



IOM International Organization for Migration
OIM Organisation Internationale pour les Migrations
OIM Organización Internacional para las Migraciones

The Republic of Serbia including the Province of Kosovo

Migration Profile

September 2007



Serbia– Basic facts	
Population (2005)	9,863,000
Total Area	88,361 sq km
GDP per Capita PPP	N/A
Human Development Index (HDI) Rank	N/A
Net Migration Rate	-1.9 migrants/1,000 population
Sources: United Nations Department of Economic and Social Affairs, Population Division's World Population Prospects: the 2006 Revision Population Database.	

Notes:

Any data contained in this publication, the source of which refers to a period prior to Montenegro independence (which constitutes the majority of data available for this compilation) refers to Serbia and Montenegro. No separate data is available.

Depending on the source, some data include the Province of Kosovo (Republic of Serbia) estimates, and some do not. Also, separate reference or data is given for the Province of Kosovo (Republic of Serbia) when the information field calls for it in view of better reflecting the reality. The data specifically on Kosovo immediately follows the text on Serbia.

Table of Contents

1. Immigrants	5
1.1. Number of immigrants	5
1.2. Status of immigrants	5
1.3. Main countries of origin	6
2. Emigrants	6
2.1. Number of emigrants	6
2.2. Status of emigrants	6
2.3. Main countries of destination	6
3. Remittances	7
3.1. Quantitative aspects of remittances	7
3.2. Qualitative aspects of remittances	8
4. Migrant Communities/diasporas	9
4.1. Numbers/Estimates	9
4.2. Description of relationship between migrant communities and country of origin	9
4.3. Migrant communities'/Diasporas organizations	10
5. Irregular Migration	11
5.1. Numbers/Estimates of irregular movements	11
5.2. Figures and information on return migration flows	11
6. Assessment and analysis of migration issues	13
6.1. Summary assessment of migration issues	13
6.2. Government bodies responsible for migration policy	14
6.3. Migration policies in place	17
6.4. International legal framework in place of relevance to migration	19
6.5. Labour market and identified skill shortages	21
6.6. Irregular migration routes and policies to address irregular migration	21
6.7. Trafficking in human beings and policies to address it	24
6.8. Presence of refugees, asylum seekers and internally displaced persons in the country and policies in place	25
6.9. Projects and programmes on migration and development	27
6.10. Other important migration actors within the country	28
Annex 1: Specific information for Kosovo	31

List of Tables

Table 1: Serbia and Montenegro Nationals in OECD Countries in 2004	7
Table 2: Estimates of Remittances per Annum (imillion USD) in Serbia and Montenegro7	
Table 3: Serbian and Montenegrin migrant communities at the beginning of the 21 st Century	9
Table 4: Citizens of Serbia (and Montenegro) in EU 15 and non-EU 15 countries, 2003	11
Table 5: Removed Serbian (and Montenegrin) aliens from EU-25, 2002-2004	11
Table 6: IOM Assisted Voluntary Return to Serbia (and Montenegro).....	11
Table 7: Number of Assisted Victims Trafficked to or originating from Serbia, 2001-2004	24
Table 8: Serbian Trafficking Victims Assisted between 2004 and 2006.....	24
Table 9: Number of applicants for temporary residence permits in Kosovo	31
Table 10: Refugees/asylum-seekers in Kosovo	31
Table 11: Estimates of Remittances per Annum in Kosovo (in million EUR)	31
Table 12: Remittances as percentage of GDP in Kosovo:.....	32
Table 13: IOM Assisted Voluntary Returns to Kosovo.....	34
Table 14: Number of Assisted Victims Trafficked to or originating from Kosovo Province (Republic of Serbia) 2001-2004	42
Table 15: Data on Victims of Trafficking assisted by IOM Kosovo.....	42

1. Immigrants

1.1. Number of immigrants

-----	512,336 (stock, 2005) ¹
As percentage of total population-----	4.9% ²
Gender ratio-----	291,930 female / 220,406 male (2005) ³
-----	21,186 (flows, 2006) ⁴

1.2. Status of immigrants

Refugees-----	98,997 (2006) ⁵
Asylum-seekers-----	44 (2006) ⁶
Labour immigrants/permanent -----	3,159 (2002) ⁷
[1,699 work permits issued to foreigners, of which 1,077 were issued in Belgrade (2006). ⁸]	
Labour immigrants/temporary-seasonal-----	5,948 (2006) ⁹
Transit migrants -----	8,560,000 (2006) ¹⁰
Irregular immigrants-----	1,076 (2005) ¹¹
Students-----	2,369 (2002) ¹²

¹ UN Population Division, Department of Economic and Social Affairs, Population Division, *Trends in Total Migrant Stock: The 2005 Revision*. Note: the figure includes Serbia (including Kosovo Province) and Montenegro and refers to estimated number of foreign-born at mid-year. Many of the foreign born today were born in other states of the former Federal Republic of Yugoslavia. Therefore, this figure may reflect the country's changed geopolitical status rather than its immigration trends

² Ibid. Previous notes apply.

³ UN Population Division, Department of Economic and Social Affairs [July 2007]: *Trends in Total Migrant Stock: The 2005 Revision*. Note: the figure includes Serbia (including Kosovo Province) and Montenegro and refers to estimated numbers at mid-year

⁴ Ministry of Interior, Republic of Serbia, [2007], *Official letter from the Cabinet of the Minister*, dated 29 August 2007 and signed by the State Secretary Mrs. Mirjana Orasanin (ref 7646/07-3)

⁵ UNHCR [2006]: *Statistical Yearbook*

⁶ UNCHR [2006], *UNCHR Belgrade Statistics*

⁷ Statistical Office of the Republic of Serbia [2002]: *Communication no. 295, "Final Results of the Census 2002*. Note 1: the 2002 Census excludes Kosovo Province.

Note 2: the figure refers to foreign nationals working in Serbia for longer than one year.

⁸ Serbian European Integration Office (SEIO) [2007]: Response to EC Questionnaire on Justice and Home Affairs.

⁹ Ministry of Interior, Republic of Serbia, [2007], *Official letter from the Cabinet of the Minister*, dated 29 August 2007 and signed by the State Secretary Mrs. Mirjana Orasanin (ref 7646/07-3). Note: the figure refers to "foreigners granted with temporary residence permits on the basis of employment"

¹⁰ Ibid

¹¹ ICMPD [2005]: *Yearbook on Illegal Migration, Human Smuggling and Trafficking in Central and Eastern Europe*

Note 1: the figure refers to "foreign citizens discovered at the territory of the Republic of Serbia (and Montenegro) in 2005". Note 2: for the last five years (2000 to 2005), a total of 8,964 foreign citizens illegally entering Serbia (and Montenegro) were discovered at the territory of Serbia (and Montenegro)

1.3. Main countries of origin

Bosnia and Herzegovina, China, USA, Greece, Germany, the Former Yugoslav Republic of Macedonia and Romania.¹³

2. Emigrants

2.1. Number of emigrants

-----2,298,352 (2005)¹⁴

As percentage of total population-----4.9%¹⁵

2.2. Status of emigrants

Refugees-----174,027 (2006)¹⁶

Asylum seekers -----20,810 (2006)¹⁷

Labour migrants -----414,839 (2002)¹⁸

[Emigration rate of tertiary educated persons (2005) ----- 17%¹⁹

Emigration of physicians (2005) ----- 1,794 or 7.3%²⁰]

2.3. Main countries of destination

[World Bank]: Germany, Austria, Switzerland, United States, Turkey, Croatia, Sweden, Italy, Canada and Australia²¹.

[Serbian Ministry of Labour and Social Policy]: 102,799 in Germany, 87,844 in Austria, 65,751 in Switzerland, and 27,040 in France. The average length of stay/work abroad is 12.9 years.²²

[Eurostat]: Among *Third Country Citizen Groups Larger than 100,000 in the European Union Member States, 2003*²³, citizens from Serbia and Montenegro were in second place (after Turkey) with 750,067 individuals present in the EU 15.

¹² Statistical Office of the Republic of Serbia [2002]: *Communication no. 295, "Final Results of the Census 2002.*

Note 1: the 2002 Census excludes Kosovo Province.

¹³ Serbian European Integration Office (SEIO) [2007]: *Response to EC Questionnaire on Justice and Home Affairs.*

¹⁴ World Bank, Development Prospects Group [2005]: *Migration and Remittances Factbook.* Note: the figure includes Serbia (including Kosovo Province) and Montenegro

¹⁵ World Bank, Development Prospects Group [2005]: *Migration and Remittances Factbook.* Note: the figure includes Serbia (including Kosovo Province) and Montenegro

¹⁶ UNHCR [2006]: *Statistical Yearbook 2006*

¹⁷ Ibid

¹⁸ Serbian Ministry of Labor and Social Policy, on the basis of *Communication no. 295, "Final Results of the Census 2002.*

¹⁹World Bank Development Prospects Group [2005]: *Migration and Remittances Factbook, 2005.*

Note: figures refer to Serbia and Montenegro

²⁰ Ibid. Previous notes apply.

²¹ Ibid. Previous notes apply.

Note: countries of destination refer to Serbia and Montenegro nationals

²² Serbian Ministry of Labor and Social Policy, on the basis of *Communication no. 295, "Final Results of the Census 2002.*

²³ GéDAP/Eurostat [2006]: *Migration and Asylum in Europe, 2003.*

Note: Missing data for France, Ireland, Italy, Portugal and United Kingdom.

[OECD]:

Table 1: Serbia and Montenegro Nationals in OECD Countries in 2004²⁴

Country of destination	Inflows of foreign population	Stock of foreign population	Inflows of Asylum seekers	Stock of Foreign born population	Acquisition of nationality
Australia	-	-	-	68,900	-
Austria ²⁵	10,800	-	2,835	(from Former Yug (excluding BiH): 139,000	-
Belgium	-	-	1,294	-	-
Czech Rep.	1,000	3,400	-	34,000	42
Finland		3,300	-	-	-
France	1,900	-	3,812	-	2,459
Germany	21,700	125,800	3,878	-	
Hungary	1,100	13,600	-	-	3,539
Italy	6,300	46,800 (in 2003)	-	-	-
Luxembourg	-	-	-	6,500 (in 2001)	-
Norway	600	5,800	-	9,700	-
Poland	-	-	-	3,600 (in 2002)	-
Slovak Rep	100	-	51	800	506
Switzerland	5,700	300,200	1,777	-	7,854
Sweden	-	4,022	4,022	74,600	-
UK		-	405	-	-

Source: OECD/SOPEMI [2006] *International Migration Outlook 2006*.

[Government of Slovenia]: Slovenia is also one of the main countries of destination of Serbian (and Montenegrin) nationals. According to the European Foundation for the Improvement of Living and Working Conditions, there were 7,877 migrant workers from Serbia and Montenegro in 2005 and the number of work permits to Serbia and Montenegro nationals in 2006 was 6,521.

3. Remittances

3.1. Quantitative aspects of remittances

The World Bank positions Serbia among the top 11 countries in the world by the value of remittances in 2004, highest of all South-Eastern European countries, and at the even higher place (eighth) in relation to the remittance share in GDP.²⁶

Table 2: Estimates of Remittances per Annum (imillion USD) in Serbia and Montenegro

Source	2000	2001	2002	2003	2004	2005
--------	------	------	------	------	------	------

²⁴ OECD/SOPEMI [2006] *International Migration Outlook 2006*.

Note 1: Data refers to both Serbia and Montenegro.

Note 2: Fields where there's "-" means that the figures are not worthwhile mentioning because they're not among the top figures within that category or the figure is not available.

²⁵ According to the European Foundation for the Improvement of Living and Working Conditions, 26.1% of the total foreign workers in Austria are from Serbia and Montenegro

²⁶ World Bank [2006]: *Global Economic Prospects: Economic Implications of Remittances and Migration*, p.90

Official National Bank Statistics ²⁷	512	405	520	779	988	1182
IMF ²⁸	1132	1698	2089	2661	3509	-
World Bank ²⁹	1132	1698	2089	2661	4129	4650

As percentage of GDP-----17.2% (2004)³⁰

As percentage of imports-----22% (“constant ratio”)³¹

Contribution to the balance of payments-----1,397 m USD (2003)³²

3.2. Qualitative aspects of remittances

Much of the remittances received in Serbia is transferred through informal channels and spent on consumption. Unfortunately, much of the poorest population of Serbia does not seem to participate in the benefits of remittances.

Substantial remittance inflows finance the foreign trade deficit and at first sight show a positive effect in pursuing external balance. However, a negative effect of large remittance flows may lead to reduction of the domestic production competitiveness.

The structure of consumer goods imports shows that a large part of remittances sent by Serbian emigrants seems to be returning to the migrants’ host country as payments of the recipients for the imported products.³³

According to an IOM study on the impact of remittances from Switzerland on migrant-sending households in two regions in Serbia, remittance-receiving households use most of the received transfers to help pay for recurrent living costs and basic needs. Beyond consumptive expenditures, recipients also use remittances for social expenditures such as basic education and health care, although at much lower rates. Results show that Serbian migrants residing in Switzerland prefer to bring remittances personally or to send them through a friend or an acquaintance when they travel to Serbia for a visit.³⁴

²⁷ Radmila Dragutinovic Mitrovic & Milena Jovicic [July 2006]: *Macroeconomic Analysis of Causes and Effects of Remittances: A panel model of the SEE countries and a case study of Serbia*

²⁸ Ibid

²⁹ The World Bank Group, *World Development Indicators (WDI)*

³⁰ Radmila Dragutinovic Mitrovic & Milena Jovicic [July 2006]: *Macroeconomic Analysis of Causes and Effects of Remittances: A panel model of the SEE countries and a case study of Serbia*

³¹ Ibid.

³² World Bank/IBRD [2006]: *“Migration and Remittances. Eastern Europe and the Former Soviet Union”, 2006*. Note: the figure refers to both Serbia and Montenegro and to the year 2003

³³ Radmila Dragutinovic Mitrovic & Milena Jovicic [July 2006]: *Macroeconomic Analysis of Causes and Effects of Remittances: A panel model of the SEE countries and a case study of Serbia*

³⁴ IOM [2007]. *A Study of Migrant-Sending Households in Serbia Receiving Remittances from Switzerland*. IOM Migration Research Series, No. 28. Commissioned by the Swiss Secretariat for Economic Affairs of the Government of Switzerland (SECO) as part of the survey “Development Financing and the Remittance Market in Serbia and Switzerland”.

4. Migrant Communities/diasporas

4.1. Numbers/Estimates

Based on the latest estimates, somewhere between 3.2 to 3.8 million of Serbs or persons of Serbian origin live outside the borders of the country. Some estimates include as many as 4 million emigrants from Serbia (and Montenegro)³⁵.

Table 3: Serbian and Montenegrin migrant communities at the beginning of the 21st Century³⁶

Overseas	1,203,000	Europe	1,178,000	Neighbours	1,571,000
USA	650,000	Germany	450,000	BiH	1,200,000
Canada	200,000	Austria	200,000	Croatia	180,000
Australia	150,000	France	140,000	Former Yugoslav Republic of Macedonia	70,000
New Zealand	8,000	Switzerland	110,000	Romania	35,000
		Benelux Countries	35,000	Hungary	15,000
		Scandinavian countries	70,000	Albania	8,000
		Greece	8,000		
		Italy	25,000		
		Russia	30,000		
		Slovenia	60,000		

Source: Drenka Vukovic, [2005]: *Migrations of the Labour Force from Serbia* in: South East Europe Review 4/2005

4.2. Description of relationship between migrant communities and country of origin

Many of the large numbers of Serbian men and women who now reside permanently outside their homeland continue to maintain close contact and relationships with their family members and friends back home. One indicator of the importance of these trans-national ties is the extensive practice of sending remittances - money and in-kind goods – home, either to contribute to the economic maintenance and wellbeing of their relatives and/or for the purpose of private investment.³⁷

The Serbian diasporas from the 90s have contributed with some 4.5 billion USD for the development of Republic of Serbia. However, the destiny of this money has remained unclear. Therefore, any statement about the relationship between the Diasporas and Serbia as country of origin, still lacks reliable data.

