PRAGUE PROCESS
ПРАЖСКИЙ ПРОЦЕСС

MIGRATION OBSERVATORY:

Collected Publications

2019-20

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Disclaimer

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Authors: Haykanush Chobanyan, Glen Hodgson, Pavlo Kravchuk, Irina Lysak, Alexander Maleev, Yan Matusevich, Ruslan Minich, Rainer Muenz, Andriy Orlean, Nermin Oruc, Dmitry Poletaev, Danica Santic, Kristof Tamas, Stefan Vogtenhuber, Radim Zak

Editors: Alexander Maleev, Irina Lysak, Radim Zak

Layout by Xenia Vargova

Prague Process Secretariat at ICMPD: Radim Zak (Prague Process Coordinator), Alexander Maleev (Project Manager), Irina Lysak (Project Officer), Dariia Skovliuk (Project Assistant).

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Prague Process Secretariat
International Centre for Migration Policy Development (ICMPD)
Gonzagagasse 1
A-1010 Vienna
Austria

www.pragueprocess.eu
www.icmpd.org
www.facebook.com/PragueProcess

The Prague Process Migration Observatory

The Prague Process is an intergovernmental migration dialogue featuring 50 states of the European Union, Schengen Area, Eastern Partnership, Western Balkans, Central Asia, Russia, Turkey, and the United Kingdom. Since its establishing in 2009, the Prague Process has engaged in gathering and sharing various data on migration and asylum through its Knowledge base, mainly by supporting the Prague Process states in the elaboration of their Migration Profiles (Light).

During the third Ministerial Conference in 2016, the participating states agreed to establish the Prague Process Migration Observatory in order to further enhance information sharing among the Parties and better inform policy makers and experts from the migration authorities in their decisions.

The Migration Observatory has established a network of state and academic experts from the region who have undertaken systematic and ad hoc analyses of important migration policy developments at regional and national level, addressing contemporary migration challenges. The results of their work shall feed into the discussion of the key migration challenges among Senior Officials of the Prague Process states, informing their policy decisions.

The Migration Observatory aims to provide impartial, evidence-based analysis from across the Prague Process region and in line with the six thematic areas set out by the Prague Process Action Plan: preventing illegal migration; return, readmission and reintegration; legal and labour migration; integration; migration and development; and asylum and international protection. All results and publications are available at **www.pragueprocess.eu** in English and Russian languages.

ACKNOWLEDGEMENTS

Dear Reader,

This second collection of publications produced within the Prague Process Migration Observatory covers the period 2019-2020. It aims to inform migration decision-makers, specialists, scientists, academics and the interested public about ongoing migration trends and policy developments across the Prague Process region.

The COVID-19 pandemic has limited the possibilities of travelling, meeting each other and socialising, all of which had been essential to make this intergovernmental dialogue a living organism. The unprecedented circumstances encouraged us to explore new possibilities and approaches, moving our work to the world of virtual meetings, online webinars and development of e-learning tools.

The authors featured in this book are state representatives, academic experts or other specialists. Their contributions aim at raising awareness concerning a wide range of migration phenomena that affect people's lives or even societies as a whole. The collected publications shall inform the interested reader and possibly inspire new ideas and initiatives for the future.

Let me thank the authors for sharing their analysis, expertise and concrete recommendations for the competent entities. I would also like to acknowledge the hard work of the two editors – Mr Alexander Maleev, ICMPD Project Manager and Ms Irina Lysak, ICMPD Project Officer - who ensured the high quality of this book in terms of substance, language and style. Both have been equally influential to the overall success of the Migration Observatory, Training Academy and the Prague Process as a whole.

Dear Reader,
Enjoy the reading and be invited to share your feedback by contacting us at **pragueprocess@icmpd.org**. Your comments will help us to improve in the future.

Sincerely yours
Dr Phil. Radim Zak
Head of the Prague Process Secretariat
ICMPD Regional Coordinator for Eastern Europe and Central Asia

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The 10th Anniversary of the Prague Process

Radim Zak
Alexander Maleev
Irina Lysak

Background

The Prague Process is a mature state-led inter-governmental dialogue on migration. It gathers state authorities dealing with migration in a divergent Eurasian continent covering all European Union Member States, the Schengen Area states, Western Balkan countries, Eastern Partnership states, Central Asian republics, Russia and Turkey. This is an area stretching from Lisbon in the West to Vladivostok in the East and from Murmansk in the North to Valetta in the South. The 50 participating states of the Prague Process, with an overall population of almost one billion people, are overly diverse in terms of their size, geography, history, economy, exposure to migration and resulting policies. In 2009, they nevertheless agreed on establishing a joint migration policy dialogue based on its voluntary, informal and non-binding character, equal footing, mutual trust and genuine partnerships.

To date, three Ministerial Conferences (Prague 2009; Poznan 2011; Bratislava 2016) have set the overall direction of the Process. The annual Senior Officials' Meetings represent its decisive body. The Prague Process has been implemented through several consecutive projects, involving all interested participating states on a voluntary basis. The main donor is the European Commission, while participating states have contributed with financial support and in-kind contributions. ICMPD has served as the Secretariat of the Prague Process since its very beginning.

The third Ministerial Conference held in Bratislava in 2016 granted the Prague Process a political mandate for the period 2017-2021 and confirmed the continued validity of the 6 thematic areas and 22 concrete priorities set out in the Action Plan for 2012-2016. It also called for establishing a Migration Observatory and Training Academy, building on the outputs of previous years. Along with the overall dialogue function, the operationalisation of these two platforms constitutes the main objective of the ongoing *'Prague Process: Dialogue, Analyses and Training in Action'* initiative. The results achieved to date are available at www.pragueprocess.eu.

The origins of the Prague Process

Since the EU enlargements of 2004 and 2007, the EU has shared external borders with the countries of the Commonwealth of Independent States (CIS), Western Balkans (WB) and Turkey. The new EU Member States were facing the challenge of effectively preventing irregular migration to the territory of the Union, which stipulated the need for enhanced cooperation with the neighbouring countries and their neighbours.

As of 2007, the EU's Global Approach to Migration - initially directed towards the South - was 'expanded' to the (South-) Eastern neighbourhood of the EU. Aiming towards EU accession, the Western Balkan countries were at different stages of approximating their migration systems to the EU *acquis*. Their cooperation with EU Member States in this area was already relatively strong. Meanwhile, the adoption of the document 'The EU and Central Asia: Strategy for a New Partnership' in 2007 also brought the Central Asia

region closer to the EU. At the same time, the CIS countries were equally working on joint approaches to migration and towards regional integration. The year 2009 saw the establishment of the Eastern Partnership (EaP), which has since aimed at deepening and strengthening the relations between the EU, its Member States and the six Eastern neighbours.

The challenges related to migration at the time of launching the Prague Process largely remain valid until today.

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Key developments over the past ten years

In 2009, the world experienced a global economic crisis, the impact of which remains noticeable until today. The economic downturn significantly reduced the capacity and readiness of states to absorb foreign labour force.

As of late 2010, a series of anti-government protests, uprisings and armed rebellions across North Africa and the Middle East initiated the so-called 'Arab Spring'. By 2012, the uprising against the Syrian president had turned into a full-scale civil war, further incited by the appearance of ISIS. These events led to major population movements across the immediate neighbourhood of the Prague Process. At the end of 2014, the total number of forcibly displaced people worldwide amounted to almost 60 million, the highest level since World War II. In terms of the number of internally displaced persons, Ukraine ranks first in Europe and is among the top ten countries in the world.

The rising numbers of people arriving to the EU resulted in the so-called 'migration' or 'refugee' crisis and exposed major weaknesses in the migration policy setup at the national and EU level. With the colossal pressure put on the receiving EU states, Turkey has been among the countries most affected by the immense numbers of people fleeing the war in neighbouring Syria and Iraq. As a timely development, Turkey established the Directorate General for Migration Management (DGMM) in April 2014. In March 2016, the European Council and Turkey reached an agreement aimed at stopping the flow of irregular migration via Turkey to Europe. Turkey has since played a key role in considerably reducing the migration to Europe. The Western Balkan states also played an important role during the migration crisis, closely cooperating with the EU on the issues of security and migration.

The immigration experienced in 2015 and 2016 also had a major impact on the national elections held since, placing migration at the top of the political agenda and public discourse. The terrorist attacks and severe criminal acts committed across Europe and beyond resulted in a strong emphasis on the **nexus between migration and security**. In this vein, developments that seemed unlikely became real with the surprising results of the Brexit referendum, several separatist movements across Europe, the crisis in Ukraine, and the overall perception of migration as a phenomenon directly affecting the lives of citizens in sending and hosting societies.

At the same time, the measures supporting the regularisation of people's movements in the Prague Process region facilitated their **increased mobility**. Following the visa liberalisation dialogues with the EU, nationals of North Macedonia, Montenegro, and Serbia have enjoyed the visa free travel to the EU since 2009. In 2010, the visa-free travel to the EU became effective for Bosnia & Herzegovina and Albania. In 2014, it became a reality for Moldova, while visa-free travel was granted to Georgia and Ukraine in 2017. The abolishment and simplification of the visa regimes turned into a common trend also outside the EU borders. In 2018, Belarus made an important step forward by allowing 74 countries, among which are over 30 Prague Process states, to enter and stay within its territory visa-free for up to 30 days. Considerable simplification of the visa regime also occurred in Uzbekistan, which introduced the e-visa system and lifted the visa requirements for up to 30 days for travellers of over 50 countries over the past two years. Azerbaijan, Tajikistan and most recently Kazakhstan equally introduced an e-visa system.

The measures supporting the regularisation of people's movements in the Prague Process region facilitated their increased mobility.

The opening of labour migration channels and schemes between the Eastern European and Western Balkan states and the EU, as well as between Russia and the other members of the Eurasian Economic Union (EAEU), has provided new possibilities for pursuing legal employment abroad, thereby turning **labour migration into a veritable megatrend**. Just recently, the Polish-Ukrainian Economic Chamber reported of 2 million Ukrainians working in Poland. The number of Belarus labour migrants in the EU has also been steadily growing, though the exact figures remain difficult to assess. The number of labour migrants from the Western Balkan states in the EU is impressive, amounting to over 30 percent of the total population of these countries. As for the EAEU, in 2017, Russia recorded over 1,4 million labour migrants from Uzbekistan and Tajikistan alone. It is worth noting, that the creation of the EAEU served the formalization and regularization of the already existing movement of people. Today this sub-regional cooperation platform constitutes an integrated single market of 183 million people. While such developments benefit both sending countries, in terms of remittances, and hosting countries by reducing existing labour shortages, it undoubtedly creates new challenges, e.g. by turning temporary migration into permanent, which in combination with the observable demographic problems may lead to depopulation.

Demography is becoming a cornerstone of the migration policy of many countries in the Prague Process region. Hence, for instance, Finland and Russia have recently signalled the decline and ageing of their population, and despite continuing to rely on the natural replenishment, highlight the importance of migration in addressing the demographic challenges faced. Driven by the opposite trend in demography, Uzbekistan and Tajikistan are exploring the possibilities of organised recruitment schemes and diversification of labour migration flows, while incorporating migration into their broader development planning. One possible new destination for citizens of the Central Asian Republics is China that has also been pursuing its own interests in the region by initiating as the so-called "One Belt One Road" initiative in 2013. According to most global forecasts, the vectors of economic and technological development and social modernization have

shifted towards Asia, where substantial new migration processes are expected to take place. China will increasingly turn from a country of emigration and transit to one of immigration considering its aging population. The rise of China and its immense Foreign Direct Investment will influence international policies, including on migration, across Asia and Europe, further increasing the ongoing competition for highly skilled migrants.

In spite of the substantial progress made in terms of migration management over the past decade, the Prague Process states nowadays are facing new complex challenges. How far can the capacities of individual states be stretched in terms of absorbing migrants? How can we ensure the human rights of migrants while protecting our own citizens and borders? How can we assess the dynamic developments within and outside our borders?

The Prague Process is and shall remain a regional platform observing, reacting to and complementing developments on all levels.

Outlook into the future

In December 2018, the Senior Officials reconfirmed that the decision of 2009 to establish the Prague Process proved right. As migration remains a challenging and dynamic topic full of unexpected developments, states need to be prepared and flexible in terms of their policy solutions at all times. The sharing of relevant experience among the 50 states is deemed as highly beneficial, especially considering the numerous commonalities in the thematic areas of the Prague Process. The participating countries are of course at different stages of developing their migration management systems as well as in terms of their engagement with the EU. These commonalities and differences make the exchanges within the Prague Process both useful and challenging at times. Participating states are encouraged to take full advantage of the joint work, actively provide their inputs and share their national experience.

The Prague Process is and shall remain a regional platform observing, reacting to and complementing developments on all levels. In this sense, it aims to address a number of aspects simultaneously, ranging from crisis resilience, long-term vision, to a deepening of multi- and bilateral cooperation, strengthened institutions and renewed trust from a highly critical public. The path from crisis management to a forward-looking, sustainable migration governance will continue to be complex and demanding. This process is in its early stages, requiring all partners and members to do their best to keep it safe from the risk of derailment.

The current mandate set by the Bratislava Ministerial Declaration and by the reconfirmed Action Plan lasts until 2021. The Prague Process will continue to facilitate the inter-governmental dialogue and exchange. The Migration Observatory shall serve as a regional think-tank generating analytical publications and collecting relevant information in order to support its participating states in assessing and addressing the challenges and priorities ahead. It will also continue to accumulate and produce expertise under the Training Academy to ensure high-quality capacity building for civil servants, migration specialist, practitioners and policy makers.

The inter-governmental dialogue constitutes a solid base with great potential that is in the hands of its participating states. The priorities and challenges of 2009 will most probably remain valid in 2029 as well. In spite of the constantly changing realities, the trends and threats largely remain identical. Some policy issues are subject to continuous improvement and progress, as they need to respond to the innovative approaches of human traffickers, smugglers or even terrorists. Governments cannot afford to lag behind but need to react to meet the needs and expectations of their constituents. Cooperation and coordination are key and the building of trust a long-term effort, an investment that pays off. Today, the European focus is directed towards the migration originating from African countries, the Middle East or the Silk Routes region. Tomorrow this may change, and the governments need to be prepared to react. Maintaining existing functioning platforms of cooperation will prove an advantage when trends and directions change.

Armenia's migration cooperation with the European Union and Eurasian Economic Union

Haykanush Chobanyan

A large share of the labour migrants would opt for the EU rather than Russia, however, the visa requirements and language barriers turn Russia into a more favourable destination.

Executive Summary

This policy brief aims to analyse Armenia's cooperation on migration with the European Union (EU) and the Eurasian Economic Union (EEU), looking in particular at the resulting simultaneous efforts and obligations, as well as their impact on the national migration policy and actual flows experienced.

Migration flows from Armenia towards the EU and EEU

Since its independence in 1991, Armenia has experienced considerable emigration, mainly arising from the political and socioeconomic situation in the country (e.g. high unemployment rates, low income levels) and various other reasons[1]. Whereas only 15% of Armenian migrants went to the EU over the recent years, 75% aim for Russia and 10% for the USA.

The available evidence shows that a large share of the labour migrants would opt for the EU rather than Russia, however, the visa requirements and language barriers turn Russia into a more favourable destination. Naturally, the visa regime plays a decisive role as the entry permit remains most difficult to obtain. The complete lack of warranty to obtain a visa when re-applying for it has prevented the formation of a significant and stable flow of (labour) migrants to the EU. The overwhelming majority of Armenian migrants enter the EU legally with a tourist visa but then seek to obtain a permanent residence and access to social services in an EU Member State (EU MS) in different ways, such as through applying for asylum. Moreover, in recent years, many Armenians left the country due to health problems, particularly when in urgent need for treatment and severe cases.

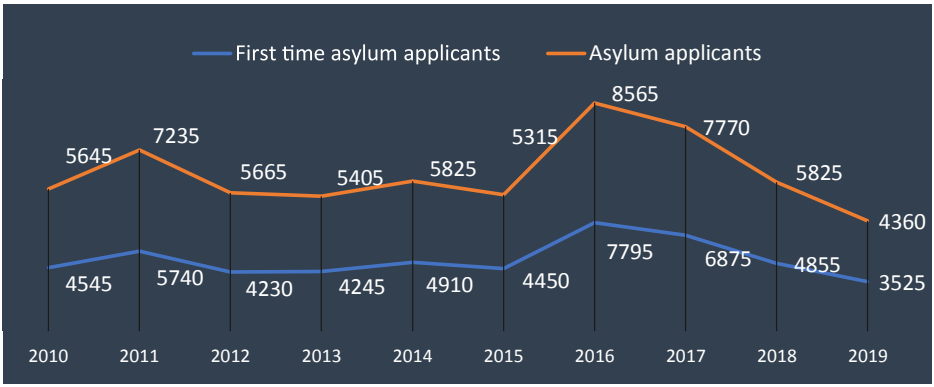
The myth whereby the EU's asylum system can be easily misused still exists in Armenia. Asylum seekers tend to move to the EU with their families. Usually, they enter legally with a valid visa and only afterwards violate the rules of stay. In pursuit of their dream to find

1. The political changes of 2018 had a significant impact on the migration dynamics, resulting in a positive net-migration rate in 2018 for the first time after a decade marked by a negative migration balance. This shift has manifested the overly positive perception of the new government within the population, large parts of which have started to plan their future within the country rather than abroad.

employment inside the EU and thereby secure a more prosperous and better life, they pay a high price. They sell their belongings and use up their savings, dissolve relationships and leave their jobs in order to move to Europe. However, through their decision to apply for asylum, they disrupt their children's education, investing a lot of money and time before eventually returning home.

Between 2010 and 2018, Armenian nationals submitted 57.250 asylum applications across the EU, with Germany, France, Austria and Belgium receiving 88% of them. The peak observed in 2016 resulted from the growth of asylum applications filed by Syrians of Armenian ethnic origin, who hold a Syrian and Armenian (dual) citizenship. Meanwhile, Armenia has officially been recognized as a "safe country" of origin, thereby allowing for an accelerated asylum procedure in some EU MS (e.g. France, Norway, and Bulgaria). In spite of not recognizing Armenia as a safe country of origin officially, other EU countries (e.g. Germany, Netherlands, Belgium, etc.) do also consider it as such, particularly since the political changes of 2018. Subsequently, the first-time asylum applications filed by Armenian nationals across the EU MS decreased substantially from 6,875 in 2017 to 4,855 in 2018 and 3,525 in 2019 (Figure 1). The efforts undertaken by the Armenian authorities might have also led to this decrease. In particular, the authorities, together with the international partners and civil society organizations, have initiated information campaigns to raise awareness about the negative consequences of irregular migration.

Figure 1. Asylum applications of Armenian citizens in the EU and EFTA Member States, 2010-2019



Source: Eurostat data

Other examples of migrants seeking permanent residence in the EU have included Armenian students entering within an educational or research program, as well as minor flows of high-quality specialists holding an employment contract (see Table 1).

First residence permits for occupational reasons (in thousands, 2017 figures)

Table 1. Number of Armenian citizens residing (holding valid resident status) in an EU MS per end of year

	2010	2011	2012	2013	2014	2015	2016	2017	2018
Subsidiary protection	1.452	1.547	1.633	2.136	2.017	1.609	1.732	1.316	1.465
Study	1.198	1.206	1.987	1.672	1.707	1.665	1.602	1.581	1.67
Refugee status	2.67	2.966	3.23	3.406	3.548	3.575	3.616	3.788	3.828
Work	5.578	5.556	6.798	4.675	4.492	4.578	4.841	4.987	4.909
Family reunification	15.629	16.107	17.886	19.513	20.821	21.617	23.529	25.154	26.291
Citizenship	1.446	1.384	1.708	2.253	2.447	3.013	3.085	2.528	N/A
Other grounds	18.604	20.621	20.593	23.767	24.132	25.75	25.23	26.537	27.565
Total	46.577	49.387	53.835	57.422	59.164	61.807	63.635	65.891	65.728

Source: Eurostat data

The migration towards Russia but also other EEU countries (e.g. Belarus and Kazakhstan) is quite different as most migrants primarily seek employment – be it seasonal, non-seasonal but short-term (up to one year), or long-term (above one year). Those seeking permanent residence in Russia are mostly reunified family members or first-time emigrants. The visa-free regime, intensive air traffic with and geographical proximity to Russia decreases the travel costs considerably, making Russia a far cheaper destination as compared to the EU MS and allowing Armenian nationals to move freely and repeatedly return home. Moreover, the knowledge of the Russian language and culture due to the Soviet past is quite common among the Armenian population.

Migration cooperation with the EU

Since the Armenian Government's declaration[2] that strong collaboration with the EU represents a national priority, the cooperation on migration between Armenia and the EU has intensified. The development of innovative approaches to migration occurred in particular within the frameworks of the **European Neighborhood Policy** (as of 2004) and **Eastern Partnership Initiative** (as of 2009), whereby Armenia took on new migration-related responsibilities with the EU. The cooperation intensified further through the ratification of the **EU-Armenia Joint Declaration on a Mobility Partnership** of 2011, involving ten EU MS. Aiming to facilitate legal migration, prevent and combat illegal immigration and human trafficking, it provided for a widened and deepened cooperation based on reciproc-

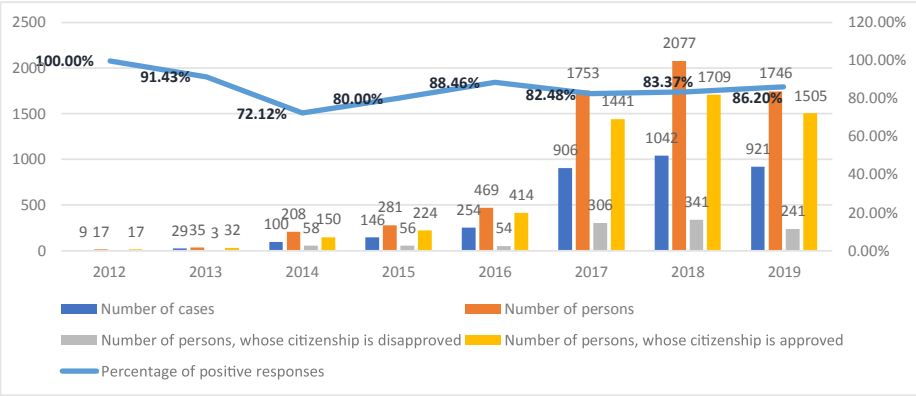
2. The legal framework for the Armenia-EU relations was the Partnership and Cooperation Agreement that was signed in 1996 and entered into force in 1999. In 2017, this agreement was replaced by the new Comprehensive and Enhanced Partnership Agreement (CEPA) signed between Armenia and the EU. In 2018, CEPA was ratified by Armenia and is still pending to be ratified by the few EU MS.

ity. Armenia's engagement with the EU also derived from the increased migration and mobility towards the EU – be it for studying, employment or other purposes. However, the lack of operational projects and the limited interest of the EU MS left Armenia's expectations unfulfilled. The few projects implemented under the Mobility Partnership mostly aimed at preventing irregular migration to the EU and assisting the return of Armenian citizens irregularly residing in the EU as well as their further reintegration back home, rather than at facilitating the legal (labour) migration and mobility of Armenian nationals to the EU MS.

The lack of operational projects and the limited interest of the EU MS left Armenia's expectations unfulfilled. The projects mostly aimed at preventing irregular migration to the EU and assisting the return of Armenian citizens irregularly residing in the EU.

The **EU-Armenia Visa Facilitation and Readmission Agreements**, which entered into force on 1 January 2014, resulted in the establishing of two EU-Armenia joint committees that convene on an annual basis in order to monitor their implementation. Armenia has been undertaking consistent steps towards the effective implementation of these Agreements. High-ranking EU officials on many occasions have acknowledged Armenia's considerable progress in fulfilling its respective commitments. The number of readmission requests received under the EU-Armenia Readmission Agreement multiplied in 2017 as compared to previous years, with the share of positive responses on behalf of Armenia amounting to over 80%, once the citizenship of the concerned individuals is confirmed (Figure 2). While only Sweden and Poland filed readmission applications in 2014, ten EU Member States did so in 2019, with Germany filing the most requests as of 2017. Overall, 3.146 readmission requests (about 6.257 persons) were received in 2014-2019, with the Armenian citizenship confirmed for 5.133 persons under the EU-Armenia Readmission Agreement.

Figure 2. Dynamic of readmission requests during 2012-2019



Source: Migration Service of Armenia

As stipulated in a number of multilateral and bilateral documents (e.g. CEPA and "Partnership Priorities", Riga and Brussels Joint Declarations, "20 Deliverables for 2020"), the issue of readmission also relates to the launch of the **Visa Liberalization Dialogue** (VLD), which remains unfulfilled to date. The self-assessment report shared by Armenia with the EU concerning its VLD preparedness, stipulates that most of the conditions usually required in the first phase of the Visa Liberalization Action Plan (VLAP) have already been fulfilled by Armenia. Moreover, the Armenian authorities launched a series of official visits to different EU MS in 2019, in order to discuss readmission, asylum and visa related issues at bilateral level and meet the benchmarks for a possible conclusion of VLAP. The latter is essential for Armenia, as it will bring tangible results to its citizens, boost people-to-people contacts and provide increased opportunities for safe and legal migration. The **Comprehensive and Enhanced Partnership Agreement** (CEPA), signed in 2017, also refers to the cooperation on migration, asylum, border management, and readmission. Thus far, however, only two of nine actions in the area of migration have entered into force[3].

Overall, the EU has provided solid support and funding to improve Armenia's migration management through different financial and technical instruments. These have included the European Neighbourhood Policy Instruments (Twinning, TAIEX), the Thematic Programme on Migration and Asylum, as well as bilateral funding from individual EU MS. They have promoted the establishment of biometric passports, integrated border management, automated information systems, asylum procedures, the approximation of legislation and institutional capacities etc. Individual EU MS such as the Netherlands, France or Sweden, have also carried out a number of activities and projects with the relevant Armenian state agencies, thereby signaling their interest in cooperating with Armenia on migration matters.

While extending the cooperation on migration matters with the EU remains a priority for the Armenian Government and the national migration policy, the EU mainly confined itself to providing financial support to the institutional and capacity building. The opening up of channels for labour migration and legal mobility of Armenian nationals could represent the next welcome step in the established cooperation.

The opening up of channels for labour migration and legal mobility of Armenian nationals could represent the next welcome step in the established cooperation.

Migration cooperation within the Eurasian Economic Union

Contrary to the EU, the migration cooperation framework of the Eurasian Economic Union (EEU) has focused mainly on the regulation of labour migration issues. The Treaty on the establishment of the EEU (2014) - consisting of Armenia, Belarus, Kazakhstan,

3. Article 14, point (a) - Addressing the root causes of migration. Article 15, point (a) - full implementation of obligations assumed pursuant to the Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorisation.

Kyrgyzstan and Russia - entered into force in January 2015. Similar to the EU, the EEU aims to establish a single market based on the freedom of movement of goods, services, capital and labour force. Armenia's accession to the EEU opened new opportunities in terms of migration, allowing Armenian nationals to reside and work across the EEU member states. Being exempt from the various measures for protection of national labour markets (e.g. quota system, work permits), Armenian migrants solely require an employment contract. Since Armenia's accession to the EEU, the number of Armenian nationals working in Russia – being the main destination for Armenia labour migrants – has increased substantially: in 2019, 210.460 Armenians worked in Russia as compared to 123.228 in 2013 (for more details see Table 2).

Table 2. Number of Armenian citizens entering other EEU Member States for employment in 2012-2019

Country of destination	Number of workers from the Republic of Armenia							
	2012	2013	2014	2015	2016	2017	2018	2019
Belarus	202	362	387	383	372	400	432	397
Kazakhstan	28	65	272	2074	2297	3022	3121	2676
Russian Federation	87.938	123.228	194.684	264.135	209.887	232.247	207.945	210.460
Kyrgyzstan	1	1	2	---	---	---	---	----

Source: Eurasian Economic Commission

One reason for this increase is the possibility of Armenian migrants, already residing in Russia, to leave the shadow economy and regularise their residence and work status. The requirement for EEU citizens to present an employment contract in order to reside and work freely in another Member State resulted in a considerable decline of the shadow economy, as well as of informal employment.

Most labour migration to Russia is seasonal, ranging from eight to nine months on average. Nearly 96% of all Armenian seasonal migrants leave for Russia (in 2017). Two thirds of the Armenian labour migrants are believed to work in the construction sector, followed by agriculture (18.8%). Both Armenia and Russia profit from this type of circular migration: Russia receives the needed labour force and skills, while Armenia benefits from the remittances received and from the return of skilled migrants. About 80% of all remittances were received from Russia. However, there is also a flipside of this situation. Any changes in the Russian migration policy and economy have a direct impact on the migration flows from Armenia. Over the past five years, the economic difficulties experienced by Russia and the devaluation of the Russian ruble resulted in lower remittances, amounting to 13.3% of the Armenian GDP in 2017 (1,538 Mio U$) and 12.0 % in 2018 (1,487 Mio U$).

As of 2012, Russia made several changes to its migration policy. In 2013, entry bans for up to ten years for many foreign nationals, including Armenians, were introduced. Banned migrants who had left Russia were thus unable to return. The entry ban could result from a violation of Russian migration laws, but also from other administrative violations. The bans can be issued by the Main Directorate for Migration under the Ministry of Internal Affairs as well as by other agencies. The effective cooperation between the Migration

Services of both countries resulted in the lifting of some 5.177 entry bans issued to Armenian nationals. Since 2014, the Migration Service of Armenia has submitted 13.213 applications to review individual entry bans to the Russian competent authority. 42.7% of the responses received were positive. Meanwhile, an unknown number of Armenians still remained in Russia, risking to receive entry-bans upon leaving the country.

In spite of being the preferred destination of Armenian (labour) migrants, Russia has no specific labour migration scheme or project envisaged to facilitate, regulate or inform Armenian migrants concerning their entry, work or stay in the country. Consequently, they remain rather unprotected, which is presently being addressed by various NGOs trying to protect the rights of labour migrants.

The **Joint Armenian-Russian Working Group**, set up in 2010 to implement the 1994 bilateral agreement[4] on mutual employment and social protection of their respective citizens, convenes once a year to discuss ongoing and urgent migration issues between the two countries. The latest session of July 2019 featured the following issues:

- exchange of statistical information on labour migration;
- exchange of information on changes in the migration legislation;
- cooperation on the lifting of entry bans;
- possibility of changing the purpose of entry in the Russian migration card without leaving the Russian territory.

Table 3. Statistical indicators on Armenian nationals in Russian Federation

	2017	2018	2019
Armenian nationals entering Russia	572,900	458,289	-
Migration registration	657,648	641,618	634336
For the purpose of "study"	8 321	9,801	13311
For the purpose of "work"	232,247	207,945	210460
For the purpose of "private"	89,657	87,459	82753
Residence permits issued	13,320	12,058	11856
Naturalized Armenian nationals	25,138	27,134	24024
Number of Armenians committing administrative offenses in the field of migration legislation in Russia	15,828	17,529	-
Number of notifications received on signing labor contract with RA citizens engaged in labor activities	142,951	146,936	-

Source: Main Directorate for Migration, Ministry of Internal Affairs of the Russian Federation

4. Agreement between the Government of the Republic of Armenia and the Government of the Russian Federation on the employment and social protection of citizens of the Republic of Armenia working in the territory of the Russian Federation and citizens of the Russian Federation working in the territory of the Republic of Armenia, 1994.

Combating irregular migration and facilitating readmission represent further priority issues for cooperation and regulation. The **Russian-Armenian Readmission agreement** entered into force in January 2011, with 262 readmission cases (361 persons) received in the period 2012-2019. Armenian citizenship was confirmed for 258 persons. Bilateral readmission agreements are currently also being negotiated with other EEU members (Belarus, Kyrgyzstan and Kazakhstan). However, the various reintegration programs currently implemented in Armenia target and fund mainly returnees from the EU, rather than from Russia.

Policy options and recommendations

The survey data shows that different migrant groups engage in moving to the EU and EEU. Labour (seasonal) migration mainly targets the Russian Federation, whereas permanent emigration is mostly directed towards the EU. The cooperation agenda and priority issues differ accordingly - whereas readmission, asylum and visa are in the focus of the EU, the regulation of labour migration is more central within the EEU. Hence, there is no inconsistence between Armenia's migration cooperation agendas towards both Unions. It is in Armenia's national interest to facilitate mobility and protect the rights of its citizens.

Armenia's migration policy reflects the commitments arising from the international agreements signed with the EU and EEU. It also takes into consideration ongoing migration trends, as well as specific problems and developments. While ensuring the continuity of the visa liberalization process with the EU, Armenia's accession to the EEU also highlights the importance of ensuring the free movement of labor migrants within its respective Member States.

