AN ASSESSMENT OF POST-VISA LIBERALISATION CHALLENGES IN THE WESTERN BALKANS: LESSONS FOR KOSOVO

Pristina, September 2016

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Background of the Report

The right to free movement has been one of the key principles behind the European Union (EU) project. The Schengen Agreement in 1985, not only legally abolished internal borders and institutionalised freedom of movement within the EU, but, importantly, it also established a more defined EU external border and a system for management of entry and exclusion of third country nationals into the territory of the EU.

The management of entry and exclusion of third country nationals into the EU was formalised through the Council Regulation 539/2001, which listed the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement.[1] In other words, this set up the official Schengen (three month) travel visa policy.

Basically, the Regulation distinguishes between a 'black list' of countries, whose nationals require visa (Annex I), and a 'white list' of countries, whose passport holders are visa exempt (Annex II).[2] In the context of the Western Balkans, the 'black list' included Albania, Bosnia and Herzegovina, the then 'Federal Republic of Yugoslavia (Serbia-Montenegro)', and Macedonia. As a result, "for several years, the visa issue has been a dominant issue, for many citizens in the region actually the dominant issue of the EU-Western Balkan relations".[3] It concerned both the citizens of these countries and their relations with the EU in general.

In 2009, the European Commission proposed a Council Regulation amending Regulation 539/2001, which would transfer Macedonia, Montenegro and Serbia to Annex II, subject to compliance with the criteria concerning illegal immigration and public policy. On 1 January 2008, Visa Facilitation Agreements entered into force with five Western Balkan countries: Macedonia, Serbia, Montenegro, Bosnia and Herzegovina and Albania, as a first concrete step towards visa exemption for their citizens.[4] While these countries were provided with roadmaps, Kosovo was also considered in terms of visas by being formally listed in the Annex I list of countries whose nationals require a visa to enter the Schengen Area.

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[1] Council Regulation (EC) No 539/2001.

[2] Ibid.

[3] Florian Trauner and Emanuele Manigrassi. 2014. 'When Visa-free Travel Becomes Difficult to Achieve and Easy to Lose: The EU Visa Free Dialogues after the EU's Experience with the Western Balkans', *European Journal of Migration and Law*, 16:1, 126.

[4] Milica Petrovic. 2010. 'Freedom of movement in the European Union: Visa liberalisation in the Western Balkan countries', *Migration Studies Unit Working Papers*, 15-16.

Roadmaps were set out with each country and encouraged them to fulfil specific conditions necessary for visa liberalisation. Following a close monitoring by the Commission in 2008-9, in November 2009, the European Council adopted Regulation 1244/2009 amending Regulation 539/2001, whereby Macedonia, Montenegro and Serbia were transferred to Annex II, Kosovo was put in Annex I, where Albania and Bosnia and Herzegovina still remained.[5]

Albania and Bosnia were transferred to Annex II the following year, whereas the Commission launched visa dialogue with Kosovo on 19 January 2012.[6] This way, in a matter of three years the EU had liberalised visas with five Balkan countries and was negotiating the same process with the only remaining country, Kosovo. Finally, in May 2016, the European Commission proposed visa liberalisation with Kosovo as well.[7]

The entire process of visa dialogue between the EU and the various Balkan countries had been largely defined by wider political considerations stemming from the EU enlargement process and its internal security considerations. In other words, the process has a dual technical/security and political dimension. The recent visa liberalisation is a consequence of a policy of overall de-securitisation and eventual inclusion of the region in the EU.[8]

On the one hand, the technical criteria concerned issues such as irregular migration, public policy and document security. "Visa Free Dialogues are powerful instruments in terms of making third countries comply with a range of EU-set conditions in the realm of Justice and Home Affairs (JHA)".[9]

On the other hand, the entire process was used as a political tool of conditionality by the EU to encourage political reforms in the region of the Western Balkans that would ultimately speed up the process of integration. As the 2009 proposal by the European Council regarding visa liberalisation with the Western Balkans clearly states, the visa liberalisation was a consequence and follow-up of the 2003 Thessaloniki agenda:

> The "Thessaloniki agenda" confirmed in particular that the perspective of visa liberalisation for the Western Balkan countries is a goal linked to the progress of the countries concerned in implementing major reforms

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[5] Ibid.
[6] European Commission. 2012. 'Commission launches dialogue with Kosovo on visa free travel', *Press Release*, Brussels, 19 January. Available at: http://europa.eu/rapid/press-release_IP-12-32_en.htm
[7] Proposal COM(2016) 277 final 2016/0139.
[8] Milica Petrovic. 2010. 'Freedom of movement in the European Union', 14.
[9] Florian Trauner and Emanuele Manigrassi. 2014. 'When Visa-free Travel Becomes Difficult to Achieve and Easy to Lose', 127.

in areas such as the strengthening of the rule of law, combating organised crime, corruption and illegal migration and the strengthening of their administrative capacity in border control and security of documents.[10]

Nonetheless, although the enthusiasm in the EU and the Balkan countries was very high following visa liberalisation in 2009/10, a rapid surge in the number of irregular migrants from the Balkans seeking asylum in the EU, raised serious concerns about the process as a whole and the sustainability of reforms and measures taken by the countries prior to visa waiver.

The immediate effect of such increase in the number of asylum seekers was the establishment of a post-visa liberalisation mechanism by the EU and strengthening of the criteria for other countries, such as Kosovo, which were negotiating visa liberalisation with the EU. As a result, pressures increased on those countries that had gained liberalisation to undertake legal and administrative measures to curb the increasing number of asylum seekers.

In a wider context, the debate about visa liberalisation as well as the eventual suspension, is shaped by internal developments within the EU related to the migrant crisis from the Middle East and North Africa, the economic crisis and the rise of right wing/populist parties in Europe, as well as persistent political instability, unemployment and corruption in the Western Balkans countries.

Research Objective and Methodology

The main objective of this report is two-fold. First, it provides an overview of visa liberalisation dialogue between the European Commission (EC) and the Western Balkan countries of Macedonia, Serbia, Montenegro, Albania and Bosnia and Herzegovina that took place between 2008 and 2010.

In particular, it addresses post-liberalisation challenges faced by these countries in the light of the increase in the number of asylum seekers and the European Commission's introduction of a post-visa liberalisation monitoring mechanism and proposals for introducing safeguard clauses to suspend visa liberalisation.

Second, and most importantly, it provides an assessment of post-visa liberalisation challenges in the Western Balkans with a view on drawing lessons for Kosovo as the last country from the region to be granted visa liberalisation by the European Union. The report aims to draw a detailed picture of the challenges and risks for Kosovo in the light of the recent wave of migration and Kosovo's

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[10] Proposal COM(2009) 366 final 2009/0104.

structural problems related to political instability, economic underdevelopment, high percentage of unemployment and chronic corruption.

