 million of inhabitants (Republic of Srpska – about 1,4 million and Federation of Bosnia and Herzegovina – about 2,3 million), the estimated rate of birth rate is 9,1‰, rate of mortality 8,5‰ so the rate of the natural growth is very low with 0,6‰.⁴ From the total estimated number of inhabitants in Bosnia and Herzegovina, there are about 68% which makes the working contingent from 16 to 64 years old, the rate of activity is about 43% and the official unemployment is about 33%. According to the qualifications, working-able population in 60, 6% cases have secondary school finished, in 25%

³ Marinković Draško, Demographic Problems of the Process of Exile in Republic of Srpska, GDRS, Banja Luka, 2005.

⁴ Demography, Agency for Statistics of Bosnia and Herzegovina, Sarajevo, 2005.

cases primary and in 14% higher and high school. According to the profession, there is the majority of workers in the service trades (48,7%), in the economy (30,7%) and agriculture (20,6%).⁵

The measurement of the life standard (LSMS) was done in Bosnia and Herzegovina according to which there are between 19 and 25% of the population living in the state of poverty, that is, average 40% of the population lives in the insecure economic conditions and at the edge of the poverty.⁶ According to the UNDP, the index of the humane development in Bosnia and Herzegovina for 2002 was 0, 718, which means that, although this region is among the countries with the middle rate of the humane development (99th place from the total of 166), according to this rate, in Europe only Moldova is behind Bosnia and Herzegovina.⁷ In the absence of more reliable statistics data and censuses of the population, it is almost impossible to give more detailed analysis of the demographic and socio-economic development of Bosnia and Herzegovina.

Although migrations of the population do not have nor they can have the decisive influence on the rate of the increase of the population of one country or one region, relations of their influence go from meaningless to decisive. In dependence of that is the size of the change of all structural characteristics of the population (size, area distribution, fertility, mortality, demographic and socio-economic structure) in emigration and immigration field. Namely, the modern form of migrations characterizes their size and directions, reflection on the political and economic circumstances, the appearance of the “push” and “pull” factors so their qualitative-quantitative analysis is very significant for the socio-economic and demographic development of Bosnia and Herzegovina. That points at the need for complex and interdisciplinary analysis of migrations which for the consequence have the area circulation of the population, conditioned by the spectrum of the social, psychological and political factors.

Migration flows in Bosnia and Herzegovina are very different according to type, conditions and consequences in the past as well as nowadays but in the most often cases they can be identified on:

1. Permanent migrations at the direction village – town,
2. Emigration after the World War II in the form of colonization,
3. Constant economic migration and “departure for the temporary work” abroad and other republics of the former country,
4. Process of exile, forced migrations and depopulation during and after the war,
5. Process of the return of the refugees and displaced persons,
6. Emigration of the working-able and qualified population abroad,
7. Illegal migration, assailants and trade of the people.

⁵ Questionnaire about Working power in Bosnia and Herzegovina, Agency for Statistics of Bosnia and Herzegovina, Sarajevo, 2006.

⁶ Report about the State of Human Rights in Bosnia and Herzegovina for the Period January – December, Helsinki Committee for Human Rights in Bosnia and Herzegovina, Sarajevo, 2005.

⁷ Report about the Human Development in Bosnia and Herzegovina (UNDP), Economic Institute, Sarajevo, 2002.

Migration trends in the past

Bosnia and Herzegovina is traditionally characterized by very complex migration and especially emigration processes which had determined significant demographic changes as well as some permanent consequences. Migrations of the population are historical phenomenon of this region because it had been exposed to numerous and different migrations and movements of the population for centuries. They presuppose the past trends of the weaker intensity which have the negative migration balance as the consequence and the basis for that are the last Census from 1991 and some evaluations. There is not an adequate statistics (migration files or registers of the population) for the analysis of the migration flows of the population in Bosnia and Herzegovina.

Migrations of the population are very important factor of the demographic progress (development) of Bosnia and Herzegovina because of the expressive transition and important geostrategic position. In the historical progress of this region, three different cultural-civilized circles had come into contact: Orthodox or East-Christian, Catholic or West-Christian and Islamic or Turkish-East, which had had the formation of the specific ethno-cultural and national mosaic of the population as its consequence. Consequently, cultural-historical settling points at the very troubled past which is determined by cultural, political and economical influences of the neighbours and often movements of the population. As the factor, in the socio-historical moment, it had the reflections at the forming of the migration directions, settling, demographic progress and ethnical composition of the population. This region is characterized by very different forms of the migrations which are usually determined by historical, socio-economical and geo political factors.

After the first settling and great migrations of the nations, more significant migration movements in this region had taken place in the 18th century in the form of relocation of the population from the mountainous to the agricultural areas, gatherings of the tradesmen and craftsmen in the inhabited places which had been suitable for the exchange of goods, and other migrations conditioned by force (violence). Migration flows during which Orthodox and Catholic population had emigrated in the direction of Šumadija, Mačva, Posavina, Lika, Northern Croatia, Slovenia, Istra and Dalmatia are well-known in the period of Turkish occupation.⁸

At the end of the 19th century the Austro-Hungarian authorities were conducting planned settling of the population from all parts of their Monarchy. Firstly, clerks, craftsmen, tradesmen, engineers and doctors who had got jobs in the economy, administration and government had come and then the other inhabitants who had got the agricultural property. In this period a great number of Germans, Czechs, Ruthenians, Polish and members of other nations had come in the district of Gradiška, Prnjavor, Bijeljina, Banja Luka, Petrovac and Kupres and that had changed the existing ethnical structure of the population. For the needs of the exploitation of the mines and factories, the settlement colonies of the immigrants had been formed in Zenica, Visoko, Teslic and Ljubija. As the consequence of the annexion of Bosnia and Herzegovina in 1908 as well as because of the unsolved

⁸ Pejanovic Djordje, *The Population of Bosnia and Herzegovina*, Serbian Academy of Science and Art, Belgrade, 1955.

agrarian issues, exploitation of the natural resources and increased terror, more and more Serbian people had been going to Serbia and Muslims in the direction of Turkey. According to the estimates, in the period from 1878 to 1910, 260.000 inhabitants had emigrated from Bosnia and Herzegovina. In the same period, about 137.000 inhabitants had come to Bosnia and Herzegovina, from which 114.591 persons had been from Austro-Hungarian monarchy. Migration characteristics had been very expressive in the World War I, when, according to the estimates, about 320.000 inhabitants had emigrated or been killed. A great number of population had been killed during the war operations and in massive deportations and hard labours in the concentration camps. It is estimated that in the period from 1910 to 1920, the whole natural growth fell in Bosnia and Herzegovina.⁹

In the period of two world wars, a great number of national minorities (Austrians, Hungarians, Germans, Italians, Czechs, Polish, Slovaks, etc.) had left Bosnia and Herzegovina in the direction of their mother countries in the West Europe, overseas countries and in the direction of Vojvodina, Kosovo and Metohija, Sandžak, Turkey, etc. Between two world wars, the process of emigration of population was continued, mainly in the direction of the West Europe and America, while the immigration was very rare. According to some surveys, the negative migration balance of the population of Bosnia and Herzegovina, in the period between two world wars, was about -6.000 inhabitants a year. However, these estimates should not be taken seriously because they were based on very incomplete statistics sources.

The World War II, on the territory of Bosnia and Herzegovina, was manifested by great sufferings, exile, forced emigration and demographic loss of about 700.000 inhabitants.¹⁰

The war losses and the consequences of the war in Bosnia and Herzegovina in the period from 1941 to 1945 conditioned great fall of the natural growth rate. In the period from 1941 to 1943, the territory of Bosnia and Herzegovina was mainly controlled by the Independent State of Croatia, which led the process of croatianization and massive persecution of non-Croat population. In that period a significant number of inhabitants were exiled. It is thought that about 200.000 inhabitants of Serbian nationality were depopulated in the direction of Serbia and Montenegro. Mainly the Croats and in smaller number Muslims from Croatia, Vojvodina, Macedonia, Kosovo and Metohija were inhabited in Serbs' homes.¹¹

After the World War II, one part of the refugees and depopulated inhabitants came back to their homes while the majority stayed in the places of their exile, mainly in the urban areas. More extensive migrations of this period were directed to capitalist countries because the communists ruled the country and persecuted the former co-operators of the enemy who had occupied the country. In that period, mainly Germans, Hungarians and other nations left Bosnia and Herzegovina.

⁹ Pejanovic Djordje, *The Population of Bosnia and Herzegovina*, Serbian Academy of Science and Art, Belgrade, 1955.

¹⁰ Marijanac Zdravko, *Development of the Population of Bosnia and Herzegovina 1850-1991*, Banja Luka, 1999.

¹¹ Bulatović Radomir, *Economic Base of Migrations in Bosnia and Herzegovina 1941-1945, Migrations and Bosnia and Herzegovina* (Collection of papers), Sarajevo, 1990.

Special seal to the demographic loss of Bosnia and Herzegovina gave the colonization in the direction of Vojvodina. It is thought that the most massive and most organized emigration of the population took place in the period from 1945 to 1948, in the direction of Srem, Western and Southern Backa and Northern Banat. On that occasion about 13.200 households emigrated to Vojvodina, most of them were Serbs and there were other nations, too.¹²

By the more intensive socio-economic development of the territory of Bosnia and Herzegovina, after the World War II, the economic migrations were strengthened and they were directly conditioned by faster socio-economic development and processes of deagrarization and urban concentration of the population. From the economic reasons, in the period from 1940 to 1981, even 1.372.736 or about 33,3% of the population of the former Bosnia and Herzegovina changed the permanent place of residence. From this number, 538.602 persons or 39,2% of the population, emigrated in the direction of other republics and provinces of the former Socialist Federative Republic of Yugoslavia.¹³

In the period from 1961 to 1981 the rate of emigration in Bosnia and Herzegovina increased from 9,7‰ to 14,2‰, and it was mainly determined by the economic and political factors as well. Namely, with the opening to the world and liberalization of the economic system, the size of the economic migrations was hastily strengthened in the direction of Croatia, Slovenia and Vojvodina which were more developed regions in the former country. Migrations in the direction of the West European countries were intensified later on. The period from 1971 to 1981 is specially characteristic when the negative migration balance was -134.939 inhabitants so the average rate of migration was -3,4‰. From the total number of emigrations in this period, the greatest part was referred to the inter-republic and inter-province movements so in 1981 Bosnia and Herzegovina participated with 31,4% in the total emigration and only with 8,9% in the immigration inter-republic exchange. This region realized negative migration balance with Croatia, narrower Serbia, Vojvodina and Slovenia, and positive with Montenegro, Macedonia and Kosovo.¹⁴

The past Censuses of the population, as well as the data of vital statistics, point at the relatively high and very increasing negative migration balance on the territory of Bosnia and Herzegovina. The rate of the increase of the population in this region in the period from 1948 to 1981 was very low which was determined by intensive decrease of the birth-rate and negative migration balance of -548.958 persons. In that period more than 16% or approximately every sixth inhabitant of Bosnia and Herzegovina was clasped by emigration. The population of the former Bosnia and Herzegovina mostly emigrated in the direction of Serbia (48,6%) and Croatia (42,5%), and the least percentage has the migration in the direction of Macedonia (0,9%). Serbs participated in emigration in the most often cases with 49,5% and Croats with 27,1% while Muslims with only 5,4%. According to these

¹² Djurdjev Branislav, Problems of the Exile in Yugoslavia, Collection of Papers of Matica Srpska for Social Sciences, Novi Sad, 1996.

¹³ Bošnjović Ilijas, Migrations of the Population of Bosnia and Herzegovina from 1940 and earlier until 1981, Migrations and Bosnia and Herzegovina (Collection of papers), Sarajevo, 1990.

¹⁴ Censuses of Population for 1961, 1971 and 1981, Republic Institution for Statistics of the Socialist Republic of Bosnia and Herzegovina, Sarajevo.

indicators, Serbs and Croats were the bearers of the emigration processes in this region, what confirms the statement that the size and directions of migrations of these nations significantly influenced the later changes of the ethnical structure of the population of Bosnia and Herzegovina.¹⁵ At the same time, great structural changes took place which were manifested by the decrease of agricultural and increase of the urban population, which is the consequence of emigration of population from villages to towns.

The ethnical membership had a great importance during the forming of migration directions, so the Croat population emigrated in the direction of Croatia in about 94% cases, Serbs in the direction of Serbia in about 77% cases, and Muslims in the direction of Croatia in about 49% cases, in the direction of Slovenia in about 30% and in the direction of Serbia in about 15% cases. At the same time, on the territory of Bosnia and Herzegovina, Serbs immigrated in 34%, Muslims in 19% and Croats in 17% cases. So, the greatest migration exchange of Bosnia and Herzegovina was realized with Serbia and Croatia.¹⁶

In the period from 1961 to 1981, in Bosnia and Herzegovina, very intensive emigration processes were registered. They were primarily manifested by the economic migrations from the rural areas to the municipal centres and bigger towns. Namely, by the mechanical inflow of the population, faster increase of the inhabitants was realized in the bigger towns such as Sarajevo, Banja Luka, Mostar, Tuzla and Zenica. Owing to the intensive processes of deagrarization and urban concentration of the population, the other urban centres also had the intensive increase of the number of population.

According to the Census from 1981, the size of migrations in Bosnia and Herzegovina had a slightly milder intensity in relation to the earlier periods which is the consequence of faster socio-economic development, increase of the rate of employment, lower natural growth and relative exhaustion of emigration areas. However, this region still had expressively negative migration balance so the rate of emigration in the period from 1961 to 1981 increased from 8,2‰ to 14‰.

The last Census from 1991 was realized in the atmosphere of disordered inter-national and inter-republic relations and the general insight about the disintegration of the former state. National polarization was present and that, unfortunately, had its reflection on the quality and presentation of the results of the Census, which has not been completed for the state level so far. However, the expressive negative migration balance was still evident at this territory, which, with the constant decrease of the natural growth, was the main factor of the retarded demographic increase. Negative migration balance of Bosnia and Herzegovina in the period from 1981 to 1991 was -180.534 persons.

For the total demographic progress of Bosnia and Herzegovina, apart from the inter-republic, the external economic migrations have the special significance. The external migrations had smaller intensity at the beginning and in 1970 they were intensified, so today they have a significant part in the

¹⁵ The Population – Comparative Data of the Censuses of the Population for 1971, 1981 and 1991, Statistes Bulletin, No. 265, Federal Institution for Statistics, Sarajevo, 1998.

¹⁶ Markotic Ante, Some Characteristics of Bosnia-Herzegovina Inter-Republic Migration, Points of View at the Migrations of the Population of Yugoslavia (Collection of Papers), Belgrade, 1990.

total migration of population. Unfortunately, statistics about the size of the external economic migrations have not been reliable so far. According to some estimates from the former Bosnia and Herzegovina, in the period from 1971 to 1981, around 3.000 to 3.500 workers a year have been going to the “temporary work” abroad.

According to the size of the external economic migrations in 1991, among the other former Yugoslav republics, the territory of Bosnia and Herzegovina was on the second place, behind Croatia. According to the statistics indicators, until 1991 around 4,7% of the population of the former Socialist Republic of Bosnia and Herzegovina lived abroad. The greatest number of the economic migrants was from the municipalities of Western Herzegovina and the least from the Eastern Herzegovina mountainous and some Karst areas. For the more detailed analyses of the economic migrations, it is necessary to use the statistics parameters from the countries of immigration but that is still not possible. Very common examples show that the greater number of the temporary migrations abroad becomes permanent what makes difficulties for the estimate of the total external migration balance of Bosnia and Herzegovina. According to the official data for 1991, 141.811 inhabitants and 64.445 members of their families worked abroad. According to the places of residence, the greatest number of the external migrants from Bosnia and Herzegovina were living in Germany, Austria, France, Switzerland, Italy, Nordic countries, countries of Benelux, the USA, Canada, Australia, New Zealand, etc.

The former analyses show that the migrations of the population at the territory of Bosnia and Herzegovina have their historic foundation, and the directions of the migrations have been rather well-established. Migrations left a special seal on the demographic as well on the socio-economic progress and they were an important factor of the changes of demographic structures, especially sex-age, ethnical and economic ones. By the emigration processes, this region has been “giving” the fertile, working-able and the most qualified population for centuries and that is the reason why the biological potentials of many villages, which are mainly dreary today, got weakened on the direct or indirect way.

The movement of the population at the territory of Bosnia and Herzegovina is very differently manifested in the regional view, at the internal as well at the external migrations. The greatest emigrations of the population were registered in the mountainous, Karst and economically undeveloped areas. This trend has influenced clearly expressive depopulated and exodus characteristics of the significant number of the municipalities by the time. In the period from 1981 to 1991, there were 36 expressively depopulated and even 93 typically emigration types of the municipal areas, which is about 83,5% of the total number of the municipalities in Bosnia and Herzegovina.

Migration characteristics of Bosnia and Herzegovina show that the progress of the towns and hastened demographic increase of the urban population have the influence on the bigger concentration of the population in the urban centres and the sphere of their influence. Very expressive inter-regional migration processes between the rural and urban places still influence the constant decrease of the rural population, which has the negative changes of the structural character as the consequence. Disorders in the sex-age structure and more and more expressive process of getting old in the majority of the rural

places influence the overall reproduction of the population in a very negative way. The process of redistribution of the population at this territory results at the increasing number of the inhabitants in the majority of municipal centres. This process is mainly realized by the mechanic inflow of the population from the rural areas, and the estimates show that the internal migrations, at the relation village-town, will lose their intensity.

The Process of Exile

At the beginning of 1991, the political crisis started at the territory of Bosnia and Herzegovina as a form of inter-national and inter-religious intolerance and conflict among the three most numerous nations (Serbs, Croats and Muslims) which influenced massive depopulation of the inhabitants within and out of the borders of the country. The most intensive war operations, depopulations, exile and removals of the population had taken place in the period from 1992-1995. In this period, a clearly expressive national polarization of the population was formed at the territory of the two entities: Republic of Srpska and Federation of Bosnia and Herzegovina. The direct consequences of the war were great demographic losses, permanent and temporary displaced native population, immigration of the great number of the refugees and displaced persons as well as the incalculable material destructions and socio-economic disorders, which this region is still recovering from. It could almost reliably be stated that the former war caused the movement of more than two million (or about 50%) inhabitants of the former Bosnia and Herzegovina across the whole world. After the war, by signing and implementation of the peace agreements in Dayton and Paris, this region is facing new redistribution and migration of the population in the form of movement and return of the refugees and displaced persons. Exceptional great socio-political changes and migration of the population determined also significant socio-economic and demographic consequences in the development and perspective of this region.

The study of the exile in Bosnia and Herzegovina was very distressing because the gained results mainly depend on the given situation, temporary state and availability of the data. This process was characterized by the constant dynamics so in the deficiency of the official census of the population, it was very hard to determine its real volume. For example, in order to apply the principle of selectivity for the analysis of the volume of the refugees and displaced persons, it was necessary to coordinate the methodology of the existing statistic base, which was the biggest problem, because there were not relevant registrars, migration files or other empiric material. The available sources of data were often methodologically incomparable. The general mark is that the data of different institutions, non-government, humanitarian and other international organizations are incomplete and very often based on the unreal estimates. The additional problem was the mobility, which is, often movements, the change of the place of residence and the process of the return of the refugees and displaced persons so the data about these members of the population were getting old very quickly.

Bosnia and Herzegovina was, in the period from 1992 to 1995, characterized by the intensive forced movements of the population, which by their volume and area frame, exceeded all the former

ones. The process of the exile was manifested complexly and at the same time was established in the range of those social phenomena, which, according to the present socio-political tensions in them, occupy wider social attention. The exile is very differently defined in our literature and beside the international term -the refugee person- we are often faced with the following categories as well:

- exiled persons (exiled or war imperilled persons) are the persons who were coming in the colonies before, during and after the war operations and forced persecutions and who do not have the right on the refugee status,
- displaced persons are the citizens of the former Yugoslav republics that is, they are the persons who used to live in the same country and who, because of the persecution on the national, religious or political basis had to leave their permanent place of residence and because of that they do not have the formal-legal protection according to the valid international law and Conventions about the refugees and
- temporarily displaced persons are the persons who in the international-legal vocabulary are defined as Internal Displaced Persons (IDP), that is the internal displaced persons with the status which provides for them the appropriate international-legal protection and help.

The refugees, persecuted, displaced and temporarily displaced population are facing with almost the same problems about the provision of the basic life necessities (accommodation and food), the obligations of the society are similar to them and that is why the similar or the same formal-legal status is often defined for them.

The constitutive and the legal status of the refugees and displaced persons at the territory of Bosnia and Herzegovina is regulated by the regulations from the Peace Agreement (Annex 7) and by the Constitution of Bosnia and Herzegovina, and it is precized in terms of gaining the rights and obligations by the official acts.¹⁷

The following questions are regulated by the Law about refugees from Bosnia and Herzegovina and displaced persons in Bosnia and Herzegovina:

- 1) Gaining and discontinuance of the status of the refugees from Bosnia and Herzegovina and displaced persons in Bosnia and Herzegovina;
- 2) Status of the returnees, the rights of the refugees from Bosnia and Herzegovina, the rights of the displaced persons and returnees;
- 3) Way of realization their rights and
- 4) Means for the support in forming the conditions for the return.

This law determines the status of the refugees, displaced persons and returnees to Bosnia and Herzegovina.

The determined rights of the refugees in Bosnia and Herzegovina by the law are:

1. right on the return in the former place of residence,
2. right on the choice of the other place of residence,

¹⁷ Refugees from Bosnia and Herzegovina and Displaced Persons – State – Return – Perspectives, Bulletin of the Ministry for Human Rights and Refugees, Sarajevo, 2001.

3. right on the return of the property,
4. right of the return of the tenant's right of tenure,
5. right on the objective and overall informing which is specially referred to the condition in the former place of the residence,
6. right on the additional schooling,
7. right on the usage of the consolatory and other services.

The displaced persons, according to the Law, have the rights written from 1 to 4 and other rights as well which are constituted by the regulations of the entities, cantons and municipalities and which are especially referred to the economic, social and health protection and the freedom of the religious expression and political action.

According to the volume and indicated directions, the exile in Bosnia and Herzegovina was manifested in two basic forms, that is, as internal and external. The ethnical membership is most often had the casting role in the forming of the refugees' directions so there were movements of the population before the war from the places where one nation had been a minority. The exile in Bosnia and Herzegovina should be defined as the two-way process in which, on the one side the members of one nation emigrated and immigrated the refugees and displaced persons of the other nation. The contra flows of the process of exile are still present because the process of return has not yet been finished.

There are various statistics data and documentation material about the volume of the exile at the territory of Bosnia and Herzegovina so in the dependence of the kind of the used parameters and statistics analyses, sometimes the unreal estimates appear. However, according to the official statistics of UNHCR, about 2,5 million inhabitants were moved at the territory of the former Bosnia and Herzegovina under the influence of the war and war consequences, which is around 55% of the pre-war number. More than a half (53,5%) of the total number of the forced migrants from the territory of the former Socialist Federative Republic of Yugoslavia was from Bosnia and Herzegovina. UNHCR has published the estimate that in 1996 there were about 1.050.000 refugees from Bosnia and Herzegovina living in about 100 countries around the world, which is almost the quarter or 23,9% of the pre-war population.¹⁸ At the same time, about one million of displaced persons were registered in Bosnia and Herzegovina. Some estimates show that in the period from 1991 to 1998, about 1.3 million inhabitants emigrated from Bosnia and Herzegovina, that about 60.000 persons emigrated deliberately and that about 270.000 people were registered as killed or missing. At the end of 2001, there were 749.700 of the refugees from Bosnia and Herzegovina registered in the world. Most of these persons were registered in Germany (28%), Serbia and Montenegro (25%), Croatia (14%) and Austria (7%).

¹⁸ Census of Refugee and Other War-affected Persons in the Federal Republic of Yugoslavija, UNHCR, Geneva, 1997.

These four countries accepted about 74% while all the other countries in the world together accepted about 26% of the total number of the refugees from this territory.¹⁹

By the analysis of the exile from the aspect of the Lee theory about migrations, which is based on the “push” and “pull” model, it can be stated that this form of the migrations in Bosnia and Herzegovina is determined by the action of the political “push” factors from which the most dominant are the existential (life needs), socio-psychological pressure and ethnical discrimination.

Some of the better-known hypotheses about the flows and contra flows of the migrations (Zipf and Todaro) which can be applied on the phenomenon of the exile in Bosnia and Herzegovina as well are:

- 1) that the migrants (refugees and displaced persons) move on the well-established flows;
- 2) that for each main flow the contra flow is formed and
- 3) that the net of the migrations is very big if the main factor in the development of the migration flow was negative in the place of origin.

One of the basic causes of the exile in Bosnia and Herzegovina was the establishment of the new socio-political relations on the territory that was characterized by the ethnical heterogeneity of the population. The exile was often manifested by the various pressures so the significant number of the native population left their homeland self-initiatively that is, because of the fear of the persecution and personal security. With the escalation of the war conflicts, the population was looking for the shelter at the territories where there were not any armed operations and in regions where its nation was dominant.

The analysis of the basic characteristics of the exile in Bosnia and Herzegovina shows that this process is the reflection of the aspiration of the refugees and displaced population for the greater individual and collective freedom and more peaceful life, which was of the crucial significance for emigration. From this aspect, the pushed factors of the process of the exile were in connection with the existential (life needs and struggle for the survival) and socio-psychological (pressure in the form of the ethnic discrimination) reasons. The causes and motives of the exile were primarily determined by the factors of the personal security, in the fear for keeping his/her own and the life of his/her closest members of the family, that is the fear for the physical survival, insecurity, uncertainty and escape from the war occupied regions. The right on the escape from the crisis regions is one of the democratic rights, which is regulated by the law in the regulations of the internationally recognized rights according to the Geneva Convention about the protection of the victims of war. According to this Convention, it is implicit that the persons who get the refugee status have a big knot of the uncertain circumstances, which expect them in the future life.

Beside the ethnical membership, one of the more important factors at the choice of the destination of the refugees from Bosnia and Herzegovina was the economic development of the region

¹⁹ Report about the Realization of the Programme of Solving Problems of Displaced Persons, Returnees and Refugees for 2005, Bulletin of the Ministry for Refugees and Displaced Persons in the Government of Republic of Srpska, Banja Luka, 2005.

and area distance of the removal. The studies of the cases show that the reasons because of which the refugees from Bosnia and Herzegovina immigrated Vojvodina were in connection with the geographical position and immediate connection of this region with the North-East part of Republic of Srpska and Bosnia and Herzegovina, but because of the traditional relations as well because that was the direction of their relatives and friends' colonization after the World War II. Similar studies show that refugees were often handled by some earlier migration experiences, that is - for their destinations of settling, they chose economically more developed regions and bigger towns because of the easier employment, education and more possibilities in general.

Although there were not universal legalities, some regularities can be pointed out in the movement of the refugees and displaced persons according to some regional centres and municipalities. The studies of the cases in Republic of Srpska show that a range of factors and temporary circumstances significantly influenced the regional distribution, forming of the gravitation centres, refugee directions and area distances of the movement and they can be divided in four dominant groups:

1. the closeness of the earlier permanent place of residence,
2. dislocation of the industrial machines during the war operations,
3. free choice with regard to war circumstances and
4. free accommodation capacities.

These studies show that the refugee directions were directed to the free, that is, not war occupied and ethnically more homogenous regions which had their gravitation centres which later became the refugee centres (for example, Banja Luka, Bijeljina, Vlasenica, Visegrad and Trebinje). The comparison of the mentioned refugee centres points at the extremely great burdening of some regions, with regard to their real possibilities for the accepting and accommodation of the refugees and displaced persons.²⁰

During the analysis of the area consequences of this process, unnatural pressure on the urban places in Bosnia and Herzegovina is specially evidenced because many people had intentions to change their village way of life with the urban one. That was economically and sociologically unjustified so there was a bigger concentration of the agriculture and unqualified workers in towns while the rural areas were empty or half-empty. Also, before the process of the exile in bigger towns in Bosnia and Herzegovina there was a surplus of the workers and the situation got worse after coming of the refugees and displaced persons. The studies of the cases show that during the space distribution it should have been interceded more for the distribution of the refugees and displaced agricultural persons in the rural regions. Greater number of the examples points at the very expressive problems in adjusting of the people from mountainous areas to the specific qualities of life in the plain areas and especially from the aspect of the climate, economic, ethno cultural and other characteristics. That is why the area distribution of the refugees and displaced persons into the suitable life environment

²⁰ Marinković Draško, Regional Distribution of the Refugees and Displaced Persons of Geo Area of Republic of Srpska, Herald of the Geographical Society of the Republic of Srpska, No. 9, Banja Luka, 2004.

should have been one of the priority tasks of the social community from the anthropogeographic, economic, ethnical and cultural-psychological aspect.

Demographic consequences of the exile in Bosnia and Herzegovina are very numerous and complex. Massive sufferings and movement of the population had a negative reflection on the total demographic development while the great inflow of the refugees and displaced persons temporary improved the demographic picture of the bigger number of municipalities. However, the process of the exile determined the disorders of the basic demographic frames of the vital functional contingents of the population, influenced the decrease of the volume of the reproduction and fall of the rate of the natural growth and conditioned the disorders of the most important structures of the population. Life in the exile reflected at almost all spheres of life and as the consequence of the removal, numerous and complex demographic problems appeared which are manifested in the decrease of the fertile rates, deteriorations of the age and other structures, with wish for emigration to abroad, etc. Decrease of the reproductive rate at the population who immigrated to towns from the rural areas mainly appeared as the consequence of the different socio-economic conditions and ways of life, usage of the contraceptive instruments and influence of the town way of life. Demographic consequences had the most direct reflection at the change of the ethnical structure and forming of the ethnically homogenous areas.

According to the parameter analyses in the studies of the cases, it can be stated that the reproductive power of the refugees and displaced persons, in consequence of different socio-economic factors significantly decreased so the decrease of the number of children in the refugee households was evident. Namely, complex socio-economic factors, which are referred to the low socio income, great unemployment, unsolved accommodation problems, etc., had a very negative influence on the movement of the natural growth. However, significant number of the refugees and displaced persons in the period of exile founded the family, what in one way improved the demographic picture and only partially slowed the negative tendencies in the areas of low birth-rate of some municipalities of Bosnia and Herzegovina.²¹

Socio-economic consequences of the process of the exile are manifested quantitatively and qualitatively, by the loss of the most vital high-educated as well as the qualified population, which significantly disordered the economic structure of the population. Hard socio-economic position in the process of the exile influenced at the great number of the refugees and displaced persons to emigrate for good in more developed parts of the world (Western Europe, Canada, the USA, Australia, etc.). It is estimated that in the period from 1996 to 2001, the region of Bosnia and Herzegovina was left by about 92.000 persons and that majority of the refugees, who was in abroad at that time, did not have plans to return to the earlier places of residence.

²¹ Marinkovic Drasko, Demographic consequences of the distribution of the refugees and displaced persons of Republic of Srpska, International scientific conference: Migrations, Crises and Recent Conflicts in the Balkans, DemoBalk Network, Laboratory of Demographic and Social Analyses (LDSA), University of Thessaly, Volos, Greece, 2005.

One of the most important psychological consequences of the process of the exile in Bosnia and Herzegovina is conditioned by the change of the life conditions because the refugee status negatively reflected at the personality of the refugees and displaced persons and at their families. Namely, the personality of the refugee, as a man who was thinking about the survival, without constant accommodation and incomes, without possibility to work in his/her profession, without his/her hometown, that is, a man without his/her friends and neighbours were the things which very negatively reflected at his/her psychological state. War and the consequences of the war and the process of the exile influenced very often separations of the families, various psychosomatic diseases, traumas and similar health problems, which had a very negative reflection at the psychology of the refugees and displaced persons. According to the studies of the cases and researches, the exile was especially hard for the elder and ill persons while the younger category of the population was adapting more easily. Psychological consequences of the exile were more frequent and complex in the collective refugee centres.

During the war in Bosnia and Herzegovina, the number of the refugees and displaced persons was increasing very quickly and beside the war and massive sufferings of the population, problems of the refugees should have been solved quickly. The strategy of the accommodation of the refugees and displaced persons was determined by the possibilities of the temporary and permanent solutions which are prescribed by the International Convention about the status of the refugees from 1951 and its Protocol from 1967. After-war solutions of the problem of the exile in Bosnia and Herzegovina were in accordance with the resolutions of the General Agreement about the peace in Bosnia and Herzegovina (Annex 7) and the Constitution of Bosnia and Herzegovina according to which three basic rights of the refugees and displaced persons are determined:²²

- 1) to freely go back to their homes
- 2) to get back their property which was taken from them during the war operations from 1991 and
- 3) to compensate all the property which they cannot get back.

In general, these rights were coordinated with the strategy of the refugees and displaced persons at the entity level. Institutional frame, which is connection with the realization of the Law about the refugees and displaced persons, is defined by the work and scopes of the entity Ministries for Refugees and Displaced persons. In addition, a very important role had a Commissioner for refugees and humanitarian help, which was specialized for the questions of statistics, analytical, operative and technical support to the processes of the return of the refugees and displaced persons.

According to the Annex 7 of the Peace agreement in Bosnia and Herzegovina, it was foreseen that the wishes of the refugees and displaced persons could be decisive in the choice of the appropriate solution. Possible solutions were mainly conditioned by the adjustment and future plans but by some of the additional obstacles of the material (return of the property), legal (possibility of the employment, personal incomes/salaries) and personal nature (separation from the family, ethnical heterogeneity of

²² Plan of the Return and Repatriation at the Territory of Federation of Bosnia and Herzegovina in 1998, Ministry of Social Politics, Displaced Persons and Refugees of the Federation of Bosnia and Herzegovina, Sarajevo, 1998.

the area, forced mobilization) as well. Gathering of the family was a special form of the solving the problem of the exile and was applied whenever it was possible. However, the strategy of the distribution of the refugees and displaced persons did not cover some very important guidelines like natural, socio-economic and demographic parameters, which would significantly influence a greater uniformity in the area distribution.

Temporary solutions of the problem of the exile were mainly determined by the activities of the public and local institutions and International community and embraced the accepting and giving humanitarian protection (supply of the food, medicines, medical material, clothes and shoes, solving the temporary accommodation, establishment of the collective centre, etc).

One of the more important problems was the provision of the temporary accommodation at the following way:

1. stay in a relatives or friends' homes,
2. in a collective refugee centre and
3. temporary left accommodation objects.

According to the temporary solution of the problem of the accommodation of the refugees and displaced persons, the exile in Bosnia and Herzegovina is a very specific phenomenon of this kind in the world. Namely, at the beginning of the refugee crisis, the greatest number of the refugees and displaced persons were temporarily accommodated at their relatives, friends and acquaintances' and considerably less number in the collective refugee centres. Later on, the greatest number was accommodated at the collective refugee centres, alternative accommodation and temporary left accommodation objects. According to the statistic indicators, from the total number of the refugee and displaced households, in 1996 or about 60% they were in the temporary left accommodation objects, about 32% at the relatives', about 4% in the refugee centres while the other managed to solve their accommodation problem in some way.

The way of the permanent solution of the accommodation problems of the refugees and displaced persons was mainly in the accordance with the international practice in these cases, which implicit three possibilities:

- 1) repatriation or return,
- 2) assimilation or stay in the country of the asylum and
- 3) movement to the third countries.

From the all possibilities of the permanent solution of the problem of the exile in Bosnia and Herzegovina, the most promoted one was the return of the refugees and displaced persons in their former places of residence. However, the greatest number of the refugees and displaced persons at the territory of Republic of Srpska declared in 1996 to stay in the places of the exile and that should have to be accepted as one of the solutions. Negative attitude about the return in the earlier places of residence at the territory of Bosnia and Herzegovina was conditioned by the ethnical structure of the population, care for the personal security and freedom of movement, devastated property, impossibility

of the employment, freedom of the expression of ethnical and religious beliefs which was specially expressed at the so called minority returns.

Immediately after the end of the war in Bosnia and Herzegovina, most of the European countries started with the realization of the plan of the repatriation of the refugees. However, the volume of the return of the refugees and displaced persons has never fulfilled the forecast of the International community. Analyses show that the greatest number of the returns of the refugees and displaced persons in Bosnia and Herzegovina was realized in the first three years after the war (57%) and after that, there was a constant decrease of the intensity of the overall return.