The EU has been by far the largest donor for improvement of the migration and border management in Armenia, focusing mainly on the strengthening of institutional capacities, approximation of legislation, as well as readmission of Armenian migrants from the EU, once their legal status has expired. Armenia, by contrast, is most interested in making the travel and mobility to the EU easier for Armenian citizens. Visa liberalization is the top priority for Armenia, which is making great efforts in this respect. In order to expand the opportunities for labour migration, Armenia aims to negotiate migration partnership agreements with several EU countries. These shall enhance the mobility of students, young and highly qualified specialists or trainees. For instance, the Agreement between Armenia and France covers all parts of the migration cycle. However, it is still pending ratification by the French Parliament. After all, the best way to tackle irregular migration is by providing legal pathways for safe, regular and orderly migration. This will help to regulate the migration flows effectively.

Despite the right of Armenian nationals to stay and work across the EEU if they have an employment contract, the challenges of protecting their rights and interests abroad persist. This issue requires further EEU regulation, as does the overall promotion of legal migration and prevention of irregular migration within the EEU.

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The EU Central Asia Strategy and its impact on migration

Yan Matusevich

Executive Summary

The release of the EU Strategy on Central Asia in 2019 opens a new chapter in EU-Central Asian relations, marking a move away from a narrow focus on regional cooperation and security to a broader and more flexible approach, which emphasizes the links between three key areas: resilience, prosperity and connectivity. Migration serves as a link between all three areas and must become the object of a renewed focus of the European Union as part of its broader engagement in the Central Asia region. The EU can no longer afford looking at migration and mobility solely through the prism of security and stability. The time has come to adopt a more comprehensive and active approach centred on promoting migration opportunities rather than containing migration challenges.

The new EU Strategy on Central Asia emphasizes the links between resilience, prosperity and connectivity.

Current Context

The much-anticipated recent adoption of the EU's new and expanded Strategy on Central Asia in 2019 provides a welcome opportunity to reflect on how EU-Central Asia relations have evolved over time and what new developments may yet appear on the horizon. More specifically, it is an opportune moment to evaluate emerging policy issues related to migration and mobility given their increasing relevance for both the EU and Central Asian states.

For several decades after gaining independence, the Central Asian states remained relatively peripheral to the geopolitical interests of the European Union (EU) and it was not until 2007 that the first ever EU Strategy on Central Asia was adopted. While the EU has actively pursued closer relations with neighbouring states as part of the European Neighbourhood Policy, its influence in the former Soviet Central Asian republics of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan has historically been much more circumscribed.

The 2007 EU Strategy on Central Asia stressed the region's pivotal location at the crossroads between China, Afghanistan and Russia with much of the focus revolving around questions of security, regional economic development and environment protection. In terms of financial assistance, almost two-thirds of the EU funds destined for Central Asia were distributed through bilateral assistance programs with individual Central Asian states with the rest of the funding going towards facilitating closer inter-state relations through multilateral projects.[1]

1. Council of the European Union, 2007

Many things have changed since the initial strategy was drafted in 2007. While the EU remains a major foreign aid donor in the region, both Kazakhstan and Turkmenistan are no longer eligible for receiving bilateral financial assistance from the EU due to their recent change of status as upper-middle-income economies.[2] Moreover, Kazakhstan has transitioned from a recipient of foreign aid to instituting KazAID as the country's official development aid (ODA) program with a regional focus on neighbouring Central Asian countries and Afghanistan.[3]

Though the EU remains a prominent actor in Central Asia, there are clear signs that its political and economic influence in the region is diminishing. Within the span of the past decade, the EU went from being Central Asia's largest trading partner to losing its pole position to China in 2018.[4] The emergence of the Eurasian Economic Union (EEU), while not a threat to EU-Central Asian relations, attests to the increasing influence of the Russian Federation on the region, particularly when it comes to trade and migration. Given Russia's and China's involvement in Central Asia, the EU is faced with the prospect of recalibrating its policy priorities in the region.

Overall, there has been little positive progress on the objectives established by the 2007 EU Strategy on Central Asia. Bright spots include the establishment of closer diplomatic ties at the highest level and the opening of EU delegations across the entire region, including the much-anticipated opening of a new EU delegation office in the capital of Turkmenistan in 2019. On the human rights front, the EU has also been successful at instituting annual human rights dialogues in all five Central Asian republics, an important and unique platform for the promotion of human rights in the region.[5]

Looking at the past decade, the most successful improvements in the region have been linked to local political developments rather than EU efforts on the ground. The emergence of Uzbekistan from a long period of isolation is providing new opportunities for engagement and has had a positive effect on easing interstate tensions and improving regional mobility. With the signing of the Strategic Partnership agreement between Uzbekistan and Tajikistan in 2018, the long-awaited normalization of Tajik-Uzbek relations represents arguably the single greatest boost to peace, security and mobility in the region.[6] Under President Mirzoyeev, Uzbekistan has reversed many of its draconian and isolationist policies, including putting an end to the use of forced labour in its cotton industry[7] and the lifting of travel restrictions on its own citizens[8]. Moreover, Uzbekistan is seeking closer integration with the global economy and is well on its way to becoming a member of the World Trade Organization (WTO).[9] While the EU had actively lobbied for the adoption of these kinds of policies in Uzbekistan, political changes within the country allowed these changes to occur rather than any EU-funded initiatives.

2. World Bank, 2019
3. Sharifzoda & Temirov, 2019
4. Bhutia, 2019
5. Russell, 2019
6. Tolipov, 2018
7. Imamova, 2019
8. Putz, 2019
9. Tashkent Times, 2019

The recent uptick in the number of violent clashes and deaths along the Tajik-Kyrgyz border[10] represents a worrying development that has the potential of escalating into a prolonged conflict.[11] Although the flare-up on the Tajik-Kyrgyz border conflict is often perceived to be the result of a lack of proper border demarcation, researchers have pointed out that limited access to water and agricultural resources are the main drivers of conflict. Despite the EU's efforts to promote regional cooperation using itself as a successful model[12], these intermittent border skirmishes and political tensions in the Fergana Valley between Tajikistan and Kyrgyzstan show that there is ample room for more extensive engagement.

Many things have changed since the initial strategy was drafted in 2007.

In Turkmenistan, the population is facing an unprecedented economic crisis marked by hyperinflation and increasingly limited access to basic food products.[13] With unemployment estimated to be over fifty percent, many Turkmen citizens are attempting to leave the country to pursue employment opportunities in Turkey or neighbouring Kazakhstan.[14] The worsening of conditions in the country could lead to a more disruptive and extensive exodus of Turkmen citizens – a development that would need to be adequately addressed by the international community, including the EU.

With the rise in the number of ISIS combatants originating from Central Asian countries, several EU member states began expressing concern about the threat of radicalization in the region.[15] The supposed recruitment of Central Asian migrant workers by extremist organizations in Russia sparked a new interest in the subject. There have also been more calls for closer cooperation with Central Asian states in the fight against extremism and the recruitment of foreign fighters.[16]

The ever changing and complex situation on the ground in Central Asia has some important implications for EU-Central Asia cooperation on migration going forward.

Past Cooperation on Migration

Migration has generally not featured as a standalone priority in the EU's overall cooperation strategy with Central Asia. While it is mentioned as a challenge for the region in the EU's 2007 Strategy on Migration, the main focus with regards to mobility and migration has tended to be on security and effective management. It is indicative that the Central Asia multiannual indicative programme for 2014-2020 lists migration-related objectives as part of a sector entitled Regional Security for Development.[17] This law-and-order approach to migration management places a strong emphasis on border security and law enforcement cooperation.

10. Radio Free Europe/Radio Liberty, n.d.
11. Kurmanalieva, 2019
12. Boonstra & Panella, 2018
13. Pannier & Hug, 2019
14. Baumgartner, 2018
15. Furstenberg, 2019
16. International Crisis Group, 2015
17. European External Action Service, 2014

Security concerns have long taken precedence over other concerns due to the EU's approach to Central Asia as a buffer zone between Europe and Afghanistan. The European Union has made it clear that part of its primary agenda in Central Asia is to "address the possible threats of Afghanistan spill-over, increased flows of migration from Afghanistan, as well as the root causes of radicalisation of youth and terrorism" through several funding instruments, including the Instrument contributing to Stability and Peace (IcSP).[18]

Assessing the EU's 2019 Strategy

Whereas the 2007 EU Strategy on Central Asia concentrated primarily on issues of sustainable regional development and security, the 2019 EU Strategy on Central Asia shifts the focus to three broad and overlapping priority areas: resilience, prosperity and improved cooperation. Migration is nested within the resilience category with the need to "step up cooperation on migration" being listed clearly as one of the strategy's overarching objectives.[19]

Compared to its 2007 predecessor, the new Strategy provides more detail on the kind of cooperation on migration, mobility and border management in Central Asian that the EU aims to pursue in the future. The document attests to a new emphasis on working closely with Central Asian states to put into place national migration policies that align with best practices in migration governance and cooperation. Furthermore, cooperation on migration and mobility is embedded explicitly within the framework of the bilateral Enhanced Partnership and Cooperation Agreements that the EU has already concluded with Kazakhstan and Kyrgyzstan, but is interested in extending to other Central Asian states. Whereas the 2007 strategy only very briefly touched upon issues related to migration, the EU's 2019 Strategy is more expansive and includes new priorities, including improving migration and mobility not only within Central Asia, but also with EU and partner countries. More attention is also paid to addressing the root causes of labour migration along with a continued commitment to promoting decent work conditions in the region in close cooperation with the ILO.

While these are all welcome additions to the strategy, the main migration and mobility focus of the new strategy remains on expanding integrated border management, fighting against human trafficking and combatting irregular migration.

Assessing the impact of EU's policies on migration in Central Asia

Over the years, the EU has expressed concrete concerns with particular migration-related issues affecting Central Asia as a whole. With Kyrgyzstan and Tajikistan being some of the most remittance dependent countries in the world, the EU and the international community more broadly have highlighted the pitfalls of being so heavily dependent on remittances and pledged to support efforts to develop economic opportunities in Central Asian countries with high rates of outward labour migration. Most of these efforts have been

18. European External Action Service, 2014
19. European Commission, 2019

quite limited in nature since project-based interventions can hardly reverse such major trends, particularly since these migration flows are tied to much broader socioeconomic factors closely related to the situation in Russia.

Policy Options

Moving away from security and towards mobility

A securitized approach to managing migration in Central Asia fails to take into account the aspirations of the region's increasingly global youth who are actively looking for professional and educational opportunities abroad. While the EU cannot compete with China and Russia in terms of economic and geopolitical influence in the region, the European Union can play an active role in the region in a number of key areas. The EU can and should actively seek to expand its programming in Central Asia when it comes to education, culture and conflict resolution.

In the context of the growing diversification of migration flows from Central Asia, EU member states have the opportunity to attract much-needed workers to fill existing gaps in the labour market. In the absence of official bilateral labour agreements between Central Asian and EU states, private companies and recruitment agencies are already bringing workers from Central Asia to Europe, but this often occurs without the necessary government oversight mechanisms. As a result, Finnish authorities recently deported 140 Uzbek construction workers over forged documents, a decision that threatened to "paralyse the domestic construction sector" according to Finnish employers.[20] There are also several thousand Kyrgyz labor migrants already working in the Czech Republic[21], but more could be done to promote labour mobility on a bilateral level.

While Russia has remained the primary country of destination for Central Asian labour migrants over the past couple of decades, the worsening of the economic situation in Russia combined with rampant abuses against migrant workers have pushed Central Asian migrants to consider working in places further afield such as South Korea, Japan, the Gulf and potentially EU countries.[22]

Addressing the question of asylum seekers from Central Asia

The EU should actively seek to expand its programming in the areas of education, culture and conflict resolution.

The EU's approach to the question of asylum in Central Asia has so far been limited to supporting Central Asian states in their capacity to handle asylum seekers fleeing instability and violence in Afghanistan. Over the past couple of years, the EU for the first time has emerged as a destination for asylum seekers from Central Asian states, particularly Tajikistan. The worsening human rights situation in Tajikistan

20. https://yle.fi/uutiset/osasto/news/finland_deports_140_uzbek_construction_workers_over_forged_training_documents/10873164
21. https://fergana.agency/articles/107385/
22. https://rus.ozodi.org/a/30133125.html

has resulted in several thousand Tajiks applying for asylum in several EU member states, including Germany, Lithuania and Poland.

This new and rapidly changing situation requires the EU to increase its engagement with Central Asian states on issues related to migration, asylum and human rights while ensuring that asylum seekers from Central Asia have access to protection in EU member states. Several roadblocks appear to be emerging on the horizon, particularly when it comes to dealing with the increasing number of refused asylum seekers from Tajikistan. In August 2019, German officials held a preliminary set of talks with Tajik officials in Dushanbe to discuss the possibilities of adopting a readmission agreement for rejected asylum seekers between the two countries.

Cooperation on irregular migration

From the perspective of the EU, Central Asia has long been perceived primarily as a region of transit given its proximity to Afghanistan. Although concerns over the potential for large-scale transit migration through Central Asia never materialized, the question of ensuring secure borders with Afghanistan remains a primary objective of EU foreign policy in the region. Already in its ninth phase, the very successful Border Management Program in Central Asia (BOMCA) project has acted as the poster child of the EU's engagement in the region. Whereas the promotion of Integrated Border Management (IBM) is perceived to be BOMCA's core mission, there is a growing consensus among EU policymakers that BOMCA can play only a relatively minor role in ensuring border security with Afghanistan.[23]

Despite the success of the BOMCA project and its positive reputation among Central Asian states, other geopolitical actors are gaining in influence with regards to border security. With the United States actively disengaging in Central Asia and Afghanistan, China and the Russian Federation are investing both financially and militarily in securing Central Asia's southern border with Afghanistan. China has already concluded agreements with Tajikistan that allow Chinese border guards to patrol large portions of the Tajik-Afghan border independently.[24]

Policy Recommendations

As an attractive destination for pursuing higher education, the EU has the potential to play a positive role concerning student mobility between Central Asia and Europe. Currently, the number of Central Asians studying at European universities remains low and pales in comparison with Russia and China.[25] While the 2019 EU Strategy on Central Asia explicitly invites European universities to expand partnerships with institutions of higher education in the region, it is also crucial to allow for an increasing number of Central Asian students to pursue their studies in the EU based on the positive example of student mobility as part of the Eastern Partnership.

23. Eurasian Council on Foreign Affairs, 2018
24. Nelson & Grove, 2019
25. Peyrouse, 2019

It is important for the EU to do good on its promise to "create the conditions for enhanced people-to-people contacts between the citizens of Central Asian countries and those of the EU" by actively supporting the developing of new legal channels of migration and different forms of international mobility, particularly in relation to Central Asia's growing young population.[26] Improving mobility between the EU and Central Asia can serve as a vital policy instrument for deepening cooperation between the two regions. Such an approach entails developing a wide portfolio of mobility measures and incentives, catering to the specific needs of EU member states and individual Central Asian states. In the case of Kazakhstan, for example, this could involve working towards visa liberalization whereas in other cases the EU member states could take a more active role in promoting temporary labour migration schemes between the EU and Central Asia.

Concerning labour migration, it is important for the EU to work towards ensuring legal channels of migration that are transparent, accessible and protected from potential fraud and abuse. Though still negligible in scale, labour migration from Central Asia to the EU is already a reality with several recruitment agencies from EU member states signing preliminary agreements with Central Asian states. In this context, it is essential for the EU to oversee actively that these forms of labour mobility comply with existing laws and regulations. Developing clear procedures for the recruitment and employment of labour migrants from Central Asia would not only protect future migrants, but also cement the EU's reputation as a reliable partner.

More broadly, it is important for the EU to shift away from perceiving Central Asia as geopolitical buttress against violent instability from Afghanistan, but rather adopt a more nuanced approach to Central Asia that takes into consideration the significant differences in the needs and priorities of individual Central Asian state. With so many external actors – China, Russia and to a lesser extent the US - jostling over influence in the region, it is crucial for the EU to distinguish itself as a different kind of actor that places a greater emphasis on promoting human rights, supporting civil society and enhancing opportunities for younger generations.

In closing, it is important for the EU to make a concerted effort to pursue a more coordinated approach towards Central Asia that brings together member states and other European institutions. With several EU member states pursuing bilateral agreements with Central Asian countries, it is critical for the EU to ensure that these efforts feed into the EU's overarching objectives in the region. Similarly, the EU should strive to strike a balance between deepening cooperation - including by means of technical assistance - with all Central Asian states and making sure that these efforts do not go against the EU's commitments concerning justice, equity and human rights. Going forward the EU should not only work towards achieving its stated objectives, but also take into account the often-unintended externalities resulting from EU-led programs in the region.

26. European Commission, 2019

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Assessing the EU's external migration policy

Kristof Tamas

Executive Summary

Make EU external cooperation a mutual interest.

EU external cooperation on migration has revolved around the Global Approach to Migration (and Mobility) since 2005 (2011) and the Migration Partnership Framework under the European Agenda on Migration since 2016 (European Council, 2005; European Commission, 2011, 2015, 2016). Migration Dialogues have been used as a key channel in finding common ground with third countries. The EU has expected to establish effectiveness, shared responsibilities and mutual interests in the implementation of EU external cooperation. As these objectives have not been fully met, the EU should now explore how partner countries' interests can be better accomodated within this cooperation framework.

EU Migration Dialogues

Migration Dialogues could become even more balanced and more effective.

How have the EU Migration Dialogues evolved and what have been their importance and effectiveness in EU external migration cooperation with third countries? The European Union has set up several different Migration Dialogues with third countries to the East, with the Budapest Process since 1991 and the more recent Prague Process. It has worked with the East and the South in its broader European Neighbourhood Policy (ENP) since 2004. To the South it has cooperated since around 2000, e.g. within the Africa–EU Strategic Partnership, and the Rabat and Khartoum processes. These intercontinental and regional processes have been combined with a number of bilateral mobility partnerships. Many of these dialogues have been based on a shift from EU external migration policy to overall EU foreign policy perspectives, moving from the Global Approach to the Partnership Framework.

These dialogue processes have primarily aimed to build trust and serve as a basis for effective cooperation on controlling migration to the EU. They have covered the fight against irregular migration, integrated border management (IBM), readmissions and visa policies, trafficking and smuggling in human beings, asylum policies and migrant rights, labour migration and integration, and the link between migration and development. Much progress has been made in this evolving cooperation e.g. visa liberalisation linked to readmission agreements, implementation of the IBM concept and closer engagement of Frontex, improved document security through biometrics, and overall improved data exchange. But still, some partner countries would like to see more emphasis on their own specific interests and needs, such as access to more legal migration opportunities or more initiatives in the area of migration and development.

One reason is that the relationships between the EU and third countries within these dialogue processes are characterized by asymmetrical interdependence, where the EU-side is the more powerful. Nevertheless, the EU cannot force partner countries to act fully as it wishes, e.g. in terms of readmission of third country citizens, neither can it offer all that partner countries might wish for in exchange of cooperation. The EU is, in this

sense, restrained as an actor. The EU Member States have held on to competence in regard of admissions and legal migration opportunities, which also reduces the credibility and leverage of the Commission and other EU institutions in the process of negotiations. In most cases the offer from the EU side has been financial contributions, rather than opportunities for labour migration and mobility, which has been the main interest from the partner countries' side.

Starting with the Dialogues to the East of the EU, the Budapest process emerged in 1991 as the EU's first Migration Dialogue. It addressed East-West migration flows in the wake of the fall of the Berlin Wall and the disintegration of the Soviet Union. Since then, there have been six ministerial meetings and numerous meetings at the senior officials' level and technical experts' level. For a long time, activities within this dialogue process focused on irregular migration, visa policies and asylum in the Eastern and Central European transit, source and destination countries. The Budapest process was also used as a forum for EU approximation for the would-be new EU Member States.

At a 2013 ministerial meeting within the Budapest process the Istanbul Declaration on A Silk Routes Partnership for Migration was tabled. This de facto meant a geographic re-orientation and a shift from Hungary as the chair to Turkey asssuming the chairmanship with Hungary as the co-chair. The 2019 Ministerial meeting gathered 46 participating states and a range of other actors who jointly issued a Political declararion and adopted a five-year plan. Five committments – to partnership, comprehensive migration governance, human rights, support and solidarity, and knowledge – and six action points were adopted. In line with the Global Approach to Migration and Mobility and adding integration matters, the latter concerned measures against irregular migration and trafficking; improving legal migration and mobility conditions, including the issue of family reunification; the integration of migrants, discrimination and xenophobia; reinforcing the migration and development nexus; and promoting international protection.

The more recent Prague process has been geared towards partnerships among EU Member States, countries within the Eastern Partnership, Western Balkans, Central Asia, Turkey and Russia. It originated in an EU-funded project on Building Migration Partnerships, launched during the Czech EU Presidency and the process started with a Ministerial Conference and a Joint Declaration in 2009. Its six priority themes reflected the Global Approach to Migration and Mobility. More recent initiatives include the setting up of a Migration Observatory for evidence-based analysis, and a Training Academy to support human resources development in migration management.

An evaluation of the process after five years showed that participating states regarded irregular migration, readmission and asylum as their priority topics for cooperation. While migration and development was not among the top three themes, several partner countries gave priority to this issue and there were also a number of project activities in this regard (Prague Process, 2014: 10). Almost all participating states saw their policies in all the six priority issue areas as coherent and complementary, and a majority thought the same in relation to other processes such as the Eastern Partnership, Budapest Process and mobility partnerships (Prague process, 2015: 18).

In the area of making migration and mobility positive forces for development, the evaluation considered that there was a need for changes that could contribute to improved implementation. The Prague process, thus, showed that the hitherto sceptical Central and Eastern European EU Member States, at least had no remaining negative sentiments regarding the migration-development nexus, something that had been difficult to achieve within the Budapest process.

While independent from the European Neighbourhood Policy (ENP), the Budapest and Prague processes have been much influenced by developments within this broader context. Since 2004, the ENP has been the EU's framework within which it aims to achieve dialogue and cooperation with its 16 Southern and Eastern neighbour countries. While this framework covers broader issues such as stabilisation, security and prosperity (democracy, rule of law, respect for human rights, social cohesion), the ENP also includes EU external migration policy as a Justice and Home Affairs policy area (Wolff and Mounier, 2012). While the overall approach to migration and mobility has been one characterized by security thinking, there has been more willingness to offer visa liberalization and mobility to partner countries. One reason has been concerns about the ageing populations in Europe and the complementary character of labour markets to the South and East of the EU.

The overall approach to partnerships has been based on the principle of shared responsibility, as well as differentiation, flexibility and joint ownership on route towards the greatest possible political association and economic integration. The 2011 Arab Spring triggered defensive measures against irregular migration flows, but it also brought support to the burgeoning democratization process in that region. Internal disputes on how to better govern the Schengen area soon overshadowed the EU's attempt to launch more far-reaching commitments. However, the EU quickly began setting up dialogues on "Migration, Mobility and Security". These were launched with Morocco and Tunisia in October 2011, with a view to putting in place Mobility Partnerships.

The "more-for-more" principle as well as the principles of differentiation and flexibility based on a country-by-country assessment applied to migration cooperation, are embedded within the broader ENP. More-for-more promises that additional reforms by partner countries would be rewarded with more financial support and other benefits. Differentiation in cooperation with various partners enables the EU to adapt its demands as well as its assistance to the progress and needs of each partner country.

Cooperation to the East of the EU has also drawn much upon the dialogues to the South. The first example of an EU partnership dialogue was originally situated outside mainstream migration cooperation. It was, however, the first time migration was included within a broader, mixed cooperation framework. The 2000 Cotonou Agreement between the EU and almost 80 developing African, Caribbean and Pacific (ACP) countries covers migration in its Article 13. For the EU-side, the starting point was the control of illegal immigration, seeking legitimacy through this development cooperation framework for the negotiation of readmission agreements. One outcome was the ACP Observatory on Migration to reinforce capacities in ACP countries to manage especially South-South migration and the 2010 revision of the framework included a broader joint declaration on migration and development.

Also originating in 2000, the power asymmetry within the EU-Africa cooperation has allowed the EU to gain some momentum in this dialogue, but there has been a lack of attention to the interests and challenges of the African side. Cooperation eventually started covering issues of brain drain, diaspora, remittances – clearly African interests – linked to addressing the root causes of irregular migration – an EU long-term interest. The tone was set by the Africa-EU Partnership on Migration, Mobility and Employment (MME), launched at the 2nd Africa-EU summit in 2007, and one flagship project was the African Institute on Remittances (AIR). Action Plans accompanying the dialogue have included these issues based on the idea of shared responsibility, but the EU has not been able to deliver on the African side's hopes for more legal migration opportunities in the EU.

The 2015 asylum crisis motivated the Valetta Summit between African and EU-leaders and a reinforced dialogue, but African partners saw the agenda as mainly shaped by the EU side's interest in reducing irregular migration and promoting readmission, while the African side tried to push for development aspects. EU-funding was made available starting with EUR 1,8 billion (the EU Emergency Trust Fund) and was quickly disbursed along migratory pathways to stem unwanted immigration to the EU, inter alia through attempting to create job opportunities.

This inter-continental dialogue was flanked with inter-regional dialogue processes, of which the Rabat process, focusing on West Africa, has been the most important. The first Euro-African ministerial conference on migration and development in Rabat in 2006, led to ministerials in Paris (2008), Dakar (2011), Rome (2014) and most recently in Marrakech (2018). This process has been focusing on both migration control and the links between migration and development, also adding protection in accordance with the Global Approach to Migration and Mobility, in an attempt to reach a balanced agenda.

As a relatively younger initiative, the Khartoum process has been focusing on the Horn of Africa and migration flows towards the EU. It has also been referred to as the EU-Horn of Africa Migration Route Initiative, which more correctly describes its main focus of migration control. This platform has aimed to bring together states and actors from both regions with a view to maintain a political dialogue and to implement projects and activities in the area of smuggling of migrants and trafficking in human beings. Again, there has been an emphasis on shared responsibility, establishing a common understanding of smuggling and trafficking, and means to seek reinforced cooperation and partnerships.

With the Africa-related dialogues there has been some duplication as well as attempts to consolidate and achieve synergies. Notably, both the Rabat and the Khartoum processes have been used to implement the Valetta Action Plan, so that they do no longer remain independent from the broader EU-Africa dialogue.

Mobility Partnerships

As regards the EU's bilateral dialogue and cooperation with individual third countries, the key tool has been the Mobility Partnership. These were supposed to be tailor-made in cooperation with each individual partner country. This flexible, non-binding instrument

was first suggested by the European Commission in a Communication in 2007, which also included proposals on the concept of circular migration. It referred back to the December 2006 European Council conclusions, which advised measures to integrate opportunities for legal migration into EU external policies, as well as ways to facilitate circular forms of migration. At the time, measures to counter illegal immigration were highlighted to be of particular importance to the EU. There was a strong element of in-built conditionality in the original idea of the mobility partnership, offering possible legal migration opportunities in exchange for fighting irregular migration.[1]

It could be argued that the more-for-more idea within the ENP originated in these Mobility Partnerships in the sense that the carrots and sticks used, ended up with offers of legal migration in the EU. Assessments of the Mobility Partnerships so far, have illustrated that this issue-linkage and leverage has been too narrow, and less effective than originally hoped for by the EU. It appears as if opportunities for labour migration and the migration-development nexus would only be incorporated into the cooperation as a reward, conditioned upon measures being taken in order to jointly control unwanted migration flows. In practice, however, some migration and development projects, although sometimes very few, were included right from the start.

The Mobility Partnerships have the status of political declarations and are thus not legally binding. The first, experimental, mobility partnership was agreed to with a small African country, Cape Verde in 2008. Participation from the side of the EU was voluntary and five Member States joined. Partners on both sides suggested joint projects which were then to be implemented. The partnership subsequently led to agreements on visa facilitation in 2012 and on readmission in 2013 between Cape Verde and the EU. Both entered into force in 2014.

In 2008, the EU also concluded a mobility partnership with Moldova. It covered the three areas of the Global Approach to Migration, including the promotion of legal migration, measures against illegal immigration and the links between migration and development. 15 EU Member States joined in. Moldova saw the partnership as an efficient way to ensure the rights and interests of its migrant citizens in the EU and also wanted to encourage the return of migrants from abroad. Moreover, the partnership was seen as a tool for arriving at a dialogue on visa facilitation with the EU.

The next mobility partnership was signed in 2009 with Georgia and was then backed up by a Visa Facilitation Agreement and a Readmission Agreement, which both entered into force in 2011. Mobility partnerships in conjunction with Visa Facilitation and Readmission Agreements were also signed with Armenia (2011) with ten participating EU Member States and Azerbaijan (2013) with eight states. Since 2016 there is also a Mobility Partnership with Belarus, and seven participating EU Member States.

Mobility partnerships were then also signed with Morocco in 2013 and with Tunisia in 2014, with respectively nine and ten Member States joining. This changed the approach

1. A looser kind of cooperation has been Common Agendas on Migration and Mobility (CAMMs), and two such arrangements have so far been entered into – with Ethiopia, Nigeria and India.

somewhat as these mobility partnerships were embedded within new dialogues on migration, mobility and security, which had commenced in October 2011. At the same time, as the mobility partnership concept developed further with each new agreement, there were additional elements concerning labour mobility as well as development. Notably, measures to work together against xenophobia and promoting integration were added, as well as measures preserving the social security entitlements of Moroccan migrant workers and their family and the portability of their pension rights (in reference to the EU-Morocco Euro-Mediterranean Association Agreement).

The EU also signed a mobility partnership with Jordan in October 2014, the first one in the Middle East. Twelve of the EU Member States joined the partnership, whose major aspects were to exchange negotiations on a readmission agreement for facilitated visa issuing for Jordanian citizens, as well as to assist Jordan to host displaced Syrians in need of international protection.

The EU-funded Mobility Partnership Facility (MPF) managed by ICMPD assisted in the operational cooperation, identification, matching, and implementation of joint projects between migrant source, transit and destination countries. It supported networks, including among experts, to deepen their understanding of the issues at hand, and facilitated synergies with other EU-funded initiatives. Nevertheless, evaluating the Global Approach in 2014, the Commission found that more was needed in order to implement cooperation on Mobility Partnerships in a more balanced way, e.g. more work on legal migration, human rights and refugee protection (European Commission, 2014: 9). In addition, partner countries need to have more ownership of mobility partnerships and other cooperation tools.

The European Training Foundation, which has been involved in projects in several mobility partnership countries (Armenia, Georgia, Moldova, Morocco, and Tunisia), has suggested that these partnerships over the years became more balanced in favour of migration and development (European Training Foundation, 2015: 4). Academics and civil society, however, have been more critical and still see these arrangements as mainly a control policy instrument. Participating Member States have used the mobility partnerships in different ways depending on their interests, which they could adapt depending on how they wanted to use their competence in terms of labour immigration. In any case, there has not been any consistent or significant increase of the number of residence permits issued to citizens of the mobility partnership countries (Reslow, 2015).

Based on the experiences gathered from dialogues and mobility partnerships, the EU replaced the Global Approach to Migration and Mobility with the Migration Partnership Framework in 2016. Primarily it was a political decision at the highest level in reaction to the 2015 asylum crisis that triggered a shift towards allocating more funding to the root causes of migration. Cooperation was now also to take place within so-called migration compacts,[2] next to the mobility partnerships. The Migration Partnership Framework

2. Migration compacts were entered into with Jordan and Lebanon in 2016 with a focus on inter alia linking trade policies to economic growth and employment, and supporting education, thereby also assisting the hosting of Syrian refugees in these countries. The new Migration Partnership Fframework in 2016 also initiated negotiations for compacts with Mali, Niger, Nigeria, Senegal and Ethiopia.

contributed in three ways to more political dialogue processes; 1) making them more foreign policy-oriented, also adding pressure at the highest political level, 2) declaring that both positive and negative incentives should be used in development cooperation, and 3) broadening the agenda to cover even more policy areas as leverage in the dialogues (including education, research, climate change and environment, energy and agriculture) (EU Commission, 2016: 9).

This shift in the approach also required much more funding, not restricted to the EU and its Member States as contributors. While there are still no legal possibilities to effectively condition e.g. trade relations with cooperation on irregular migration, bringing in additional policy areas for making issue-linkages will inevitably necessitate both more funding and increased coordination and coherence from the part of the EU. It remains to be seen whether this new approach will reinforce trust and the willingness from partner countries to cooperate.

Policy Options

The EU has recently ventured into a new phase in dialogue and cooperation by substantially increasing its willingness to fund cooperation and make overall investments in its partner countries' development. The EU External Investment Plan (EIP) could constitute a key turning point, but it also runs the risk of just doing more of the same, to a higher cost.