The findings and assessments made in this study will be based on various data collection methods. It combines desk research and interviews with key stakeholders, policy papers and reports by international institutions and local (regional) non-governmental organisations. The crux of the materials will be gathered from interviews with government officials and EU officials in the region, and from European Commission's Reports on the Post-Visa Liberalisation Monitoring for the Western Balkan Countries.

Structure of the Report

The first part of the study focuses on the experiences of the other Western Balkan countries with visa liberalisation roadmaps, which contained specific benchmarks structured in four blocks: document security, irregular migration, public order and security, and external relations and fundamental rights linked to the free movement of people.

The focus here will be on the challenges faced by these countries in the aftermath of the visa liberalisation, in particular, with regards to their response to the increased number of asylum seekers from the region. The main focus of this section will be on the public awareness campaigns, legal/administrative measures that were adopted in response to the increase of asylum seekers and EC's warnings about a possible suspension.

The study will scrutinise various concrete measures taken by individual countries to increase document control at the border, forms of punishment applied for those who violated the visa-free rules (return, travel ban, fines, imprisonment), as well as concerns by human rights groups related to the application of *profiling* at the border and discriminating against marginalised groups (minorities/Roma).

The second and main part of the report will look into Kosovo's visa liberalisation process, with a focus on the measures taken so far and challenges that the country faces in the immediate period following a European Council decision to enable Kosovo passport holders to travel visa-free in the Schengen Area. Most importantly, the report draws a set of potential lessons for Kosovo based on the experiences faced by Macedonia, Serbia, Montenegro, Albania and Bosnia and Herzegovina in the post-visa liberalisation period.

Conclusions are drawn based on experiences from other countries, EU's policy of post-visa liberalisation monitoring and Kosovo's legal, administrative and political measures undertaken to face challenges of post-visa liberalisation.

Visa Liberalisation Requirements for Albania, Bosnia and Herzegovina, Macedonia, Montenegro and Serbia

In 2008, the European Commission formulated 'visa roadmaps' that contained close to 50 requirements for Albania, Bosnia and Herzegovina, Macedonia, Montenegro and Serbia to meet in order to qualify for visa-free travel. According to the European Stability Initiative (ESI),

> The visa roadmaps were almost identical, but they took into account the specific situation in each country, in terms of existing legislation and practice. The conditions ranged from purely technical matters, such as the issuance of machine-readable passports with a gradual introduction of bio-metric data (including fingerprints), to the adoption and implementation of a raft of laws and international conventions, to very broad matters such as progress in the fight against organised crime, corruption and illegal migration.[11]

The roadmaps, which were tailor-made for each country, covered four broad areas of cooperation: (Block I) document security; (Block II) illegal migration and readmission; (Block III) public order and security; and (Block IV) external relations and fundamental rights.[12]

Whereas the benchmarks of the first three blocks of the visa roadmaps were mostly related to justice, freedom and security *acquis* and reflected the content of Regulation (EC) 539/2001, the fourth block concerning external relations and fundamental rights was a novelty, for it was not part of the previous discussions for the removal of the visa requirement for Bulgaria and Romania.[13]

The introduction of a new block that focused on citizens' rights, including protection of minorities, heralds an attempt by the EU to balance out security related concerns about human and minority rights, which would directly or indirectly be affected by the process.

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[11] The Visa Roadmaps, Schengen White List project, *European Stability Initiative*. Available at: http://www.esiweb.org/index.php?lang=en&id=352.
[12] Florian Trauner and Emanuele Manigrassi. 2014. 'When Visa-free Travel Becomes Difficult to Achieve and Easy to Lose', 129.
[13] Simonida Kacarska. 2012. 'Europeanisation through mobility: visa liberalisation and citizenship regimes in the Western Balkans', *CITSEE Working Paper 2012/21*, 2. Available at: http://www.citsee.ed.ac.uk/__data/assets/pdf_file/0003/108912/374_europeanisationthrough mobilityvisaliberalisationandcitizenshipregimesinthewester.pdf

Nonetheless, when it comes to on-the-ground assessment by the European Commission, it was limited to the first three blocks of the visa liberalisation roadmap. The European Commission did not organise thorough assessments on block IV benchmarks, with the EC experts organising only one-day meetings with individual countries to discuss issues primarily linked to questions of anti-discrimination, considered of primary importance in relation to this block.[14]

In 2009, having considered the fulfilment of benchmarks by Macedonia, Serbia[15] and Montenegro, the European Commission proposed the Council to amend Regulation 539/2001 and thus enable the transfer of these countries to the list of visa-free countries. Albania and Bosnia and Herzegovina were transferred the following year, thus making Kosovo the only country in the region whose citizens require visas to travel in the Schengen Area.

In a nutshell, European Commission's focus on the first three blocks of the roadmap related to document security, illegal migration and readmission, public order and security highlights the securitisation of the process of visa liberalisation.

Post-Visa Liberalisation Challenges and Experiences in Albania, Bosnia and Herzegovina, Macedonia, Montenegro and Serbia

Following the proposal to liberalise visas with the Western Balkans countries, the EU justice commissioner Jacques Barrot told journalists in Brussels that this was "a historic step in our relations with the western Balkan countries."[16] An even bigger enthusiasm prevailed in the Balkan countries benefiting from the process.

The enthusiasm faded rather soon as a result of a spike in the number of irregular migrants from the five countries that benefited from liberalisation, especially from Serbia and Macedonia. The number of asylum seekers from these five countries increased from fewer than 10,000 in 2009 to almost 26,000 in 2011, whereas by October 2012, it had reached more than 33,000.[17]

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[14] Ibid, 7.

[15] Nonetheless, according to the Commission's proposal and the EU decision, residents of Kosovo holding a Serbian passport issued by the Coordination Directorate in Belgrade would still need a visa to enter the Schengen zone.

[16] Elitsa Vucheva. 2009. 'Macedonia, Serbia and Montenegro offered EU visa-free travel', *EUObserver*, Brussels, 15 July. Available at: https://euobserver.com/enlargement/28459

[17] European Stability Initiative. 2013. *Saving visa-free travel: Visa, asylum and the EU roadmap policy*. Berlin – Brussels.

This occurred despite the public campaigns aimed at explaining the rules of visa free travel to citizens in these countries and various administrative measures taken to facilitate readmission and provide for sustainable integration of minority groups.

The rapid increase of asylum seekers from the Balkans was rather unexpected by the European Commission officials in charge of the process.[18] According to the European Commission officials, the increased flow of unfounded asylum seekers is partially related to the lack of minority integration and politics in the Western Balkans.[19]

So, this increase highlighted two separate issues with the visa dialogue. First, the official public information and awareness campaigns, deemed very important by the EC, were rather limited. In fact, they intensified only after the surge of asylum seekers after the visa liberalisation. As an expert on visa liberalisation from the region put it: "I don't think that much was done in terms of preventing - I would say that the governments were reacting to the outflow of people."[20]

Second, even if the campaigns were better organised, their effects would have been limited as a result of the often dire economic and social conditions of people in the region, especially minorities, which were the primary reasons for migration.