The following rights are guaranteed to the returnees at the territory of Bosnia and Herzegovina according to the Law of the refugees from Bosnia and Herzegovina and displaced persons in Bosnia and Herzegovina:

1. help in the necessary rebuilding of the their own houses and flats,
2. usage of the credits for the start of the works for getting the incomes for the himself/herself and the family,
3. adequate help in money,
4. necessary food,
5. basic health protection,
6. basic education and
7. social help in case that they are not employed.

The stay of the refugees and displaced persons in the place of the exile was also accepted as one of the solutions. Namely, according to the Census of the refugee and displaced households from 1996 in Republic of Srpska, about 88% of the refugees and displaced persons wished to stay, from who about 44% wanted to stay at the same territory with the change of the momentary accommodation, about 31% to stay in the same accommodation while about 13% wanted to move to some other municipality. Some of the most dominant reasons because of which the displaced persons did not decide to return were insecurity (30%), accommodation (24%), impossibility of the employment (13%) and education (6%).²³

Statistics analyses show that there was an important difference between the wishes of the refugees and displaced persons at the territory of Republic of Srpska who mainly did not want to go back to the Federation of Bosnia and Herzegovina and the wishes of the refugees and displaced persons at the territory of the Federation of Bosnia and Herzegovina who mostly wanted to return to Republic of Srpska.

After the war because of the hard socio-economic state at the territory of Bosnia and Herzegovina, the return of the refugees from abroad was much slowed down. The requests for the asylum in more developed European countries had been an actual phenomenon for a longer period. That was over later on with regard to the International Convention, which points that after the end of

²³ Marinković Draško, Demographic Problems of the Process of Exile in Republic of Srpska, GDRS, Banja Luka, 2005.

the war, the countries which gave the asylum to the imperilled persons do not have to fulfill such obligations any more. It is estimated that there were about 600.000 of the refugees in about 40 countries around the world in 2001. The most wanted countries for asilants from Bosnia and Herzegovina were Germany with 24%, Austria with 22%, Sweden with 19% and the Netherlands with 17%. From this number about 200.000 of the refugees still needed the permanent solution, which means that the countries of the accepting did not manage to solve their status in the form of giving them the citizenship, permits of the permanent stay, asylum, work-legal status or some other legal way. On the basis of the legal status, the refugees in abroad can be divided in several categories: persons who got the complete refugee status (asylum), persons who still did not get the positive answer about their status (asylum), persons whose request for getting the asylum was refused and persons under temporary protection. Refugees who did not permanently solve their status in the countries of accepting went back to Bosnia and Herzegovina. However, in the countries of the accepting, the significant role had greater number of the requests by which the refugees asked the removal to the third countries. According to the evidence of the International organization for migrations (IOM), there were about 100.000 these requests. The greatest number of the refugees from Bosnia and Herzegovina asked the emigration to the third, most often over ocean countries like the USA, Canada and Australia. Also, there are a great number of the former citizens of Bosnia and Herzegovina who can be met in the European countries like Denmark, the Netherlands, Sweden, Great Britain, etc.²⁴

It can be stated that the process of the exile was and still is one of the most important after-war socio-economic problems of the territory of Bosnia and Herzegovina. It was manifested in a very specific form of the forced migrations and in completely new form, legalities and tendencies, which are the consequences of the extreme destabilized situations, inter-national relations and war conflicts. Namely, this process marked completely new and importantly different phase of the demographic development of this region. Solution of the problem of the exile, beside the extremely low natural growth and emigration of the population, is one of the most significant demographic problems, which Republic of Srpska and Federation of Bosnia and Herzegovina are facing with. From that aspect, it is necessary to realize a very complex analysis with the expressively complex parameters of the exile as the specific social process so the effects of these and similar researches could be applied in practice.

The exile on our territory enters the sphere of the area planning because it itself changed the area distribution and ethnical composition of the population. This process, beside demographic, conditioned great socio-economic, psychological, cultural-historic and political consequences. At the areas of the origin and accepting of the refugees and displaced persons, there were significant economic disorders and poverty so the precise boundary between economic migrations and exile is additionally distressing. Namely, the significant number of the population used the refugee status in order to immigrate economically more perspective areas and in that way realize economic migration.

²⁴ The Return of the Refugees and Displaced People as a Precondition for the Survival of Bosnia and Herzegovina, Sarajevo, 2004.

Therefore, the newer researches of this process show the exceptional significance of the theoretical demarcation of the exile and economic migrations.

Actual migration processes

1. Return of the refugees and displaced persons

Ten years after signing the Peace Agreement, the return of the refugees and displaced persons to Bosnia and Herzegovina is still in the process although its intensity is very small. According to the data of UNHCR until now about 50% of the refugees and displaced persons accomplished the right for the return. Data about the return for 2005 and 2006 are discouraging. That is specially evident at the return of the minorities whose volume decreased for about twelve times in comparison with 2002, when the return was the most actual. The return of the displaced persons is still somehow more actual and it is mainly at the inter-entity direction: Republic of Srpska and Federation of Bosnia and Herzegovina through the implementation of the return of property and realization of the pre-war tenant's right of tenure. From the total number of the returns of the displaced persons in Federation of Bosnia and Herzegovina about 80% has been registered and in Republic of Srpska only about 20%. At the same time, the significant number of the refugees who were forcedly returned back after denying of hospitality abroad, its refugee status changed with the displaced one, having gone back to some other places in Bosnia and Herzegovina, for example, about 60% of the returnees from Germany were relocated. It is impossible to determine the absolute number of the returnees and in its structure mainly elder persons who are going back mostly to the rural areas, are dominant. Numerous examples show this and one of the examples is the Municipality of Rogatica where the first returnee baby was born finally in 2005.²⁵

The former analyses show that some more extensive movements of the population should not be expected in the future because most of the displaced persons have intentions to integrate themselves in the momentary place of residence. As the reasons for the stay in the momentary place of residence the most often are problem of employment, insufficient means for renewal of the property, realization of the social, pension and health insurance, education system, economic perspective, etc. because the majority of the returnees belongs to the category of the poor. Although the security of the returnees and their property has improved, one of the greatest obstacles to the sustainable return are weak prospects for the possibility of employment, that is, discrimination during the employment of the returnees in the municipalities, public institutions and companies.

Non-government organization "European movement" from Banja Luka has determined that only two municipalities in Bosnia and Herzegovina, Tuzla and Sarajevo Centre, have more than 10% of the members of the other nations. Before the war, only 20% of the municipalities had the structure of the population in which one nation was represented with more than 50% of the total population.

²⁵ Report about the State of Human Rights in Bosnia and Herzegovina for the Period January – December, Helsinki Committee for Human Rights in Bosnia and Herzegovina, Sarajevo, 2005.

Namely, Bosnia and Herzegovina is the country where the ethnical homogenous territories dominate and there are a few examples for that:²⁶

- there were about 73.000 Croats living in Banja Luka before the war and now there are about 6.500,
- from about 39.000 Serbs who left Herzegovina, only 9.000 went back to their homes,
- there were 36,7% of Bosniacs in Bijeljina before the war and now about 10%,
- from the pre-war 50.000 Bosniacs, about 20.000 went back to Prijedor,
- there are about 300 Serbs from the pre-war 6.000 living on the territory of the Municipality of Tesanj,
- from the 82.000 refugees from the territory of Tuzla canton, about 8.000 have gone back so far,
- there were about 11.500 Bosniacs in Modrica before the war and there are 3.000 now,
- from the pre-war 21.000 Bosniacs only 3.500 have gone back to Foca.

2. Emigration of the working-able and qualified population abroad

In Bosnia and Herzegovina a special form of migrations presents emigration of the working-able, qualified and high-educated population (brains' drain), which has been in trend for a long time, in the direction of more developed countries. According to the UNDP, about 100.000 young people left this region, between 1996 and 2004, by intercession of the International organization for migrations.²⁷ The analyses show that every fifth person who has a wish to leave the country undertakes the particular steps in that direction straight away. The results of the survey about the attitudes of the young in Bosnia and Herzegovina show that about 62% of the young, if they could, they would emigrate straight away. Namely, the young have a very expressive wish for the free leave abroad with the aim of temporary work, studying (going to university), gaining new experiences and possibilities for earning some money on the formal market outside of Bosnia and Herzegovina. About 25% of the young said that they would leave the country for good. As the most often reasons for this opinion are weak economic perspective, frustrations in the view of dissatisfied education system and high rate of unemployment while the worry in connection with the safety and political reasons are marginal. The percentage of those who want to leave is almost the same with all ethnical groups, in rural as well in the urban places.²⁸ In addition, majority of the refugees from Bosnia and Herzegovina who stayed living abroad and who do not have the intention to come back is the young people. In economic more stable and developed countries, there is a need for the educated workers, specially in the field of new technologies and informatics, and beside the security these countries offer to young people the possibility for their professionalism to be adequately awarded. That is the reason why tens of thousands young in Bosnia and Herzegovina are waiting for emigration visas.

²⁶ MARRI – Migration, Asylum, Refugees Regional Initiative, 2006.

²⁷ Report about the Human Development in Bosnia and Herzegovina (UNDP), Economic Institute, Sarajevo, 2002.

²⁸ Statistics of the young in Bosnia and Herzegovina, UNDP, 2006.

Bosnia and Herzegovina does not have the precise data about the number of emigrants or workers at the temporary work abroad but it is known for sure that it is not a marginal number from different aspects. Good indicator of the constant intention of going abroad is the members of the family or friends in emigration so the potential emigrants can rely on their great help in the form of the provision of temporary place of residence and employment more easily found. However, although the temporary emigrants leave the country with the significant prospect for employment, almost by the rule, they rarely find the qualitative job and they mainly do those jobs which the western people do not want (building construction, taxi, housework, agriculture, catering,...). It should be pointed out that the emigrants constantly send money to their relatives, which, according to some sources, is 20% of the Public Gross Product of Bosnia and Herzegovina and which keeps a great number of people above the poverty line. At the same time, majority of these people, after saving enough money abroad, invest with the significant sum of the money in their homeland.

Namely, the leave to “the temporary work” abroad from Bosnia and Herzegovina is still an actual process. The studies of the cases show that for many experts and high-qualified personnel, family has the decisive influence in the process of making decision about the temporary leave to abroad, and that is the way how they want to provide better socio-economic conditions of life. Therefore, there are traditional leaves to temporary work in more developed European countries with the aim of bigger salaries and which often end by pension and return to the hometown. That is how the so-called “circle migration” is realized because the workers at the temporary work in abroad used to stay there for a longer period of years, without permanent migrations.

The consequences of these migrations are numerous and mainly manifested through the exchange of demographic frames in number, distribution and structures of the active population. Demographic losses with regard to great emigrations represent a serious problem, which beside the absolute loss of working-able and qualified population directly reflects on the decrease of the rate of the natural growth and more actual process of depopulation of greater part of Bosnia and Herzegovina.

3. Illegal migrations, asilants and trade of the people

It is possible to analyze the state in the field of legal and illegal migration in Bosnia and Herzegovina through the legal regulations and statistics data which are gathered by the Ministry of security and its sectors: sector for migration and sector for asylum, Ministry of foreign and internal affairs and Public border service. Ministry for human rights and refugees of Bosnia and Herzegovina is responsible for equal application of human rights in the whole country, especially during the realization of the politics which is referred to immigration, refugees, asylum and the trade of the people. This Ministry momentarily defines its role in Bosnia-Herzegovina and international system for protection of the human rights through the security of the respect of the international standards in all institutions at the level of the entities and country.

Except the Constitution of Bosnia and Herzegovina which the responsibility for the questions of immigration, visas and asylum gives to the public authorities, the most significant documents which

regulate the questions of migrations in Bosnia and Herzegovina are: Law about movement and stay of the foreigners and asylum, Law about the supervision and control of the country's border, Law about the service dealing with the foreigners, Regulations about conditions and procedures of the entry and stay of the foreigners, Regulations about the asylum, Regulations about the travelling list for the foreigners, Regulations about conditions and procedure of issuing the visas to the foreigners and Regulations about the protection of the foreigners who are the victims of the trade of the people.

Ministry of the Foreign Affairs of Bosnia and Herzegovina is authorized for the questions of the visas and in some cases, the Public border service can issue the visa with the recommendation of this ministry. The Council of the ministers of Bosnia and Herzegovina at the suggestion of the Ministry of Security and Ministry of Foreign Affairs determine the countries whose citizens do not need the visa to enter Bosnia and Herzegovina as well as the countries whose citizens can enter Bosnia and Herzegovina with the other document except passport. The Council of ministers is authorized to free out the persons of the visa to whom the other countries admitted the status of the refugee. According to the Law about the stay and movement of the foreigners and asylum, Bosnia and Herzegovina is obliged to give protection to the refugees and foreigners who are in danger to be tortured or any other inhuman and humiliating procedure and punishment. Foreign citizens who come from the countries with which Bosnia and Herzegovina has no-visa regime can temporary stay in the country for three months, with the possibility of later prolonging stay with the maximum of one year. The basis for approving the temporary stay is in most cases: marriage with the citizen of Bosnia and Herzegovina, gathering of the family, education, scientific-research and artwork, working permit in the business cause, medical treatment and humanitarian reasons for the victims of the organized criminal and trade of the people.²⁹

During 2005 at the border crossings to Bosnia and Herzegovina, the transit of 48.872.820 persons is registered, from which at the entrance 25.028.541 and at the exit 23.844.279. In comparison with the same period for 2004, the increase of the transit of country border is 3.065.554 persons or for 6,27%. From the total number of accepted permanent stays in Bosnia and Herzegovina, the greatest number is referred to the citizens of China, Croatia, Macedonia, Syria and the Ukraine while the most often temporary stays are approved to the citizens of Serbia and Montenegro, China, Croatia, Turkey and Macedonia. The most often reasons for approving the temporary stay are working permission (28,7%), marriage (27,3%) profitable activities (16,1%), gathering of the families (11,9%), education (9,9%), etc.³⁰

Although there were about 25% less of the tries of illegal transit of the country border of Bosnia and Herzegovina, they are still a very often phenomenon and they mainly in about 70% are referred to the illegal tries of the entry. From the illegal tries of the exit from the country the most are referred to the citizens of Bosnia and Herzegovina, Serbia and Montenegro, Croatia and Albania.

²⁹ MARRI – Migration, Asylum, Refugees Regional Initiative, 2006.

³⁰ Report about the State of the Trade of the People and Illegal Migration in Bosnia and Herzegovina, Sarajevo, 2005.

Bosnia and Herzegovina signed the Convention about the protection of the migrant workers' rights and their families, and the Law about the movement and stay of the foreigners and asylum, beside all, regulate the question of the permission for the stay based on work. During 2005 for the entry to Bosnia and Herzegovina 13.589 visas were issued. From the group of the risky countries the greatest number of visas was approved to the citizens of the Ukraine, China, Iran, India, Moldavia, Pakistan, Iraq, Albania, Sri Lanka, Sudan, Afghanistan, Bangladesh and Ghana. The number of the refused entries to Bosnia and Herzegovina in 2005 was for 25, 8% less in comparison with 2004, which is mainly the consequence of introducing non-visa regime for the new members of European Union and coordination and respect of the regulations for the entry and stay of the foreigners in Bosnia and Herzegovina. The greatest number of the refused entries is referred to the citizens of Croatia, Serbia and Montenegro, Slovenia, Switzerland, Bulgaria and Rumania and the main reasons for that were not owing of the passport, giving the false data, not owing of the working permission and means for support. During 2005 from Bosnia and Herzegovina, the greatest number of the deported citizens was from Serbia and Montenegro, Albania and Croatia, mainly because of the illegal crossing of the country's border and stay and committing the criminal.³¹

There are no data about the number of illegal migrants to Bosnia and Herzegovina in the Ministry of Security. However, although some analyses show that Bosnia and Herzegovina is still a transit country for illegal migrations in the direction of the countries of Western Europe as well as the destination for the people who were victims of the trade of the people from Eastern countries, the data of the Public border service indicate that there is a successful decrease of the number of illegal migrations. Bosnia and Herzegovina gradually coordinates its visa politics with the visa list of European union, visas are issued in the consulates in abroad but it is not clear if the measures of strictness before issuing the visas are enough severe and effective. Namely, many experts criticized the easiness by which the applicant can switch from one category to the other for issuing the visas what makes a lot of space for the misuse of the visa regime.

There is a legal regulative in Bosnia and Herzegovina which guarantees all the rights to the foreigners in accordance with the international standards, including the right for the asylum. The issues of asylum are determined by the Constitution, law about the movement and stay of the foreigners and asylum and Regulations about the asylum. The requests for the asylum are applied to the Ministry of the security. In the comparison with the earlier legal regulations, new Law about the movement and stay of the foreigners and asylum represents much more complete legal act in which are given more precise regulations which strengthen the legal security and trust, by which the possibility of its more arbitrary application in the practice is decreased. In general, considering the environment and specially expressive political-legal request of the strengthened struggle against terrorism, it seems that this Law is very liberal. However, the question of the illegal migration and asylum is still a great challenge for Bosnia and Herzegovina which does not have many former experiences. This question is very

³¹ Book of Rules about Asylum in Bosnia and Herzegovina, Ministry of Security of Bosnia and Herzegovina, Sarajevo, 2005.

complicated because the Ministry for human rights and refugees of Bosnia and Herzegovina does not have enough resources and that is why some questions from this domain were given to the entities and cantons for solving.

There is still not a special institution in Bosnia and Herzegovina for the accepting of the asylum applicants nor the accepting centre for illegal migrants. The asylum is most often requested by the citizens of Serbia and Montenegro, Macedonia, Bangladesh, Tunisia, Ivory Cost, Moldova and Ethiopia. The greatest number of the potential assilants is among Romas from Kosovo. According to the surveys of the Helsinki Committee, the assilants in Bosnia and Herzegovina live in inadequate conditions, the food is invariable and insufficient, they have only primary health protection and almost nobody of them has permanent job and social and health insurance.³²

Bosnia and Herzegovina is post-conflict society which faces the high level of the trade of the people because of the sexual exploitation. It quickly becomes the country of the transit, origin and destination for women and girls who are traded with, and the cases of the internal trade of people are registered as well. Among the trade of children in Bosnia and Herzegovina, the Roma children are mostly represented. The victims of the trade of the people end forced work are most often from Moldova, Ukraine, Russia and Romania. These victims, in the most often cases, pass the territory of Bosnia and Herzegovina on their road to Slovenia, Croatia and Western Europe.³³

The Council of Ministers of Bosnia and Herzegovina adopted the Public action plan for the struggle against the trade of people and illegal migration in 2005. In that purpose good results are achieved in the organization of the civil society and through the work of the non-government organizations in giving the support and help to the victims of the trade of the people. Police and judicial measures against the trade of the people and illegal migration are stronger every day. In the sense of organization of giving the support and help to the victims of the trade of the people in Bosnia and Herzegovina, some further steps should be undertaken through legislation of the appropriate laws, strengthening of the social protection and greater financing and improving of the coordination between government and non-government sector. In that sense the identification of the victims should be stimulated, it should provide efficient penal persecution for the committers of the criminal acts of the trade of the people and pass the enough severe judgments. Bosnia and Herzegovina should be included in the activities of the elaboration of the Convention about the police cooperation for the South-East Europe, by which the fast and disconcerted cooperation in the exchange of the information, forming of the common investigators' teams and special investigation methods in connection with the cases of the trade of the people and illegal migration in the region can be provided in the countries of the region.

For the application of readmission agreements the Ministry of the security of Bosnia and Herzegovina is authorized and partially Ministry of the Foreign Affairs, Ministry of civil businesses and Public border service participate in those procedures. Public border service, during 2005,

³² Report about the State of the Trade of the People and Illegal Migration in Bosnia and Herzegovina, Sarajevo, 2005.

³³ Text-Book about Protection of the Victims of Trade of People in Bosnia and Herzegovina, The Office of the High Commissioner for Human Rights in Bosnia and Herzegovina, Sarajevo, 2005.

registered 1.533 persons, citizens of Bosnia and Herzegovina, who according to different bases were deported from the West European and other countries, which is for 28,5% less in comparison with 2004. The greatest number of the citizens of Bosnia and Herzegovina was deported from Croatia, Germany, Sweden, Switzerland, Denmark, Norway and France. The most often reasons for deportation were illegal stay (86,4 %), committing the criminal acts (3,4 %), misuse of drugs (0,8%), etc.³⁴

Bosnia and Herzegovina is still a great challenge for European Union, and that can be concluded from the fact that it is still not in the project of the so-called “white Schengen list” which would enable getting disconcerted stay for three months in the countries which are the members of the European Union. This fact, with a very unstable political and economic situation, constantly has the influence over Bosnia and Herzegovina which is the source of the cheap working power and permanent migrations.

Summary of the researches and suggestions

Having identified migration trends of the recent past and present of Bosnia and Herzegovina, it can be noted that the migrations were one of the key factors of its demographic development. Namely, all the former censuses of the population show that Bosnia and Herzegovina is typically emigration area and that negative migration balance marked every inter-census period. The basic characteristic of the former changes in the area distribution and migrations of the population is permanent demographic emptying of the rural areas and concentration of the population in the urban areas or bigger towns, massive depopulation, processes of the exile and return as the consequences of the former war as well as constant emigration of the workers and qualified population to the neighbouring countries and abroad. The issues of illegal migration, asylum and trade of people have been actualized in a few recent years.

In the last decade of the former century, the territory of Bosnia and Herzegovina is characterized by the process of the exile and return of the refugees and displaced persons. In the period from the last official Census from 1991, migration movements, especially the process of the exile as well as the natural movements of the population, determined the change in area distribution of the population in relation to the earlier historic periods. A significant number of the population emigrated from Bosnia and Herzegovina in the process of the exile in the direction of Republic of Croatia, Republic of Serbia and Montenegro, more developed European and other countries in the world. At the same time, at this territory redistribution and relocation of the population between the entities of Republic of Srpska and Federation of Bosnia and Herzegovina took place which caused different demographic, socio-economic, geopolitical and other consequences. Consequently, modern migration processes in Bosnia and Herzegovina, beside the economic migrations, are still characterized by the exile as the process which lasts and which is especially actual, particularly from the aspect of return of refugees and displaced persons at their former places of residence. The perspective of the future socio-

³⁴ Report about the State of the Trade of the People and Illegal Migration in Bosnia and Herzegovina, Sarajevo, 2005.

economic, especially demographic development of this territory in the significant measure depends on the process of return but as well on the decisions about the stay of the population which temporarily live on the territory of Federation of Bosnia and Herzegovina and Republic of Srpska.

During the war but after the signing of the Peace Agreement as well, in the middle of chaotic condition in the field of human rights and socio-economic instability, this region is still left by significant number of the population. Reliable and comparative data about migrations do not exist and the researches of the public opinion about the migration trends are still rare. The former analyses indicate that in the emigration of the working-able population from Bosnia and Herzegovina the participation of the low-qualified workers was the greatest in the past while the newer tendencies and increases of the unemployment show that low-qualified and high-qualified population emigrate equally.

Migrations of the population have a range of recurrent effects which are in dynamic interdependence so they cannot be observed statically but multidimensional with the greater share of the cause-consequence analyses. Therefore, it is very important to own the appropriate statistics infrastructure and parameters for their analysis. The forming of the migration files or register of the population would be precious, where the significant part would have the forming of the Regional virtual migration centre as well. However, the surveys (questionnaires) are most often used for the needs of the research of migration flows in Bosnia and Herzegovina and these surveys can have defects, because if one attitude (opinion) is stated then it should be found out what is behind it. This is especially important if some socio-economic and psychological consequences of the process of the exile and emigration are observed.

The actual situation, with the regard to the unevenness of the economic development and life conditions in particular areas, indicates that in the next period almost the same migration trends can be expected. However, because of the fall of the rate of the natural growth and more and more expressive process of depopulation, the gradual decrease of volume of permanent migrations will take place because the potential migration centres have already been wasted. The greatest problem is momentary emigration and clearly expressed wish of the young and educated population for the leaving of the regions of Bosnia and Herzegovina. The reason for that is that there are still not any signs of the construction of integral socio-economic politics which would deal with the causes of immigration or which would consider the possibilities of the most optimal usage of the education personal who more developed countries from this region readily import.

The marked migration trends are exceptionally important characteristic of the future socio-economic development of Bosnia and Herzegovina and that is the reason why the forming of the Regional virtual migration centre within the Sector for migrations would provide their better observation and control. That would have a great significance for formulating the strategy of development, future regional integration of this region into the European Union as well as for the more complete and effective realization of the Law of the stay and movement of the foreigners and of asylum. At the same time, it is important from the general social aspect because Bosnia and

Herzegovina still has the deficit of the statistics data, that is, it has not permanent established and centralized system of the collection of the relevant data about the number of emigrants, illegal immigration, number of assilants, victims of the trade of the people, etc.

Suggestions:

1. To form the information bases of more reliable data about migration flows ,
2. To establish mechanisms of the control of migrations and constantly observe the researches of the public opinion about migration trends ,
3. To insist on the legislation of the new legal regulations which are in accordance with the European standards about visa regime, asylum, illegal migration, etc.
4. To continue effective realization of the agreement about readmission with other countries,
5. To enable constantly new personal for administrative and border services for consistent control of the visa regime and application of the existing Laws,
6. To raise the struggle against illegal migration and trade of the people at the higher level by the active campaign and the means of propaganda,
7. To innovate constantly the system of the effective protection of the foreigners, asilants and victims of the trade of people through the construction of the appropriate accepting centres (asilant centres, safe houses for the victims of the trade of people, etc.),
8. To educate constantly the consulate clerks who work on the issuing visa and permissions for stay but also all the other persons who give help to the asilants and victims of the trade of the people, etc.,
9. To direct strategic activities for the deletion of Bosnia and Herzegovina from the “Negative visa list” by liberalization of the visa regime with the countries which are members of the European Union. This can provide special traveling documents by which short-terms seasonal migrations can be allowed and which surely decrease poverty and provide more equal regional economic development but free movement of the population as well.

Strengthening cross-border cooperation in the Western Balkan regarding migration management

The case of Romania

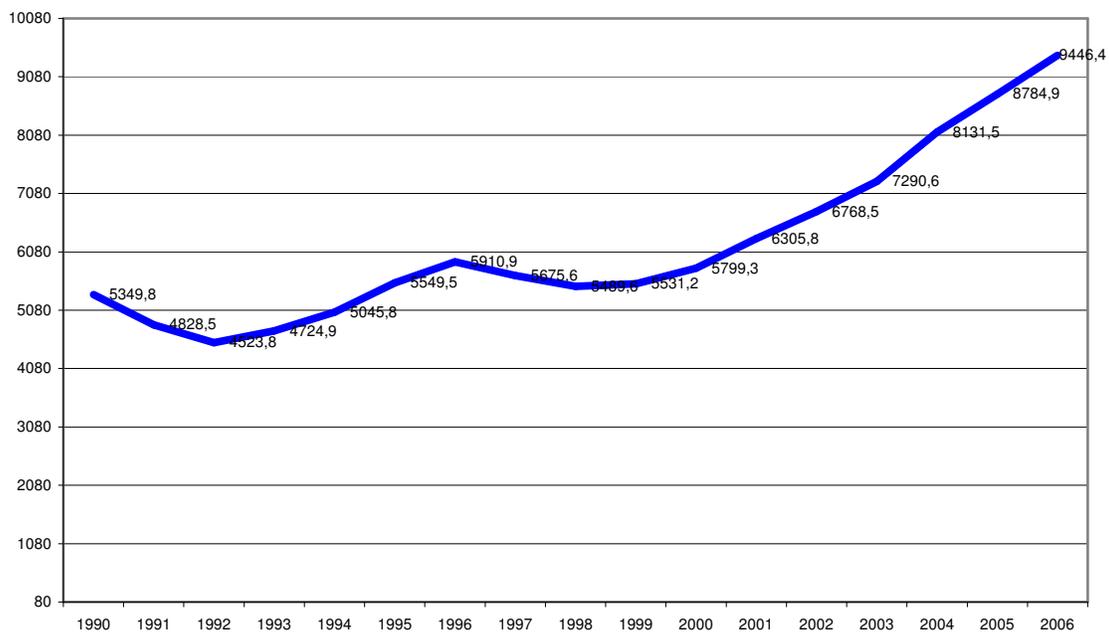
Sebastian Lazaroiu

Bucharest, Romania

1. Socio-economic background: facts and figures

Romania has a population of around 21.5 million people (in 7 million households) and it is the seventh largest in the EU27. The economically active population is as large as 9.9 million, almost 1.5 million shorter than 5 years ago. The average number of employees was 4.5 million in 2004. The Romanian economy is now in a post-transition phase. After painful reforms that affected mostly all social and economic categories, the Romanian economy is now taking off, with an alert positive development pace (5.1% in 2001, 8% in 2004, 4.1% in 2005 and 7% in 2006). Direct foreign investments have also dramatically increased since 2002 basically due to EU accession perspective and joining NATO.

Chart1: GDP per capita PPP\$ 1990-2006 (Source:INS Romania)

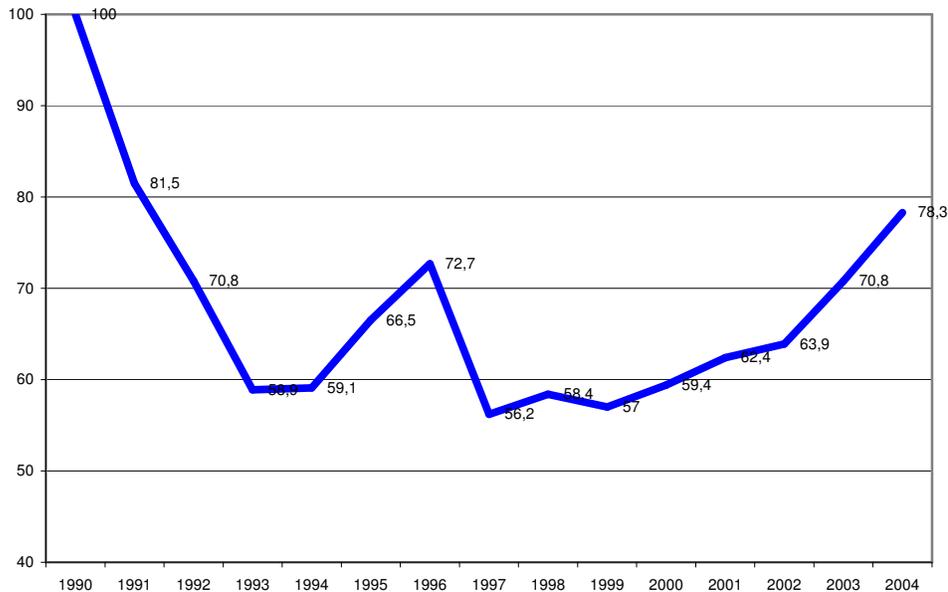


As one can notice the GDP per capita had an ascendant trend line since 2001 and it almost doubled in 2006. However, Romania is one of the poorest countries in the EU 27 in terms of the real earnings. Despite of the fact that the average earnings almost doubled in the last 2 years and it now reaches EUR 380, it is way behind the average salary in EU15 countries. Experts estimated that it will take 20-30 years until Romania will enjoy the same standard of living of the most Western European countries, considering that the economic growth parameter is not going to drop under 5% during this period.

In 2004 the real earnings of the population were still 78% of the value in 1990. Reports show that the average salary reached the 1990 standard in 2006, after 17 years of transition to market economy. The poverty line is still high, tough constantly descending (18.2% severe poverty in 2005 with the peak in 2000 of 35.9%). In fact, the harshest

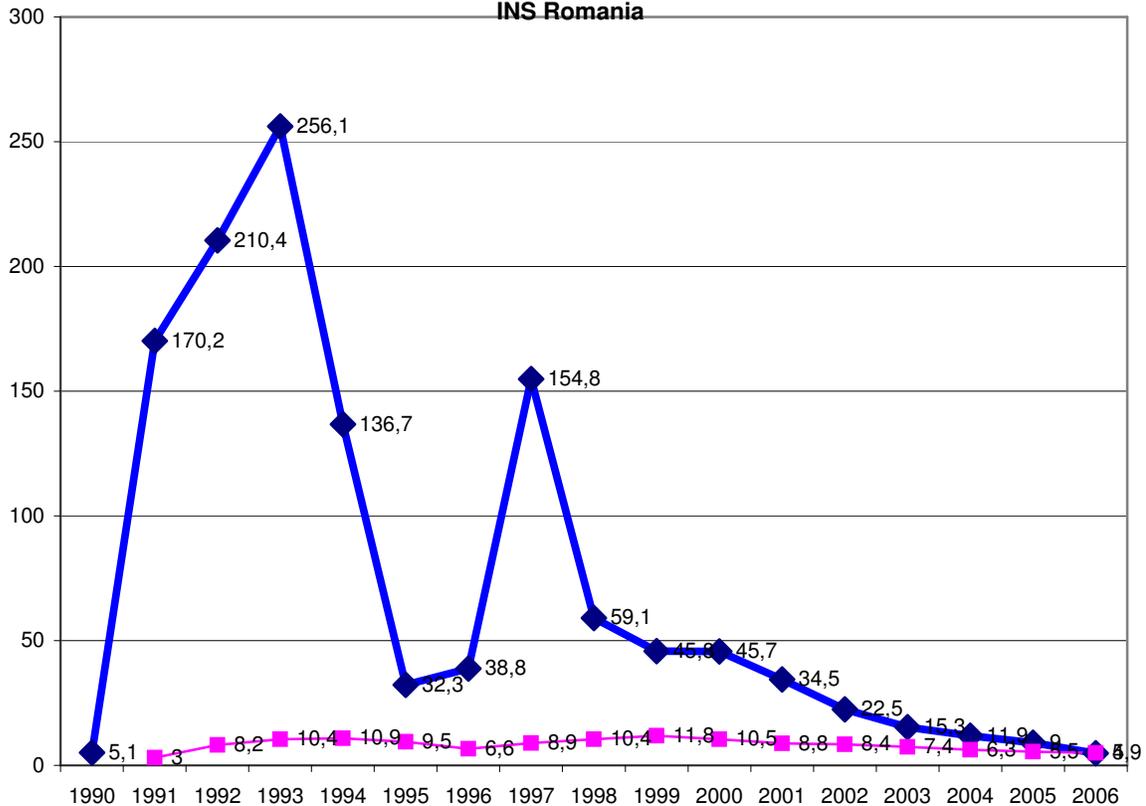
years for the population seemed to be 1997-2000, when many state-owned enterprises were closed down and, as a consequence, a large number of redundant workforce. It is not surprising that during those years most of the workforce started to move across the country borders seeking for a job, despite of the visa restrictions. Those who did not seek work abroad moved from urban locations to rural side of the country, which was an unprecedented flow in the last 50 years.

Chart2: The evolution of the indices of real earnings 1990-2004
(percentages -1990=100%). Source: INS Romania



Fighting inflation and unemployment was one of the major challenges during the transition period. There were two peaks of inflation: 1992 and 1997. The liberalization of prices affected almost everyone in early '90s. Then again in 1997 people faced a major instability. Since 2001 the National Bank targeted a one-digit inflation rate, achieved only in 2005, when cutting zeros monetary reform was also accomplished. Employment was also critical until 2000, having also known serious regional disparities. A weak private sector against a background of massive lay-offs from big state-owned enterprises made redundant labor absorption difficult. Shadow-economy has constantly grown as people developed informal strategies to cope with income shortage. Nowadays unemployment rate reached 5%, but international migration factor accounts for most of the decreasing process. As people started to seek work abroad, there was less and less pressure on the internal labor market.

Chart 3: The evolution of the inflation and unemployment rate 1990-2006. Source: INS Romania



Although living condition started to improve and the economic growth is slightly tangible in people's pocket, there are still problems with corruption and functioning of the judiciary system. In fact, these two issues were of utmost importance for the EU accession at the 1st of January 2007 (among the safeguard clauses that might have postponed accession) and they are still on the public agenda. Some hesitant reforms have been taking during the last two years in fighting high-level corruption and insure an independent judiciary. Transparency International reported a 2.9 value for Corruption Perceptions Index in 2004 and Romania is now placed 87th of the 146 rated countries.