The qualitative difference in the amounts the EU is ready to raise on managing migration and development is visible in the new approach of the EIP. In its new European Consensus on Development, the EU was referring to this plan as being able to guarantee lower risk for private investments in developing countries, thereby multiplying a first investment of €4.1 billion by the Commission with additional Member State contributions and private investments up to €44 billion, partly geared towards addressing the root causes of irregular migration. The EIP would also contribute to poverty reduction, job creation and the Sustainable Development Goals (European Commission, 2017).

Several observers have argued that there is a need for the EU to take on board the ideas and interests of the partner countries in order to move ahead with cooperation in a more balanced and effective way (see e.g. Collett and Ahad, 2017: 30). While the EIP might be such a response, the EU also needs to be clear that the attempts to establish the principle of shared responsibilities through demanding cooperation in migration control in exchange for a limited number of legal migration opportunities, have not materialized, and are unlikely to do so in the future. Since labour migration is Member State competence, the EU cannot as a unitary actor deliver on such promises. Therefore, what the EU offers in exchange should be much broader, economic development and cooperation.

A range of dialogue and cooperation alternatives are available, but they need to be adapted to the specific interests of the diverse partner countries to the East and South of the EU, and further afield. So far, the cooperation both in terms of the Global Approach and the more recent Migration Partnership Framework have been unbalanced as they focus

primarily on the EU interest of migration control. While the EU has not reached its aim of policy effectiveness, it has also not fully been able to create sufficient trust with third countries in its Dialogues.

What is now needed is a much broader, both political and economic cooperation framework, that is adapted to the specific needs of partner countries. Those needs should be sought outside the narrow policy field of migration. Cooperation on economic and social development, trade relations, labour market policies, social security and education, as well as peace and human security, should be upgraded in practice, and not mainly at the rhetorical level. Even cooperation on security and good governance may be an interest of partner countries, but the EU needs to be ready to negotiate, bargain and adapt its hitherto coercive stance.

It is doubtful whether the EU can accomplish more than so far with imposing negative incentives such as conditionality of aid, as the effects of such conditionality might be the reverse, even more unwanted migration. Moreover, it is often not the poorest who emigrate, but those who have the resources and aspirations to do so. Funding made available along migratory routes might not be a solution to irregular migration flows and risks opposing the objective of development cooperation, namely poverty reduction. The EU thus needs to take a truly evidence-based approach, consulting available research on the drivers of migration, as e.g. shown in the literature on the so called migration hump, i.e. that development generally leads to more emigration, not less – with the turning point being around income levels of US$7-8,000 (see e.g. Clemens, 2014).

Policy Recommendations

The narrow focus on offering migration opportunities as a main leverage in the dialogue processes has not worked. Instead, the EU needs to explore other interests among third countries to identify how cooperative agreements can be achieved. Since most dialogue processes are conducted with third countries that are less economically strong than the EU, there are many opportunities to bring in broader partner country interests. These should include primarily economic development; but also trade conditions and EU market access; labour markets, social security and education; and good governance.

Leverage used should be adapted to the level of economic development and the different interests in the South compared to the East of the EU. The Prague Process should thus logically involve other mutual interests than the Rabat Process. Broadening the cooperation agenda will likely be a more productive route towards achieving trust and mutual interests than the more narrow path used so far.

The bilateral cooperation in the form of mobility partnerships or migration compacts, should even more than hitherto be formulated in a process of mutual trust and mutually identified common interests. It is also time to progress beyond pilot projects and scattered, small-scale initiatives and plan for long-term and more sustainable joint, strategic investments.

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Intra-corporate Transferees: The benefits for the EU and the opportunity cost

Glen Hodgson

Executive Summary

Despite the issue of refugees and illegal migration grabbing the headlines across Europe, the EU requires high-skilled labour and this demand cannot be met from within its own borders. European economic growth, business competitiveness and labour markets all suffer as a result. The Directive on Intra-Corporate Transferees (ICTs) was adopted in order to address this shortfall, given the clear shortages in sectors like computer programming and engineering.

There is a demand for high-skilled labour in the EU and positions are currently going unfilled.

The full range of simplifications and options available in the ICT Directive are still not offered across the EU. The current patchwork means that arbitrary quota systems exist in some countries; approval/rejection processes are different across the EU; some countries do not have a fast track system; and intra-EU mobility as well as the ability of ICTs to work at customer sites is limited in certain EU Member States. Moreover, the entire process is often slow and administratively heavy too, meaning that businesses cannot get the skills they need, when they need them. The result is that companies and the economy as a whole lose out. In this paper we make recommendations for each of these areas and highlight some best practice.

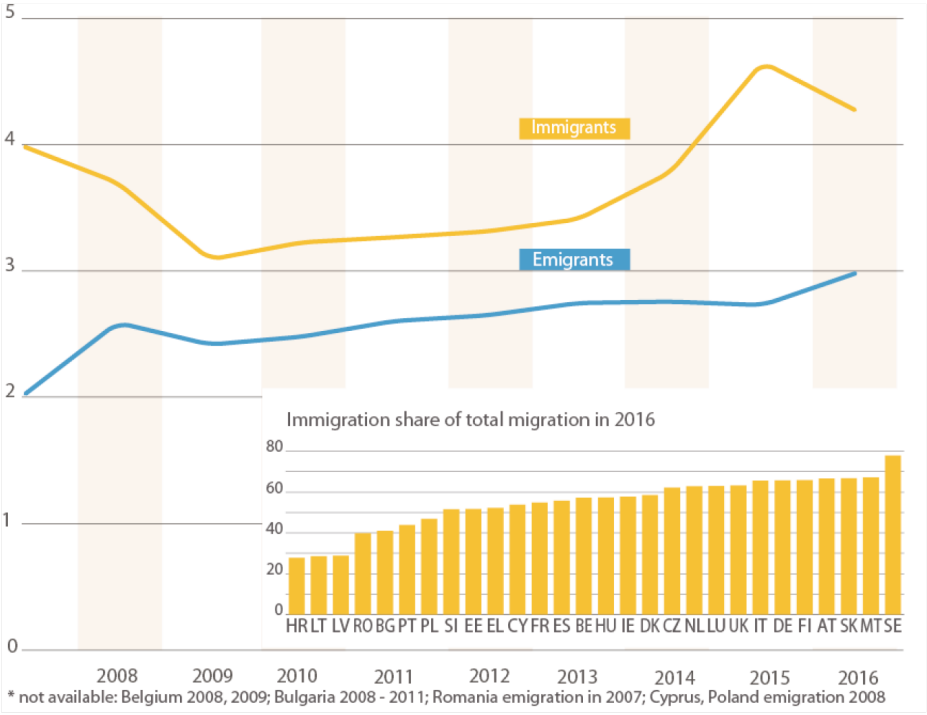
Current Context

Proper management of migration is an important tool when it comes to enhancing the sustainability of EU countries' economies, welfare systems and continued sustainable growth. The changing nature of the economy - resulting in the need for new skills and specialisations - along with demographic ageing in many parts of the EU and lower birth rates means the migration issue is vitally important.

The reality is that EU Member States have in fact made migration more difficult at a time when the need for it is rising. This may appear counter-intuitive, but this reality is based on recent history and events.

The European Union amended its approach to both legal and illegal migration in response to the migration crisis of 2015. This was a period marked by high numbers of refugees arriving in the EU via South East Europe and across the Mediterranean Sea. Although arrivals have now fallen over the intervening years, the effects are still being felt in national policies, the rhetoric of politicians and public opinion across the EU. This is a trend that is likely to remain for many years to come.

Migrants in the EU (in millions)



Source: Eurostat

The EU institutions have been forced to amend Europe's asylum policies and reinforce external borders. The negative effect of this is that irregular, legal and high-skilled migration have been mixed together. The need for high-skilled labour in Europe and the positive impact this has on the economy has been lost among the scaremongering headlines and the desire of politicians to appear tougher on migration and have the issue under control.

The migration crisis hit at a time when populist sentiment was rising in Europe and EU citizens were already worrying about labour market instability. The feeling that migration was responsible for local jobs being stolen was spread across traditional and social media, before taking root in political debates across Europe. Many of the myths surrounding immigration are not debunked since they prove to be vote-winners. By way of an example, the Brexit debate in the UK was fueled by concerns over mass immigration and the resulting threats to jobs and social services. The spread of untruths and misinformation has made the issue of migration extremely toxic across Europe as a result.

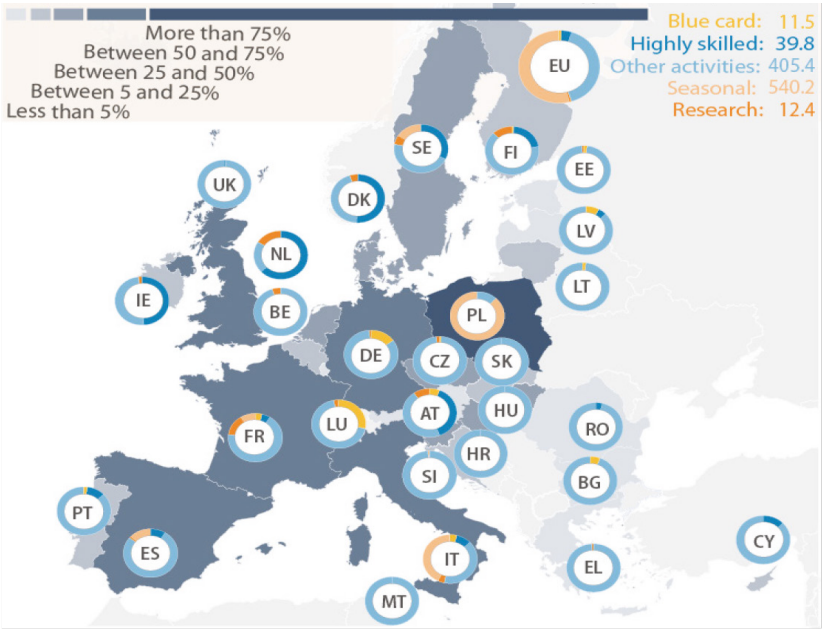
The flip-side of this situation is that business - as well as the local and national economies - loses out. Companies are reluctant to draw attention to themselves and the issue in the current political climate, yet rely on migrant workers - and particularly the highly-skilled -

to operate their businesses and deliver products and services. Despite politicians talking about "bringing jobs home" and putting up barriers to foreign workers, a huge number of positions remain unfilled because the skilled labour is not there to fill them. To take the example of Germany, the BDI (the Federation of German Industries) has highlighted that studies show 71 percent of enterprises are finding it "very difficult" to "moderately difficult" to find suitable workers to fill their vacancies. This shortage of skilled labour is therefore increasingly jeopardising the growth of many companies in Germany. Welcoming skilled foreign labour is one of the remedies that the BDI cite in addressing this problem.

The reality is that high-skilled migration, and Intra-Corporate Transferees (ICTs) in particular, represent a clear and distinct category of workers who provide services and skills which cannot be found locally, come for a limited amount of time on relatively high salaries, and positively contribute to their host country economically.

Prior to the ICT legislation, the Blue Card Directive of 2009 (Directive 2009/50/EC) was designed to regulate the entry and residence provisions of highly qualified third-country workers in the EU, as well as attracting the right talent. This however proved to be a failure since it was neither used by companies nor attractive to highly-skilled foreign workers due to its terms and conditions. In 2017, for example, the number of highly skilled workers coming to the EU was only 39,800. Of this number 24,305 were Blue Cards, the majority of which were issued in Germany (20 541).

First residence permits for occupational reasons (in thousands, 2017 figures)



Source: Eurostat

Due to the ineffectiveness of the Blue Card Directive a revision was launched in 2016, but discussions remain blocked on issues ranging from the inclusion of skills to the recognition of professional experience and family reunification modalities. The EU legislation on ICTs therefore set out to avoid the shortfalls of the Blue Card initiative.

An ICT is defined in EU law as a third-country national on a temporary secondment for occupational or training purposes who resides outside the EU and is bound by an existing work contract. The legal framework on ICTs is covered by Directive 2014/66/EU and the implementation date was end-November 2016. 17 EU Member States subsequently received a letter of formal notice for failing to implement the Directive. These implementation problems have been resolved in all cases, except Belgium who have been referred by the European Commission to the Court of Justice of the EU in July 2019 for failing to transpose the Directive.

This legislation sets out the rules and conditions covering entry and residence in the EU for more than 90 days - and up to three years - for an ICT. To fulfil the criteria, the ICT needs to: 1) Have an existing employment contract with the relevant company (for at least three uninterrupted months); 2) Provide details of salary, qualifications, duration of the assignment, seniority of the role and ability to return after the assignment. It is important to highlight that ICTs must legally be paid the same or above the accepted levels for a comparable position on the local market. This status is granted for twelve months, and can be extended up to a maximum of three years.

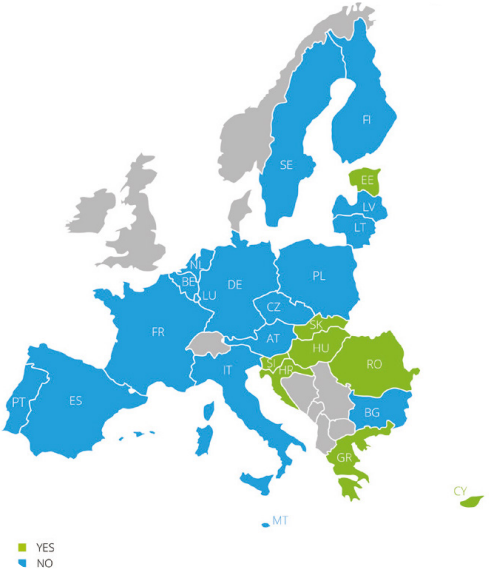
Policy Options

There are a number of policy options that exist within the letter of the law. In this section we analyse why and how the current approach could be amended and improved.

National quota systems for ICTs

Article 6 of the ICT Directive allows EU Member States to restrict the number of ICTs that they accept. As a result, applications can be rejected on the back of a political decision. This quota can often be an arbitrary figure that has no connection to the national labour market reality and the demand from business. It would be more appropriate to allow the market to decide what skilled labour is required rather than leave this to random quotas set by administrators.

EU countries which have a quota system for ICTs



Source: Deloitte

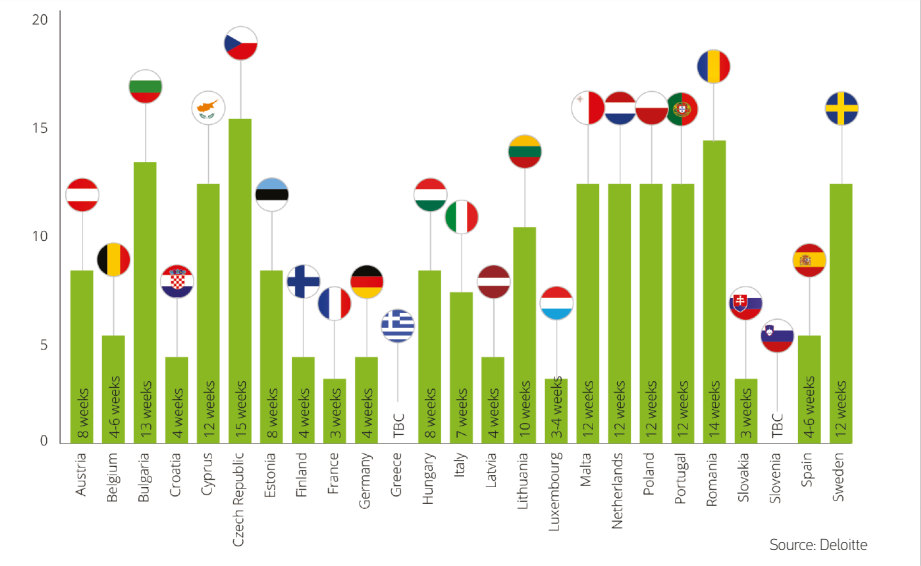
Processing times and rejecting ICT applications

Article 7 clearly states the grounds on which an ICT application may be rejected. These make perfect sense where an employer has tampered with documentation, not declared work or carried out illegal employment, for example, or in some way tried to "game the system".

National authorities should, however, have some room for manoeuvre when it comes to unintentional mistakes and errors on applications. Too often we see legitimate ICT applications rejected or held up for many months due to small administrative problems. These may include issues with insurance information from previous employers, incorrect pension payments, or applicants taking too little or too much holiday.

National authorities should clearly state what information is missing, and allow a reasonable time-frame within which this should be provided. While the legal criteria and spirit of the legislation must be respected, national authorities should be flexible on minor administrative matters. This same reasoning and approach should apply when it comes to ICT renewals too. It is often even more important for renewals to be treated within an acceptable time-frame by national authorities. The onus is on employers to apply in good time for ICT renewals, but having ICTs waiting many months and being sent back to their home country while the process takes its course is bad for employers as well as the local and European economy.

Processing times for ICT applications



A good case study of how this process should work is Sweden: a country with a long history of strong unions and strict agreements designed to protect employees' rights.

The national Migration Agency (Migrationsverket) was strictly interpreting a 2015 ruling made by the Migration Court of Appeal, which said that permits should not be extended for workers whose employers had not upheld industry norms. The ruling was linked to two cases where foreigners had been underpaid and the judgement was designed to protect migrants from exploitation by dishonorable employers. Despite the spirit of the ruling being designed to help workers, the effect was the opposite. Much-needed talent was being turned away on the grounds of minor technical errors on applications. As a result, the law has been changed so that employers are now allowed to correct errors retroactively. Furthermore, a new decision by the Migration Court of Appeal in December 2017 ruled that there should be an "overall assessment" of each applicant's case in order to make more proportionate decisions, instead of immediately rejecting applications based on minor errors.

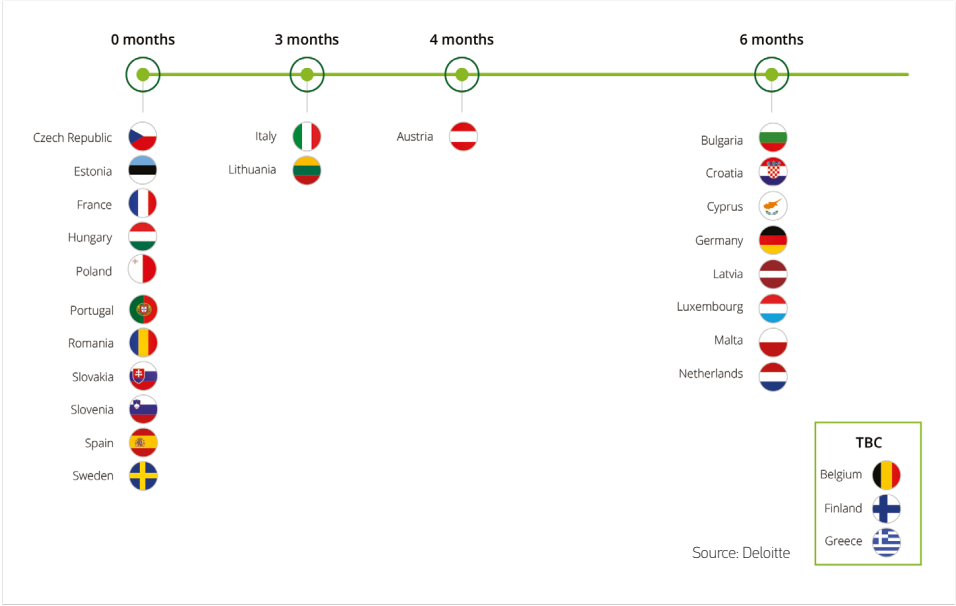
The EU ICT legislation also allows for a fast-track procedure for ICTs and this should be used more frequently and across all EU Member States. Where established, trusted and proven companies apply for ICTs there should be the option for these applications to be fast-tracked. This fast-track provision should also depend on the nature of the business

and the time-sensitivity linked to bringing in specific skills. It is quite natural that an extra fee can be imposed by the national authorities to provide this service. However, this "green lane" status should be controlled and monitored regularly for irregularities and withdrawn in cases of repeated and/or grave inconsistencies.

Duration of the ICT status

With regard to the duration of an ICT status, the law underlines that the maximum period shall be three years for managers and specialists and one year for trainee employees. After this time period elapses, the ICT is often forced to leave the EU and cannot re-apply for up to six months in certain Member States. This appears to be rather restrictive and disadvantages European companies in need of skilled labour. The current system can often be inflexible in demanding ICTs to leave the EU after three years or else apply for a more permanent form of residency. If an ICT has developed their skills and attained specific competences, it is a pity to automatically lose that once the duration of three years is up, irrespective of the actual economic need locally. Even if the ICT is mid-project the provisions still apply. It would be advantageous for European business to consider allowing extensions to be made while the ICT is still in Europe, and not force them to return to their country of origin.

Number of months that ICTs need to wait before reapplying



Intra-EU mobility for ICTs

Chapter V of the legislation covers intra-EU mobility for ICTs. While the legislation currently allows ICTs to move where they are needed within the EU (up to 90 days within a 180-day period), based on demand, the practical implementation is quite varied. Certain EU Member States do not allow intra-EU mobility and this means that their businesses and industries suffer, especially when the corresponding skills do not exist locally. While notification and application/registration requirements in the other EU Member State are valid, blocking the movement of skilled labour (which meet all the criteria and have passed all other relevant checks and requirements) is counterproductive. Similarly, the granting of long-term mobility (over 90 days) should be reviewed on the grounds of need and the role that is being carried out, as well as its significance and benefit for the relevant company and the broader economy.

Similarly with other applications, these should be handled quickly and smoothly by the relevant local authorities. Undue delays and administrative barriers will harm local businesses and the wider economy.

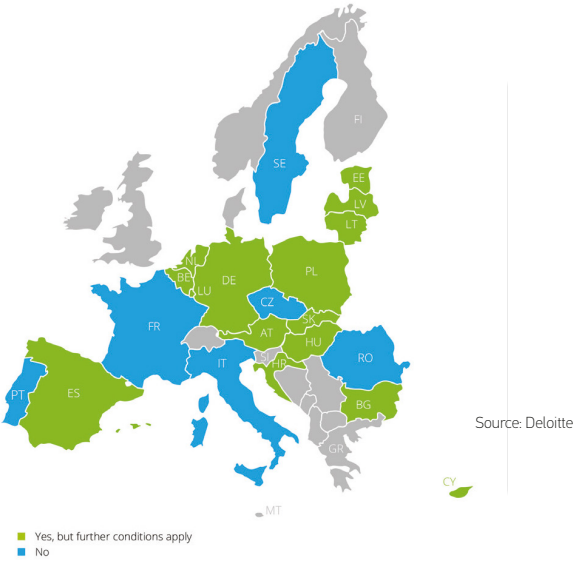
Intra-EU mobility process for short-term (up to 90 days) and long-term (over 90 days) mobility
ICTs ability to work from clients' sites

Source: Deloitte

Process Requirements EU Mobility	Short-term mobility	Long-term mobility
Austria	Notification	Application
Belgium	TBC	TBC
Bulgaria	Notification	Application
Croatia	Notification	Both
Cyprus	Notification	Application
Czech Republic	Notification	Application
Estonia	Notification	Notification
Finland	Notification	Application
France	Notification	Application
Germany	Notification	Application
Greece	TBC	TBC
Hungary	Notification	Application
Italy	N/A	Application
Latvia	Notification	Application
Lithuania	Notification	Application
Luxembourg	Notification	Application
Malta	Notification	Application
Netherlands	Notification	Application
Poland	Notification	Application
Portugal	N/A	Application
Romania	Notification	Notification
Slovakia	Notification	Notification
Slovenia	notification	Application
Spain	Notification	Notification
Sweden	N/A	Application

When it comes to ICTs working at a client's site, the rules are very different across the EU. Although the ICT legislation is focused on allowing existing company employees to work for another branch of the same company, but in different locations, in reality many business sectors work with clients/customers at their site. This is increasingly very common. Some countries have understood the practical reality and permit ICTs to work from client sites, while others adopt a very strict labour law interpretation. This means that working from a client's offices is banned completely in some cases, while in other countries quite heavy extra administrative processes are required to receive authorisation.

EU Member States which allow ICTs to work from a client's site



Source: Deloitte

Policy Recommendations

Given the heightened protectionism that we are witnessing globally, there is an opportunity for the EU to swim against this tide and show that it is open to skilled labour and welcoming to the best global talent. Business is international and European companies have the opportunity to benefit by attracting the best and most creative talent while other countries are putting up barriers. This approach would see the European economy as a whole benefit as the wealth created would support social provisions from schools to hospitals. Furthermore, this need for skilled labour is increasing and ICTs will help the EU reach its development goals in areas such as technology, artificial intelligence and medical advancements.

Within the framework of the ICTs Directive this can be done in the following ways:

- removing arbitrary national ICT quotas;
- more flexibility around small administrative errors;
- raising awareness of the current rules among employees and employers;
- creating a fast-track system for processing applications;
- taking away mandatory "cooling off" periods;
- allowing intra-EU mobility;
- and permitting ICTs to work at clients' sites.

Firstly, taking away national quotas for the number of ICTs who can enter the country would be a good move. The number of ICTs should be linked to need and not administrative quotas. The removal of quotas would also require EU Member States to have a good understanding of their labour market needs. This would require an open relationship to be established between companies, employers' trade associations, policy makers and government agencies. There is no use countries allowing in scores of ICTs who are computer programmers, for example, if there is already an oversupply locally. The EU has to attract the right set of talent and skills and enable admissions to be in line with employment needs. In this way overall EU economic growth will be facilitated and economic and social problems - as well as negative headlines - avoided.

Secondly, national authorities across the EU should be instructed to allow administrative errors to be corrected by applicants and not just reject them immediately. These errors can cover changes to submissions and the provision of additional information where applications are incomplete. This represents a new approach and requires an agreement and decision from national ministries and politicians. If not, national authority employees dealing with cases will interpret the letter of the law narrowly. It is not the role of national migration authorities to facilitate economic growth, but to keep people out who do not meet the criteria set. Given this reality, clear political guidance is crucial. Furthermore, an appropriate timeline for the submission and treatment of new data and information in the case of a problem would be 90 days.

All too often currently highly skilled employees from third countries, whose skills are in demand, are deported for small administrative errors. While no one should be allowed to game the system, the EU needs highly skilled labour and EU Member States need to take a more flexible approach. Even in relatively welcoming EU countries like Sweden, Spotify's co-founder Daniel Ek has stated that 15 of his company's top hires (all from outside the EU) had been threatened with deportation. Trade associations and chambers of commerce across Europe echo these views and highlight that something must be done.

In parallel, raising awareness of the current rules among employees and employers is a vital first step which should not be forgotten. This needs to be done in a clear and obvious

way, and could include information sessions, social media campaigns and outreach to trade bodies. Spreading practical information and establishing a dialogue will remove many of the most common small unintentional errors. Better collaboration between companies (large and small), trade associations, unions and politicians will lead to better implementation of current laws as well as support in forming, implementing and amending future policy, rules and regulations.

Linked to this administrative issue, all EU Member States should have a "fast track" for frequent and trusted users of ICTs. This would mean that authorities can issue ICTs status more quickly and not need to take each application in turn on its own merits. This would free up time and resources for case handlers. As a quid pro quo, "fast track" companies and organisations should be required to pay a fee for this service and also be subject to periodic random checks and auditing. Frequent errors or abuse of the system should result in fines and eventually the loss of the "fast track" status as an approved partner if these persist.

Furthermore, EU Member States should not require ICTs to return to their country of origin and sit through a "cooling off" period once they have come to the end of their three-year ICT status period. Instead, ICTs should be allowed to apply for a new ICT status from within their host country. ICTs should also be able to do this six months before their existing ICT status is set to run out. This new ICT application should then be assessed on the need of the company and the performance over the past three years. Even if a new ICT permit is not given, it is in the best interests of business and the local economy to allow alternatives to the ICT leaving the country. The provision of other types of work permit, based around a local contract, would be appropriate to allow the ICT to continue their activities and finish a specific project.

When it comes to intra-EU mobility, this should be allowed across all EU Member States. Countries are losing out economically by not allowing this, even though it is covered and permitted by the current provisions and scope of the EU legislation. Moreover, the notification and registration process for ICTs moving within the EU should be an administratively light process and a standard EU form agreed upon. This would make the process easier for ICTs, companies and relevant national bodies. It would also speed up registration processes.

Concerning the possibility of ICTs working at a client's site, this should be allowed across all EU Member States. The nature of business today and the integrated way that companies work demands this. As such, where there is clearly a joint project underway between an ICT's employer and another company/set of companies - with a contract in place - an ICT being based at a client's site should be permitted.

From an overarching administrative perspective, 90 days is a fair amount of time to allow for processing ICT applications. National authorities need to ensure that this timeframe for good administrative practice is respected. Currently this is not the case in all EU Member States and better response times are needed which meet the 90-day limit.

Better use of the provisions made in the ICT Directive is just one piece of a much larger puzzle, however. More ambitious reforms are needed to migration policy in order to grow the attractiveness of the EU to highly-skilled labour. This includes making major changes to the Blue Card Directive and making it fit for purpose.

These reforms include reducing the cost of the Blue Card scheme for employers, beneficiary migrant workers and implementing States. SMEs in particular are turned off by the high cost of the scheme. In addition, providing real additional rights and added value to potential beneficiaries would make the scheme more attractive.

One obvious advantage would be for the Blue Card to allow access to the whole EU labour market and not only to the Member State where it was granted. An umbrella permit for the whole EU would be more desirable but the beneficiary would need to have a salary above that of the minimum in all the EU Member States where they plan to work. Having a third-country migrant worker entering the EU through a low wage country like Bulgaria and then working in a high wage member like Sweden or Germany would not be an option since it would be open to abuse.

Another positive amendment to the Blue Card would be to align it more closely with national labour migration schemes. In addition, residence permits for family members should also be looked at.

At the local level, countries should do more to welcome third-country talent. A good example of this would be the International House Helsinki in Finland. This body provides a wide range of information and public authority services to meet the needs of international newcomers to Helsinki. These cover registration, taxation matters and social security issues all under one roof. The International House Helsinki also offers free advisory and counselling services to employers on issues related to recruiting and maintaining an international workforce. Many other cities are looking at the International House model and making plans to replicate it.

It is also important to remember that it is not only host countries who benefit from skilled third-country migrants: so do their countries of origin. Many migrants send home money during their stay and even invest in their countries of origin. Short-term migrants also often return to their home countries and bring new skills, knowledge and practical experience back to their local economy.

In conclusion, the need for high-skilled migrants is strong in the EU but the political background makes it very difficult to implement national policies which meet this need. The whole topic of migration has been hijacked and become increasingly controversial and prone to manipulation through misinformation and adaption to specific political narratives. This toxic climate also makes it difficult for companies and business groups to stand up and articulate the need for high-skilled labour for fear of attack.

The current situation is not made easier by the lack of data on high-skilled workers. Most figures purely look at net migration and do not capture nor consider the role of this group of valuable talent. Even the latest data on the number of ICT applications granted and currently residing in the EU is difficult to attain. Quantifying the small number of ICTs actually in the EU and the huge positive impact they have on their host country and the EU will be an important element of gaining support for the extension of the programme.

It is encouraging, however, that European Commission President von der Leyen is underlining the requirement to reinforce a culture of evidence-based policymaking and to make full use of the available knowledge, information and research. This strong stand against "fake news" and knee-jerk policy making is to be commended. The need for high-skilled labour must be quantified and national decision-makers need to put in place provisions and a regulatory framework which facilitates this to support businesses and economic growth.

Related Publications

European Commission. Migration and Home Affairs website. https://ec.europa.eu/home-affairs/what-we-do/policies/legal-migration/work_en

Official Journal of the European Union. Directive 2014/66/EU on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32014L0066&-from=EN

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Labour migration from East to West: The example of foreign workers in Austria

Stefan Vogtenhuber

Executive Summary

Like other high-income countries, Austria is an attractive destination for many labour migrants who compensate for the existing labour shortages in a wide range of economic sectors and occupations. Immigrants from the East predominantly fill vacancies in Accommodation and Food, Cleaning and Support Services, and Agriculture economic sectors. While the Austrian economy benefits from immigration, emigration affects the origin countries whose working age populations have been shrinking and giving rise to economic and social tensions.

In this policy brief, the immigration of workers from the Eastern countries[1] to Austria is used as an example to discuss the labour flows and analyse their impact on sending and receiving countries. When imposing stricter immigration regimes that allow for skilled immigration only, receiving states should consider that such policies may increase the brain drain in sending countries. Policies that reduce the brain drain and contribute to positive feedback effects in the way of remittances or the transfer of knowledge are recommended for sending countries. Considering that migration is a common challenge that calls for cooperation at all policy levels across regions, which are highly interwoven economically, policy makers should be able to closely monitor the demographic trends and the phenomena associated with international migration in both sending and receiving countries.