³⁵ MARRI [December 2006]: *Questionnaire on Diasporas, Republic of Serbia response*

³⁶ Drenka Vukovic, [2005]: *Migrations of the Labour Force from Serbia* in: South East Europe Review 4/2005.

Note: Author's estimates based on main immigration statistics and census data.

³⁷ Swiss Federal Dep of Economic Affairs / Swiss Forum for Migration and Population Studies/IOM/EBRD, [2007] Research report: *Development Financing and the Remittance Market in Serbia and Switzerland*

In 2001 a Council of the diasporas (under the Ministry for Foreign Affairs) was established in order to take charge of maintaining a relationship with the Serbian diasporas. The Ministry for diasporas was established as a special ministry within the Serbian government in February 2004.

Article 18 of the Law on Ministries (Official Gazette no. 19/04) defines the jurisdiction and scope of work of the Ministry for Diaspora:

- research into the position and rights of Serbian citizens living abroad;
- improvement of the connection between the diasporas and its organizations with Serbia;
- creation of the conditions for their inclusion into political, economic and cultural life of Serbia and their return to Serbia;
- voting of citizens abroad

The aims of the Ministry are to strengthen all kinds of connections between the diasporas and Serbia, emphasizing preservation of national and cultural identity of the diasporas, enhancement of economic, scientific and other contacts with the diasporas as well as encouragement and direction of expertise and financial potential of the diasporas for the purpose of economic development of the country.³⁸

4.3. Migrant communities'/Diasporas organizations

Note: Please note the list below does not purport to be exhaustive or representative. IOM does not take responsibility for the accuracy of the contact details

There are more than 1.300 associations abroad which bring together Serbian (and Montenegrin) people on all continents. Most of them are active in the EU member states, in North America and Australia³⁹. There are 191 countries where Serbian diasporas is registered.

A full directory of Serbian associations abroad is available at:

<http://www.mfa.gov.yu/Diasporaframe.htm>

The most important ones are based in the neighbouring countries, countries of former Yugoslavia and in Western Europe and overseas (USA, Canada, Australia).

³⁸ <http://www.mzd.sr.gov.yu/eng/news.asp>

³⁹ Ministry of Foreign Affairs, website section on "Diaspora" <http://www.mfa.gov.yu/Diasporaframe.htm>

5. Irregular Migration

5.1. Numbers/Estimates of irregular movements

Table 4: Citizens of Serbia (and Montenegro) in EU 15 and non-EU 15 countries, 2003⁴⁰

Country/Status	BE	CZ	DK	DE	EL	HU	ML	IT
Refused	115	1,473	-	4,554	316	2,673	27	1,442
%*	2.8	4.7	-	10.8	6	12.6	3.4	6
Apprehended	616	-	66	1,157	-	51	-	1,843
%	2.8	-	4	4.4	-	10	-	3.1
Removed	287	-	713	4,508	177	233	21	776
%	2.9	-	23	14.9	0	4.9	2.5	2.5

Country/Status	SI	NL	AT	SK	FI	SE	BG	RO	NO
Refused	6,072	-	841	242	-	47	239	9,342	44
%*	15.7	-	3.8	1.3	-	2.9	5.1	16.7	2.6
Apprehended	1,135	205	1991	-	311	4,892	-	-	49
%	26.9	3.2	4.6	-	19.6	18	-	-	6.2
Removed	954	1,176	875	17	99	1042	-	14	1,184
%	29.7	5.9	7.9	1	3.6	14.2	-	2.8	13.7

Source: CIREFI, Centre for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration

(*) refers to the percentage out of the total number of refused/apprehended/removed aliens in the given country

5.2. Figures and information on return migration flows

Table 5: Removed Serbian (and Montenegrin) aliens from EU-25, 2002-2004⁴¹

From	2002	2003	2004
Fed Republic of Yugoslavia*	11,925	11,087	
Serbia and Montenegro			5,961

Source: CIREFI, EC [2005]: Working Paper accompanying the proposal for the establishment of a framework programme on Solidarity and Management of Migration Flows

(*) Since Feb 2003, Serbia and Montenegro

Table 6: IOM Assisted Voluntary Return to Serbia (and Montenegro)

Emigration country	2002	2003	2004	2005	2006	Grand Total

⁴⁰ CIREFI, Centre for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration

Note 1: Only the data of the countries included in the top ten of each specific country are displayed.

Note 2: Data from some countries is missing/not available.

⁴¹ CIREFI, EC [2005]: Working Paper accompanying the proposal for the establishment of a framework programme on Solidarity and Management of Migration Flows

Note: in some cases data was not provided by Member States and the Commission had to make estimates. As no definitions exist yet of 'voluntary return', 'enforced return' or 'return decision' in Community law, data was collected on the basis of existing information and data collections. No statistical validation was done to this data, so it must be taken with caution

Austria	325	282	195	302	620	1,647
Belgium	214	178	172	135	94	793
Bulgaria	5					5
Czech Republic	8	4	7	5	9	33
Denmark		23	13			36
Finland	6	3	1	11	3	24
Germany	30	26	3,268	1,970	1,054	6,273
Hungary	43	29	20	116	135	345
Ireland		7	23	54	9	93
Italy	14	15	8	17	4	58
Netherlands	289	338	328	274	104	1,269
Slovakia	1			1	16	18
United Kingdom		105	151	190	147	571
Norway	87	148	160	99	98	564
Switzerland			35	35	21	91
Albania	2	2	4			7
Bosnia and Herzegovina						
	63	220	70	102	39	494
Croatia		46				
Total	1,136	1,359	4,450	3,334	2,255	12,534

Source: IOM Assisted Voluntary Return Database

According to an in-depth research on return from Western Europe to Serbia and Montenegro, carried out by Group 484 (Serbian NGO), in consultation with a multitude of partners involved in return, “any attempt to analyse return must deal with a serious lack of official data on the subject. In 2004, there were 22,300 requests for asylum received from citizens of Serbia and Montenegro, second in Europe only to those received from the citizens of the Russian Federation. There is no precise data as to the number of people whose temporary protection has been withdrawn following temporary stays in the countries of Western Europe or whose asylum claim has been refused, to allow for proper return number estimations”. There are also no precise data from Serbian (and Montenegrin) administrations about the number of returnees that it has accepted nor does the European Union have accurate data on the number of individuals that it has returned, except for the above estimations⁴². Unofficial data point to the fact that numbers are larger than stipulated above. For instance, only in the framework of IOM’s voluntary return programme from Germany to Serbia, it is possible to develop a picture about the scale of return. The programme was launched in 2000, and by the end of 2006, a total of 12,379 persons had received aid through it (considering that the number refers to returns only to those returns on a voluntary basis, assisted by IOM only, and solely from one EU Member State)⁴³.

Despite the fact that the overall number of asylum seekers from Serbia and Montenegro in Western Europe has been substantially reduced, host countries are now faced with additional Serbian (and Montenegrin) nationals who have migrated irregularly, who have had their temporary protection withdrawn or whose asylum applications were rejected.

Return of Serbian (and Montenegrin) nationals will continue, which calls for sustainable reintegration measures at the receiving end. Continued and reinforced cooperation in

⁴² Group 484 (Serbian NGO), [2005], *Return from Western Europe of nationals of Serbia and Montenegro who were not granted asylum or whose temporary protection ended*

⁴³ IOM, [January 2005]. Note: missing data or partly missing data from the Netherlands, UK and Luxembourg

this area between EU MS host countries and the EU on the one hand and Serbia (and Montenegro) on the other, is important for durable solutions.

6. Assessment and analysis of migration issues

6.1. Summary assessment of migration issues

First and foremost, it must be highlighted that some important limitations exist to a comprehensive insight into the current situation regarding future migration trends in Serbia. There is a lack of adequate statistical resources, which imposes a need to use the incomplete resources of national services, immigration countries and international organisations. Some difficulties also arise in the effort to classify migrants for the Republic of Serbia only (particularly as separate from Montenegro, and with the discussions on Kosovo's status underway) due to the existence of unique records/the lack of differentiated ones for Republic of Serbia proper. Therefore, any analysis must necessarily refer to partial studies and estimates only.

What is clear is that migration is an issue of primary importance in Serbia (including Kosovo Province). Migratory movements of the Serbian population have been caused by various historical, social, political, economic, and demographic factors. Serbia has been and continues to be a country of emigration. Inflows, mainly from other countries of the region, but also from further East (e.g. China) are moderately increasing in recent years.

After the Second World War, the migration flows corresponded to labour demand in host countries, mostly for skilled and low-skilled profiles in turn alleviating the labour force surplus. The next movement of emigrants from Serbia (then, territory of Yugoslavia) was directed towards certain overseas countries, such as the United States of America and Australia during the 60s and 70s. During that period, the number of migrants within Europe was of smaller significance. Political crisis, ethnic conflicts and disintegration of the country during the 1990s resulted in forced migrations within the former Yugoslav republics, as well as in a new wave of external migrations. In recent years, emigration from the Balkans has taken a more economic character and frequently is conducted through the use of irregular channels.

Some estimates point out to as many as 4 million people of Serb origin in total are living today outside Serbia, many of them young and educated. Balancing the impact of 'brain drain' are significant remittances, which became the largest source of foreign currency inflow. Beside privatisation revenues, foreign direct investment, grants and foreign loans, remittances make an important and probably the most substantial source of increased foreign financial inflows. However, the question remains whether remittances can neutralise negative results of high emigration, as well as whether their effects can be made more useful and act as a positive force in the development of the economy. Some authors highlight that, until now, the remittance inflows to Serbia have not been utilised in the best way for expanding development and poverty reduction.⁴⁴

Serbian diasporas have the potential to contribute to Serbia's economy and overall development, not only through remittances but through the transfer of know-how

⁴⁴ Dragutinovic Mitrovic, R., Jovicic M. [2006]. *Macroeconomic Analysis of Causes and Effects of Remittances: A Panel model of the SEE countries and a case study of Serbia*. Global Development Network.

acquired abroad and possibly through their return. However, due to strict visa regimes, and still limited opportunities back home, few Serbs choose the option of return.

The unresolved issue of IDPs and refugees still requires attention. The government and the international community need to find durable solutions for 325,205 refugees and IDPs on Serbian territory. Sustainable solutions combining capacity building of the responsible institutions and direct assistance to these groups through income-generation activities are necessary.

Serbia (and Montenegro) is among the countries in the region that have transitioned from net emigration to net immigration.⁴⁵ Moderately increasing immigration flows also call for renewed immigration policies and enhanced cooperation with third countries of origin. As regards irregular outflows, particularly to the EU, it must be noted that the number of irregular entries of Serbian nationals to the EU is decreasing. Although efforts must continue in the areas of prevention and border management, it must also be acknowledged that many of these movements could be channelled into regular economic migration, should the conditions be ready for this type of movement through open visa regimes and possible mobility partnerships with main EU countries of destination.

6.2. Government bodies responsible for migration policy

The Ministry of Interior of the Republic of Serbia

The Ministry of Interior (Mol) is the main institution dealing with Migrants in the Republic of Serbia and the most relevant counterpart in the existing migration related projects. Mol works on a wide range of different programmes starting from a comprehensive police reform to bring policing in line with European and international good practices. The Directorate of Border Police is the main coordinator for developing and updating strategies and legislation regarding migration issues such as visa regime, migration flows, border management, readmission agreements, fight against smuggling and trafficking and asylum issues. The Head of the Directorate of the Border Police is also the National Coordinator for Countering Trafficking in Human Beings.

The Mol, in coordination with the Commissariat for Refugees of the Republic of Serbia and UNHCR, is managing temporary protection as well as protection and integration of foreign migrants granted asylum. A new law on foreigners as well as a law of asylum are currently being prepared and final drafts have been recently submitted to the Government for review before starting the regular procedure in the Parliament.

At present, asylum seekers are referred to UNHCR for adjudication of their claims but under the new asylum law, Serbia would adjudicate refugee claims itself. For this purpose capacity of the Commissariat for Refugees will be used. By the end of 2006, Reception Centres for asylum seekers will be opened in Serbia, as part of the cooperation between the Mol, Commissariat for Refugees and IDPs and UNHCR office in Belgrade.

In July 2004, as a direct result of a successful cooperation on an IOM regional project, Mol adopted the Instruction for Granting Temporary Residence to Foreign Victims of Trafficking. The instruction is linked to the current law on aliens and its features are also

⁴⁵ The World Bank/IBRD [2006]: *Migration and Remittances. Eastern Europe and the Former Soviet Union*

incorporated in the draft new law. With this protection tool, Serbia fulfilled both the regional and EU standards.

In 2005 the Ministry of Interior / Border police has been participating in the demilitarization process of the state border and this process continues in 2006. Namely, police is taking over the control over the state border in a clockwise direction, and thus far the Hungarian, the Bulgarian, the Croatian and the Romanian section has been transferred from the army into the jurisdiction of the police.

Government Agency for Human and Minority Rights

Government Agency for Human and Minority Rights was established on 08 June 2006 and is responsible body to deal with different issues related to migration management. Among its various competencies, the Agency is responsible for: monitoring of human and national minority rights and civil liberties including protection and improvement of collective and individual rights; drafting legislation on human and minority rights; following up national laws correspondence to international treaties and other international law legal acts concerning human and minority rights; following up status of national minorities living on the territory of the Republic of Serbia and minority rights application.

At the time the Ministry for Human and Minority Rights (MHMR) existed at the federal level, a draft National strategy for reintegration of returnees under readmission agreements was designed. Following its set-up, the Agency continued lobbying for the adoption of the strategy.

The Agency has taken over the responsibility over the management of the Readmission office set up at the Belgrade Airport Nikola Tesla. This is the first point where returnees can receive information once returned home. They are mainly referred to the Centre for Integration of Returnees (CIR), established within the Agency.

CIR was established in 2006 and has a double-folded mandate: 1) to provide counselling and legal assistance to returnees; and 2) to develop, coordinate and supervise implementation of mechanisms set for returnees' integration. The most important product created by CIR is a Handout of returnees' integration, translated into Serbian, English, Hungarian and Albanian. The Handout is intended for the state institutions officials. In the course of the CIR work it came into the light that basically returnees lack proper information – therefore an Information brochure for returnees under readmission intended to returnees. This brochure is available in Serbian, Roma, Dutch, German and English. Its distribution is being done at the Belgrade Airport Nikola Tesla, diplomatic-consular mission of Republic of Serbia in the countries of the Western Europe, as well as in centres for social work in Serbia. In order to secure smooth application of the two documents, trainings for state administration staff was organized in 10 municipalities. In addition, socio-economic analysis of Roma returnees was performed in five regions in Serbia, and on the basis of this a database was created. The key issue is lack of knowledge or insufficient knowledge of Serbian language, i.e. the language used in schools, and this was recognized as a main priority in the integration of returnees' off-springs. In the second half of 2007, CIR plans to organize Serbian language trainings and de facto integration of children returnees in 15 municipalities.