Nonetheless, the spike in the number of asylum seekers from the region mobilised a number of actors ranging from those member states mostly affected (Germany, Belgium, France, and Sweden) to the EU institutions, who in turn increased pressures on the Western Balkan countries to take immediate measures to prevent asylum seekers.

Due to the surge in numbers of asylum seekers, especially from Serbia and Macedonia, the EU institutions started issuing threats to re-impose visas if the five countries do not take bold actions with immediate effect.[21] Due to the increase in the number of asylum seekers from the Balkans and the pressure from member states affected, the Commission introduced post-visa liberalisation monitoring missions in Serbia and Macedonia in April and May 2011.[22]

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[18] Written interview with an official from the European Commission's Directorate-General for Freedom, Security and Justice (JLS), 20 July 2016.

[19] Florian Trauner and Emanuele Manigrassi. 2014. 'When Visa-free Travel Becomes Difficult to Achieve and Easy to Lose', 134.

[20] Written interview with Simonida Kacarska, an expert on visa liberalisation, Skopje, 27 July 2016.

[21] 'The EU and the Balkans: Asylum system abuse,' *The Economist,* 5 January 2013. Available at: http://www.economist.com/news/europe/21569064-will-eu-reimpose-visas-travellers-balkan-countries-asylum-system-abuse

[22] Simonida Kacarska. 2012. 'Europeanisation through mobility', 16-17.

The increase of the number of asylum seekers provoked further action by the European institutions, which came up with proposals for introducing a safeguard clause to suspend visa liberalisation. Such measures would establish a post-visa liberalisation monitoring mechanism as well as allow for the possibility of temporary re-imposition of visas for people coming from the Western Balkans.[23]

Therefore, in May 2011, the Commission proposed the amendment of the Council Regulation No 539/2001, with the aim of:

> providing for a visa safeguard clause allowing the rapid, temporary suspension of the visa waiver for a third country on the positive list in case of an emergency situation, where an urgent response needs to be given to solve the difficulties faced by Member States.[24]

In practice this means that the EU has now a structured 'post-visa liberalisation' phase. "With its 'post-visa liberalisation monitoring' and the visa 'safeguard clause', the EU has established new (lower level) instruments to keep track of and push for further reforms post-visa liberalisation".[25]

This follow-up mechanism set up in 2011 covers border management, document security, combating organised crime and corruption, fundamental rights, as well as the effective implementation of readmission agreements.[26] The establishment of the monitoring mechanism also implied the formation of a Steering Committee chaired by the Commission and including representatives of Frontex, Europol, the current and incoming Council Presidency, as well as the Secretariat of the Police Cooperation Convention for South-East Europe (PCC SEE).[27]

The scope and structure of the EC monitoring mechanism is twofold: 1) The Commission would continue assessing the implementation of measures taken by the Western Balkan countries concerned during the visa dialogues through the Stabilisation and Association Process, and in particular through the EU Delegations and 2) The monitoring would acts as an alert and prevention mechanism against abuse of visa liberalisation by persons from the region, including the development of a tailored risk analysis (TRA) of the situation in the whole Western Balkan region by Frontex.[28]

So far the European Commission has produced five post-visa liberalisation reports for Western Balkan countries, highlighting problems and measures taken

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[23] Nikolaj Nielsen. 2013. 'EU moves closer to reimposing visas on Western Balkans', *EUObserver*, 9 July. Available at: https://euobserver.com/justice/120799.
[24] COM(2011) 290 final 2011/0138 (COD).
[25] Florian Trauner and Emanuele Manigrassi. 2014. 'When Visa-free Travel Becomes Difficult to Achieve and Easy to Lose', 145.
[26] SEC(2011) 695 final 30.5.2011.
[27] Ibid.
[28] Ibid.

to enforce rules and regulations stemming from the visa liberalisation dialogue, and providing recommendations for further measures to be taken.

As regards the causes of migration, a 2011 Frontex analysis suggests that the main reasons are lack of healthcare, unemployment and lack of schooling.[29] Other findings include the fact that the absolute majority of asylum seekers were using regular bus routes (more than two thirds) or private cars/vans and entered the EU legally at the Serbian-Hungarian border. Finally, as regards the ethnic background and geographical distribution, an estimated 80 per cent of all asylum seekers from Serbia and Macedonia were Roma (Romani speaking). The remaining 20 per cent were ethnic Albanians from Macedonia and Serbia.[30]

This highlights a number of important facts about irregular migration and factors that contributed to such a phenomenon. Importantly, they are related to issues of marginalisation, poverty, and discrimination, all falling within the block IV of benchmarks, continuously overlooked by the EC during the visa liberalisation process.

However, in addition to such 'push factors', important 'pull factors' played a major role in the increase of asylum seekers from the Balkans. According to a study by European Stability Initiative, "the problem is not the lack of information about visa-free travel, but rather the wide availability of information about benefits for asylum seekers."[31] The same study suggests that the main 'pull factor' was the increase of allowance for asylum seekers (in Germany), different processing times and procedures regarding asylum claims, as well different criteria regarding safe countries of origin.

A survey with asylum seekers from Albania shows that whether the main reason for migration were economic, considerations such as "short asylum application procedures, easy fulfilment of criteria set by host country authorities as well as easy access to the country when applying for asylum constitute the main "incentives" attracting asylum seekers to undertake this endeavour."[32]

In sum, the increase of asylum seekers from the Western Balkans following visa liberalisation had a twofold effect. On the one hand, it led to the EU establishing a post-visa liberalisation monitoring mechanism, which in turn increased pressures on the Western Balkan states to prevent irregular migration and, on the other, shifted EU's focus towards human and minority rights dimension.

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[29] Frontex. 2011. *Annual Risk Analysis 2011*. Warsaw. Available at: http://frontex.europa.eu/assets/Attachments_News/ara_2011_for_public_release.pdf
[30] Ibid.
[31] European Stability Initiative. 2013. *Saving visa-free travel,* 11.
[32] Egest Gjokutaj and Elira Hroni. 2013 *Stories behind Visa Liberalization: Asylum Seekers and Irregular Migration*. IDM and European Fund for the Balkans, 5. Available at: http://pasos.org/stories-behind-visa-liberalization-asylum-seekers-and-irregular-migration/

Responses to EU Pressures to Stop Irregular Migration

While preparing to establish a post-visa liberalisation mechanism in response to increased numbers of asylum seekers from Serbia and Macedonia, the European Commission's focus in its negotiations with Albania and Bosnia and Herzegovina shifted to the promotional campaigns for preventing such a phenomenon happening in the latter countries.[33]

Thus, in order to respond to visa liberalisation challenges, in May 2010, Albania launched an informative campaign on citizens' rights and obligations under the visa-free regime[34] and approved the Strategy on Re-integration of Albanian Returned Citizens [35] in July of that same year.