Context

International migration is largely driven by the motivation to work in another country. According to the recent global estimates of the International Labour Organisation (ILO), the world's labour force consists of 164 million migrant workers, which amounts to 59% of the overall 258 million international migrants, and to 4.7% of all workers worldwide (2017 reference year, see Popova et al. 2018).

It is not surprising that the majority of migrant workers move to high-income countries like Austria, where economic opportunities are available due to shortages of skilled labour and thus rewards to skills are high (Grogger and Hanson 2011). As a result, the labour force in destination countries is increasingly composed of migrant workers. Every year, the Austrian Federal Minister of Labour issues a list of shortage occupations that are open to third-country nationals. In 2019, 45 occupations were in shortage Austria-wide, and more than 20 additional occupations in certain Federal States (see Sozialministerium 2019). The majority of these occupations require skilled workers in the crafts or trades, in Austria traditionally trained by the apprenticeship system. Eight special shortage occupations for highly qualified workers were listed in 2019 as well,

1. This policy brief will focus on the following origin countries: Armenia, Azerbaijan, Belarus, Bulgaria, Czech Republic, Georgia, Hungary, Kazakhstan, Kyrgyzstan, Moldova, Poland, Romania, Russia, Slovak Republic, Tajikistan, Turkey, Turkmenistan, Ukraine and Uzbekistan

open to higher education graduates in certain MINT subjects (math, IT, natural science and tech) as well as business administration (Sozialministerium 2019). Third-country nationals shall apply for the "Red-White-Red-Card", which is issued conditional on a points-based system considering education, work experience, language skills, and age.

On the side of some sending countries, the growing outmigration is not compensated by high birth rates, thereby resulting in shrinking populations and changing demographic structures as predominantly young people leave. This poses a threat to the source countries' potential for social, economic and cultural development. The fact that not only the young and economically active tend to leave, but also those who are more educated, with higher motivation and aspiration exacerbates the situation and creates brain drain.

Table 1: Demographic dynamics: Working-age populations and net migration in selected countries

	Population In 1990 (in 1000s)	Population In 2020 (in 1000s)	Pop. change 1990 – 2020 (in 1000s)	Pop. change 1990 – 2020 (in %)	Net migration (in 1000s)
Georgia	4,554	3,344	-1,210	-26.6%	-1,659
Bulgaria	7,409	5,826	-1,582	-21.4%	-708
Romania	19,624	16,222	-3,402	-17.3%	-3,014
Armenia	2,926	2,499	-426	-14.6%	-1,120
Ukraine	44,071	37,660	-6,411	-14.5%	-102
Hungary	8,757	8,207	-551	-6.3%	325
Belarus	8,638	8,134	-504	-5.8%	166
Republic of Moldova	3,613	3,518	-95	-2.6%	-371
Russian Federation	126,359	124,695	-1,664	-1.3%	11,682
Poland	31,679	32,080	400	1.3%	-1,075
Czechia	8,704	8,929	225	2.6%	544
Slovakia	4,387	4,663	276	6.3%	-7
Kazakhstan	13,476	15,433	1,958	14.5%	-2,622
Azerbaijan	5,901	8,582	2,681	45.4%	-122
Kyrgyzstan	3,471	5,318	1,847	53.2%	-666
Turkey	43,115	70,818	27,702	64.3%	2,873
Turkmenistan	2,879	4,972	2,093	72.7%	-285
Uzbekistan	15,888	27,819	11,931	75.1%	-1,059
Tajikistan	4,033	7,571	3,538	87.7%	-997

Source: UN World population prospects 2019 (UN Population Division 2019). The first columns refer to the working age population (15-64 year olds) and the last column refers to total net migration.

Most working age populations in the 19 selected countries[2] have shrunk over the last three decades (see Table 1). Losses are particularly severe in Georgia, Bulgaria, Romania, Armenia and Ukraine, where the potential workforce in 2020 will be 14.5%-26.6% lower than in 1990. Emigration substantially contributed to this trend, as exemplified by the negative net migration. The populations of most Central Asian countries (Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan) as well as Turkey and Azerbaijan, on the other hand, grew by 45.4% to 87.7%. Russia, in contrast, gained almost 12 million people from migration since 1990, but due to relatively low fertility rates and relatively high mortality, its population has nevertheless decreased.

Between 2000 and 2018, 2.5 million foreign nationals, aged 15-64, have registered in the Austrian social security system.

2. See the footnote above.

The case of Austria is illustrative because it is one of the high-income Western European countries whose population is growing entirely due to immigration (Statistik Austria 2018). Besides the long-standing labour immigration from the Western Balkan countries, Turkey and Germany, labour immigration has increasingly originated from the Eastern European EU member states. Between 2000 and 2018, 2.5 million foreign nationals, aged 15-64, have registered in the Austrian social security system. Almost 50 % (1.12 million) of these foreign nationals were citizens of the 19 selected countries. The main origin countries are Hungary, Romania, Slovakia and Poland, of which between 263 and 146 thousand working-age adults moved to Austria between 2000 and 2018, followed by Turkey (139 thousand), the Czech Republic, Bulgaria, Russia and Ukraine. Nationals of the remaining ten selected countries represent only a minor part of all immigrants in Austria.

Table 2: Working age immigrants to Austria 2000-2018

	Immigrants 2000-2018	Still in Austria in 2018	% female	% naturalized
Hungary	263,297	132,840	43.6%	1.4%
Romania	225,569	124,485	59.4%	5.1%
Slovakia	159,962	78,645	63.7%	1.2%
Poland	146,354	60,811	41.8%	5.0%
Turkey	139,294	115,747	49.7%	36.4%
Czech Republic	55,775	24,380	49.0%	4.2%
Bulgaria	41,460	23,832	53.4%	3.6%
Russian Federation	37,929	24,376	58.9%	8.1%
Ukraine	19,930	10,456	69.0%	8.0%
Georgia	8,567	2,870	57.5%	6.9%
Armenia	5,251	3,031	51.8%	8.9%
Republic of Moldova	2,975	1,229	74.2%	11.1%
Belarus	2,794	1,638	75.4%	10.0%
Azerbaijan	1,731	985	50.6%	9.4%
Kazakhstan	1,667	958	68.7%	4.5%
Kyrgyzstan	1,268	669	69.2%	14.2%
Uzbekistan	772	462	56.2%	6.3%
Tajikistan	504	309	48.4%	10.7%
Turkmenistan	276	141	74.8%	6.4%
Selected countries	**1,115,375**	**607,864**	**52.4%**	**9.9%**
All immigrants to AT	***2,500,848***	***1,334,753***	***49.5%***	***10.8%***

Adults aged 15-64, naturalized: immigrants receiving the Austrian citizenship. Source: Austrian Labour Market Database (AMS - Sozialministerium 2017), statistics: Stefan Vogtenhuber/IHS.

In 2018, roughly more than half of immigrants from the listed origin countries were still registered in Austria. This share is the highest among Turkish immigrants, of whom more than 80% were still in Austria in 2018, and the lowest among nationals of Georgia, Poland and Moldova. As to the gender distribution, over 50 % of migrants from Romania, Slovakia, Russia, Ukraine and Georgia were female. Even higher numbers of female migrants, amounting to up to three thirds, originated from Moldova, Belarus, Kazakhstan, Kyrgyzstan and Turkmenistan, whereas migrants from Poland and Hungary are predominately male.

The statistics on immigration in Austria show that 36.4 % of Turkish immigrants, which is by far the largest group, naturalised in the meantime, thus confirming the permanent character of their migration. Naturalization rates are the lowest among migrants from the neighbouring countries, meaning that these are primarily labour immigrants in the narrow sense who temporarily come to Austria to work, including cross-border commuters who do not have a private residence in Austria at all.

The economic situation, unemployment and education system characteristics of origin countries differ substantially (see Table 3). Apart from Romania and Bulgaria, the World Bank classified Eastern EU member states as high-income countries – just like Austria. The other selected countries span from the upper-middle category (Romania, Turkey, Russia, Kazakhstan) to low-income countries (Kyrgyzstan and Tajikistan). Youth unemployment, being one of the main push factors for labour emigration (Yüksel et al. 2018), ranges from a very low level in Kazakhstan to up the 37.8% in Armenia. Education attainment levels tend to be relatively high in most of the selected countries. Only in five countries the share of the adult population with low attainment levels (no more than compulsory schooling) is higher than in Austria. The outlier is Turkey, where the majority has attained a low level of education. In Georgia, on the other hand, more than 40% have attained a high level of education (post-secondary or tertiary degree). However, the quality of education in Georgia seems to be lower than in Austria and other countries, including Russia, Kazakhstan, Poland, Hungary and Czechia.

Table 3: Economic situation, unemployment and education characteristics across countries

	Per-capita GDP (int. $)	Youth un-employment	low education attainment (%)	high education attainment (%)	Educational quality
Austria	55 455	9.4	22.2	27.8	520
Hungary	31 103	10.1	20.8	28.1	523
Romania	28 206	16.3	30.0	23.5	469
Slovakia	33 736	15.0	13.4	22.7	495
Poland	31 337	11.7	15.0	28.5	529
Turkey	28 069	19.7	57.7	17.3	470
Czech Republic	39 744	6.7	13.5	21.5	516
Bulgaria	21 960	12.7	23.7	26.7	491
Russian Federation	27 588	17.1	9.8	28.4	552
Ukraine	9 249	18.0	11.0	19.0	478
Georgia	12 005	29.0	10.4	42.1	460
Armenia	10 343	37.8	10.6	24.4	469
Republic of Moldova	7 272	7.4	28.6	14.0	nd
Belarus	19 995	10.7	7.1	23.6	nd
Azerbaijan	18 044	13.2	14.8	13.9	453
Kazakhstan	27 880	3.7	12.1	23.0	536
Kyrgyzstan	3 885	14.3	20.2	13.2	362
Uzbekistan	8 556	11.2	15.9	18.2	nd
Tajikistan	3 450	20.9	15.5	18.4	nd
Turkmenistan	19 304	8.0	11.7	12.3	nd

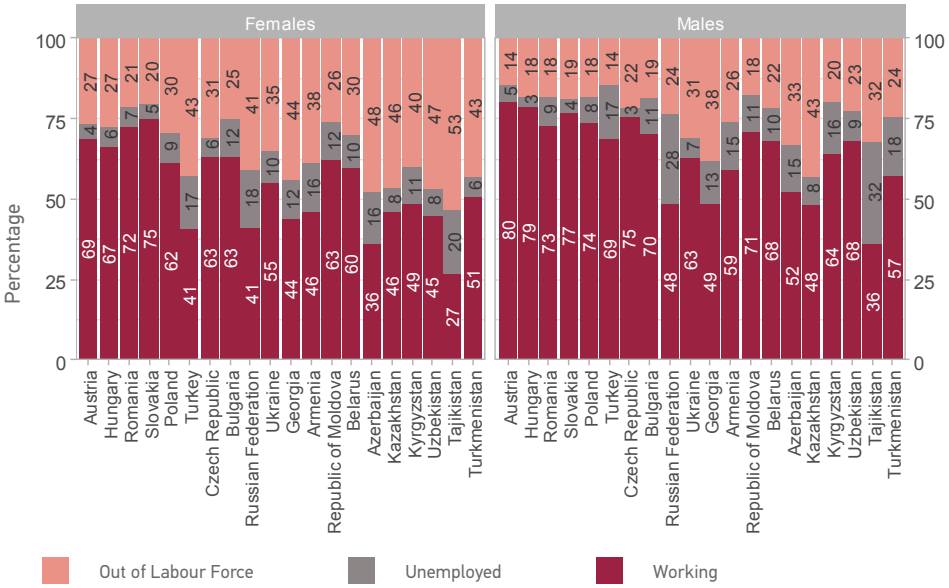
Source: World Bank data (GDP and unemployment of 15-24 year olds in 2018), Wittgenstein Centre (education attainment among 15-65 year olds in 2015, see Stonawski et al. 2018), World Bank Group (educational quality in 2015, see Altinok, Angrist, and Patrinos 2018), nd: no data.

When it comes to labour force participation (Figure 1), female migrants of most origin countries have a lower labour participation rate than Austrian women, except for Hungary, Romania and Slovakia, whose female labour activity is higher. On average in 2018, 69% of native Austrian women have been working, 4% were unemployed and 27% were out of labour force. Bulgarian and Moldovan women reach a similar labour market integration rate as Austrian women, but with higher unemployment. Polish, Czech and Belarussian women are slightly less integrated in the Austrian labour market than Austrian women. Migrant women from other origin countries are clearly less integrated with relatively high shares of unemployment.

Female migrants of most origin countries have a lower labour participation rate than Austrian women, except for Hungary, Romania and Slovakia, whose female labour activity is higher.

Substantial differences in activity rates exist among male workers as well, although men from the main origin countries (EU member states and Turkey) have relatively similar patterns. Turkish men have the highest labour force participation rate with only 14% of 25-64-year olds inactive. However, their unemployment rate is three times higher than of Austrian men. Most men from the Eastern European EU member states work (between 79% of Hungarian and 70% of Bulgarian men), while their unemployment rates slightly differ (between 3% among men from Hungary and the Czech Republic and 11% of Bulgarian men). Activity rates among men from Moldova, Belarus, Kyrgyzstan and Uzbekistan are similar to, or slightly below, those of Bulgarian men.

Figure 1: Labour force participation of immigrants from selected origin countries and native Austrians broken down by sex



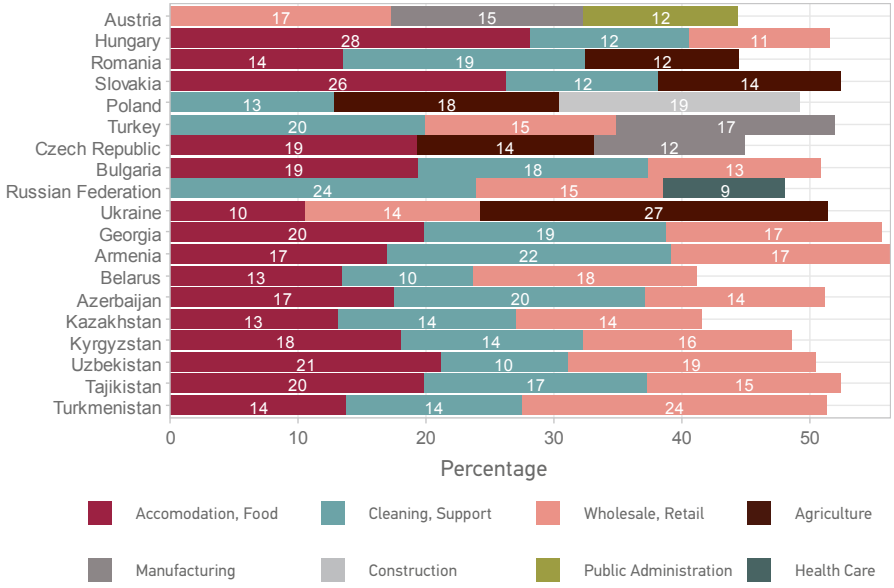
Annual averages of the three labour market states (working, unemployed, out of labour force) in Austria in 2018 (adults aged 25-64).
Source: Austrian Labour Market Database (AMS - Sozialministerium 2017), statistics and graph: Stefan Vogtenhuber/IHS.

Labour immigrants, in particular first-generation immigrants, predominantly occupy jobs, which the native Austrian labour force increasingly refuses to accept, thus creating distinct migrant labour market segments[3]. This is clearly visible in Figure 2. Most Austrians work in *Wholesale and Retail* trade (17%) - an equally popular economic sector among foreign workers - followed by Manufacturing (15%) and *Public Administration* (12%). The latter does not feature among most popular economic sectors of any other origin country. Meanwhile, work in *Manufacturing* is also widespread among migrants from

3. The need for high skilled labour in Austria is predominantly filled by German workers.

Turkey (17%) and the Czech Republic (12%). Foreign workers mainly occupy positions in *Accommodation and Food and Cleaning and Support Services*, as well as *Agriculture*, where more than a quarter of all Ukrainians and 18% of Poles work. Even more Poles are working in the *Construction sector*.

Figure 2: Top 3 economic sectors of workers according to origin country in 2018



Annual averages of adult workers aged 25-64. Source: Austrian Labour Market Database (AMS - Sozialministerium 2017), statistics and graph: Stefan Vogtenhuber/IHS.

Migration Effects and Policy Options

Over the past decades, receiving countries have increasingly shifted towards selective immigration regimes that target skilled labour. The fact that the more educated are more likely to emigrate may pose a threat to the socio-economic development of middle- and low-income countries, which are increasingly affected by brain drain (Boeri et al. 2012). However, more recent studies have challenged the traditional notion of a predominantly negative brain drain effect and suggested that continuing labour migration prospects abroad enhance education and skill formation at home. Moreover, these effects are large enough for origin countries to compensate for their initial losses (Docquier and Rapoport 2012). This literature shows that even high-skilled emigration can generate positive externalities through trade and foreign direct investment.

The positive feedback effect is amplified when the migration is temporary and when people return to their origin countries whilst in working age. In addition to the remittances they may have paid, they may bring with them financial and human capital attained during their stay abroad, which may contribute to economic activity.

Countries negatively affected by emigration have considered different policy options as a response to the brain drain. Their public education may focus on skills that are either country specific or in low demand in destination countries, or pay less attention to education that provides internationally transferable skills. Countries following this policy path possibly end up with too many trained lawyers (country-specific) and too few natural scientists, engineers or health care professionals. Poutvaara (2008) has shown that the introduction of income-contingent student loans repayable upon emigration or graduate taxes can compensate for the loss in taxes associated with the brain drain and thus contribute to the retention of diversified education. Nevertheless, adjusting the public provision of higher education could be part of a policy response to the departure of highly skilled labour. When predominantly the better educated leave, the feasibility of educational subsidies diminishes and/or public finance needs to increase tax rates.

Encouraging students to study abroad and obtain foreign qualifications is another policy option for sending countries. In this case countries can "free ride on destination countries' foreign education programs [which] certainly represents a source of fiscal gain, especially for small countries suffering from very high emigration rates" (Docquier and Rapoport 2012, 720). Outsourcing higher education this way may, however, increase inequality in access to education, and, because it likely increases job prospects in the training country, it may further stimulate the brain drain. Alternatively, governments could aim at retaining skilled labour by increasing educational spending in order to improve the quality of domestic education (Lien 2008). This may alleviate the brain drain problem because improving educational quality will reduce the number of individuals who leave the country to study abroad.

Policy options in high-income countries that attract migrants focus on shrinking domestic populations and the financial viability of the welfare state. Concerning the labour market, labour shortages in several economic sectors and the need for skilled immigrants to fill the vacancies have to be addressed by education and labour market training policies, but also in terms of attracting foreign labour.

Recent developments in Eastern European countries have had a great impact on Western European countries, and particularly on Austria. For example, the sizable labour migration flows from the Visegrád states[4] to Austria will unlikely continue because of their shrinking working-age populations and their catching-up in terms of socioeconomic conditions and standard of living (Astrov 2019). Moreover, a large share of migrant workers from neighbouring EU Member States are seasonally employed in agriculture and tourism (accommodation and food service sector) in Austria, predominantly in border regions closest to their home countries, including cross-border commuters (Schmieder and Weber 2018). Because of these demographic and economic changes in the neighbouring EU states, in the future Austrian employers may need to increase wages and/or attract workers from farther away regions in Eastern Europe and Central Asia. However, this will also affect the housing needs since workers will no longer be daily or weekly commuters, but rather require longer stay arrangements.

4. Poland, Czech Republic, Slovak Republic and Hungary

Implications and Policy Recommendations

Since labour migration concerns regions, which are highly interwoven with each other, it requires intensified cooperation at all policy levels. First, policy makers should keep track of demographic transitions across countries in relation to phenomena associated with international migration such as remittances, return migration, and possible incentives of migration opportunities on skills and human capital formation. This implies the need for better data on migration patterns and flows that will help to better understand the reasons and impact for individuals, intermediate organisations and countries.

Immigration flows result from a multi-layered mechanism in which political regulations in sending countries as well as self-selection processes of potential labour migrants in these countries play an important role that needs to be considered.

Western European countries still have less selective immigration regimes as compared to other traditional countries of immigration like the United States, Canada or Australia. There is therefore ample room for more selectivity at a time when calls for changes in European immigration policies have increased in light of shortages of skilled labour. However, the right policies to achieve the goal of raising education and human capital endowments of immigrants are far from being straightforward. Immigration flows result from a multi-layered mechanism in which political regulations in sending countries as well as self-selection processes of potential labour migrants in these countries play an important role that needs to be considered. Host countries may thus be unable to change the composition of its immigrant populations a lot. As a result, they might need to adapt their labour market training policies to better accommodate for the needs of both immigrants and the labour market. Better assessing the formal and informal competencies and improving their recognition will likely contribute to a better utilisation of the skills of immigrants.

However, introducing more quality-selective policies to attract high-skilled labour to tackle labour shortages will most likely increase the brain drain in sending countries. This might provoke policy responses in origin countries that limit investment in skill formation and the supply of skilled labour. As a result, receiving countries whose economies increasingly depend on (skilled) migration need to be aware about the impact of adopting more selective immigration policies.

Emigration countries should recognize the positive human capital externality when considering policy options. This will guide answers to questions like whether to increase or reduce public expenditure on education in general, and whether to prioritise public expenditure on country-specific or internationally transferable skills. The origin countries will require policies that compensate for the negative brain drain effect. Overall, cutting down spending on education or limiting it to not internationally transferable skills should be avoided, while investment in the extent and quality of education encouraged.

Options such as student loans or graduate taxes that are repayable depending on income and/or actual emigration might be introduced. Encouraging people to attain a qualification

abroad may also be a viable policy option. This will likely increase permanent emigration and brain drain but it may also stimulate foreign investment and drive remittances.

The need for comprehensive information of high quality is a reoccurring problem. Building on initiatives like the OECD `s international migration database[5], a data infrastructure that monitors important characteristics of labour migrants and encompasses more countries and individual characteristics should be established. Immigrant inflows and emigrant outflows should be recorded according to both the origin and destination country as well as the nationality of the mover, along with a host of sociodemographic information (sex, age, education and occupation). The information should then be made readily available to policy makers, researchers and the wider public to allow for informed policymaking and news media content as well as high-quality research.

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Russia's migration policies after the dissolution of the Federal Migration Service

Dmitry Poletaev

Executive Summary

Following the dissolution of the Federal Migration Service (FMS) of Russia in 2016, the national migration policy has undergone a swift reorientation towards a law-and-order approach to migration management. Given the exacerbation of the demographic challenges and the resulting economic ones for the country, this security-centred approach bares various risks. These range from the sphere of interethnic relations to the attractiveness of Russia for migration, the increased dissociation within the Russian society and reduced efficiency of migration management overall. This policy brief outlines the key effects of the recent institutional reform, identifies the main migration policy challenges and proposes practical steps to modernising Russia's migration management system.

Context

The year 2016 saw the complete dissolution of the FMS.

Over the past twenty years, the institutional setup of migration management in Russia has changed repeatedly. The institutional restructuring was often associated with either tightening or loosening of control over migration processes and, particularly, over immigration to Russia. The Federal Migration Service, first established in 1992, was shut down in the year 2000 and then re-established under the auspices of the Ministry of Internal Affairs (MIA) in 2002. This step already manifested the shift towards a law-enforcement centred approach to migration. By 2009, however, all major migration management functions (e.g. residence permit issuance, registration functions, labour permits and even deportations) gradually returned to the FMS. In 2012, it became an independent civil federal agency again (Volokh V., 2017).

Despite the massive scale of international and internal migration in Russia[1], the year 2016 saw another transfer of the migration management portfolio from the FMS to the General Administration for Migration Issues under the MIA, resulting in the complete dissolution of the FMS[2]. It did not take long to see the impact of this decision. Already in 2017, the Head of the Investigative Committee of Russia, Alexander Bastrykin, called for tightening the control over migration flows into Russia (RIA Novosti, 2017). In 2018, the government amended the Law on Migration Registration of Foreign Citizens[3], entrusting property owners who rent their apartments to labour migrants, with the responsibility to register and unregister the migrants' place of residence. In reality, the property owners are usually reluctant to register the migrants, thereby preventing them from registering at all and putting them at risk of deportation.

1. In the period 2015-2017, the number of labour migrants in Russia amounted to 4-5 mln people per year. In 2017, Russia recorded 16 mln border crossings by all types of international migrants. In the same year, the volume of internal migration accounted to 1.5-1.7 mln persons. See more Shcherbakova, Ye.M. (2017), 'Migration in Russia, preliminary results of 2017', Demoscope Weekly No. 763-764. http://demoscope.ru/weekly/2018/0763/barom01.php Accessed on 17.12.2018.
2. Official network resource of the President of Russia, 2016
3. Official network resource of the President of Russia, 2018

Amid the tighter immigration rules, the number of entry bans increased to 253.600 in 2018 as compared to 210.700 in 2017 and 229.000 in 2016[4]. The price for a work licence ("patent") continued to increase across the country and in Moscow in particular (TASS, 2019), while a considerable number of labour migrants work in the shadow economy. At the same time, the consultations with the expert community and non-governmental organisations (NGOs) – already restricted by the FMS - nearly ceased to exist or only allowed for limited participation. These changes alternate with the policies on attracting labour migrants[5] and compatriots to Russia, but they hardly can be considered comprehensive.

The institutional changes also resulted in the neglecting of several key migration policy aspects such as:

- The development of effective and differentiating mechanisms for attracting and recruiting of the foreign labour force needed by the Russian economy;
- The simplification of registration procedures;
- The humanitarian commitments towards forced migrants and asylum seekers;
- The policy area of integration, including efforts to improve the interaction between migrants and the host community.

Another consequence of the institutional reform relates to the national statistics and information exchange with external users. Following the dissolution of the FMS, the Department of Information Technology, Communications and Protection under the MIA inherited the ownership over the well-functioning information systems of the FMS. Meanwhile, the General Administration for Migration Issues under the MIA transformed into a mere user and customer of information (Chudinovskih O., 2018). Two years later, even the sharing of information with the state statistical office remains hampered. Simultaneously, the decline in the amount and quality of the official data published on migration in 2016-2018 complicates the understanding of the actual migration dynamics and allows for differing interpretations. In the absence of regular and comprehensive socio-economic research on migration requested by the state authorities, it is arduous to build a conceptually clear long-term migration policy.

Since 2015, the immigration to Russia has experienced a reduction and a gradual growth (Bobilev, 2019). The emigration of Russians, on the other hand, does not decrease in scale, leastways (Rosstat, 2017). As a result, immigration only partially compensates the natural population decline[6]. The decline in the working-age population may instead accelerate further[7].

4. Ministry of Internal Affairs of Russia, Migration indicators for 2017 and 2018
5. For instance, an amnesty was granted to migrants from Moldova, Tajikistan and Kyrgyzstan who had previously been banned from entering Russia. See here: https://tass.ru/mezhdunarodnaya-panorama/4061884; http://kyrgyzembassy.ru/?p=17908#.XIYowkxFxrE; https://www.fergananews.com/news/28247
6. In 2018, for the first time in 10 years, Russia recorded a demographic decline of nearly 87.000 persons.
7. Without immigrants, the total decline in the working-age population until 2030 is estimated to reach between 11 and 13 million people.

It is worth noting that various experts have persistently pointed out the potential negative consequences of such institutional reorganisation based on the experience of 2002. Against the background of a declining population, **the neglect of key components of the migration management system increases the risks of exacerbating the already existing problems, while also creating new challenges**. The inconsistency of the current migration policy is its biggest drawback.

Migration Policy Challenges: Attract and Integrate

Migration to Russia remains largely uncontrollable (Postavnin, V., Vlasova, N., 2017). Experts agree that at least 30 % of all labour migrants in Russia do not even have an opportunity to formalise their employment (Demintseva, E., Mkrtchan, N., Florinskaya, Yu., 2018). The **large scale of undocumented migration and informal employment** results not only from Russia's enormous informal economy sector[8], but also from the **unreasonably complicated administrative and bureaucratic procedures.** The migration system itself thus opens a big window of opportunity for abuses and creates the basis for labour exploitation, including cases of human trafficking, forced and slave labour. At the same time, it also harms the Russian economy through the degradation of labour practices, by undermining the competition in the labour market and by hampering the collection of taxes (Poletaev, V., Olimova, E., Nasritdinov, E., 2016).

Whereas Russia has declared its interest in attracting migrants and compatriots to reside in the country, the administrative barriers often hamper the obtaining of a legal status and employment in Russia. The migration policy thus contradicts the strategic goal of enhancing immigration in order to counter the demographic crisis.

The profile of labour migrants in Russia has also changed significantly over the past decade. There are ever more female migrants and families with children entering the country. The majority of migrants are poorer than those who used to arrive in previous years. Most of today's labour migrants originate from smaller towns and villages with fewer educational institutions. Their lower educational level does not allow compensating the losses suffered from the emigration of highly educated Russians. This trend subsequently has been reducing Russia's economic potential and worsening the quality of its human capital. The cultural differences, including religious and linguistic aspects, **aggravate the cultural distance between the newly arriving migrants and Russians.** The growing share of Central Asian migrants naturally increases the number of their communities in Russia (Poletaev, D., 2017 and Poletaev, D., 2016). All these changes have an immediate impact on the relations between the migrants and the host society, but yet remain poorly articulated in the migration policy.

8. According to Rosstat (March 2017), at the end of 2016, employment in Russia's informal sector economy was at its highest since 2006. In 2016, 15.4 mln people were employed in the informal economy, or 21.2% of the total number of those employed. See 'Informal economy in Russia has grown to a record size' (2017), RBK https://www.rbc.ru/economics/17/04/2017/58f4b8789a7947c1418ff1af Access date: 17.12.2018.

The lack of trust between the migrants and Russians is also worth noting. Whereas the distrust rarely develops into open hostility, one can speak of the **'parallel existence' of Russians and migrants.** The emergence and growth of 'parallel communities' inside the Russian cities has resulted from the lack of appropriate and effective services for migrants and from their exclusive reliance on their family and kinship networks. Long-term research on migration in Russia (e.g. Zayonchkovskaya, Zh., et al, 2014, and Mukomel, V., 2012) shows that labour migrants, especially from Central Asia, rely predominantly on their relatives and friends, while the level of communication with the local population remains low (Poletaev, D., 2018). As a result, there are now ethnic cafes primarily serving migrants, sport clubs where coaches with migration background teach migrants, or migrant clinics, where doctors provide medical services to migrant workers in their Central Asian mother tongues. Moreover, the migrants usually tend to mobilise their informal networks in order to address their residence and employment issues (Demintseva, E., Peshkova, B., 2014; and Kashnitsky, D., Demintseva, E., 2018). The existence of such 'parallel communities' represents a serious challenge since it boosts dissociation in Russian society and complicates the oversight over migration and integration.

Furthermore, Russians are noticeably migrant-phobic. Whereas the level of migrant-phobia seems to have somewhat decreased in 2017 (Levada Centre, 2018), it remains very high. According to a recent study, only 28% Russians are welcoming to migrants, 72% are wary, 77% believe that migration laws should be tightened, and 53% think that migration affects the economic development of Russia negatively (Anketolog.ru, 2018).

The boundaries between locals and migrants are reinforced by **the lack of comprehensive adaptation and integration programs** that would stimulate the migrants' involvement in the social and cultural life and assist them overall. At present, the limited support mainly consists in the provision of free education for migrant children in Russian schools[9], as well as free medical care in emergency cases, including childbirth. These elements, however, do not represent a cohesive migration policy (Poletaev, D., et al, 2018). The lack in public funds and efforts to integrate migrants have further exacerbated the related problems and challenges. This also applies to the MIA, which has neither developed nor implemented any substantial integration or adaptation programs (MIA, 2016).

The boundaries between locals and migrants are reinforced by the lack of comprehensive adaptation and integration programs.

The public dialogue and cooperation between the state authorities and formal diaspora associations, which have existed since the time of the FMS, have also provided little benefit. The diaspora associations mainly focus on preserving their national cultures, traditions and languages, rather than on ensuring the integration of their compatriots. Besides, some diaspora associations try to profit from their interaction with local authorities by offering their legal services to migrants against remuneration. The Russian NGOs ensuring direct assistance to migrants meanwhile hardly participate in this dialogue. The existing state of affairs thus preserves the isolation of the migrants and complicates their integration.

9. Read more about the challenges of migrant children access to schooling system in the Analytical repot "Addressing the Challenges of Labour Migration within the EAEU" https://www.pragueprocess.eu/en/migration-observatory/publications/document?id=175 Accessed on 01.11.2019

All prospects for a modernisation of the Russian migration policy relate to the new State Migration Policy Concept of the Russian Federation for 2019-2025[10], adopted on 31 October 2018, and on the Action Plan for its implementation.[11] The key message of the new Concept is the acknowledgement of the existing demographic and related economic problems and of the need to improve Russia's attractiveness towards (skilled and highly skilled) migrants and compatriots living abroad. The migrants in the new Concept are perceived through the prism of development. Meanwhile, the accompanying Action Plan aims to address the widely criticised policy gaps, including the remaining administrative barriers, the lack of engagement with the diaspora or some missing measures to combat irregular migration[12].