On minority related issues and Roma in particular, the laws of the former Federal Republic of Yugoslavia recognize the status of a national minority to the Roma and guarantees the protection of their individual and collective rights. To enforce the provisions of the law and develop a Strategy for Integration and Empowerment of the Roma, the former MHMR has set up a team with the assistance of international

organizations (OSCE, UNHCR, UNDP, IOM, OHCHR, UNOCHA, UNICEF and the World Bank). The strategy covers the fields of housing, education, economic empowerment, social welfare and health care, political participation, information dissemination and media, culture, discrimination problems, and addressing in particular detail the issues of the status of women, internally displaced persons (IDPs) and asylum-seekers returning from abroad.

According to the Agency, Serbia does not have a clearly defined social program tailored for returnees. Such a program should be both flexible and efficient enough as to cover all the need for the returnees' population.

Ministry for Diaspora of the Republic of Serbia

The Ministry for Diaspora (MfD) has been set up to organise and regulate the issues concerning the relations between the homeland and the Serbian migrant communities. Amongst other areas of activity more related to economical, tourism and electoral issues, this Ministry performs duties related to the access to rights of the Serbian nationals living abroad as well as fostering their smooth return envisaging economic, social and political inclusion in the country.

<http://www.mzd.sr.gov.yu/eng/news.asp>

Ministry of Health of the Republic of Serbia

As concerns migration issues, the Ministry of Health (MoH) is not specifically and directly involved in the implementation of projects. However, its coordination role as well as its facilities and services are essential to support and assist migrants, especially vulnerable groups (i.e. trafficked victims, IDPs, refugees).

Ministry of Labour and Social Policy of the Republic of Serbia

The major involvement of the Ministry of Labour and Social Policy of the Republic of Serbia (MOLSP) in migration issues began in 2001, when it became part of the National Team for combating trafficking in persons. In 2004 it contributed to the establishment of the Agency for coordination of victim protection. The Agency is part of the Reception Home for children without parental care based in Belgrade (institution directly dependent from the MOLSP), but its jurisdiction spreads out through the entire country. As of the end of 2005, the MOLSP has fully taken responsibility for this office.

In addition, MOLSP is responsible for collecting and managing record of offers from the foreign employers looking to employ citizens of the Republic of Serbia abroad.

Ministry of Foreign Affairs of the Republic of Serbia

Ministry of Foreign Affairs (MFA) is involved in migration issues through its central office as well as the embassies and consulates abroad. Very close cooperation has been established with IOM on issues related to visa and documentation within the AVR programmes. MFA has also participated in the National Team for Counter-Trafficking since 2001. Beyond its institutional support, and presence within the Team, in February 2006 MFA has issued an instruction to all embassies and missions abroad to ensure that travel documents are issued to Serbian nationals identified as victims free of charge.

Ministry for Kosovo- Metohija

The Ministry for Kosovo-Metohija (MKM) was established in May 2007, with the formation of the new Government of the Republic of Serbia. The Ministry is tasked with the functioning of the institutions of the Republic of Serbia at the territory of Kosovo and

Metohija and among other with cooperation with the Commissariat for Refugees in the area addressing issued of IDPs originating from Kosovo and Metohija.

Commissariat for Refugees of the Republic of Serbia

The Commissariat for Refugees of the Republic of Serbia (CRS) is a special institution established by the Law on Refugees. According to the provision of the Law, the Commissariat performs tasks that are related to: identification of refugee status, taking care of refugees, keeping records determined by this Law, coordination of humanitarian aid provided by other agencies and organisation in country and abroad, as well as taking care of equal and timely provision of such aid, providing accommodation, providing conditions for return of refugees back to areas they left and other tasks determined by the Law on Refugees. According to the provisions of international conventions ratified by the former Yugoslavia, which determine status and rights of refugees, the Commissariat also initiates requests to the UN institutions and other aid agencies, for the purpose of accommodation of refugees in the territory of the Republic of Serbia.

The basic goals and policies of the Commissariat for the purpose of durable solutions for refugee problems in the Republic of Serbia are defined through the National Strategy for Resolving Issues of Refugees and IDPs, which was adopted by the Government in May 2002.

National Employment Service (www.rztr.co.yu)

The National Employment Service and agencies in line with the Law on Employment and Unemployment Insurance (Official Gazette of the Republic of Serbia, no. 71/2003) act as mediators in employment of citizens abroad and of foreigners in Serbia. National Employment Service is responsible for collecting and managing the record of issuance of work/residence permits to foreign citizens.

Statistical Office of the Republic of Serbia (www.statserb.sr.gov.yu)

The Statistical Office of the Republic of Serbia is responsible for collecting and managing all the statistical data concerning migration in the field of employment.

6.3. Migration policies in place

Although it must be acknowledged that, in past years, the government has made great progress in defining and drafting strategies and action plans in migration related areas, a streamlining process in migration policy and practice/management is lacking, thus hampering overall effective migration management.

The following sectoral policies and strategies are worth mentioning:

Counter-Trafficking Strategy 2006-2009

The Strategy contains a set of measures and activities to be taken in order to respond duly and comprehensively to the issue of THB in the country, especially focusing on the protection of the victims' human rights. The Strategy established clear goals that have to be implemented through various activities performed by the state institutions, non-governmental and international organizations. These strategic goals include activities in the area of prevention, identification, assistance, protection, and reintegration of THB victims, as well as prosecution of perpetrators. (See section 6.4 for developments in practice in the CT field).

National Strategy for Solving the Issues of IDPs and Refugees, 2002
http://www.brookings.edu/fp/projects/idp/Serbia-Montenegro_IDPstrategy.pdf

The National Strategy for Resolving the Problems of Refugees and IDPs represents an integral part of the long-term state policy and asserts the commitment of the country to reforms. Two basic, equally treated strategies for durable solutions of refugee problems in the Republic of Serbia are working on the improvement of conditions for return of refugees in the country of origin and providing conditions for local integration of refugees who have filed requests for citizenship or have already been granted citizenship. Successful implementation of the National Strategy in ensuring conditions for local integration and repatriation calls for establishment of concrete mechanisms, instruments and measures at federal and local levels. It also requires more intensive cooperation with the international agencies and donors and numerous solutions in respect of organizational, legal and financial issues. The strategy continues to be of guidance, given the issues that continue unresolved. Numerous NGOs, representatives of refugee associations and local communities participated in preparation of the National Strategy.

Integrated Border Management Strategy, 2005
http://www.srbija.sr.gov.yu/uploads/documents/strategy_border.pdf

The Strategy is a document by which the Republic of Serbia determines its policy in the field of establishing a system of integrated border management, sets a framework for the elaboration of harmonized and synchronized sectors' strategies and for implementation plans, defines roles and responsibilities of state subjects, identifies strategic goals, and decides on basic directions for actions during the process of establishing and realizing the long-term sustainability of the established system of integrated border management. It includes the enhancement of inter-agency and international cooperation, updating legal and regulatory frameworks, re-shuffling of organisation and management structures towards more efficiency, simplification of procedures, better recruitment and development of human resources/training, improvement of information exchange and communication, improvement of IT systems, infrastructure and equipment, improvement of cooperation on visa, asylum and migration issues (first instance facilities for irregular migrants and also for victims of trafficking, training of police and border guards

Diaspora Action Plan, 2005
http://www.mzd.sr.gov.yu/eng/docs/action_plan_mfd.doc

The plan foresees the implementation of measures in the areas of: research/data collection of the numbers and profiles of Serbian migrant communities; cultural and social events involving Serbian migrant communities; parliamentary resolutions regarding Serbian migrant communities' condition of national minorities; information about the offers for tourism, possibilities of investing in Serbia, regulations concerning privatization, taxes, customs, etc...; policy dialogue on Serbian migrant communities and their contributions to their homeland; networking activities involving different Serbian migrant communities; promotion of business cooperation of businessmen from diasporas with the homeland.

Migration issues also cut across the Serbian Poverty Reduction Strategy⁴⁶: (particularly as regards IDPs and refugees); and the Serbian Employment Plan 2006-2008 (regarding promotion of mobility for the purposes of work).

A draft Law on Record-keeping in the field of labour has been under preparation and will, once adopted, provide for the proper registration of Serbian citizens hired abroad.

⁴⁶ IMF [May 2004] *Serbia and Montenegro: Poverty Reduction Strategy Paper*
<http://www.imf.org/external/pubs/ft/scr/2004/cr04120.pdf>

Law on Conditions for Employment of Foreign Nationals (to be adopted by the end of 2007). It provides for the obligation to set up annual quotas of work permits for the work of foreign nationals, restricting the number of foreign nationals on the labour market in Serbia.

6.4. International legal framework in place of relevance to migration

International treaties ratified by Serbia

- C97 Migration for Employment Convention (Revised), 1949
Ratified 24 Nov 2000
- Convention related to the Status of Refugees
Ratified 12 March 2001
- The International Covenant on Economic, Social and Cultural Rights (CESCR)
Ratified 27 April 1992
- The International Covenant on Civil and Political Rights (CCPR)
Ratified 27 April 1992
- The International Convention on the Elimination of All Forms of Racial Discrimination (CERD)
Ratified 27 April 1992
- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
Ratified 11 April 2001
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
Ratified 27 April 1992
- The Convention on the Rights of the Child (CRC)
Ratified 2 February 1991
- The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC)
Signed 11 November 2004
- UN Convention against Transnational Organized Crime
Ratified 12 December 2000
- Protocol against the Smuggling of Migrants by Land, Sea and Air supplementing the UN Convention against Transnational Organized Crime
Ratified 12 December 2000
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention against Transnational Organized Crime
Ratified 12 December 2000
- ILO Convention on migrant workers
Ratified 24 November 2000

Bilateral labour agreements

Serbia has no bilateral labour agreements with any EU Member State, according to the World Bank⁴⁷.

Social security agreements

⁴⁷ The World Bank/IBRD [2006]: *Migration and Remittances. Eastern Europe and the Former Soviet Union*

- Serbia and Montenegro has concluded the agreements with the Former Yugoslav Republic of Macedonia, Croatia and BiH
- Serbia and Montenegro has renewed the agreements with Austria, Luxemburg and Czech Republic
- Agreements that had been concluded by SFRJ and Belgium, UK, Denmark, Italy, Holland, Norway, France, Switzerland, Sweden remain in force.

Readmission agreements⁴⁸

Signed Bilateral Readmission Agreements (18 in total):

- Canada (16 March 2006)
- France (26 April 2006)
- Austria (25 June 2006)
- Germany (1 April 2004)
- Switzerland (29 April 2004)
- Sweden (15 March 2003)
- Denmark (8 March 2003)
- Italy (1 April 2005)
- Belgium (29 May 2004)
- the Netherlands (29 May 2004)
- Luxembourg (29 May 2004)
- Slovakia (27 July 2002)
- Hungary (29 March 2003)
- Slovenia (21 December 2001)
- Croatia (17 June 2004)
- Bosnia and Herzegovina (ratification instruments have not been exchanged yet)
- Bulgaria (9 August 2001)

Negotiations underway with:

- Czech Republic, Norway (agreements have been finalized)
- Great Britain, Latvia, Greece, Romania (agreements in final phase)
- Poland, Spain, Portugal, the Former Yugoslav Republic of Macedonia (drafts exchanged, initialisation of negotiations)
- Latvia

Negotiations are planned with: Finland, Estonia, Cyprus, Malta, Ireland, Russia, Ukraine, Turkey, Albania, Moldova, Georgia, Israel, China, and Armenia

EU-Serbia Readmission Agreement: Negotiations -linked with the EU's visa regime- are underway. The Agreement was initialed on 16 May 2007 and is expected to be signed in September 2007 and to enter into force on 01 January 2008.⁴⁹

⁴⁸ MARRI [December 2006] MARRI Questionnaire on Migration; and Ministry of Interior, Republic of Serbia, Official letter from the Cabinet of the Minister, dated 29 August 2007 (ref 7646/07-3) and signed by the State Secretary Mrs. Mirjana Orasanin

⁴⁹ EC, Rapid Press Release, <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/07/680>. Note: the initialled drafts of the agreements on readmission set out clear obligations and procedures for the authorities of both Serbia and EU Member States as to when and how to take back people who are illegally residing on their territories. The draft agreements cover not only the illegally staying nationals of both parties but also third country nationals and stateless persons being in an irregular situation provided they have a clear link with the requested Party (e.g. visa or resident permit).

6.5. Labour market and identified skill shortages⁵⁰

The structure of labour force demand is changing in Serbia. The number of people employed in the private sector is increasing, while the number of employed in state enterprises and public sector is decreasing. There appear to be wide variations in growth rates between different economic sectors, which would in principle imply the need for movement of labour force out of declining sectors into those experiencing economic growth.

In 2005, 602,558 vacancies were registered, and according to the place of work the biggest number of vacancies was registered in trade, catering and tourism (20.2%), then in business, law and administration (14.2%), mechanical engineering and metal industry (7.1%), education (5.6%) and traffic (4.9%).

It must be emphasised however, that there are substantial difficulties in estimating the overall demand for labour in Serbia due to the large number of people employed in the informal sector. It is estimated that the informal economy comprises up to 30% of GDP, which means that the actual number of working persons is much larger than the official number of employed.

According to the Serbian National Employment Action Plan for 2006-2008, in the process of transformation towards a competitive economy, Serbia gives priority to modernization and development of agriculture, forestry, tourism and services by introducing modern technologies and knowledge as well as modern methods. During 2006-2008 the support that the Government offers to the institutions which carry out active labour market measures will help ensure faster development of small and medium enterprises and entrepreneurs and the creation of new jobs, aimed at rising employment levels.

With regards to policies evolving labour migration or mobility for the purposes of work, recommendations of the Serbian National Employment Action Plan for 2006-2008 include support to geographic mobility to promote the flexibility of employment and reduce labour market segmentation. Recommendations go further and touch upon the developmental potential of labour migration, encouraging that migrant workers and their family member working and living abroad engage in Serbia's development.

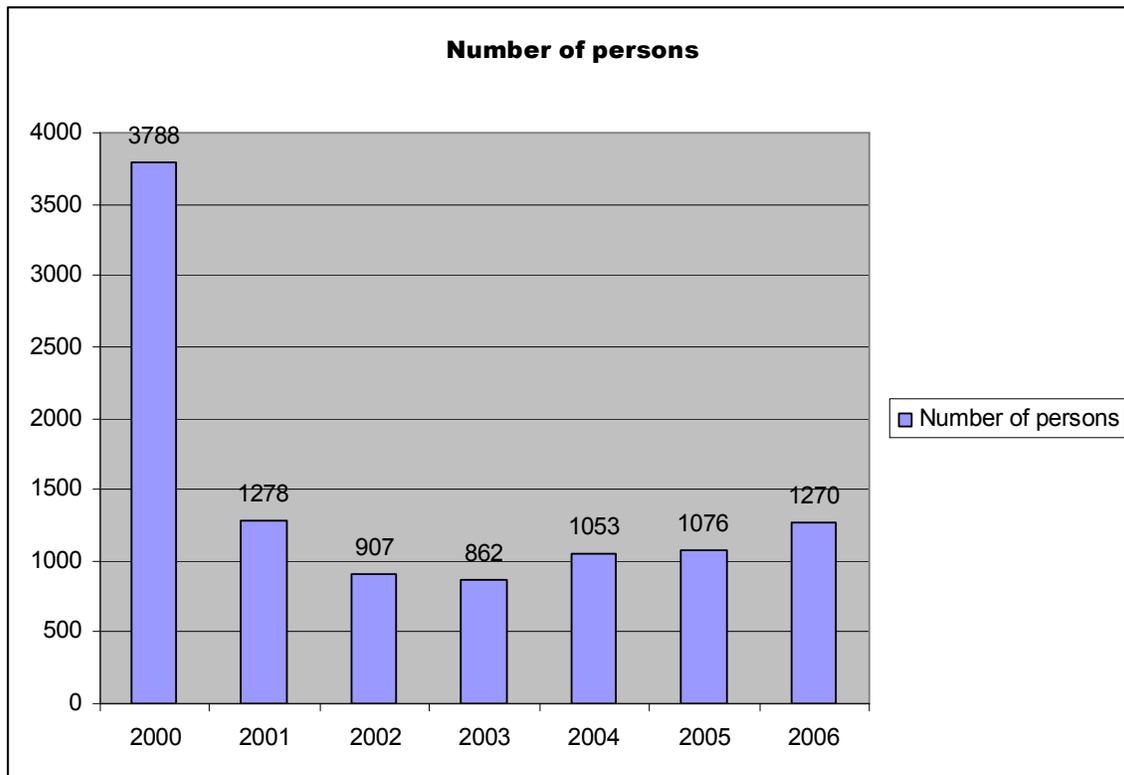
6.6. Irregular migration routes and policies to address irregular migration

Serbia as transit and/or destination country

Figure 1: Illegal entry of aliens into Serbia (and Montenegro). Number of persons⁵¹

⁵⁰ Ministry of Employment, Labour and Social Policy of Serbia [2005]: *Serbian National Employment Action Plan for 2006-2008*, <http://www.espsrbia.org/download%20eng/NEAP2006.doc>

⁵¹ Border Police Directorate, Ministry of Interior, Serbia [2006].