2. Brief historical overview on migration issues in the country

A history of migration of Romania is a rather simple task to accomplish. It is the particular space and time frame in which this country was placed during the last 50 years. First, one should note the communist regime, which was in itself a fortress preventing people moving beyond the "iron curtain" which has separated the communist block from the western capitalist countries. As the gap between state controlled and free market economies have continued to enlarge during the last decade before 1989 breakdown, the totalitarian regime in Romania has become more and more concerned about ordinary people defection, hence increasing control on Romanians' mobility. It is noticeable that, unlike other communist countries, Romanian people were not officially entitled to bear a permanent travelling document, like passport. It might be also significant to add the fact

that even in the case of individual defection (persons having illegally left the country for good), a whole set of sanctions extended to their families and relatives still living in the home country. Romanian mobility could be easily reduced to few forms of migration before 1989:

1. **Dissidents' defection:** In a few cases the communist regime and the secret police were accomplices to this kind of migration as some critical voices have deliberately been exiled to a western country. There were also cases of persons illegally crossing the border, escaping to countries like Austria or former Yugoslavia then heading to other Western European countries or even other continents (America or Australia).
2. **Labour exchange:** Under strict scrutiny of state and secret police, groups of workers were sent to Western European countries (like Germany, under the guest worker programme during the 1970s), African or Middle East countries for limited periods of time, under intergovernmental agreements.
3. **Short distance border traffic:** This kind of mobility was allowed for Romanian citizens living next to Romanian borders (all along other communist countries) for commerce, visiting relatives or other economic reasons.
4. **Organised tourism to other communist countries:** This was the only type of tourism officially recognised by the regime, in order to prevent transgression of the iron curtain.
5. **Ethnic migration:** During the 1980s, the communist regime, under intergovernmental agreements on limited numbers, allowed German and Jewish ethnic Romanian citizens to leave Romania for good for Germany and Israel.
6. **Student mobility:** a very limited and selected group of people, usually descendants of communist party elite, was allowed to study abroad in western universities.

As for the immigration side, this was a rather concealed phenomenon, but strictly controlled by the regime. Western foreigners were under continuous surveillance even when they travelled for a couple of days in Romania, as the communist party obsession of infiltrating agents undermining communist legitimacy in Romania grew. Young people from African countries or Middle East were allowed to Romania only for study, since this was a significant source of hard currency for the state universities. Tourism flourishes during 1970s and probably at that time more Western people visited Romania as compared with the next decade (for some traditional sites like Moldavian Monasteries or some tourist sites on Black Sea and mountain areas). There might be another period of special kind of immigration during the 1980s – suitcase trade of Polish “disguised” tourists in the context of high scarcity of basic goods, which was specific for the Romanian economy of that period. On a smaller scale, this also happened with Russian and Moldavian short-term migrants.

After the communist regime was torn down in 1990, free movement of people was guaranteed by the new Constitution. Every Romanian citizen is now entitled to bear a passport and cross the border of the country. Massive ethnic (German, Jewish and Hungarian) migration continued at the dawns of the 90s, but now as free-willing migration, not under bilateral agreements. Family members in Romania were allowed to join their relatives in Canada, USA and Australia. As the transition to market economy proved to be a painful long-term process, more and more Romanians wanted to leave the

country, mostly for economic reasons. Meanwhile, western countries became more and more concerned of a labour exodus from Eastern Europe and they increased control of irregular migration. Visa requirements (basically to prove that the traveller is going to spend a determined number of months abroad and not for seeking a job) and rejection of political asylum succeeded to discourage massive flows of migration from Romania as well as other Eastern European countries.

On the other hand, students' mobility increased through international donors and programmes (Soros Foundation, Fulbright, IREX, individual application to U.S. universities) and brain drain to Western Europe and North America especially for high-skilled young graduates in the IT sector was strongly encouraged by foreign countries. Organised tourism with prohibitive prices to the western world and exotic countries has flourished since 1990, although a very small proportion afforded to travel as tourists. Iron curtain seemed to be maintained by Western countries after anti-communist revolution and this created frustration and shame among typical Romanians. It was the humiliation of staying in a long line for visa applications at foreign embassies that made most of the Romanians, who could afford travelling abroad, forget about excursions and trips. Then it was media reports about Romanian citizens illegally staying in western countries, committing crimes and felonies (usually associated with Roma ethnic migrants) or forced to return to their home country. By and large, migration to foreign countries widely diversified after 1990. New forms of migration increasingly became institutionalised:

- 1. emigration for good (especially joining families abroad)**
- 2. ethnic migration**
- 3. student mobility**
- 4. labour migration (back and forth, regular or irregular, sometimes covered under asylum seeking procedures)**
- 5. business migration (including short distance border traffic)**
- 6. brain drain**
- 7. transit migration (to other former communist countries with no visa restriction boarding a Western country)**

Romania is at the dawn of its migration history and this has consequences on the impact of migration, management and control of migration, institutional context related to migration, etc. Labour migration is not going to contribute substantially to the community development, as long as first cycle migrants are only consume oriented or at best investing into their own households. Investing money in local business is to create an entrepreneurial environment that sooner or later will make the community more prosperous.

But from an institutional point of view, there need to be incentives to encourage the first steps for "returned home money" to produce value and competition. Romanian institutions related to migration matters are only concerned to maintain control over irregular flows, and less focus on positive initiatives that might transform the general trend of migration from short-term job seeking to trans-national communities. In view of European integration, migration should be treated more like a step toward common

markets rather than just a matter of embarrassment for the general public, which generates more sanctions and restrictions.

The immigration chapter of the Romanians is rather a cynical historical scenario where former Romanian citizens (before World War II) became immigrants to Romania. This looks more like ethnic migration, although management of Moldavian citizens' flows is difficult because of political considerations. On the one hand, visa should be maintained in order to secure European borders and avoid transit of third country nationals, on the other hand common history and language of Moldavians and Romanians seem to delay the process of building barriers. There are signs in statistical records that Moldavian immigrants have already become a replacement labour force in some economic sectors, such as agriculture.

More consistent arrangements have been settled down during the last decade in respect with business immigrants (especially Turkish and Chinese). There are already foreign business communities that play an important role in the economic sector of Romania and they cannot be ignored. They cannot be ignored also because they originated in the extra-European space and need special attention from the point of view of securing Eastern borders. That is why settling for business purposes is regulated by more restrictive provisions, in order to discourage transit migration.

The last challenge for Romanian authorities will be the economic growth (along with close perspectives of EU membership), which is likely to attract more immigrants from former Soviet Union (FSU) countries, Middle East and Africa. Romania is now just a stop on the route to the western developed world, but it will very soon become a destination for migrants from under-developed countries. Not surprisingly, there will be a tension between the demand for cheaper labour from the private sector and the political speculation of inter-cultural encounters. Moreover, political pressure to secure eastern borders will be maintained. Due to lack of experience in dealing with significant immigration flows, difficulties in integration can be expected. The only positive anchor for dealing with foreign citizens comes from the Romanian multi-cultural environment, where different ethnic and religious groups have learned to accommodate to diversity. Still, regional concentration of diversity and large areas of homogeneous population (like Moldova) are not going to favour integration and acceptance by the autochthonous. There is still one more hope for homogeneous and traditional regions like Moldova: emigration flows. The fact of an increasingly high number of migrants from Moldova abroad has probably already changed the cultural pattern of tolerance.

Starting with 1st of January 2007 Romania has become a full member of the European Union. Although the country is not yet officially part of the Schengen space, Romanians can now travel all over EU countries with their Romanian ID or passport. The transition periods¹ are applied for most of the EU15 countries, but not for the previous 10 countries

¹ The "2+3+2" system regulates Romanian citizens entering some of the EU countries labor market. This arrangement stipulates that 2 years after accession labor markets of the EU countries are still closed for Romanian citizens. Then restrictions could be prolonged for 3 more years and overall the transition period to free circulation of labor cannot exceed 7 years.

accession wave. However, most the reality of free movement of persons is beyond all restrictions imposed to the new member. It is estimated that around 1.5 million Romanians have been working abroad (mostly in the EU countries) since 2002 and a significant percentage of the migrants already have the right to reside and work in those destination countries. Other family members of the migrants already joined them or will join them in the following months.

As expected a large number of Moldavians applied for Romanian citizenship (around 800,000) right after Romania's accession to the EU. Romania had to impose visa regime to most of the countries that used to enjoy "no visa" regulations before: Turkey, the Republic of Moldova, Serbia and other non-EU Balkan countries. This is part of the EU accession agreement to control migration flows of non-EU nationals. In fact all preparations for securing the borders started on 1st of January 2002, when for the first time after 1990, EU countries lifted visa regime for Romanians travelling abroad. Still, there is a paradoxical situation now, when there seems to be low unemployment rate, but around 200,000 workers needed (especially due to some economic sectors' deficits of labour). In order to cover this labour market shortage of labour Romania has to import immigrant workers, but still manage the flows as to prevent transiting the territory in search for more affluent Western destinations.

More and more debates were stirred up during the first month after accession. It became obvious that Romania is going to follow the same path as other Mediterranean EU countries. Because of the huge emigration and circulatory migration there is labour shortage in some sectors like constructions and agriculture. This became even more critical for the Romanian economy since the constant economic growth encouraged investments in infrastructure and public works and the reform in the farming sector needs more young and dynamic labour to consolidate large farms. But most of the youngsters in rural area left Romania for better-paid jobs and more than 60% of the circular migrants found jobs in the construction sector abroad. Romanian employers in constructions already seek work in Ukraine and the Republic of Moldova. Also large farms in rural areas recruit seasonal workers from the Republic of Moldova.

It is quite clear that there is a need to replace absent skilled workers and as the President of the country stated recently, Romania might favour the Republic of Moldova as the first reservoir for labour. On the other hand Moldavian citizens already experienced an even larger flow of emigration towards Western European countries. It is then unlikely that the Moldavians seeking to obtain Romanian citizenship are planning to get employed in Romania. It is rather that most of them would like to take advantage of the EU membership of Romanians to travel more easily around Western countries and seek work. The Romanian government will then be under 1. the pressure of Romanian employers to open the labour market for non-EU nationals, 2. the pressure of Moldavian individuals to become EU citizens through Romania and 3. the pressure of the EC to secure the eastern borders of the country and the union. This is going to be the major change in the future for the state to harmonize different interests for the benefit of Romania and the EU.

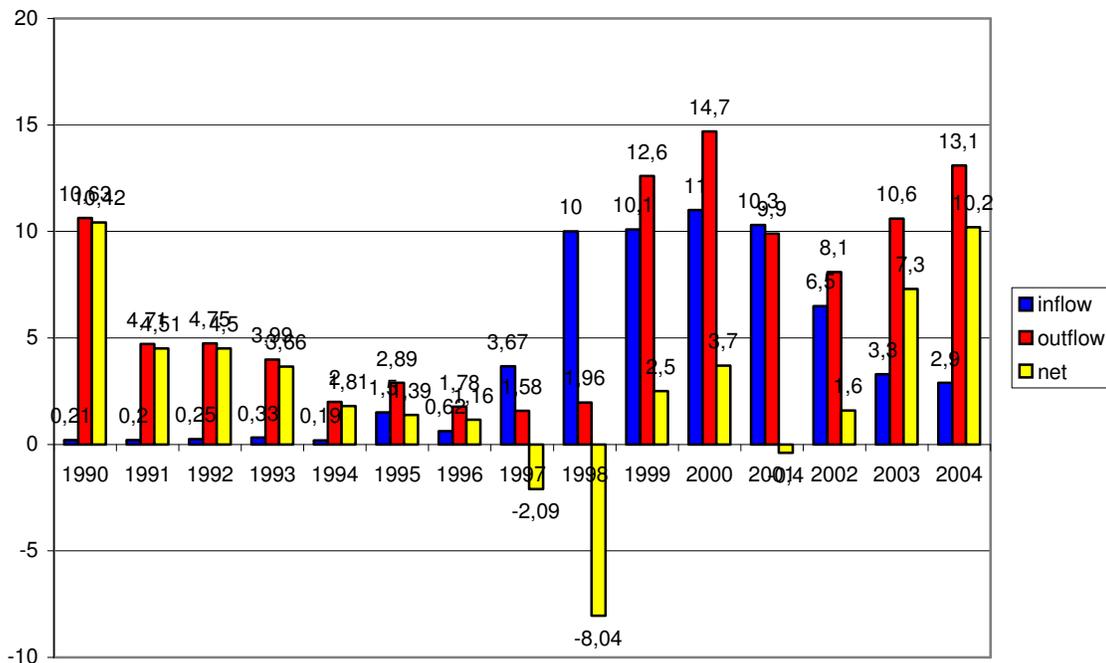
The second challenge is related to the return of Romanian migrants. Although at this time it seems unlikely that a large number of Romanians abroad would chose to return to their origin communities and it is also unlikely that the authorities are happy to welcome them in the labour market, in the next 10-15 years some voluntary returnees are expected. Moreover there is a legislative initiative to grant bonuses to Romanian migrants who choose to return. Then on the one hand the politicians seem ready to offer return incentives, but not ready to overcrowd the labour market. It is also unlikely that any company might be willing to offer high wages to the returnees as long as they have the immigrant alternatives.

3. Overall migration scales

Outflow migration / cross border movement

The official statistics failed to measure the real flow of migration in the last 15 years. Their numbers incorporates only in-migrants and out-migrants that officially changed the residence. But for instance a good part of out-migration is about circulatory migration (back and forth movement for specific span of times). Most of the circular migrants are probably reported as tourists leaving the country for short periods of time. In fact most of them are irregular workers in a destination country.

Chart4: Romania International Migration: inflow,outflow,net 1990-2004, Source: INS Romania



After 1990, labour migration is the main form of out-migration of Romanians. At the beginning of 1990, suitcase trade was the dominant migration stream. People from different social categories travelled in countries like Turkey, Poland, Hungary, Yugoslavia and even the Republic of Moldova trading small things for other merchandise or merely buying things that they re-sold in the Romanian market. Migration for labour was almost unknown in the early 90s (Diminescu / Lazaroiu 2002).

The first destination countries for labour migration were Germany, France and Israel. Germany was the destination for Romanians living in former Saxon communities (Sibiu, Brasov, Timis counties) and the flows have been based on friendship networks of Germans repatriated from Romania. France was a specific destination for north-western Romanians (Maramures county) and Israel soon became a destination for Romanians all over the country (especially east and southeast parts) due to repatriated Jews who established labour-mediating companies in Romania. Turkey also becomes a destination country for some Romanians, especially in agriculture and construction sector.

But the first destinations outdated soon and new countries replaced them in the following years. As Germany increased control over migrants, only people with strong connections abroad were able to find a job in this country. Migrants in Israel reached the highest figure when the relationship between Israel and Palestinians started to deteriorate (labour replacement was then sought in former communist countries and Asia). By the late 90s, the Israeli market became less attractive, especially because of the restrictions imposed

by the government and the large number of workers discovered in the black market (Diminescu / Lazaroiu 2002).

Italy and Spain are the new destination countries for labour migration. The case of Italy is probably the most meaningful as it has attracted mostly Romanians from the eastern part of the country (Moldova). The selective character of the destination country for labour migration according to this origin region is quite remarkable for Romania. Spain also became a major destination for Romanians, especially for some Southern counties of Romania and some central and north-western regions (IOM Bucharest 2001).

Table 1. Circulatory migration of Romanians between 1990-2001 (rural area and small towns)

Destination country	% of people having been abroad between 1990-2001, and living in		% of people abroad at the moment of survey 2001		Total (rural and small towns)	
	Rural area	Small towns	Rural area	Small towns	Returned	Still abroad
Hungary	22.8	23.3	12.7	21.4	22.9	14.2
Germany	9.7	19.7	8.9	22.0	11.1	11.1
Turkey	9.6	12.8	2.6	1.3	10.0	2.3
Italy	9.4	8.7	24.2	11.1	9.3	21.9
Spain	2.3	5.9	7.8	10.9	2.9	8.4
Yugoslavia	4.6	3.1	1.1	1.7	4.3	1.2
Israel	3.9	3.7	4.4	1.9	3.9	4.0
Greece	3.0	2.2	3.6	1.5	2.9	3.2
France	2.0	2.4	2.5	1.7	2.1	2.4
Austria	1.0	1.2	1.6	1.4	1.1	1.5
Total number 1990-2001	116,167	19,468	194,113	40,635	135,635	234,748

Source: IOM Bucharest 2001

In the midst of the 1990s, Yugoslavia has attracted not only workers in agriculture, but also small traders who tried to benefit from the economic crisis as a consequence of the war. Traffic networks have started to establish in that very period. First, people traded oil and other small merchandise, but then trafficking in women became quite widespread. As soon as the Hungarian economy recovered, it became an attractive place for Romanians from the Western part of the country (especially Hungarian ethnic population concentrated in few counties in central and western part of Transylvania). Other countries from the eastern communist block were only used for transit: Czech Republic and Poland for instance. This might have explained the large number of Romanian citizens seeking asylum in Prague.

Table 2: Estimates based on representative samples regarding labour migration (percentage of adult population)

	Nov-01	May-02	Oct-02
Have you ever travelled abroad	25	26	31
Have you ever worked abroad	5	5	6
Member of household ever worked abroad	12	13	17
2002 plan to go abroad for work	16	11	17
2002 plan to go abroad for studies	6	4	8
2002 plan to leave the country for good	6	3	5

Source: Public Opinion Barometer

The latest estimations (CURS, February 2007) show that 15% of the households have at least one member working abroad at the moment of the survey. In absolute volumes it means that around 0.9 million households have at least one member working abroad. The average number per household is 1.5, which means that around 1.4 million migrants worked abroad during the very period of the survey. One should be aware of the fact that this is a minimum estimate, as representative surveys cannot count migrants that left the country along with their family members. Unofficial figures show that 2 million or 2.5 million Romanians work abroad, but these are of course overstating the real number. Compared with previous years it seems that it is a significant increase of the number of migrants (for example in 2005 the estimates were around a minimum of 0.8 million). A 2006 OSF report on migration evidenced that at the moment of the survey conducted there might have been a minimum of 800.000 migrants working abroad.

Table 3: Demographic composition of circulatory migration flow (rural area and small towns)

	Rural		Small towns	
	% returned	% adult	% returned	% adult
Males	71	48	61	47
Under 30 years old	48	25	42	29
Protestants ²	6	2	3	2
Neo-Protestants ³	7	3	7	3
Catholics	18	7	21	7
Romanians	57	92	50	90
Roma	9	3	19	3
Hungarians	18	7	20	6
Germans	0.4	0.5	3	0.5

Source: IOM Bucharest 2001

Migration flows are male dominated, composed of average educated people, young persons, skilled workers from big cities and Bucharest. Also migration from rural settlements cannot be neglected. Different characteristics of migration (volume,

² Protestants in Romania: Calvinist, Lutherans, Evangelical And Reformed Church.

³ Neo-protestant in Romania: Pentecostal, Adventist, Baptist, Evangelical Movement and Jehovah's Witnesses.

destination country) vary across different regions of the country (see maps in the Appendix for rural area migration).

Table 4: Demographics for those reported working abroad 1990-2003

	% Migrant workers	% All adults
Males	71	48
18-35 years old	45	27
Vocational and high school	57	47
Skilled worker before 1989	35	31
Unemployed present	14	6
Skilled worker present	22	16
Hungarian ethnic	14	6
Big cities and Bucharest	52	37
Neo-Protestants	4	2
Catholics	9	5

Source: CURS survey June 2003 (35,600 sample size)

Different studies tried to explain or formulate hypothesis regarding the selective flow of migration. It seems that minority groups either religious or ethnic are more mobile than the majority of the Romanian-Orthodox. It seems that ethnic and religious networks played an important role in the first stages of circulatory migration. The number of Roma people returned is significantly higher in small towns than in rural area. Different studies showed that social networks were crucial for the pioneers of circulatory migration (Sandu 2000; Diminescu / Lazaroiu 2001). Neighbours and friends of German ethnic persons repatriated after 1990 have an advantage in finding a job in Germany. It was the same for those seeking a job in Hungary.

As for other religious groups like Catholics, Protestants and Neo-Protestant, with large numbers reported abroad, there might be different explanations. In some cases, for Catholic and Protestants, the religious and ethnic categories are overlapping (most Hungarians or Germans belong to these categories). In the case of Neo-Protestants the explanation might be different. On the one hand it is well known that Neo-Protestant churches have traditional support from foreign countries, which could account for strong international networks. On the other hand, neo-Protestant families are more numerous than other families, which might account for more pressure, due to scarce resources, to send at least one member of the household abroad (Massey et al 1993).

Inflow migration

Fragmentary statistics are available on immigration. That is why we used different indicators for 2001-2002; some of them are more by proxy, like the number of tourists⁴. Also the number of returned immigrants might shed a light on their origin country and volumes in the Romanian territory (see table 5). We assume that the more returned migrants to a certain country, the larger the volume of those immigrants in Romania. The assumption is carefully double-checked with other available data. Chinese, Turkish and Arab countries' nationals are the most numerous immigrants in Romania. The Republic of Moldova and Ukraine are also two countries of origin for many migrants, but Moldavian citizens' situation is different from that of the Ukrainians due to the language similarities. Refugees mostly come from Iraq, Bangladesh, Afghanistan, Pakistan and Somalia. The top figures somehow differ from one year to another, depending on periods of crisis (Afghanistan and Iraq basically changing the first place from 1997 to 2002). It is worth noting that there were not so many refugees from the former Yugoslavia during the years of war.

In fact Romanian Institute for Statistics reported the number of immigrants since 2005. In the previous years the term used was foreign citizens or number of foreign tourists. The figures from Chart 5 probably underestimate the real number of immigrants as they incorporate only officially registered foreigners. Still we can see a drop of the number of immigrants starting with 2001. This is mainly due to supplementary restrictions that Romanian government imposed to entering the country for business purposes or seeking work/asylum in order to obtain visa waiver for its own citizens in the Schengen space (which actually happened beginning with 1st of January 2002). One can also see in the statistics that the largest number of immigrants is coming from the Republic of Moldova, which accounts for about 50% of the total number of immigrants.

⁴ Romania is not an attractive destination for tourism, which means that most tourists are actually disguised immigrants. It is easier to get a sort-term tourist visa and that is why most immigrants in Romania are likely counted in official statistics as tourists. Moreover, comparative data on refugees and tourists shows similarities in terms of origin countries.

Chart 5: Number of immigrants 1999-2004, Source: INS Romania

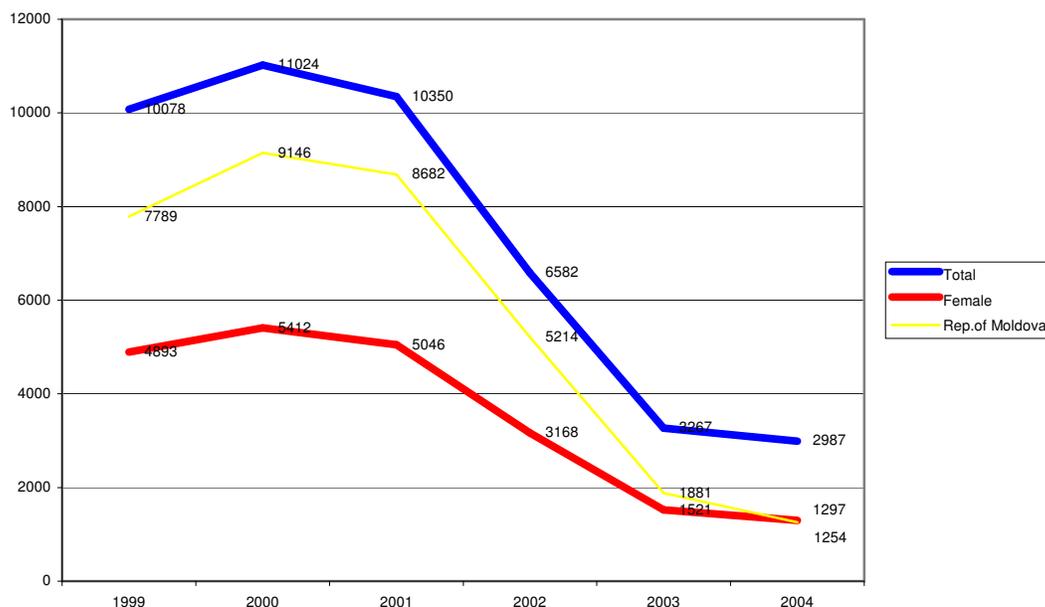


Table 5. Data on returned immigrants⁵

Origin country	2001	2002
Turkey	183	204
China	111	104
Moldova	45	81
Syria	41	29
Iraq	14	27
Iran	38	25
India	15	17
Jordan	16	17
Ukraine	21	17
Lebanon	15	14
Pakistan	12	14
Yugoslavia	9	14
Russia	7	12
Egypt	8	11
Sudan	8	10
Italy	10	6
Palestine	8	5

⁵ National Office for Foreigners provided data on returned immigrants started from 2001. They started systematically counting immigrants since that year. This also might show that officials did not consider Romania a destination country until beginning of 2000's.

Hungary	4	5
Israel	7	4

Source: National Office for Foreigners

The most numerous foreigners on the Romanian territory (Turkish, Chinese, some Arab countries like Syria) are mostly business immigrants. They are running their own business and hardly seek for labour. The immigrants coming from the Republic of Moldova and Ukraine, also in large numbers, are staying in Romania for studies or business, but sometimes they have an employee status. It should be said that in some parts of Ukraine there is a compact Romanian speakers minority, which is likely to be among Ukrainian immigrants in Romania.

Table 6. Number of tourists entered the country 1990 - 2000⁶ (in thousand)

	1990	1991	1992	1993		1995	1996	1997	1998	1999	2000
China	8.4	14.2	12.1	8.5							
India	3.6	4.1	2.9	1							
Iran	10.9	13.8	13.2	4.5							
Syria	13	16.3	19	14.9							
Total Asia	35.9	48.4	47.2	28.9	Asia (excluding Israel)	76	80	78	73	73	75
Congo		1.1	0.8	0.8							
Niger		1.6	0.8	0.4							
Somalia				0.1							
Sudan	2.1	1.4	1	0.8							
Tanzania		0.3	0.2	0.3							
Zaire				0.2							
Total Africa				2.6	Africa (excluding Egypt)	7	5	6	4	5	5
Turkey	131	179.7	222	278.5		489	427	302	263	281	253
Russia				529.8		255	147	136	124	78	83
Moldova				432		1,054	1,142	1,080	1,192	1,455	1,636
Ukraine				385.6		683	587	622	424	319	330

Source: National Institute for Statistics

Statistics on tourists coming from the notorious immigration countries might be an indicator of irregular migrants. Table 4 shows that the volume of immigration almost doubled for Asia and African countries, but has slightly decreased for Turkey, Russia and Ukraine since 1996.

⁶ Due to gaps in statistics the table presents figures in a way that make them comparable. National Institute for Statistics restructured the categories starting with 1995.

Table 7. Data on asylum seekers between 1997-2002

Country/year	1997	1998	1999	2000	2001	2002	total
Iraq	349	259	149	250	626	350	2,590
Bangladesh	241	584	459	226	22	65	2,440
Afghanistan	13	33	292	282	777	33	1,505
Pakistan	67	89	101	225	84	31	905
Somalia	17	4	2	39	171	34	710
Iran	92	52	38	34	101	41	676
India	14	24	55	40	157	127	551
Sri Lanka	109	27	11	13	7	3	457
Albania	19	1	0	2	0	0	351
Turkey	74	43	19	28	33	38	317
Sudan	15	14	16	71	43	45	259
Congo	160	5	18	2	19	14	224
Palestine	14	16	14	33	42	23	186
China	0	0	1	0	43	89	139
Syria	11	7	25	16	13	25	117
Zaire	76	1	9	3	4	1	108
Yugoslavia	5	13	23	8	22	1	100

Source: UNHCR

2.3 Transit migration

Romania seems to be a major transit country, located at the “last” eastern EU border, on the crossroad between North-South migration axis (African countries as main reservoir) and East-West route (Far East, Middle East and former Soviet Union states as main sources). As the Romanian economy is less attractive to foreign immigrants, most of these groups just adjourn on their way toward more developed west side of Europe.

Table 8: Data on foreign citizens on the Romanian territory in 2002

Origin / duration of stay	Total	Total %	under 3 months	3-12 months	12 months+
All origins	27,910		4,406	2,766	20,738
Row %			16%	10%	74%
China	1,943	7%	21	47	1,875
Row %			1%	2%	97%
Germany	1,767	6%	960	125	682
Row %			54%	7%	39%
Greece	1,681	6%	69	54	1,558
Row %			4%	3%	93%
Italy	2,378	9%	538	145	1,695
Row %			23%	6%	71%
Republic of Moldova	3,576	13%	359	1092	2125

Row %			10%	31%	59%
Syria	1,180	4%	10	30	1,140
Row %			1%	3%	97%
USA	,1129	4%	283	103	743
Row %			25%	9%	66%
Turkey	2,344	8%	142	79	2,123
Row %			6%	3%	91%
Other continents	3,054	11%	314	277	2,463
Row %			10%	9%	81%

Source: National Institute for Statistics 2002 Census

Although it is hard to support the pre-dominant character of transit migration using statistical data, figures in table 5 indicate that there is a significant proportion of nationals spending less than one year in the country (26%).

There is a back and forth migration, because governments imposed a protective policy. If there were a slight legal way to escape everyone would like to use it. People want to go where is the best for them to live. Many refugees apply for asylum just to enter Europe. They make the application, wait for a shorter or longer period, but most of them do not want to stay in Romania for good (Representative of NGO's dealing with refugees).

Romanian will become slowly but surely a country of destination instead of transit country, but only when the economic situation is going to improve. Now they (immigrants) prefer to risk and leave Romania instead of not having food and decent. They didn't leave their own countries to get hunger in Romania. It is not easy to live here, especially when you don't have parents or relatives... They leave Romania whenever they have a chance to. From discussions we found out that they have friends and relatives in EU countries. They have information about all these countries. The economic factor accounts for 90% of migration. They leave for EU countries and there are some who have tried for several times until they succeeded to get there (Representative of NGO's dealing with refugees).

They leave the country because of poverty. Most of applicants have never got to interviews. Migrants from Iraq and Pakistan leave Romania for Western Europe (Greece and then Germany). But it is quite the same route for asylum seekers from other countries as well. We are just abiding the law and follow the procedure to settle them down here. As long as they stay they get money, they have rights and obligations (Public Official, Ministry of Interior).

Box 1 – Statements on immigration

By-products of migration: Trafficking and unaccompanied minors

Trafficking in human beings cannot be separated from labour migration. A study on vulnerability to traffic of young Romanian women conducted in 2001 called trafficking in women an “interrupted circulatory migration” (Lăzăroiu 2001). As interviews with victims of trafficking witnessed, most of the women having become victims just wished to find a decent job in a foreign country. Most of time it happened that these women are deceived and forced to prostitute in another country than the promised destination. It is often the case of Romanian women who have been promised a job in Italy or Greece, but then organised networks of traffickers just sold the victims to a pimp or whorehouse owner in a country within the Balkan region (Albania, Macedonia, Kosovo, Serbia, etc.).

As international reports evidence, Romania is a source and transit country primarily for women and girls trafficked from Moldova and Ukraine to Bosnia, Serbia, Macedonia, Kosovo, Albania, Greece, Italy and Turkey for the purpose of sexual exploitation. Romania is considered in tier 2⁷ by the U.S. State department, which means that the authorities did not meet the minimum standards but are making significant efforts to do so. Statistical data shows dramatic changes from year to year. In 2001, IOM offices in the Balkans have assisted a total of 697 victims of trafficking, mostly from Moldova (47%), Romania (25%), Ukraine (11%), Lithuania (3%), Russia (3%), Bulgaria (2%), Latvia (2%) and Albania (1%).

Age categories	Number of cases
14-15	4
16-17	31
18-19	27
20-21	30
22-23	17
24-25	11
26-27	13
28-29	3
30-31	4
32-33	2

Source: IOM Bucharest

Although the figures above cannot account for the whole trafficking phenomenon, as they refer only to assisted victims, it seems that vulnerability is higher for women between 15-25 years old. This fact is confirmed by studies on vulnerability conducted in Romania. Data on a representative sample of young women extracted in 2001 shows that between 3-4% of the 15-25 are exposed to average risk of trafficking, while 4-9% of the same category are exposed to a high risk.

⁷ In its annual reports U.S. State Department classifies countries according to how domestic efforts meet the legislation's minimum standards for the elimination of trafficking. Tier 3 countries are deemed to be not in compliance with the minimum standards and not making significant efforts; Tier 2 countries are not in compliance, but making significant efforts; and Tier 1 countries are in compliance.

A report issued in February 2007 (IOM, 2007) shows that 8,500 people from Romania travelled abroad because they were offered a job, but upon arrival they were locked and forced at an enterprise in construction/agriculture for no or little pay, 14,000 were locked and forced to work for little or no pay in a domestic or nursing job and 5,500 were forced to work in sex business after their passports were taken. The figures shows that trafficking phenomenon has more extended to non-sexual sector, although much of literature on trafficking is focusing women and their sexual exploitation.

Analyses proved that vulnerable girls come from urban areas, poor regions, experienced abuse in the family and have a low human capital⁸. Other preliminary qualitative studies evidenced that it is less likely that victims of trafficking come from communities with large flows of circulatory migration, especially when it happens in small villages as migration flows are carefully under the scrutiny of the community. Although it seemed strange to external observers that more vulnerable girls come from urban areas, it must be said that the common case is when the girls leave their rural native place for high school in a city. Urban environment is experienced as a shock by some of these inexperienced girls and then they easily become victims of recruiters.

IOM is actively coordinating a Counter Trafficking-Steering Committee where all relevant ministries participate. Together with IOM, the government developed and distributed course materials on trafficking to schools, taught an anti-trafficking course for teachers of various subjects and levels, and conducted mass media prevention campaigns targeting the public at large. A related preventive effort involves a two-year ILO programme, supported through international assistance, to alleviate child labour and to keep children in school. The government continues to improve its ability to monitor its borders and keeps statistics on illegal migration and movements of persons.

Vulnerable groups: Unaccompanied minors

There is no law primary referring to unaccompanied minors. Provisions relating to this category are however included by the Refugee Law, the Aliens Law or by other laws regulating the minors’ status. Special attention is granted to these cases, as they are one of the most vulnerable categories to traffic or to smuggling. Close co-operation between NGOs and state authorities is imperious in this area.

Table 10: Statistical data for UAM 2000-2002 (number of cases)

	2002	2001	2000
Afghanistan	7	18	18
Bangladesh	4	0	15
India	5	0	0
Iraq	1	1	0

⁸ Human capital refers mostly to education, but it may include not only one’s formal years of school, but also one’s parents years of school.

Somalie	4	2	0
Soudan	0	0	0
Iran	0	2	0
Syria	0	0	1

Source: UNHCR

Authorities have become aware of the presence of unaccompanied minors in 1999, which reveals the fact that there is much to be done regarding the finding and implementation of efficient policies and practices. It is recommended that when dealing with unaccompanied minors the relevant actors should consider the provisions stipulated by the Child Protection Convention and the experience provided by the international jurisprudence. As the data above shows, the main countries of origin are Afghanistan (56%), Bangladesh (14%) India (7%) Iraq (7%) and Somalia (7%). Data above include all refugees or asylum seekers who were considered minors after the age assessment, or their own declaration registered after the border crossing.

Interviewing procedures should also be reconsidered. A specific provision should state require adequate training of the interviewers. Malpractice is likely to have traumatic effects for the unaccompanied minors due to their high vulnerability. The financial support provided by the Romanian government is insufficient for meeting the basic needs of the child (\$0.5 per person per day). Under these circumstances, the UAM are dependent on the assistance provided by NGOs and UNHCR. The Aliens Act (article 121)states the necessity of family reunification as one of the appropriate solutions for the UAMs. We should not ignore, however, that this is a rather difficult task due to the countries of origin of these children. The National Romanian Council for Refugees has also indicated the necessity for the Aliens Act to clearly specify the prevalence of the child interest when deciding on repatriation.

The National Office for Refugees is the only governmental actor involved in dealing with UAMs. However, its actions have mainly a juridical or administrative purpose and do not respond to other needs such as education or reintegration programmes. Therefore, it is advisable that other state institutions, such as the Ministry of Education and the Ministry of Labour and Social Solidarity, get involved in dealing with separated minors (Antonescu et al 2003).

Alexandru (2006) proved in a qualitative study on Romanian minor migrants abroad that they are not necessary unaccompanied, but they lack control or surveillance of parents when staying in a destination country and get involved in illegal activities. Alexandru has shown how the culture of migration in a community inoculates minors with a strong push to leave and earn money, sometimes without parents consent.