Priorities and Recommendations

The implementation of migration policy on behalf of the MIA manifests the alienation from its important socio-economic component and simultaneous focus on a law-and-order approach to migration management. The small number of civil experts from outside the law enforcement agencies, as well as migration research experts within the staff composition of the General Administration for Migration Issues under the MIA hampers both the successful management of the experienced immigration and any substantial progress concerning the integration of migrants. Delegating certain functions in the field of migrant integration and adaptation to NGOs on a competitive basis, while equipping the Federal Agency for Nationalities with the respective control functions over this area, may represent a possible solution in this context.

An efficient implementation of the national migration policy would further require a **modernisation of the existing interagency cooperation.** Nowadays, the responsible ministries and agencies work together upon direct instruction of the Government. This cooperation, however, remains incomprehensive. In the absence of a single dedicated agency responsible for migration, the Federal Agency for Nationalities yet again could assume a coordinating role, paying due attention to socio-economic and humanitarian issues. The Russian migration policy could further benefit from the establishing of an **institute of scientific expertise**, which could review the administrative decisions and review migration laws against anti-corruption criteria. Importantly, this institute could envisage a more active role for the expert community, international organisations and NGOs.

The **existing administrative barriers** prevent the development of a flexible and comprehensive migration policy. The obsolete and inefficient registration system, which resembles the rigid Soviet residence system *(propiska)*, may represent the greatest barrier. Its modernisation is a very important and long overdue step. Changing the registration

10. Official network resource of the President of Russia, 2018

11. The Concept aims to improve the following: Repatriation and voluntary relocation of migrants capable of integrating into the society; Entry and stay of foreigners contributing to economic, social and cultural development of the state; Creation of conditions for adaptation/integration of foreigners to legal, socio-economic, cultural and other living conditions of the country; Educational migration; Actions tackling the disproportional distribution of population across the country; Actions combating irregular migration and violation of immigration law; Assistance to persons seeking international protection.

12. More on comparison of the previous Concept with the new one, please read: http://russiancouncil.ru/analytics-and-comments/analytics/novyy-posyl-migratsionnym-organam-obshchestvu-i-migrantam/?sphrase_id=25951590 Accessed on march 08, 2019

system to a notification-based one and the issuing of individual tax identification numbers for migrant workers could solve this problem while also strengthening the control over tax payments.

The lack of sustainable and properly funded integration programs at the federal and regional level bares various negative effects on migration management, increases the risks of conflicts between the local population and migrants and hampers the fight against xenophobia. The streamlining of effective but still dispersed integration elements and their upgrade into comprehensive programs could represent a first step to overcome this policy gap. An analysis of existing integration measures, the identification of the most vulnerable groups of migrants and a stronger involvement of the relevant municipal authorities and NGOs would significantly improve the status quo.

More generally, engaging local governments and civil society institutions in the implementation of integration policies, along with the allocation of proper funding, belong to the immediate necessities in this area. A revision of the role of NGOs and the comprehensive use of their potential by the public authorities would be beneficial. There is neither a comprehensive mechanism for their involvement, nor proper funding allocated to support their work. This is why their capacities as service providers, legal experts or monitors of the migration policy implementation remain unused. Instead, their important role in providing direct assistance and information to migrant workers and their family members should be recognised and expanded across all migrant-receiving regions and municipalities. This initiative could be financed by dedicating parts of the income raised by the patent (licence) system to it. Following the example of the Sakharovo Multifunctional Migration Centre (Moscow region)[13], similar centres could be established elsewhere as well. Supervised by the local authorities, they issue patents, oversee the work of the local NGOs and could possibly contribute to perceiving migrants as an economic asset that can boost economic growth and benefit the country.

The development of a comprehensive labour migration system could address the need of attracting labour force and support its legal employment. The State Program for the Reception of Compatriots - the only comprehensive federal program in the migration sphere - could serve as an example whereby the future system would encompass the assessment of labour market needs, including monitoring and forecasting, and ultimately improve the mechanisms for attracting foreign labour force. The private sector, private employment agencies and NGOs should be involved into developing the formal infrastructure for enhancing labour migration. This infrastructure shall entail information services for migrants concerning employment opportunities, residence rules, accommodation, education, certification, medical care and protection of rights. With the support of the Russian employers' associations, the Russian colleges and universities could facilitate the professional training and retraining of foreign workers. Large business would benefit from organised recruitment schemes, as they would facilitate the recruitment of specialists possessing the required qualifications. Such schemes should inherently ensure pre-departure training in the countries of origin. They should also

13. The Multifunctional Migration Center in Sakharovo was established by the Economic Department of the Government of Moscow in 2015 to receive foreign citizens in Moscow and is the only organization which officially processes and issues work patents. The migration center in Sakharovo can receive about 5,000 foreign citizens per day. https://mc.mos.ru/worker/worker-main

involve local NGOs to support awareness raising on the risks of migration, such as forced labour and human trafficking in Russia.

Since the right solutions require **reliable migration statistics**, the state needs to invest into their advancement, including data collection through tailored periodic sample surveys and the accompanying analysis.

Finally, the state shall **foster the development of economic and cultural ties with the Russian diaspora abroad,** support the learning of the Russian language and stimulate academic migration. The positive experience of the Federal Agency for CIS Affairs, Compatriots Living Abroad, and International Humanitarian Cooperation (Rossotrudichestvo), which leads the work on the diaspora, cultural diplomacy and promotion of the "Russian world", could serve as an inspiration in this regard.

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Countering Human Trafficking: Identifying, returning and assisting victims from Ukraine

Andryi Orlean

Executive Summary

The emergence of atypical human trafficking schemes poses new challenges to Ukraine's authorities in terms of identifying, returning and assisting the trafficking victims. The most problematic cases feature the involvement of trafficking victims into criminal activities abroad. As the public authorities often fail in making a coordinated effort and in gaining the trust of the trafficking victims, the successful response to human trafficking continues to depend considerably on the active engagement of non-governmental and international organisations, as well as private persons. The state, however, has already accumulated sufficient experience in order to proactively assume its responsibility for the victims. In order to raise the level of trust towards the competent institutions and ensure an improved response to human trafficking, the state must address the remaining legislative gaps, improve the coordination between the responsible agencies and ensure that their personnel is properly trained and adheres to the principle of confidentiality towards the trafficking victims.

Context

Ukrainian nationals trafficked abroad: Scale and main trends

Ukraine is a source, transit and destination country for victims of human trafficking and other forms of exploitation. The main countries of destination for trafficking victims from Ukraine include the Russian Federation, Poland, Turkey and the United Arab Emirates. These countries feature the most court decisions and reports of trafficking cases, as well as assistance claims to governmental and non-governmental organisations on behalf of trafficking victims.

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According to official statistics, the number of victims identified in criminal investigations related to human trafficking in Ukraine amounted to 231 in 2018, 309 in 2017, and 86 in 2016[1]. The official number of persons who received the status of a trafficking victim has been similar: 221 in 2018 and 198 in 2017[2]. However, due to the latent nature of human trafficking, these figures do not reflect the actual reality. This is manifested by the number of THB victims who were assisted by international and non-governmental organisations: in 2018, 1,265 victims were assisted in Ukraine as compared to 1,256 victims in 2017 and 1,015 in 2016[3].

1. Statistics of the Prosecutor General's Office of Ukraine: https://www.gp.gov.ua/ua/stst2011.html?dir_id=113656&libid=100820# Access date June 20, 2019
2. Ministry of Social Policy of Ukraine website: https://www.msp.gov.ua/timeline/?t=165&from=&till=&m=19#tagpanel Access date June 20, 2019
3. 2018 Department of State Trafficking in Persons Report: https://ua.usembassy.gov/wp-content/uploads/sites/151/UKRAINE-2018_TIPReport_FINAL_Ukr.pdf Access date June 18, 2019

In recent years, the work on detecting and preventing the trafficking of Ukrainian nationals abroad has been intensified. The State Border Guard Service plays a significant role in this process. In 2017, it prevented trafficking of 151 potential victims, including 82 children[4].

The largest share among the trafficking victims ends up in the Russian Federation, which also shares the longest border with Ukraine. Most often, the victims are trafficked to the city of Moscow (or wider Moscow Region) and forced into providing sexual services in brothels, nightclubs, or otherwise exploited in construction, in the illegal production of alcohol and other economic sectors. There are also cases of Ukrainian victims subjected to forced begging in the public space.

Ukrainians residing in the occupied Crimean peninsula and parts of the Donetsk and the Lugansk Regions – the territories, which Ukraine cannot effectively control today - find themselves in a particularly vulnerable position. The migration flows originating from these regions lack control by the official structures of the state. According to unofficial reports, the recruitment of child soldiers has become common in these districts.[5]

Within the European Union, the main countries of destination for Ukrainian labour migrants are Poland, Germany, Italy, Spain and the Czech Republic. Once there, these migrant workers often become victims of labour and sexual exploitation. Most victims are young women forced into sexual services in nightclubs and into the production of porn videos, including online broadcasting. The exploitation of men is less widespread across the EU, mainly occurring in the form of irregular employment in the construction and manufacturing sectors.

In Turkey and the United Arab Emirates, Ukrainian victims are also mostly subjected to sex trafficking. These victims are almost invariably young women who faced financial difficulties back home and left to work abroad.

There are also individual cases of recruitment and trafficking of Ukrainian nationals for illegal organ removal. For example, Ukraine convicted a recruiter who brought two Ukrainian nationals to the Republic of Sri Lanka, where their kidneys were removed in the clinics of Colombo[6].

In general, sexual exploitation remains the most common form of trafficking among Ukrainian victims. However, the number of identified trafficking cases for labour exploitation purposes and cases of children trafficking have been increasing lately.

4. Report on Implementation of the State Social Program on Countering Human Trafficking until 2020: https://www.msp.gov.ua/timeline/?t=165&from=&till=&m=19#tagpanel . Access date June 28, 2019

5. 2019 Trafficking in Persons Report: https://ua.usembassy.gov/wp-content/uploads/sites/151/Ukraine-2019-TIP_-Country-Narrative-FINAL_Ukr-new-.pdf Access date June 25, 2019

6. Case No. 760/9149/14-k // Sentence of the Solomyansky District Court of Kiev dated 17.06.2015: http://reyestr.court.gov.ua/Review/45836432 Access date June 25, 2019.

New trafficking schemes

The most dangerous trafficking schemes of the recent past have made use of legislative gaps for trafficking of newborns, as well as trafficking of Ukrainian nationals abroad for engagement into criminal activities related to the distribution and smuggling of drugs and smuggling of irregular migrants on sea vessels.

The trafficking of Ukrainian nationals abroad for engagement into criminal activities is one of the most dangerous trafficking schemes.

In terms of drug smuggling, one of the best known cases, attracting a lot of public attention in Ukraine, has been the case of the "drug couriers". A transnational criminal group, which was also active in Ukraine in 2016-2017, recruited Ukrainians to work in the delivery services in the Russian Federation. The recruits were promised a high salary, reimbursed for their travel to be interviewed in Kiev, as well as for their train tickets to Russia, and provided with a mobile phone. Upon their arrival, instead of the promised work, the victims were forced to distribute drugs under the guise of couriers. Those refusing to distribute the packages of suspicious substances were immediately handed to the Russian police and subsequently prosecuted for possession or distribution of drugs. According to the Ministry of Social Policy of Ukraine[7], over 300 Ukrainians became victims to this trafficking scheme and ended up criminally prosecuted or even convicted in the Russian Federation.

In addition, there are cases of Ukrainian citizens recruited and trafficked to Brazil. In 2014-2016, under the pretext of a well-paid job, eight Ukrainians were brought to Brazil, where they were threatened or deceived in order to transport cocaine to Thailand, Ecuador or Laos. Those detained with drugs while crossing the borders have been under threat of a death penalty or long prison terms.

Another scheme concerns the involvement of Ukrainian sailors into the smuggling of irregular migrants. According to the Ministry of Foreign Affairs, ever more Ukrainians have recently found jobs as sailors in Greece and Italy. Forcibly or by deceit, they ended up smuggling irregular migrants to these countries. As a result, 186 Ukrainian sailors were detained in Greece, with another 150 sailors prosecuted in Italy[8] .

The attempts of the state authorities to return the trafficking victims to Ukraine have shown little success. In the case of the drug couriers, only 15 nationals convicted in Russia for distribution of drugs have returned to Ukraine to continue serving their sentences[9].

In cooperation with the Brazilian authorities, one Ukrainian victim was released and returned home, while another was awaiting the court decision, with two more serving their

7. Ministry of Social Policy of Ukraine website: https://www.msp.gov.ua/news/17068.html Access date June 18, 2019
8. In Italy, more than 150 Ukrainian sailors were detained, arrested or sentenced, in Greece – 186, as reported by the Ministry of Foreign Affairs Ukraine: https://interfax.com.ua/news/general/569269.html Access date June 18, 2019
9. Ministry of Social Policy of Ukraine website: https://www.msp.gov.ua/news/17068.html Access date June 18, 2019

sentences of 25 years' imprisonment[10]. In 2018, only 64 Ukrainian sailors were released and returned home[11].

Criminal schemes serving the trafficking of newborns have represented a particular challenge among the cases of child trafficking. Aiming for profit, criminals search for Ukrainian women with unwanted pregnancies, as well as for foreigners from the EU willing to "acquire" a child. Such illegal actions are often disguised as a surrogacy procedure, which is allowed in Ukraine. The traffickers use private medical clinics to issue fake documents confirming an alleged artificial insemination and arrange the fulfillment of all other formalities required by the surrogacy procedure. Once the child is born, the interested foreign clients come to Ukraine for the first time to record their parental rights and collect the child. In this way, the foreigners manage to smuggle Ukrainian children, who are biologically alien to them.

The trafficking of newborns from Ukraine is also possible due to legislative provisions, which allow to legally register any male indicated by the biological mother of the child as its father. To this end, it is sufficient to submit the necessary documentation on behalf of the mother and the "father" indicated by her, as well as the child's birth certificate. This legal loophole allows foreign men to come to Ukraine and attempt to smuggle Ukrainian children abroad. The state lacks the resources and instruments to control the fate of the children adopted by foreigners. To date, Ukraine has not ratified the 1993 Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, which could help facilitate an efficient control.

Existing challenges to combating human trafficking

Lack of coordination

Over a dozen state agencies[12] of Ukraine are responsible for the issues related to the identification and return of victims of human trafficking, with the Ministry of Social Policy performing the general coordination role among these various bodies. Meanwhile, the diplomatic missions and consular services of Ukraine carry out the key operational actions. These institutions supply Ukrainian nationals with the required travel documents, provide counseling and legal assistance, and facilitate the return of victims with no financial means. They are also required to observe the compliance with the rights of adopted children and respond to any violations in this regard.

10. Report GRETA (2018) November 2018. Published November 22, 2018: https://rm.coe.int/greta-2018-20-fgr-ukr-en/16808f0b82 Access date June 15, 2019

11. In Italy, more than 150 Ukrainian sailors were detained, arrested or sentenced, in Greece – 186, as reported by the Ministry of Foreign Affairs Ukraine: https://interfax.com.ua/news/general/569269.html Access date June 18, 2019

12. National Police, Ministry of Foreign Affairs, Ministry of Social Policy, State Border Guard Service, Ministry of Internal Affairs, Security Service of Ukraine, General Prosecutor's Office, Verkhovna Rada Commissioner for Human Rights, regional and municipal state administrations, etc.

In reality, the state authorities do not always properly understand the division of roles and responsibilities of each stakeholder when facing a concrete case. The procedure which is regulating their interaction[13] mainly aims at assisting those victims who apply for such assistance individually in Ukraine. It refers them to the competent agency authorized to address the specific query. Meanwhile, the actual identification of victims abroad and the provision of the necessary assistance to them remain unaddressed, both at the regulatory and operational level.

The lack of a proactive and coordinated effort on behalf of the competent state authorities became evident in cases involving Ukrainians recruited to perform criminal activities in other countries[14]. These cases concerned a large number of Ukrainian nationals criminally prosecuted abroad. Most of them were not granted a victim status within the Ukrainian criminal proceedings and did not know about the possibility and necessity of obtaining it. The communication with these victims was further complicated by their detention.

The actual identification of victims abroad and the provision of the necessary assistance to them remain unaddressed, both at the regulatory and operational level.

Instead of the state authorities, it was the relatives, friends, non-governmental and international organizations who took the most active role in such cases[15]. They arranged the lawyers for the prosecuted victims, found previously unidentified victims, facilitated the recognition of those detained abroad as victims, and supplied foreign law enforcement and judicial authorities with the information required for exemption from liability. The same international organizations[16] maintain several "hotlines" in Ukraine, providing telephone counseling and informing on anti-trafficking measures. Between 2006 and 2018, the IOM Ukraine "hotline" alone consulted 253,450 persons[17].

Distrust of the authorities

The reluctance of the victims to reach out to the government authorities and apply for a victim status seriously hampers assisting them. The all-Ukrainian NGO 'Coalition for Combating Trafficking in Human Beings' has identified a number of underlying reasons, including the fear of confidentiality breaches; lack of understanding of the benefits of the victim status; formalistic approach of the government authorities to victims; incompetence of the officials authorized to interview the victims. Moreover, the victims may fear the possible revenge of the traffickers or try to overcome the memories of their suffering, as well as question the ability of the law enforcement authorities to protect them and hold their perpetrators accountable.

13. Procedure for Interaction of the Entities Operating in the Field of Combating Human Trafficking, 2012: https://zakon.rada.gov.ua/laws/show/783-2012-%D0%BF Access Date June 25, 2019
14. Press conference on the issue: "The Ukrainian couriers case". Main Committee Press Center. December 5, 2017: https://www.youtube.com/watch?v=Wqe3dvzBzz4 Access date June 25, 2019
15. The current situation prompts significant logistical and financial participation of international and non-governmental organizations, such as the International Organization for Migration, Ukrainian Helsinki Committee for Human Rights, National Council of Women of Ukraine, NGO La Strada-Ukraine, Caritas-Ukraine, and many others implementing victim assistance programs in return procedures.
16. International Organization for Migration (IOM) Office in Ukraine, OSCE Project Coordinator in Ukraine, NGO "La Strada – Ukraine".
17. National Hotline to Combat Human Trafficking: http://www.527.org.ua/index.php/527/ Access date June 28, 2019

When deciding on whether to approach the government authorities, the victims tend to consider their own, frequently unfavorable previous experience in communicating with the state representatives, as well as the experiences shared by other victims. Since the victim status determination procedure[18] does not provide for any confidentiality measures, the victims often believe that the authorities may disclose the details of their exploitation to their relatives or the public. Moreover, the victims may be unaware of the free psychological, material and legal assistance available to them or doubt its quality.

Finally, the victims can only count on a small financial assistance by the state. The compensation for the damages suffered by them does not represent a priority for the law enforcement officials investigating these crimes. Without sufficient knowledge of the possibility to obtain material assistance or to file a civil lawsuit, the victims rarely approach the authorities.

The law enforcement authorities are not focusing on protecting the victims from repeated victimization.

It is important to note that the law enforcement authorities are not focusing on protecting the victims from repeated victimization. The victims instead are repeatedly questioned on the details of their story during the pre-trial investigation. Furthermore, they are required to testify in court so that the court can refer to them for its sentencing. There are no security guarantees in criminal proceedings, since an effective victim and witness protection system remains yet to be established.

The ineffective provision of assistance by the Ukrainian government authorities with regard to trafficking victims under the jurisdiction of other states is a separate issue. The actual implementation of the relevant recommendation, specified in Art. 26 of the Council of Europe 2005 Convention on Action against Trafficking in Human Beings, faces a number of challenges in Ukraine. The recommendation suggests not to impose penalties on the victims for their involvement in unlawful activities if they have been forced to commit them. To achieve this, Ukraine would first need to recognize the persons as trafficking victims. In reality, however, the investigation and collection of data confirming the victim status may start after the prosecution of the Ukrainian national abroad has taken place. Moreover, the victims often end up in situations of deceit or exploitation of their vulnerable position, rather than coercion, as provided for in the Convention. On this basis, the respective states often refuse to exempt them from punishment or criminal persecution. There are ways to ensure a mitigation of the punishment, pardon or transfer individuals for serving their sentence in Ukraine, but even such solutions depend on the laws applicable in the state of prosecution. Lastly, these processes lack clear and elaborated inter-state and intra-state regulations and involve a broad range of stakeholders, whose individual actions may block the entire undertaking.

The State has the opportunity to mitigate many of these deficits by increasing the level of trust in the government authorities, as well as by raising the public awareness of the real possibility to obtain help and support.

18. Procedure for Determining the Status of a Human Trafficking Victim. 2012: https://zakon.rada.gov.ua/laws/show/417-2012-%D0%BF Access date June 25, 2019

Recommendations

In the regulatory sphere, the competent agencies of Ukraine should develop and implement **clear standards for interaction between the government authorities** in the field of identification and return of victims of trafficking. Such standards should include detailed operation modalities for each agency involved, the concrete forms and procedures for interaction between the competent bodies, as well as towards partner agencies in other countries, but also citizens, non-governmental and international organizations. These standards could be ensured by updating and further elaborating the current *Procedure for Interaction of the Entities Operating in the Field of Combating Human Trafficking.*

To avoid delays in the exchange of information and decisions among the responsible authorities, **the processes of their interaction and coordination should be simplified.** In particular, it is worth maximizing the use of the Internet for communication, as well as electronic systems for planning and organization of the work. The implementation of modern technical solutions should ensure the possibility for different agencies to work simultaneously, thereby reducing the response and decision-making period.

When addressing concrete cases, there is a necessity to **identify the concrete areas in which each government agency should take the lead** and thereby actively manage the process, involving other government agencies, as well as non-governmental and international organizations in addressing specific issues.

To **help address the issue of trafficking in children**, it is necessary to **ratify the 1993 Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption**, as well as to create, on its basis, efficient procedures for monitoring the fate of children adopted from Ukraine. Such mechanisms should also be reflected in the *Procedure for Interaction of the Entities Operating in the Field of Combating Human Trafficking.* It is necessary to continue **improving the monitoring of surrogacy procedures for foreigners.** This should allow to prevent and promptly identify falsified documents and other actions applied for smuggling of children.

To **increase the trust of trafficking victims** in the state authorities, it is important to **ensure the principle of confidentiality** towards the victims and to embed this principle in the *Procedure for Determining the Status of a Human Trafficking Victim.* Upon approaching the government authorities, all victims should learn about the full confidentiality granted to them. Moreover, the personnel shall be selected well and trained in a way to first and foremost ensure and restore the rights of the trafficking victim.

The state should also establish the appropriate legislative framework for the functioning of the **witness protection program** for criminal proceedings inside Ukraine. Based on the experience of other countries (e.g. Italy, Germany, Slovakia etc.), Ukraine could also apply this program to victims of trafficking.

The information on the existing free psychological, material and legal assistance available to victims of trafficking has to be disseminated more efficiently, especially among potential victims. This can be achieved through social advertising and printed informational materials. The good practices of informing the victims about the state bodies authorized to issue the status of a trafficking victim and the benefits of such a status should remain in place. The access of the victims to the status determination procedures and all necessary assistance shall be continuously simplified and improved.

Given that the successful implementation of the proposed measures largely depends on the work of government officials, special attention should be paid to their **systematic training**, which should focus on the following key aspects:

1) assisting victims in preparation and filing of a claim for compensation of damages within criminal proceedings;

2) minimizing re-victimization factors during pre-trial investigation and judicial review;

3) ensuring the safety of victims should their life and health come under threat. When organizing staff training and work, personnel shall be encouraged to ensure confidentiality of information pertaining to the nature of the victims' exploitation. Meanwhile, each stakeholder shall ensure proper specialization of its anti-trafficking personnel.

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The impact of COVID-19 on Ukrainian labour migrants in Czechia, Hungary, Poland and Italy

Ruslan Minich
Pavlo Kravchuk

Executive Summary

The policy brief scrutinises the main effects of the coronavirus pandemic on Ukrainian labour migrants who form the largest group of foreign workers in the European Union (EU). The four EU member states featuring the most significant number of Ukrainian workers are in the focus, i.e., Poland, Italy, Czechia, and Hungary. The challenges that migrants encounter nowadays include unemployment and the loss of their livelihood because of the crisis, overstays, and difficulties with return when countries impose travel bans for foreigners. Meanwhile, the host country economies suffer from the lack of migrant farmworkers who are essential for the food supply chains.

The countries in focus address these issues with varying success. Here we aim to show what works and what does not. For instance, the host countries may allow for online applications and organise journeys for seasonal workers from Ukraine to sustain their food supply chains. Meanwhile, Ukrainians toiling and moiling abroad would benefit from longer-term stay permits to find a new job and from being relieved of the required connection to a particular employer or position. More information in Ukrainian language would help labour migrants to protect their rights and get some host state support. Furthermore, chatbots[1] may help to manage the communication overload suffered by the competent authorities. Tailor-made support and more options of return would assuage the plight of those who lost their livelihood.

Current Context

The coronavirus (COVID19) pandemic put the world on pause in spring 2020. Entire countries are in lockdown including most of the Prague Process states. People are forced to stay at home. Many states declared emergency and sealed their borders off.

On 16 March, the European Commission recommended restricting non-essential travels to the EU for third-country nationals for 30 days. The member states followed the plea. Everything was happening fast, taking people by surprise.

The national economies have suffered a nosedive because of these measures. The unemployment is rampant. The situation is exacerbated for the countries whose food supply relies on seasonal migrant workers planting and harvesting crops. Their entry is hindered by travel bans and other restrictions.

Those labour migrants remaining in the host country face other challenges. Some lost their jobs and struggle to find a new one. Others face the expiration of their residence and work permits, which are even harder to renew when offices are closed and you are forced to stay home. When the situation and policy measures are changing so fast, it is hard

1. Chatbots are computer programs that can hold a conversation with a person, usually over the internet (Oxford Advanced Learner's Dictionary).

to keep up. Foreigners may encounter additional difficulties in fully understanding these developments in a foreign language. This is particularly an issue for circular short-term migrants.

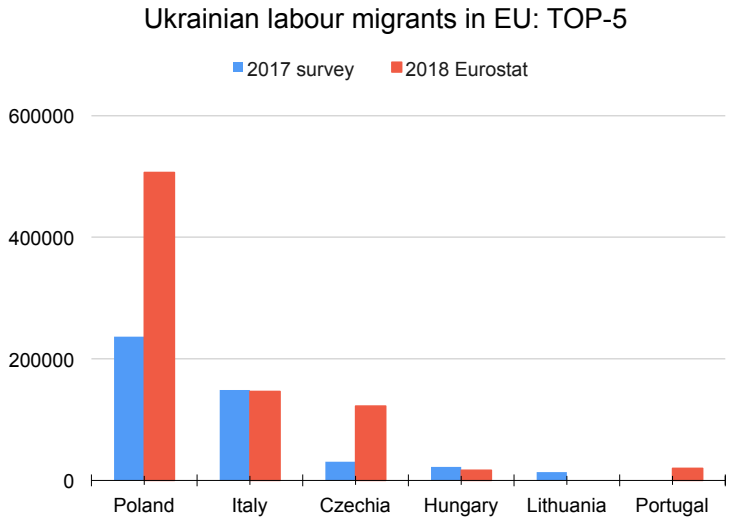
Countries are often forced to respond fast. As a result, some challenges that might return when the situation is back to normal will remain unaddressed. For instance, the legalisation of stay after the pandemic or the movement of people without valid documents.

A better design of policy measures can relieve the plight of labour migrants which are among the most vulnerable in the context of the new reality.

The challenges that labour migrants and governments are facing right now are both unique and typical. They require fast response to keep economies running and prevent human rights violation safeguarding public health.

This should not imply that economy comes before health. The lockdown is necessary to save lives. At the same time, a better design of the respective policy measures could relieve the plight of labour migrants who are among the most vulnerable in the context of the new reality. Here we focus on the challenges that Ukrainian labour migrants face in Poland, Italy, Czech Republic, and Hungary because of their COVID19-related policy measures.

Ukrainians belong to the largest migrant groups with valid residence permits in the EU. According to Eurostat and the Ukrainian State Statistics Service, Poland, Italy, Czechia, and Hungary represent leading destinations for Ukrainian citizens in terms of all valid permits for remunerated activities.



Sources: All valid permits for remunerated activities, 2018, Eurostat; Number of labour migrants, 2017 survey of State Statistics Service of Ukraine

In addition, many Ukrainians in these countries may work in spite of having a different residence status. For instance, Italy issued 76 thousand residence permits to Ukrainian citizens for family reunification (valid as of 2018), turning them into the largest migrant group in this sphere. Hungary granted citizenship to at least 90 thousand residents of the Ukrainian Zakarpattia region. Meanwhile, Czechia is known as key destination for thousands of Ukrainians working irregularly or were posted there with Polish visas.

The pandemic timeline

Already in January and February, when Europe had not yet been hit by the pestilence, first analyses on the effectiveness of travel restrictions appeared in the public discourse. Italy registered the first two cases of COVID-19 on 30 January and suspended all flights to China on the next day. On 11 February, the World Health Organisation for the first time conceded that travel restrictions "may have a public health rationale" if they are short-term and proportional.

By mid-March, Ukraine and the four countries in focus had all closed their borders for foreigners, albeit with some exceptions, and fully or partially suspended air, bus and sea traffic. All countries issued lockdown measures, requesting their populations to stay home. Ukrainian labour migrants staying and working in these countries are directly affected by these measures for at least two months. The dire consequences could meanwhile linger for a longer period.

Policy Options

Layoff and job shift

All four countries legalised the stay of migrant workers whose documents expire. As a next step the governments could ease the job shift.

While some industries are stranded and bear the brunt of coronavirus-related restrictions, others struggle with labour shortages. Therefore, the governments could ease the flow of workers from mothballed businesses to the thirsty ones.

To date, there are neither statistics available concerning the most recent developments in individual labour market sectors, nor about the mobility of workforce between them. We can nevertheless assume that such mobility is taking place to some extent.

The Embassy of Ukraine in the Czech Republic has received numerous queries from migrant workers regarding the possibility to change their employer[2]. Consequently, this issue now also features in the online form set up to support those in need during the ongoing pandemic. The need to switch jobs may thus figure among the current priorities for Ukrainians in Czechia.

2. From the email response of the Embassy of Ukraine in Czech Republic to author's request, 10 April

In the Facebook group 'Ukrainians in Budapest', there are occasional job announcements (e.g. for machine operators, sewers, loaders). In Poland, there is extensive demand for workers in trade, transport, logistics, construction or agriculture. Our interviewees in Italy, however, have not noticed a surge in job announcements in those particular sectors, which might require more workforce because of the scourge. One mentioned more working hours at the box-producing factory where her husband works[3]. We may thus estimate that job changes among Ukrainian labour migrants occur in all countries in focus except Italy. However, in how far do the countries allow for this?

All four countries legalised the stay of migrant workers whose documents expire to keep them on the labour market. In practice, however, it is not always easy to change jobs.

The Czech Republic, for instance, as of 19 March released employee card holders from the need to work for at least 6 months before being able to change their employer or job position. At the same time, work permit holders still have to apply for a new work permit if they change job. Moreover, business people have to wait 30 days and, only if no local applied for the position, can hire a foreigner. However, they need workers right away to respond to emergencies linked to the coronavirus.

Ukrainians and other foreigners in Poland and Hungary also have limited possibilities to change jobs, as this requires new documents. People hired and registered by Polish temporary agencies are in a better position now. Those agencies were vituperated for bending the laws before. Whereas they formally hire a person, this person in fact works for another company. However, they can now transfer workers to other companies without the need to issue new documents since they formally work for the agency.

If a person lost a job, which is common considering the exceptional circumstances, s/he is in a worse plight. In Czechia, you have to quickly find a new employer and in Hungary almost immediately. Employee card holders in Czechia[4] can stay only when they have a job while work permit holders have 60 days to find a new one. Ukrainian labourers in Poland have 30 days. Hungarian employers have to notify migration authorities about the end of employment within 5 days while the employee has 8 days to appeal or find a new job after the notification. After this time expires, they must leave the country when there is no other legal ground to stay.

Return can still be an option

While Ukrainian labour migrants are stuck in their host countries, there are ways to return for those in urgent need. However, many obstacles prevent them from using this possibility, including those applied by their own country.

Ukraine closed most of its border crossing points and banned cross-border bus, pedestrian and train traffic on 16 March. The only remaining option was to travel by car. Moreover, the restrictions made many people think that they would not make it into the country anyway.