Source: Border Police Directorate, Ministry of Interior, Serbia (2006)

The main countries of origin of irregular migrants into Serbia in 2006 were: Albania (717), Turkey (134), Romania (112), Moldova (110), the Former Yugoslav Republic of Macedonia (66), Bosnia & Herzegovina (18), Bulgaria (22) and others (91). The number of irregular migrants, who were minors in 2006 almost doubled in comparison to previous year (252 in 2006 as opposed to 135 registered in 2005).

In cooperation with both Republics' Ministries, from 1 November 2005 to 31 January 2007, three hundred fifty-one (351) irregular migrants were referred to IOM, out of which three hundred twenty-two (322) migrants voluntarily returned to the country of origin. IOM's Assisted Voluntary Return (AVR) of Irregular Migrants from Serbia (and Montenegro) back to their home country, running since 2002, offers a good snapshot of the profile of irregular migrants in Serbia (and Montenegro). The profiling of the returnees shows some indications of their profiles, motivations, routes used. However, such data can of course not be generalized.

The highest number of migrants assisted by IOM Belgrade and IOM Podgorica originated from Albania, followed by Moldova, Ukraine, Romania, Turkey and China. A large number of irregular migrants assisted by IOM Belgrade seems to have been smuggled to Eastern and Southeastern Europe with the intention to irregularly enter Western Europe. All migrants declared that they had paid a certain amount (approximately €200 – €1,000) before the trip and that they would have been expected to pay an additional amount at the final destination. The price of such trips depends on the nationality of the migrants and can range from €2,000 to €7,000. These higher costs appear to apply primarily to Chinese migrants. During the trip some of them paid for the food, accommodation, transport or escort while irregularly crossing the border(s).

Of the 322 migrants profiled, 62% are adult male, 9% is adult female and (29%) are minors. The largest group of irregular migrants are males between 20 and 30 years of age.

The following additional information was gathered:

- Marital status: 85% are single
- Level of education: 90% completed elementary school
- Family economic status: 75% described the family status as Standard
- Language skills: Predominantly native language
- Working experience: 55% never worked, 35% worked occasionally. Many of the assisted migrants have been employed in agriculture or as physical workers.
- Social status: all migrants referred to IOM during the reporting period were unemployed in their countries of origin. Some of them were previously employed in industry and agriculture.
- Reason for leaving: 100% better economic opportunities and poverty/low standard of living
- Assistance in trip: 75% smugglers and 25% their own
- Ever aboard before: 90% never in their lives
- Intended destination: 53% of migrants declared that they intended to go Italy, while 9% of all migrants see Serbia and Montenegro as the final destination country. Also, 19% of migrants intended to go Switzerland, 15% intended to go UK and 4% to any EU country. The majority of the assisted migrants reported that they intended to join relatives or friends already living in an EU country.
- The main routes: a) Albania – Kosovo (Republic of Serbia) – Serbia – Croatia – EU countries; b) Moldova - Romania - Serbia - Croatia – EU countries
- Unaccompanied minors: IOM escort accompanied fifty-nine (59) unaccompanied minors from Belgrade to their country of origin. Three (3) UaMs gave testimony against the smugglers in the Special Court for Organized Crime and War Crimes in Serbia and Montenegro.

Serbia as country of origin

(See section 5 above)

Policies to fight irregular migration

Increasingly effective measures are being undertaken by the MoI of the Republic of Serbia combating illegal migration.

Aiming to suppress illegal migration at the territory of the Autonomous Province of Kosovo and Metohija and in order to establish direct cooperation with the UNMIK policy, the Joint Committee for suppression of Illegal Migration and Trafficking in Human Beings was formed by the end of 2004, operating within the security Committee established between the Ministry of Interior of the Republic of Serbia and the UNMIK police. During 2005, every three months meetings regarding information exchange and reporting on measures undertaken in the area of the fight against trafficking and people smuggling were organized. According to information of the Ministry of Interior of the Republic of Serbia, control measures have been enhanced by the UNMIK at the Airport in Pristina. Potential illegal migrants are being sent back before entering the territory of Kosovo Province. This contributes to the decrease in illegal migrants from Bangladesh, Pakistan, Sri Lanka and India.

Migrant smuggling and human trafficking are incorporated as criminal offences in the legal system, as separated phenomena under the Criminal Code (entered into force in January 2006).

The Ministry of Interior and the Police Directorate – Alien department controls visa issuance thoroughly, avoiding issuance to potential victims of human trafficking or smuggling.⁵² Likewise, 24,535 foreigners were returned from border crossing points while trying to enter the country.

As regards illegal crossings by Serbian (and Montenegrin) citizens, measures are taken against these as criminal offences. (230 citizens in 2005, which represented a 30.9% decrease in comparison to the 2004 figure).

6.7. Trafficking in human beings and policies to address it

Serbia is a source, transit, and destination country for women and girls trafficked internationally and internally mainly for the purpose of commercial sexual exploitation. Foreign victims originated primarily from the Former Yugoslav Republic of Macedonia, Ukraine, Moldova, Bosnia and Herzegovina, Bulgaria, and Albania and some transited Serbia en route to Western Europe. Internal sex trafficking of Serbian women and girls increased over the past year with traffickers increasingly utilizing Internet chat rooms and SMS (short messaging service) to recruit young people. In some cases children were trafficked into forced labor or forced street begging.

Table 7: Number of Assisted Victims Trafficked to or originating from Serbia, 2001-2004⁵³

Nationality	2001	2002	2003	2004	Total
Foreign	36	53	37	43	169
Serbian	1	10	13	21	45

Source: Second Annual Report on Victims of Trafficking in South-Eastern Europe

Table 8: Serbian Trafficking Victims Assisted between 2004 and 2006⁵⁴

Nationality	2004	2005	2006
Foreign	18	21	46
Serbian	20	32	16

Source: Agency for Coordination of Victims' Protection

At present, victims from Romania, Bulgaria and Albania transit through Serbia to EU countries. The rate of irregular migration provides some indication of the number of foreign nationals crossing Serbia's state borders – 855 in 2003 and 929 in the first ten months of 2004 (Zolokas and Djuraskovic, 2004). According to the US Trafficking in Persons report of 2007, which positions Serbia in Tier 2, "foreign victims originated primarily from the Former Yugoslav Republic of Macedonia, Ukraine, Moldova, Bosnia and Herzegovina, Bulgaria, and Albania and some transited Serbia en route to Western Europe".⁵⁵

⁵² In 2005, negative responses were given to 2320 Chinese citizens, 1693 Romanian citizens and 149 Moldovan citizens

⁵³ IOM/Surtees, R. [2005]. *Second Annual Report on Victims of Trafficking in South-Eastern Europe*. Regional Clearing Point, IOM. Note: the figures presented in the table above comprise the number of trafficked foreign victims identified within Serbia and voluntarily returned to their countries of origin. Victims who were identified as trafficked but refused return were not included

⁵⁴ Agency for Coordination of Victims' Protection, [2006]

⁵⁵ US State Department [2007]. *Trafficking in Persons Report 2007*

It is also becoming increasingly apparent that Serbian victims are being trafficked within Serbia as well as abroad (common to other Western Balkans states). As to the national victims, many argue that the number of assisted Serbian victims reflected in the above table, is only a fraction of the actual trafficking in Serbian nationals.

In response to this reality, the Government of Serbia is making efforts to fully comply with the minimum standards for the elimination of trafficking; although, efforts need to be reinforced. The government has passed a comprehensive national strategy against trafficking, it has improved prevention efforts, and carries out continued training at the national and local levels. The criminal code of Serbia which came into effect on January 2006, penalizes trafficking and prescribes penalties for perpetrators. However, traffickers may receive light or suspended penalties. Inefficient administrative procedures may also cause delay and it is not uncommon for convicted traffickers to remain free. The US TIP report recommends that the government more firmly prosecutes cases and ensure that traffickers receive sentences consistent with the nature of the offence.⁵⁶ The organized crime police force includes a full-time trafficking unit and the border police force has a full-time office to combat trafficking and smuggling.

Serbia allows victims to file civil suits against traffickers for compensation. Victims pursuing criminal or civil suits are entitled to temporary residence permits and may obtain employment, or return voluntarily back home.

As far as preventive measures are concerned, the Government of Serbia aired four anti-trafficking public service announcements on national television throughout the soccer championship finals in 2006. \$100,000 was earmarked for a 13-episode television series entitled "Modern Slavery," devoted to generating awareness on trafficking.

6.8. Presence of refugees, asylum seekers and internally displaced persons in the country and policies in place

According to UNHCR's latest statistics, in the Republic of Serbia there are still 98,997, 206,504 IPDs from Kosovo Province and 21,000 IPDs within Kosovo Province⁵⁷.

According to the latest Council of Europe report on the "Situation of longstanding refugees and displaced persons in South-East Europe" of May 2007, current figures reflect a reduction by more than two-thirds since the highest numbers of 1996. This has been the result of the return process to Croatia and Bosnia and Herzegovina, local integration in Serbia, or relocation to third countries (approximately 50,000 refugees from the territory of former Yugoslavia have resettled, mainly in the USA or Canada).

Nevertheless, the decrease in numbers does not necessarily mean that durable solutions have been found. Difficult economic situations – particularly in return areas in Croatia and Bosnia and Herzegovina – and cases of discrimination against minority members have hampered the return process. In addition, the fact that persons have not registered as refugees may indicate that they simply became part of the local poor population.

As a political response, in 2002, the Republic of Serbia adopted the National Strategy of Serbia (and Montenegro) on Resolving the Issues of IDPs and Refugees. Reference to

⁵⁶ US State Department [2007]. Trafficking in Persons Report 2007

⁵⁷ UNHCR [2006]: *Statistical Yearbook 2006*

IDPs and refugees is also made in their Poverty Reduction strategy of 2004⁵⁸. The Serbian policy aims at striking a balance between promoting return (as a priority) and supporting long-term local integration (as secondary measure).

The refugees from Croatia and Bosnia and Herzegovina who were granted refugee status under the Law on Refugees of 1992, enjoy the following rights in Serbia: the right to work (if obtaining work booklets subject to the possession of a refugee card), the right to medical care, access to collective centres, a subsidized monthly pass for public transport, the right to open an account with most domestic banks, and the right to education. It is of concern that de-registration of refugees, following the last census, does not allow for a transition period until refugees could reach a durable solution e.g. the refugee status of people who had their houses in Croatia reconstructed has been removed. De-registration also makes access to citizenship difficult or impossible. Regarding local integration, it is important to highlight that the legal integration of refugees in Serbia has been improved through amendments that simplified the procedure for obtaining citizenship under the 2004 Law on Citizenship (article 23).

Unresolved issues hamper IDPs return to Kosovo, where the majority of them originate from. These include security, property claims, and mainly, status determination. Return rates have been low. Estimations vary between 13 and 18,000 people to date, of which some may have already left Kosovo again and returned to Serbia (e.g. a new outflow of IDPs took place after the riots of 2004). As regards their local integration, people's needs for social assistance, health care and education exceed the level of services the country is capable of providing. Less than 10,000 IDPs still live in collective centres while the vast majority of them reside in private accommodations or with relatives.

Despite efforts by the Government of Serbia and the international community, possibilities to either return or to be integrated locally remain limited for IDPs, who have been waiting for more than eight years without the possibility to permanently resolve their status.

Refugees and IDPs in Serbia represent the poorest of the poor. The most recent figures indicate that approximately 120,000-140,000 or 25 percent of the total number of refugees and IDPs live below the poverty level.

As government resources are not sufficient to cover the needs of these vulnerable categories, they are still largely dependent on external donors' support. In response to downscaling of international humanitarian assistance (with the phasing out of the DG ECHO's humanitarian assistance in 2003 and under the 2004-2006 CARDS programme), the European Agency for Reconstruction (EAR) has established programmes that are aimed at closing the existing 280 collective centres and providing durable solutions for the most vulnerable refugees and IDPs. Such projects include return assistance to Croatia, Bosnia and Kosovo and Metohija, as well as local integration activities including the construction of apartment buildings, provision of building materials, rural village houses and income generation support, as well as capacity building of local and central Government institutions, in line with the National Strategy Paper for Refugees (2002) and Poverty Reduction Strategy Paper (2003)⁵⁹.

⁵⁸ <http://www.imf.org/external/pubs/ft/scr/2004/cr04120.pdf>

⁵⁹ IOM is currently running a comprehensive EAR-funded programme on "Institutional Support to the Institutions of the Government of Serbia dealing with Refugees and IDPs" as long-term strategy. The overall objective is to continue to support the policies and strategies and improving the management capacity of the Serbian government to effectively and sustainably respond to the needs of IDPs and Refugees building on the results achieved through Phase I of the same programme.

The 3x3 initiative, agreed upon in January 2005 by Croatia, Bosnia Herzegovina and Serbia (and Montenegro at that time) has not been fulfilled. The implementation of the Sarajevo Declaration, which had the ambitious aim of solving the problems by the end of 2006, has remained problematic.

Unresolved issues of refugees and IDPs still deserve the highest attention of the government and the international community. They require the full commitment of the key government institutions including the Ministry of Finance, and Ministry of Labour and Social Welfare.

6.9. Projects and programmes on migration and development

- In February 2007, a research on “Development Financing and the Remittance Market in Serbia and Switzerland” was commissioned by the State Secretariat for Economic Affairs (SECO) of Switzerland, and conducted by the Swiss Forum for Migration and Population Studies (SFM), the University of Neuchâtel; the International Organization for Migration (IOM) and the European Bank for Reconstruction and Development (EBRD)⁶⁰, with the support of the Serbian Ministry for Diaspora. Its findings are meant to inspire policy and programmes involving Serbian diasporas in Switzerland (as one of the largest Serbian diaspora groups) in the development of their communities of origin. Recommendations include: improvement of formal remittance transfer services; improvement of financial services available to migrants and migrant families; increasing philanthropic investment by the Serbian diaspora in physical infrastructure and social developments projects; increasing remittance flows to Serbia through links to migration policy; improvement of remittance data collection.