4. Migration policy, legislation and procedures – present situation and planned migration management strategy

Due to its projects of acceding to the EU, Romania's first initiatives for creating an adequate legal framework for migration flows were carried out in the early 1990. The changing of its status implied both by actions directed to the adoption of the EU acquis and, more recently (2002), NATO membership have generated constant changes in the legislation.

The Aliens Act issued in 1969 had become obsolete. The Refugee Act adopted in 2000 had proved to have some gaps allowing the would-be migrants to abuse the procedure that was to be followed for the granting of the refugee status. Due to the relatively long procedure, transit migrants would resort to it as a means of reaching further West destinations while benefiting of the Romanian state protection and facilities offered to asylum seekers. Due to the lack of adequate financial means, some of these migrants found themselves entrapped on the Romanian territory. The geographic location of Romania places it on an important position regarding the routes to Western countries, which led to the necessity of creating better regulation for the migration management. Phare and twinning projects have had a significant role in this regard. Major turning points in the legislation have been the result of the collaboration between the Phare Horizontal Programme Migration (PHP) experts and Romanian representatives starting with late June 2001.

A general assessment of the Romanian legislative context regarding migration should start with the fact that in the last three years, due to high political ambitions of the Romanian government to continue reforms needed to join EU in 2007, several legislative acts have been issued. On the level of implementation, one could notice that some realities are far from the moment of testing the laws. It is the case of immigrants and refugees, which do not account for a large number and are mainly in transit on the Romanian territory. The domestic labour market is not yet under the pressure of foreign migrants, nor it is in high demand of workforce for certain sectors.

Migration is not and it should not be a phenomenon involving unilateral actions, but it is rather an issue requiring interaction between states and international organisations. It is probably this tension between Romanian officials understanding migration as a local issue and the global philosophy behind international policies on migration.

In order to understand the migration process after 1990 and the trends for the following years and to identify the main legal provisions regulating it, it might be useful to make an inventory and short description of Romanian institutions dealing with migration. It should be noticed from the very beginning that immigration and emigration are in most of cases treated differently by different institutions. There are rare cases of the same institutions dealing with both sides of the phenomenon and, even in that particular case there are different specialized departments.

Admission

Emigration

Acceptable/unacceptable travel documents

In order to obtain lifting visa restrictions of the Romanian citizens travelling in the Schengen countries, the Romanian Government regulated a set of conditions to be met by travellers when they exit Romania. This set of obligations were to make sure that the traveller is going to come back to Romania and he or she will not recourse to public funds or seeking job while abroad. A round trip is to be proved by the transportation documents within 3 months period after leaving Romania. Also an amount of EUR 100 a day might be a guarantee that the traveller has enough resources to support by oneself and do not recourse to seeking a job or other public funds. Of course, these rules will not totally guarantee tourist purposes, but there are other sanctions enforcing regular migration. In the mid-2006 the amount of money was not requested anymore and beginning with the 1st of January 2007, Romanians can travel with their Romanian ID's all over Schengen space.

Irregular migrants (like those who overstay the legal period of 3 months in a EU country or those who commit crimes or break the laws abroad) could have been sanctioned by the Romanian law from suspending rights of free-circulation to the annulment of the right to bear a passport. In the same way in order to prevent illegally crossing a border between a Schengen and non-Schengen state, the Romanian laws might have punished a Romanian citizen when they are proved to cross such a border⁹. A study conducted in 2003 evidenced that most of irregular or potential irregular migrants in EU countries mostly fear the consequences of being caught illegal on the territory of a EU state. 60% of the respondents in national sample declared that if they were caught working in the black market in EU state, they would most fear sanctions from the destination state authorities and 39% would fear sanctions from Romanian authorities (Lazaroiu 2003).

Admission for employment

Important progresses in legislation and institutions have been made regarding Romanian citizens working abroad. Only in the last few years the Romanian government has signed several bilateral agreements with countries that turned out to be important destinations for Romanian workers (like Spain, Portugal and Italy). This kind of agreements usually try to guarantee equal working conditions for Romanian citizens and natives, but also to create a legal frame within which labour mobility can develop.

Until 2001, a small market for sending labour abroad intermediaries started to grow. Private companies were entitled to deal jobs in different countries based on contracts between economic agents and individual workers. Proliferation of intermediaries was

quickly followed by public reports on migrant workers cheated by mediating companies (paid money never get the job) or migrant workers cheated by employers abroad (not complying with conditions stipulated in the contract).

Therefore, the Romanian authorities issued a set of criteria that labour-mediating companies are to meet in order to obtain full-license of operating in the market. These criteria refer to firm agreements between intermediaries and foreign employers, transparent procedures for selecting candidates and interdiction on requesting material guarantees from applicants while not abiding by the contract.

Now only transition periods applied in several EU 15 countries and the bi-lateral agreements are still in place with these countries. There are other countries, like Finland, that actually have not imposed any transition period to Romania and Bulgaria and then free circulation of labour is now in place.

The Romanian Government created a Labour Migration Office, under the Ministry of Labour and Social Protection, which actually operates in the same market of mediating labour as other private companies mentioned above. The office was supposed to improve standards in the market, especially those related to working conditions abroad, and lower the mediating fees.

Ministry of Labour and Social Protection has three departments relevant to migration phenomenon:

Department for bilateral agreements and foreign affairs is responsible with negotiating and signing conventions with other countries in the matters of labour exchange. The Minister of Foreign Affairs usually countersigns these agreements and they become applicable once ratified by the Parliament. The bilateral agreements take into consideration when negotiated the estimated number of migrant workers in the country of destination, occupation and skills of migrant workers, supply and demand sides of labour market in the origin and destination country. The main concern of the Romanian authorities in negotiating bilateral agreements is to assure as much as possible equal working conditions for Romanian migrants as for natives.

National Office for Labour Recruitment and Placement Abroad (Ministry of Labour and Social Protection), which is the only state agency mediating labour with countries either under bilateral agreements or not. This is a new governmental agency created basically to diminish fees for mediating labour on the market and to increase concern for the rights of the Romanian migrant workers. The agency is rather controversial since it might be a conflict of interest within the Ministry of Labour to control the market through the National Agency for Labour Force and compete in the same market. This department is also in charge with issuing working permits for foreigners within the Romanian territory.

National Agency for Labour Force (Ministry of Labour and Social Protection; *with county branches*), which is responsible with authorization and permanent monitoring of

private companies involved in mediating Romanian workers abroad. Due to a number of cases of frauds, (companies which pretended mediating labour and received fees without returning services) this department strictly follows the criteria for authorization and monitoring.

Admission for self-employment

Self-employment is not common at all among Romanian migrants. There is no specific regulation for self-employed Romanian migrants. It is most likely that destination country laws are dealing with cases of self-employment. In UK for instance some Romanians can prolong their staying by obtaining a visa for self-employment¹⁰. There might be cases of prosperous migrants who might associate with a native and open a business in the destination country.¹¹

A vague estimation of migration for business purposes (without differentiating between self-employed and suitcase trade for instance) shows that only 1% of the Romanian migrants from rural area and small towns belong to this category (IOM 2001). The same IOM research across Romanian small communities evidenced that there is a high correlation between Roma and Hungarian migrants abroad and migration for business purposes. Other more qualitative studies (Diminescu / Lazaroiu 2002) proved that Roma is a very mobile and entrepreneurial category of migrants. However, it is likely that most of the Roma migrants are not legally registered as self-employed, but they rather do business in the black market.

Romanian migrant communities are from this point of view very different from Chinese migrant communities, which of course have a long history of developing “China towns” in almost every important capital of the world. Romania is on the dawns of its migration history and somehow naturally more migrants are looking for jobs and salaries that might have been low in the destination countries but much higher than in Romania. Therefore self-employment is very rare among Romanian migrants and no specific Romanian legislation deals with this category.

Except for business migrants, there have been companies to recruit Chinese employees, especially for the textile industries. However there was an example of discontent generated by the Romanian laws that guarantee a minimum wage of EURO 350 for the migrants, in a textile plant from Bacau city, where Chinese employees started a strike

¹⁰ There is a case of a Romanian woman who has worked as housekeeper for a certain period, but as the visa had expired, she decided to register as self-employed. Practically, she had to prove that she was able to hire some two or three persons that will do housekeeping in London, which she could actually do by recruiting new migrant women.

¹¹ There is such a case of a Romanian who used to work in Spain then come back in his origin community and open a business related to the activity abroad. After a while, because of corruption and unfriendly business environment he decided to move his business in Madrid, were he was actually an associate of other Spanish people.

and threatened to return to their country of origin unless employer will pay the minimum legal wage.

Admission for study purpose

Universities, higher education programmes for student exchange

Romania is opened to receiving students at all levels and not only at the level of higher education. After 1990 a large number of scholarships and joint programmes between Romanian and foreign universities invaded the academic world. There are not only scholarships or research grants funded by the Romanian government, but also funded by private organisations, NGOs and universities (the most important on the list is probably Soros Foundation).

Romanian students and teachers have plenty of opportunities to study abroad. Insofar as beneficiaries returned and find a job in Romania, studying abroad was considered for the whole society benefit. In other cases, students have chosen to stay in the graduation country, which is mostly part of a large brain-drain phenomenon affecting former communist countries.

Immigration

Acceptable/unacceptable travel documents

Foreigners may enter the Romanian territory on the basis of the State border crossing documents stipulated by the Romanian regulations and of the Romanian visa. However, the visa requirement can be ignored in the case of international agreements or if this has been an issue of the national decisions of visa waving for certain countries. At this point, we should consider the specific situation of the Republic of Moldavia. 64,5% of the Moldavian population consists of Romanian language speakers (International Studies Centre 2002). We have previously showed that Moldavians account for a significant percentage of the immigrants flow. Many of them visit their relatives in Romania or come for studies, business, and work. At present, they may travel to Romania on the basis of their passport.

It should be noted that The Romanian Government has facilitated the issuing of these passports by allocating US\$ 1 million for the poor families who would travel abroad. Moldavian representatives have expressed their worries related to this procedure. First, Moldavian migrants who are very often crossing the border for diversifying risks related to their income are poor. The 'come and go' strategy would rapidly lead to the necessity of changing their passport and some of them do not have enough money for this procedure. Second most fears concerned the status of the changes involved by the expected 2007 EU accession of Romania.

This has led to the imposing of the visa requirement. More, as a consequence of the amount of money necessary as a guarantee for entering the Schengen space, it is expected

that this procedure should generate a growth of the number of illegal migrants due to their scarce material resources. It has been suggested by the Moldavian authorities that the RoM be treated differentiated in accordance to its specific situation. Another problem related to Moldavian migrants is generated by the possibility of obtaining a double citizenship cumulated with the necessity of a visa if wanting to travel to a Western country. Even though restrictive conditions have been imposed for the granting of the double citizenship status, facts reveal the use of forged Romanian passports by the Moldavian citizens crossing Romania to reach a further destination.

Turkish migrants would also resort to abusing the migration agreement between the two countries; the fluidisation of the business relations was one of the reasons for not imposing a visa for Turkish citizens. However, some Turkish migrants would resort to the visa free entrance right only to use Romania as a transit route. These consequences reveal a paradox of the migration regularisation: on the one hand, imposing restrictive policies would lead to illegal migration; on the other hand, lax procedures may have the same consequences.

Admission for employment

Mostly based on international conventions, Romanian laws regarding granting refugee status and procedures for asylum applications were issued and modified in 2000 and 2001. Under the pressure of EU integration as well as acknowledging the perspective of becoming a future destination country for migration, Romanian authorities have passed regulations regarding immigrants. Due to current transit specificity of the country, most of the provisions are redundant. Nevertheless, they might be proved practical once more foreign citizens will seek political and economic asylum from the Romanian state.

Romanian legislation has special provisions regarding issuing work permits to foreign citizens. Foreigners coming from countries with which Romania has an agreement of lifting visa regime, foreign graduates of Romanian schools and business people are entitled to work permits in local labour market. Also family members of those who have already obtained a work permit and relatives of those who are residents in Romania are entitled to receive a work permit.

Refugees, residents in Romania and foreigners hired by multi-national companies have the right to work in Romania without applying for a work permit. All other conditions related to taxes and obligations to the Romanian state are equal as for Romanian citizens. It seems that Romanian law is quite generous with issuing work permits and the labour market is quite open to foreigners. Again, the practical relevance of this law is downgraded by the fact that the labour market in itself is not attractive to immigrants.

At present, Moldavian immigrants seem to be the only significant category meeting the demands of a certain labour sector. Due to the leaving of the young people that led to the constant aging of the rural area and to the scarcity of the labour force, the use of the Moldavian workers represents an attractive solution. These kinds of activities are usually the issue of mutual agreements at the individual level (employer/immigrant) and their

regulation by the authorities is very unlikely. Moldavian rural migrants are usually women who stay for more than 12 months. This might be a consequence of their getting married in Romania.

For some refugees there is no possibility to be legally employed in spite of the fact of their being exempted from necessity of having a labour permit. A contract cannot be signed due to the lack of the identification document.

Admission for self-employment

The law can have relevance to business people and multi-national companies which are actually encouraged to invest in Romania as well as to students (probably most of them from the Republic of Moldova) and graduates of Romanian schools. For instance, the new law concerning foreigners raised the threshold for investing in business in Romania to EUR 50.000 from \$10.000 in 1993 and only \$100 in 1990. Also in 2003 the business is required to have EUR 500 a month in order to provide for a living to the owner and family. The new law discourages small businesses of immigrants from Asia (especially China) and Middle East (Turkey and other Arab countries) and it is expected a significant drop of immigrants from these countries.

The threshold for starting a business has been recently received by the Turkish and Chinese associations in Romania. However, the new legal period of stay is deemed to be more adequate for business purposes. (6 months with the possibility of prolongation with another 6 months).

Admission for study purpose

On the other side of migration, Romanian government offered a large number of grants and scholarship to students from the Republic of Moldova as part of a wider cultural programme between the two same language countries.

Students are allowed to perform a job during their study period here. No specific limitation concerning the duration of performing a job is stated. Undeclared work is very likely, as students are not required to have a work permit.

The regulations and procedures of this chapter are satisfying, the EU acquis being adopted once the 2002 law regarding the alien status has been passed. Resorting to this channel so as to enter Romania is hardly unlikely, as in the absence of a scholarship offered by the Romanian state, the would-be migrant needs the amount of money necessary to pay in advance for a one-year school as well as a financial guarantee which is to be deposited in a bank.

Stay

Family reunification

Family reunification procedures are generally used by asylum seekers as procedures of crossing the border faster and entering a route leading to a Western country or of staying in Romania. Recently a twinning project between Romania, Denmark and Sweden has been designed for the purpose of finding the best practices and legal provisions to protect the right to family reunification but to avoid its use as a channel for irregular migration. Lowering of this trend is expected once the quota system for the refugee receiving countries will be imposed. The 2002 law regarding the aliens' status on the Romanian territory has included more elaborated procedures referring to the evaluation of such cases. Due to the importance of this issue for the Human Rights experience and to the negative consequence it could have for the migration management if abused, Phare Horizontal Programme experts recommended that civil servant and policemen should attend special courses in order to raise the efficiency of dealing with the family reunification procedures (PHP, Migration Module, 2002).

From the emigration perspective the family reunification procedure is usually resorted to in the case specific for the migrant who has succeeded to obtain a permanent residence abroad so to be a part of a legal permanent migration pattern. However, for refugees family reunification may complicate the procedure for granting the status. That is why officials from the Ministry of Interior suspect that women living in centres for refugees do not want to declare the presence of other members of the family on the Romanian territory.

Romania is currently negotiating the transition period for labour force requested by the EU members to new candidates. By this time some concessions have obtained by Romanian negotiators as for example the right of the Romanian worker who is legally working for more than 12 months in a EU member state to skip the transition period. This right is immediately granted to any members of his/her family.

Illegal employment of third country nationals

Illegal employment situations are related to hiring or maintaining in labour by a natural or legal person in Romania of a foreigner who does not have a valid work permit. It is recommended that severe sanctions be directed to those resorting to such a procedure. Eluding taxes and social security payments as well as lower salaries than the average make such strategies attractive for various employers. However, the provisions related to this aspect are still redundant, as the economic conditions of Romania cannot yet absorb native workers and therefore cannot create vacancies for foreigners.

We have previously showed that most cases of immigrants' employment are those of the Moldavian workers in the rural area. (see Admission for employment). Due to the nature of some of the agreements between the employer and the employee, both natural persons, it is difficult to monitor and find appropriate solutions for this issue. There is an incipient trend of a different kind of illegal employment, that of the Romanian workers by some immigrant business owners (mostly Syrians). This sector of the black market has not yet been thoroughly analysed but it might constitute an important domain for policy makers due to its paradoxical aspect: absorbing a part of the unemployed labour force while at the same time eluding the legal procedures.

Marriages of convenience

The criteria defining a marriage of convenience are similar to those in the EU acquis. The General Department for Computerized Population Records will carry on the investigations if the elements stated in the law indicated the necessity of such a procedure. It is advisable that the authorities involved in dealing with the suspected persons should participate at training seminars for acquiring the appropriate interviewing techniques taking into account the cultural and historical differences between the persons subject to such investigations (PHP, Migration Module 2002).

These provisions are quite redundant due to the country particular traits that do not yet place Romania among the favoured destination countries. Such an alternative would be useless as most migrants only intend to transit Romania on their way to a further destination. Generally, migrants intending to stay for a longer or not limited period in a certain previously chosen immigration country would resort to this procedure. On the other hand, after 1990 some Romanian citizens were more inclined to make a convenience marriage with a foreign person, either for leaving the country for good or for economic purposes. There are known cases of business immigrants (especially from Arab world) who married Romanian citizens and settled a family in Romania, but it is hard to suspect that those immigrants acted like this in order to obtain residence or citizenship in Romania.

Residence permits and other regularization procedures

Department for foreigners and migration issues (under Ministry of Interior) is responsible with monitoring irregular migrants as well as regular migrants (refugees, business, workers, students, etc.) on the Romanian territory. The department is in charge with issuing visas of different kinds and monitoring expiration of visas or legal period of staying. This department is also taking care of forced or voluntary return and repatriation of migrants from Romania. It is working in close cooperation with the other departments of the same ministry: national office for refugees and border police.

Department for consular relations (Ministry of Foreign Affairs) is responsible with assistance and protection of Romanian citizens and companies abroad. As most of the Romanian workers abroad are irregular migrants, contact between this category and

consular offices are rather scarce. Also there were reports on corruption of the officials working in Romanian embassies abroad while dealing with Romanian citizens in trouble. As sanctions for irregular migrants were reinforced in the last years it is likely that migrant workers will continue to avoid contact with representatives of the Romanian government abroad. Consular offices are also a primary contact for foreign investors, labour mediating companies or firms seeking labour in Romania.

Department for Passports (Ministry of Interior) is responsible with issuing passports to Romanian citizens, monitoring forced or voluntary returned Romanians and sanctions applied to those citizens who committed crimes or felonies on a foreign state territory. This department is working in close cooperation with the Border Police.

Citizenship issues

The legislative framework related to citizenship stipulates the possibility to become a Romanian citizen by birth, by adoption or at request. After a seven-year period of stay on the Romanian territory or after a five-year time in case of marriage between a native citizen and a foreigner, a person can apply for the Romanian citizenship. It seems that most immigrants wishing to obtain this status are those who came here for study purposes.

It is easier for them to be granted citizenship as the ordinary examination refers to language proficiency and to several basic notions about Romania's cultural historical background and geographic particularities. By the time they graduate they would have already stayed on the Romanian territory for a few years. However, the last Aliens Act have stipulated some harsher conditions for these wishing to overstay their study period permitting under ordinary conditions, a prolongation of the stay with no more than 60 days. Moldavian students are mainly affected by this procedure, as most of them do not intent to return in their origin country. It seems that most immigrants wishing to obtain this status are those who came here for study purposes.

Return, detention and expulsion

Expulsion

The two institutions dealing with the expulsion procedures are the Police and the General Directorate of Person's Computerized Record. Information regarding the persons wanted for extradition or expulsion is introduced in a database of the National Information System on the Border Traffic of Persons and Goods. At this level co-operation between the relevant actors is imperious in order to obtain the necessary information regarding the identity of the illegal migrant subject to expulsion (PHP Migration Module 2002).

Pre-expulsion detention and other forms of detention of migrants

There are certain standards that have to be met by the accommodation centres housing the aliens until the expulsion procedure. They have to provide appropriate living conditions, food medical assistance, and personal hygiene facilities to aliens. Although the last assessment stated the bettering of the receiving conditions in the closed centre located at Otopeni Romania does not have the appropriate financial means to respond to all the necessities involved by such a procedure.

An important problem of the accommodation centres is related to those intended to offer shelter to the asylum seekers or refugees. Although these are not closed centres, some measures are similar to those specific for the housing of the migrants who are subject to an expulsion or return procedure. NGOs complained that refugees are not content with some of the regulations imposed by the authorities in these centres.

Readmission

The readmission procedures are highly important in combating illegal migration. Bilateral agreements between a Member State and a third country provide a common framework for both Romanian citizens and aliens. Implementation of the transit and readmission agreements has been initiated even before the Schengen agreement. By the end of 2001, Romania had already signed readmission agreements with EU Members with the exception of United Kingdom and Portugal. Romania also intends to conclude readmission agreements with all third countries considered by the EU to be a part of the negative list designated in the EU Common Action of on 4 March 1996 (PHP Migration Module 2002).

Voluntary return

The Romanian legislative framework includes a clear distinction between voluntary return and expulsion. The former is an administrative measure ordered by the Ministry of Interior while the later is ordered by a court of law for committing a crime. Expulsion is a safety measure while return is an administrative measure ordered against the aliens to whom the right of stay on the Romanian territory was limited, interrupted or revoked as a consequence of falsely declaring the travelling purpose, illegally crossing the border or overstaying their visa period (PHP Migration Module 2002). An impediment for this procedure lays in the lack of financial means. A better cooperation between the Romanian state and the International Organization Missions or the competent authorities and diplomatic missions abroad could be an appropriate solution for this constraint (PHP Migration Module 2002).

Other area matters

Border Police: under the authority of Ministry of Interior, this state body is in charge with securing Romanian frontiers. It is also monitoring conditions for Romanian citizens travelling in a foreign country, fighting, and preventing human smuggling and trafficking

in human beings. Border police is also in charge with issuing authorization for border traffic and commerce (Romanian citizens living next to the country border and wishing to travel for short periods in a neighbour country).

Romania is recognised as both origin and transit country for trafficking in human beings. That is why important efforts were made by the authorities to discover and prosecute persons involved, but also to increase inter-state cooperation, to target categories at risk, to protect victims of traffic. Few progresses have been made as compared to the previous years regarding the border control initiatives. Harsh police measures and more intensive border controls have been carried out so that the entrance of traffickers or illegal migrants should be reduced. The entrance and stay of aliens coming from countries with migration potential have been more thoroughly checked after Romania's becoming a part of the Southeast European Cooperative initiative (SECI) in January 2001. The number of exit visas as well as that of the foreigners who have been subject to expulsion or voluntary return procedures have increased. At the beginning of 2002, the authorities in charge with securing the border frontier have taken the initiative of creating a general database including references about the illegal passing of the border. At the same time Department of Aliens and Migration issues has concluded an agreement with The General Inspectorate of Police-The National Institute of Forensic. The later was only dealing with re-entry situation its present co-operation with the Ministry of Interior Department allowing it the access and use of databases regarding returned aliens (PHP Migration Module 2002).

However, international reports were not favourable in the last year assessing Romanian authority efforts. It is the gap between issuing laws or regulations and implementing them in practice. On this aspect, the US Department of State considers Romania lagging behind other countries in the region.

Asylum and other forms of humanitarian protection

National Office for Refugees (Ministry of Interior) responsible with managing asylum application and the situation of refugees in Romania. NOR is working in strong cooperation with the UNHCR and NGOs active in refugee's sector. It is responsible with collecting relevant statistics on refugees and asylum seekers and managing special centres for refugees in collaboration with local authorities.

Refugees

The most important law provisions refer to integration of refugees, although the integration is not only a matter of law. According to the law, persons with refugee status are entitled to social benefits, shelter and could be part of dedicated cultural and educational programmes. In addition, refugees have free access to labour market and the law guarantees equal treatment. Access to training programmes to improve skills and adapt to local market is specified in the law as well.

Regarding these issues there is a huge gap between the attitude of the Romanian state authorities and the refugees' and NGOs' opinion. The latter consider that in spite of all the legal provisions, the Romanian state pays too little attention to the problems of the refugee population and offers them unsatisfying conditions, assistance or rights.

Even after searching the dates of issuing laws and other normative acts related to migration one can see that it was only in the last 4-5 years that most of these official regulations were approved or modified. It is also worth noting that most of these normative acts are emergency ordinances issued by the Romanian government, which is a pure symptom of making efforts to comply in a very short period of time of international laws and requirements.

Social rights and health issues

Although officials consider that aids granted to refugees are at an acceptable level, the financial aid that refugees are legally entitled to receive is insufficient. A re-evaluation of the necessary amount of money for a decent living of those having obtained the refugee status is necessary.

The Aliens Act specifies the necessity of co-operation between NGOs public authorities and international organisations for creating the appropriate environment for the immigrants' integration. The foreigners legally staying in Romania have the same rights as the native citizens. At present, the most significant category needing the state's support for enjoying these rights is represented by the refugees.

We try to achieve equality of rights for the refugees. A refugee should learn Romanian and should look for a job. Financial help from the Government for the refugees is not the answer to their problems. They should start learning, living on their own; otherwise, they could get used to somebody else solving their problems. Refugees should have the same rights as we do. They should be helped to find their place in our society, without being addicted to the governmental financial help. Refugees can become members of our society only if they have jobs, if they know their rights and obligations. The Romanian budget is limited and the only way to help them is to give them the same chances (official Ministry of Foreign Affairs).

Unemployment is another problem. Hundred and fifty dollars are not enough for a five-member family, and UNHCR cannot support all these expenses forever. The Government should do something about this situation. The lack of money is not the problem; the real problem is the fact that refugees do not have the means to earn their money. They are not well informed; there has not been a successful refugee yet (representative NGO for refugees).

Box no. 2

However, it seems that representatives of refugees are aware of the fact that immigrants cannot rely on the host state budget, as Romania is on its way to development. They focus more on the rights and obligations as well as equal opportunities to apply for a job or start a business. Of course, they should be entitled to social and medical benefits as long as they become part of the host society.

5. Available reception assistance programmes for migrants

UNHCR (United Nations High Commissioner for Refugees), IOM (International Organization for Migration), L'OMI (L'Organisation pour les Migrations Internationales) , ILO (International Labour Organization).

UNHCR and IOM have permanent missions on the Romanian territory. ILO does not have a permanent mission in Romania, but only a corresponding office with two employees. The regional ILO mission is based in Budapest. L'OMI is not quite an international organisation, but rather a branch of the French Ministry of Interior and Ministry of Foreign Affairs aiming at managing integration or re-integration programmes for migrants returned from France in Romania.

CNRR - The Romanian National Council for Refugees

Non-governmental organisation assisting asylum seekers basically in legal procedures concerning getting refugee status or temporary protection from the Romanian state. It is mostly funded by UNHCR.

ARCA - Romanian Forum for Refugees and Migrants

This NGO is managing programmes for refugees and migrants in Romania. The main programmes focus on cultural and educational integration of immigrants and refugees with the Romanian communities. It is mostly funded by UNHCR

NGOs listed above, are the most relevant actors for the migrants and refugees integration. The state authorities involved in dealing with these categories seem to resort to solutions that are rather unsatisfying for the refugee population. NGO provide a large variety of services and programmes ranging from psychological and medical assistance to trips and meetings initiated with the participation of both the refugees and the Romanian citizens, which could raise the awareness of the later and generate a more positive attitude at the country level. There are programmes initiated by the state authorities for counselling the migrants regarding their job opportunities, and for providing them the proper training courses. It might be difficult however for the refugee population to integrate in the Romanian economic sector as the differences between the conditions in the receiving and the sending country are quite stringent.

L'OMI (France organisation managing migration) mission in Romania have started programmes dedicated to re-integration of migrants in their origin societies. Most of these programmes are trying to assist migrants in finding a job or starting a new business. However, there is a general tendency of EU countries to focus more on sustainable re-

integration of the migrants instead of offering small money aids (which could actually create discrimination in some origin communities or even can perpetuate migration as incentives). Programmes to improve skills and education might pay off better for the long-term integration of the returned migrants.

IOM Bucharest has been involved in programmes for assisting voluntary returnees (from Ireland) to travel back home. They procured the tickets for migrants who wanted to get back in Romania and also assistance for those who lost travel documents.

A study conducted in 2002 in Romania on a small panel of returnees (both voluntary and forced) revealed that short after their arrival returnees experience severe problems of social and psychological re-integration in their origin communities depending on various factors: skills, education, family status, duration of staying abroad, etc. That is why most of them do not have other choice except for re-migration. (Lăzăroiu 2002b)

Specific (re)integration programmes (cultural, on the labour markets, etc.)

The integration initiatives are mainly addressed to the refugee population. However, one should note, that in spite of the low number of refugees, about 200 a year (in Romania there are about 1000 refugees in 2004), there is still an obvious lack of funds, most activities being financed by UNHCR. State funds are poor and the services and assistance provided by this sector unsatisfying.

More should be done for the integration of immigrants in the labour market. This should start with official recognizing of skills that the migrant worker has acquired in the origin country (formal education, diplomas and certificates). It is hard to expect in the next years that highly-skilled migrants will be able to occupy positions in accordance with their skills, since the society cannot take advantage of the native high-skilled people and foreign workers entering the labour market will remain a political sensitive issue. Moreover, as the general trend is low-skilled jobs for migrant workers, it is unlikely that the Romanian economy will oppose the general tendency.

UNHCR and two other NGOs (ARCA, CNRR) have been actively involved in the last 2-3 years in changing legislation and more than that in the implementing phase of actual laws. NGO representatives noticed that people in Romania have to learn about refugees that they are not rich foreigners who came to spend money here, but rather they are people in difficulties that need assistance and protection as well as equal access to public services.

Asylum seekers are now accommodated in two special centres in Bucharest, but soon other two shelters will be open in Timișoara and Galați. The shelters are managed by **National Office for Refugees** and the two NGOs mentioned above.

The most significant hardship for refugees is to integrate in the labour market. It is usually difficult for them to meet the skills and demands of the host country. and usually

they need training and advice that the state is supposed to provide. NGOs financed by UNHCR are the main provider of this kind of services: juridical advice, integration, and education programmes, training, and learning programmes, etc. The case of the refugee category involves an imperfect transfer of human capital between the sending and receiving country. This might stand as a sufficient reason for initiating affirmative action programmes. They have the same economic and social rights but they do not have the same opportunities of benefiting from them.

There are reported problems of adaptation and integration of **Romanian graduates at foreign universities** starting from recognising certificates and school grades to difficulties related to access to academic circles. The salaries and working conditions are not so attractive in Romania except for some multi-national private companies. Programmes of re-integration and incentives to return have been initiated in Romania by the U.S. embassy and Soros Foundation.

Education and other cultural programmes

There seems to be a significant gap between the NGOs and the governmental authorities regarding the access of refugees to education. Although the Ministry of Interior representatives stated that services are satisfying, the non-governmental actors indicated that the Ministry of Education has not acted yet in conformity with its promises. Refugees cannot enjoy the right to education due to the language particularities, which requires a preliminary Romanian language course before entering the education system. At present refugees are mostly assisted by NGOs during this process.

The Chinese community was quite dynamic after 1991. They established schools and services for their own nationals, newspapers in Chinese and initiated other cultural activities to strengthen the sense of identity. Initiatives originating in the migrants' associations or communities' seem to facilitate their integration in the society as it raises both their visibility and the public's and the authorities' awareness regarding these groups. Another example of active involvement of the immigrants' or of the refugees' in the integration procedures is the Organisation for Refugee. Women It organises meetings and seminars for finding the best solutions for the refugees daily problems where key persons or authorities participate among the refugees.

Social rights and health issues

Inflow

The refugee community has the same rights as the Romanians. The only difference at the legislation level, lays in the political rights that are only granted to the Romanian citizens. There are huge gaps however, regarding these issues and NGOs consider that affirmative action is needed so as to help to the integration of the refugee population. Although money is an issue due to the scarcity of the funds that are to be used in migration

management, a more stringent aspect is the balancing of the practice with the legislation provisions.

An example of the miss-practice in this area is the access of the refugee population to the social benefit; although they are entitled to it, in certain cases they cannot enjoy this right due to the lack of identification documents.

CNRR has a primary care assistance programme financed by UNHCR. The main goal is providing refugees/ asylum applicants with primary care medical assistance (especially for the cases that cannot be solved by ONR's medical assistance). The main activities follow: 1. Primary care medical assistance; 2. Health education (AIDS, reproductive health, hygiene, etc) – three sessions per month, plus individual discussions when the respective person visits the doctor; 3. First aid medicines.

Participation of migrants in civic and political life

Romania has not yet reached the turning point of migration, the immigration flows being much lower than the outflows. However, future trends related to the EU accession might generate significant changes in the migration patterns. Up to this moment, the political participation of the immigrants has not been paid much attention. Their status is clearly assessed in the Governmental Ordinance 194/2002, which specifies their being prohibited to be a part of any political organisation or association or to financially support such a group. They are also exempted from the electoral process. Only Romanian citizens can enjoy this right. Civic participation forms might be more appropriate than political participation for the finding of solutions to their problems and for supporting their rights. Chinese immigrants already have two business associations: The Federation of Business Men founded in 1994 and the Association of Businesswomen founded in 1996. An association created in 1993 represents the Turkish business immigrants' minority. In spite of the low number of refugees on the Romanian territory the organisation of the Refugee Women has an important role in enhancing the awareness of both the Romanian citizens and the governmental authorities regarding the refugees' situation and the efficiency of the policies and practices in solving their problems.

Integration initiatives / best practice

It is difficult to summarise which are the best practices for the (re) integration of migrants. Such programmes have either been recently initiated and have therefore not been properly evaluated (with the exception of several OIM programmes for trafficked women or returned migrants), or they have failed. Nevertheless, we could enumerate some of the assistance programmes, which have been deemed to be efficient by the NGOs and the state authorities.

In-migrants

In the refugee case, assistance programmes should firstly concentrate on affirmative action procedures. This shall not however be resorted to for a long time period as it might reduce the incentives to finally integrate and to act in conformity with the rights and

obligations similar to those of the majority population. A solution for integrating the refugee on the labour market could be (apart from their enlisting in the Ministry of Labour statistics as available labour force, which would practically offer them some close to zero chances of getting hired) the offering of some conveniences to the possible employers. Raising the awareness of the Romanian population concerning the reasons of the presence of the refugee group on the territory should also be taken into account. This could be realised through various means such as the publishing of more objective data related to refugees or the organisation of public meetings or debates with the participation of a diverse public.

Implemented project: Psycho-social support, Subsistence Assistance and Educational Support

- Organization that carried out the program: JRS Romania*
- Main founding sources: JRS International, A Catholic Organization from Germany, An Educational Foundation from Japan and private donors from Belgium and Romania.
- Main goals: Facilitate the integration into the Romanian society. Generally, JRS's policy is to provide assistance especially to those persons that do not benefit from other assistance programs (such as asylum seekers that have not received the status of refugee; asylum applicants who claimed to be UAM, but the assessed age was over 18 years old; or former UAMs who reached adulthood, etc.)
- Main activities:

Psycho-social support - communicating with the assisted persons, providing them with moral/emotional support; cultural guidance;

Material assistance - social shelter and social apartments, food, clothing, etc. for those who are not entitled to live in the two accommodation centres of ONR.

Educational – Basic Romanian and English languages courses, computer skills, non-formal education (basic knowledge / skills such as how to use a fork).

These activities are conducted primarily in JRS's Pedro Arrupe Center in Bucharest; some of them are also conducted in the Stolnicu and Gociu accommodations.

* *Jesuit Refugees Services, Romanian branch (NGO which promotes and sustain the fundamental rights of refugees' and uprooted people)*

Out-migrants

Reintegrating the students who returned after studying abroad might be a difficult task. They will firstly have to be offered a satisfying job and a remuneration meeting their demands. This might however not be sufficient as the other push factor for such migrants lays in the different cultural patterns in Romania and their study country. Should efficient solutions be found for these migrants they might offer the key alternatives for balancing the two environments from both the financial and the cultural point of view. If their case shall not be treated appropriately, the brain drain phenomenon will become a serious pull factor for the highly skilled migrant.