By the same token, the increase in illegal migration in the aftermath of visa liberalisation pushed the European Commission to increase pressure on the Western Balkan countries that had been granted liberalisation. The five Balkan countries initiated the process of introducing various measures, such as intensified information campaigns, as well as operational measures like increased controls of travel agencies potentially involved in misinforming the population about asylum benefits, and strengthened exit controls at the border crossing points.[36]

As noted in the Second EC Post-Visa Liberalisation Monitoring for the Western Balkan Countries, Macedonia and Serbia adopted their respective laws on travel documents and prepared amendments of their Criminal Codes introducing a new criminal offence of facilitation of the misuse of the visa-free regime.[37]

At the same time, these two countries increased pressures on their border police both verbally and in the written form to conduct thorough checks on their citizens when exiting the country. Whereas Serbia adopted a *Directive on determining the manner of performing police duties of the border police officers and the obligations of people crossing the state border* in June 2011, Macedonia issued a "verbal" directive to border police officers.[38]

In 2012 the then Prime Minister of Serbia was quoted as saying that preserving the visa liberalisation is "one of the most important tasks of the Serbian

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[33] Simonida Kacarska. 2012. 'Europeanisation through mobility', 16.
[34] Egest Gjokutaj and Elira Hroni. 2013 *Stories behind Visa Liberalization*, 8.
[35] Government of the Republic of Albania. 2010. *Strategy on Reintegration of Returned Albanian citizens 2010-2015*. Available at:
http://www.esiweb.org/pdf/schengen_whitelist_project_Strategy%20on%20Reintegration%20of%20Returned%20Albanian%20Citizens%202010-2015.pdf
[36] SEC(2011) 1570 final, 3
[37] SEC(2011) 1570 final, 12.
[38] Simonida Kacarska. 2012. 'Europeanisation through mobility', 18.

government", at a meeting of the commission set up to monitor the visa-free arrangement with the EU.[39]

Similarly, the Macedonian Government promised to do the utmost to prevent fake asylum seekers leaving the country. Having criminalised the abuse of visa-free travel in 2011, the Ministry of Interior reported that over 4,300 Macedonian citizens were prevented from exiting the country in 2013 under national regulation aiming to prevent abuse of the visa-free travel within the Schengen area and filing of criminal charges for abuse of visa-free travel in 15 cases.[40]

On the other hand, Montenegro reported that, between 2009 and 2011, 538 citizens were prevented from leaving Montenegro because they did not meet conditions for entering the EU and the Schengen zone countries (lack of funds for the intended stay; absence of reason for staying abroad; lack of return tickets or passengers health insurance) or for other reasons.[41]

This led to a decrease in the number of asylum seekers from Serbia, Macedonia and Montenegro the following year. However, this decrease was counteracted by the considerable increase in the number of asylum seekers from Albania and Bosnia and Herzegovina, increasing the pressure on these countries to adopt measure to prevent such phenomenon.[42] In the case of Albania, the most effective measures were the ones related to travel ban for a specific period of time.[43]

A close examination of the five EC Post-Visa Liberalisation Monitoring Reports shows that the main measures taken by the Western Balkan countries to tackle irregular migration and increasing asylum seekers include: information campaigns (which often involved officials from the EU) in the form of posters, brochures and leaflets clarifying the obligations and rights stemming from the visa-free travel to the Schengen area; intensification of measures to strengthen border controls; cracking down on 'facilitators of irregular migration' i.e. travel agencies and companies.

The Western Balkan countries continuously reported on the intensified measures that aimed at controlling 'facilitators of illegal migration', i.e. travel agencies and transport companies potentially involved in misinforming citizens about asylum benefits. In several cases transport licenses have been withdrawn

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[39] 'PM orders steps to tackle fake asylum seeking', *B92*, 17 October 2012. Available at: http://www.b92.net/eng/news/politics.php?yyyy=2012&mm=10&dd=17&nav_id=82692
[40] Risto Krajkov. 2014. 'Winter asylum in the EU', *Osservatorio Balcani e Caucaso – Transeurope*, 2 April. Available at: http://www.balcanicaucaso.org/eng/Areas/Macedonia/Winter-asylum-in-the-EU-150055
[41] SEC(2011) 695 final, 5.
[42] SEC(2011) 1570 final, 11.
[43] Personal interview with H.E. Qemal Minzhozi, the Albanian Ambassador in Kosovo, Pristina, 1 August 2016.

and criminal proceedings launched.[44]

In sum, the European Commission's post-visa liberalisation pressure to deal with asylum seekers has led to solutions that "have taken the shape of two initiatives: devising legal ways of criminalising the abuse of the visa free regime and pressure on the border police to profile people when exiting the country".[45]

Therefore, due to the increased pressure from the EC and the EU member states, the governments in the region were instructed to *de facto* discriminate against marginalised groups as a result of the practice of conducting *profiling* on the basis of the ethnic background as well as economic status of citizens exiting the country.[46] In particular, this affected the Roma people across the region.

This demonstrates that the situation of Roma risks getting worse in the context of an EU visa liberalisation process as a result of EC pressures on local governments to introduce border checks based on ethnic *profiling*, that ultimately have curtailed the mobility rights of marginalised groups. [47]

Nevertheless, the EC increased its emphasis on issue of human and minority rights, in particular with regards to the Roma population. The Commission would continuously recommend in its reports that that each visa-free state continue taking actions to:

> Increase targeted assistance to minority populations, in particular the Roma, aiming to enhance their long-term socio-economic integration via educational, employment and vocational training programmes, including by implementing national strategies and using domestic assistance, supported by available EU assistance and bilateral assistance offered by EU Member States.[48]

Clearly, as a result of the experience with the five Western Balkan countries, the Commission now puts more emphasis on issues relating to fundamental rights and social inclusion of marginalised groups, in particular Roma, both in the negotiation phase (as we will see in the case of Kosovo) and in the post-visa liberalisation monitoring phase.

Overall, the record of the EU and Western Balkan countries in managing post-visa liberalisation challenges is rather mixed. As regards the Western Balkan countries, their governments did not do much in preventing irregular migration; rather, they were reacting to the outflow of people by putting pressure both in

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[44] SEC(2011) 1570 final, 12.
[45] Simonida Kacarska. 2012. 'Europeanisation through mobility', 17.
[46] Ibid., 20-22.
[47] Florian Trauner and Emanuele Manigrassi. 2014. 'When Visa-free Travel Becomes Difficult to Achieve and Easy to Lose', 144.
[48] COM(2013) 836 final, 20.

written and in verbal form on the border police to *profile* potential asylum seekers and, in some cases, adopt some legal measures.[49]

On the other hand, the EU found it very difficult balancing between security concerns that seem to be of paramount importance in the whole process of visa liberalisation and human and minority rights. As Trauner and Manigrassi summed it,

> [T]he first consequence of the post-visa liberalisation experience is somehow contradictory: although the Commission has stepped up its efforts to improve anti-discrimination and integration policies of marginalised groups, target third countries have understood that EU member states are primarily interested in an end of the abuse of European asylum systems through their citizens. The policies adopted thus far in the Western Balkans have primarily had the effect of curtailing the mobility rights of marginalised groups and therefore achieved quite the opposite of what the Commission seeks to realise in its official declarations and ongoing Visa Free Dialogues.[50]