- Other research studies which inform migration and development policies and projects in Serbia particularly in the area of remittances include:

- “Egyptian, Afghan and Serbian Diasporas in Germany”. The paper is based on the project “Egyptian, Afghan, and Serbian Diaspora Communities in Germany: How do they Contribute to Their Country of Origin?” commissioned by the German Ministry of Economic Cooperation and Development and the GTZ and conducted by a joint team of IMIS, Osnabrück and HWWA/HWWI (Hamburg Institute of International Economics).
- “Macroeconomic Analysis of Causes and Effects of Remittances: A panel model of the SEE countries and a case study of Serbia”, July 2006. Authors: Radmila Dragutinovic Mitrovic and Milena Jovicic. Commissioned by the Global Development Network, World Bank initiative and the Vienna Institute for International Economic Studies (see www.gdnet.org and www.wiiv.ac.at for more information)

- The Ministry for Diaspora (MfD) is cooperating with IOM and the Netherlands authorities in the implementation of a programme facilitating the temporary return to Serbia of qualified first or second-generation migrants of Serbian origin for their reintegration into selected target sectors: health, education, infrastructure, rehabilitation etc.

⁶⁰ Swiss Federal Department of Economic Affairs (FDEA), State Secretariat for Economic Affairs (SECO) [2007] *Development Financing and the Remittance Market in Serbia and Switzerland*

- The ministry for Diaspora is further devoting increasing attention to the preservation of contacts between the young people from Diaspora and their homeland. Besides the traditional "MOBA" which was initiated by the Serbian Orthodox Church and mostly financed by the government, the Ministry is planning to promote and work on the following projects conditioned with securing the funds⁶¹:

- Possibilities of investment in municipalities of Serbia: informing the Diaspora about investment opportunities in Serbia, through a DVD which presents almost one hundred municipalities with around 270 investment projects. In cooperation with Customs, the Ministry intends to publish information on customs benefits, and conditions for import related to Serbian Diasporas
- Each year, the Ministry is organizing Diaspora Days, traditional meetings of Serbian diasporas and their communities of origin. Apart from a yearly gathering, the Ministry is organizing thematic expert meetings of Serbian diasporas. Participants are the representatives of Diasporas according to their expertise or regional geographic location like e.g. representatives of minorities from neighbouring countries.
- "Study in Serbia" – promotion for studies of young people from Diasporas on the Serbian universities, including both public and private ones. Having in mind that universities are providing the possibility for higher education to foreign students and young people of Serbian origin. The main implementing partner for the project would be the Ministry for Diaspora in cooperation with the Ministry of Education and Sports.
- Establishing connections with Serbian scientists, professors and doctors in the world, their mutual connections on geographical or professional grounds and the creation of a network of highly educated Serbs across the world.
- Creation of a database with details of the highly qualified Serbians abroad, connected with relevant institutions in the country and the economy. The implementing partners of the project would be Ministry for Diaspora in cooperation with Ministry for Science, (SANU) and relevant universities.
 - Programme for student exchange of children from Diaspora during school holidays. The Ministry of Diaspora would organize every year a programme for student exchange with one school and one Serbian Diaspora organization. The children would, through a planned programme (familiarization with history, tradition and cultural heritage), spend time in Serbia as guests to their peers from the homeland, and children from Serbia would visit their friends abroad (peer groups).

6.10. Other important migration actors within the country

External donors

Main external donors on migration issues in the past years have been: Switzerland, Austria, UK, Netherlands, Sweden, US, and the EU as such (through CARDS and EAR, and in the near future, IPA).

International organizations

Council of Europe⁶²

⁶¹ MARRI [2006]: *Questionnaire on Serbian Diasporas*

⁶² <http://www.coe.org.yu/eng/>

With field offices in Belgrade and Pristina, activities allow the Council of Europe to assist the country in fulfilling its membership commitments and obligations, influence legislative and other reforms, provide expertise in the Organisation's fields of competence, develop effective training programmes (inter alia on the European Convention on Human Rights), implement pan European activities such as thematic campaigns and so on. They issue reports on some migration-related issues such as on IDPs and refugees.

European Agency for Reconstruction (EAR)⁶³

The European Agency for Reconstruction manages – on behalf of the European Commission – the European Union's main assistance programmes in Serbia (including Kosovo(1)), the Republic of Montenegro, and the former Yugoslav Republic of Macedonia. Established in February 2000 to assist reconstruction in Kosovo, the Agency was later expanded to Serbia and Montenegro, and the Former Yugoslav Republic of Macedonia. The Agency has its headquarters in Thessaloniki, Greece and operational centres in Pristina, Belgrade, Podgorica and Skopje. It is an independent EU Agency, accountable to the Council and the European Parliament, and overseen by a Governing Board of representatives of the 27 EU Member States and the European Commission. The Agency initially had a five-year mandate (from 2000 to end of 2004). This has been extended twice by Council Decisions, and the mandate currently runs until the end of 2008.

** Examples of EAR recent support to migration-related projects (Jan to March 2007):*

- In January, the Agency launched a new assistance programme for IDPs. The programme, with a budget of €1.5 million, aims to provide IDPs with alternative housing solutions and income-generation support (IOM as implementing partner).
- The formulation of a programme to support minorities, anti-discrimination legislation and mediation was completed in March. The programme is expected to be launched in early summer.
- A contract was awarded for the second phase of institutional-building support to the Commissariat for Refugees and IDPs (IOM as implementing partner)
- Within the previously running Integrated Border Management programme, a contract for upgrading the secondary border crossings has been awarded, whilst a contract to upgrade the Presevo border crossing with the Former Yugoslav Republic of Macedonia is under preparation.

International Organization for Migration (IOM)

IOM has a strong presence in Serbia, with one office in Belgrade, another one in Pristina and 5 sub-offices in Kosovo Province. The International Organization for Migration (IOM) Mission in Serbia was established in 1992, as part of the United Nation Interagency framework of assistance to those displaced by the conflicts in the former Federal Republic of Yugoslavia. The Republic of Serbia became a Member State of IOM on 27 November 2001. After over 15 years of activities in Serbia, IOM Missions work closely with Serbian authorities and UNMIK, PISG and international partners to achieve tangible results on migration management in Serbia from various angles. IOM is a key partner in the following areas: voluntary return both to Serbia and Kosovo Province, and from Serbia to third countries, counter-trafficking in human beings (capacity building and training of local actors, health issues – mental and physical – of victims of trafficking, awareness-raising, introduction of residence permits for victims, integration of CT

⁶³ EAR [2007] *Activity Report Jan-March 2007*.
(http://www.ear.europa.eu/publications/main/pub-reports_quarterly_2007_january-march.htm)

curricula in schools, among others), border management (assessment, equipment and training), and refugee/IPD assistance (through housing and income-generating support as well as capacity building of local actors); community stabilization measures as a means to prevent irregular movements; and overall capacity building of officials on migration management.

OSCE Mission in Serbia⁶⁴

One of its main priority areas in Serbia is counter-trafficking in human beings, at policy and implementation levels.

UNHCR⁶⁵

UNHCR first opened its office in Belgrade in 1976 to deal with the increasing number of asylum seekers from eastern European countries, Asia and Africa in the absence of the national asylum system. With the dissolution of the SFRY and the influx of refugees into Serbia, UNHCR office in Belgrade increasingly took over in 1992 the care and accommodation of refugees from BiH and Croatia, assisting the Government in providing emergency assistance.

While scaling down its humanitarian component, UNHCR continues with its core mandate activities. The Office assisted the authorities in drafting asylum legislation and establishing asylum institutions in Serbia and in Montenegro. Major activities in the field of asylum include lobbying, advocacy, provision of legal expertise in development of national legislation and provision of technical assistance. UNHCR continues, on “ad interim” basis, to provide international protection under its Mandate through the Refugee Status Determination procedure and resettlement.

NGOs

Grupa 484⁶⁶: Group 484’s strategic objectives and areas of activity are creating conditions for young migrants and their peers to develop their human potential; encouraging the creation of an open society and the reduction of poverty in Serbia by influencing public policy and advocating for the fulfilment of the needs of migrants and vulnerable groups; developing activities for resource mobilisation in local communities to support migrants and vulnerable groups; creating synergy among relevant actors in the region of Southeast Europe in the field of migration in order to develop a systematic approach to migration issues and find durable solutions for forced migrants

Housing Center (<http://www.housingcenter.org.yu/>): Housing Center cooperates in social housing support for IDPs and refugees. The main focus of this NGO is improvement of housing conditions for socially vulnerable groups and advocacy in this field, providing adequate space for this group’s life and work, facilitating their social integration and economic self-reliance.

⁶⁴ <http://www.osce.org/serbia>

⁶⁵ <http://www.unhcr.org.yu/index.aspx?cid=165>

⁶⁶ <http://www.grupa484.org.yu/english>

Annex 1: Specific information for Kosovo

1. Immigrants

Table 9: Number of applicants for temporary residence permits in Kosovo⁶⁷

2005	2006	2007 (July)
2,679	3,560	2,203

Source: UNMIK Directorate for Registration of Foreigners

Table 10: Refugees/asylum-seekers in Kosovo⁶⁸

	2003	2004	2005	2006	2007 (July)	Total
Asylum seekers	2	6	30	3	6	47
Granted refugee status	2	6	0	2	--	10

Source: UNCHR Kosovo, as of February 2006 and UNMIK Directorate for Registration of Foreigners

Main countries of origin of immigrants to Kosovo

Applicants for temporary residence permits:

(2005): Turkey (24%), China (12%), Bulgaria (9%), USA (7%), Albania (4%), the Former Yugoslav Republic of Macedonia (4%), Moldova (6%), and other countries (34%).

(2006): *citizenship data is not available*

(2007, until July): Turkey (17%), China (13%), Bulgaria (6%), USA (5%), Albania (10%), the Former Yugoslav Republic of Macedonia (7%), Moldova (8%), and other countries (34%).

3. Remittances

3.1. Quantitative aspects of remittances

Table 11: Estimates of Remittances per Annum in Kosovo (in million EUR)

Source	2000	2001	2002	2003	2004	2005	2006
Ministry of Finance and Economy ⁶⁹	n/a	n/a	n/a	720 (remittances +income from foreign pensions)	n/a	n/a	n/a
IMF ⁷⁰	n/a	317	314	341	339	375	347
Estimates of	170	160	174	174	174	n/a	n/a

⁶⁷ UNMIK, Directorate for Registration of Foreigners.

⁶⁸ UNCHR Kosovo, as of February 2006 and UNMIK Directorate for Registration of Foreigners)

⁶⁹ European Stability Initiative [2006]. *Cutting the Lifeline – Migration, Families and the Future of Kosovo* http://esiweb.org/pdf/esi_document_id_80.pdf

⁷⁰ European Stability Initiative (ESI) report, IMF estimates of remittances, *ibid.*

the Household Budget Survey, Serbia and Montenegro official data, IMF estimates ⁷¹							
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The World Bank assessed that the average annual remittances between 1999 and 2003 was EUR 550 million⁷².

Table 12: Remittances as percentage of GDP in Kosovo⁷³:

2000	2001	2002	2003	2004
73.7%	52.0%	42.9%	43.2%	42.5%

Source: World Bank, *Kosovo Poverty Assessment*

According to the World Bank, Kosovo was the sixth largest global recipient of remittances, in their relation to GDP⁷⁴.

3.2. Qualitative aspects of remittances

There are few precise figures on the Diaspora's recent and/or current contributions to Kosovo's economy. However, the information that is available indicates that the Diaspora's involvement to Kosovo's post-conflict economic recovery has been substantial. Housing, construction, the revitalization of agriculture as well as the establishment of private enterprises has been closely linked to the remittances inflow.

According to the World Bank's *Kosovo Poverty Assessment* of June 2005, remittances from abroad constitute 15.2% of household income in Kosovo, making them the second largest source of revenue for families, preceded only by income from cash wages and salaries, which equals 59.9% of household income.⁷⁵ The report's statistics also indicate that rural households rely on remittances to a greater extent than urban households. 18.2% of rural households indicated remittances as the second source of income (following salaries) as compared with 11.4 % of urban households.

According to the World Bank *Kosovo Economic Briefing* of February 2005, the importance of remittances stems from them compensating for declining international donor assistance as well as low levels of foreign direct investments and exports.⁷⁶ The briefing points out to the decline of remittances over time. According to the European Stability Initiative (ESI), the flow of remittances has been decreasing from its 1999-level, since large numbers of Kosovars returned from host countries and the present possibilities of legal emigration are very limited.⁷⁷ The World Bank's Kosovo Economic Memorandum 2004, also states that remittances, including income from seasonal workers, have decreased since the immediate post-conflict period. Thus, as foreign

⁷¹ Bush, N. [2005]. *The World Bank Europe and Central Asia Region: Review of Workers' Remittances to Kosovo*.

⁷² World Bank, [June 2005], *Kosovo Poverty Assessment*

⁷³ World Bank, [June 2005], *Kosovo Poverty Assessment*

⁷⁴ World Bank, [February 2005], *Kosovo Monthly Economic Briefing*

⁷⁵ Ibid, p.23

⁷⁶ World Bank, [February 2005], *Kosovo Monthly Economic Briefing*

⁷⁷ European Stability Initiative [2006]. *Cutting the Lifeline – Migration, Families and the Future of Kosovo*
http://esiweb.org/pdf/esi_document_id_80.pdf

assistance and remittances decline, there is a clear need to replace remittances-income with revenue derived from production, exports, foreign investment⁷⁸.

4. Migrant Communities / Diasporas

4.1. Numbers/Estimates

It is hard to estimate the size of Kosovo Albanian Diaspora, since in many countries' statistical records Kosovo Albanians are not distinguished from Serbs and Montenegrins, or (former) Yugoslavs. Differentiating between Kosovar Albanians, Albanians from Albania, and ethnic Albanians from the Former Yugoslav Republic of Macedonia can also be problematic and underscore the necessity for precise information-gathering techniques using standardized definitions and terminology.

Figures vary from source to source. For example, according to the United Kingdom Parliament's Foreign Affairs Committee report on Kosovo⁷⁹ in 2000, the Kosovar Albanian Diaspora is concentrated in the United States (approx. 350,000), Germany (approx. 300,000-350,000) and Switzerland (approx. 280,000). Between 80,000 and 100,000 Kosovo Albanians reside in other western European countries, with around 17,000 persons in the United Kingdom including an estimated 5,000 who are irregular immigrants.

Other sources, such as the previously mentioned European Stability Initiative 2006⁸⁰ report, suggest that Germany currently hosts 82,348 Kosovo Albanians, 72,448 are in Switzerland and 12,300 in Austria. Kosovo Albanians also reside in the Former Yugoslav Republic of Macedonia, Albania and Montenegro.

The 2005 World Bank's Review of Workers' Remittances to Kosovo⁸¹ indicates a Diaspora figure between 250,000 and 500,000.

4.3. Migrant communities' organizations

Note: Please note the list below does not purport to be exhaustive or representative. IOM does not take responsibility for the accuracy of the contact details

National Albanian American Council (<http://www.naac.org>) groups Albanians, including Kosovo Albanians, and advocates for the Albanian-Americans in the US, as well as promotes democracy, peace and economic development in the Balkans.