The Roma returned migrants might be the most difficult reintegration case. The overlapping of two different negative factors generates serious impediments regarding the trials of implementing effective assistance programmes. First is their situation in Romania; they are considered to be an underclass. It is neither assimilated by the society nor can it act as a single cohesive actor. They are prone to exclusion. Second, the Roma migrants are usually engaged in illegal activities, which created reasons of embarrassment for the Romanian population willing to support their being banned from leaving abroad. Due to their life strategies abroad that are either illegal or at the limit of legality (begging) most of them are repatriated. However, the origin country does not have the adequate structure or procedures for integrating these returned migrants. The usual training activities or financial incentives for opening a business are likely to be in vain due to an already reticent environment towards this category or to their preference to use the money for more immediate goals.

7. Case studies

Old Single Woman

Location : Barlad, Vaslui, poor area **Date:** March 2005

Age: 44 **Marital Status:** Divorced **Ethnicity:** Romanian **Education:** Complete secondary school

Prior to migration worked in: Construction

Working status: employee

Wage prior to migration: USD 110

Number of children: 1

Economic situation of the household prior to migration: Difficult to provide basic food, education and health

How long was back since the last worked abroad: 15 months

Migration project prior to migration: To leave temporary and to return later

How many times worked abroad since 1990: 1

Country: Italy (Milan)

Time worked abroad: 3 months

Legal status abroad: Tourist visa

Cost of the trip: USD 350

How many members along with: Travelled alone

Main reason left the country: To find a better paid job, To make more money, To pay off my debts

Sector in which one worked abroad: Health and social work

Occupation: Domestic self-employed

Monthly income: USD 600

Learned new skills when abroad: Yes

Help to settle down: Friends from Romania already knew

Sent money back home: No

Money saved: USD 1000

Impact on the household: Made more money, Paid off my debts

Household economic situation now: Manage to provide basic but difficult to pay bills, clothing

Who took care of children when abroad: Grandparents

Why return: I was not earning enough money to make it worthwhile, Could not find pleasing job abroad

Employment status now: Operator, Construction sector, Employee

Quality of life post-migration: Not much has changed, The opportunities remained the same

How did one find the job: Friends, relatives

Monthly income: USD 120

Contact with other returnees: No, I do not need to maintain such contacts

Roma migrant Male

Location : Gogosu, Mehedinti, poor area Date: March 2005

Age: 45 Marital Status: Married Ethnicity: Roma Education: Specialized secondary school completed

Prior to migration worked in: Unemployed

Working status: -

Wage prior to migration: No

Number of children: 1

Economic situation of the household prior to migration: Difficult to provide basic food, education and health

How long was back since the last worked abroad: 12 months

Migration project prior to migration: To leave temporary and to return later

How many times worked abroad since 1990: 4

Country (first and last): Croatia, Italy

Time worked abroad: 35 months

How many times back home: Several times a year

Legal status abroad: Tourist visa

Cost of the trip: USD 125

How many members along with: Two members

Main reason left the country: To buy a house upon return back home, To buy land upon return back home, To pay off my debts

Sector in which one worked abroad: Agriculture, hunting and forestry, Construction

Occupation: Unskilled worker, Unskilled agriculture worker, Employed without contract

Monthly income: USD 1000 (Total: USD 14000)

Learned new skills when abroad: Yes, I learned a new language

Help to settle down: Relatives

Sent money back home: Yes, once a month, USD 600, bank transfer

Money saved: USD 0

Impact on the household: Found a better paid job and helped my households needs, Succeeded in learning new language and skills, Improved household standards with new appliances

Household economic situation now: Affordable buying TV, refrigerator but not car, new house etc

Who took care of children when abroad: Other family members

Why return: To take care of my family

Employment status now: Unemployed

Quality of life post-migration: My hh lives much more comfortably now

How did one find the job: -

Monthly income: -

Contact with other returnees: Yes, because I am planning to leave again

Young single woman

Location : Ciolpani, Ilfov, rich area **Date:** March 2005

Age: 21 **Marital Status:** Single and never married **Ethnicity:** Romanian **Education:** Incomplete secondary school

Prior to migration worked in: Unemployed

Working status: -

Wage prior to migration: No

Number of children: 1

Economic situation of the household prior to migration: Manage to provide basic but difficult to pay bills, clothing

How long was back since the last worked abroad: 9 months

Migration project prior to migration: To leave temporary and to return later

How many times worked abroad since 1990: 3

Country (first and last): Switzerland

Time worked abroad: 9 months

How many times back home: Several times a year

Legal status abroad: Tourist visa

Cost of the trip: USD 50

How many members along with: Alone

Main reason left the country: To find a better paid job, To study and learn new languages and skills, To make more money

Sector in which one worked abroad: Private households with employed persons

Occupation: Domestic, Employed without contract

Monthly income: USD 500

Learned new skills when abroad: Yes, I learned a new language, Yes, I learned new skills at my job

Help to settle down: Friends from my country whom I already knew

Sent money back home: No

Money saved: USD 500

Impact on the household: Found a better paid job and helped my households needs, Succeeded in learning new language and skills, Improved household standards with new appliances

Household economic situation now: Affordable buying TV, refrigerator but not car, new house etc

Who took care of children when abroad: -

Why return: I was lonely and homesick

Employment status now: Service worker or shop and market sales worker - Wholesale and retail trade, repair of moto..., employee

Quality of life post-migration: Not much has changed

How did one find the job: -Friends, relatives

Monthly income: USD 110

Contact with other returnees: Yes, but these contacts are not so important

Male Assisted Voluntary Return (May 2002)

Sex of respondent	male
Type of return	AVR
Place of Birth	Cracaoani village (Neamt district)
Ethnicity	Romanian
Native Language	Romanian
Other Languages	English
Company: specify	I left with my son as I thought it would be easier for us because we would help each other.
Education:	college
Main occupation	police officer
Soc.-ec. pos.:	We had only one wage and it wasn't enough but that was the same for most people; I had a child to keep in school and I was in debts as I had tried to start up my own business and failed.
Housing	We could barely live in there as it wasn't decorated. It looked like the day I had bought it and it was poorly.
Employment: specify	I was satisfied because I was doing what I had been prepared for and what I had always liked. I was dissatisfied because the wage was low and I was threatened by some culprits I had caught.
Household: specify	I was living with my wife and 2 children in 3 rooms.
Situation of family before leaving	My daughter was a student at Bucharest University and I had no money to keep her there; my boy wasn't working and my wife had her own firm that went bankrupt and that was why we had many debts to pay. We were in debt with the bank and my wage was not enough to support 4 people.
Reason for decision	threats from the burglars I had arrested in time.
Reason for decision: specify	I had to pay many debt and I couldn't have done it with the money I was earning in the country. I knew many people that had left abroad and they told that it was better elsewhere. Besides, I received phone threats and my car was robbed by culprits.
Country of destination	Ireland
Reasons for choice	I knew people there and I made contact with them; so, I knew they would help me.
Intended duration of stay	As long as I could make it there. I didn't think about it in the beginning; probably 2 years, enough for things to get better in the country (the thieves would disappear) and for me to save some money for a better living at home.
Status abroad: specify	I asked for political asylum because my life, as well as my son's, were in danger. First, I got a visa from the Embassy of Germany and I went to France. Then, we bought tickets for Ireland where we turned ourselves over to the authorities and asked for political asylum.
Work: how often	2 weeks a month
Specify	I received welfare but I would work under the table and I was also helped by an acquaintance as you could find Romanians there. Now, there more Africans or other Europeans. I used to work especially in constructions, but I also washed dishes in restaurants.
Kind of job	I took every job I found but I used to work especially in constructions.

Adapting: employment	I needed money and I had to work. I had no problems adjusting there. In Romania, I was respected but I had no money. There I could win up to 100 \$ a day and that's why I was not ashamed to do a job I was overqualified for.
Adapting: culturally	In some ways, it was almost like in Romania - they have their share of drunk people. Otherwise, people are nice, more civilized, although a little bit racist (they have many violent demonstrations) and that's why they want to reduce the number of immigrants.
Adapting: socially	I got along very well with the people there. I knew people that helped me. In my turn, I tried to help others. I got along best with Irish people (the other immigrants were lazy). Now, I have friends there so I could leave for Ireland and stay there without being forced to turn himself over to the authorities; I would even have a job there.
Missing family: specify	I would talk with them on the phone every week and we sent messages every day. Missing my family was one of the reasons I came back. Besides, my daughter had left for Italy and my wife was alone. I missed home although when I left I hadn't wanted to hear anything about Romania at least for five years. Still, there I used to go every Sunday to the Orthodox Church in Dublin.
Imagined future	I hoped things would be better in my country and for my family as well. I couldn't imagine my future in Ireland. Had I been younger, things would have been different as I would have brought my family there. I would like for my boy to stay there and become a resident.
Family income: specify	They had to live on the money I sent them because no one was working here.
Breadwinner	I earned money for my family and I even managed to save some even after having paid my debts.
Family extension	There is no question about that at my age.
Care for children/elderly	I had to keep my daughter in college.
Why returned?	They didn't grant me asylum right and I appealed; I was told I had chances to win but I gave up because my wife was left alone as my daughter had left for Italy with her new husband. I thought about opening my own firm so that I could make a living.
Success or failure: spec.	I managed to provide the necessary things for my family, I paid my debts, I had my house decorated and I saved some money. It would have been a big success if I had received a work permit.
Done differently	Then, I wouldn't have done anything differently. Were I to leave now, I would have something sure there. I would take my family and I would leave with papers.
Adapt: employment	I had retired before I left. I hoped I could find some financial assistance to start my own business but they asked huge securities.
Adapt: psychological	I get irritated when I see what happens here- only theft and corruption everywhere.
Adapt: cultural	They don't work hard here. There people were more relaxed and smiling not so worried as here.
Adapt: social	I have no real friends here. Every one minds his own business and I have no business with anyone anymore. I miss my son, though.
Adapt: other	Prices are high here and there is inflation. I see no chance for the children's future. I would like to start my own business so that I kept my children home with me.
Soc.-ec. pos.: other	It is obvious I earned more abroad than the people here. I saved some money, but what I make now is not enough to live as life is very expensive. I have to provide for my family and I have to think at my children, to make something for them.
Improved pos: specify	I paid my debts (the richest man is the one that has no debts) and I had my house arranged.

Housing: specify	I had it arranged. My wife repaired things and made some changes; you can live in here now.
Employment: specify	I have no job as no one wants to hire a 50-year old man. Maybe if I had my own business, things would be different.
Effect on job: specify	I see things differently now and I know that I still have to try something- maybe start a business.
Skills: specify	I learned nothing else at my age. Besides, only those that had a work permit could undertake specialization courses; I only worked as a day worker.
Contacts: specify	In here, no. But if I left for Ireland again, I would find a job at my former employer anytime.
Training: specify	I couldn't do that because I wasn't allowed. It would have been good to get a new specialization in constructions. But I am not sure that it would have been any help for me in order to find a job in Romania because I am old.
Health: specify	It is the same. I didn't get sick.
Relationship fam.: spec.	I am closer now to my son; my wife waited for me to come back. I haven't seen my daughter in a long time though.
Household sit.: specify	I live with my wife in 3 rooms. My son is in Ireland and my daughter in Italy.
Psychological assist.	My wife did help me psychologically.
Financial	They couldn't do it because they were poorer than me.
Social	I and my neighbours and friends were only saying hi to each other and that is all.
In one year	If I get some financial assistance, I will open my own firm to bring my children home, to work and live in Romania. If not, I will leave abroad. I will take my family abroad, no matter the chances I will have to take, because there is no other way to live here.
Period abroad: specify	You can not live like that in Romania. Now, the children have no one to help them.
Reasons	The financial situation - you can not live from a pension.
Favourite destination 1	Ireland
Favourite destination 2	Canada
Favourite destination 3	England
Favourite destin.: specif.	I know people in Ireland and Canada. In Ireland, I have a job and a place to live and it is closer. In England, it pays well. Elsewhere, it is hard to find a job and they want to get rid of immigrants.
Steps: specify	Not yet. I still wait to see if I will get any help from IOM. Maybe I will succeed in doing something.

8. Conclusions

Over the last years out-migration and in-migration seemed to be rather two independent phenomena. As Romania consolidated a large flow of circulatory labour migration in the past decade (around 1-1.15 million people working abroad and circulating back and forth), against a background of constant economic growth and profound reforms of agriculture to come, there have been created important shortage of workers in some sectors like constructions and agriculture.

Until 2007, the number of immigrants was low compared with other countries in the region and the Western European country. Also, the immigration confined to business and self-employment sector. As Romania became a full member of the EU, it is expected that the country will be more than a transit territory to most affluent Western countries and its labour market is going to be more attractive for non-EU nationals. Therefore, given the deficits of labour in some sectors as product of circulatory migration of Romanians, it is likely that Romanian employers will press for importing workforce.

It is already a fact that seasonal workers in agriculture are coming from the Republic of Moldova and construction workers are imported from Ukraine. Chinese workers are now imported to cover the shortage in the textile industry. More and more immigrant employees will be brought into Romania or will seek work in the labour market. It is now a matter of concern how the government will deal with the internal market demand for foreign labour and the restrictions that Romania should maintain in order to secure the new eastern border of the EU.

Special attention was given to the Republic of Moldova. Most of the Moldavians citizens are Romanian language speakers and there are historical and cultural bonds between the two countries. After Romania accession to the EU, a large number of Moldavians citizenas applied for Romanian citizenship. Although, it is expected to have more Moldavians replacing the shortage of labour, due to language similarities and smooth cultural integration, it is unlikely that those who apply for citizenship are seeking work in Romania. It is more realistic to believe that Moldavian citizens are looking for free circulation around EU countries in the position of Romanian citizens. This is more likely to happen as Moldova has already a large flow of migrants in several Western European countries and migration networks have already developed.

Dealing with refugee cases and illegal migration will also be a challenge for the Romanian authorities. It is expected that the number of asylum seekers will increase and the Government has to avoid abuses of procedures but also to abide by the international convention that it is part of. Once protection status is granted the government has to insure decent living conditions for foreign citizens and pay attention to integration practices. Bi-lateral agreements have signed up to know mainly with destination countries. It is more and more important to develop the same kind of agreements with likely sending countries.

Another debate is related to the return of the Romanian migrants. Though it is not expected to have significant return flows in the next five years, politicians already discuss about incentives to return. The National Bank of Romania reported a large proportion of migrants investment in real estate over the 2006 year. It is not clear now whether this investments should be interpreted as real estate speculation or intention to return in 10 or 15 years. Also most of the Romanian migrants have no residence in a destination country and they are mostly engaged in back and forth movements. A massive return of migrants in the short term is neither realistic nor desirable, as they might put pressure of internal labour market. However, if migrants return is accompanied by significant investments in business sector, the savings return is highly desirable.

However it is also unlikely that Romanian returned migrants would accept jobs that are under-paid or that Romanian employers would prefer offering high salaries to returnees over low wages to immigrants. The likely scenario is that some sectors will maintain deficits and immigrants flowing in is unavoidable, to replace vacancies that Romanians are not seeking to fill.

The return issue is still sensitive from the point of view of re-integration. As previous study showed, returnees encountered significant problems in adapting to the social, economic and political environment that they left years ago (and sometimes just few months ago). Although return incentives are thought as a solution, nothing is planned yet regarding re-integration of migrants. Labour markets are closed for those who lost social connections and self-employment is problematic as bureaucracy and administration maintain slow and complicated procedures. There are reported cases of returnees who opened a business and then gave up because of corruption or complicated procedures.

The Romanian government is not yet prepared to design a migration control strategy because it oscillates between populist views of migrant return and pragmatic propensity to keep the internal market free of supplementary pressures. The Romanian government is also entrapped between its major line of foreign policy towards the eastern neighbors (especially the Republic of Moldova) and the need for cheap and skilled labour to cover shortages in some sectors. It is also an extra-pressure to control the borders with non-EU countries as part of the Schengen integration plan. All these obstacles and constrains will give hard times to Romanian authorities to manage migration flows.

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IMMIGRATION IN BULGARIA

Anna Krasteva

First chapter

HISTORY. RESEARCH. INSTITUTIONS

Bulgaria during communism: neither out, nor in

Bulgaria, like several other communist societies, used to be a closed country. The state strictly controlled the movements from and to the country. Preventing emigration was a top priority: there were several willing to emigrate and few inclined to immigrate:

- Students from Third World countries with the specific purpose of providing higher education to left intellectuals as a part of a long-term strategy for the preparation of a world revolution;
- Activists with leftist ideological beliefs from neighboring countries such as Turkey and Greece.

An exception to this dominating political logic was the accepting during the 80s of Vietnamese in response to the demand for labor in certain economic sectors like construction. The Vietnamese was the only figure of “gastarbeiter”. Even in this case the political considerations were crucial – the “international” solidarity with the brotherly country of Vietnam

The main form of migration during this period is the ethnic one - emigration of Bulgarian citizens of Turkish origin to Turkey. In this regard the communist regime is a continuation of a long series of waves of Turkish emigration which did not stop after its end:

- From 1878 to 1912, about 350, 000 Muslims (Turks, Pomaks, Circassians, Tatars)
- From 1934 to 1939, an annual 10,000 emigrated from Bulgaria under international treaties;
- From 1934 to 1939, the number of emigrants varied from 70,000 to 90,000 according to different sources;

- In the war, from 1940 to 1944 approximately 15,000 left the country;
- Forcible land collectivization drove some 155,000 Turks to emigrate to Turkey in 1950 and 1951;
- After signing the Bulgarian-Turkish agreement of the reunion of divided families, more than 130,000 people left for Turkey from 1968 to 1978(Zhelyazkova 1998: 302).

Because banned, the migration of Bulgarian citizens could take only the form of refugees: about 20,000 Bulgarians left the country in the period end 50ies – 1989.

In opposition of other countries in Central and Eastern Europe with dramatic increase of the refugee flows, in Bulgaria the number remains stable – about 370 persons per year: UNHCR lists the following figures of applications for asylum of Bulgarian citizens:

- 1980 – 379;
- 1981 – 401;
- 1982 – 352;
- 1983 – 284;
- 1984 – 331;
- 1985 – 339;
- 1986 –390;
- 1987 – 326;
- 1988 – 562.

The increase of 1988 is 150% in comparison with the beginning of the 80ies while in the other east European countries it is 440%.

The main destinations are the Federal Republic of Germany (44% of applications for asylum¹), Austria (27%), Italy (9%), Sweden (4%) and Switzerland (3%) (Soultanova 2006)

The post-communist society as a migrant society

¹ For the period 1980 - 1989.

After the democratic changes the picture has been modified significantly – the freedom of movement (at the beginning still restricted by visa requirements) was one of the first and eagerly consumed freedoms. The migration develops in three main forms. The first, the most numerous and the most consequential is *emigration*. It features three main varieties:

- Emigration of representatives of the Turkish minority, which was repressed by the communist authorities. 350,000 people left Bulgaria in 1989, the biggest migration wave in Europe after WWII before the wars in former Yugoslavia, which reached new record figures. An estimated 150,000 of them returned later. The emigration of Bulgarian Turks continued in much lower numbers and due to economic rather than to political reasons². If at the threshold of the transition they were expelled by the communist state as part of the violent politics of names change, few years later, the economic crisis, the unemployment, particularly high in areas populated by the Turkish minority, pushed several of its representatives to join their families in Turkey or to try their chances in a more dynamic economic environment.
- Emigration of highly educated and/or young Bulgarians to Western Europe, USA and Canada;
- Seasonable migration of workers, employed in agriculture in Greece, Spain and other mainly southern countries.

The *refugee flows* continue for a while, but with opposite characteristics from the previous period:

- They become more numerous:
 - 1989 – 7,263
 - 1990 – 16,082
 - 1991 – 19,260
 - 1992 – 34,845 (Soulanova 2006)
- If during the communist period an asylum seeker is very likely to acquire a refugee status, it becomes more and more problematic after the

² The Turkish minority is well represented in the Bulgarian political scene. The Movement for rights and freedoms – the Turkish party – is an influential political actor.

democratic change. The ration of satisfied demands decreases more rapidly than the flow. The percentages of refugee or other kind of humanitarian status in comparison to the number of applications dropped from 27% to 0 in few years :

- 1989- 27%
- 1990 – 14%
- 1991 – 4%
- 1992 – 1%
- 1992 – 0 (Soultanova 2006)

With the recognition of democratic stabilization in the country and the non granting of the refugee status, the asylum seekers being considered mostly as the number of applications decreased:

- 1994 – 6 344
- 1995 – 4 123
- 1996 – 4 068
- 1997 – 3 892
- 1998 – 2 057
- 1999 – 2 308
- 2000 – 3 086 (Soultanova 2006)

The second form of migration Bulgaria experienced after the democratic transition is *immigration*:

- New and visible groups, such as the Chinese, settled in Bulgaria for the first time, and their numbers are growing fast (from a practical zero at the beginning of the changes to over 10,000 today);
- Groups like the Vietnamese, drastically diminished, which start growing anew;
- New immigrants started adding to the traditional communities like the Armenians in search of a more stable political and economic situation than their native Armenia and attracted by the modest but very well integrated community of the Armenians in Bulgaria. Similar phenomena could be observed with the Macedonians, the Russians, etc.

The third is the flow of *refugees* whose numbers increased tenfold in ten years, preserving levels that are not high (276 applications for refugee status in 1993, 2,888 in 2002). This relatively small group has a great public visibility – both because of the developed network of governmental and nongovernmental organizations, and due to the media coverage, nourishing the fear of refugee waves with each new crisis – in Afghanistan, in Iraq...

**Migration studies:
unclear genres, insufficient expertise**

To start studying a phenomenon from the real beginning is a rare chance in the professional scientific carrier. While our western colleagues analyze the third and later generations, we have the exceptional opportunity to examine the first one.

This challenging situation can be summarized in two characteristics and two paradoxes.

Migration studies are making their first steps in Bulgaria. This is clearly manifested by the fact that there are only few publications on the subject. The first book *Bulgaria. The social impact of seasonal migration* has been commissioned by the International Organization for Migration (IOM 2003). It focuses primarily on emigration and as regards immigration, the volume is concerned mainly with the institutional and legal provisions in Bulgaria for the integration of migrants and refugees.

Despite the title “Migration and internal security” deals also mainly with emigration of Bulgarian citizens (Simeonova 2004).

The same year the International centre for minority studies and intercultural relations published the book *Living there and dreaming yourself here* (Karamihova 2003) studying the emigration attitudes of the population in the Rhodops mountain. The same author studies also the migration in the country of destination: “American dreams” (Karamihova 2004) deals with Bulgarian settlers in S.

The immigration is even less studied. *Immigration in Bulgaria* (Krasteva 2005) is the first attempt to acquainting the reader with the new groups in Bulgaria – Chinese, Kurds, Vietnamese, Russians, immigrants from Middle East. The book asks the important

question of whether the newly-developed democratic culture of Bulgaria would be able to face the challenge of immigration. So far, immigration in Bulgaria has not been politicized. However, the contributors to the book underline that it is necessary to develop responsible policies on the integration of refugees and migrants. Bulgaria could avoid many of the failures of the West European countries which have tried to integrate foreigners from different races and religions in the last fifty years.

The bright new migration studies do not emerge from a vacuum, they stem from ethnic research. This theoretical heritage is explicitly stressed in the title “From ethnicity to migration” (Krasteva 2004).

These examples express the two peculiarities of the scientific field:

- the relatively small number of publications;
- the unbalance between the interest on emigration and immigration.

Within the immigration field one sees unevenness: small number of refugees and relatively high number of publications, much higher number of immigrants and small number of publications³:

The UNHCR Branch Office in Bulgaria in conjunction with the State Agency for Refugees has published several volumes on refugees in Bulgaria. They represent collections of reports, data and comments and have an unclear “genre”, being much more institutional reports than scientific studies.

This undefined genre – project report but published as book – is the favorite one⁴ illustrating the initial sage of migration studies.

The discrepancies have theoretical parallels, at three levels –data, interpretations, and methodology.

I'll illustrate the first by the new and ambitious book on *Demographic development of Bulgaria* (2005). It includes the first study on immigration which claims to be representative. The study estimates the African and the Chinese community as almost similar in size – 3% and 4% respectively, while the differences between the two groups are considerable - African immigrants do not exceed few hundreds, and Chinese are thousands, 10,000, according to some estimates.

³ The same imbalance is even more expressed in the institutional field.

⁴ Manfred Woner Foundation (2003, 2006)

Such paradoxes are not only at the level of empirical data but at the level of interpretations as well. “The number of individuals who have xenophobic views and racist attitude to foreigners does not exceed 7-8%” (Immigrants... 2005). Another study claims: “Unlike the common perception, there is racism, anti-semitism and xenophobia in Bulgaria. They are widespread. Between 1/3 and 1/6 of the majority ethnic group support some form of “ethnic cleansing” (Coen 2005: 21). We remain perplexed whether Bulgarians are deeply tolerant, as it is explained by the academic team of authors, or fundamentally xenophobic, as it is stressed by the Helsinki Committee for human rights activists. We are also puzzled with the nature of the conclusions – a result of a scientific inquiry or preconceived ideas.

The methodological challenge is how to study migration in a country without history of migration⁵ and without history of migration studies.

Immigration in Bulgaria⁶ is significantly different from the West European countries and even more so from Northern America. At the same time, the only theoretical sources that can provide analytical instruments for explaining the phenomenon are Western concepts. Bulgarian researchers respond to this challenge in two ways: one of the approaches is declared as empirical, and the other as self-reflexive. The first is a “pristine” entry into the field with a research view not burdened by an *a priori* theoretical choice. The second draws on two assumptions: there is no “tabula rasa” view; theory does not restrict but stimulates discovery and empirical sensitivity. This second approach is focused on the sphere of validity of the existing concepts and their applicability to the Bulgarian case.

Lacks and inconsistencies are inevitable attributes of a new theoretical field. There are more and more positive signs of maturing of the theoretical field.

The institutionalization of any new field is measured by several indicators – specialized courses, academic institutes, journals. Elements of those indicators are already present in the Bulgarian migration research:

⁵ Without recent history of migration due to the closeness of the communist society.

⁶ In its history, scope and relation to emigration.

- Few years ago an academic centre has been set up – CERMES (Centre for European Refugees Migration and Ethnic Studies)⁷
- There is no specialized academic journal⁸ but a new series is launched⁹ “Migration and ethnic studies” which has already published two volumes: “From ethnicity to migration” (Krasteva 2004) and “Figures of refugees” (Krasteva 2006);
- An academic seminar “Migration policy” is held regularly¹⁰. It invites foreign professors, bulgarian scholars, representatives of national¹¹ and international¹² institutions.

Institutionalization of migration policy:

mission (im)possible

Bulgaria, as the whole Central and Eastern Europe, has experienced a rapid transition from a refugee-producing toward a refugee-hosting region. For several asylum seekers, Bulgaria is still a transit point on their way to western European countries.

The refugees are the best institutionalized field with a dense set of governmental, humanitarian and international organizations.

With Bulgaria’ accession to the 1951 Geneva Convention and the 1967 New York Protocol¹³, the country assumed the obligation to provide a fair procedure for dealing with asylum demands. In order to implement these responsibilities a *National Bureau for Territorial Asylum and Refugees* was established in 1992.¹⁴ Later it was renamed in *State*

⁷ At the New Bulgarian University, directed by Anna Krasteva (www.cermes.info)

⁸ But the situation is similar to much more established and better subsidized fields like the one of political sciences.

⁹ by CERMES

¹⁰ At the New Bulgarian University

¹¹ Director and experts from the State Agency for Refugees, the Minister responsible of refugees, etc.

¹²

¹³ Ratified with a law passed by the National Assembly on April 22, 1992 and promulgated in the State Gazette, issue 36/1992, later supplemented with a law passed by the National Assembly on April 1, 1993, published in the State Gazette, issue 30/1993; effective in Bulgaria from August 10, 1993 (Refugees... 2004).

¹⁴ Decree 207 of 23 October 1992.

Agency for Refugees. It is accountable to the Council of ministers and is responsible for the refugee policy. Its priority areas are:

- Application of the European standards with respect to the reception of asylum seekers;
- Institutional building and enhancing the administrative capacity;
- Strengthening the capacity of reception centers for refugees and asylum seekers¹⁵;
- Improving the conditions for refugees' integration by focusing on the social protection of the most vulnerable groups (Refugee protection 2005).

Today, in 2006, there is a relatively high¹⁶ number of NGOs operating in the refugee field. The first UNHCR non-governmental partner in the country in 1992 was the Bulgarian Red Cross. Its Refugee-Migrant Service (RMS) aims to facilitate the integration of refugees in Bulgaria, prevent the isolation of migrants and promote tolerance towards both groups in the Bulgarian society. RMS assists refugees with physical and mental health services, in-kind (food, cloths), Bulgarian language courses, professional and vocational training, etc. Almost half of the assistance is in the form of social counseling (Refugees in Bulgaria 2004, p. 77).

The second active and visible NGO is Bulgarian Helsinki Committee for Human Rights which established a Refugee Migrant Service. It was initiated to fill up the gap of a legal aid system for asylum seekers and refugees. Legal aid is rendered by means of consultations and legal representation of rejected refugees before the Supreme Administrative Court and the competent district courts, especially the Sofia city court. BHC succeeded in guaranteeing access to legal defense at each stage of the procedure. Court appeal against rejections in the accelerated procedure was introduced. In addition to court representation, BHC developed the practice of representation during the administrative procedure.¹⁷

¹⁵ Three centers are functioning: Registration-and-Reception Centre for Refugees in the village of Banya, Nova Zagora municipality with a capacity of up to 70 people; Registration-and-Reception Centre for Refugees in Sofia, with a capacity of up to 450 people; Integration Centre for Refugees in Sofia. Another Transit Centre is planned; several problems slow down its construction.

¹⁶ In comparison with the number of the refugees in the country.

¹⁷ The scope of this representation covers, among others, the lawyer's right to defend asylum seekers during the interviews, namely the right to make remarks, raise questions and objections

The UNHCR Office in Sofia organizes a variety of activities. It takes part in the elaboration of the policy for combating human smuggling and trafficking of persons, organizes training of the border police officials on refugee protection and human right. Its ambition is to launch and nourish a public debate. Round tables are held on a regular annual base with representatives of different ministries, NGOs, medias, etc. It initiated also an academic program for introducing refugees' issues in university curricula. UNHCR is the main sponsor of the NGOs functioning in the field.

Summarizing the institutionalization of migration, I'd like to emphasize on four deficits or paradoxes.

The most glaring one is the inverse proportion between the size of the group and its institutionalization. Refugees are about one thousand¹⁸ and there is a dense network of governmental, non-governmental and international organizations. By contrast, immigrants are hundred of thousands, but Directorate on migration at the Ministry of the Interior was established only in 2004 and it is the only governmental body dealing with the issue. The National Council on Demographic and Ethnic problems explicitly excludes migration from its prerogatives.

The second paradox is the lack of focus in the respective activities. Bulgaria is still a transit country. The main direction of the activity of the numerous organizations is integration – the Integration Centre of State Agency for Refugees, the Bulgarian Red Cross. Minister Feliz Husmenova¹⁹ appointed in 2005 a big interministerial commission who worked months for elaborating a national program for the integration of refugees. University programs on social work with refugees were introduced in the curricula in several universities.²⁰ The target group for all these activities are few hundred²¹ refugees.

regarding the record of proceedings, as well as the access to personal files and the relevant information from the administration as soon as the case has reached the judicial review stage (Refugees in Bulgaria 2004, p. 82).

¹⁸ Not asylum seekers but those who have been granted refugee status and who didn't leave the country.

¹⁹ from the previous government of the National Movement Simeon the Second (2001-2005).

²⁰ New Bulgarian University, Shoumen University, Sofia University, etc.

²¹ Some refugees are relatively well off, they do not ask special support.

The refugees joke, there are more experts acting for the integration than refugees for being integrated.

At the same time, the integration of tens of thousands of immigrants is left to the immigrants themselves.

The third deficit is the lack of specialization, euphemism for the amateurism. From NGOs like Caritas and Red Cross one would expect humanitarian action. The first surprise is to discover that they offer more²² counseling than food, cloths, language training, health care, etc. The second is that part of the funding is used for research projects. Some data could be collected this way, but two negative implications are unavoidable: the quality of the research is not guaranteed if not conducted by academics and under scientific control; the funding aimed at refugees is spent for other purposes.

The fourth paradox is that international organizations are more active and visible than the national ones. The most comprehensive activity is deployed by the International Organization for Migration office in Sofia covering a large range of initiatives from prevention of trafficking to shelters for victims, from research to consultancy.

²² Or, at least, as much as.

Second chapter

IMMIGRATION: PANORAMA AND CASE STUDIES

Panoramic picture

A sociological survey conducted last year²³ (Georgiev 2006) draws the panorama of immigration in Bulgaria. The sample includes 403 immigrants living in Bulgaria for a period between 1 and 10 years, 59% of which men, 41% - women.

Duration of sojourn

Almost half of them (47%) have a permanent permit, one third (29%) – long term permit, and 6% are refugees. Less than one tenth (7%) have acquired Bulgarian citizenship. 1% are illegal²⁴. 2% have short term permit, but constantly renewed.

Origin

The most important group comes from the post-soviet countries (43%), and 2/3 of them come from Russia. This group is the most numerous and tends to increase.

The second group (17%) – both in terms of figures and in growth – are foreigners from UE and US.

Similar in numbers (16%), but with a longer history of presence and projects to establish here – are the immigrants from Middle East (Syria, Palestine, Irak, Lebanon, Iran, Afganistan, Turkey,).

The survey creates another category – immigrants from Southeastern Europe (including Greece and Cyprus) – 13%.

²³ 2006

²⁴ This percentage is probably higher – 15% did not answer the question.

According to those data the immigrants from China (2%) and Africa (2%)²⁵ are equivalent

Religion

One could expect greater religious diversity among the immigrants. In fact, the majority (57%) is Christian. All denominations are present: orthodox – 41%, catholics – 7%, protestants – 9%.

One fifth (21%) is Muslim. Almost the same number (18%) did not answer the question and only 4% have other religious beliefs.

One quarter (26%) identify themselves as deeply religious, this percentage is the highest among Muslims (67%), the lowest – among orthodox (14%), protestants (30%) and catholics (26%) being between.

Age

Immigrants in Bulgaria are quite young – 3/4 are under 50, only 13% - over 50²⁶. The demographic structure of the immigrant community is very different from the one of the Bulgarian population which is ageing.²⁷

Education

Educational structure is also positive – 24% have a university degree²⁸, 59% - a secondary education.

Employment

The level of unemployment (14%) is close to the one in the country. It's important to emphasize that unemployed are, as a rule, the refugees, not the immigrants.

The survey shows that 44% of all immigrants have a full time job, 11% – part time, 6% are students, 4% - housewives, 9% - retired²⁹.

These figures have to be interpreted. In some communities like the most numerous – from the Middle East – women take care of kids and the family.

The immigrants in their huge majority are active and work, several of them are self employed, a lot of them create jobs also for Bulgarians.

²⁵ On the discrepancies of data see the comment in the first chapter.

²⁶ 9% didn't answer the question.

²⁷ Bulgarian has a negative demographic growth.

²⁸ In comparison with 14% among Bulgarians.

²⁹ 3% - else, 9% - didn't answer.

The professional status is also very interesting:

- Entrepreneurs – 13%
- Managers – 4%
- “White collars” – 36%
- Free lance – 8%
- Workers – 31%
- No answer – 8%.

The trends are worth mentioning:

- The ratio of entrepreneurs and manager increases – from 11% in 2003 to 17% in 2006;
- The part of professionals and free lance consultants to the business – national and international – public authorities and nongovernmental sector is high and stable – 44%.

One could conclude that immigrants are more represented in the labor market of highly qualified than in the one of less qualified.

Legislation

Immigrants in their big majority accept the Bulgarian legislation on foreigners:

- Agree completely - 42%;
- Agree partially - 22%
- Do not agree completely - 12%
- Do not agree at all - 10%
- Unable to comment - 14%.

They evaluate positively the changes during the last years in the Bulgarian policy concerning immigration:

- Positive changes – 25%
- No important changes – 43%
- Negative changes – 15%
- Do not know – 17%.

The refugees:

the most visible, the less numerous

Bulgaria adheres to the Geneva Convention in 1993. For 13 years about 15 000³⁰ people asked asylum.

Refugees in Bulgaria are similar and different from refugees in the neighboring countries.