The EC regular monitoring reports reveal a number of important facts about the post-visa liberalisation spike in asylum seekers. First, the number of asylum seekers spiked in the first year after visa liberalisation (2010) and then remained pretty much the same, but with seasonal variation, with the winter months recording a higher number of applicants. According to the EC data: in 2009 there were 11,480 applications from the five Western Balkan countries; in 2010 the number almost tripled reaching 31,650; in 2011 there were 29,045 applications; in 2012 47,350, in 2013 the number reached a record level of 53,705 applications; and in 2014 there were 47, 485 applications.[51]

However, Western Balkan asylum seekers made roughly 10 per cent of the overall number of asylum seekers in the Schengen area, with countries like Germany, Sweden, Belgium, France, Switzerland and Luxemburg being the preferred destinations.[52] In terms of the country share, between 2009 and 2014, 42 per cent of Western Balkan asylum seekers were from Serbia, 21 per cent from Albania, 21 from Macedonia, 14 per cent from Bosnia and Herzegovina and 2 per cent from Montenegro.[53]

On the other hand, recognition rate of Western Balkan asylum applications in EU

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[49] Written interview with Simonida Kacarska, an expert on visa liberalisation, Skopje, 27 July 2016.
[50] Florian Trauner and Emanuele Manigrassi. 2014. 'When Visa-free Travel Becomes Difficult to Achieve and Easy to Lose', 137.
[51] COM(2015) 58 final, 10.
[52] COM(2015) 58 final, 10-11.
[53] COM(2015) 58 final, 12.

and Schengen-associated countries has been very low. Between 2009 and 2014, recognition rate of asylum applications was as follows: Albania 8.1 per cent; Bosnia and Herzegovina 5.9 per cent; Montenegro 3.7 per cent; Serbia 2.7 per cent; and Macedonia 1.0 per cent.[54]

Also, the dynamics of migration vary. In the case of Macedonia and Serbia, the first years after visa liberalisation saw a bigger number of asylum seekers, which gradually decreased in the following years.[55] On the other hand, irregular migration from Albania and Bosnia and Herzegovina was lower in the aftermath of the liberalisation but increased in the following years. In particular, Albania witnessed a spike in asylum seekers in 2015, with 65,935 Albanian citizens applying for asylum in the EU.[56]

Likewise, despite interventions at the level of the European Commission and the Balkan countries, the main 'push factors' and 'pull factors' remained relatively unchanged. According to the 2014 EC report: "The most common 'push factors' driving asylum flows from the Western Balkans remained the following: deprivation, unemployment, discrimination, poor access to health care, social benefits and education, and, for Albanians, 'blood feuds'". [57]

Although most of the migrants include minority persons, as well as other young and poor people disillusioned with their home countries who are searching for a better future, migration was also fuelled by rumours such as 'Germany is searching manpower' or 'France automatically accepts asylum applications from the Balkans', which travelled from place to place and country to country.[58]

On the other hand, "the main 'pull factors' driving asylum abuse from the Western Balkans remained unchanged, including the presence of a Diaspora community in the recipient states, the duration of the asylum procedure, the amount of cash benefits received, access to begging or the illegal labour market, and knowledge of past asylum recognition rates."[59]

Nonetheless, the reports show that the overwhelming majority of citizens from the visa-free Western Balkan countries are *bona fide* travellers with legitimate

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[54] COM(2015) 58 final, 15.

[55] CCOM(2015) 58 final, 12.

[56] Eurostat. 2016. 'Asylum in the EU Member States', News Release 44/2016, 4 March. Available at: http://ec.europa.eu/eurostat/documents/2995521/7203832/3-04032016-AP-EN.pdf/

[57] COM(2015) 58 final, 5.

[58] Susanne Koelbl, Katrin Kuntz and Walter Mayr. 2015. 'Mass Migration: What Is Driving the Balkan Exodus?', *Spiegel Online International*, 26 August. Available at: http://www.spiegel.de/international/europe/western-balkan-exodus-puts-pressure-on-germany-and-eu-a-1049274.html

[59] COM(2015) 58 final, 6.

grounds to travel to the EU. Therefore, according to the European Commission, "The visa-free travel scheme has fulfilled its purpose: it has strengthened people-to-people contact between the Western Balkans and the EU, including with Diaspora communities in the Member States, enhanced business opportunities and cultural exchanges, and enabled the visa-free countries' citizens to get to know the EU better."[60]

Kosovo's Visa Liberalisation Process and Post-Liberalisation Challenges: Lessons from the Region

Whereas Albania, Bosnia, Macedonia, Montenegro and Serbia underwent an EU-led visa liberalisation process between 2008 and 2010 and were granted visa-free travel at the end, Kosovo remained an isolated "visa ghetto", with the European Commission proposing visa-free travel for the people of Kosovo only in May 2016. Pending a final green light by the European Council, Kosovo is the only country in the Balkans whose citizens are still asked to acquire a visa to enter the Schengen zone.

Kosovo received its much awaited visa liberalisation roadmap[61] on 14 June 2012, which lists all the reforms and requirements that Kosovo needs to complete in order to qualify for visa-free travel to the Schengen area. However, in 2009, the Government of Kosovo prepared its own unofficial roadmap[62] and action plan[63] based on the analysis and samples of roadmaps of Albania, Bosnia and Herzegovina, the Republic of Macedonia, Montenegro and Serbia.

Thus Kosovo embarked on a series of reforms considered as preconditions for a visa liberalisation process, including the implementation of provisions for readmission, reintegration, enhanced border security, secure management of civil registries and personal documents. A new Action Plan[64] was adopted in April 2013, which summarises the criteria contained in the Visa Liberalisation Roadmap from 2012, and the recommendations of the European Commission published on 12 February 2013.

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[60] COM(2015) 58 final, 8.
[61] European Commission. 2012. Visa Liberalisation with Kosovo*: Roadmap. Brussels. Available at: http://www.mpb-ks.org/repository/docs/visa%20roadmap%20for%20Kosova_progress%20_2_.pdf
[62] Ministry of Internal Affairs of Kosovo. 2009. Roadmap: Visa Liberalisation with the Republic of Kosovo, Pristina, May. Available at: http://www.mpb-ks.org/repository/docs/visa%20roadmap%20for%20Kosova_progress%20_2_.pdf
[63] Government of Kosovo. 2009. *Action Plan for Implementation of Roadmap of Government of Kosovo on Visa Liberalisation Regime with European Union (2009-2011)*, Pristina, October. Available at: https://www.mpb-ks.org/repository/docs/Visa%20LiberalizationActionPlan_ENG_final.pdf
[64] Government of Kosovo. 2013. *Action Plan for implementation of Visa Liberalisation roadmap*, Pristina, April. Available at: http://www.mpb-ks.org/repository/docs/VLAP_2013_Eng.pdf

The Action Plan introduces a total of 164 actions to be taken to meet the roadmap benchmarks. In terms of the benchmark blocs, the actions are divided as follows: Block 0: Readmission and Reintegration – 28 actions; Block 1: Document Security – 10 actions; Block 2: Border Management and Migration – 46 actions; Block 3: Security and Rule of Law - 66 actions; and Block 4: Fundamental rights of the freedom of movement – 14 actions.