Albanian American Civic League (<http://blog.aacl.com>) is a foundation, a lobby and political action committee founded in 1989 by the US congressman with Albanian roots, Joseph DioGuardi

⁷⁸ World Bank Economic Memorandum, 17 September 2004, p. 8 , see:

http://siteresources.worldbank.org/INTKOSOVO/Country%20Home/20662049/Kosovo_PA_report_final-16June2005.pdf

⁷⁹ See: <http://www.publications.parliament.uk/pa/cm/199900/cmselect/cmfaff/28/2817.htm>

⁸⁰ European Stability Initiative [2006]. *Cutting the Lifeline – Migration, Families and the Future of Kosovo* http://esiweb.org/pdf/esi_document_id_80.pdf

⁸¹ Bush, N. [2005]. *The World Bank Europe and Central Asia Region: Review of Workers' Remittances to Kosovo*.

5. Irregular Migration

5.2. Return Migration Flows

According to the UNMIK Fact Sheet on Kosovo dated April 2007, the total number of voluntary minority returns since 1999 is 16,458 (as of 31 March 2007)⁸² and the total number of involuntary returns (as of 31 March 2007) is 47,738, including 3,598 persons repatriated in 2006.

Table 13: IOM Assisted Voluntary Returns to Kosovo

Comparative Statistics of IOM Assisted Voluntary Returns: 1999-2006

1999	2000	2001	2002	2003	2004	2005	2006	Total
87,156	87,416	6,989	2,621	2,530	1,694	1,485	988	190,879

Breakdown by Host Country

Germany	Switzerland	Norway	Belgium	United Kingdom	the Netherlands	Other ⁸³
43.9 %	17.8%	3.6%	2.5 %	2.2%	2.1%	27.9%
83,804	33,999	6,836	4,749	4,221	4,088	53,182

Breakdown by Gender

Male	Female
56%	44%
106,146	84,733

6. ASSESSMENT AND ANALYSIS OF MIGRATION ISSUES

6.1. Summary assessment of migration issues

Migration remains a large-scale phenomenon in Kosovo, and many asylum seekers in European Union countries claim it is their place of origin. Nevertheless, there are very few reports and studies conducted and published on this issue; hence, reliable figures are exceptionally hard to obtain. The lack of exact numbers of persons from Kosovo living abroad is partly due to the fact that they are registered as citizens of Serbia (Serbia and Montenegro; former Yugoslavia).

Trends and causes of migration from Kosovo have undergone several changes. In the 1960s and early 1970s, the first migration wave occurred to the Western countries, which required cheaper labour force. This flow involved predominantly low skilled and uneducated people from rural areas. In the decades prior to the outbreak of the conflict in 1998/1999, Kosovars, primarily Kosovo Albanians, but also considerable numbers of other ethnic communities, left Kosovo for either economic or political reasons, in

⁸² http://www.unmikonline.org/docs/2007/Fact_Sheet_apr_2007.pdf

⁸³ Including: Austria, Albania, Croatia, Czech Republic, Romania, Iceland, France, Former Yugoslav Republic of Macedonia, Denmark, Portugal, Sweden, Israel, Malta, New Zealand, Turkey, Japan, Australia, Uruguay, and the United States.

particular in the 1990s. The latter migrants tended to be better educated and skilled and came from urban areas.

The third flow developed with the outbreak of the conflict in 1998. Until its end in June 1999, hundreds of thousands of people were forced to leave Kosovo and found refuge primarily in the neighbouring countries of Albania and the Former Yugoslav Republic of Macedonia. Most of these people have returned to Kosovo in the subsequent years. In addition, a very large number of people found asylum in Western European countries; including members of the Roma, Ashkali, Egyptian (RAE), Bosniak and Gorani communities. In the aftermath of the conflict, starting from July 1999, there was a continued exodus of people⁸⁴, on a smaller scale and composed largely of ethnic minority community members, particularly Kosovo Serbs, but also RAE, Bosniaks and Gorani left Kosovo. Another outflow of Kosovo residents occurred in the wake of the riots in March 2004.

Throughout all the emigration waves, the main destination countries included Germany, Switzerland, UK, Scandinavia, USA, Canada, Serbia and other former Yugoslav republics.⁸⁵ Among labour migrants from Kosovo, men have tended to outnumber women. The most widespread age has been 20-40.

Currently, it is estimated that every year approximately 30,000 persons reach age 18, complete secondary school and enter the labour market with limited opportunities.⁸⁶ In the last years, youth migration and migration of heads of families from Kosovo increased. These kinds of migrations are usually illegal and expose the persons involved to the risks of smuggling and trafficking. Migratory decisions are connected to the increasing need to seek material improvements for the individual and/or family's livelihood, as migration from Kosovo, working abroad and sending remittances back is regrettably seen by many to be the only means of ensuring the well-being of the family.⁸⁷ Remittances are usually used to cover basic living expenses and they often fail to contribute to development of the home community. This dynamic also contributes to another negative impact of migration, namely the so-called "brain drain".

Many of those persons who have left Kosovo since the beginning of the 1990s either received refugee status or received protection under the non-refoulement clause and were granted the right to remain in their host countries. Those who did not receive refugee status or whose legal status (temporary protection) has expired/been cancelled, are in the situation that they have to leave their host countries. They therefore either return voluntarily (with special return assistance packages provided by some European countries) or are forcibly returned. In recent years, irregular migrants apprehended in Europe are also being forcibly returned.

6.2 Government bodies responsible for migration policy

The United Nations Mission in Kosovo (UNMIK) is progressively transferring responsibilities to the Provisional Institutions of Self-Government (PISG). Numerous institutions within the PISG are involved, to varying degrees, in implementing the voluntary returns policy with UNMIK maintaining a supervisory and/or monitoring role over their actions. Some of the PISG Ministries were recently established and are still in

⁸⁴ Provisional Institutions of Self Government (PISG) [2007]. *Reintegration Strategy for Repatriated Persons*.

⁸⁵ Bush, N. [2005]. *The World Bank Europe and Central Asia Region: Review of Workers' Remittances to Kosovo*.

⁸⁶ Provisional Institutions of Self Government (PISG) [2007]. *Reintegration Strategy for Repatriated Persons*.

⁸⁷ According to World Bank Report *Kosovo Economic Memorandum*, Washington, 17 May 2004, Report No: 28023-KOS, average annual remittances between 1999 and 2003 had been €550 million.

the process of developing their internal structures, which must be conducted further before they can address the scope of duties that will fall within the ultimate competency. Due to budgetary constraints, not all issues relevant to migration can be adequately addressed at this time. There are insufficient funds to establish new departments, employ staff and obtain the necessary technology and other resources that are needed within the Ministries to make them fully functional. The PISG cannot negotiate or enter into agreements with countries or international institutions on its own authority, as UNMIK maintains this competence.

On the basis of information collected by IOM, it appears most likely that, as in many countries, it will be the Ministry of Internal Affairs (MoIA) that will progressively take the lead in addressing migration management, particularly for the issues of asylum and refugees (with UN structures still maintaining key responsibilities related to return migration). Supervision over the Kosovo Police Service (KPS), which is one of the law enforcement authorities regulating border traffic in Kosovo, has been already transferred to the Ministry of Internal Affairs. The MoIA's Department for Border Management, Asylum and Migration is becoming a focal point for the migration-related issues. The work of Department of Repatriation, which currently falls under the UNMIK Office of Communities, Returns and Minority Affairs (OCRM), will also be transferred to MoIA's DBAM. Therewith the MoIA will be involved in processing the forced returns of Kosovars who were illegally residing in other countries. However, the Ministry was established only in mid-2006 and the organizational processes to structure the institution is not yet complete.

Up to now the main focus of the area of migration in Kosovo is the returns process.

The PISG institutions that play the most active roles include the Office of the Prime Minister (OPM), which is responsible for coordinating and facilitating the work of the PISG, including monitoring the implementation of the Government's decisions regarding a variety of issues including those related to migration. Other key institutions, significantly involved in migration-related issues are the: Ministry of Communities and Returns (MCR) and the Ministry of Local Government Administration (MLGA). Ministries that are partially or indirectly involved in the returns process are the: Ministry of Labour and Social Welfare (MLSW) and the Ministry of Finance and Economy (MFE). Within the MLSW, the Department of Social Welfare is responsible for providing temporary housing and social welfare⁸⁸ assistance to social cases, which includes vulnerable returnees. Furthermore, the Department of Social Welfare was recently engaged in an IOM capacity building project. By the end of the project, the Department assumed the responsibilities, previously handled by IOM, for the provision of reception assistance at the airport to all returnees, with additional services for the most vulnerable among them.⁸⁹

The Ministry of Communities and Returns, which is currently in the process of taking over responsibilities from the UNMIK Office for Communities, Returns and Minority Affairs, plays a vital role in implementing and coordinating returns policies. However, its attention is focused mainly on IDPs. It coordinates the implementation of returns with the municipalities, other ministries, local and international institutions, and strives to develop and influence policies so that they are well tailored to the needs of IDPs, refugees, and women and children and other groups with specific needs.

⁸⁸ The basic social welfare payment in Kosovo amounts to approximately 40 Euros per month.

⁸⁹ IOM will retain responsibilities for receiving and assisting people who return within the framework of an IOM Assisted Voluntary Programme.

The MCR chairs the Central Review Mechanism (CRM), i.e. a body, which reviews all voluntary returns projects and other initiatives endorsed by individual Municipal Working Groups to ensure they are consistent with the existing return policies. Thus, the CRM oversees/reviews all of the Municipal Returns Strategies and other concept papers on returns submitted and endorsed by individual municipalities (after they are developed by the respective Municipal Working Group). In addition, it often functions as a liaison to the donor community on returns and reintegration projects. It consists of members nominated by the: MCR, OPM, MLGA, UNMIK, UNHCR, and UNDP; other members have an observer status.

MCR also serves as the secretariat of the Steering Group. The CRM reports to the Steering Group, which is a policy guidance body that reviews the return process and related policies, from a macro and multi-sectoral perspective, supports the work of the CRM, and ensures consistency with the applicable policies and overall returns framework. The SRSG and the Prime Minister chair the Steering Group and its membership is comprised of representatives from the: MCR, MLGA, Ministry of Public Services (MPS), MLSW, MFE, KPS, and Kosovo Property Agency (KPA). When necessary, other agencies such as: UNDP, UNMIK, OSCE or KFOR are included as well.

A Steering Board on the Development of a Strategy for the Reintegration⁹⁰ of Repatriated Persons was established on 25 October 2006 by a decision of the PISG. Its task is to reach consensus on the roles and responsibilities of Ministries in the field of reintegration of repatriated persons through a consultative and inclusive process. The Steering Board is composed of representatives of MLSW, Ministry of Environment and Spatial Planning (MESP), MLGA, MIA, Ministry of Health (MoH), Ministry of Education, Science and Technology (MEST), Municipal Community Officers, and international organizations (UNMIK, UNHCR, IOM, and OSCE). Within the Steering Board, an Expert Group was established in order to draft a strategy for the reintegration of repatriated persons. (See Section 6.3(a) for information about this strategy)

The Advisory Office for Good Governance at the Office of the Prime Minister (AOGG) is in charge of coordinating the counter-trafficking work Kosovo-wide. The director of the AOGG is also the Kosovo Coordinator for Counter-Trafficking. There is an Inter-Institutional Working Group, consisting of Ministries, the police, IOs and NGOs, which is responsible for the implementation of the Kosovo Plan of Action to Combat Trafficking (the first one, was drafted with the support of the IOs and NGOs and approved by the Government in May 2005, to cover a two-year period). Sub-working groups are being established to focus on prevention, protection, prosecution and child trafficking. The key ministries participating in these groups are: Ministry of Labor and Social Welfare responsible for the reintegration of VOT, especially minors, the Ministry of Justice, which runs the closed type Interim Secure Facility (ISF) and assigns Victim Advocates⁹¹, the Ministry of Education, Ministry of Culture, Youth and Sports, Ministry of Health, Ministry

⁹⁰ Reintegration can be defined as: Re-inclusion or re-incorporation of a person into a group or a process, e.g. of a migrant into the society of his/her country of origin. The achievement of a sustainable return i.e. the ability of repatriated to secure the political, economic and social conditions to maintain their life, livelihood and dignity. A process which enables returnees to regain their physical, social, legal and material security needed to maintain life, livelihood and dignity, and which eventually leads to the disappearance of any observable distinctions vis-à-vis their compatriots.(IOM)

⁹¹ Pursuant to section 206 of the Criminal Procedure Code (CPC), the Victim Advocacy and Assistance Unit (VAAU) shall act to safeguard the rights of victims of crime, including trafficked persons. The VAAU is responsible for appointing a Victims' Advocate to act as the authorized representative of the alleged victim during all stages of criminal proceedings pursuant to Articles 81 and 82 of CPC, ensuring that translation and interpretation services are available throughout criminal proceedings, as well as legal information and legal assistance. In cases of child trafficked persons from Kosovo requiring reintegration and social inclusion plan, the VAAU shall perform above tasks in cooperation with the other Direct Assistance partners, as required by legal proceedings.

of Internal Affairs, Ministry of Local Government and there is specialized counter-trafficking unit within the police.

When it comes to relations with the Diaspora communities, the Ministry of Culture, Youth, Sport and Non-residential Affairs, and its Department of Non-residential affairs, are the main focal points.

6.3. Migration policies in place

The issue within migration management drawing the most consistent attention in Kosovo is the returns process. Pursuant to UN Security Council Resolution 1244, returns policy is informed by the premise that all refugees and IDPs have the right to return to their home, and to recover their property. The framework for addressing other issues in the field of migration management, such as asylum, is still being developed. The PISG cannot negotiate or enter into agreements with countries or international institutions on its own authority, as UNMIK maintains this reserve power.

Key return-related policies

In 2006, The PISG updated its returns policies⁹², based on the UNMIK's 'Right to Sustainable Returns' paper with the view to simplify and streamline the steps for return and the delivery of social services for returnees, increase IDPs/refugees' access to assistance, improve protection mechanisms for minority returnees to ensure non-discrimination, and incorporate return needs and concerns in municipal and central development and budget planning.

Standards for Kosovo (10 December 2003)

Standards established benchmarks for the further development of Kosovar's political, judicial, and civil/administrative institutions, which were used in the process of negotiating Kosovo's future status. In respect to migration policy, the following standards are relevant: Standard III: Freedom of Movement; Standard IV: Sustainable Returns and the Rights of Communities and their Members; Standard VI: Property Rights; Standard VII: Constructive and continuing dialogue between the PISG and Belgrade over practical issues. .

The Protocol of Cooperation on Voluntary and Sustainable Return (2006)

The Protocol signed by Kosovo's Provisional Institutions of Self-Government (PISG), the Government of Serbia, and the United Nations Mission in Kosovo (UNMIK) on 6 June 2006, is an example of a tri-partite agreement, which is structured in this way given the aforementioned limitations of the PISG's authority. The Protocol is a powerful statement of the commitment by the Kosovar and Serbian authorities to continue the returns process.

Revised Manual for Sustainable Returns (2006)

The Manual, drafted for the first time in 2003, stipulates UNMIK's policy and operational guidelines for returns. It reaffirms international standards and best practices and incorporates the main objectives of the *Protocol of Cooperation on Voluntary and Sustainable Return*. The Manual specifies the guiding principles of the returns process

⁹² UNMIK Revised Manual for Sustainable Return, p. 7 & 47

and standardizes, as well as clarifying, terminology/definitions, institutional roles and responsibilities and components of the returns process.