The first peculiarity is that their movement is not regular, but in waves. I could distinguish three periods:

- *Period of fluctuations: 1993 z.– 1998 ..* The number of applications varies. In 1994 it doubles in comparison to the previous year (561), for reaching the initial figure two years later and get higher again at the end (429). These fluctuations are very low – between 250 and 550 per year.
- *Period of rapid growth: 1999 z. – 2002.* The number of asylum seekers in the first year is 4 times higher than in 1993, every year the growth is between 400 and 670, more than the total amount during the previous period. The peak is in 2002 r. – 2888 applications – is 10 times higher than at the beginning of statistics. Even then the figures are not threatening.
- *Period of progressive decrease: 2003- 2006.* 2003 marks an important decrease - 1339 applications less than the previous year, afterwards the speed gets calmer and the applications decrease with 422 in 2004 and 305 in 2005..

What are the demographic and cultural characteristics of the refugee flows?

Men predominate over women³¹: one woman versus 5 men. There is no single female application from 30 countries. The group of women is comparable to the one of children. With one exception – Afghans. Within this group children are twice and a half more than women (1112 versus 452).

The cultural diversity of the refugee community is impressive – 78 countries of origin. The leader in Bulgaria, as well as in the world is Afghanistan (3523), followed by

³⁰ 14 752 til the end of 2005.

³¹ In the world refugee flows women and men are equally represented.

Irak (2143). Next countries in the list but with 5-7 times less applicants are Armenia (551), Iran (548), Nigeria (335).

Refugees in Bulgaria come from distant countries of origin. In this respect Bulgaria is similar to Western Europe and different from several countries from former Yugoslavia.

Table 1

**Number of application for asylum
1993 - 2005**

№	State	Men	Women	Children	Total
1	Afghanistan	3523	452	1112	5087
2	Irak	2143	370	382	2895
3	Armenia	551	531	442	1524
4	Serbia and Montenegro	321	197	239	757
5	Iran	548	73	89	710
6	Without citizenship	345	56	62	463
7	Nigeria	335	36	52	423
8	Algiria	323	10	6	339
9	Turkey	266	30	24	320
10	Bangladesh	251	0	9	260
11	Sudan	237	14	0	251
12	Somalia	169	13	13	195
13	Pakistan	171	2	9	182
14	India	130	0	23	153
15	Syria	111	15	20	146
16	Etiopia	99	42	0	141
	Others	617	186	103	906
	Total	10140	2027	2585	14752

Source: www.aref.government.bg

Table 2**Обобщена картина за бежанската ситуация у нас**

<i>Year</i>	<i>Number of applications</i>	<i>including kids</i>	<i>Refugee status</i>	<i>Applications rejected</i>	<i>Humanitarian status</i>	<i>Continuation of the Humanitarian Status</i>	<i>Procedures Ended</i>	<i>Statuses expired</i>	<i>Total number of decisions</i>
1993	276	72	0	0	0	0	0	0	0
1994	561	143	0	0	0	0	0	0	0
1995	451	121	73	6	14	0	28	0	121
1996	283	31	144	28	13	0	132	8	325
1997	429	34	145	28	2	0	88	0	263
1998	834	157	87	104	7	0	235	3	436
1999	1349	308	180	198	380	5	760	250	1773
2000	1755	289	267	509	421	65	996	17	2275
2001	2428	460	385	633	1185	164	657	36	3060
2002	2888	289	75	781	646	138	1762	9	3411
2003	1549	193	19	1036	411	7	528	20	2021
2004	1127	286	17	335	257	2	366	12	989
2005	822	201	8	386	78	0	478	2	952
Total	14752	2584	1400	4044	3414	381	6030	357	15626

Source: www.aref.government.bg

Comparison of three immigrant groups: Chinese, Africans, Lebanese

A short comparison of three groups – Chinese, Africans, and Lebanese - can give an idea of the ethno-cultural variety of immigration in Bulgaria.

The three groups differ in a number of characteristics. The Chinese immigration is the newest – there were practically no Chinese during the communist period. The roots of the African and Arab immigration are relatively old, going back to the 60ies – they were the main beneficiaries of grants for Third world students. Mid 70ies³² marked a boom in the Arab immigration. A joke of that time tells that the students' neighborhood³³ in Sofia in summer resembles Iraq. They Africans are the single “racial” group in Bulgaria, a country without colonial tradition and absolutely no historical experience in this type of intercultural contact.

In terms of numbers the ratio is reverse: the Chinese group is growing in the most dynamic way³⁴, while the African³⁵ is limited and the newcomers are mostly asylum-seekers. The Arab immigration³⁶ is the most numerous.

The sociological portrait also varies: Chinese are people of lower education, occupied mainly in two sectors – restaurants and retail. The Africans form the other extreme – they are highly educated doctors, economists, etc.

The Arabs are the major competition of the Chinese in the two niches they have nestled in. The Chinese are more aggressive and succeed in pushing the Arabs out of certain economic positions they have easily occupied in the beginning of the post-communist transition period. At the same time, due to their longer-lasting presence in Bulgaria the Arabs have penetrated more economic activities.

The Arabs are doctors, engineers, editors, accountants. Several are middle entrepreneurs, others are employed, and few are big businessmen. The sociological portrait is diversified.

The portrait of Chinese is (still) uniformised – small entrepreneurs in trade and restaurant business³⁷.

³² The period of the war between Iraq and Iran.

³³ A big neighborhood in Sofia populated mainly by students.

³⁴ About 10,000 (Krasteva 2005).

³⁵ Few hundreds.

³⁶ About 20,000.

³⁷ The few exceptions are some doctors practicing Chinese medicine, one artist.

The integration strategies also follow different logic: some Africans come from mixed marriages and, at least according to this indicator, are integrated. In Sofia there is no China town but the spirit of a China town dominates the structuring and self-organization of the Chinese community.

The community is the most structured within the Arab group. They have an association, a magazine – in both Bulgarian and Arab languages³⁸, cultural life³⁹, commemorations of political figures and other events which strengthen the links of the diaspora with the homeland.

None of the communities has demonstrated an explicit desire to launch a public debate over its rights.

The immigrant in Bulgaria is different from the one in Western Europe. The Italian miners at the beginning of the XX century, the Filipino maids at the beginning of the XXI century illustrate economically weak and socially vulnerable figures. Second and third generations face unemployment and identity crisis.

In opposition, there are no unemployed immigrants in Bulgaria. They rarely work for Bulgarian companies; they often offer jobs to Bulgarians. Even more, they succeed in niches where several Bulgarians fail. The host society has still a lot to learn from the new comers concerning entrepreneurial spirit, flexibility, and reasonable risk.

Besides those economic and social positive characteristics, there is an additional cultural one – there is no traumatic historical memory to poison the contemporary relations. If the Turkish minority is associated with the Ottoman yoke, Chinese, Africans, Lebanese, Afghans come from distant, unknown, exotic cultures.

Closer look to one community: the Chinese

The Chinese are Bulgaria's newest immigrants. Their immigration is not based on historical ties or cultural closeness. There are two main reasons for this phenomenon. The first is associated with Bulgaria's opening up and European orientation, which makes the country a more attractive destination. The second is globalization, the changed geography of migration flows, and the emergence of multiple new destinations.

³⁸ Initiated and edited by a very dynamic Lebanese lady.

³⁹ Exhibitions, clubs, forums for discussions, etc.

Before the democratic changes in Bulgaria, there were fewer than ten Chinese immigrants and they were intellectuals married to Bulgarian women. The profile of the Chinese immigrant community formed after the democratic changes⁴⁰ is the opposite: it is growing rapidly, have increased from practically zero to thousands in a matter of years; the motivation is not associated with the family⁴¹ but with employment; the majority of immigrants are small entrepreneurs and low-skilled hired workers.

The Chinese immigrate to Bulgaria in two legal ways. The first is by receiving an invitation from a close relative or a business invitation either from a Chinese company or from Bulgarian partners.⁴² The second way is registering a company under Bulgarian law. There are also illegal ways: for example, documents of legal Chinese immigrants in Bulgaria are sent to China, where they are forged and used once again.⁴³

Establishing the exact number of minority communities is often problematic. The problem is 'insoluble' in some cases because it is associated with complex processes of identification.⁴⁴ In other cases identification itself might not be a problem, but there might be difficulties of a technical and/or institutional character. As regards both the Chinese and the other immigrant communities analyzed in this book, there are no official sources that claim to provide accurate and full information. The data available are fragmentary and unreliable, and estimates are often confused with census figures. It must be noted that the situation is more or less the same even in countries with a long tradition in Chinese immigration studies.⁴⁵

The Bulgarian Foreign Ministry holds data on the number of visas issued to Chinese citizens: 1,630 in the period between 1998 and 18 February 2003 (Nikolov 2003). We have established beyond doubt that this number is far below the size of the Chinese community.

The Interior Ministry holds data on the number and type of residence permits issued to Chinese citizens.

Chinese	1997	1998	1999	2000	2001
Long-term residence permits	933	779	1,213	1,434	1,372

⁴⁰ More precisely, in 1992, according to the Chinese Embassy in Sofia.

⁴¹ Reunification of divided families, which is an important factor in longer-term immigration.

⁴² These services have fixed fees and are offered by persons and companies specialized in the immigration business.

⁴³ These practices have given rise to the popular joke that Chinese immigrants never die.

⁴⁴ The Roma are a typical case, where the estimates of experts or community leaders may be twice or even three times higher than the official census figures.

⁴⁵ There are difficulties in immigration statistics even in countries with more than a century-long immigration tradition and well-established statistical institutions. France, for example, has only recently created an Observatory for Immigration and Integration Statistics under the Supreme Council on Integration (Tabet 2004).

Permanent residence permits	18	26	57	169	316
Total	951	805	1,270	1,603	1,688

These data should be ‘read’ carefully too: they represent the number of *issued* permits or, in other words, one and the same person might figure twice if they have applied twice for a six-month permit, whereas another might have already left the country because their permit has expired.

These figures, naturally, do not include those who have acquired Bulgarian citizenship. Permanent residents may apply for citizenship if they meet the following terms: five years of uninterrupted residence in Bulgaria; absence of a criminal record; passed Bulgarian-language test. Bulgarian citizenship is available on easier terms to spouses and/or parents of Bulgarian citizens.

Two main conclusions can be drawn from the available data: the number of Chinese immigrants has a tendency to increase; this tendency is not dramatic, and there is no danger of a massive influx of Chinese immigrants.

The estimates exceed the figures provided by the two official sources significantly. In my opinion, the number of Chinese immigrants in Bulgaria is most likely around 10,000.

There are almost no Chinese refugees in Bulgaria.⁴⁶ The Chinese in Bulgaria are a classical case of economic immigration.

The Chinese immigrants in Bulgaria are young: their average age is around 30 to 35.

The term ‘Chinatown’ suggests a town within the respective town or city. In many countries across the world, Chinese immigrants usually settle in the bigger cities. Bulgaria is no exception, and the majority of Chinese immigrants live in Sofia. Chinese restaurants have already opened in quite a few other towns and cities too. One of the reasons is that the immigrants come from an urban background. Just 4.4% were rural residents; the overwhelming majority (87.7%) were urban residents, of whom a small part (7.8%) lived in Beijing.

As noted above, Chinese immigration is not ‘produced’ evenly by the entire vast territory of China. This applies even more to Chinese immigrants in Bulgaria. As a respondent quipped, all Chinese in Bulgaria know each other because they come from the same city. The majority of Chinese immigrants in this country come from Zhejiang and Fujian. I also interviewed individual respondents from Sichuan, Shandong, Jilin, Beijing, and Hong Kong.

⁴⁶ There have been individual applications for refugee status, but the applicants are Chinese citizens who have not extended their residence permit in Bulgaria and cannot pay the fine imposed on them for that.

Some scholars note the existence of symbolic hierarchies: northerners are considered to be superior to southerners; urban residents are considered to be superior to rural residents; and all are considered to be superior to the citizens of Fujian, who are thought to be uneducated and criminals (Nyiri 1995). Our field study has established this specific feature from the opposite perspective: for example, during an interview a respondent noted several times that she was from Beijing even though this was irrelevant to the context. A female respondent from Northern China said that people there were tall, easygoing and had a sense of humour, whereas people from Southern China were short and miserly.

Ethnic Business

A small eatery in a neighborhood in Sofia. Large portions, low prices, polite service. The customers were happy and they started bringing friends to eat in or take away. The Chinese family of four (one son and one daughter) worked tirelessly, and the eatery developed into a restaurant. This individual case illustrates the typical way of settlement and development in the new economic environment.

Chinese immigrants across the world are known for their amazing flexibility, virtuoso adaptation to the market and the environment, and acrobatic flair for business (Trolliet 1995). A fundamental dimension of their identity is the will for economic reproduction and prosperity.

The area of business that is most emblematic of Chinese immigrants is the restaurant business – around 50 to 60% of the labour force in Britain and the Netherlands are employed in it (Trolliet 2000). This is also the most visible and typical business of Chinese immigrants in Bulgaria too.

The other business that is comparable by importance is trade – both retailing (Ilientsi) and wholesaling.

The third, less visible and known area of business is vegetable-growing.⁴⁷ Vegetable-growing is practiced in the areas around Sofia and Plovdiv, in two forms – land cultivation and greenhouse renting. The Chinese invest in renovating greenhouses because they think that the choice of vegetables available in Bulgaria in winter is poor. The Chinese are ‘keen farmers.’⁴⁸

Naturally, Chinese medicine is incomparable by scale but it nevertheless diversifies both the occupation and education profile of the community.

⁴⁷ A counsellor at the Chinese Embassy told me how a Bulgarian stall-keeper at a Sofia market had offered him Chinese cabbage, saying that the Bulgarians were gradually getting to know and like it.

⁴⁸ For example, there are large communities of Chinese crop farmers in Brazil and Peru.

Chinese immigrants are also gradually moving into other areas of business: for example, trade in Chinese works of art such as tabletop sculptures, porcelain, vases, and Chinese cosmetics. The artist Zhao Jianfei has been living and working in Bulgaria for seven years now.

There are also Chinese university students and post-graduate students⁴⁹ in Bulgaria, but their number is insignificant.

Future diversification of business will not be the product of this first wave of immigrants. Their ambitions tend to be modest – to develop their present business (*'a second shop'*) or to go into business (*'private business'*).

Fewer than 10% (8.6%) aim at high-skilled labour. It is optimistic that this percentage is higher among younger immigrants (12.2%). Quite a few of them would like to continue their education and, moreover, not in fields related to their present job but in high-tech areas such as information science.

Language

'What could give a clearer answer than the language of the question "where are you from?" For a Chinese person abroad, "the homeland" is not so much China as the village or area in Fujian where they speak Min or, more precisely, a dialectal variant of Min in which his parents and he himself communicate' (Pan 2000: 24).

A Chinese woman admitted that people just 70 km away from her town speak a dialect which she herself cannot understand. To be able to communicate with one another, the Chinese immigrants in Bulgaria speak the 'common' Chinese language.

Researchers stress the huge importance of language for the preservation of the diaspora's Chinese identity. The first thing Liu Leilei does when she logs on is to look for Chinese websites that allow her to communicate with her sister in their native language. Its transmission to the young generation is a top priority of parents. At home they speak Chinese and watch Chinese TV channels, and they often send their children to China to learn their native language.

The veneration for the Chinese language is combined with an interest in foreign languages. The overwhelming majority of the immigrants have some knowledge of Bulgarian. There is a generational difference in this respect: the young often study Bulgarian with teachers, whereas the adults and older people learn it from practice.

⁴⁹ Mainly in Bulgarian philology.

The young immigrants are also strongly interested in English – they watch CNN and believe that fluency in English would help them if they decide to immigrate to the USA or Western Europe.

Religious Identities

Dr Tian has a statue of the Buddha on a cabinet in her office, with a bowl of fresh fruit before the statue. The fruit is replaced at exact intervals. The energy radiated by the deity changes the taste of the fruit, and this change can be felt even by Dr Tian's Bulgarian employees with whom she shares the fruit occasionally. Right next to the Buddha there is a Christian icon.

This example demonstrates an important fact and carries a powerful cultural message. The majority of believers among the Chinese immigrants in Bulgaria are Buddhists. There are also Christians, Confucianists, and Jehovah's Witnesses. We established that the three major religions in China – Taoism, Confucianism, and Buddhism – are not represented symmetrically among the Chinese community in Bulgaria.

In fact, the majority – half of the community – are atheists. The Chinese definitely aren't very talkative, especially on the subject of religion. In a number of cases religion tends to be perceived as a cultural identity that must be transmitted to the next generation, but is not practiced devoutly in everyday life.

Eastern religions do not seek one Truth. Religion is in the rituals, ceremonies, the way of life (Hofstede 1996). Buddhism is a non-monotheistic religion, and Confucianism is an amalgamation of religion, ethics and philosophy. What they have in common is that unlike Christianity and Islam, they are not expansionist. '*I believe in Buddha and Christ,*' a respondent declared. As in Dr Tian's office, the Buddha coexists harmoniously with Christ, at arm's length, as a hand stretched out for understanding and dialogue.

Feminized Migration

Feminization of immigration is a global phenomenon and this definitely applies to Chinese immigration too. To illustrate: in the mid-20th century Chinese women in France were outnumbered by men at a ratio of one to seven,⁵⁰ but just thirty years later their numbers were equal⁵¹ (Yu-Sion 1999: 143). In Singapore the ratio of Chinese men to women was 14.4 to one in 1860, and 1.7 to one in 1931 (Trolliet 2000). This tendency has two dimensions: a growing percentage of women in the immigration flow, and a growing number of women on

⁵⁰ Just 244 as against 1,686 in 1946.

⁵¹ Or 2,040 as against 2,920 in 1982.

the labour market (Hersent and Zaidman 2003). Both can be observed in the Chinese community in Bulgaria.

There is a distinct tendency towards an increase in the number of women as well as in their percentage share of the Chinese community in Bulgaria: before 1997 the male-to-female ratio was 73.1% to 26.9%, changing tangibly after 1997 to 63.3% to 38.7%. In the brief period since the beginning of Chinese immigration to this country, the proportion of women has grown to approximately half of that of men (34.4% versus 65.4%). It is noteworthy that the proportion of private businesspersons and hired workers among men and women is equal.

In the typical case, the Bulgarians will see an emancipated Chinese woman who works equally with her husband. An exception which, however, is characteristic of the evolution in mentality, comes from cases such as Dr Tian's,⁵² who immigrated alone, developed several businesses, and was only then joined by her husband and other kinsmen. Liu Leilei represents a different category of immigrants – young women who decide to look for better opportunities abroad after finishing school.

Those observations are corroborated by the sociological survey: all respondents (94.4%) are unanimous that the women in their community work, as well as that the important decisions in the family are made together by the two spouses (80%). The women think that looking after the children (17.9%) and the house (14.1%) are important, but do not rule out working equally with their husbands (32.1%) or are determined to build their own life by doing what they themselves judge to be important (35.9%). A counsellor at the Chinese Embassy in Sofia pointed out that Bulgaria is attractive for the Chinese not least because of its family model, which is close to that preferred by a modern, dynamic Chinese woman.

Protestant Ethic the Chinese Way

*'In my free time I love going for walks in the city and shopping in Vitosha Blvd,'*⁵³ says an attractive stall-keeper at Ilentsi who is not dressed in the clothes she is selling. This answer tends to be an exception, as most respondents note that they don't have free time. Few have traveled around Bulgaria to see the sights or to go on holiday.⁵⁴ A young waitress lives in a tiny room next to the restaurant. We occasionally found whole families living in similar conditions. Some owners even sleep on a folding sofa in something like a cellar on the restaurant premises.

⁵² Dr Tian is not a typical but neither is she the only example. One of the most popular restaurants in Sofia is run by a family that was into the restaurant business in China too, and then in Russia. It was the wife who immigrated to Bulgaria first; her husband joined her later.

⁵³ Sofia's main and most fashionable shopping street.

⁵⁴ When they manage to take time off for a holiday or for a break, they spend it the same way as the Bulgarians: 'at the seaside in summer and at mountain resort in winter'; the young prefer Internet cafés, discos and clubs.

The overwhelming majority of immigrants in the world live initially, as well as for quite some time after immigrating, in bad living conditions (Blanc-Chaleard 2001: 69). The modest living standards of Chinese immigrants in Bulgaria are not an exception. I would even say that the situation should not give us cause for concern. For two reasons. The first is that this is often a matter of personal choice associated with the typical Chinese inclination towards saving rather than spending. The second is that in blue-collar neighbourhoods in Sofia the immigrants share the modest living conditions of the Bulgarians themselves.

Thriftiness is applied to everything, and what they 'allot' to themselves is less than what they 'allot' to their customers. At closing time in a Chinese restaurant, the waitresses removed the tablecloth from a table, brought modest plates and an even more modest meal – plain rice with just a little vegetables – and shared it with the cook. In good times restaurant owners might have a daily turnover of 3,000 to 5,000 leva, but their way of life remains the same.

'The Chinese have no free time, all they do is work,' says a Chinese, whose family owns one of the most successful restaurants in Sofia. The Bulgarians have more fun, find time for coffee and friends, and then complain that they have no money, she notes in surprise.

A slightly paradoxical example – moderation in vice – confirms this general tendency. The Chinese are regulars at casinos. Gambling is prohibited in China, and in Bulgaria they savour this forbidden fruit with pleasure. With pleasure, but also with moderation. They do not play for high stakes, but as a way of spending an evening out in a lively place and in a pleasant atmosphere.⁵⁵

Moderate consumption and hard work is typical of the Chinese: *'They demand a lot from us but they themselves work very hard too,'* says a Bulgarian shop assistant in a Chinese shop. They spend the whole day working: they get up early, clean the restaurant, prepare everything, and start welcoming customers around 11 am. Sometimes they go out on business – for example, to stock foodstuffs. They work in this way until midnight, and take no more than a day or two off for the whole year. This ascetic way of life is specific to the older generation. The young find time both for discos and for going out with friends to Bulgarian restaurants.

The Chinese are the 'Protestants' of Asia – hard-working, modest, thrifty, oriented much more towards the future than towards the present, measuring their success in terms of business growth rather than of consumption growth.

⁵⁵ Here we exclude the cases of very affluent Chinese who played for high stakes. The media interpreted this as money laundering (Nikolov 2001).

Community Life

‘Culture and the social body as a territory’: this is Emanuel Ma Mung’s brilliant definition of the main distinctive feature of the Chinese diaspora, namely, that it cannot be projected on a concrete territory like the nation state but on a supra-territorial self; that is why the accent shifts from the land to the spirit, culture and identity of the group.

The Chinese immigrant community in Bulgaria is too new and too small to be analyzed in the terms applied to the diaspora. But it also has an intense community life.

The main unit of community life are the strong kinship ties. The family unit is also a labour unit, with parents and children working together: ‘Whoever wants to create an enterprise founds a family first,’ the Chinese say (Trollet 2000).

Parental authority is strong. A Bulgarian waitress at a Chinese restaurant described how the owner had slapped his 20-year-old son across the face before the eyes of the staff. This is a drastic illustration of the respect for elders and authority – a traditional Chinese value that has changed but certainly hasn’t disappeared in modern times.

We observed kinship ties at three levels: the nuclear family, or parents and children who commonly run a restaurant or market stall together; the extended family in Bulgaria – cousins and relatives who take in the migrant upon arrival and help him or her at the beginning; the extended family in China, which often looks after the migrant’s young children and may have provided financial support for the former’s migration, but which is often supported in its turn after the immigrant settles in properly.

One half of all Chinese migrants send money to their relatives back home; one in five does it regularly, and one in three occasionally. Naturally, these figures are higher among migrants who have a private business: of them, one in four sends money regularly, and 40.4% occasionally (as against 13.5% and 29.7% of the hired workers).

Almost half of the Chinese migrants (44%) are in Bulgaria with their spouses, 12% with their parents, and 30% with their children. A total of 16.5% say that they have siblings here. One in three (38.9%) have other relatives in Bulgaria.

The SARS scare did not stop a restaurant owner from taking his newborn baby back to China. There are frequent cases in which children are brought up in China by their grandparents or are sent to boarding-school. The reasons for that may be summed up in two categories: economic and cultural. Parents have a very heavy work routine, which is difficult to combine with looking after young children. The Chinese deeply respect their culture and difficult language, and want their children to learn it well. That is why it is not surprising that the sociological survey found that only 10% of the immigrants have children of school age

who are in Bulgaria. As regards their education, the majority send them to the closest school in the neighborhood, but some are determined to send them to the best possible school.

Relatives, acquaintances and friends are an important pull factor for migration and, at the same time, help newcomers settle in quickly – the overwhelming majority of the newcomers (77.8%) had someone to stay with upon arrival. This applies both to the self-employed and to the employed. Once they have settled in, immigrants who have a private business are more active in bringing over relatives or friends (43.1% as against 25% of the hired workers).

We can definitely use the term ‘ethnic business’ for the Chinese community in Bulgaria – both because of the high concentration of immigrants in two or three spheres only, and because of their employment virtually in their own community only. Just 4.5% work for Bulgarians. Upon arriving in Bulgaria they divide into two almost equal groups: some start working for co-nationals (49.4%), whereas others (46%) try to start a private business. It is highly indicative that the number of Chinese immigrants employed by Bulgarians is not increasing and that such cases remain a rare exception. There is a shift towards private business (55.6% as against 46% upon arrival), which attests to successful development in the new environment.

Both our observations and all available data show that the work environment of Chinese immigrants is ethnically constituted: more than half (58.9%) work with co-nationals, and more than one third (37.7%) work with relatives. The large number of employed Bulgarians (67.8%) is due foremost to the legal requirement that every entrepreneur must provide jobs for Bulgarians. The cases in which new immigrants work with members of the ‘old’ minorities are extremely rare (2.2%).

It is obvious that such a compact group will reproduce this compactness in terms of place of residence too. The overwhelming majority (79.5%) admit that they live in neighbourhoods where there are other immigrants too. Their children (83.3%) also attend schools where there are children of other immigrants.

The community is still too new to have founded its own associations as in the countries with older and/or larger immigrant communities.⁵⁶ Services associated with contacts with the Bulgarian administration and, especially, with extension of residence permits, are

⁵⁶ In France, for example, there are some 60 associations which organize courses in Chinese, French, calligraphy and cooking, and help immigrants in finding a job and housing and in contacts with the administration (Yu-Sion 1999). There are also quite a few associations of Chinese immigrants in Hungary (Nyiri 1999).

provided by specialized companies. The fees are high, but most Chinese immigrants admit that they cannot cope alone.

The Chinese New Year is usually celebrated in the family circle, which is often joined by the closest fellow workers and partners. On the next day they get together with other members of the community too.

A magazine called *Kitai/China* is published in Bulgarian.

Cultural life is developing gradually. Zhao Jianfei called his latest exhibition in Sofia *Seven Years in Bulgaria*. His paintings are abstract, with concrete geographical titles, such as 'Bansko,' 'Troyan' or 'Kazanluk.' These Bulgarian towns are not present visibly, they are steps along 'the way passed within the self.'⁵⁷ This brings us to the subject of the next section of this study – integration or the desire of some migrants to harmonize their own quests with the pulse of the new environment. Zhao Jianfei came to Bulgaria for the first time in 1996, visited a number of art galleries and museums, and succeeded in grasping the cultural spirit of the capital. By the following spring, when he settled in Bulgaria, he already 'regarded himself as an artist of this city.'⁵⁸

The community can be described by two opposite characteristics: opposition and solidarity. Cut-throat competition and dishonest business relations⁵⁹ have affected this group too. They are all the stronger because of the concentration of economic activity in just several spheres. Despite individual cases of rivalry and conflicts within the group, it has distinguished itself for its great solidarity in relations with the macro-society.

Integration

'*Call me Sky,*' says a young Chinese woman, my real name is difficult to pronounce (Manolova 2003). This resonant name, 'Sky,' which has so much symbolic meaning in Chinese culture, is a homage to the host society, a playful invitation for easier interaction. Interaction in which the immigrant takes part only with selected aspects of his or her identity that are 'translated' into the new environment.

Revealing/concealing or openness/closedness: this ambivalence characterizes the Chinese immigrant community's strategies for integration. It can be described by two opposite characteristics: a closed community and adaptability to the macro-society.

A sympathetic Bulgarian woman invited her Chinese tenants simply because she wanted to introduce a human dimension in their business relations. Only the Chinese woman

⁵⁷ Elena Moussakova on Zhao Jianfei's exhibition.

⁵⁸ Zhao Jianfei on his exhibition at Sredets Hall.

⁵⁹ Respondents told us about a number of cases of unreturned loans or dissolved business partnerships.

turned up and stayed for a short while only – contact *was* established but remained superficial. Otherwise I saw how warm and friendly the Chinese woman was ‘on her own territory,’ the restaurant, when she rose to greet her Bulgarian landlady.

The structure of the social contacts of mothers as well as of their children is similar: they are mainly confined to their own community (60% and 71% respectively do not have a single or have just one or two Bulgarian friends). About one third have succeeded in turning contacts with the new environment into friendships, and even in restructuring their own networks (most of the friends of 40% of the women and 30% of the children are Bulgarian).

Intermarriage remains an exception – a counsellor at the Chinese Embassy knows of just 10 or 20 cases.

The dimensions of the Chinese community are analyzed in the previous section. Here I will note two elements of the Chinese attitude to the host society. In the first place, this is the community’s desire for unproblematic presence in the macro-environment. Representatives of the police, the Chinese Embassy and the community are unanimous that the Chinese do not like attracting public attention. For the purpose, the community itself ‘supervises’ its members under the discreet but vigilant control of the Embassy. The laws must be observed to an extent that keeps the institutions concerned at a safe distance.

Naturally, there are exceptions: in 1999 a Chinese citizen was stabbed in Sofia, in 2000 a Chinese man was shot dead in a restaurant, in 2001 the Bulgarian authorities expelled Chen Shi’en because of illegal trafficking of co-nationals to Western Europe (Nikolov 2001). Their broad media coverage distorts their real place in an assessment of the community.

The relations of Chinese immigrants with Bulgarian institutions are not unproblematic. The former’s attention is focused on the police, which handle their documents. Complaints about corruption are also targeted mainly at the police, as well as customs officers. One respondent was more moderate: ‘*You must have a lot of patience [with the police], which we do have.*’

All Chinese in Bulgaria know who Simeon Saxe-Coburg-Gotha (the Bulgarian prime minister) is, but their wish to be informed about and involved in Bulgarian politics and social life does not go much further. They do not relate to society in its multidimensionality but observe it through the prism of the niche which they occupy. They have no desire for structural assimilation – integration of members of migrant and minority groups into the economy, media, culture and education. This specific feature applies even to countries with

third- or fourth-generation Chinese migrants,⁶⁰ therefore it is hardly surprising that it is so pronounced in Bulgaria.

The Chinese immigrants do not wish a public debate on their position. They do not strive to win more rights but more '*place*.'

⁶⁰ Elsewhere integration is conducted 'top-down' – by highly educated Chinese intellectuals who integrate their products into the culture of the host country. Bulgaria has not yet succeeded in attracting this social group.

Conclusion

M. Baldwin-Edwards (2006) distinguishes four sorts of migration in the Balkans:

- *forced migrations;*
- *ethnic migrations;*
- *trafficking;*
- *temporary migration.*

The first trend is a massive one, associated with war and “ethnic cleansing”, including internally displaced persons. It resulted from the wars in former Yugoslavia – 2.6 mln. from Bosnia were displaced⁶¹ and 1.2 mln. found refuge abroad. In Kosovo, 350,000 people fled their homes as IDPs or refugees in 1998, and in 1999 450,000 ethnic Albanians fled to Albania, 250,000 to Macedonia and 70,000 to Montenegro. With the end of war in June 1999, 600,000 people returned to their homes in Kosovo, only to be followed by a reverse exodus of 230,000 Serbs and Roma who sought safety in Serbia and Montenegro (Baldwin-Edwards 2006).

Bulgaria is not included in this trend and this is one of the main achievements of the post-communist democracy.

The ethnic migrations are of a voluntary nature but inspired either by exclusion or by better opportunities abroad. A case in point is the Turkish minority in Bulgaria.⁶²

Trafficking is the most visible, yet not the most important type of migration. The number of identified and assisted trafficking victims in Bulgaria for the period 2000 – 2004 are 621. They are three times less than in Albania (1,750) and Moldova (1,643) and twice less than in Romania (1,054). I’d agree with M. Baldwin-Edwards (2006) who insists that trafficking is less an issue of immigration, rather one of economic survival strategies for both traffickers and those who are trafficked or smuggled.

If Bulgaria does not take part in the first trend and modestly in the third, it remains one of the typical examples of the fourth sort – the seasonable migration of semi-skilled or unskilled labor force to Greece⁶³, Spain⁶⁴ and Italy⁶⁵.

⁶¹ More than a half of the pre-war population.

⁶² (see next chapter).

⁶³ Second largest immigrant population in Greece after the Albanians Montenegro (Baldwin-Edwards 2006).

⁶⁴ 2% of the immigrant population.

⁶⁵ 15,000 (ibid).

The analysts emphasize mainly on the flows out. This paper aimed at filling up the lack of studies on the flows in.

The Bulgarian immigration phenomenon could be summarized in three peculiarities:

- The country not only produces migration, but attracts it also. Emigration still prevails on immigration, yet the European integration is likely in mid term to calm down the first process and to reinforce the second.
- Immigrants in Bulgaria are relatively young, better educated than the local population and economically active. The few unemployed are mainly among the refugees. Immigrants are often selfemployed. There are small, middle and big businessmen and entrepreneurs who create jobs for other immigrants but also for Bulgarians. Immigrants are more and more seen as a possible solution for labor market shortages.
- Immigrants undoubtedly increase in impressively the ethnic, linguistic and religious diversity. There are no cultural clashes. Everyday racism does exist, a new and vociferous xenophobic party emerged on the political scene, but its main focus are still not the immigrants but some traditional minorities like Roma.

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Strengthening Cross-Border Cooperation in the Western Balkans Regarding Migration Management: Serbia (including Kosovo) and Montenegro

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1.0 Introduction to Migration Flows in Serbia and Montenegro

Migration flows to and from Serbia, the province of Kosovo, and Montenegro have been prompted and moulded by the complex recent historical events of the Western Balkans and its geographic proximity to the economically prosperous European Union. Refugees from Bosnia and Croatia, internally displaced persons from Kosovo, forced returnees from Western Europe whose temporary protection has ended, asylum seekers and victims of trafficking are the primary categories of forced migrants in the area of study. Small numbers of refugees and displaced persons are also being repatriated. Economic pressures prompt primarily emigration from the region, however small populations of economic immigrants to Serbia cannot be discounted. This article will attempt to provide a comprehensive overview of migration flows to and from Serbia, Kosovo and Montenegro with an emphasis on articulating the degree to which these different migrant groups enjoy their social and economic rights.

Historically, in the nineteenth and early twentieth centuries, migrants, including those from the south Slavic countries, were generally treated as an asset to both the country of origin and the country of immigration. In the last quarter of the twentieth century, however, migrants from less developed countries have been perceived in developed countries as a problem to be regulated and their status started to be intensively controlled. Thus the liberalisation of capital, goods and services spread and deepened globally while the mobility of the accompanying labour force has been restricted. Contemporary international political and economic institutions and regimes have provided insufficient space for democratic negotiations over labour mobility and remittances.

Serbia, including its southern province Kosovo and Metohija, and Montenegro have traditionally been sources of emigration. By the beginning of the 1990's, migration from the region had a dominant economic character. However, the intensity of emigration in general depends on historical, economic, demographic, political, social, ethnic and psychological factors. The events of the 1990's have accelerated emigration from this region. The civil wars in the former Yugoslav republics of Bosnia and Herzegovina and Croatia, and conflict in Kosovo and Metohija have had the greatest impact. The subsequent international isolation of the Federal Republic of Yugoslavia, with sanctions by the UN Security Council, a three-month NATO bombing in 1999, and the catastrophic decline in living standards, lead to general poverty. In 1991, the GDP of Serbia dropped by 11.6%, in 1992 by 27.9% and in 1993 by 30.8%. When this is added to a drastic drop again in 1999 of 18%, it is understandable that Serbia today has a GDP of only 60% of that in 1989. However, the fall in the gross domestic product had very little relation to the transition process.