As regards the EC roadmap for Kosovo, it is slightly different compared to the other Western Balkan countries. According to a study by the European Stability Initiative (ESI), the main differences include: a higher number of benchmarks as a result of splitting what was one benchmark for other Balkan countries into several benchmarks for Kosovo; the Kosovo roadmap makes provision for the fact that Kosovo has not been recognised by all EU members, thus leaving Kosovo 'to explore modalities of cooperation' with EU agencies such as Europol, Frontex and Eurojust; the Kosovo roadmap leaves open the possibility of amendments of the roadmap, thus introducing uncertainty in the process and potentially undermining its merit-based basis; the Kosovo roadmap refers to 'reinforced consultation', thus hinting to a bigger involvement of other EU institutions (Council), member states and agencies, as well as the EULEX Mission.[65]

Importantly, the Kosovo roadmap stipulated that in addition to Kosovo's record in implementing measures addressed in the roadmap, the European Commission report will also evaluate "[t]he expected migratory and security impacts of the liberalisation of the visa regime with Kosovo."[66] This was not the case with the other Western Balkan countries and certainly shows the concern with increasing number of irregular migrants from the region in general and Kosovo in particular.

In fact, late 2014 and early 2015 saw a dramatic rise[67] in the number of asylum seekers from Kosovo mostly traveling through Serbia into Hungary and then Germany and other Schengen area countries. This was mirrored in a corresponding rise of asylum seekers from Kosovo, which increased to 37,905 in 2014 (from 20,215 in 2013). From January to June 2015, 62,860 Kosovo citizens applied for asylum in the EU.[68]

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[65] European Stability Initiative. 2012. *Moving the goalposts? A comparative analysis of the visa liberalisation roadmaps for Kosovo and other Western Balkan countries*, Brussels, Berlin, Istanbul, 6 July. Available at: http://www.esiweb.org/pdf/Moving%20goalposts%20-%20A%20critical%20look%20at%20the%20Kosovo%20visa%20roadmap%20(6%20July%202012).pdf

[66] European Commission. 2012. Visa Liberalisation with Kosovo*: Roadmap, 3.

[67] Fatos Bytyqi and Krizstina Than. 2015. 'Dramatic surge in Kosovars crossing illegally into EU', *Reuters*, 4 February. Available at: http://www.reuters.com/article/us-kosovo-eu-migrants-idUSKBN0L811120150204

[68] SWD(2015) 215 final Kosovo* Report, Brussels, 10 November, 57-58.

This dramatic rise of illegal migration and asylum seekers from Kosovo, who formed the bulk of asylum seekers from the Balkans, cast a big shadow of doubt on Kosovo's visa liberalisation process as a whole. Kosovo's institutions, under pressures from the EU and its members states, mobilised to undertake a number of short term measures to curb irregular migration, including reinforced checks on buses leaving Kosovo, stringent checks of licenses of bus companies and awareness-raising campaigns that resulted in a significant decline in irregular migration.[69]

At a meeting with EU ambassadors in Kosovo to discuss the problem, Kosovo Interior Minister Skënder Hyseni, put the blame of organised crime and appealed to the bloc to speed up procedures for processing asylum requests to discourage would-be migrants.[70] Subsequently, in 2015, the Kosovan Police reported 17 investigated cases of smuggling with migrants and 14 arrested as part of the efforts to combat irregular migration and human smuggling, in cooperation with the neighbouring and EU countries, as well as with Europol and Eurojust.[71] As a result of various short-term measures, the number of asylum seekers decreased significantly since May 2015.

Although the exodus was certainly abetted by an EU-encouraged agreement on freedom of movement and ID cards between Kosovo and Serbia, which since 2012 has allowed Kosovans to enter with Kosovo-issued documents, the main driving factor was economic and social. Having a very young population (the median age is 28), around 40 per cent unemployment and average salaries of €350 a month, Kosovo doesn't offer a lot of prospects at home.[72] In fact, according to an UNDP survey, the overwhelming majority of the respondents believe that the main reasons for migration from Kosovo in 2014-15 are related to poor socio-economic conditions.[73]

Other factors, especially 'pull factors', beyond the control of the Kosovan government, played a crucial role, as well. Above all, the large Kosovo Albanian Diaspora in Europe (some 47 per cent of the households have a family member abroad[74]), which often provides networks of support and protection for irregular migrants, as well as different processing times and financial support for asylum seekers in the EU member state, were of great importance in encouraging

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[69] Ibid.
[70] Fatos Bytyqi and Krizstina Than. 2015. 'Dramatic surge in Kosovars crossing illegally into EU'.
[71] Kosovo Police. 2015. *Annual Report*, 12. Available at: http://www.kosovopolice.com/repository/docs/Raporti_vjetor_i_pun%C3%ABs_s%C3%AB_Policis%C3%AB_s%C3%AB_Kosov%C3%ABs_2015_-_ANGLISHT.pdf
[72] Aleksandra Eriksson. 2016. 'Kosovo's gloomy visa-free future', *EUObserver*, Brussels, 5 May. Available at: https://euobserver.com/migration/133344
[73] Atdhe Hetemi at al. 2015. *Public Pulse Report IX*. Pristina: UNDP Kosovo, 9. Available at: file:///Users/Gezim/Downloads/PPR9_Anglisht.pdf
[74] Ibid.

migration.

In many ways, Kosovo experienced a similar situation like the other Western Balkan countries in terms of the increase in irregular migration, albeit prior to visa liberalisation. While it is hard to conclude whether that was just a prelude to what might come after visa liberalisation or the worst has already happened, it could and should have helped the Kosovo institutions to deal with the challenges of post-visa liberalisation period.

Notwithstanding fears about the impact of the exodus on the visa liberalisation process with Kosovo, the European Commission undertook regular evaluation missions and produces three separate reports on Kosovo's progress in the visa dialogue in 2013, 2014 and 2015. In the fourth and the last report, published on 4 May 2016, the Commission confirmed that "Kosovo has met the requirements of its visa liberalisation roadmap on the understanding that by the day of the adoption of this proposal by the European Parliament and the Council, Kosovo will have ratified the border/boundary agreement with Montenegro and strengthened its track record in the fight against organised crime and corruption." [75]

So, if all goes well and Kosovo ratifies the border agreement with Montenegro and strengthens its track record in the fight against organised crime and corruption, by 2017, Kosovo biometric passport holders will be able to travel visa-free to Schengen countries. While a final transfer of Kosovo into the 'white list' of countries would be a great achievement for Kosovo and its citizens, the fear that visa-free travel would encourage another wave of migration from Kosovo lingers in EU countries.