UN Regulation No. 2006/10 – On the Resolution of Claims Relating to Private Immovable Property, Including Agricultural and Commercial Property (March 2006)

It establishes the Kosovo Property Agency, as the administrative authority, functioning as an independent body, with the competence to receive, register, and assist the courts in resolving the following categories of conflict-related claims resulting from the armed conflict that occurred between 27 February 1998 and 20 June 1999:

- a) Ownership claims with respect to private immovable property, including agricultural and commercial property, and
- b) Claims involving property-use rights in respect of private immovable property, including agricultural and commercial property

Strategy on Reintegration of Repatriated Persons

The Office of the Prime Minister (OPM) of the PISG, in coordination with UNMIK, organized a Steering Board composed of international and local experts in order to develop a strategy for addressing the needs of persons, who originated from the various communities living in Kosovo, did not meet the criteria of respective countries for obtaining asylum status or citizenship, and as a result, will be returned non-voluntarily to their place of origin. Central and local governmental institutions/agencies are required to focus their efforts on the priorities specified in the Strategy, allocate funds in order to meet obligations and implement activities through an operational plan designed to fulfill the obligations foreseen in the Reintegration Strategy of Repatriated Persons.

The Repatriation Working Group was also established in order to advise to the PISG on the future migration policies in line with these of EU and neighboring states.

According to the UNMIK April 2007 Fact Sheet published online⁹³, thanks to the progress of both, i.e. the Steering Board and the Working Group, both co-chaired by UNMIK and PISG, the operational framework comprising of readmission and reintegration policies/procedures will soon be reviewed and discussed. Moreover, the PISG, and MoIA in particular, is also expected to soon take over the operational responsibilities for readmission of repatriated persons.

Readmission Policy (draft)

The policy introduces the strategy and procedures in Kosovo for handling the readmission of persons originating from Kosovo⁹⁴ and residing without legal status in host countries⁹⁵. This policy will become effective and apply in Kosovo soon after it is approved by Special Representative of Secretary-General (SRSG) following the PISG's endorsement. It will be put in place during the UNMIK transition period, following the determination of status. The readmission procedures shall effectively and smoothly,

⁹³ UNMIK [2007]. *Kosovo Fact Sheet* http://www.unmikonline.org/docs/2007/Fact_Sheet_apr_2007.pdf

⁹⁴ This may include underage children and other dependant family members of persons originating from Kosovo, who have the right to reside in Kosovo. Their readmission will be accepted during the transition period depending on verification of their identity and their relationship to the person originating from Kosovo. In future, these matters will further be regulated by the Law on Citizenship and the Law on Foreigners.

⁹⁵ The term "persons residing in host countries without legal status" includes those who no longer fall under the scope of temporary international protection in host countries, as well as rejected asylum seekers and those who have entered the host countries illegally and/or overstayed their visa.

succeed the current readmission policy implemented by UNMIK's Office of Communities, Returns and Minority Affairs (OCRM). The policy may be changed or improved, during/after the transition period, as needed. However, such action shall be taken only after a thorough discussion on why such changes are necessary and how the policy should be amended. All stakeholders should ensure that any changes are in line with international standards and, laws and regulations in force in Kosovo at the time of the changes.

Although the obligation of states to accept returning nationals is generally accepted to be a norm of international customary law, until now, due to the post-conflict situation and to the specific situation that Kosovo is under the UN administration, UNMIK allowed only a certain number of returns to Kosovo from a humanitarian point of view.

According to the UN SC Resolution 1244, the United Nations High Commissioner for Refugees (UNHCR) has the mandate to supervise the safe, dignified and free return of all refugees and internally displaced persons (IDP). It regularly assesses the situation of ethnic minorities and international protection needs of ethnic groups and other categories of persons in Kosovo, and has issued a number of position papers.⁹⁶ PISG authorities take UNHCR's views into account, are committed to improving the security situation in Kosovo, and prepared to readmit persons originating from Kosovo in accordance with international norms.

In principle, no person will be readmitted to Kosovo unless the person has been confirmed to originate from Kosovo. To prepare and readmit its persons, PISG/Kosovo authorities will cooperate with the host countries to realise safe and dignified returns of its persons. Such cooperation will include signing of procedural agreements and eventually, formal readmission agreements with these host countries.

PISG/Kosovo Authorities will seek to reach official agreements with host countries to attain durable returns of all residents of Kosovo by implementing readmission procedures and monitoring such readmission procedures in compliance with relevant international human rights standards. At present, while Kosovo has no formal agreements on readmission of Kosovars denied legal status abroad, it does have Memoranda of Understanding and letter agreements with Sweden, Switzerland, Germany and Denmark.

Until the final status of Kosovo is known, no bilateral discussions can be initiated.

Domestic Legal Framework for Legal Reintegration of Repatriated People

- The Law on Civil Status Registers adopted by the Assembly of Kosovo (Promulgated by the SRSG through Regulation No. 2005/21 of 7 May 2005)
- The Family Law adopted by the Assembly of Kosovo (Promulgated by the SRSG through Regulation No. 2006/7 of 16 February 2006.)

⁹⁶ The most recent UNHCR Position Paper (July 2006) states that the inter-ethnic environment for members of both Ashkali and Egyptian communities has improved and as such, UNHCR considers that persons belonging to these ethnic minorities are no longer at risk. UNHCR does consider however the security situation of persons belonging to Kosovo Serbs, Roma and, Albanian in a minority situation as sensitive and therefore warrants continued protection for these categories of persons. In addition, it should be noted that individuals should not be returned to face the risk of torture or cruel, inhuman or degrading treatment or punishment or other violations of their human rights under international human rights law including Article 3 of the European Convention on Human Rights (ECHR), Article 7 of the ICCPR, and Article 3 of the Convention against Torture (CAT). Article 19 (2) of the Charter of Fundamental Rights of the European Union also states, "no one may be removed, expelled or extradited to a state where there is a serious risk that he or she would be subject to the death penalty, torture or other inhuman or degrading treatment or punishment".

- Regulation Nr. 2000/13 on 17 March 2000 for Central Civil Registry.
- Regulation Nr. 2000/18 on 29 March 2000 for Travel Document.
- Administrative Direction Nr. 2000/5 on 6 April 2000 for implementing of Regulation 2000/13.
- Administrative Direction Nr. 2001/12 on 31 July 2001 for implementing the Regulation 2000/13.
- Administrative Direction Nr. 2001/18 on 31 July 2001 for implementing the Regulation 2000/13.
- Administrative Direction Nr. 2002/6 on 26 March 2002 for implementing the Regulation 2000/18.
- Administrative Direction Nr. 2003/20 on 7 August 2003 for implementing the Regulation 2000/18.

Non-return related legislation:

UN Regulation No. 2005/16 – On the movement of foreigners into and out of Kosovo

The regulation sets the legal framework for immigration, i.e. defines categories of persons who may enter and stay in Kosovo, as well as required documents for entry.

The following draft laws are under preparation:

- Border Law
- Law on Foreigners
- Asylum Law (*it is still being worked on in the Working Group*)

For trafficking-related legislation see section 6.4 (a).

6.4. Labour market and identified skill shortages by sector

Kosovo has very high rate of unemployment. According to UNDP, it is as high as 55%⁹⁷ and according to USAID, has reached levels of 60-70%⁹⁸. UNMIK estimates unemployment rate between 35-50%, without including variations due to seasonal work and grey economy. The World Bank's estimates range from 23 to 33%.⁹⁹

Kosovo suffers from under investment and there is very little export. Kosovo's foreign exchange balance is dominated by imports, despite the potential availability of goods locally.¹⁰⁰

The majority of Kosovo's population lives in rural areas. According to the 2005 Labour Market Statistics, agriculture is in fact the most important branch of the economy, with an employment share of 18.8% of the total active population, followed by trade (13.8%), education (10.8%) and manufacturing (9.6%). Finance and insurance, as well as real estate and business services constitute the smallest sectors in the Kosovo economy.¹⁰¹

Over half of the Kosovo population is under 25. It is estimated that every year approximately 30,000 persons reach age 18, complete secondary school and enter the

⁹⁷ UNDP Kosovo [2002]. *Programming Strategy for the Transition, 2000-2003*, Pristina.

⁹⁸ USAID [2004]. *Kosovo Desk Assessment*.

⁹⁹ UNMIK [2007]. *Kosovo Fact Sheet*, see at: http://www.unmikonline.org/docs/2007/Fact_Sheet_apr_2007.pdf

¹⁰⁰ Department of Private Sector Development Policy [2006]. *Observatory of Kosova's SMEs: Survey of 600 SMEs*, p.47

¹⁰¹ Government of Kosovo [2005], Labor Market Statistics see at: http://www.ks.gov.net/ESK/esk/pdf/english/social/labour_mark_stat_05.pdf

labour market with limited opportunities. In an effort to promote empowerment as well as employment of youth, the PISG drafted Kosovo Youth Action Plan 2007-2010 and Youth Employment Action Plan 2007-2010. The PISG has been striving to promote access to and better education e.g. the 2007 budget for education is EUR 7 million.

6.5. Irregular migration routes and policies to address irregular migration

Kosovo is considered to be one of the main gateways for entering into Western Europe, especially from the countries of East Europe, Middle East and Asia. The usual routes adopted are¹⁰²:

- for citizens of Turkey, Middle East and Asian countries: entry into Kosovo through Pristina airport (as no visa is required) –then cross over to Serbia through the porous green border and then to Western Europe
- Albanians enter Kosovo via the Border Crossing Points Vrbnica and Qafa Prushit and continue through the green border to Serbia and then to Western Europe

Refusal of Entry¹⁰³

(In 2005): In total, 287 were denied entry into Kosovo and subsequently deported to Turkey, Albania, India, Pakistan, and Bangladesh.

(In 2006): In total: 362 persons, were denied entry into Kosovo and subsequently deported, including 326 Albanians and 36 Turks.

(2007): Until July 2007, one person, i.e. a citizen of Moldova, has been deported from Kosovo on the basis of a court verdict¹⁰⁴

6.6. Trafficking in human beings and policies to address it

Table 14: Number of Assisted Victims Trafficked to or originating from Kosovo Province (Republic of Serbia) 2001-2004¹⁰⁵

	2000	2001	2002	2003	2004
Foreign	113	135	86	60	60
Kosovar	54	67	165	192	90

Source: Second Annual Report on Victims of Trafficking in South-Eastern Europe, Regional Clearing Point

Table 15: Data on Victims of Trafficking assisted by IOM Kosovo

Foreign Victims of Trafficking Assisted											
Country of origin	1999	2000	2001	2002	2003	2004	2005	2006	June 2007	Total	%
Moldova		72	71	31	21	16	5	15	2	233	51.32
Rumania	1	20	36	19	8	4	1			89	19.7
Ukraine	1	8	20	20	8			3		60	13.21
Bulgaria		10	4	6	4	2	2	1		29	6.39
Albania		2	1	9	2	8	6	3	2	33	7.27
Serbia					2	1				3	0.66

¹⁰² ICMPD [2005]. *Yearbook on Illegal Migration, Human Smuggling and Trafficking in Central and Eastern Europe*.

Note: the figure refers to "foreign citizens discovered at the territory of the Republic of Serbia"

¹⁰³ UNMIK Border Police and Kosovo Police Service (KPS) Border Police [February 2007]

¹⁰⁴ UNMIK Office for Registration of Foreigners.

¹⁰⁵ IOM, Rebecca Surtees, [2005], *Second Annual Report on Victims of Trafficking in South-Eastern Europe*. Regional Clearing Point, IOM. Note: the figures presented in the table above comprise the number of trafficked foreign victims identified within Serbia and voluntarily returned to their countries of origin. Victims who were identified as trafficked but refused return were not included.

Russia		1	2					2		5	1.1
Slovakia						1				1	0.22
Nigeria							1			1	0.22
Total	2	113	134	85	45	32	15	24	4	454	100%

Local Victims assisted per year

Year	2001	2002	2003	2004	2005	2006	2007	Total
Total	6	12	17	11	12	30	4	92

Several factors have contributed to the development and continuation of trafficking to, through and from the Province of Kosovo. These include the Province of Kosovo's long status as a smuggling corridor, the deployment of peacekeeping troops and aid workers who are potential consumers of forced prostitution, the rise of a domestic prostitution trade for both foreign and domestic consumption, the lack of entry visa requirements and strict border surveillance as well as the overall poor life conditions of many Kosovars.

Foreign victims originate primarily from Moldova, Romania, Ukraine, Bulgaria, Albania, Russia, Montenegro and Slovakia. Some victims transit Kosovo en route to the Former Yugoslav Republic of Macedonia, Italy, and Albania. In 2006, there was a significant increase in the number of Kosovars trafficked internally. In fact, IOM has observed that until recently Kosovo was mainly a receiving or transit country for VoT, while at present, there are indications that trafficking of foreign VoTs is decreasing, whereas numbers of locally recruited VoTs, deported to Western countries or mainly internally trafficked, are growing. This problem is more severe if it is taken into account that fact that a high percentage of assisted local victims are minors. On one hand, this increase could be accounted for by the implementation, from 2004, of Standard Operating Procedures for VoT identification, referral and assistance for foreign VoTs and from February 2006, for Kosovar VoTs, and the corresponding better cooperation and coordination among different actors. However, an analysis of the available data indicates that unemployment and difficult economic conditions/poverty level are the main factors resulting in the increase of trafficking among the local women and girls.

The main routes of trafficking identified are the former Yugoslav Republics, entering the EU through Hungary or Slovenia. Other victims that had the former Yugoslav Republic of Macedonia or Albania as a destination cross the border irregularly. The proximity to countries of origin, such as Moldova, Romania, Ukraine, The Russian Federation, Bulgaria and Lithuania on one hand and EU entry countries such as Greece and Italy, on the other, allows criminal trafficking networks from Albania, Kosovo, Bosnia, Serbia and the former Yugoslav Republic of to cooperate closely.

Since June 1999, UNMIK retains ultimate authority over anti-trafficking roles such as police and justice, but is slowly transferring capacity to local institutions. International actors such as IOM and the OSCE, conduct anti-trafficking efforts in cooperation with UNMIK and the Provisional Institutions of Self-Government (PISG), as well as local and international NGOs.

In 2006, the PISG took on greater responsibility for anti-trafficking, with the police anti-trafficking unit transitioning from UNMIK Civilian Police to the Kosovo Police Service (KPS). Kosovo criminally prohibits sex and labour trafficking in the Provisional Criminal Code of Kosovo, which came into effect in 2004.

All victims are provided shelter and access to legal, medical and psychological services, and have the possibility to obtain residence permits, or to opt for return. The PISG provides 24-hour protection to victims and allows anonymous testimony in cases where the victim's safety is at risk. In 2006, the Victims' Advocacy and Assistance Unit moved from the UNMIK Department of Justice to the new Ministry of Justice. In 2006, the Ministry of Justice's Victims' Advocacy assisted 35 victims of trafficking IOM assisted 30 with repatriation of whom 51% were Moldovans. Funding for shelters remained inadequate.

Most anti-trafficking campaigns are run by international organizations and NGOs with the PISG's support. IOM and the Ministry of Justice sponsor anti-trafficking hotlines. Supported by IOM, the Ministry of Education, Science and Technology has circulated informational brochures in primary and secondary schools and introduced counter-trafficking information in school curricula. Kosovo has named a national anti-trafficking coordinator and adopted a Kosovo Action Plan in 2005.

At the same time, when implementing counter-trafficking activities, IOM has been observing the following gaps and challenges, including such as insufficient girls and women's empowerment initiatives, or other governmental priorities (Kosovo status, economic development, minorities), no specialised shelters for domestic VoTs. Through its projects, such as Capacity Building and Prevention Activities in Kosovo and the former Yugoslav Republic of Macedonia, IOM has been trying to address the following.