These events, as well as the effects of the transition away from socialism, in Serbia and Montenegro during the nineties, have also contributed to a constant rise in unemployment. The registered unemployment rate in Serbia in 2006 exceeded 32%, with a real unemployment rate of 21.8% (2005), compared to 13.3% in 2000.¹ Among youth, rates are more worrying; 47.7% (2005) of persons less than 25 years of age are unemployed. According to UNMIK data, the unemployment rate in Kosovo and Metohija reached 41.4% in 2005, and the unemployment rate among youth (up to 25 years of age) was 70.5%, compared with 57.1% and 80.0% in 2001

¹ Serbia 2006 Progress Report, (COM(2006) 649 final), Brussels, 8.11. 2006, SEC (2006) 1389.

respectively². This data shows a slight improvement, however does not take into account variations between ethnic groups. Serbs in Kosovo and Metohiji live in extremely difficult conditions. The real unemployment rate in Montenegro has grown from 19.3% in 2000 to 30.3% in 2005.³

In regards to employment in Serbia, the implementation of the National Employment Strategy for the period 2005 – 2010 has been initiated. The main goal of this Strategy is the reduction of the extremely high unemployment rate. Amendments to the Profit Tax Law have been introduced to stimulate job creation for youth, older unemployed persons and persons with disabilities. In the field of social inclusion, the Law on the Prevention of Discrimination against Persons with Disabilities was adopted in the second quarter of 2006, along with comprehensive provisions to prevent discrimination in employment, education and health.

Consolidation of ethnic groups has been the overarching trend in forced migration flows within and between Serbia, Kosovo and Montenegro. Minority returns are exceptions to this trend. In addition, among forced migrants secondary displacement is frequently undertaken voluntarily, particularly from rural to urban settings, for economic reasons. Alternately, lack of employment opportunities in Serbia, Kosovo and Montenegro is frequently a cause for illegal migration to Western Europe; returnees from Western Europe are particularly likely to adopt these circular migratory patterns.

At the time of writing, in the wake of the January 2007 parliamentary elections in Serbia, migration policy can be anticipated to be reshaped slightly by the pro-EU leanings of the new government. The exception to this will remain policy about internally displaced persons from Kosovo residing in Serbia (and to a lesser extent Montenegro). The position of the Serbian government has been to date that return is the only sustainable option for displaced Serbs from Kosovo; the policy of all parties toward the future status of Kosovo must take into account the potential for further displacement and the right of return of those in displacement.

² Kosovo (under UNSCR 1244) *2006 Progress Report*, (COM(2006) 649 final), Brussels, 8.11. 2006, SEC (2006) 1386.

³ *Montenegro 2006 Progress Report*, (COM(2006) 649 final), Brussels, 8.11. 2006, SEC (2006) 1388.

2.0 Forced Migration Flows in Serbia (including Kosovo) and Montenegro



Source: Environmental and Security Initiative, 2003

2.1 Refugees from Bosnia and Croatia

Refugees from Serb dominated areas of Croatia began arriving in then Serbia and Montenegro in 1991; in 1995, a massive influx of refugees from Croatia to Serbia followed Operation ‘Storm’, a military action against Serb dominated areas of Croatia which included the city of Knin. Similarly, the outbreak of the Bosnian War in 1992 forced residents to seek refuge along ethnic lines, resulting in a further influx of refugees to Serbia. With the signing of the Dayton Peace Accord in 1996, Bosnian Serbs, primarily those who resided in the territory that was to become the Muslim-Croat Federation⁴, sought refugee in Serbia in considerable numbers. 1996 marked the peak of the refugee population in Serbia and Montenegro, of about 550,000; limited returns to Bosnia and Croatia, resettlement to third countries, and refugees who have declined to re-register as refugees account for the four-fold decrease in refugee population in Serbia between 1996 and today⁵. According to the UNHCR, as of August 31, 2006 there remained approximately 106,000 refugees in Serbia (28,000 from Bosnia and Herzegovina and 78,000 from Croatia)⁶. In Montenegro, there are an estimated 7000 refugees (5,000 from Bosnia and 2,000 from Croatia)⁷.

⁴ For a full explanation of origins of forced migrants in Serbia, see Drenka Vukovic. “The position and problems of refugees in Serbia.” *South East Europe Review* (2001), Issue 4, pp. 9 – 18.

⁵ The mechanics of return and naturalization are explained in full in Group 484, *Human Rights of Refugees, Internally Displaced Persons, Returnees, Asylum Seekers and Victims of Trafficking in Serbia and Montenegro: Report for 2005*. Available online at www.group484.org.yu

⁶ UNHCR. *Estimate of refugees and displaced persons still seeking solutions in South-Eastern Europe*. August, 2006.

⁷ Ibid.

Refugee flows from Bosnia and Herzegovina and Croatia originally clustered around border areas within Serbia. Over time, however, many refugees have migrated inward and, as of January 2006, were most populous in the urban areas of Novi Sad, Zemun, Stara Pazova and the municipalities in Belgrade⁸. Repatriation of refugees to Bosnia and Herzegovina and Croatia continues.

The legal framework governing integration of refugees from Bosnia and Croatia in Serbia focuses on streamlining processes for refugees to gain or effectively exercise Serbian citizenship. In 2003, Serbia and Bosnia signed an agreement to allow for dual citizenship. Croatian nationals are also permitted to hold dual citizenship. Montenegro allows for dual citizenship with Serbia, and UNHCR is assisting in drafting a new law of citizenship to conform to international legal standards⁹.

The legal framework surrounding the return of Serb refugees to Croatia centres on ensuring participation of minorities in Croatian public affairs. The Constitutional Law on the Rights of National Minorities ensures proportional representation of minorities in the state administration, government institutions and judiciaries¹⁰. There is also legislation regulating the return of occupied private property to returning minorities. The return of refugees to Bosnia from Serbia is governed by a bilateral agreement signed in 2003; minority participation in Bosnian public affairs is constitutionally guaranteed¹¹.

While small numbers of refugees continue to return to Bosnia and Croatia, integration is widely seen as the durable solution for the remaining refugees in Serbia. Understanding to what extent human rights of refugees in Serbia are specifically realized is difficult as many refugees share similar human rights challenges to local populations and many have declined to reregister as refugees. Citizenship laws in both Serbia and Montenegro have been updated to minimize the potential for statelessness among refugees in the host countries¹².

“According to the sample characteristics of the refugee population, it can be concluded that even after more than a decade of refuge, almost one-third have not succeeded in obtaining the citizenship of Serbia, that 8% of them do not possess identification documents (IDs) in spite of the fact that they are nationals of Serbia, and that 6.2% of the sample do not have any citizenship. The refugee population is concentrated mainly in urban areas, and its educational structure is relatively favourable, with extremely high participation of the category of high school education and somewhat larger participation of university education compared with the general population. All of them fled to Serbia before 1996, which means that the time framework of their integration encompasses at least 10 years.”¹³

⁸ UNHCR

⁹ Group 484, *Human Rights of Refugees, Internally Displaced Persons, Returnees, Asylum Seekers and Victims of Trafficking in Serbia and Montenegro: Report for 2005*, p. 44. Available online at www.group484.org.yu

¹⁰ *Constitutional Law on the Rights of National Minorities*, Zagreb, December 2002. Number: 01-081-02-3955/2

¹¹ *Constitution of Bosnia and Herzegovina*. Adopted December 1995.

¹² Group 484, *Human Rights of Refugees, Internally Displaced Persons, Returnees, Asylum Seekers and Victims of Trafficking in Serbia and Montenegro: Report for 2005*, p. 44 - 45. Available online at www.group484.org.yu

¹³ Group 484, unpublished research, *Poverty among refugees in Serbia, 2007*

With respect to housing, refugees have been beneficiaries of internationally and state funded housing programs since 1997. However the success of these programs is often dependent on cooperation with local municipal authorities and demand continues to exceed supply for affordable housing in Serbia. For the most vulnerable, accommodation in collective centres remains, despite government pledges to close all remaining centres.

Unemployment rates are very high in Serbia (31% at the end of 2006)¹⁴, both for local and refugee populations. In the previous refugee census in 2001, unemployment among refugees was estimated at 45% despite being more educated than the general population¹⁵. “The unemployment rate in general population in 2005 is 20.8%, while it is much higher in the sample of refugee population, 30.6%.”¹⁶ Unemployment programs are extended to the refugee population; however, administrative difficulties in some municipalities have impeded access to this right¹⁷. Obtaining work booklets can be difficult in particular cases, if the refugee is not in possession of his or her personal identification number or if the registry books of the home town of the refugee are missing¹⁸.

Refugees from Croatia are entitled to receive their pension benefits in Serbia. Refugees typically wait 8 months to have claims resolved, and differences in calculation methods between Serbia and Croatia have resulted in elaborate bureaucratic practices to calculate benefits¹⁹. Similar problems have been reported in Bosnia. Access to medical care is for the most part comparable to the local population. The exception is when visits to hospitals or specialists are required; refugees and displaced persons are kept on a separate (and longer) waiting list²⁰. Problems with access to specialized treatment are compounded by poverty which makes travel or private clinics prohibitively expensive for forced migrants in Serbia. Finally, refugee families are not entitled to family or child allowances without Serbian citizenship.

2.2 IDPs from Kosovo

In the aftermath of the well publicized violence in Kosovo, more than three quarters of a million Kosovars fled the province, mainly to Albania, Macedonia and Montenegro, but also to Serbia and destinations in Western Europe and North America. The subsequent withdrawal of the Yugoslav Army and Serbian security forces from Kosovo in 1999 prompted a widespread return of ethnic Albanians and other ethnic groups to the area, however also instigated the departure of over 200,000 predominantly ethnic Serbs to Serbia. A further estimated 4000 people left Kosovo following the violence of March 2004 against minority communities.

¹⁴ Serbian Pro-EU Parties May Get Majority in Election, By Aleksandra Nenadovic Jan. 22 (Bloomberg)

¹⁵ UNHCR/Commissariat for Refugees of the Republic of Serbia, *Registration of Refugees in Serbia*, March – April 2001.

¹⁶ The unemployment rate is the participation of the unemployed in the category of active persons, Group 484, *Human Rights of Refugees, Internally Displaced Persons, Returnees, Asylum Seekers and Victims of Trafficking in Serbia and Montenegro: Report for 2005*

¹⁷ Group 484, *Human Rights of Refugees, Internally Displaced Persons, Returnees, Asylum Seekers and Victims of Trafficking in Serbia and Montenegro: Report for 2005*, p. 49. Available online at www.group484.org.yu.

¹⁸ *Ibid.*, p. 45

¹⁹ *Ibid.*, p. 52

²⁰ *Ibid.*, p. 51.

As of August 2006, the UNHCR estimated that about 207,000 internally displaced persons were residing in Serbia (excluding Kosovo) and an additional 21,000 persons were displaced within Kosovo²¹. At the same time, the UNHCR similarly estimated the ongoing residence of 16,200 displaced persons in Montenegro²². Over time, IDPs who had settled close to the borders of Kosovo have gradually moved into central and northern Serbia in search of better employment prospects²³. The majority of IDPs in Serbia are ethnically Serbian (68%), followed by Roma (12%) and Montenegrin (8%). The prospects of return for IDPs remain bleak; in the six years since the end of the conflicts, only 15,000 displaced persons have returned, of which approximately 6000 were Serbs. The majority of these IDPs have returned to Serb-dominated enclaves in rural Kosovo²⁴.

There remains a sizable population of displaced persons in Podgorica in Montenegro, however, limited social benefits have resulted in many Serb Kosovars to seek refuge a second time in Serbia²⁵. Minority returns to Kosovo are estimated to comprise approximately 14,500²⁶ persons primarily to mono-ethnic enclaves within Kosovo. The vast majority of minority returns are to rural villages, with the exception being the urban area of North Mitrovica.

2.2.1 IDPs in Serbia and Montenegro

While internally displaced persons in Serbia formally enjoy the same rights as their Serbia born co-citizens, the reality is often that displaced persons suffer numerous difficulties in exercising their social and economic rights. The National Strategy for Resolving Problems of Refugees and Internally Displaced Persons in Serbia of 2002 recommends several options for refugees, however return to Kosovo is the only official option for IDPs in Serbia. For political reasons, the Serbian government insists on delaying discussions about integration of IDPs until the future status of Kosovo is finalized. In Montenegro, return to Kosovo, secondary displacement to Serbia and relocation to third party states are the only official options for IDPs. Many IDPs are Roma who face extreme social discrimination in addition to the challenges of displacement.

With respect to housing, IDPs face greater challenges than refugees from Croatia and Bosnia and Herzegovina because they are generally ineligible for housing programmes²⁷. Collective centres continue to host about 6000 IDPs, and the imminent closure of the remaining centres raises concerns for vulnerable families. Unofficial collective centres or illegal settlements continue to shelter IDP families but are often in very, very poor conditions with residents facing a constant

²¹ UNHCR, *Estimates of Refugees and Displaced Persons Still Seeking Solutions in South-Eastern Europe*, August 2006.

²² Ibid.

²³ Norwegian Refugee Council Internal Displacement Monitoring Centre, *IDPs from Kosovo: Stuck Between Uncertain Return Prospects and Denial of Local Integration*. September 22, 2005, p. 14

²⁴ Internal Displacement Monitoring Centre (IDMC). *Profile of Internal Displacement: Serbia and Montenegro* (Compilation of the information available in the IDMC of the Norwegian Refugee Council, September 27, 2005), pp. 205 -206. These figures were reiterated at the IDP Working Group Meeting in Belgrade in September 2006, indicating perhaps that they are the most recent and only count of the IDP population available.

²⁵ IDMC, *IDPs from Kosovo: stuck between uncertain return prospects and denial of local integration*, September 2005, p. 10.

²⁶ UNHCR, *Kosovo: Minority Voluntary Return*, January 2006.

²⁷ Two projects, funded by USAID and GTZ respectively, have supported housing projects for displaced persons.

fear of eviction. 93% of IDPs in Serbia live in private accommodation,²⁸ however the conditions are also often worse than those of the collective centres. In Montenegro, there is only one official collective centre and one refugee camp; accordingly, almost 70% of IDPs live either in rented apartments, with friends or own their own homes²⁹.

IDPs have the same rights to employment as other residents in Serbia, but without working booklets, one cannot access pensions, obtain regular employment or receive unemployment benefits. The economic situation of Roma IDPs is the most grave; many do not have the documentation required to work outside the grey economy and receive salaries on average 50% less than those of other ethnic groups³⁰. IDPs who were employed in state owned companies and institutions in Kosovo are entitled to temporary compensation. In Montenegro, it has been reported that 83.7% of IDPs are not professionally engaged in any capacity³¹. Among Roma IDPs in Montenegro, one fifth of households reported that begging was their primary source of income³².

IDPs receive their pensions regularly if they have work booklets. Many IDPs left these documents in Kosovo or they were destroyed. A provisional pension is available in these cases, but it is lower than what they would regularly receive³³. Administrative difficulties and a lack of awareness of potential beneficiaries have also unnecessarily left IDPs without their pensions. Similarly, IDPs have the same formal access to health care services, but Roma are markedly less healthy than the resident populations.

The situation in Montenegro is uniquely complex, given that the cessation of Montenegro from the State Union of Serbia and Montenegro in June 2006 has rendered the IDP population effectively refugees. Given that there is no postal service between Montenegro and Kosovo and that the Montenegrin government tends not to recognize UNMIK issued documents, IDPs in Montenegro have particular difficulties in accessing needed documents.

2.2.2 Returns to Kosovo

There are no formal legal impediments for returning residents to Kosovo, however minority return to Kosovo remains slow and fraught with human rights challenges. In June 2006 authorities in Serbia and Kosovo signed a protocol pledging to create fair and safe conditions for the return of displaced persons. The security situation for returning minority groups, however, remains poor; police authorities are unwilling to investigate incidents of harassment and the judiciary is generally weak and overburdened. Returnees face a lack of freedom of movement

²⁸ IDMC, *Profile of Internal Displacement: Serbia and Montenegro*, September 2005, p. 108.

²⁹ Group 484, *Human Rights of Refugees, Internally Displaced Persons, Returnees, Asylum Seekers and Victims of Trafficking in Serbia and Montenegro Report for 2005*, May 2006, p. 119

³⁰ Norwegian Refugee Council Internal Displacement Monitoring Centre, *IDPs from Kosovo: Stuck Between Uncertain Return Prospects and Denial of Local Integration*. September 22, 2005, p. 18

³¹ Institute for Strategic Studies and Prognosis, *Research on Roma, Ashkali and Egyptian Households, refugees and internally displaced persons*, 2004

³² Institute for Strategic Studies and Prognosis, *Research on Roma, Ashkali and Egyptian Households, refugees and internally displaced persons*, 2004, p 24.

³³ Group 484, *Human Rights of Refugees, Internally Displaced Persons, Returnees, Asylum Seekers and Victims of Trafficking in Serbia and Montenegro: Report for 2005*, p. 102. Available online at www.group484.org.yu

and a weak rule of law, bleak economic prospects and discriminatory practices in denying minority returnees access to jobs in public service and private employment. Reconstruction of housing has been prolonged and subject to unjustified delays. Schools are not available in minority languages. Accessing pensions and health insurance is difficult³⁴. Overriding all these human rights concerns is the uncertainty over the future status of Kosovo which will ultimately determine the willingness of minorities to return and the willingness of minorities who have returned to stay.

The Ombudsperson of Kosovo Marek Antoni Nowicki has repeatedly reported on the difficulties for members of minority groups, local residents and returnees in accessing their land, due to illegal occupation, limited freedom of movement preventing the cultivation of land or continuous intimidation by the occupiers³⁵. An estimated third of all evictions of temporary occupants are followed by either immediate re-occupation or looting. Out of approximately 27,000 requests made as of May 2006, 5,900 properties have been either repossessed or put under temporary administration of the Housing and Property Directorate or Kosovo Property Agency³⁶. Where properties are re-occupied, the owner cannot go back to Kosovo Property Agency, but has to go through local courts to request a new eviction. Since the Kosovo Property Agency replaced the Housing and Property Directorate in 2006, Kosovo residents can now make claims to repossess land and commercial properties in addition to residences.



Economic rights of minority return groups are difficult to realize because of the overall poor situation of the Kosovo economy, where unemployment ranges from 50 – 60 %. Roma, Egyptian and Ashkaeli families have recorded unemployment rates of up to 100%. Minorities often have difficulties accessing medical care. Minority groups choose UNMIK or Republic of Serbia administered clinics and hospitals over Albanian run ones to avoid discrimination and harassment. In addition to housing issues and unemployment, the lack of security and freedom of movement remain the most serious challenges to return to Kosovo.

Source: OSCE, 2005

³⁴ Ibid.

³⁵ Ombudsperson Institution in Kosovo, *Fifth Annual Report 2004 – 2005*, addressed to the Special Representative of the Secretary-General of the United Nations, 11 July 2005.

³⁶ Bjorn Vagle and Fernando de Medina – Rosales, *An Evaluation of the Housing and Property Directorate in Kosovo*, NORDEM, May 2006. Online: <http://www.humanrights.uio.no/forskning/publ/nr/2006/1206.pdf>

2.3 Returnees from Western Europe

In the turmoil that accompanied the break-up of the former Yugoslavia, many citizens of Serbia and Montenegro sought protection in Western Europe. Predominantly, orders for ‘temporary protection’ by receiving states were issued which had to be renewed periodically. The recent stability in Serbia and in Montenegro, and to a lesser extent Kosovo, has prompted countries in Western Europe to withdraw this ‘temporary protection’ and initiate deportations to the region. It is estimated that between 50 000 and 150 000 persons³⁷ could be subject to forced return to Serbia including Kosovo, with approximately 40 000 having already returned, voluntarily or otherwise.

Based on the preliminary findings of a program sponsored by the International Organization for Migration, approximately 63% of returnees are Roma, 19% are Muslim-Bosniaks, and 11% are Serbs³⁸. Returnees from Western Europe have primarily resettled to Belgrade with sizable populations also in Novi Pazar, Tutin, Surdulica, Nis, Zrejanin, Leskovac and Vranje³⁹.

According to the UNHCR, Serb nationals filed 8 000 asylum application in industrialized countries in the first six months of 2006, with only Chinese and Iraqi nationals filing more claims. However, these 8 000 applicants mark a 26% decrease over the corresponding period in 2005.⁴⁰ Even so, the number of Serbian migrants who crossed illegally into Hungary in 2006 increased by 10 percent over the previous year. Last year border guards detained 1,041 illegal immigrants along the 174 kilometre-long border with Serbia, most of whom were Kosovo Albanians.⁴¹ Illegal migrants, as well as persons whose temporary protection has been withdrawn, have the potential to be forcibly deported back to Serbia.

Returns from Western Europe are governed by readmission agreements which have been signed between host countries who had offered temporary protection and Serbia. To date, Serbia has signed readmission agreements with Germany, Switzerland, Sweden, Denmark, Italy, Belgium, the Netherlands, Luxembourg, Austria, Slovakia, Hungary, Slovenia, Croatia, Bosnia-Herzegovina, Bulgaria, Canada and France. An EU community-wide readmission agreement is under negotiation, which includes provisions to liberalize the visa facilitation regime for Serb nationals.⁴² It remains a concern that refugees from Kosovo will be forcibly deported to Serbia. As Serbian nationals, they are formally guaranteed the same rights as all other legal residents of Serbia. In February 2006, Sweden and Kosovo (UNMIK) signed a non-binding memorandum of understanding on repatriation to Kosovo.

³⁷ Neither host countries nor Serbia have any system in place to track the departure or reception of these persons. The Council of Europe estimated in 2003 that up to 100 000 Roma alone could be subject to forced return to Serbia. See Council of Europe, Doc. 9990, *Report of the Committee on Migration, Refugees and Population*, Oct. 2003

³⁸ IOM, *GARP, Assistance Programme of the Government of the Federal Republic of Germany in Repatriation; REAG, Program of Reintegration and Emigration for Asylum Seekers in Germany – Programme of Financial Aid to Refugees*, January 2005.

³⁹ Ibid.

⁴⁰ UNHCR, *Asylum Levels and Trends in Industrialized Countries*, September 2006.

⁴¹ Ferenc Arvai of the Kiskunhalas Border Guards Directorate, Hungary, <http://calibre.mworld.com/m/m.w?lp=GetStory&id=242056551>, 15 February, 2007

⁴² Group 484, European Movement and Institute for International Politics and Economy, *Western Balkan Response to the Visa Liberalisation Issue*, Belgrade, 2006, pg. 86

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Setting aside the various human rights issues raised by forced deportation, the integration of Serbian nationals who have lived abroad for up to fifteen years into Serbian and Kosovar society is an impending policy challenge for administrators. Information collected in an IOM survey indicated that 53.3% of returnees reported having no work experience, 100% of respondents indicated they were unemployed, with 66.8% interested in working. 80% reported needing assistance with issuing personal documents or with other administrative issues. 75% of respondents were interested in assistance with accommodation (including upgrades to their existing dwellings). 35% requested assistance with enrolling their children into schools. A similar number wanted additional language classes in Serbian for their children. 17.8% of returnees were in need of medical care. 7.4% requested scholarships for their children to pursue further education and a small number (4.3%) were interested in micro loans for private businesses⁴³.

This quantitative research was supported by the qualitative research undertaken by Group 484. Echoing the findings of the IOM report, participants in the focus groups identified adequate accommodation and unemployment as the two greatest concerns. Living conditions were unequivocally much worse than in Western Europe, with participants reporting a variety of (inadequate) accommodation situations. These included living with friends or relatives, sleeping on park benches or abandoned cars, taking up residence in shantytowns with the local Roma or building their own houses, albeit often illegally and without running water or electricity⁴⁴. Without a permanent residence, returnees are ineligible for social or employment assistance or medical insurance.

With respect to employment, almost all participants in the focus groups reported being unemployed. Many reported that this was because they lacked ID cards and their diplomas were not recognized. Other participants reported that returnees are not used to working, since many received social benefits in Western Europe and did not have work permits. Other participants noted that returnees who had worked in Western Europe generally have a stronger work ethic than resident Serbs⁴⁵.

Participants also raised concerns about children's integration into the Serbian school system. Many students are unable to speak either Serbian or Roma and often the previous schooling, if unaccompanied by translated and validated records, was simply not recognized. Children are routinely placed in lower grades than previously placed or sent to remedial schools or schools for children with special needs⁴⁶. Many participants spoke of the difficulty in making the transition from Western Europe to Serbia for young people.

Some information on the situation of return from Western Europe to Kosovo was also gleaned in the Group 484 focus groups, from returnees to Kosovo that subsequently migrated to (central) Serbia citing physical and economic insecurity. One returnee who participated in the focus group had been returned from the Netherlands to Kosovo. The family had been promised

⁴³ IOM, *GARP, Assistance Programme of the Government of the Federal Republic of Germany in Repatriation; REAG, Program of Reintegration and Emigration for Asylum Seekers in Germany – Programme of Financial Aid to Refugees*, January 2005

⁴⁴ Group 484, *Return from Western Europe of nationals of Serbia and Montenegro who were not granted asylum or whose temporary protection ended*, Belgrade, 2005, p. 22

⁴⁵ *Ibid.*, p. 25

⁴⁶ *Ibid.*, pp. 23-24

accommodation in the Bosnian area of town, but they were given accommodation in an Albanian-dominated area. The same night, this returnee contacted his father and relocated to Novi Pazar in Serbia proper. He cannot register in Serbia as internally displaced because his asylum request had been denied in Western Europe⁴⁷.

2.4 Asylum Seekers

In the absence of asylum law and accompanying institutions, the United Nations High Commissioner for Refugees carries out all refugee status determinations of asylum seekers in Serbia and Montenegro. In 2006, 44 persons made refugee claims in Serbia, coming from Moldova, Cuba, Iraq and various African countries⁴⁸. Successful claimants will likely be relocated to third countries, likely Canada or the USA. The persons entering the UNHCR procedure are those who were referred by the Serbian authorities. The unofficial estimate is that 27 000 persons were denied entry to Serbia in 2005⁴⁹ and it is likely that some asylum seekers were excluded, generating a real potential for refoulement. Asylum seekers have been known to leave Serbia for Western Europe even after they have received a positive status determination and a guarantee of resettlement in a third country.

The inconsistency to which asylum seekers are subjected remains a human rights challenge. Migrants caught illegally entering into Serbia who claim refugee status are directed immediately to UNHCR which undertakes refugee status determination in Serbia in the absence of domestic asylum law. In other districts, however, asylum seekers are referred to the local prosecuting judge and can be held in detention for two to three weeks without access to a lawyer⁵⁰. Asylum seekers in Serbia have almost no rights except that to temporary residence. Some asylum seekers have taken up seasonal jobs but remain extremely vulnerable to exploitation. Children of asylum seekers have the right to primary education. The UNHCR organizes free legal assistance for asylum seekers that must appear before court for minor offences, as well as accommodation for those in the status determination process and a small stipend for migrants who have been granted refugee status. The Red Cross of Serbia provides direct assistance of clothing and food assistance and the group Amity provides some psychosocial support⁵¹.

2.5 Victims of Trafficking

Human trafficking and smuggling for the purposes of forced prostitution, begging and organ removal is a growing human rights concern in Serbia, Kosovo and Montenegro. All are areas of origin, transit and destination for victims of trafficking, with residents of Serbia, Kosovo and Montenegro increasingly targeted. The estimates of the number of victims vary across agencies. The NGO ASTRA in Serbia identified 44 new victims of trafficking in 2006 and noted that in 2005 that 71% (or 96 victims) were Serbian citizens⁵². In 2005, the International Organization

⁴⁷ Ibid., p. 33

⁴⁸ UNHCR (Serbia). *Asylum Seekers under UNHCR RSD Procedure, Other Persons of Concern to UNHCR and Mandate Refugees*, January 2007.

⁴⁹ Group 484. *Human Rights of Refugees, Internally Displaced Persons, Returnees, Asylum Seekers and Victims of Trafficking in Serbia and Montenegro: Report for 2005*, p. 147. Available online at www.group484.org.yu

⁵⁰ Ibid., p. 149

⁵¹ Ibid.

⁵² NGO ASTRA, e-newsletter, January 2006/ December 2006, pg. 2

for Migration in Belgrade assisted 65 victims of trafficking (including two children); of these, 65% were Serbian (or Montenegrin). In Kosovo, the IOM recorded 150 victims of trafficking (60% were Kosovar) in 2005 which included a fair percentage of minors (16%)⁵³. Approximately 50% of victims of trafficking in Kosovo in 2004 reported transiting through Serbia to their destination⁵⁴. The Montenegrin Women's Lobby reported sheltering 28 victims of trafficking in 2005 including 13 adult women, 7 minor females, 4 Bangladeshi men, and 4 minors from Romania for the purposes of forced begging⁵⁵. In 2006, 34 criminal charges have been filed against 77 persons for trafficking in human beings under Article 388 of the Criminal Law of the Republic of Serbia.

Serbian legislation related to human trafficking was updated in 2005 and the new legislation came into force on January 1, 2006. Generally, the legislation is consistent with international standards, with reservations remaining about a reduction in the minimum sentencing (from 5 years to 3 years) for persons found guilty of trafficking a minor⁵⁶. Additionally, local legislation does not incriminate persons soliciting or buying services offered by victims of trafficking. In Serbia, temporary residence is granted to victims of human trafficking for three months for recovery, six months (for cooperation in disclosing criminal acts) or one year if acting as a witness to a criminal prosecution⁵⁷. A similar system exists in Montenegro⁵⁸. In December 2006, the Government of the Republic of Serbia adopted a national strategy to enhance implementation of legislation and prevent trafficking and prosecute perpetrators⁵⁹.

UNMIK provisions in Kosovo provide comprehensive prohibitions against trafficking and provide legal protection for victims, including a prohibition on deportation of victims of trafficking on the basis of convictions of prostitution or illegal entry, working or presence in Kosovo⁶⁰.

Victims of Trafficking in Serbia, Kosovo and Montenegro face many human rights abuses common to victims of trafficking worldwide due to limited services available to victims. In one positive development, as of July 2006, the administrative fee for temporary residence in Serbia was waived for victims of human trafficking. Access to medical care is granted on an adhoc basis by the state or funded by non-governmental or intergovernmental organization when possible, leaving open a wide possibilities that victims of trafficking are not receiving an appropriate level of care in Serbia and Montenegro. Victims of trafficking in Kosovo have the right to medical care, however specialized services are no longer available. International

⁵³ IOM. *Second Annual Report on the Victims of Trafficking in South Eastern Europe* (by Rebecca Surtees), 2005.

⁵⁴ Amnesty International, *So does it mean that we have rights? Protecting the human rights of women and girls trafficked for forced prostitution in Kosovo*, AI Index: EUR 70/010/2004, May 2004, p. 13

⁵⁵ Group 484. *Human Rights of Refugees, Internally Displaced Persons, Returnees, Asylum Seekers and Victims of Trafficking in Serbia and Montenegro: Report for 2005*, p. 168. Available online at www.group484.org.yu

⁵⁶ Group 484. *Human Rights of Refugees, Internally Displaced Persons, Returnees, Asylum Seekers and Victims of Trafficking in Serbia and Montenegro: Report for 2005*, p. 157

⁵⁷ Instruction, Government of Serbia (MUP, D No 5231/2004)

⁵⁸ INSTRUCTION On the conditions and the manner of regulating the residence of foreign citizens – victims of trafficking, Government of Montenegro, 2003.

⁵⁹ *Strategy of the Government of the Republic of Serbia* (05 Number: 021-10196/2006)

⁶⁰ UNMIK, *Regulation on the Prohibition of Trafficking in Persons in Kosovo*, No. 2001/4, January 2001.

observers have remarked that an inadequate implementation of witness protection programs leaves victims in all three jurisdictions at risk if they choose to testify against their oppressors⁶¹.

There are two dedicated shelters for victims of trafficking in Serbia, both located in Belgrade. A variety of local NGOs provide services to Serbian and foreign victims. These services include accommodation, medical, legal, psychosocial and reintegration assistance⁶². Many foreign victims, however, do not receive assistance and are deported. The Montenegrin Women's Lobby also runs a shelter in Podgorica and a variety of agencies are engaged in assistance of victims of trafficking in Kosovo.

3.0 Economic Migrants from Serbia (including Kosovo) and Montenegro

3.1 The “Brain drain” Phenomenon and the Serbian Diaspora

In this text, we will use the term ‘Serbian-Montenegrin diaspora’ despite controversies over this concept. This term must be understood to encompass Serbs, Montenegrins and Yugoslavs of Serbian and Montenegrin origin who are separated from their ‘mother’ states but who preserve and nurture their respective national cultures and continue to participate, or take interest, in either or all of social, economic or political networks in Serbia and/or Montenegro⁶³.

Although there is no specific data on the number of members of the Albanian diaspora from the territory of Kosovo and Metohija, the issue is increasingly recognized by experts in Kosovo. In a recent public debate, the following questions were raised: “Is Kosovo doing enough to gain from the knowledge and experience of its people living abroad? Is it losing the very people who have the most capacities? Does the Kosovo government have a plan for "brain gain"? and what problems people encounter who return?”. Panellists commented that the labour market in Kosovo is not sufficiently open and the government was criticized for not motivating people to return to Kosovo⁶⁴.

Among the millions of citizens of Serbia and Montenegro who now live in the USA and Western Europe, there are many successful businessmen who are ready to invest a part of their capital in small and middle-sized enterprises in their homelands. Their readiness has been confirmed by numerous studies. Recent estimates put the Serbian and Montenegrin diaspora at over 3.5 million persons. If only one percent of them were to participate in the development of their countries of origin, it would make a significant contribution. However, unlike other countries, Serbia and Montenegro have faced a series of major internal and external problems in the past years that have hindered investment.

⁶¹ See Serbia and Montenegro, *Trafficking in Persons*, Office to Monitor and Combat Trafficking in Persons (USA), June 2006. Available Online: <http://www.state.gov/g/tip/rls/tiprpt/2006/65990.htm>

⁶² Group 484. *Human Rights of Refugees, Internally Displaced Persons, Returnees, Asylum Seekers and Victims of Trafficking in Serbia and Montenegro*: Report for 2005. Available online at www.group484.org.yu, pp. 165-166.

⁶³ For the syntagm of the Serbian and Montenegrin diaspora, the grassroots can be found in the Serbian-Montenegrin Literary and Charity Society, founded in San Francisco on April 27, 1880. The aim of the society was “mutual help in need and in sickness, teaching and spreading education not only among our members but among other Slavic people living in this place” (Pero Slijepčević, *Serbs in America*, Printed by “Ujedinjenje”, Geneva 1917, page 12).

⁶⁴ Panel discussion, Balkan Investigative Reporting Network, Pristina, 08.09.2006., <http://www.birn.eu.com/en/1/50/1383/>

Similarly, after the year 2000, immigration abroad including the “brain drain” has continued. For example, in the fiscal year of 2003-2004 only, the USA issued 3,330 immigration visas to citizens of Serbia and Montenegro. Among them were 205 experts of technical and similar sciences and 75 managers and other executives. It is estimated that at least 12% migrants from Serbia and Montenegro emigrate with a university degree. The number of educated and qualified persons from Serbia and Montenegro in western countries is substantial. Experts from the Organisation for Economic Cooperation and Development (OECD), Jean-Christophe Dumont and Georges Lemaitre (2005), conducted an analysis of the overall number of foreigners and those with university education in the countries of OECD; according to them, 127,000 people with university education from Serbia and Montenegro were living in OECD countries. It is also estimated that among migrants from Serbia and Montenegro possessing at least high school education, 35% are employed in jobs which require lesser qualifications, indicating that over one third of migrants are underemployed⁶⁵.

The reasons for emigration of citizens of Serbia and Montenegro can be roughly divided into three groups: economic problems including the decline in per capita income and unemployment, political concerns including instability and corruption and ethnic tensions which have been briefly addressed in above sections. Although such a categorization simplifies analysis, in practice these three ‘push’ factors for emigration are deeply intertwined⁶⁶.

The number of workers who have travelled overseas for temporary work has also increased. The transition in Western countries to knowledge-based economies has resulted in an acute for specialists, especially IT experts. The USA, which receives about 70,000 immigrants a year, is the main destination for IT experts.⁶⁷ The IT sector is responsible for one-third of the overall rise in productivity and certain fields have greatly benefited from engaging experts in general, particularly those who have come to the country with the H-1B visa. In the fiscal year 2004-2005, the USA received 788 persons born in Serbia and Montenegro in the category of »nonimmigrants admitted as temporary workers«. Among them there were 283 workers with specialty occupations (workers with specialty occupations, H-1B and H-1B1 visa).

A recent analysis of immigrants in Germany constructed a profile of the Serbian-Montenegrin diaspora.