So, what are the main challenges that Kosovo will face in the aftermath of the visa liberalisation? Certainly, the main challenge will be to prevent another massive exodus from Kosovo. While an increase in irregular migrations will most certainly be inevitable, the scale of it will at large depend on the determination and resilience of Kosovan institutions. According to an official from the Ministry of European Integration of Kosovo, the biggest challenge for Kosovo will be managing the first six months of liberalisation.[76]

Although the first period is the most delicate and difficult to deal with, as seen in the other cases from the region, irregular migration numbers fluctuated on yearly and seasonal basis. The case of Albania shows that irregular migration can spike years after visa liberalisation. Thus, a more comprehensive and long-term multi-sectorial approach is needed to tackle the problem of irregular migration.

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[75] COM(2016) 276 final, Brussels, 4 May 2016.
[76] Interview with a Senior Political Advisor at the Ministry of European Integration of Kosovo, Pristina, 27 July 2016.

The recent experience of Kosovo with massive irregular migration, the on-going unfavourable political climate in the country, as well as the dire economic and social situation in the country will most probably continue to be the main 'push factors' for migration in the future. Although the percentage of people who declare that they have plans to migrate dropped from 38.2 per cent in 2012 to 15.7 per cent in 2015,[77] high unemployment remains a key 'push factor'. Unfortunately, tackling these root causes of migration through long terms measures is a daunting task for any government.

Worse, the efforts of the Kosovan institutions to deal with the challenges of the post-visa liberalisation will most likely be undermined by ever important 'pull factors' related to the existence of a large Diaspora, as well as lack of streamlining of processing times and financial assistance for asylum seekers within the Schengen area countries.

Despite increased emphases by the EC on improvement of anti-discrimination and integration policies of marginalised groups, the policies adopted by Western Balkan countries often had the effect of curtailing the mobility rights of marginalised groups. This will be a challenge for Kosovo as well, especially when it comes to the Roma, Ashkali and Egyptian (RAE) communities that live in particularly dire economic and social conditions. Despite a number of legal and policy initiatives by the Kosovan institutions to improve their position and facilitate re-integration of tens of thousands of those who were repatriated in the last decade, RAE people remain particularly prone to migration. Thus, preventing abuse with visa-free travel without curtailing the rights of RAE communities' members will be difficult challenge for Kosovo's institutions.

Similarly, the position of Serbian passport holders in Kosovo remains delicate. Most of the Kosovo Serbs, as well as some other non-Albanians, posses Serbian documents issued by the by the Coordination Directorate in Belgrade, which do not allow for visa-free travel. It therefore remains a challenge for Kosovo to facilitate the acquisition of Kosovo passports by this category of people, to enable them visa-free travel and, at the same time, provide them with a means of integration within the Kosovan system. In fact, the recommendation for a visa-free regime by the European Commission has already increased interest among Serbs to obtain Kosovo passports.[78]

Two important factors make Kosovo stand out from the other regional countries: first, the existence of a large Diaspora with very active and close family links to Kosovo and, second, the fact that previously the main category of people

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[77] Atdhe Hetemi at al. 2015. *Public Pulse Report IX*, 13.
[78] Sanja Sovrlic. 2016. 'With visa liberalization in sight, Serbs line up to get Kosovo passports', *Prishtina Insight*, 30 May. Available at: http://prishtinainsight.com/visa-liberalization-sight-serbs-line-get-kosovo-passports/

migrating comprises young people from the majority population and not minority, as was the case with most of the other countries. Therefore, its information and awareness public campaign should be broader (to include the Diaspora as well), more intensive and continuous.

Nevertheless, Kosovo has a slight 'advantage' compared to the other countries, which is related to the additional and more detailed benchmarks and conditions it had to fill to meet the EC requirements for visa liberalisation. As such, it will be better positioned in facing the challenges of irregular migration.

For instance, the Roadmap was clear in that "Kosovo will be required to undertake continuous, targeted, information campaigns aiming to clarify the rights and obligations of visa-free travel, including information on rules regulating access to the EU labour market and liability for any abuse of rights under the visa-free regime."[79]

So whereas the other countries intensified their campaigns in reaction to the rise in asylum seekers after visa liberalisation, Kosovo has been conditioned to work on that in the course of the visa dialogue, with a particular focus on the period before the liberalisation. The Ministry of European Integration (MEI), which is at the forefront of the process, is working on lunching a comprehensive multimedia campaign, which will take place mid-September through December 2016.

According to an MEI official[80],

> The Ministry really wants to create a campaign that focuses on the positive. Before, the campaigns were more negative, telling citizens what they cannot do, so that citizens thought the government was telling them not to migrate or take advantage of visa liberalization. The Ministry wants to focus on the positive, and make sure citizens understand that they cannot abuse this privilege … It will be targeted first to the youth, primarily those aged 18-35, who are the most prone to migration and travel, and secondly it will be targeted towards minorities such as Roma, Ashkali, and Egyptian.

Other measures undertaken in preparation for visa liberalisation include instructions on border police to be strict and conduct thorough interviews to make sure citizens have the financial means to cover the visit, have a return ticket, and have accommodation where they are going.[81] *In extremis*, Kosovo will punish those who abuse their visa liberalisation by suspending them for 5 years

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[79] European Commission. 2012. Visa Liberalisation with Kosovo*: Roadmap, 15.
[80] Interview with a Senior Political Advisor at the Ministry of European Integration of Kosovo, Pristina, 27 July 2016.
[81] Ibid.

from using their visa liberalisation privileges.[82]

However, Kosovo will face a number of additional challenges with regards to post-visa monitoring mechanism stemming from it status issue. One of the key elements of the post-liberalisation mechanism includes operational cooperation and information exchange with neighbouring states, EU Member States and Schengen-associated countries, the European Commission and, as appropriate, Frontex, Europol and Eurojust. Therefore, Kosovo could face substantial problems in terms of cooperation and coordination with the neighbouring state of Serbia, which opposes its independence, as well as EU agencies and mechanisms such as Frontex, Europol and Eurojust, in which it is not a member or has access.

Likewise, the enthusiasm that prevailed in the EU institutions in 2009/2010, which considered visa liberalisation a great step forwards in the relations between the EU and Western Balkan countries, has long gone. Due to the refugee crisis from the Middle East, but not only, immigration has become a toxic issue in the political and public arena of the EU member states. As a result of this, but also changes in the EC regulations that allow for temporary suspension of the visa-free regime, Kosovo's record in managing post-visa liberalisation will be watched very closely by EU institutions and member states.

The post-liberalisation challenges are multiple and the success in dealing with them depends on the overall social, economic and political context of the country, the depth and sustainability of reforms undertaken as part of the visa dialogue process, preventive (administrative and informative) measures, as well as EU members' internal procedures and provisions of dealing with asylum seekers.