3. Interview with the author, 1 April, 8 April. 2. From the email response of the Embassy of Ukraine in Czech Republic to author's request, 10 April
4. An employee card issued by the Czech Republic is a long-term residence permit for the purpose of employment in the Czech Republic. It combines both the residence and work permits (Labour Office of Czech Republic).

In their attempts to return from Czechia and Italy through Belarus, Austria, Hungary or Romania, Ukrainian workers still fear fines at the border.

Therefore, many Ukrainian migrants based in Poland and Hungary desperately tried to return home earliest possible, which led to queues and crowds at the open border posts. Meanwhile, those without a car had to wait at checkpoints for special shuttle buses.

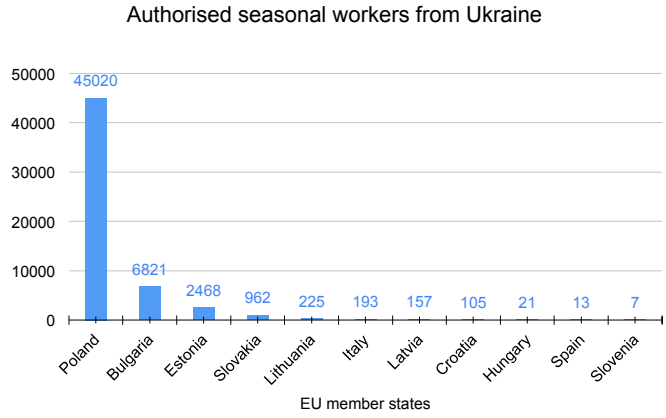
Later on, Ukraine introduced the obligation of a 14-day isolation upon entry, which also prevented many people from returning. Since 15 April, only two border posts have remained functional at the border to Poland and one towards Hungary. Meanwhile, the overall traffic is at a record low within the past 29 years.

Ukrainians living in Czechia and Italy, which have no common border with Ukraine, face even greater difficulties as they have to pass through a number of countries, most of which have banned entry of foreigners. They thus have to rely on transit corridors via Belarus, Austria, Hungary or Romania. As the travel options remain very limited, many migrants are seeking a passage back to Ukraine in various social media groups.

The European Commission has encouraged Member States "to waive administrative sanctions or penalties on third country nationals unable to leave their territory due to the travel restrictions". Whereas Hungary announced that it would not fine Ukrainians with expired documents, the Ukrainian Embassy in Czechia still advises its nationals to remain in the country due to the risk of fines on behalf of Hungarian border guards. The Embassy further seeks information about such fines in order to address them later on.

Seasonal workers

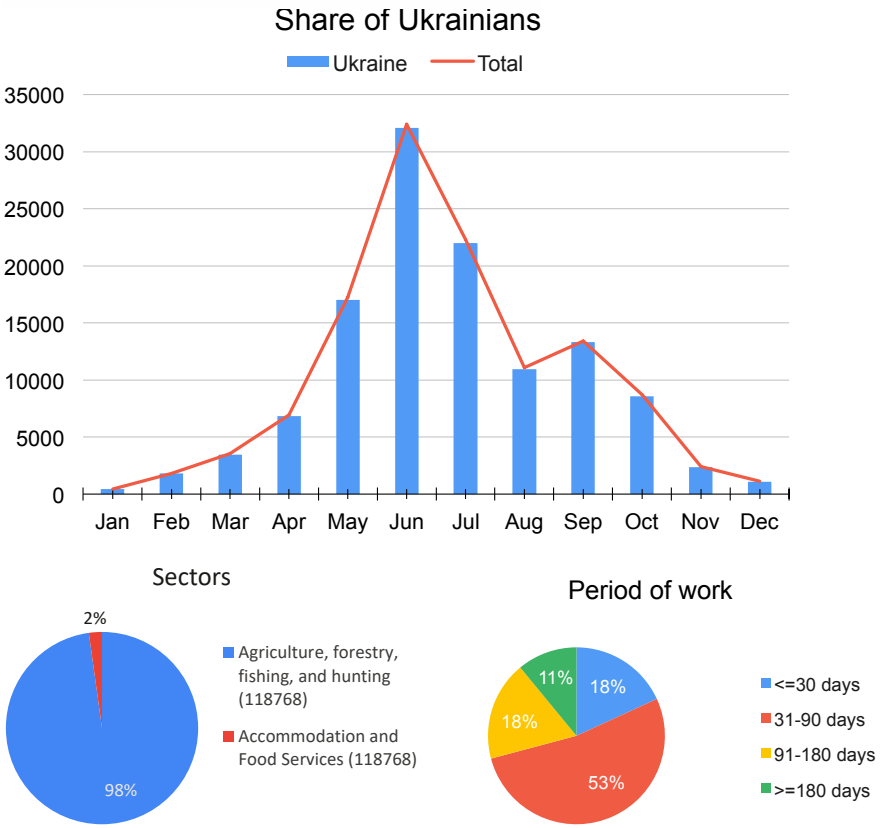
Poland is by far the prime destination for Ukrainian seasonal workers with some 45 thousand people accounted for in 2018. In comparison, Bulgaria ranks second within the EU with only up to 7 thousand Ukrainian workers.



Source: Eurostat 2018

Having obtained about 99% of all seasonal work permits in 2018, Ukrainians constitute the key workforce for the Polish agriculture. The demand surges from May to September, with the peak usually reached in June.

Polish seasonal work permits



Source: Ministry of Family, Labour, and Social Policy of Poland, 2018

About 12% of the Ukrainian labour migrants whose legal grounds of work were to expire and who remained without a job, including seasonal workers, left the country by 1 April due to the COVID19-related restrictions, thereby forcing Polish farmers to ring the alarm.

Seasonal workers are considered essential throughout the coronavirus-crises, especially when they perform critical harvesting, planting or tending functions. Therefore, the Polish authorities have made steps towards legalising the stay of foreigners whose documents expire during the state of emergency. The respective measures have been in vigour since 14 March. Their validity has been extended to seasonal workers.

According to the Polish border guards, even newbie labourers can now enter the country with seasonal permits, which is in line with the European Commission's guidance of 30 March to derogate workers from third countries such as Ukraine.

While the introduced preliminary measures seem to prevent the agriculture sector from major losses, the reality might be different due to the following reasons. Seasonal workers require a special work permit, which is not always issued before entry. Many Ukrainians enter Poland as visa-free short-term travellers, before their employers apply for a seasonal work permit. In such cases, the workers can stay in Poland for up to 3 month. Meanwhile, they are entitled to work for up to 9 months when entering the country with visa and the permit already in hands.

Potential seasonal workers are no longer allowed to enter visa-free and cannot obtain visas while Polish consulates in Ukraine remain closed.

Nevertheless, entering visa-free seems to be easier and more popular - out of 121,436 foreigners, 86,034 (70%) have entered the country for stays limited to 3 months. However, potential seasonal workers are no longer allowed to enter visa-free nowadays. These potential workers cannot obtain visas either since the Polish consulates and visa centres in Ukraine are closed. Moreover, the closing of airports, bus and train stations are further impeding mobility. Finally, the requirement to remain in isolation for 14 days after entering Poland and Ukraine represents another major obstacle.

As a result, only those Ukrainians who are already present in Poland may become seasonal workers in practice. In addition, the estimated 30% of Ukrainians in Poland who lost their job or work reduced hours could potentially work in the fields as well. Meanwhile, those seasonal workers remaining in Ukraine who planned to come in May or June have few options to do so, unless policy measures tailored to bring them in are issued.

Domestic workers in Italy

Ukrainians in Italy tend to stay longer in comparison to those in Czechia, Hungary or Poland. About 20% of them reside in Lombardy, the region hardest hit by the coronavirus outbreak. Three out of four Ukrainians in Italy are women, most of whom work as domestic workers (e.g. housekeepers, caregivers or babysitters). Their current situation is quite critical.

Italy considers domestic workers as critical and key to keep the country running. The same applies to seasonal workers. As a result, they can work and make a living. At the same time, the state does not protect them from dismissal. 90% of caregivers can keep their jobs as their services are needed by the elderly. Most often, they even live with their patients. Housekeepers and babysitters, on the contrary, are much worse off, having lost their jobs or working reduced hours. In fact, the latter may be even worse for contracted employees as they may profit more from being dismissed. This would entitle them for a liquidation payment and other emergency state support (e.g. for purchase of food or hygienic products).

Ukrainian domestic workers do not come in sight of the national measures to rescue the economy. Only self-employed, seasonal workers or those working in the tourism or entertainment industry, for instance, are entitled to a payment of 600 EUR.

Whereas parents may have the right to claim 600 EUR for babysitting, the domestic workers can presently only hope for "last resort income". Consolingly, there are talks to render more tailored pecuniary support for them.

The numerous irregular migrants present in Italy even fear to leave their homes. According to the Italian Statistical Institute (2017), about half of all domestic workers are irregular. Everyone who strolls through the streets must carry a self-declaration explaining the reason for the walk and an ID. Those staying in Italy illegally risk expulsion. Moreover, they may face arrest and imprisonment for false self-declarations.

Meanwhile, some Italians who used to employ Ukrainians without issuing a contract to dodge taxes but now need their services have started issuing regular contracts, thereby legalising their stay. However, this is only the case when their work is indispensable.

Information provision

Timely, accurate and relevant information in plain language is key to ensure the rights of Ukrainians working abroad and their well-being at this critical juncture. Foreign citizens should know the opportunities and restrictions to avoid dire consequences. For instance, the Ukrainians in Italy whom we talked to said that many migrants do not know about the so-called buono spesa, a voucher for meals and other essentials for low-income families and those who lost their livelihood. This information can be found in dedicated Facebook groups or on the websites of the competent authorities[5].

The Ukrainian Embassy and consulates have issued some information about the legalisation of foreigners whose documents have expired in the context of the ongoing restrictions. It can also be found in the social media. Ukrainians can still contact the Embassy and consulates via messenger, phone or email. The Embassy has also created a closed Facebook group to support and protect its citizens. Ukrainian diplomats in Hungary have taken a similar approach. Meanwhile, the public authorities in these countries do not target Ukrainians in their communication, which is largely provided in the native language only.

As Ukrainian nationals in Italy are usually long-term rather than circular migrants, their knowledge of the local language is much better than that of the mostly short-term migrants staying in Czechia, Hungary and Poland. They would nevertheless benefit from information in Ukrainian. Although over 60% speak Italian in private and 98% at work, 71% still have difficulties with the language.

5. Interview with Ukrainians living in Italy, 1 and 8 April

Preparation for post-COVID19 world

It remains unclear when the COVID19-related measures in the countries in focus will end. Until now, they have been repeatedly extended and adapted. Nevertheless, some potential bottlenecks can already be identified. To avoid the kind of unexpected situations as the closing of the Ukrainian border, which prompted thousands of Ukrainians to rush back home and queue at the border, a proactive approach on behalf of the authorities is needed. One foreseeable risk consists in that crowds of foreigners (including Ukrainians) gather in front of the migration offices once the lockdown is over[6]. Poland then provides foreigners with only 30 days to legalise their stay, which will further increase the burden on the national migration authorities, which already are considered as overly slow.

Policy Recommendations

Layoff and job shift

When migrants lose their job or earn less, they should have a possibility to work elsewhere, especially if they can thereby help to address the current emergency. Among the four countries discussed, Italy provides for a good practice in this regard as labour migrants here are not tied to a particular employer. As their work permits were not issued for a particular position or company, they merely have to notify the authorities about the intended change. Moreover, migrants who lost their jobs can nevertheless apply for a work permit and remain in Italy for up to a year in search for a job.

The transfer of offline procedures and applications into the online mode would represent an improvement that reflects the need to remain home and maintain physical distance. In addition, it could make the procedures faster and more efficient.

Return can still be an option

The further facilitation of transit for third-country nationals whose residence and work permits have expired and for those longing to return home should be further considered by the EU Member States. As the returning migrants often have to cross several countries along their journey, inter-state cooperation on this issue is essential.

Seasonal workers

Poland legalised the stay of furloughed or laid off migrant workers whose documents expire so they can head to the fields and harvest the ripening crops. Meanwhile, even though the border is open, new migrant farmworkers have overcome many hurdles to come. Polish farmers are urging the government to introduce online applications for seasonal work permits. They are even ready to ensure a 14-day quarantine to newly arrived workers.

6. Interview with author, 1 April

Other countries have already streamlined the process. For instance, Germany aims to bring people by plane to avoid lengthy bus trips. The migrant workers are then kept apart from the domestic workforce for two weeks. All newcomers will have to undergo health checks. Meanwhile, Spain agreed with Morocco to bring in some 16,000 seasonal workers to pick the red fruits although only less than half of them effectively made it to Spain.

Domestic workers in Italy

Since domestic workers are considered as key and critical for Italy, they should be treated as such. For instance, undocumented immigrants harvesting the crops in the U.S. cannot be arrested for violating stay-at-home rules if carrying an "essential work" letter from their employer. As a result, they can move freely to their workplaces and earn some money. Nevertheless, they remain at risk of deportation.

A similar but adjusted approach could be adopted towards Ukrainian domestic workers in Italy. Even if their work or stay is irregular, they should neither be punished as long as they render 'essential' services, nor deprived of the ability to carry out their job. While this should not imply an automatic regularisation of their situation, the idea of such regularisation (sanatoria) is also being discussed in Italy. There should also be incentives for Italians to formally employ their domestic workers. Otherwise, they would continue working irregularly, in spite of their stay often being legal. Moreover, the mentioned state support should be directed towards the domestic workers themselves in order to relieve those who lost their jobs or work reduced hours. The introduction of such emergency income was expected for April.

Information provision

Proper information and communication are essential during the ongoing crises. Many Ukrainian labour migrants in Poland, Italy, Czechia and Hungary need support and clarification regarding the ever-changing rules. The approach of the Ukrainian representations in the Czech Republic and Poland represent a good practice in this respect, as they proactively communicate online with their compatriots in need. They have addressed the most important questions and regularly update the information provided on their websites. Ukrainians in need have the additional option to request support or explanations through the hashtag #ЗАХИСТ (protection). They can ask about imminent issues such as the legalisation of expired documents, possible ways to get home, the applicable lockdown measures or even the addresses and working hours of pharmacies, supermarkets or hospitals.

The Embassy in Czechia even addresses the following question: "I have lost job and cannot find a new one. Who can help me?". Since the introduction of the lockdown on 12 March, it has responded to over 8 thousand requests. Meanwhile, the Embassy in Poland has received over 50 thousand requests since 15 March[7]. According to Eurostat (2018), there are some 132 thousand Ukrainians holding valid permits in Czechia and 404 thousand in Poland.

There is of course always room for improvement. The FAQ section, which should prevent Ukrainians from asking the same questions over and over again and spare staff from a

communication overload, should be highlighted on top of their homepages. In addition, the communication could be managed through chatbots, which are already in place but tailored for foreigners visiting Ukraine rather than Ukrainians abroad.

Meanwhile, some host countries do provide key information in Ukrainian as well. Such is the case with the Office for Foreigners of Poland. While the Ukrainian community in Poland is the biggest inside the EU, its members often do not know Polish. About half of them has no or very limited knowledge of the language at all. Similarly, the Czech Labour also provides information in Ukrainian, albeit without providing any on the measures introduced in response to COVID19.

Preparation for a post-COVID19 world

Once the ongoing lockdowns have passed, migration authorities may face potential overloads in terms of incoming requests. In order to prevent this from happening, Hungary is already accepting online applications from employers and appointments with employees.

Meanwhile, Czechia and Italy give foreigners more time than Poland to legalise their stay once the quarantine has ended. The holders of work permits and visas with contract in the Czech Republic have 60 days to do so. While employee card holders can apply already during the quarantine and work until a final decision was issued. Italy provides for until 15 June for all those migrant workers whose residence permits expired between 31 January and 15 April.

In short, online applications during the lockdown and more time to regularise the status after the quarantine has ended could ease the potentially onerous burden on migration offices, especially in Poland.

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The Western Balkan migration route (2015-2019)

Nermin Oruc
Danica Santic

Executive Summary

Nowadays, the Western Balkan region mainly represents a transit zone for refugees and migrants from the Middle East, West and South Asia and Africa aiming to reach Western and Northern Europe. Almost one million people crossed the Western Balkans (WB) to enter the EU in 2015-16[1].

The official 'closure' of the route in March 2016 reduced the migrant and refugee flows significantly, without halting them entirely. It rather resulted in increased numbers of 'stranded' migrants and asylum seekers who were detained, or whose journey was delayed, causing them to stay in their intended transit countries for several months or even longer. More recently, the channelling of migrants towards Bosnia and Herzegovina brought additional challenges to an already vulnerable and institutionally weak state. Whereas the EU support has been limited, the local population has perceived it as designed to keep people stranded in the WB for as long as possible.

The aim of this Report is to assess the recent migration flows across the WB using available statistical data[2] from national and international sources. The Report will present a brief chronology of events since 2015 and introduce some country-specific data before providing concrete policy recommendations and conclusions. The selection of the countries and their order corresponds to the number of people received during the period covered by the report.

This Report calls for the establishment of a regionally coordinated response in order to:

- ✓ assist and protect migrants;
- ✓ improve search and rescue capacities in coastal regions;
- ✓ ensure solidarity for the main countries of destination;
- ✓ ensure access to legal pathways, resettlement schemes, family reunification, labour migration, education programmes and better protection for children and women, especially when subjected to abuse or violence;
- ✓ ensure proper measures for the prosecution of smugglers and traffickers.

1. See: www.unhcr.org/en-my/news/latest/2015/12/5683d0b56/million-sea-arrivals-reach-europe-2015.html

2. It should be emphasised that this report is not free from challenges that are common to migration data, i.e. lack of coverage and reliability. Moreover, the data is not harmonised between the different countries included in the analysis, which makes their comparison difficult. There were limited attempts to harmonize the data with the EU Regulation 862/2007 in some countries (i.e. Croatia and Bosnia and Herzegovina), but there still remains considerable work in this respect.

Current Context

The culmination of the financial crisis (2008) and the Arab Spring (2010) both had knock-on effects for mixed migration to Europe. Since 2009, an estimated 3.4 million people have entered the EU irregularly[3], constituting the largest movement of people across Europe since the end of World War II. The situation was further exacerbated by the conflicts and civil unrest in Syria, Iraq and Afghanistan, forcing populations to flee toward Europe in search of safety. Alongside these countries, refugees and other migrants coming to Europe typically hailed from Iran, Pakistan, Somalia, Eritrea and Libya, as well as other North and Sub-Saharan African States. The EU Member States (EU MS) have been unable to formulate a common asylum policy, although certain steps have been taken to better manage the "migration crisis" such as restricting border crossings, strengthening institutional capacities, providing humanitarian aid and engaging in diplomacy with countries of origin[4]. These actions have led to a significant decrease in the number of people arriving irregularly, from 1.8 million people in 2015, to 206,000 in 2017 and 144,166 in 2018[5].

Over one million refugees used the Balkan route to proceed to Austria, Germany and Sweden with some 578,000 registering in Serbia on their way (UNHCR Belgrade Office, 2015). These figures represent a mere estimate. Assuming that approximately two thirds of migrants registered in the transit countries, the actual numbers are probably much higher (Bernec & Selo-Sabic, 2016). The Balkan and Mediterranean corridors remain busy migration routes until the present.

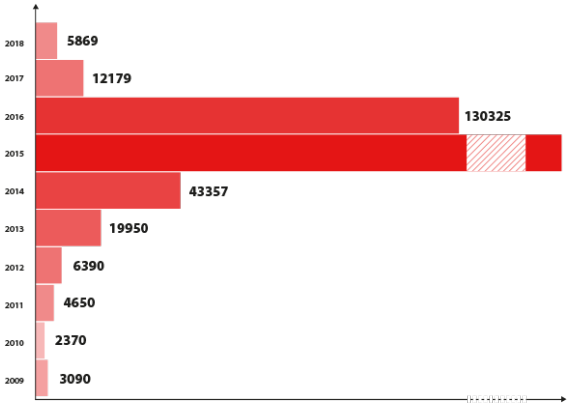
The signing of the EU-Turkey Statement in March 2016[6] aimed at preventing the passage of migrants from Turkey to Europe and contributed significantly to the 'closing' of the Balkan route and the drastic decrease in the number of people attempting to enter the EU. At the same time, the stricter border controls led to many more transit migrants being stranded in the WB. Whereas politicians swiftly proclaimed that the WB route had been 'closed', recent statistics and reports indicate it has been frequented a lot, with the flows increasing again as of early 2019[7]. The migrants' decision to opt for this route has depended on various factors, including the number of people travelling, their presumed nationality, itineraries and desired destination, demographic profile, but also the duration of stay, as well as the competent authorities and the organisations trying to support them.

3. See: https://frontex.europa.eu/along-eu-borders/migratory-map/
4. See: www.nationalinterest.org/feature/how-europe-dealt-migration-37577
5. See: https://frontex.europa.eu/along-eu-borders/migratory-map/; https://migration.iom.int/europe?type=arrivals
6. EU–Turkey Statement: Questions and Answers", Brussels 19 March 2016. Available at: http://europa.eu/rapid/press-release_MEMO-16–963_en.htm.
7. See: https://resourcecentre.savethechildren.net/library/balkans-migration-and-displacement-hub-data-and-trend-analysis-regional-overview-january

Managing the Balkan migration routre

The migration corridor established in spring 2015 enabled third-country nationals to cross the WB on their way from Greece to Western Europe. The flows through the region increased dramatically until the signing of the EU-Turkey Statement in March 2016 and the introduction of new border restrictions by Hungary, Croatia, Serbia and North Macedonia. The extent to which the "migration crisis" affected the WB countries is illustrated below. At the time, policy changes culminated in four main phases that chart the transformation of the route.

Figure 1. Illegal border crossings for the Western Balkans countries, 2009-2017



Note: The break in column for 2015 is for presentation purpose, but it should be noted that the actual figure is 7 times larger than for example in 2014, Source: FRONTEX, 2019

Figure 2. The Western Balkan Route

* Macedonia = North Macedonia;
** "European Countries" = EU countries;
*** Kosovo is under UN 1244 resolution
Source: DW, 2015

First Phase

As of 2015, the number of Syrian refugees arriving in Turkey and subsequently into Greece increased significantly, with most aiming to move northwards through the Balkans. After the initial shock and the witnessed unpreparedness to manage these large flows of people in such short time, the countries along the route managed to receive the migrants, provide them with shelter and food and address their immediate needs. The first reception centre in Serbia opened in July 2015 in Preševo, close to the border with North Macedonia. It served as the main registration point of migrants along the route. Its opening was crucial as an increasing number of migrants required humanitarian support.

The numbers of migrants present in Serbia increased not only along the border with North Macedonia but also in the Serbian municipalities bordering Hungary, from where uncontrolled border crossings into Hungary took place. In response, another reception centre opened in Kanjiža in August 2015. As the number of transit migrants in Serbia continued to rise, Belgrade became a central hub along the route where the people on the move could rest and obtain information about the onward journey. During this first phase, around 1,000 migrants frequented the parks in the city centre on a daily basis. As most people continued their journey towards Hungary and Western Europe, their stay in Serbia was limited to a few days.

Second Phase

While North Macedonia amended its Asylum Law in a way to allow for the facilitated transit (mainly by trains and buses) through its territory, the Hungarian authorities responded to the increased flows by erecting the first part of a double fence along the border with Serbia. It had an immediate effect on the onward migration route, which shifted to Croatia, Slovenia and Austria. The highly contested wall, which appeared in response to the uncontrolled movement of people, thus led to the erection of several more walls along the route - between Hungary and Croatia, Slovenia and Croatia, North Macedonia and Greece, as well as Austria and Slovenia. In addition, some countries along the route responded by occasional shutdowns of their own borders. This uncoordinated approach culminated in a disagreement between Serbia and Croatia and the full closure of their mutual border[8]. As the route shifted towards Croatia, its government responded by arranging the transport of the migrants passing through, rather than allowing them to move freely across the country.

Angela Merkel's decision to allow Syrians to apply for asylum in Germany in spite of having entered the EU through another Member State resulted in a record number of people on the move and turned Germany into the main destination for asylum seekers in Europe[9]. In October 2015, more than 180,000 people were registered in the reception centre in Preševo (Serbia) with over 10,000 crossings in the most frequent days, making this centre the most important point of registration along the route (Santic et all, 2016).

8. Croatia accused Serbia of scarce cooperation and of passing the problem to Croatia, when around 44,000 migrants entered Croatia in a single week (Benedetti, 2017). This situation grew into a so-called "trade war" between the two countries that lasted for five days during September 2015.
9. See: https://edition.cnn.com/2018/07/06/europe/angela-merkel-migration-germany-intl/index.html

During this phase, the EU adopted an Emergency Relocation Plan, which aimed to relocate up to 160,000 refugees (mainly Syrians, Eritreans and Iraqis) from Italy and Greece to other member states over a period of two years[10]. As the Visegrad countries (Czech Republic, Hungary, Poland and Slovakia) rejected this plan, only 35,000 people were relocated under this plan by 2019[11].

The only document to involve the WB states in the plans of the EU - the "17-point Plan of Action"[12]- stated that the challenges faced along the Balkan migration route cannot be solved through national actions, but only through a collective, cross-border effort. The WB states agreed to improve their cooperation and launch joint consultations, which resulted in pragmatic operational measures for immediate implementation. The Action plan recognized the need for continuous exchange of information between the countries concerned, especially in view of the approaching winter period and the joint will to avoid a humanitarian crisis. The Declaration specifically named Serbia and North Macedonia as the transit countries in need of greatest assistance. While it also called for the relocation of 50,000 people along the route, the specific obligations of each state were not concretised (Petronijević, 2017; Velimirović, 2018).

Third Phase

Since 2015, the public discourse and media coverage on migration into Europe has become ever harsher. Not only did the public and the media question Europe's overall response to the incoming migration, but also the acceptance of migrants in principle. Unsurprisingly, the media coverage across the EU focused on assessing the crisis of Europe's borders[13], the 'assault' on Europe facilitated by an 'open door' migration policy[14] and the fear of terrorism resulting from it. Anti-migrant sentiments became stronger across the EU and the WB states. The policy makers reacted by introducing new restrictive measures across Europe. On 24 February 2016, the Chiefs of Police of all countries along the Balkan route endorsed the Declaration 'Managing Migration Together', which resulted in the 'closure' of the route in March 2016. Perceived as a contravention of international refugee law and human rights (Petronijevic, 2017), this Declaration called for common standards of registration and a strict application of entry criteria. It resulted in the introduction of quotas, first by Austria and then by all other countries along the route.

Fourth Phase

The EU-Turkey Statement of March 2016 significantly reduced the number of migrants arriving to the EU and crossing through the Balkans. The closing of the borders, however, resulted in an increase in human smuggling, which exposed the lack of control, while

10. See: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/docs/2_eu_solidarity_a_refugee_relocation_system_en.pdf
11. https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20190306_managing-migration-factsheet-step-change-migration-management-border-security-timeline_en.pdf
12. See: https://ec.europa.eu/home-affairs/what-is-new/news/news/2015/20151026_1_en
13. See: www.bbc.com/news/world-europe-34850310
14. See: www.businessinsider.com/how-paris-attacks-affect-refugee-policy-2015-11

also raising various human rights concerns (Santic et al, 2017). The WB thus ended up as a buffer zone between Greece and Bulgaria on the one side, and Hungary and Croatia, which had decided to close their borders entirely, on the other. These were all EU Member States. The relatively unstable political situation in the Balkans, the changing conditions in the countries of origin and the emergence or disappearance of alternative routes (e.g. Central Mediterranean route via Libya and the Western Mediterranean via Morocco) all had an impact on the migration witnessed along the Balkan route.

As of March 2016, the dependency of migrants on human smugglers increased, creating new geographies of informal mobility and keeping the Balkan Route frequented (Minca et al, 2019). Given the new circumstances, the migrants changed the route several times, at first passing through Bulgaria and Romania, before shifting to Albania, Montenegro and Bosnia and Herzegovina as of 2018. The number of people accommodated in reception centres, unofficial shelters or externally across the WB countries in the second quarter of 2018 was estimated at around 8,500. The share of children among the transiting migrants fluctuated between 19% and 32%. The share of unaccompanied minors among these children varied between countries, ranging from 8% in North Macedonia to 52% in Serbia. The vast majority of unaccompanied minors were boys from Afghanistan and Pakistan[15].

In 2018, the total number of irregular migrants officially registered by the authorities in the WB countries amounted to 61,012, representing a five-fold increase as compared to the 13,216 persons registered in 2017. The most significant increase occurred in Bosnia and Herzegovina, with 23,848 migrants registered in 2018. This figure was 20 times higher than in 2017 and twice as much as for all other WB countries combined[16]. Those migrants registered in 2017 and 2018 used more diverse routes, often registering in more than one transit country. The increase in the number of people moving through Albania and Montenegro, which were not affected in 2016, shows how the route changed since mid-2017[17]. The surge in migration flows has been accompanied by more frequent reports of pushbacks, violence and physical abuse at the borders. This has not dissuaded the thousands of people on the move to continue their journey into Europe. Civil society organisations have reported of vigilante groups participating in pushback incidents against asylum seekers along the Serbian-Hungarian border (APC, 2016), as well as multiple cases of violence in which migrants trying to enter Hungary – including women and children – were beaten, threatened and exposed to humiliating practices before eventually being pushed back to Serbia[18].

Policy responses

The policy response to the emerging migration situation along the WB route was predominantly a national one, with very little coordination among the affected states. Initial policy responses were primarily motivated by reducing inflows, without regard to the impact on other countries. For example, the Croatian President stated that "a little bit

15. See: https://resourcecentre.savethechildren.net/node/13794/pdf/sc_bmdh_data_regional_overview_april-june_2018_web.pdf p.2
16. https://rovienna.iom.int/story/new-data-population-movements-western-balkans
17. Ibid
18. https://fra.europa.eu/sites/default/files/fra_uploads/fra-2016-november-monthly-focus-hate-crime_en.pdf p.8

of force is needed when doing pushbacks" of asylum-seekers and migrants attempting to cross into Croatia from neighboring Bosnia. Previously, Croatia's Ministry of Interior denied various reports of ill-treatment of refugees along the border an of pushbacks practices by Croatian border police, both in violation of EU and international refugee law[19]. This section analyses the situation and policy response in each country throughout the four stages outlined above.

North Macedonia

North Macedonia was the first WB country to face the mass inflows of migrants. Until 2010, most of the people entering the country had been from former Yugoslavia, Albania and Turkey. Since then, however, ever more asylum-seekers from outside the region - primarily from Afghanistan, Pakistan and Somalia – arrived to North Macedonia. As of 2015, Syria and Iraq turned into the prime countries of origin. Previously, transit migration through North Macedonia had neither been visible, nor publicly debated.

Table 1. Number of asylum applications filed in North Macedonia per year

2011	2012	2013	2014	2015 (1st half)
744	638	1,353	1,289	1,446

While 80% of applicants were single men (18-35 years of age), the number of unaccompanied minors was also significant[20]. Throughout 2015 and early 2016, several hundred thousand migrants transited North Macedonia. As the registering of people only began on 19 June 2015, their total number remains unknown. UNHCR began monitoring the border crossings from Greece (in Gevgelija) as of 1 July 2015, providing shelter and basic humanitarian services. Until the end of 2015, nearly 700.000 migrants are estimated to have passed through. The number of daily arrivals ranged between 5,000 and 10,000.[21] Initially, the police forces only managed to register one third to half of the newcomers. As of December 2015, the detection system was fully functional, recording all people on the move.

North Macedonia remained purely a transit country with (almost) all migrants leaving the country after a short stayover. The camp in Gevgelija provided places to rest, toilets and water taps. Humanitarian organizations provided food and the Red Cross first aid[22]. Before crossing the border into Serbia, the migrants usually stopped in Lojane and Vaksince, two villages known for their informal migrant camps, which, according to witnesses, were operated by the very human smugglers[23].

In spite of some improvements, UNHCR observed that "significant weaknesses persist in the asylum system in practice" and that North Macedonia "has not been able to ensure that asylum-seekers have access to a fair and efficient asylum procedure" (UNHCR North Macedonia 2015: 21).

19. https://www.unhcr.org/refugeebrief/the-refugee-brief-15-july-2019/
20. See: www.refworld.org/pdfid/55c9c70e4.pdf
21. See: www.irmo.hr/wp-content/uploads/2016/05/At-the-Gate-of-Europe_WEB.pdf. p.5
22. See: www.irmo.hr/wp-content/uploads/2016/05/At-the-Gate-of-Europe_WEB.pdf. p.5
23. Beznec et al (2016) 'Governing the Balkan Route: Macedonia, Serbia and the European Border Regime', p.17

In August 2015, the North Macedonian government decided to temporarily close its southern border completely and declared a state of emergency. This measure served to increase the pressure on the EU and the international community to provide more assistance and financial support to the country. After reopening the border, the transit through North Macedonia was coordinated by the Crisis Management Centre, becoming more orderly (Beznec et al, 2016).