“Today, about 500 000 immigrants with Serbian citizenship live in Germany. The present immigration balance of Serbians in Germany is negative. In other words, more Serbians are leaving the country than entering it. The politically forced return of refugees after the Kosovo conflict probably lies behind this sinking trend in the migration numbers. Together with the naturalised migrants, it is estimated that about 700 000 migrants of Serbian origin live in Germany ...However, the percentage of immigrants from Serbia and Montenegro who are entering Germany for educational purposes is gradually increasing. In 2001 it was 4%; in 2004, a solid 5%. It is to be expected that the

⁶⁵ Net migration in Western ECA 1989-2003.

⁶⁶ Martin Baldwin-Edwards, “Sustainable development and emigration: the contemporary Balkans and the European Union”, *South-East Europe Review*, No. 1, 2004, p. 1.

⁶⁷ Ibid.

importance of student migration from the border states of the EU is being supported within the framework of the European educational policy, while the other forms of migration (familial related and political) are tapering off.”⁶⁸

Although a large number of citizens of Serbia live abroad, Serbian authorities have given this demographic insufficient attention. This was slightly rectified by the formation of the Ministry of Diaspora in 2004 within the Government of the Republic of Serbia in March 2004. Although the Ministry has done a great deal on re-establishing contacts with the diaspora in the past three years, distrust between state institutions and the diaspora community remains strong.

According to the current Minister for Diaspora, Vojislav Vukčević,

“The diaspora’s distrust of the state originated in the 1990’s. This distrust was strengthened by awareness of bureaucratic problems and corruption in Serbia. Even so, Branko Tupanjac, an American citizen of Serbian origin wanted to build a hospital, and the city asked for a lot of money for the city building site and permissions. Interest is also high in Serbian spas and houses intended for the elderly. The Ministry of Diaspora invited all local governments in Serbia to submit information to create an economic profile of Serbia and 80 municipalities responded to the invitation. The produced CD has been distributed in America and will be distributed through the Serbian Unity Congress as well. The idea of the Ministry is that all Serbian associations in diaspora should be included in the Serbian Unity Congress.”⁶⁹

The biggest success of the Ministry so far is that 8,000 young people have been released from criminal responsibility through the Law on Amnesty. Although formally it cannot propose laws, the Ministry of Diaspora has contributed to the adoption of the new Law on Citizenship of the Republic of Serbia, and it has been strongly lobbying for the Serbian diaspora to have the right to vote by mail.

3.2 Remittances in Serbia (including Kosovo) and Montenegro⁷⁰

With remittances, there is always a discrepancy between how individual choose to spend them and the economically optimal use of them. In other words, governments generally struggle to encourage migrants to invest their savings. Remittances have the distinct advantage of not producing reciprocal obligations on the receiving state (compared to foreign aid, for example). Remittance receivers enjoy better financed education, and indirectly contribute the development of better public infrastructure. These two aspects can generate a virtuous economic circle, spawning increased foreign investment and better productivity. On the other hand, remittances can also finance non-productive expenditure, increase unemployment among remittance receivers, increase inequality in the emigration country, lead to depreciation of the local currency and Dutch disease.

⁶⁸ Tatjana Baraulina et al. *Egyptian, Afgan and Serbian diaspora communities in Germany: How do they contribute to their country of origin?* Hamburg Institute of International Economics (HWWI), 2007, pg 15, 19.

⁶⁹ Taken from the interview with the Minister for Diaspora, PhD Mr Vojislav Vukčević, taken by Group 484 representative, December 20, 2006.

⁷⁰ The available data are joint data for Serbia and Montenegro

**Strengthening Cross-Border Cooperation in the Western Balkans Regarding Migration Management: Serbia
Grečić, Petronijević, Willis, Supported by the Balkan Trust for Democracy**

According to estimates by the National Bank of Serbia, \$3 or 4 billion per year enter Serbia as private remittances.⁷¹ This remittance flow to Serbia is not recorded by the International Monetary Fund (IMF), however, and the Serbian central bank only documents running public and private transfers in aggregate without distinguishing these according to the source country.⁷² According to unpublished statistics of the German Federal Bank, 240 million euros were transferred from Germany to Serbia in 2004. Here, too however, only official transfers of unnaturalised Serbians living in Germany were recorded.⁷³

Problems in remittance sending have been documented by German researchers.

“Serbia has a well-developed banking system, yet the Serbian population in Germany does not trust this system because the Serbian government nationalised their currency accounts in the 1990s in order to finance the war. Furthermore, the fraudulent pyramid systems as well as hyper inflation have resulted in further uncertainty. Even though the Serbian finance market is now more stable ..., it is estimated that approximately one-third of the remittances flow through informal channels.... According to our interview partners, Serbians transfer on average 5000 euros per year, the majority of which goes into construction or renovation of houses or purchase of real estate....The big problem is that the money which comes from abroad in this way is not directed to production but to expenditure. In diaspora, there is a considerable distrust in certain institutions at both local and state level.... The distrust in the state institutions is widely spread among the Serbian diaspora in Germany. The most considerable obstacles for direct investment into Serbia have been seen in the still insecure political and legal frameworks, along with poorly functioning litigation.”⁷⁴

The necessity of better and more systematic monitoring of remittances to Serbia is also illustrated by the following data. It is estimated that remittances to Serbia are between 2.4 billion USD, or 12.0 per cent of the GDP in 2004.⁷⁵ Similar data can also be found in another World Bank research which estimates that remittances comprise 5 – 10 % of the GDP of Serbia.

“In Kosovo, the biggest source is salaries from regular employment with about half of total income (51%). Another 6 % are earned from temporary work. The second biggest source is remittances in cash from household members abroad (10%) with additional 3 % from others abroad.”⁷⁶

⁷¹ Report on the work of the Ministry for Diaspora of the Republic of Serbia, February 2006, page 2, www.mzd.org.yu

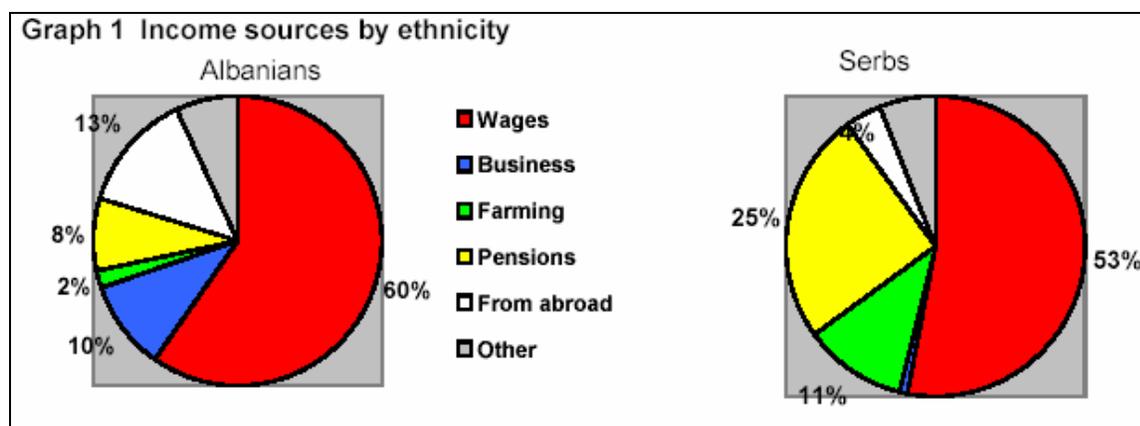
⁷² Tatjana Baraulina et al. *Egyptian, Afghan and Serbian diaspora communities in Germany: How do they contribute to their country of origin?* Hamburg Institute of International Economics (HWWI), 2007, pg.20

⁷³ Ibid, pg. 20

⁷⁴ Ibid pg 23

⁷⁵ World Bank Working Paper No. 80, *The Germany – Serbia Remittance Corridor. Challenges of Establishing a Formal Money Transfer System*, by Jose De Luna Martinez, Isaku Endo and Corrado Barberis, World Bank, Washington, D.C., 2006, p. 43.

⁷⁶ Private income in Kosovo 2003-2005, *The Statistical Office of Kosovo (SOK)*, pg 3



Source: Statistical Office of Kosovo

Table 2 Income sources in Kosovo, % of income

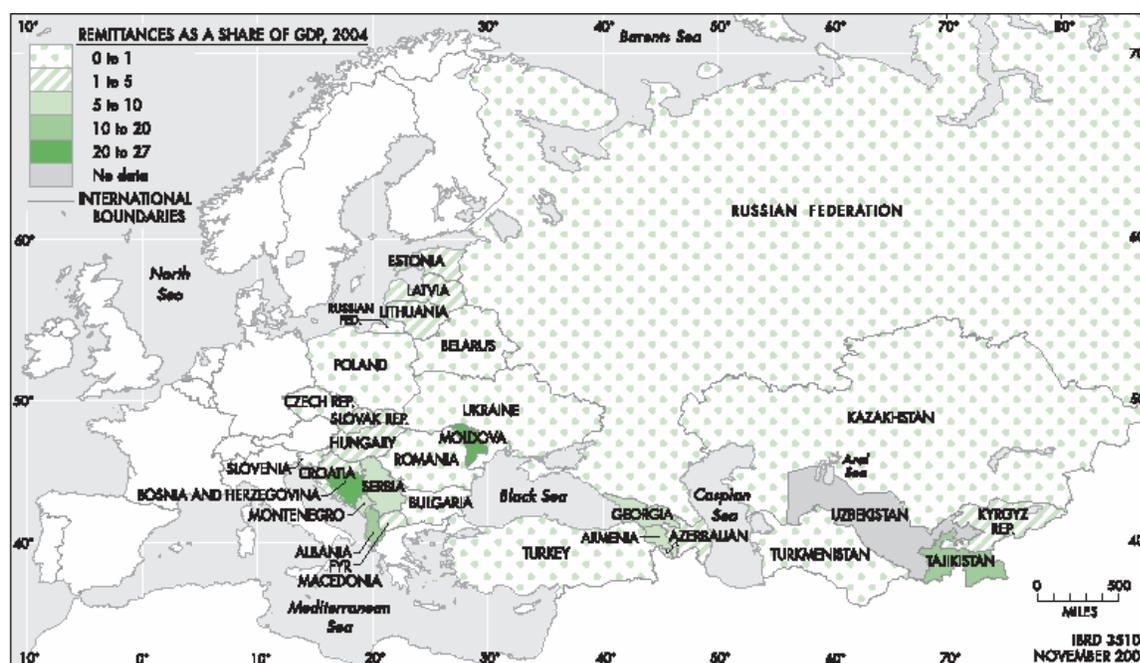
Income source	Men	Women	All
Regular wages	51%	58%	51%
Temporary wages	7%	1%	6%
Business net	11%	1%	9%
Agriculture net	3%	1%	6%
From members abroad	9%	12%	10%
From others abroad	3%	3%	3%
Kosovo pensions	3%	15%	5%
Pensions from abroad	3%	2%	3%
Remittances from Kosovo	1%	1%	1%
Property income	2%	1%	2%
Social welfare	2%	3%	3%
Lotteries	0%	0%	0%
Other	2%	1%	2%
Wages in kind	1%	1%	1%
In kind from abroad	0%	0%	0%
Total %	100%	100%	100%
Total in million €	765 M€	170 M€	966 M€

Source: Statistical Office of Kosovo

Table 3 Income sources by highest education level

Income source	Pri- mary	Secon- dary	Higher
Regular wages	21%	60%	83%
Temporary wages	9%	6%	1%
Business net	4%	15%	6%
Agriculture net	8%	0%	0%
Kosovo pensions	14%	1%	2%
Pensions from abroad	7%	1%	1%
Social welfare	5%	2%	0%
Remittances from abroad	25%	8%	3%
Other	6%	6%	4%

Source: Statistical Office of Kosovo



Source: World Bank, 2004

3.3 Immigrants to Serbia

The disintegration of the former Yugoslavia produced many statistical migrants (foreign born residents) who may not actually have physically moved, but are defined as migrants by the UN practice. According to data of the UN Population Agency, the number of persons born abroad and were living in Serbia and Montenegro in 2005 was 512,336, which is 4.9% of the total population (this data applies to the former State Union of Serbia and Montenegro). The majority of persons born abroad, but living in Serbia, are refugees who have been addressed in previous

sections. However, with the stabilisation of circumstances in the Western Balkans, the growth rate of migrants in Serbia and Montenegro has been negative since 2000.

Illegal migration in Serbia is still a cause for concern, although some progress has been achieved. The total number of illegal entries in 2005 was 1,076, an increase of 3% compared with the previous year.⁷⁷ The number of minors and women who have entered the country illegally has considerably increased. The potential link with human trafficking is a particular cause for concern.

Of legal and illegal migrants, during the first 10 months of 2006, 7,601 migrants faced sanctions for immigration violations; these were mostly towards nationals of Albania - 1539, then Bulgaria - 1277, Romania - 964, Turkey - 630, and Bosnia and Herzegovina - 468.⁷⁸

In accordance with existing criminal legislation, during 2005 some 37 criminal charges were filed against 87 perpetrators of the criminal act of trafficking of 219 migrants, the majority of them were nationals of Albania. 19 charges were also filed for illegal border crossing. 2,320 visa claims submitted by Chinese nationals were rejected, 1,693 claims of Romanian nationals and 149 of Moldavian nationals. Upon tightening border controls, entry to Serbia was denied to 24,535 aliens, and 1,727 false identification documents were discovered.⁷⁹

Montenegrin border crossings are targeted almost daily by illegal migrants, with statistics indicating an increase each year. During the first six months of 2006, 160 persons tried to illegally cross the Montenegrin border, out of which: 126 are Albanian nationals, 19 are Serbian nationals (Kosovo) and 15 are nationals of Bosnia and Herzegovina. The illegal crossing of the state border is a violation and is penalised by the pecuniary sentence or maximum 30 days imprisonment sentence.⁸⁰ Only three years ago, 216 persons without documents were detained, and in 2004 the number of illegal entries in Montenegro soared to 363 persons. The majority of the illegal migrants have been trying to reach some other “promised” country, usually in the European Union, via Montenegro.

Concerning aliens illegally residing in the territory of the Republic of Serbia, the Ministry of Interior cites the following data. During 2004, 743,090 aliens registered their residence in Serbia, and during 2005, the number increased to 763,474 aliens, and by December 20, 2006, the number is 768,739 aliens. This number does not include aliens transiting the Republic of Serbia. Among those who have registered their residence, the majority are Austrian nationals – 162,691, Croatians – 126,962, nationals of Bosnia and Herzegovina – 124,289, Slovenians – 123,626, Bulgarians – 88,760, and Romanians – 43,629.

According to the provision of Article 31 of the Law on Movement and Stay of Aliens ("Official Gazette of SFRY", No. 56/80, 53/85, 30/89, 26/90 and 53/91, "Official Gazette of SRY", No.

⁷⁷ Serbia 2006 Progress Report, (COM(2006) 649 final), Brussels, 8.11. 2006, SEC (2006) 1389.

⁷⁸ From the interview with Nenad Banović, Border Police Administration of the Ministry of Interior of Serbia, Head of the Unit for Status Issues and Residence of Aliens Control, December 20, 2006.

⁷⁹ Ibid.

⁸⁰ Marija Jovičević, “Searching for better life, illegal migrants go through Montenegro as well”, *Pobjeda*, 29/10/2006

24/94, 28/96 and 68/2002 and "Official Gazette of RS", No. 101/2005 and other laws) an alien can be granted a temporary residence for the duration of three months, or for up to seven days to transit through the territory of Serbia. Since temporary residence can be extended, the Ministry of Interior has issued permission granting temporary residence for multiple years to 16,556 persons. Out of that number, 4,552 are Chinese nationals, 3,632 are Romanian nationals, 1,243 are Macedonian nationals, 591 are nationals of Bosnia and Herzegovina, and 551 are Russian nationals.

The most common reasons for granting temporary residence are *marriage* - 5733 aliens, out of which 2,022 are Romanian nationals (Romanian women are most prevalent), 618 are Macedonians, 334 are from Bosnia and Herzegovina, 310 are Ukrainians; *employment* - 5,664 aliens, 2,658 are Chinese nationals (Belgrade, Pančevo), 922 are Romanians, 239 are Macedonians; and *family reunion* - 2,687 aliens, out of which 1,228 are Chinese nationals, 221 are Romanian nationals, 155 are Croatian nationals. According to Article 39 of the Law, permanent residence status can be granted to an alien whose family member (spouse, child, parent) is a SFRY national or an alien with permanent residence in SFRY, who is of Yugoslav origin, or who has invested finances in SFRY.

According to this provision, permanent residence status, which automatically supercedes temporary residence, was granted predominantly based on marriage. Out of 4,781 aliens granted permanent residence, over 90% were granted the status on the grounds of marriage: 856 Romanian nationals, 379 Polish nationals, 355 Hungarians, 244 Bulgarians, 239 Ukrainians and only 3 Chinese nationals. In 2005, 8,434 sanctions were issued for immigration violations, mostly to Bulgarian nationals - 1674, Romanian nationals - 1552, Albanians - 821, Turks - 790, and Macedonians - 455.

4.0 Conclusions and recommendations

4.1 Forced Migration Flows in Serbia (including Kosovo) and Montenegro

4.1.1 Refugees from Bosnia and Croatia and IDP's from Kosovo

- Regarding the **regional approach**, international bodies and organisations such as the European Commission, OSCE and UNHCR should insist on a consistent and efficient implementation of the existing regional **plans** for refugees and IDPs and on solving the problems of refugees and IDPs in the entire region justly and under equal conditions.
- The Serbian government should take a more active role in **bilateral relationships and agreements with Croatia and BiH**, as well as in regional initiatives aiming at improving conditions for return or integration of refugees by solving property and status issues: tenancy rights, concurrent validation of years of service, delayed pensions, etc.
- The commission for the coordination of the processes of durable integration of refugees in the Republic of Serbia, as well as the expert group for reforming the Law on Refugees, should systematically **coordinate and monitor the key aspects of the process of integration** in cooperation with international and local NGOs.

- Enable a **more efficient procedure of obtaining citizenship**, based on the new law on citizenship of Serbia, for refugees and people who earlier lost their refugee status.
- Come to an agreement with Croatia on signing the **Agreement on dual citizenship**.
- The Government of the Republic of Serbia and the Commissariat for Refugees should consider implementing changes in the strategic plans for collective centres closure including unofficial collective centres, that would limit the relocation of refugees and IDP's to other collective centres to situations only where it is absolutely necessary and after arrangements have been made to provide a form of permanent housing assistance to the refugees who are being relocated within a realistic time frame.
- The relatively small number of refugees registered at the National Employment Agency in Serbia may be increased by better communication of information to refugees on the possibilities and advantages of being registered at the National Employment Agency and on the rights they have regarding unemployed status, as well as on the availability and types of programmes of the National Employment Service. The National Employment Service should forward detailed information to the Commissariat for Refugees, or directly to all local Trustee Offices, so that complete information is available on how refugees and IDP's can realise their rights to employment.
- Since access to education undoubtedly contributes to poverty reduction, the state authorities, as well as local governments, should develop scholarship programmes for successful students from socially vulnerable families and make such programmes equally available to children from refugee and local communities. International donors should support the development of such programmes, especially in the poorest communities.
- Activities to support local integration of refugees could be more easily developed and precisely focused on the most socially vulnerable refugee families if social cards were issued to refugees in private accommodation.
- All activities to support local integration of refugees should be carefully harmonised with the interests of local communities. It is necessary that such projects be part of support to the entire community, and that provisions be equally directed to refugee and local populations.
- Authorities in Montenegro should carry out modifications and enact supplements to the Law on Employment, the Law on Labour and the By-Law on Work Engagement of Non-Resident Naturalized Persons with full respect to the Refugee Convention.
- The UNMIK administration and local authorities in Kosovo should take **all the necessary measures and ensure additional funds** for IDPs to return to the homes they left during the war.

- **The IDPs within Kosovo should be ensured** access to, and repossession of, property under their ownership.
- In the **process of negotiations on the final status of Kosovo**, state authorities of Serbia as well as all negotiating parties, should pay special attention to the interests and rights of IDPs.
- **The legal and institutional framework in the Republic of Serbia and the Republic of Montenegro** should be defined in order to enable the respect of the rights of IDPs. Given the lack of a legal and institutional framework, it is necessary to undertake a series of **various special measures**, in accordance with the UN Guiding Principles, that would improve the possibilities for realising the rights of IDPs.

4.1.2 Returnees from Western Europe

- Enhance co-operation and experience and information exchange between all countries in the region with regards to the issue of integration of returnees;
- Form a comprehensive database on the number and structure of returnees in municipalities in Serbia (including Kosovo), in order to harmonise integration plans with local authorities;
- Establish closer co-operation with reception countries that should provide information on returnees to state organs during the implementation of the readmission agreements;
- Co-operation between various state institutions and local governments with the aim to co-ordinate already existing programmes of support, co-operation with donors and defining common future programmes of assistance in the integration process;
- The state organs of Serbia, UNMIK administration, in co-operation with international and non-governmental organisations, should **pressure governments of the western countries not to force minority populations from Kosovo to return to Serbia (including Kosovo) as the safe part of country** and should be engaged in accepting and assisting people who have returned.

4.1.3 Asylum Seekers

- The authorities of Serbia should adopt comprehensive Asylum Law in accordance with international and European standards in the shortest time possible. The possibility of *refoulement* should be eliminated.
- The accompanying institutions and centres for reception of asylum seekers should be established, and state bodies and professional services to replace the role of the UNHCR in the protection of asylum seekers should be formed.

4.1.4 Victims of Trafficking

- A National Action Plan for the fight against trafficking should be adopted in Serbia.
- In the territory of Kosovo, it is necessary to adopt all necessary supporting documents and by-laws in order to implement the action plan against trafficking i.e. carrying out concrete actions by the police against organised crime.
- In Serbia (including Kosovo) and Montenegro, it is necessary to establish a system of shelters that will have all the necessary infrastructure and financial support from competent state organs.
- In cooperation with civil society, the Governments of Serbia and Montenegro and interim institutions in Kosovo should establish a system of free legal assistance for trafficking victims, with a special emphasis on assistance to victims in claims proceedings.

4.2 Economic Migrants from Serbia (including Kosovo) and Montenegro

4.2.1 Brain drain and diaspora

- It is necessary to keep the best brains at home – and to encourage them to come back. Plugging the brain drain should be high on the government’s agenda in Serbia, Montenegro and Kosovo’s PISG.
- It is very important to establish new, and improve existing, programs to promote the Serbian export industry abroad. It is also important to inform and advise Serbian producers about EU-compatible product standards and how to achieve them.
- Governments of Serbia and Montenegro and Kosovo’s should improve communication with nationals abroad by promoting diaspora networks in Serbia (including Kosovo) and Montenegro. Promoting the exchange and transfer of knowledge between diaspora and these countries should include diverse levels (for students, lecturers or professors) and could have significant effect on the development of these countries.
- The Serbian government must make a greater effort to eliminate the distrust of financial institutions which is still present within the Serbian diaspora by promoting the existing modern banking system. New initiatives for encouraging growth in the Serbian economy and incentives to attract expatriate investment are necessary.
- The Serbian Ministry of Foreign Affairs must be more involved in relations with the Serbian diaspora through consultations with experts from fields related to problems of the diaspora.
- The Ministry for the Diaspora should be given the opportunity to propose legal measures from its own authority.
- Representatives of civil society should be included in the development and implementation of projects which relate to cooperation with the diaspora and should assist in initiatives for the creation and realization of these and similar projects.

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- The Government of Serbia should reach out to the second generation of migrants, who, because of their youth and experience, can contribute to the total growth of Serbia. At the same time, young migrants of Serbian origin can expand their own knowledge of contemporary Serbia (example: summer language schools).
- The Government of the Republic of Serbia, in cooperation with the governments of other countries, should call for a policy of “double citizenship,” which, along with further integration of migrants from Serbia into the societies of the countries in which they live, would remove all barriers to the increase of human capital of migrants of Serbian origin, for the purpose of developing the Republic of Serbia.
- The Government of the Republic of Serbia should contribute to greater political engagement for the Serbian diaspora by facilitating the use of mail-in ballots.
- The Government of the Republic of Serbia should conduct a census of the Serbian diaspora, which would not only provide a number, but also find out the make-up of the Serbian diaspora (sex, education, etc.)

4.2.2 Remittances in Serbia (including Kosovo) and Montenegro

- Governments of Serbia and Montenegro, and Kosovo’s PISG should encourage migrants to keep savings and financial assets in the country (or province) of origin rather than abroad or spending their savings on consumer goods.
- Governments of Serbia and Montenegro, and Kosovo’s PISG should encourage migrants to use official channels to transfer their remittances.
- Governments of Serbia and Montenegro, and Kosovo’s PISG should facilitate investment by migrants in their countries of origin to stimulate enterprise and job creation.

4.3 Immigrants to Serbia (including Kosovo) and Montenegro

- During the negotiations on the conclusion of the Stabilization and Association Agreement (SAA) between Serbia and the EU, initiatives should be taken to **open a dialogue on the issue of illegal migrations**, either on a bilateral basis with states most jeopardized by illegal migration or together with the EU as a whole. The purpose of these negotiations should be to achieve concrete arrangements on the measures to be taken, jointly or separately, to drastically reduce the presence, or prevent the arrival, of illegal migrants from Republic of Serbia and Republic of Montenegro into the EU. These measures should be applied whether the illegal immigrants are the citizens of Serbia and Montenegro or foreigners who have crossed into Serbia and Montenegro and illegally arrived on EU territory.
- During negotiations, representatives of Serbia, Montenegro and the EU should be kept informed of the process of **reforms to the visa regime** (preparation of new regulations,

new Serbian Foreigners Law, a new information system, preparations of the diplomatic missions and consular posts and their staff for the implementation of the new visa regime, etc.)

- The **turnover of state border control from the Army of Serbia to the Ministry of the Interior** should be completed before the end of SAA negotiations. The positive resolution of this uncertain issue would denote a qualitative turning point in the current situation. Resolution of the state border control issue would also provide a significant positive element to the negotiating atmosphere and create conditions for the general, and specifically financial, support from the EU in this field.
- We emphasize that consensus must be reached as soon as possible on the strategy for reforms on visa, border control, asylum and migration issues. Each organ, in keeping with its mandate, must tackle the implementation of such a strategy, to support negotiations of the Stabilization and Association Agreement (SAA) between Serbia, Montenegro and the EU.

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Annex 1 – Asylum Seekers in Serbia, January 1 – December 31, 2006⁸¹

Nationality	Number of Asylum Applications	Received	Rejected	Otherwise Closed	Remarks
Moldovan	4 (4**)		2	2	Withdrawn
Ethiopian	3 (1*)		1	2	Disappeared
Cuban	2		2		Rejected on Appeal
Iraqi	25 (1*)				Temporary Assistance
Indian	2 (2**)		2		
Egyptian	4 (4*)		4		
Nigerian	1 (1*)		1		1 st instance
Palestinian	1				Still in RSD
Ghanaian	2 (1*) (1**)				Still in RSD
TOTAL	44 (8*) (7**)		12	4	

** indicates case received by border policy at Belgrade Airport*

*** indicates case received through Reception Centre in Padinska Skela*

⁸¹ UNHCR Representation in Serbia, *Asylum Seekers Under UNHCR RSD Procedure, Other Persons of Concern to UNHCR and Mandate Refugees*, February 2007.

Annex 2: Ratified International Agreements by Serbia vis-à-vis Migration Flows

Instruments										
	<p>UDHR Universal Declaration of Human Rights 217 (III) Resolution adopted and proclaimed by the General Assembly of the UN on December 10 1948</p>	<p>ICESCR International Covenant on Economic, Social and Cultural Rights “Official Gazette of SFRJ” – International , Treaties 7/71</p>	<p>ICCPR International Covenant on Civil and Political Rights “Official Gazette of SFRJ” – International Treaties, 7/71</p>	<p>ICERD International Convention on the Elimination of All Forms of Racial Discrimination Official Gazette of SFRJ” – International Treaties,6/67-</p>	<p>CEDAW Convention on the Elimination of All Forms of Discrimination Against Women Official Gazette of SFRJ” – International Treaties, 11/81</p>	<p>CAT Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment Official Gazette of SFRJ” – International Treaties, 9/91</p>	<p>CRC Convention on the Rights of the Child Official Gazette of SFRJ” – International Treaties, 15/90, Official Gazette of FRY – International Treaties, 4/96, 2/97”</p>	<p>ICRMW International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families Serbia signed Convention, but did not ratify it.</p>	<p>ICRMW provisions applicable to</p>	
Contents	Articles on Non-discrimination, General Policy								Documented Migrant Workers ³⁰	Undocumented Migrant Workers ³⁰
Nondiscrimination; Equality before the law ; General policy	Art. 2 Art. 7	Art. 2 Art. 2 Art. 3	Art. 2 Art. 3 Art. 26 General Comment No. 15: The position of aliens under the Covenant ³¹	Art. 2 Art. 5 General Recommendations No. 30 & No. 31 ³²	Art. 2 Art. 9-16	--	Art. 2 Art. 2	Art. 1 Art. 7 Art. 18 Art. 25 Art. 27	Yes	Yes

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Articles on Economic, Social and Cultural Rights									Documented Migrant Workers	Undocumented Migrant Workers
Right to work	Art. 23	Art. 6	--	Art. 5(e-l)	Art. 11(1-a) Art. 16(g)	--	Art. 32(2-a)	Art. 49(2) Art. 52(1)	Yes	No
Right to just and favourable conditions of work; Free choice of employment	Art. 23 (1-3)	Art. 6(1) Art. 7	--	Art. 5(e-l)	Art. 11(1-b) Art. 11(1-c) Art. 11(2)	--	Art. 32 Art. 32 Art. 36	Art. 25 Art. 51 Art. 54 Art. 55 Art. 52(1) Art. 53(1)	Yes	Yes (Art. 25)
Right to social security	Art. 22 Art. 25	Art. 9	--	Art. 5(e-iv)	Art. 11(1-e) Art. 13(a) Art. 14(2-c)	--	Art. 26	Art. 27	Yes	Yes
Right to public health	Art. 25(1)	Art. 12	--	Art. 5(e-iv)	Art. 11(1-f) Art. 12 Art. 14(2-b)	--	Art. 24 Art. 27	Art. 43(e) Art. 28 Art. 45(1-c) Art. 70	Yes	Yes (Art. 28)
Right to education and training	Art. 26	Art. 6(2) Art. 13 Art. 14 Art. 15	--	Art. 5(e-v)	Art. 10 Art. 11(1-c) Art. 14 (2-d)	--	Art. 17 Art. 28 Art. 29	Art. 30 Art. 43 Art. 45	Yes	Yes
Right to marry, found a family, choice of spouse	Art. 16	Art. 10	Art. 23	Art. 5(d-iv)	Art. 16	--	--	--	--	--
Protection of the family (women, children); Family as the fundamental unit of the society	Art. 16(3) Art. 25(2)	Art. 10 Art. 11(1)	Art. 23(1) Art. 23(4) Art. 24	--	Art. 4(2) Art. 5(b) Art. 11(2)	--	Art. 9 Art. 16 Art. 20 Art. 22	Art. 44 Art. 45 Art. 50(1)	Yes	No

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Family reunification, integrity of the family	--	--	--	--	--	--	Art. 9 Art. 10(1) Art. 22(2)	Art. 44(2) Art. 50	Yes	No
Right to housing, Adequate standard of living	Art. 25(1)	Art. 11(1)	Art. 12(1)	Art. 5(e-iii)	Art. 14(h) Art. 15(4)	--	Art. 27	Art. 43 (1-d) Art. 43(3)	Yes	No
Right to own property, to inherit, and to obtain financial credit	Art. 17	--	--	Art. 5(d-v) Art. 5(d-vi)	Art. 13(b) Art. 14(2-g) Art. 15(2) Art. 16(1-h)	--	--	Art. 15	Yes	Yes
Cultural right, participation in cultural life	Art. 27(1)	Art. 15(a)	--	Art. 5(e-vi)	Art. 13(c)	--	Art. 30 Art. 31(2)	Art. 26 Art. 31(1) Art. 43(g) Art. 45(d) Art. 67(2)	Yes	Yes
Right to rest and leisure	Art. 24	Art. 7(d)	--	--	Art. 13(c)	--	Art. 32(1)	Art. 25(a)	Yes	Yes
Articles on Civil and Political Rights									Documented Migrant Workers	Undocumented Migrant Workers
Right to life	Art. 3	--	Art. 6	--	--	--	Art. 6 Art. 37(a)	Art. 9	Yes	Yes
Right to physical and moral integrity (prohibition of torture)	Art. 5	--	Art. 7 Art. 10(1)	Art. 5(b)	--	Art. 1 Art. 16	Art. 37(a) Art. 19	Art. 10 Art. 16(2)	Yes	Yes
Prohibition of slavery, forced labour and traffic in persons	Art. 4	Art. 10(3)	Art. 8	--	Art. 6	--	Art. 11 Art. 32 Art. 34 Art. 35 Art. 36	Art. 11	Yes	Yes

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Right to an effective remedy, Equality before courts	Art. 8	--	Art. 2(3)	Art. 6	Art. 2(c)	Art. 13 Art. 14	Art. 37(d) Art. 39	Art. 16(9) Art. 83 Art. 84	Yes	Yes
Right to procedural guarantees	Art. 6 Art. 7 Art. 10 Art. 11(1)	--	Art. 14 Art. 15 Art. 16 Art. 26	Art. 5(a)	Art. 15(2) Art. 15(3)	Art. 12 Art. 13 Art. 14 Art. 15	Art. 12(2) Art. 37(d) Art. 40	Art. 16(5-8) Art. 18 Art. 1950 Art. 24	Yes	Yes
Right to liberty and security of person; safeguards against arbitrary arrest and detention	Art. 3 Art. 9	--	Art. 9 Art. 10 Art. 11	Art. 5(b)	--	--	Art. 37(b)	Art. 16 Art. 17 Art. 20	Yes	Yes
Expulsion and extradition, nonrefoulement	--	--	Art. 13	--	--	Art. 3	--	Art. 22 Art. 56	Yes	Yes
Right to freedom of movement	Art. 13(1)	--	Art. 12(1)	Art. 5(d-i)	Art. 15(4)	--	--	Art. 39	Yes	No
Right to leave any country including own and to return	Art. 13(2)	--	Art. 12(2) Art. 12(4)	Art. 5(d-ii)	--	--	Art. 10	Art. 8	Yes	Yes
Right to privacy	Art. 12	--	Art. 17	--	--	--	Art. 16	Art. 14	Yes	Yes
Right to freedom of thought, conscience and religion	Art. 18	--	Art. 18 Art. 27	Art. 5(d-vii)	--	--	Art. 14	Art. 12	Yes	Yes
Freedom of opinion and expression	Art. 19	--	Art. 19 Art. 20	Art. 5(d-viii) Art. 4(a) Art. 4(c)	--	Art. 13	Art. 12 Art. 13	Art. 13	Yes	Yes
Right to peaceful Assembly	Art. 20(1)	--	Art. 21 Art. 22	Art. 5(d-ix)	--	--	Art. 15	--	--	--

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Freedom of Association	Art. 20 (1-2)	--	Art. 22(1-2)	--	--	--	Art. 15	Art. 40	Yes	No
Freedom to form and join trade unions	Art. 23(4)	Art. 8	Art. 22(1-3)	Art. 5(e-ii)	--	--	--	Art. 26 Art. 40	Yes	Yes
Right to name and identification	Art. 15	--	Art. 24(2-3)	Art. 5(d-iii)	Art. 9	--	Art. 7 Art. 8	Art. 29	Yes	Yes
Political rights and access to public services	Art. 21	--	Art. 25	Art. 5(c)	Art. 7 Art. 8	--	Art. 18(2-3) Art. 23(3-4) Art. 26	Art. 41 Art. 42(3)	Yes	No
Rights of vulnerable groups, minorities	Art. 25(2)	--	Art. 24 Art. 27	--	--	--	Art. 22 Art. 23 Art. 30	Art. 60 Art. 62	Yes	Yes

In addition to these human rights instruments, the Government of Serbia has ratified the Convention on the Status of Refugees (coming into force on April 22, 1954 as noted in the Official Gazette of the FNRJ, 7/60) and the accompanying Protocol (Official Gazette 15/67). Serbia is also party to the UN Convention Against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (First Protocol) (Official Gazette of the Federal Republic of Yugoslavia 6/01) and the Protocol Against the Smuggling of Migrants, by Land, Sea and Air (Second Protocol).