In sum, the main lessons from the region in terms of post-visa liberalisation challenges they faced include:

- Adopting and applying a proactive strategy aimed at prevention of irregular migration;
- Preventing a wave of irregular migration in the immediate aftermath of visa-liberalisation;
- Balancing between short term administrative measures (aimed at prevention of irregular migration) and long term measures (aimed at ameliorating socio-economic position of vulnerable groups);
- Balancing between security concerns and EC pressures to tackle irregular migration, on the one hand, and human rights, on the other;
- Dealing with the transfer of responsibilities from EU/Schengen

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[82] Ibid.

authorities to the national authorities regarding the Schengen border control;

- Temptation to criminalise asylum seeking in an effort to curb irregular migration; and
- Application of ethnic *profiling* at the border, in particular when it comes to minority populations (i.e. Roma).

While Kosovo is expected to face the same or similar challenges, undoubtedly, its biggest challenge will be to prevent a massive exodus akin to the 2014/2015 one. Whereas the socio-economic problems, as the main 'push factor', are difficult to address in the short term, Kosovo is relatively well placed to cope with the challenge of post-liberalisation period due to its experience with the previous wave of migration as well as the amount of detailed benchmarks it had to complete to qualify for visa-free travel.

Conclusions and Recommendations

The experiences of Albania, Bosnia and Herzegovina, Macedonia, Montenegro and Serbia with the post-visa liberalisation challenges demonstrate that a rise in irregular migration, at least in the first stage of the process, is inevitable. However, importantly, this report shows that despite the fulfilment of the criteria set forward by the European Commission in the respective roadmaps, the governments of these countries did not do enough in terms of prevention; rather, they reacted to the outflow of people.

Their measures included a mixture of legal actions to criminalise abuse of the visa-free travel, stricter controls at the border, and pressuring border guards to *profile* potential asylum seekers. This became problematic and raised concerns about human rights violation and discrimination against minorities, especially Roma.

However, as demonstrated by the EC post-visa liberalisation monitoring reports and NGO studies, 'pull factors' related to processing times and financial assistance for asylum seekers played a crucial role, often undermining informative and administrative efforts by the governments in the region.

While the trend of irregular migration continues, albeit at a different scale, the experience of the five Western Balkan countries as well as the European Commission's post-visa liberalisation monitoring mechanism demonstrates that a mix of short-term (information and awareness raising campaigns) and long-term measures (aiming at improving living conditions of the vulnerable groups of population) is the best way to deal with the challenge of irregular migration in the long run.

Irregular migration and asylum seeking from the Western Balkans remains a problem up to date. Largely, it has overshadowed the fact that the overwhelming majority of people that travel to the EU are *bona fide* visitors and the great impact visa liberalisation had on the lives of millions of people from the region. Irregular migration is a multi-layered problem that contains an economic, social, security and humanitarian dimension, and solutions can only be found in addressing all of them.

Therefore, based on the experience of Albania, Bosnia and Herzegovina, Macedonia, Montenegro and Serbia with the post-visa liberalisation, discussed at length in this report, as well as Kosovo's specific socio-political situation and its recent experience with irregular migration, we recommend the following measures to be taken by the Kosovan institutions in order to be prepared to cope with the challenges of post-visa liberalisation:

❖ The Government of Kosovo should devise an action plan that combines short-term (public information and awareness raising campaigns) and long-term measures (aiming at improving living conditions of the vulnerable groups of population);

❖ The Government of Kosovo should include youth organisations and NGOs, as well as minority parties and leaders from the start in the targeted information campaign;

❖ The public information and awareness raising campaigns should also target the Kosovan Diaspora (through the Ministry for Diaspora and Diplomatic Representations abroad);

❖ The Ministry of Interior should undertake measures to apply strict border controls and checks in full compliance with citizens' fundamental rights and while avoiding *profiling*;

❖ Kosovo institutions should undertake measures (including trainings) to strengthen the capacity of the border police in order to ensure the application of travel rules without breaching human rights;

❖ The public information and awareness raising campaign and strict border control should be maintained for a longer period (as demonstrated in the case of Albania, irregular migration can increase at a latter stage);

❖ Kosovo institutions should facilitate acquisition of Kosovo biometric passports for Serbian passport holders in Kosovo (Serbs and other non-Albanians) to enable them visa free travel;

❖ Kosovo authorities should avoid criminalisation measures for asylum seekers, which violate universal human rights;

❖ Kosovo Police and Kosovo Judiciary should cooperate closely in investigating 'facilitators of irregular migration' and criminal groups that abuse of the visa-free scheme;

❖ The Ministry of Internal Affairs and Kosovo Police should explore all possible avenues to establish and strengthen operational cooperation and information exchange with neighbouring states, EU Member States, the European Commission and other EU agencies;

❖ In particular, Kosovo institutions should explore all avenues to increase direct cooperation with Europol and Frontex, be it through application for membership or some special arrangement, in order to exchange information about organised crime, trafficking and fraud, that have a direct impact on the visa free regime; and

❖ The Ministries of Foreign Affairs, Internal Affairs and European Integration should engage in close cooperation and dialogue with countries of destination in order to identify and address 'pull factors'.

Annex I: Questionnaire

Location: *Pristina, Kosovo*

Research Study: An assessment of post-visa liberalisation challenges in the Western Balkans: Lessons for Kosovo

Brief background

Over the last few weeks, at RIDEA, we have been working on a new research project which focuses and analyses the manners in which the countries from the Western Balkans region have dealt with post-visa liberalization process and the lessons that Kosovo might draw from this process.

Please note that the following questions are indicative and are meant to provide the basis of an informal discussion. We do not assume that interviewees will be able to answer all of them. The interviewees' answers will be confidential and will be used solely for this task/activity.

Questions:
1. Which were the main pre-liberalisation legal and administrative measures undertaken to prevent illegal migration?
2. How important was the public information and awareness campaigns aimed at further clarifying to citizens the rights and obligations of visa-free travel?
3. How long did it last?
4. Which actors (state/NGOs, Media) were involved?
5. Did it target specific groups of population i.e. minorities/Roma?
6. What were the main challenges country X faced after visa liberalisation?
7. Did you expect a surge in number of asylum seekers, which occurred immediately after the visa liberalisation?
8. What were the main challenges for country X in dealing with the EC post-visa liberalisation monitoring system?
9. How did country X deal with warnings from EC in 2011 about the possibility of visa suspension?
10. What legal/administrative measures were adopted in response to the increase of asylum seekers and EC's warning about a possible suspension?

11. What concrete measures were taken to increase document control at the border?
12. What forms of punishment were applied (return, travel ban, fines, imprisonment)?
13. Did the border police of country X apply *profiling* at the border?
14. Did the country X manage to prevent asylum seekers without infringing upon the right of freedom of movement and discriminating against marginalised groups (minorities/Roma)?
15. In your experience, what were the key challenges in the whole process of managing visa liberalisation?
16. Do you have and advise or suggestions that you think Kosovo authorities should have in mind when dealing with the post-liberalisation challenges?
17. Do you mind if we quote/paraphrase you within the study with your full name or simply with your institutional affiliation?