In March 2016, the EU-Turkey Agreement came into effect. In response, North Macedonia again closed its border to Greece, thereby triggering a domino effect in terms of new restrictions. The sudden and permanent closure of the border further resulted in the setting up of a large improvised camp in Idomeni, Greece, hosting up to 15,000 migrants. The closure of the WB corridor left some 1,600 people stranded in North Macedonia.

Table 2. Key mixed migration statistics for North Macedonia

North Macedonia	Irregular border crossings	Number of irregular migrants present in the country	People registered at immigration centres	Certificates of intention to seek asylum	Number of approved asylum applications
2014	-	-	-	1,289	13
2015	750,000	-	317,507	435,907	3
2016	-	130	-	89,152	6
2017	-	79	-	147 (162 people)	-

Source: International Organization for Migration, "Migration Flows – Europe", 2018

In North Macedonia, asylum applicants are immediately transferred to the reception centres in Skopje, Vizbegovo and Gazi Baba, where the asylum interviews are conducted. In 2017, 147 of 162 asylum applications were assessed positively. In 2018, 1,518 migrants crossed the country with 95 of them accommodated[24].

Serbia

Serbia has been harmonising its migration legislation to the respective EU acquis. The visa liberalization and opening of negotiation chapters for EU accession required the elaboration of certain legal acts for managing asylum and transit migration. The flows experienced at the peak of the 'migration crisis' equally resulted in a series of legal acts. Most important perhaps was the new Law on Asylum and Temporary Protection of 2018[25]. Already in June 2015, the so-called Mixed Migration Working Group was established,

24. See: https://resourcecentre.savethechildren.net/node/15187/pdf/refugees_and_migrants_balkans_regional_overview_q4_2018_sc_bmdh_data.pdf

25. Among the most important laws related to migration management, which represent a significant step towards aligning with EU acquis, are the Law on State Border Protection (2008), the Law on Migration Management (2012), Law on Employment of Foreigners (2014) and others. Also, there are relevant strategies that Serbia adopted such as: Strategy for Combating Illegal Migration for the period 2009-2014 (2009) and 2017-2020 (2017), Migration Management Strategy (2009), Strategy for Integrated Border Management (2006) and Reintegration Strategy under the Readmission Agreement (2009), together with referral action plans. In this vein, Serbia has been prepared for opening of Chapter 24 (Justice, Freedom and Security), which includes sections on asylum, migration, visa regime, external borders and the Schengen Area.[17] Ibid

26. These included the Ministries of Interior, Labour, Health, Foreign Affairs and EU Integration, as well as the Commissariat for Refugees and Migration and the EU Delegation.

bringing together all relevant Ministries and stakeholders[26]. Its main tasks were to facilitate the inter-institutional coordination for the reception and transit of migrants, improve the registration system and address the basic humanitarian needs of the most vulnerable. The setting up of new centres and improvement of existing ones, the provision of health care services, food and non-food items, and adequate sanitation also figured among the immediate priorities to be addressed.

The Action Plan in case of increased migrant inflows of September 2015 identified the competent authorities, organizations and institutions and their concrete tasks in case of a mass influx, as well as the appropriate measures and necessary resources. Several international organisations (e.g. IOM, UNHCR and UNICEF) and local NGOs assisted migrants from the onset of the crisis. They did so in coordination with the government institutions and local communities.

Table 3: Number of asylum applications in Serbia, 2008-2015

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2008													**77**
2009	4	4	21	19	35	26	35	21	26	22	17	45	**275**
2010	27	18	36	36	37	35	17	38	57	68	92	61	**522**
2011	97	140	205	251	283	397	342	419	375	219	240	164	**3132**
2012	199	64	115	108	227	261	238	242	352	358	334	225	**2723**
2013	157	193	381	490	370	272	369	335	627	651	607	614	**5066**
2014	943	596	516	651	761	790	1170	1547	1524	2353	2201	3438	**16490**
2015*	2425	2537	3761	4425	9034	15209	29037	37463	51048	180307	149923	92826	**577995**

** Data for 2015 are certificates of expression of the intention to seek asylum; Source: Ministry of Interior, Serbia*

According to official data, 577,995[27] migrants crossed Serbia in 2015. The monthly numbers varied depending on the newest national regulations, the latest restrictive measures introduced by EU Member States or the closing of borders. October 2015 recorded a peak of 180,307 people crossing the country, when up to 10,000 migrants entered Serbia on a daily basis.

In January and February 2016, 96,236 people, mainly from Syria, Afghanistan, Iraq, Somalia and Pakistan, crossed Serbia with a 'certificate of expression of intention to seek asylum' (Migration profile, 2017:44)[28]. Following the closure of the route, only 12,811 more certificates were issued for the rest of 2016, representing a mere 2% of the 2015 figures. Only 577 migrants (3%) actually applied for asylum with almost half of their applications (267) suspended later on. Eventually, 19 people received protection in Serbia (Migration profile, 2016) while the vast majority of asylum seekers travelled onwards to the EU without completing their asylum procedures.

27. Estimates vary on the volume of migrants transiting along the Balkan route in 2015: the European Parliament provided an estimation of 596,000, the UNHCR of 815,000, and the IOM of 639,152 people. According to FRONTEX, there were 885,000 irregular border crossings in 2015 (Minca & Rijke, 2017). The real numbers are most probably larger because estimates indicate that only two thirds of all migrants have been registered upon their arrival in transit countries (Šelo-Šabić and Borić 2015).

28. The 'certificate of entry in to the territory of Republic of Serbia for migrants' was officially published in Official Gazette RS No. 81 from 24 September 2015, but it was enacted somewhat later. This certificate was issued by the Ministry of Interior at the borders when migrants entered the country or if they were found without it while residing in the country.

In 2017, there were 6,195 intentions to seek asylum, as compared to the nearly 100,000 of 2016 (Ministry of Interior, 2018). In 2017, some 4,000 migrants were placed in asylum and reception centres across Serbia[29].

The socioeconomic status, gender and age profile of the incoming migrants gradually shifted from richer, more educated men aged 18-35, to poorer, less educated individuals featuring a larger share of women, children and elderly people. In 2018, the following composition was registered: Afghanistan (51.57%), Pakistan (17.44%), Iraq (14.72%), Iran (7.36%) and Syria (1.73%) (SCRM, 2018). Whereas the migrants initially used to travel individually, they later appeared in groups of five to fifteen people (Mandić, 2017).

The Serbian government established numerous camps in key locations along the transit route, which are connected but also quite diverse. While some were called 'reception centres', others merely constituted 'transit centres'. Many facilities (e.g. along the borders) were closed when no longer needed. In theory, Serbia has a capacity to temporarily host some 5,665 refugees (Table 3). The centres shall provide the incoming migrants with food, clothes and medical services. When the stay lasts for over six months, the asylum seekers are also entitled to a kindergarten, language classes, entertainment and sport activities. These centres usually accommodate families and women, with a smaller contingent of single young men.

Table 4. List of migrant reception centres and their capacity, Serbia

Transit reception centres	**Capacities**	**Asylum Centres**	**Capacities**
Preševo	1,000	Sjenica	250
Vranje	245	Bogovadja	170
Bujanovac	220	Banja Koviljača	100
Pirot	250	Tutin	80
Dimitrovgrad	90	**Subtotal**	**600**
Bosilegrad	60		
Divljana	300		
Šid area (Principovac and Adaševci)	700		
Obrenovac	750		
Kikinda	240		
Sombor	160		
Krnjača	900		
Subotica	150		
Subtotal	**5,065**	**Total capacity**	**5,665**

Source: Minca et al, 2019.

29. See: www.kirs.gov.rs

While most of the affected Balkan countries and EU member states (Austria, Slovenia, Croatia and Hungary) focused their efforts on border controls, deportation and integration, Serbia adopted a humanitarian response. The integration of stranded migrants or those who remained in Serbia voluntarily has been very challenging (e.g. enrolling children into schools). In terms of the number of stranded refugees, Serbia has become the second most important hub along the Balkan route after Greece. Primarily a transit country, it continues to represent only an accidental or temporary destination for those on the move. The arrival of Iranians under the short-lived visa reciprocity agreement between Iran and Serbia is also worth mentioning in this respect.

Croatia

The national crisis management measures featured the provision of immediate care and other assistance by the state as well as by civil society, religious and humanitarian organizations and new solidarity initiatives. While this humanitarian response was predominant at the beginning, the gradual closure of the Balkan corridor brought an increased radicalization and securitization as well as a 'securitization discomfort'[30] among pro-refugee actors (Zuparic-Iljic and Valenta, 2019).

Table 5. Key mixed migration statistics for Croatia

Year	Irregular border crossings	People residing at immigration centres	Asylum applications	Number of approved asylum applications
2014	3,914	434	1,008	16
2015	559,510	283	261	36
2016	102,307	584	2,234	83
2017	4,808	645	1,887	185

Source: Croatian Ministry of Interior

According to the Croatian Ministry of Interior, around 77% of asylum applications were cancelled because the applicants had left Croatia[31]. This shows that Croatia, similar to the other WB countries, is primarily a transit country.

The total number of illegal border crossings in Croatia dropped from 4,734 in 2013 to 3,914 in 2014. The main countries of origin of the irregular migrants were Syria, Albania and Afghanistan[32]. In 2015, the number increased dramatically to 559,510 illegal border crossings, with nationals of Afghanistan, Syria, Iraq and Iran having the biggest shares.[33]

30. The term "securitization discomfort" was described by Zuparic-Iljic and Valenta (2019) as an organizational discomfort and disagreement among non-state actors by the shift of Croatian government's policy towards a securitization strategy, whereby the refugees' benefits, rights and needs are being neglected.

31. See: www.24sata.hr/news/svi-kojima-je-odobren-azil-u-hrvatskoj-su-boravili-zakonito-554596

32. See: www.mup.hr/public/documents/Planovi%20i%20izvje%C5%A1%C4%87a%20rada/Izvje%C5%A1%C4%87e%20ministra%20unutarnjih%20poslova%20o%20obavljanju%20policijskih%20poslova%20u%202014.%20godini.pdf

33. See: www.sabor.hr/izvjesce-ministra-up-o-obavljanju-policijskih

Bosnia and Herzegovina

Until recently, BiH was not part of the Balkan route with only few migrants passing through Albania, Montenegro and BiH in 2015 and 2016. Following the closure of the Hungarian and Bulgarian borders to Serbia, however, migrants stranded in Serbia and North Macedonia increasingly opted to continue their journey through these countries. Consequently, they faced similar challenges as their neighbours along the initial Balkan route. The following table illustrates the shifting route by comparing the years 2017 and 2018. In 2018, BiH recorded some 24,100 transit migrants[34], representing a significant challenge to the country. Prior to the construction of camps, the migrants were forced to find shelter in abandoned buildings and scattered tent settlements. Nonetheless, the Croatian border guards have sealed the border, pushing back all migrants arriving irregularly from BiH[35].

By the end of 2019, the Bosnian authorities registered 29,196 refugees and migrants (21% increase as compared to 2018). Whilst some 95% of the newly arrived submitted their intention to seek asylum, less than 3% (784 persons) effectively registered their claims with the Sector for Asylum[36]. According to UNHCR, the short application deadlines and limited state capacities to process incoming asylum claims have limited the overall access to an asylum procedure[37].

Table 6. Key mixed migration statistics for Bosnia and Herzegovina

Year	Irregular border crossings	Number of registered arrivals of migrant	People residing at immigration centres	Asylum applications	Number of approved asylum applications
2014	189	-	218	45	45
2015	179	-	193	46	42
2016	218	-	311	79	66
2017	766	-	860	381	340
2018	-	21,163	-	19,986	1,314

Source: BiH Ministry of Security, BiH Migration Profile 2018

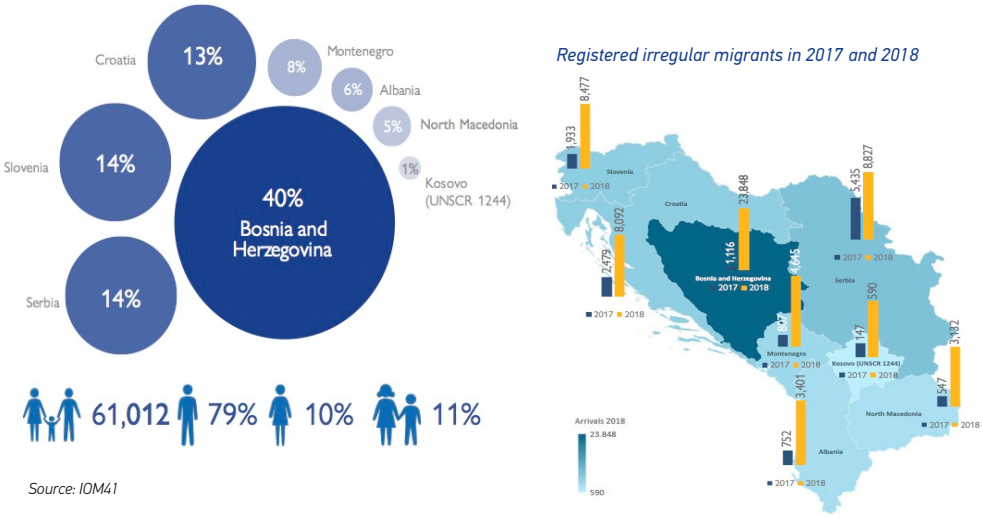
The available statistics illustrate the sharp increase in the number of migrants experienced in 2018, with most migrants coming from Pakistan (6,910), Iran (3,373), Syria (2,529), Afghanistan (2,431), Iraq (1,874) and Libya (760)[38]. In spite of the almost 20,000 filed intentions to seek asylum only 1,314 individuals effectively submitted an asylum application. The process for obtaining asylum is similar as in North Macedonia and Serbia[39]. Some 3,000 individuals were accommodated in reception centres and unofficial shelters throughout 2018.

34. See: https://www.unhcr.org/desperatejourneys/
35. See: https://www.rferl.org/a/bosnia-struggling-flood-migrants-other-balkan-routes-shut-down/29448610.html
36. See: https://www.unhcr.org/see/wp-content/uploads/sites/57/2020/01/BiH-Country-Fact-Sheet-December31-2019-1.pdf
37. See: https://www.hrw.org/world-report/2020/country-chapters/bosnia-and-herzegovina
38. See: www.klix.ba/vijesti/bih/u-bih-od-pocetka-godine-stiglo-vise-od-21-hiljade-migranata-procitajte-izvjestaj-drzave/181105122
39. See: https://www.klix.ba/vijesti/bih/u-bih-od-pocetka-godine-stiglo-vise-od-21-hiljade-migranata-procitajte-iz-vjestaj-drzave/181105122

In 2018, a total of 61,012 irregular migrants were officially registered along the Balkan route, as compared to 13,216 in 2017. BiH experienced the most significant increase with 23,848 individuals registered in 2018 as compared to the 1,116 in 2017. At the end of 2018, an estimated 9,528 migrants and asylum seekers were residing in different reception facilities across the region. 88% were accommodated in centres across BiH and Serbia. Syria, Iran, Iraq, Afghanistan and Pakistan represented the main countries of origin, followed by Algeria, Morocco and the WB countries themselves.

In 2019, there were one state-managed asylum center and six temporary accommodation centers, leaving thousands of migrants without access to shelter and basic services[40].

Figure 3. Arrivals to Bosnia and Herzegovina in 2018



Source: IOM41

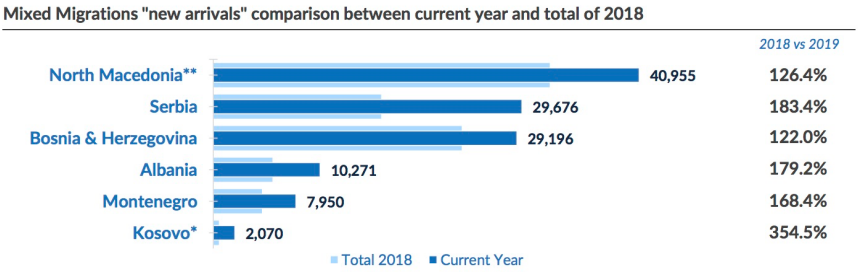
Whereas BiH is labelled as a transit country, many migrants have been forced to remain there after being returned by the Croatian authorities. There is no solution in sight for this problem[42]. Initially, newcomers were placed into closed factory buildings. Until January 2019, most refugees were cramped into two factories in Bihac, which accommodated up to 2,500 people[43]. Since the EU allocated EUR 9.2 million in assistance[44], several temporary reception centres have been established. The centres are overseen by IOM[45], which along with other NGOs, has provided the residents with basic shelter, three meals per day, portable shower facilities, basic medical care and legal advice.

40. See: https://balkaninsight.com/2020/01/14/human-rights-progress-faltering-in-south-and-central-europe-hrw/
41. See: https://migration.iom.int/system/tdf/reports/14.%20WB%20Brief%202018_Final.pdf?file=1&type=node&id=5166
42. See: https://rm.coe.int/commdh-2018-12-letter-to-the-authorities-regarding-the-migration-situa/1680870e4d
43. See: http://ba.one.un.org/content/dam/unct/bih/PDFs/UNCTBiHSitReps/Inter-agency%20refugee%20and%20migrant%20operational%20update-%20January%202019.pdf
44. See: https://ec.europa.eu/echo/where/europe/bosnia-and-herzegovina_en
45. See: https://bih.iom.int/iom's-migration-response

Recent dynamics

In spite of the EU-Turkey Agreement and presumed closure of the Balkan route, migrants have continued to trickle into the WB. At the end of 2019, the WB migration route remained one of the busiest into Europe. Over 108,000 refugees and migrants have crossed the WB states[46] [47], turning them into highways to Europe.

Chart 1. Overview of new arrivals to WB countries[48]



Source: UNHCR Western Balkans, Refugees, asylum-seekers and other mixed movements as of end December 2019

The above chart illustrates the exponential increases in migration movements, especially across North Macedonia. Bosnia and Serbia continue representing the main transit routes for migrant groups – there was a clear increase in numbers from 2018. In 2019, there were 12,210 applications for asylum across the WB states, but only 2.3% first instance decisions were reached. Only 6% of the submitted intentions are effectively converted into formal asylum applications. This trend has remained stable throughout the region in 2019 as well[49]. Albania and Kosovo both saw an increase in asylum applications in 2019. Overall, there was an increase in applications from nationals of Morocco, Burundi and Cuba[50]. Across all six WB states, the trajectory of mixed migration has increased steadily since 2017[51]. The winter saw a 37% drop in the number of asylum submissions, with the recorded arrivals decreasing in a similar way. Apart from the seasonal reasons, the long duration of first-instance asylum decisions is potentially deterring the pursuit of asylum avenues in the WB states. Prospective migrants and refugees perceive an eventual integration pessimistically[52]. North Macedonia has seen the highest increase in migration movements. However, only 17% of the newly-arrived remained in the country for over a month[53]. The increased migration flows have been matched by an increased number

46. Balkan in this context includes Greece, Bosnia & Herzegovina, Serbia, Bulgaria, Romania, North Macedonia and Albania
47. See: https://resourcecentre.savethechildren.net/node/16647/pdf/refugees_and_migrants_balkans_regional_overview_q3_2019_sc_bmdh_data.pdf
48. Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia, Serbia
49. RBE - Western Balkans - Asylum Statistics - Summary of key trends observed as of 31 December 2019 at https://reliefweb.int/report/world/rbe-western-balkans-asylum-statistics-summary-key-trends-observed-31-december-2019
50. ibid p.3
51. See p.4 UNHCR Western Balkans, Refugees, asylum-seekers and other mixed movements as of end December 2019 at https://data2.unhcr.org/en/documents/details/73832
52. RBE - Western Balkans - Asylum Statistics - Summary of key trends observed as of 31 December 2019 p.1 at https://reliefweb.int/report/world/rbe-western-balkans-asylum-statistics-summary-key-trends-observed-31-december-2019
53. UNHCR, North Macedonia Asylum Statistical Overview in 2019 as of 31 December 2019

of reported cases of pushbacks, violence by public authorities and abuse at the borders. None of these repressions has dissuaded the thousands of people from continuing their journey into Europe.

Europe's response has been largely security-centered with Frontex stepping up surveillance measures at the EU's external borders. The so-called 'Maritime Aerial Surveillance Programme' (MAS) has deployed surveillance airplanes and drones at the borders, providing for real-time monitoring at the Frontex headquarters in Warsaw[54]. The agency has also established Europe's first uniformed service, the European Border and Coast Guard standing corp. Some may even work outside the European Union in countries that have signed Status Agreements with the EU. Europe's insistence on the fortification of its border regime has led to a securitization of the migration narrative.

Throughout 2018 and 2019, progress was made on resettlement and statelessness. In December 2019, the Serbian Commissioner for Refugees and Migration presented five pledges at the Global Refugee Forum, including integration, education and emergency preparedness systems. The Commission has also been assisting migrants with language classes and vocational training[55]. The Belgrade Centre for Human Rights (BCHR) and Crisis Response and Policy Centre (CRPC) have increased their efforts to aid the migrant effort locally, by running workshops and providing legal assistance[56]. UNHCR and their partners identified and referred 484 newly arrived unaccompanied or separated children to the Child Welfare Services. The WB countries need to build on these small victories and initiatives, including by investigating innovative ways to face the migration challenge, even if without receiving the support expected from the EU.

Conclusions and policy recomendations

The migration flows towards the EU will continue and undoubtedly have significant repercussions for the WB states. People in need of protection, fleeing persecution and looking for better prospects will continue coming to Europe. A survey among 500 migrants and refugees found that only one third of respondents changed their plans upon arriving to Greece. This suggests that their destination preferences are relatively fixed. Perceptions of opportunity, stability and security were key in forming these preferences. Moreover, the situation in Syria remains tense and may result in further large-scale flows to Europe and the Balkans[57].

The monitoring, relief response and even processing of migrants - whether seeking passage or as refugees/asylum seekers - varies from one country to another. Recent historical and political upheavals in the region make the intergovernmental cooperation

54. Frontex in Brief 2019 Report https://frontex.europa.eu/assets/Publications/General/frontex_inbrief_website_002.pdf p.20
55. See: https://reliefweb.int/sites/reliefweb.int/files/resources/73432.pdf p.1
56. ibid
57. See: https://frontex.europa.eu/assets/Publications/Risk_Analysis/Risk_Analysis/Risk_Analysis_for_2019.pdf, p. 39

challenging. Nevertheless, a coordinated and targeted response aiming at providing safety and preventing the further loss of life must be at the heart of any future approach to migration in the Balkans. The WB countries need to adopt a holistic approach to irregular migration and border crossings, which show no sign of abating. While it is impossible to prevent all irregular movements, the need to establish a dialogue that helps to improve the situation and deliver long-term solutions is evident. The changing dynamics on the ground require constant monitoring to inform governments' decisions. The states need to mobilise all instruments available and face any upcoming crisis in a collective manner.

The far-reaching consequences of not having a uniform migration policy will also affect future generations. The response to the migration crisis will impact the national labour markets, overall prosperity and the prospects of EU accession. Over the past years, emigration rather than immigration has characterised the Balkans: "Several countries in the region are projected to experience very significant population decline by 2050 (including Bosnia and Herzegovina, Bulgaria, Romania, Moldova and Ukraine)"[58]. Moreover, the "persistence of negative perceptions towards migration has created challenges for governments' efforts to promote integration"[59]. In the short- to medium-term, labour and skills shortages will challenge employment and economic growth prospects for the EU and the Balkans[60].

While it is difficult to implement uniform support systems across the WB states right away, basic humanitarian principles and provisions need to be upheld while also supporting local communities in managing the situation on the ground and in debunking the various myths and prejudices towards migrants. The WB states need to collaborate in order to ensure that resettlement programmes are operational, family reunification arranged and visa applications processed. Reports of push-backs, denials of access to asylum, physical and verbal abuse, including of children[61], and a lacklustre attitude to identifying and assisting those in need at the borders are not only disturbing but also contradict European and international laws, human rights standards and the principles of international protection.

- **Tackling hate crime:** in 2016, the EU's Agency for Fundamental Rights (FRA) found that "violence, harassment, threats and xenophobic speech targeting asylum seekers and migrants remain grave, be they committed by State authorities, private companies or individuals, or vigilante groups"[62]. The immigration of third-country nationals evoked negative feelings among 56% of EU citizens[63]. Across ten EU countries, an average of 56% of the public stated that all further migration from majority Muslim countries should be halted[64]. Such negative perceptions of migration, especially from certain

58. See: https://publications.iom.int/system/files/pdf/wmr_2018_en_chapter3.pdf, p. 31
59. Ibid, p. 31
60. See: http://ec.europa.eu/economy_nance/publications/european_economy/2014/pdf/ee8_en.pdf
61. www.hrw.org/news/2018/12/11/croatia-migrants-pushed-back-bosnia-and-herzegovina
62. Current Migration Situation in the EU: Hate Crime. See: http://fra.europa.eu/en/publication/2016/current-migration-situation-eu-hate-crime
63. See: http://ec.europa.eu/commfrontofce/publicopinion/archives/eb/eb83/eb83_rst_en.pdf
64. See: https://publications.iom.int/system/files/pdf/wmr_2018_en_chapter3.pdf p.31

countries, is rife. When those who seek refuge are perceived as a threat, they are stripped of their dignity and face Europe's inability to adopt humanitarian migration policies[65].The WB states need to ensure that racist and discriminatory practices and views are not left unchallenged. They need to foster active citizenship by challenging rumours, perceptions and creating a space for dialogue, involving the civil society, international organisations and the very communities. The Council of Europe's anti-rumour strategy shows possible solutions and steps forward in this respect[66].

- **Coast Guard Training:** In 2017-2018, over 5,500 people are believed to have died crossing the Mediterranean Sea, while 2016 was the deadliest year to date[67]. Many deaths continue to go unreported[68]. The coast guards of the Balkan states that have a shore require capacity-building and effective procedures to ensure the safety and humane reception of migrants. The IOM's Missing Migrants Project may help to document cases of missing persons and deaths[69].

- **Coherent Return Policy:** The absence of a well-functioning return policy for those who do not qualify for asylum remains a key challenge. It is often difficult to confirm the identity and nationality of the asylum seekers, especially when they lack personal documents. Moreover, some countries of origin refuse or are unable to identify their citizens and thereby oppose their return and instead leave them stranded. The development of a relocation and return system would help to reduce the number of people risking their lives to enter Europe, thwart the machinations of smugglers and traffickers and help distinguish between those who qualify for asylum and the rest.

- **Improved data collection and analysis:** The immigration policies of the WB countries, their methodologies for collecting the relevant data and the complexities of transit migration hinder a proper analyses of the situation on the ground. A harmonized approach to capturing the irregular migrant stock in the region would be overly beneficial.

- **Improved Border Management:** According to UNHCR, states need to "stop apprehending and returning thousands of people at the border to neighbouring countries without allowing them to seek asylum or assessing individually whether they have international protection or other humanitarian needs (push-backs). Efforts to protect children and to provide support for survivors of sexual and gender-based violence need to be steeped up, as well as better access to safe and legal pathways as alternatives to these dangerous journeys"[70].

- **Human Trafficking and Migrant Smuggling:** UNODC (2018) reports that 370,000 migrants were smuggled into the EU by sea in 2016 alone, many of whom may have

65. Ibid
66. See: www.coe.int/en/web/interculturalcities/anti-rumours
67. See: https://data2.unhcr.org/en/documents/download/68006 p.1
68. See: www.iom.int/news/mediterranean-migrant-arrivals-top-363348-2016-deaths-sea-507
69. See: https://missingmigrants.iom.int
70. www.unhcr.org/desperatejourneys/

also been victims of human trafficking. It is of great concern that cases of abuse and violence by smugglers and other criminal networks continue to occur throughout the region[71]. The new restrictions progressively imposed by European countries since 2016 have significantly increased the vulnerabilities of migrants. There should be local multidisciplinary coordination groups on trafficking that are able to identify victims and direct them toward specialist support.

- **Improved security:** Some EU Member States provide examples of their responses to reported incidents, such as enhancing the security for reception centres, informing people on options to report abuses, training the police, or carry out trust-building activities. In response to the attacks on reception centres (e.g. in Germany), most federal states deployed security companies[72] and additional police force in and around the reception centres. Finally, multilingual posters aim to inform and to encourage refugees to contact the police in case of an emergency[73].

- **Fair and improved asylum procedures:** All migrants seeking international protection ought to have the possibility to do so. Claims should be considered based on individual merit and not pre-emptively judged. This presupposes investigating countries of origin and the various circumstances that forced the individual applicants to leave. A timely and fair assessment of their application needs to be ensured. Meanwhile, the asylum applicants should be granted shelter and support (even for irregular migrants). Furthermore, there needs to be dedicated additional funding for asylum and forced displacement to hosting communities and countries through building financial instruments that recognize forced displacement as a development challenge[74]. UNHCR has called on the Croatia and Germany presiding in the Council of the European Union (EU) in 2020 to show leadership in better protecting refugees across Europe and abroad by moving ahead with a sustainable asylum reform and providing more support for the countries hosting the most refugees[75]. The pre-accession process provides opportunities to support WB countries to further develop their asylum systems. This requires a continuous commitment by the EU to provide direct access to its territory as well as asylum procedures to persons seeking international protection[76].

The Global Compact on Refugees[77], helps develop systems that are both responsive and responsible in addressing arrivals of mixed movements. At the heart of their respective responses, WB states need to take into account the UNHCR Better Protection Refugee principles which encourage to:

71. 'Desperate Journeys' (2017) www.unhcr.org/58b449f54.pdf
72. Although, there were some reports of abuses by staff of security companies.
73. https://fra.europa.eu/sites/default/files/fra_uploads/fra-2016-november-monthly-focus-hate-crime_en.pdf p.12
74. European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Lives in Dignity: from Aid-dependence to Self-reliance, Forced Displacement and Development, COM (2016)
75. UN High Commissioner for Refugees (UNHCR), UNHCR's Recommendations for the Croatian and German Presidencies of the Council of the European Union (EU) , 9 January 2020, available at: https://www.refworld.org/docid/5dee08387.html [accessed 14 February 2020]
76. p.4 Ibid
77. See: https://www.unhcr.org/gcr/GCR_English.pdf

- Foster responsibility sharing and solidarity;
- Ensure access to territory and fair and fast procedures;
- Support integration and efficient and rights-based return systems;
- Invest in resettlement and complementary pathways; and
- Address statelessness[78].

- **Support integration of recognized refugees:** In order to ensure social cohesion, stability and security, communities must be sufficiently equipped to receive refugees. Those refugees need support to realize their potential in their new environment. This involves increased funding for integration programmes; predictable, harmonized services, rather than restrictive measures, can reduce onward irregular movement and increase integration prospects[79]. Further incentives include the possibility of family reunification and sufficient means for the refugees to become self-reliant and establish a proper living in the mid-term[80]. Any future relocation plans should also entail efforts to improve integration, including integration into the education system, and employment conditions[81]. Amidst an ageing European population, migrants can make an important economic contribution if well-integrated.

Authorities on the ground need to ensure:

- The safety of humanitarian organisations and activists to work without fear;
- The safety of all migrants (including children) from threats, attacks, violence and discrimination;
- Asylum seekers' access to fair procedures and proper refugee status determination;
- A better preparedness of WB states to respond to the needs of migrants transiting or remaining on their territory, including the provision of safe housing, food, medical care and legal support;
- Regional condemnation and investigation of push backs, violence and intimidation instigated by border police;
- That funds provided for border protection are not contributing to human rights violations;
- Impartial investigation of violence by border police against migrants and refugees and taking action.

78. UNHCR, Better Protecting Refugees in the EU and Globally: UNHCR's proposals to rebuild trust through better management, partnership and solidarity, December 2016,
available at: https://www.refworld.org/docid/58385d4e4.html
79. UN High Commissioner for Refugees (UNHCR), UNHCR's Recommendations for the Croatian and German Presidencies of the Council of the European Union (EU) , 9 January 2020, available at: https://www.refworld.org/docid/5dee08387.html [accessed 14 February 2020] p.5
80. ibid p.5-6
81. See: https://reliefweb.int/report/greece/deciding-which-road-take-insights-how-migrants-and-refugees-greece-plan-onward

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UNHCR, Better Protecting Refugees in the EU and Globally: UNHCR's proposals to rebuild trust through better management, partnership and solidarity, December 2016, available at: https://www.refworld.org/docid/58385d4e4.html

How will migration to Europe look in the future?

