



DLICY BRIEF

Assessing the EU's External Migration Policy

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Make EU external cooperation a mutual interest.

EXECUTIVE SUMMARY

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.



Migration Dialogues could become even more balanced and more effective.

EU MIGRATION DIALOGUES

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.

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.



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 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 partner-ships, 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, next to the mobility partnerships. The Migration Partnership Framework 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 $\{0.4,1.5\}$ billion by the Commission with additional Member State contributions and private investments up to $\{0.4,4.5\}$ 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

Economic development and investments are key issues.

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.



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.

Broaden the range of mutual interests.



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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