Prevention-related:

- Lack of government/public funds for awareness raising initiatives;
- Insufficient community-based programs;
- Misperceptions of the trafficking phenomena;

Protection/Victim assistance-related:

- Weak/centralised (and law enforcement-based) referral system;
- Shelters not willing to take in cases without prior police referral;
- Shelters unwilling or lack the capacity to handle cases with severe security, mental/behavioural, or medical problems.
- No-long term programs for VOT assistance and empowerment;
- Limited capacities of Centres for Social Welfare (CSW);
- Overlapping competencies, fragmentation of actions;
- Confusion among SOP partners about each other's roles in the process of VOT assistance.

Policies to address trafficking

A Kosovo Plan of Action to Combat Trafficking 2005-2007 is in place and the Advisory Office for Good Governance at the Prime Minister's Office is the leading agency for the coordination of the anti-trafficking response in Kosovo. An inter-instructional working group has been established, to ensure the drafting of policies as well as the Plan's implementation) and the coordination of activities.

IOM and others have provided comprehensive trainings for governmental and non governmental bodies involved in counter-trafficking on prevention, protection and prosecution. Law Enforcement officers have also been trained by IOM, and training manuals have been developed. Through various IOM initiatives, a pool of trainers has

been created at the police, as well as Ministries of Education, of Justice, of Labour and Social Welfare, of Health and Institute of Public Health.

Kosovo-wide information campaigns targeting community, youth, vulnerable groups, traffickers /recruiters and clients have also been implemented by IOM in cooperation with the PISG, or NGOs, as well as by other IOs/NGOs.

The cooperation between IOM and the Ministry of Education has ensured that trafficking related information has been included in over 100 schools through cross curricula interventions. Trafficking related information was added to the Life Skills program of UNICEF, as provided by IOM.

6.7. Presence of refugees, asylum seekers and internally displaced persons in the country and policies in place

United Nations (UN) Security Council Resolution No. 1244 of 10 June 1999 reaffirmed the right of all refugees and displaced persons to return to their homes in safety, and granted UNMIK the mandate, *inter alia*, to assure the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo. In 2003, UNMIK and the PISG listed sustainable returns and the protection of the rights of minority communities among the critical standards to assess progress in Kosovo (*Standard IV. Sustainable Returns and the Rights of Communities and their Members & Standard VII. Property Rights*). Yet, the numbers of returns continued to be “disappointingly low”¹⁰⁶ according to the UN Special Representative of the Secretary General (SRSG). There is, therefore, a strong need for additional support for the sustainable return of refugees and displaced persons to Kosovo, as the return issue remains of significant regional importance. Such support can make a crucial contribution towards creating an environment in Kosovo that is more conducive to the absorption and socio-economic reintegration of returnees, which supports the further stabilization and development of Kosovo as a whole in the longer-term.

According to the UNMIK Kosovo Fact Sheet issued in April 2007, the total number of voluntary minority returns is estimated at 16,458 with 1,622 persons returned in 2006.¹⁰⁷ According to UNHCR statistics¹⁰⁸, 15,682 members of Kosovo’s ethnic minority communities returned between 2000 and September 2006. They represent slightly over six percent of the total minority population estimated to live in Kosovo, which amounts to 250,000 people, according to currently used official figures. The majority remains displaced in Serbia and in Montenegro, with smaller numbers in the Former Yugoslav Republic of Macedonia, and Bosnia Herzegovina. In 2005, 2,126 ethnic minority members came back to Kosovo, representing a decrease compared to 2004, with 2,469 returns and a significant reduction in contrast to 2003, when 3,801 ethnic minorities came back to Kosovo. The decrease in returns is strongly connected to the violent events of March 17th 2004, which regressed conditions for ethnic minorities to a state they had not been at in years and brought back inhibiting factors including: instable security conditions and a sharply decreased freedom of movement, combined with the persistent burdens of unemployment and lack of income generating opportunities.

Limited employment and income generation opportunities are considered to be among the main factors accounting for relatively low return figures. Despite the considerable achievements of UNMIK, the PISG, and international and local NGOs in stabilizing and

¹⁰⁶ UNSRSG address to the UNSC on 27 May 2005.

¹⁰⁷ http://www.unmikonline.org/docs/2007/Fact_Sheet_apr_2007.pdf

¹⁰⁸ UNHCR Kosovo [2006]. *Statistics on Minority Voluntary Return to Kosovo*, as of September 30, 2006

reconstructing post-conflict Kosovo, the challenges of economic development and poverty reduction remain enormous¹⁰⁹. The extremely high rate of unemployment -- which according to UNHCR is "estimated at over 50%" ¹¹⁰ (see also section 6.1 (a) -- remains one of the most debilitating and widespread problems facing both residents and returnees. However, vulnerable populations, such as returnees and especially, returning members of ethnic minority communities, experience these precarious socio-economic conditions even more intensely, as they still are confronted with varying levels of prejudice and discrimination. Compounding the situation, the freedom of movement of some ethnic minority communities continues to be restricted as a result of an actual and perceived unstable security situation. In addition, ethnic minorities often return to isolated villages, which have a very limited absorption capacity due to their remote locations and disadvantaged socio-economic conditions, with limited possibilities for income generation.

Low returns levels are also related to the hostile attitude (both real or perceived) of the receiving community, limited access to housing and agriculture land, limited availability of public services for minorities and persistent lack of a functioning infrastructure. Moreover, the unresolved political status of Kosovo continues to concern both potential returnees and communities in Kosovo alike.

In the short to medium term, the central challenge is to foster an environment that provides incentives to displaced persons to return and motivates ethnic minorities, already residing in Kosovo, to remain and invest in their future here. This objective must also be pursued with concrete responses for creating sustainable income generating opportunities not only for returnees, but also for members of the receiving communities they come back to. This necessarily implies balancing the intervention to include assistance measures for the population already residing in the area.

6.8. Projects and programmes on migration and development

The Dutch-funded *Temporary Return of Qualified Nationals (TRQN)*'s objective is to contribute to the Kosovar post-war reconstruction by supporting the development of the enhanced capacity in selected sectors, such as education, health, infrastructure development, as well as within the government through shared expertise of qualified Kosovars who temporarily return from the Netherlands.

In an effort to further enhance capacities and indirectly prevent brain drain, the EU through EAR offers scholarships to Kosovars for master programs on European issues at various European universities. Frequently pursued studies include Political Sciences, Economics as well as European Studies. The *Young Cell Scheme* has been implemented since 2003 under a broader goal of enhancing capacities of Kosovar institutions to adopt EU standards and policies. Students receive their grants under the condition that upon their return they will work with Kosovo's government for at least three years. So far, 59 persons have benefited from EAR scholarships.

Other initiatives include the EAR-funded and UNDP-implemented *Capacity Building for European Integration*, whereby international as well as local experts are employed to work with various institutions, including ministries. Among international experts, there have been a few Kosovo Albanians with citizenship of EU member states, who have been seconded.

¹⁰⁹ World Bank [2005]. *Kosovo Poverty Assessment. Promoting Opportunity, Security and Participation for All*.

¹¹⁰ UNHCR [2006]. *Position Paper on the Continued International Protection Needs of Individuals from Kosovo*.

Capacity Building Facility for Kosovo (CBF) (<http://www.cbf-ks.org>) is a joint initiative between the UNDP and Kosovo's Foundation for Open Society (KFOS), endorsed by the Office of the Prime Minister and financed by the Norwegian Ministry of Foreign Affairs. It was initiated in 2004. In light of the need for expertise within the nascent Kosovo's institutions, CBF addresses gaps in ministries, governmental agencies and municipalities by seconding experts to provide a combination of on-the-job coaching and advisory services. The CBF experts come from Kosovo, the Balkan region as well as from abroad. In fact, the support of the Diaspora Kosovars has been sought in particular.

6.10. Other important migration actors in Kosovo

The following information comes from 'Revised Manual for Sustainable Return' (2006)¹¹¹ as well as corresponding websites of the described organizations.

International Organizations

European Agency for Reconstruction in Kosovo, (EAR)

<http://www.ear.europa.eu/kosovo/kosovo.htm>

The European Agency for Reconstruction manages a cumulative portfolio of some €1.1 billion in different projects and programmes across **Kosovo**, 93% of which has already been contracted. In June 2006, the Agency was able to bring the amount of EU funding under contract in Kosovo to over €1 billion. In 2005 alone the Agency was given responsibility for €77 million of European Commission assistance funds for Kosovo. EAR continues to assist the PISG, the Assembly and the municipalities in drafting and implementing coherent policies, strategies and EU-compatible legislation. Assistance also focuses on advancing economic reform and reducing unemployment - for the benefit of all of Kosovo's communities. The Agency continues to support the return and reintegration of minorities to help build the foundations of a multiethnic society in Kosovo.

Danish Refugee Council <http://www.drc.dk/>

DRC has been present in Kosovo since the beginning of the armed conflict in 1998. The main objective for DRC in Kosovo is to contribute to the return and reintegration of IDPs and refugees and to the prevention of renewed conflict in Kosovo. This is done by ensuring that the IDPs are presented with a free and informed choice when deciding on a solution for their future - and by facilitating the return and reintegration in Kosovo for those who wish to return. DRC is involved in the return process every step of the way, from the initial decision to return to the actual resettlement place of origin and reintegration into the community.

Kosovo Force (KFOR), (<http://www.nato.int/kfor/>)

As a NATO-led international force KFOR is responsible for establishing and maintaining a secure environment in which refugees and displaced persons can return home in safety, as stipulated in UN SC 1244 Resolution. It is therefore responsible for all security matters which arise in the returns processes.

OSCE Mission to Kosovo, (<http://www.osce.org/kosovo>)

The OSCE Mission in Kosovo, the largest OSCE field operation, forms a distinct component of the United Nations Interim Administration. It is mandated with institution- and democracy-building and promoting human rights and the rule of law. It plays a key

¹¹¹ http://www.unmikonline.org/srsg/orc/documents/Manual_ENG.pdf

role in creating environment in which sustainable returns can occur. Its Department of Human Rights and Rule of Law as well as Department of Democratization make efforts to ensure Kosovar legislation's compliance with international human rights standards. In the context of return process, OSCE supports inter-ethnic dialogue; monitors and reports on human rights violations; advises authorities on measures to address any concerns in the human rights' field; contributes to institution-building and conducts outreach and public awareness activities in the area of human rights and rule of law

IOM Kosovo (www.iomkosovo.org)

IOM Kosovo has been among the three largest IOM Missions worldwide since its inception in June 1999. It has joined the efforts of the international community to invest in a durable peace process and assist the population in rebuilding their lives and working for the future. IOM's strategy, consistent with that of the United Nations Mission in Kosovo (UNMIK), had to go beyond short-term reconstruction and rehabilitation efforts, whereby long-term development is supported bearing in mind that programmes as the return and reintegration process cannot be separated from decisive socio-economic factors such as social services, employment opportunities, civil society development and the rule of law.

UNHCR (www.unhcr.org)

UNHCR's mandate is to protect refugees and to find durable solutions to refugee situations. In Kosovo, UNHCR works for the creation of the conditions conducive to return. It oversees returns process and plays a central role in making and implementing returns policy at all levels, central, local as well as regional.

United Nations' Development Programme (UNDP), (<http://www.kosovo.undp.org>)

After the initial period of post war reconstruction, UNDP has helped establish and develop local institutions. It strives to improve the strength of Kosovo's institutions, enhance people's everyday security and improve environmental sustainability. UNDP helps to develop and research policies. It provides statistics and advocates solutions for organizations that need them. Within its Returns Programme, UNDP's responsibilities include: *Sustainable Partnership for Assistance to Minority Returns to Kosovo (SPARK) Individual Returns Facility*. Since 2003, UNDP has been responsible for managing the only facility in Kosovo providing tailor made support to Individual Spontaneous minority returnees (IDPs) to their place of origin. This was initially done through the Rapid Response Returns Facility (RRRF) which developed into the Sustainable Partnerships and Assistance to Minority Returns SPARK IR Facility in October 2005. Support is rendered to beneficiaries through three service lines which include a) housing assistance b) socio-economic support and c) community development.

UNMIK EU Pillar/UNMIK IV Pillar (www.euinkosovo.org)

UNMIK IV Pillar is engaged in modernizing the economic framework of Kosovo by developing the structures and instruments on which the market economy is based. It is responsible for areas ranging from customs and fiscal affairs, to privatization and banking. It also provides capacity building through cooperation with ministries involved in economic development and promotes Kosovo's integration into various regional and European economic structures.

UNMIK Police and Kosovo Police Service (KPS)

UNMIK Police and the Kosovo Police Service (KPS) are the law enforcement authorities in Kosovo. Pursuant to Security Council resolution 1244, UNMIK has provided temporary law enforcement by maintaining an international police presence and establishing a professional, independent, and multi-ethnic local police force, the Kosovo Police Service

(KPS). UNMIK Police and the KPS focus on maintaining public order, crime prevention, border and immigration controls. The KPS plays a role in maintaining effective security for returnees and visiting IDPs/refugees, enforcing the restitution of residential property rights, and helping to ensure freedom of movement for minorities.

NGOs

There are a limited number of local non-governmental organizations (NGOs), which are a part of the slowly emerging civil society in Kosovo, focused on the needs of returnees, IDPs, and/or refugees. The following NGOs are most involved in migration issues:

NGO Returns Coordination Group (NRCG) is a central body addressing the return process and is responsible for coordination and transparency of approaches of local and international NGOs. It functions as a forum which holds regular monthly meetings.

Centre for Research of Migration and Helping Refugees (CRMHR)

CRMHR provides aid for activities aimed at stopping further emigration from Kosovo and the region to other countries as well as providing professional reintegration assistance during the return and re-socialization of returnees, refused asylum seekers and refugees. Its areas of focus and potential partnership include: Organizing and conducting trainings, in cooperation with partner organizations, in different fields, as per returnees' needs; Collecting and providing information for better and easier reintegration of returnees and assistance in social reintegration; Disseminating information on migration, migrant's rights and refugee issues through manuals, books, periodical newspaper and other written materials; Organizing round tables, tribunes, seminars, conferences and TV campaigns in support of easier reintegration of returnees.

Civil Rights Programme – Kosovo, (www.crpkosovo.org)

CRP/K is a network of offices within Kosovo – in Prishtinë/Priština, Pejë/Peć, Gjiilan/Gnjilane, Mitrovicë/a (north and south) and Prizren (with satellite offices in Gračanica/Graçanicë, Strpce/Shtërcë, Gjakovë/Djakovica, Klinë/a and Istog/k), providing free legal information and assistance to individuals on issues related to the situation of refugees, internally displaced persons, returnees and vulnerable local residents. It provides support to UNHCR activities in Kosovo.

Council for Defense of Human Rights and Freedoms (CDHRF)

CDHRF works to defend and promote human rights and freedoms by investigating and testifying on human rights violations and 'demanding from all actors who exercise power to reject abusive practices' and respect international principles on human rights and freedoms. Its areas of focus and potential partnership include: Conducting training activities and different courses through partner organizations, such are vocational trainings, foreign languages courses and computer skills; Providing educational seminars on the human rights of migrants and human rights generally; Providing legal assistance and support, counseling and social support to migrants.

Kosovar Civil Society Foundation: (KCSF)

KCSF promotes the strengthening of local civil initiatives by providing information, different services, training, as well as grants to NGOs, individuals and other relevant civic institutions in all sectors of civil society. Its areas of focus and potential partnership include: Capacity building training for civil society organizations and individuals; Strengthening civil society by providing appropriate training and support to NGOs, individuals and other civil society institutions; Assistance in completing education

(including facilitating enrollment in the respective schools as well as providing books and financial assistance in transport costs).