Trends, open questions and four plausible scenarios

Rainer Münz

Migration Trends

Global migration

The absolute number of people living outside their country of birth today is higher than ever before: It rose from 173 million in 2000 to 272 million in 2019 – accelerating at a pace slightly above world population growth. As a result, the share of interna-tional migrants in global population has grown from 2.8% in 2000 to 3.5% in 2019.[2] Total numbers include 20.4 million recognised or registered refugees and 3.5 million asylum-seekers.[3]

The USA, Germany, Saudi Arabia, and Russia are the most important receiving countries.

High-income countries have absorbed the lion's share of this net increase, hosting 74 million of the additional 99 million people living outside their country of birth worldwide (net increase 2000-2019). As a result, today, some 65% of international migrants worldwide live in high-income countries.

The USA, Germany, Saudi Arabia, and Russia are the most important receiving countries.[4] Europe – once the world's most important migrant sending region – has, since the 1960s, become a prime destination for immigrants, with the EU/EFTA/UK (=current EU27 + UK + CH, NOR, ISL) hosting 23% of all persons living outside their country of birth globally. More than a third of this stock is, however, the result of free movement of workers and students inside the EU/EFTA.

Immigration to and migration within the EU

Since the beginning of the 21st century, the number of immigrants and mobile EU citizens living in today's 27 EU Member States and the UK has increased by about 60% from 34 million (or 6.9% of total EU population) in 2000 to about 60 million (or 11.1%) in 2019.[5]

Among these, roughly 20 million people came from another EU Member State, while 40 million are third-country nationals and naturalised EU/UK citizens with place of birth outside the EU/UK.

Counterbalancing immigration trends, at least three million emigrants were reported to have left an EU Member State annually in recent years; about half of them were mobile EU/UK citizens moving to another EU Member State (or the UK).[6]

1. Concepts and scenarios presented in this brief have first been developed and discussed in a seminar held at the European Political Strategy Centre on April 26, 2018 and during a public lecture held at the University of Zurich on March 11, 2019.
2. United Nations Population Division (UN DESA 2019). https://www.un.org/en/development/desa/population/migration/data/estimates2/estimates19.asp
3. UNHCR 2019. https://www.unhcr.org/figures-at-a-glance.html (Palestinians under the mandate of UNRWA not included).
4. United Nations Population Division (UN DESA 2019). https://www.un.org/en/development/desa/population/migration/data/estimates2/estimates19.asp
5. Eurostat https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Migration_and_migrant_population_statistics
6. Eurostat https://ec.europa.eu/eurostat/web/products-eurostat-news/-/DDN-20190321-1

While 22 of the then 28 EU Member States (today's EU27 and the UK) reported more immigration than emigration in 2018, the number of emigrants outnumbered the number of immigrants in Bulgaria, Croatia, France, Latvia, Lithuania, and Romania.[7] In fact, between 2010 and early 2019, when countries like Germany and Italy recorded strong positive net migration gains, others like Spain, Romania, Bulgaria or Greece recorded net migration losses, reducing unemployment or underemployment at home, but at the same time leading to a loss of talent and skills (brain drain). And it can be assumed that official statistics underestimate the actual outflows from Central (e.g. Poland, Baltic States), Southern and South-Eastern Europe (Bulgaria, Romania) as many mobile citizens maintain a residence in EU sending countries and do not deregister when leaving for an extended period of time. As a result, their change of place might show up in migration statistics published by the receiving EU country, but not in data published by the sending country. The same applies to the Western Balkan countries outside the EU, but also to Moldova, Ukraine and most countries in the Southern Caucasus region.

Intra-EU/EFTA mobility on the up before 2020

EU enlargement to Central and South-Eastern European countries in 2004, 2007 and 2013, unleashed new opportunities for intra-EU/EFTA labour mobility, providing millions of citizens from Central and South-Eastern Europe access to labour markets and residence in Western and Southern Europe. Since the early 2000s, it has led to unprecedented East-West migration within the EU, but also to Norway and Switzerland.

Some citizens of non-EU countries in Eastern and South-Eastern Europe were also profiting from free movement in case they had easy access to citizenship of one of the states joining the EU in or after 2004. Among them were ethnic Croats from Bosnia becoming Croatians, ethnic Hungarians in the Serbian Vojvodina and Ukrainian Transcarpathia acquiring Hungarian citizenship, Moldovans being granted Romanian passports on a regular basis as well as some Macedonians and Turks successfully claiming Bulgarian citizenship.

During the period 2010-2015, an estimated 6.7 million EU citizens moved to other EU countries for an extended period of time.

More recently, as a result of the financial crisis of 2009-2010 and a subsequent rise in unemployment levels in Southern Europe, citizens of Spain, Portugal, Italy and Greece have been incentivised to move to Northern Europe in search for jobs; a phenomenon not seen in Southern Europe since the 1980s.

During the period 2010-2015, an estimated 6.7 million EU citizens moved to other EU countries for an extended period of time (12+ months).[8] That is an average of 1.1 million per year. In recent years (2016-2019) these flows increased to 1.3-1.5 million EU citizens per year.[9]

7. Eurostat https://ec.europa.eu/eurostat/web/products-eurostat-news/-/DDN-20190321-1
8. Only EU citizens with a minimum stay of 12 months are considered in order to distinguish between immi-grants (12+ months) and short-term movers (e.g. posted workers, exchange students, short term intra com-pany transfers).
9. Eurostat https://ec.europa.eu/eurostat/web/products-eurostat-news/-/DDN-20190321-1

The majority of migrating EU citizens were people taking up jobs in another EU country, although educational and retirement mobility also played a role. For intra-EU labour migrants the prime destination was Germany, followed by the UK, Spain, Italy and Austria. The most important sending EU countries were Poland, Romania and Bulgaria, but also Italy and Spain. Relative to population size outflows were also considerable in Latvia and Lithuania.

In the Spring of 2020, measures at national and EU-levels fighting the spread of the CoVid-19 epidemic have led to travel and mobility restrictions as well as tight border controls within Europe preventing many potential migrants, seasonal workers and trans-border commuters from temporarily moving between home and host countries.

Labour migration vs. rights-based family and humanitarian migration

Over the period 2010 to 2019, some 17 million people from non-EU countries were granted residence permits (with duration of more than 12 months), refugee status or temporary protection in the EU (including UK). That is an average of 1.75 million per year.[10]

The most important destination country was Germany, followed by the UK, Italy, Spain, France and Sweden. In Germany the largest inflows were linked to asylum-seekers from Syria, Afghanistan and Iraq, but also to regular migrants coming from Serbia, Turkey, Russia and China. In the UK, immigration from China, India and Pakistan played the most important role. In Italy, Spain, and France, the largest inflows were from Morocco and Algeria. In Spain, more recently, arrivals from Latin America (Venezuela and Colombia in particular) were becoming more numerous.

In 2016, the number of new residence permits peaked at 3.4 million as refugee status or temporary protection was granted at a larger-than-usual scale. The number of first-time asylum-seekers rose from 200'000 (annual average 2008-2010) to more than 1.2 million per year (2015-2016). Although the numbers of first-time asylum applications fell back down to ca. 680'000 in 2019, this still represents more than three times as many as in 2009-2010.

During the years 2013-2016 the number of asylum seekers was closely linked to irregular arrivals across the Mediterranean and via the Western Balkan countries. In 2017, 2018 and 2019 this was no longer the case. Recent first asylum requests in the EU (2019 incl. UK: 657'000) largely outnumbered irregular arrivals in Italy, Greece and Spain (2019: 125'000).[11] It should, however, be noted that as a side effect of restrictions linked to the CoVid 19 epidemic, asylum requests dropped by 80% between February and April 2020.

Lengthy asylum procedures and low return rates of migrants without residence status have created a non-negligible group of migrants in legal limbo or with a non-enforceable order

10. Eurostat https://ec.europa.eu/eurostat/web/asylum-and-managed-migration/data/database. Only permits with a minimum validity of 12 months are considered in order to distinguish between immigrants (12+ months) and short-term movers (e.g. seasonal labour, exchange students, short term intra company transfers).
11. European Commission, DG HOME; asylum seekers arriving on the basis of visa-free travel (mostly from Latin America) are not counted as irregular arrivals; see also UNHCR https://data2.unhcr.org/en/situations/mediterranean

to leave the EU Member State in which they reside. Depending on the host country, such migrants as well as over-stayers often find work in the informal economy (as agricultural or construction workers, in restaurants, in private households, as prostitutes, etc.).
In parallel, as a result of the financial crisis and high unemployment levels in many EU countries, newly issued long-term residence permits for labour migrants from third countries dropped from 0.5-0.6 million before 2008 – representing about a third of all residence permits (12+ months) awarded that year – to 260'000 in 2016 – representing just 10% of all residence permits (12+ months). In 2018, the number rose to 447.000; still below the levels of the early 2000s.[12] One reason for this is EU enlargement. During economic recovery after the financial crisis, many employers preferred hiring workers from Bulgaria, Hungary, Romania, Poland or the Baltics instead of having to recruit third country nationals as the former is bureaucratically much easier than the latter.

Measures taken against the spread of the CoVid 19 virus in 2020, however, have been preventing Eastern and South-Eastern European workers from reaching work places in Western Europe. And high unemployment caused by the 2020 recession due to restrictions imposed to fight the CoVid 19 epidemic will drastically decrease the need to recruit labour and skills from non-EU countries.

Family reunion is in fact the most stable 'legal gate of entry' to the EU (2018: 795'000 residence permits valid for 12+ months issued), even if its nature has been changing. While it initially enabled labour migrants arriving in Europe to later bring their dependent family members to destination countries, today, family reunion to a considerable degree serves to facilitate the immigration of young brides and grooms getting married to EU-born members of established Diasporas reaching out to partners from the ancestral regions and family networks of their parents and grand-parents.

With more than 2 million people granted asylum or temporary protection in 2014-2019, family reunion also becomes an issue for dependent family members of recognised refugees. This secondary flow will become more important during the next years as the number of recognised refugees is on the rise.

Trends affecting the EU labour force

Given its current demographic structure and numbers of children per family, it is projected that, – if immigration levels remain constant – the number of people living in today's 27 EU Member States + the UK would only slightly change from 514 million in early 2020 to 516 million in 2050. By contrast, in the – unlikely – absence of any future immigration, the total population in the EU (and the UK) would drop to 479 million in 2050.[13]

Although it is difficult to predict how many of these people would be employable (depending on future labour force participation and on possible increases in the retire-ment age in various Member States), the no immigration scenario would also translate in a declining

12. Eurostat https://ec.europa.eu/eurostat/web/asylum-and-managed-migration/data/database
13. Eurostat https://ec.europa.eu/eurostat/web/population-demography-migration-projections/population-projections-data

labour force, with anywhere up to 50 million fewer workers by 2050 in case future labour force participation and retirement age would not be higher than today.

As for the skills composition of the labour force, projections show that the number of highly-qualified workers is likely to increase by more than 15 million between 2015 and 2025, while the labour force with low qualifications will decline by nearly 14 million.[14] This suggests that there will be demand for skilled, but much less for unskilled migrants.

Many European regions will face a potential shortage of intermediate workers, which might open up labour market opportunities for mobile EU citizens and immigrants coming from third countries.

A study of future imbalances of labour demand,[15] which assesses the skills that are likely to be in short supply across different regions of Europe relative to overall demand suggests: many European regions (Scandinavia, the Central and Eastern European countries, as well as France and the Benelux) will face a potential shortage of intermediate workers, which might open up labour market opportunities for mobile EU citizens and immigrants coming from third countries.

Public Perceptions

Immigration surged on the list of top concerns of European citizens since 2014, peaking at the end of 2015, at the height of the so called refugee crisis, when 58% of Europeans said that immigration was the most important issue facing the EU. In 2019, with 34% mentioning this issue, it still remained the number one concern of Europeans, but climate change had moved to second place (24%).[16] In 2020, the agenda had shifted again. The focus is on the recession induced by measures against CoVid-19, on job security and unemployment, but also on health and safety issues.

The large numbers of irregular arrivals and asylum requests in 2015/2016 served to polarise opinions and politically mobilise those who already held negative views on immigration in several countries, resulting in an increase in populist votes and/or in mainstream parties campaigning with a more restrictive immigration agenda. In 2017, nearly four in ten (38%) Europeans thought that immigration from outside the EU is more of a problem. Just under a third (31%) saw it as equally a problem and an opportunity, while only a fifth (20%) saw it as more as an opportunity.[17]

The integration of immigrants is also a key concern with 7 in 10 Europeans saying that integrating immigrants is a necessary investment in the long-run for their country, as well as that successful integration is the responsibility of both immigrants and the host soci-

14. European Centre for the Development of Vocational Training (Cedefop 2016) skills forecast https://www.cedefop.europa.eu/files/3077_en.pdf
15. European Centre for the Development of Vocational Training (Cedefop 2016) skills forecast https://www.cedefop.europa.eu/files/3077_en.pdf
16. Eurobarometer https://ec.europa.eu/commfrontoffice/publicopinionmobile/index.cfm/Survey/getSurveyDetail/surveyKy/2253
17. Special Eurobarometer on Integration of immigrants in the European Union, October 2017 https://ec.europa.eu/home-affairs/news/results-special-eurobarometer-integration-immigrants-european-union_en

ety. However just one in two respondents agree that their government is doing enough to support the integration of immigrants, while 40% say integration has not been successful in their local area or country.[18]

What we don't know

Can migration solve future EU labour imbalances?

Just as intra-EU/EFTA mobility helps to ensure a better matching of supply and demand, international migration could help to address future labour and skills shortages in EU Member States.

However, EU Member States currently lag behind other regions of the world in attracting top non-EU talent and skills.[19]

In addition, the fact that rights-based and humanitarian immigration to Europe have become far more important than immigration of labour could mean that the continent fails to attract profiles that match its labour and skills needs.

In Europe, immigrants coming as asylum-seekers, newly wed spouses or as dependent family members have been, on average, much slower in entering the labour force of receiving countries than labour migrants and foreign students graduating from European universities. Currently, on average, it takes more than 20 years for differences between natives, labour migrants, former refugees and dependent family members to disappear.[20] Without intensive integration measures and efforts the situation is particularly difficult for certain groups of migrant women.

Can Europe overcome its integration deficits?

Past immigration to Europe has left an 'integration gap', best illustrated by the differences in employment rates between native-born people and certain groups of non-EU immigrants.[21]

In addition, throughout their working lives immigrants remain overrepresented in low-skilled work – even where they have similar levels of educational attainment as native-born residents. Skilled migrants often face entry barriers to jobs for which they would be qualified.[22]

There might be several reasons, but despite progress on the recognition of qualifications, newcomers from non EU-countries face more limited opportunities than natives. The

18. Special Eurobarometer on Integration of immigrants in the European Union, October 2017 https://ec.europa.eu/home-affairs/news/results-special-eurobarometer-integration-immigrants-european-union_en
19. OECD 2019 https://www.oecd.org/migration/mig/Measuring-and-Assessing-Talent-Attractiveness-in-OECD-Countries.pdf
20. Eurobarometer ad hoc-module 2014, Eurostat. European Commission, Source: DG EMPL, EU-LFS https://ec.europa.eu/eurostat/statistics-explained/index.php/EU_labour_force_survey_-_ad_hoc_modules#Overview_of_the_ad_hoc_modules
21. European Commission, DG EMPL, EU-LFS.
22. European Commission, DG EMPL, EU-LFS.

main exceptions are migrants who arrive as students and graduate in an EU country, as well as those recruited for a particular qualified position (e.g. medical doctors and nurses). This indicates that there is not only a failure to attract migrants with 'the right skills', but also a failure to recognise and fully utilise their qualifications. These empirical findings are particularly problematic as entering the world of work is the most important route to integration in general. More rapid labour market integration would also play a crucial role in ensuring that the majority of natives trust existing immigration and integration systems.

It is not only labour markets that are struggling to integrate immigrant populations. In many parts of Western Europe, a quarter or more of young people now have a migration background, which means: both parents are born abroad. The educational systems of host countries often have particular difficulties in coping with some of these children (and vice versa). In Europe, children with foreign citizenship and/or foreign-born parents are more susceptible to leaving school early and/or without graduating, falling within the category of 'not in education, employment or training' (NEET). On average these young people not only have significantly lower PISA scores[23] than their peers with native-born parents, but are also underrepresented in higher education.[24] As a result young adults with migrant backgrounds belonging to visible minorities generally continue to display lower labour force participation.

Immigrant workers also have twice the poverty rate of their native-born peers and in-work poverty is particularly acute for this group in Southern Europe.[25] In addition to this, patterns of residential segregation on the basis of both income and ethnicity often prevail so that many migrants find themselves living in more deprived areas, with more limited access to local resources, such as schools, child care facilities and healthcare institutions, as well as employment prospects.[26] These trends can perpetuate an 'unmixing' of native and migrant populations, entrenching fragmentation and/or parallel societies.

Future Migration to Europe – Possible Scenarios

In the coming decades, the size of migration flows and integration of migrants within the EU will depend on a number of internal and external factors, including:

- The level of employment and income differentials between receiving EU Member States and sending EU as well as non-EU countries;

Young adults with migrant backgrounds belonging to visible minorities generally continue to display lower labour force participation.

23. OECD, Programme for International Student Assessment by the Organisation for Economic Co-operation and Development https://www.oecd.org/pisa/publications/pisa-2018-results.htm
24. Not counting those newly arriving migrants admitted as students.
25. EU statistics on income and living conditions (EU-SILC) survey https://ec.europa.eu/home-affairs/sites/homeaffairs/files/e-library/documents/policies/legal-migra-tion/general/docs/final_report_on_using_eu_indicators_of_immigrant_integration_june_2013_en.pdf
26. CHESHIRE P., Segregated neighbourhoods and mixed communities-A critical analysis, Joseph Rowntree Foundation, London School of Economics, 2007.

- Future admission policies and the degree of selectivity as well as openness/ restrictiveness in migration policies applied by receiving EU countries;
- The number and skill levels of native-born Europeans available for the labour market (depending on future changes in retirement age and the ratio between job losses and job creation linked to future innovation, notwithstanding the likely intensification of automation and robotisation);
- The possible loss of skills through emigration of young and talented EU citizens;
- The success or failure of joint European border management, asylum and readmission policies;
- Possible external shocks producing new large-scale flows of people seeking protection;
- The success or failure of integration policies. In this respect it is worth noting that, due to the particularly high volumes involved, the legacy of the irregular migrant and refugee inflows of 2014-2017 will be important, most likely entailing lasting effects and difficulties, at least in the medium term, with respect to the integration of these immigrants into labour markets and societies. The legacy of the immigration crisis also includes rising numbers of people with neither access to refugee status nor clear return perspectives.

Despite a high degree of uncertainty, we can establish at least four plausible migration scenarios for Europe. Each of these scenarios leads to specific integration challenges and labour market outcomes.

Scenario 1: 'Back to the early 2000s'

Assuming that CoVid-19 related restrictions on travel and migration are gradually phased-out and admission and integration policies of receiving countries go back to "normal"; assuming further that the EU and its Member States succeed in maintaining control over their external borders, thereby limiting spill-over effects of current and future political or humanitarian crises in Europe's neighbourhood, this scenario would entail that immigration from third countries could go back to the more stable, mixed flows that characterised the years 2000 to 2013. Rights-based admissions (family reunion, asylum and other admissions for humanitarian reasons) would still play a more important role than labour migration, so that many third-country nationals settling in Europe would likely not immediately join the labour market. Like in the past, many highly-skilled global migrants would not necessarily choose Europe as a prime destination, but prefer other highly developed economies like the US, Canada or Australia.

Brain drain as well as low skilled short-term migration and mobility would continue as in the past: within the EU, for example between the Baltic States, Bulgaria, Hungary, Romania and Western Europe; but also from other countries to the EU, for example between Ukraine and Poland as well as between Serbia and Germany or between Kosovo and Switzerland.

In scenario 1 already existing integration deficits and fragmentation within societies

related to migration would be likely to persist. The mix of the migration flow from non-EU countries would continue bringing migrants to the EU whose skills and whose intentions might not necessarily address the demographically induced shortage of domestic labour and skills. In this scenario, it would remain difficult to argue that economic and fiscal gains from migration outweigh the costs.

Scenario 2: 'Instability in the neighbourhood'

Scenario two assumes large-scale future population displacements affecting Europe. That could be fuelled either by political instability in the Middle East, parts of Western Asia, North Africa and of Latin America, which would hinder economic growth and might – in some countries – be characterised by violent conflicts and/or civil wars producing migration and refugee flows, or by rapid demographic growth outpacing economic and infrastructure development, or by extreme weather conditions, creating additional flows of migrants in search for a better life and/or in need of protection towards Europe, similar in magnitude to the flows witnessed in 2015-2016.

Larger flows could be expected, for example, from unstable countries in Latin America, where the majority of citizens enjoy visa free travel to EU/Schengen countries. Future flows could also emerge from Middle Eastern and North African countries in Europe's neighbourhood. Such flows might not only affect EU countries, but also Turkey and non-EU countries in the Western Balkans as demonstrated during the Syrian refugee crisis.

Scenario 2 risks magnifying existing integration challenges, as it could fuel negative sentiment towards migrants, leading to increased discrimination and greater electoral scores for political parties advocating restrictive migration and asylum policies; or pushing mainstream parties towards adopting more restrictive positions. In the end such developments might lead to a de facto suspension of access to proper asylum procedures and refugee status in some EU countries. Return and repatriation will remain difficult to achieve as long as the main sending countries have little incentives for co-operation. As a result large numbers of irregular migrants and asylum seekers could spend years in limbo without being granted permanent status.

Scenario 3: 'More selective admission of immigrants'

This scenario assumes that shortages of labour and skills in a number of EU Member States could trigger major migration policy changes: a shift from present admission criteria (with strong humanitarian elements) to a stricter skills-based selection of labour migrants (like in Australia and Canada) and/or to a more demand- and employer-driven selection (like in New Zealand and Sweden). In order to create more acceptance for this selective opening of domestic labour markets, such a policy change might go hand in hand with more restrictive policies with regard to non-economic migrants and a stricter enforcement of returns.

In this scenario, recruitment and selection efforts might also be combined with an intensification of integration policies. At the same time, a proper selection of migrants based on education and skills or on their availability would lead to a better match with unmet European demand for labour. With such a match economic integration of migrants would take place at a higher pace than in scenario 1; and migrants with better skills would

also earn more and contribute more (taxes, social security contributions) to the public coffer. Under such circumstances, maximising the economic as well as fiscal gains from migration and reducing integration challenges, it might be easier to make the case that the admission of immigrants is rather a solution than a problem.
Scenario 3 would most likely lead to an accelerated drain of labour and skills from non-EU Western Balkan countries, Ukraine and Southern Caucasus countries.

Scenario 3 could maximise the economic gains from migration and reduce integration challenges as more future EU residents are selected taking into account their skills and/or available jobs.

The materialisation of scenario 3 is not imminent given the surge in unemployment and the smaller demand for labour caused by the 2020 recession.

Scenario 4: 'Going native'

Scenario four assumes that, as public opinion grows more sceptical or even hostile to the admission of foreigners, migration policies become ever more restrictive, coupled with a general political consensus on such restrictions and a social climate in which migrants are not welcome. This could effectively lead to much lower immigration, higher return rates of already established migrants and a reduction of intra-EU mobility as citizens of other EU countries might be seen as equally unwelcome as third country nationals.

In the spring and early summer of 2020, temporary travel bans and strict border controls not only at the external Schengen borders, but also between EU/Schengen member states related to the CoVid-19 epidemic have simulated a situation that comes close to scenario 4.

Already before the Corona crisis, some EU countries had signalled their preference to exclude immigration as an answer to demographic decline and a shortage of domestic labour. Under scenario 4, managing demographic ageing, gradual population decline and a shortage of labour and skills would therefore be a main challenge. Japan was the first industrialised country with an ageing and declining population that decided to manage these challenges without recruitment or admission of foreign labour.

Scenarios not mutually exclusive

The four scenarios are not mutually exclusive. It is likely that some European countries will chose to become more selective while others will continue having more rights based migrants. A small number of EU and non-EU countries have already declared that they would like to exclude managed immigration as a policy option and discourage potential asylum seekers from filing a request.

As long as the CoVid-19 induced recession lasts, demand for additional labour will be small and create no pull factor towards Europe. In times of post-Corona recovery issues like demographic ageing, labour shortage and Europe's limited ability to attract high skills and talent will gain more prominence again. It remains to be seen to what extent EU countries will use more pro-active, more selective or more restrictive migration policies in case of future labour shortages, ageing and the decline of native populations.

About the authors

Mr. Radim Žák, ICMPD Regional Coordinator for Eastern Europe and Central Asia, is responsible for the conceptualisation, development and implementation of regional strategies, as well as for the functioning of the Prague Process Secretariat involving 50 participating states, EU institutions, international organisations and other partners. He has a background in philology, Russian studies and in the Theory of Area Studies (Dr Phil.), as well as extensive experience in practical co-operation with the Eastern Partnership countries, Central Asian Republics and Russia in addressing migration issues. After his short journalist career (1999-2001), he worked for the Czech Ministry of the Interior (2001-2004), passed a traineeship with UNHCR Geneva (2003) and joined ICMPD in March 2004 with the initial objective to re-direct the Budapest Process to the Commonwealth of Independent States region.

Mr. Alexander Maleev, Project Manager within the Prague Process Secretariat at ICMPD, is responsible for the implementation of the 'Prague Process: Dialogue, Analyses and Training in Action' initiative, funded by the European Commission under the Mobility Partnership Facility (MPF). He has a background in Social and Cultural Anthropology (University of Vienna, MA) as well as European Political and Administrative Studies (College of Europe, MA), focusing mainly on migration. A member of the Prague Process Secretariat since 2012, he has actively contributed to the evolution and overall achievements of the Process. Prior to joining ICMPD in 2011, Alexander was the first Austrian citizen to carry out the (obligatory) civil service in Bulgaria, before joining the Austrian Embassy in Sofia. Following his graduation from the College of Europe, he was a trainee at the European Commission (DG HOME).

Ms. Irina Lysak is an ICMPD Project Officer with a regional focus on Eastern Europe, Russia and Central Asia. She holds a joint Master's Degree in Global Studies from the University of Vienna and the University of Wroclaw, and a Diploma in Journalism and Public Relations from the Voronezh State University. Prior to her career at ICMPD, she was engaged into establishing the local representation of the European Student' Forum while promoting wider student mobility and exchange. Since 2012, Irina works at the Prague Process Secretariat at ICMPD actively contributing to the results and achievements of the Process. Since the launch of the 'Prague Process: Dialogue, Analyses and Training in Action' initiative, she has been closely working on the production of analytical publications within the Prague Process Migration Observatory.

Ms. Haykanush Chobanyan, Head of External Relations Division of the State Migration Service of Armenia since 2010. Actively involved in different projects with various leading international stakeholders, including GTZ, OSCE, EUI and ICMPD. Research interests: return migration and reintegration, labour migration, migration policy, Diaspora and refugee studies, etc. Author of a number of research articles, policy papers, analytical materials. Graduate of the Yerevan State Pedagogical University, Department of History; PhD candidate at the Faculty of Sociology of the Yerevan State University of Armenia. She has been working for the State Migration Service of Armenia since 2000.

Mr. Yan Matusevich is a migration researcher and analyst with a focus on Russia, Eastern Europe and Central Asia. He holds a MSc in Migration Studies from the University of Oxford and is currently a PhD student in anthropology at the Graduate Center of the City University of New York.

Mr. Kristof Tamas, Director of the Migration Studies Delegation based in Stockholm. Since early 2014, this independent Commission focuses on policy research, analysis and advice in the area of migration, labour markets, integration and development. In 2012-2013, Kristof was a Senior Policy Adviser at the Secretariat for the Swedish Chairmanship of the Global Forum on Migration and Development, based at the Swedish Government Offices. He was a Seconded National Expert for Sweden in the European Commission, Directorates-General for Justice, Freedom and Security as well as Home Affairs (2007-2011). From 2003 to 2007, he worked as an independent research consultant based at the Institute for Futures Studies in Stockholm, with consultancies for inter alia the Swedish Ministry for Foreign Affairs, the European Commission, IOM and the World Bank. Between 1997 and 2003, he was a Special Adviser and then Deputy Director in the Swedish Ministry for Foreign Affairs. Kristof Tamas has more than 20 years of expertise concerning migration policy development; migration and development; labour migration, circular migration, new forms of mobility and labour markets; the enlargements and external relations of the European Union, bilateral and multilateral cooperation; and regional and global governance of migration.

Mr. Glen Hodgson, With over twenty years' experience in communications, public affairs and lobbying, Glen is the founder of the think tank Free Trade Europa, which focuses on promoting free trade, openness and the rule of law within the European Union and internationally. He worked for the European institutions, governments, blue-chip international companies, start-ups and NGOs as a lobbyist, strategist and communications advisor. Glen is a respected commentator on European affairs and a frequent presenter at European policy events.

Mr. Stefan Vogtenhuber, Senior Researcher at the Institute for Advanced Studies in Vienna. More than 10 years of professional experience in coordinating and conducting applied and basic research projects in the fields of education and training systems and its links to employment. Among others, he published in the Journal of Vocational Behaviour, European Sociological Review and Research in Social Stratification and Mobility. Co-Editor of the National Education Report Austria (2015, 2018). Current studies focus on institutional determinants of education job linkages, employment among foreign workers and refugees, inequality in education and life outcomes and causal analysis of school effectiveness.

Mr. Dmitry Poletaev, Director of Regional Public Organization "Migration Research Center". Laboratory of Migration, Institute of Economic Forecasting of Russian Academy of Sciences. Ph.D., Cand. Sci. (Econ). Graduated from the Moscow State Institute of Economics and Statistic (MESI). Migration expert. Author of over 100 publications in the field of migration. Initiator of the creation of the Museum of the History of Migration in Moscow.

Mr. Andriy Orlean. Head of the program "Human Rights at the Pre-Trial Stage of Criminal Proceedings" of the NGO "Expert Center for Human Rights" since 2017. Andriy holds a Master degree, PhD and Doctors Degree in Law. Since 2000, he has worked as an expert in various projects dealing with human trafficking that were organized by IOM, OSCE, ILO, American Bar Association or La Strada – Ukraine. Within these projects, he analysed the compliance of the Ukrainian human trafficking legislation to the international one; drafted laws on counteraction to human trafficking; designed recommendations on investigation of human trafficking as well as procedural control over investigation and prosecution of human trafficking cases; designed and conducted trainings and tutorials on human trafficking. His research interests further include human rights and criminal justice, public prosecution and approximation of Ukrainian legislation to EU law. He is the author of several publications, scientific monographs and manuals.

Mr. Ruslan Minich, Policy analyst and expert at Europe Without Barriers think tank. He applies qualitative and quantitative research methods to study migration processes and border management, writes media articles and stories. He is the author of various studies. His research interests also cover European integration and international relations. Mr Pavlo Kravchuk, Migration and border management expert at Europe Without Barriers think tank since 2016. Explores policies regulating migration and cross-border mobility in Ukraine, the EU, and Eastern Partnership countries, as well as relevant practices. Is particularly interested in methods of verifying official data, and proper informing in media on migration-related topics. Previously worked for several Ukrainian online media and studied Theory and History of Culture at the National University of Kyiv-Mohyla Academy.

Mr. Rainer Münz, Former Adviser on Migration and Demography at the European Strategy Policy Centre (ESPC), the in-house think tank advising European Commission President J.C. Juncker during his time in office (2014-2019). Prior to joining the European Commission, Rainer Münz was – between 2005 and 2015 – Head of Research and Development at Erste Group. He was Senior Fellow at the European think tank Bruegel (Brussels), the Hamburg Institute of International Economics (HWWI) and at the Migration Policy Institute (MPI, Washington DC). He also worked as a consultant for the European Council, the OECD and the World Bank. Until 2004, Rainer Münz had a rich academic career. He currently teaches at the Austrian Diplomatic Academy in Vienna and the Central European University (CEU).

Mr. Nermin Oruc, Director, Centre for Development Evaluation and Social Science Research. Senior Research Fellow at Impaq International (until 2016). Assistant Professor at the International University of Sarajevo (until 2015). MSc and PhD in Economics, Staffordshire University, Stoke-on-Trent. PhD thesis: Economic consequences of Ethnic Cleansing: Evidence from Bosnia-Herzegovina. Specific Expertise: Econometrics, Industrial Organization, Personnel Economics, Financial Reporting.

Ms. Danica Santic, Assistant Professor at the University of Belgrade, Faculty of Geography. Her research projects have focused on the Balkan migration route and migration flows in and from Serbia. She is one of the founders of the Migration, Inter-Connectivity and Regional Development (MICaRD) network, member of the Executive board of WB MIGNET, Regional Studies Association (RSA) territorial representative, World Social Science Fellow and Fellow of the European Center for International Affairs (ECIA).

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