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An overview of migrations of Kosovars into the EU: Migration as a Multifaceted Phenomenon





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Introduction

For decades migration has been shaping the Kosovar society. Labour migration, socio-economic and political interactions with Kosovo's diaspora have had a major impact on the economic opportunities and the improvement of the welfare of Kosovar citizens. Financial inflows, including migration remittances and travel expenditures from Kosovo's diaspora, have had - and still have - a multifaceted impact on society, particularly by improving the well-being of the citizens, reducing poverty, increasing access to education and health care, increasing household spending and consumption, etc. Today, around one in four families have family members abroad, of which one in four receive support from these family members in the form of remittances.¹ Socio-economic, political, and civil unrest has led to various waves of migration, which have had a profound impact on the country's development prospects.

The end of 2014 and the first month of 2015 mark a period of mass exodus, where the European Union experienced a steep rise in the number of Kosovo citizens entering its territory via the Serbian border into Hungary and then into Western European countries. There is no reliable data attesting to the number of people who have left the country yet, but according to some estimates nearly 50,000 Kosovo citizens have fled illegally from the country.² Other sources even suggest that the overall number of illegal immigrants reached as high as 100,000.³ This sudden mass of illegal immigration indicates that the country is encountering serious economic and social development hardships.

This wave of immigration has seemingly been triggered by the EU decision to promote smoother travel policies for Serbia. Since 2012, Kosovars have been allowed to enter Belgrade with Kosovo-issued documents - with an ID or birth certificate - while prior to this date they were rejected under the justification that Serbia does not recognize Kosovo as an independent state.⁴ For the past decade, Kosovo and Serbia have been going through several negotiations in attempt to resolve these issues remaining unsolved since after the war of 1999.

The International Organization for Migration defines illegal immigration as "Crossing Borders without complying with the necessary requirements for legal entry into the country."⁵ In the EU context "asylum is granted to people fleeing persecution or serious harm in their own country and

¹ European Commission(2014) *INSTRUMENT FOR PRE-ACCESSION ASSISTANCE (IPA II) 2014-2020*; Retrieved from:http://ec.europa.eu/enlargement/pdf/kosovo/ipa/2015/09._ipa_2014_migration_asylum_and_fight_against_trafficking_with_human_beings_20141027.pdf

² Tages Anzeiger (2015) *Der Westen hat einen Pakt mit Kriminellen Politikern geschlossen*; Retrieved from: <http://www.tagesanzeiger.ch/ausland/europa/Der-Westen-hat-einen-Pakt-mit-kriminellen-Politikern-geschlossen/story/21671043>

³ The Guardian(2015) "Kosovans risk perils of roads, forests and criminals in chase for a better life in EU", Retrieved from: <http://www.theguardian.com/world/2015/feb/17/kosovans-risk-perils-of-roads-forests-and-criminals-in-chase-for-better-life-in-eu>

⁴ BYTYCI, F., & THAN, K. (2015) Dramatic surge in Kosovars crossing illegally into EU Reuters Retrieved from: <http://uk.reuters.com/article/2015/02/04/uk-kosovo-eu-migrants-idUKKBN0L819O20150204>

⁵ International Organization for Migration(2004) *Glossary for Migration: International Migration Law*; Retrieved from: http://publications.iom.int/bookstore/free/IML_1_EN.pdf

therefore in need of international protection.”⁶ In other words, the asylum status will be granted only to those migrants who have illegally left their country because of persecution or threat of serious harm.

The nature of irregular immigration in the EU member states is very difficult to quantify. Except for the emigrants who personally decide to flee out of their countries, several thousand people are trafficked into the EU every year. Eurostat data shows that in 2013 the number of illegal immigrants apprehended in the EU member states was around 429,000, which represents a 30% decrease from 2008.⁷ Out of the total, 7,925 Kosovars were found to be illegally staying in EU member countries.⁸ Yet, the number of illegal immigrants is expected to be higher as many of these immigrants are not caught.

Latest trends convey that on annual basis an average of 36,000 individuals enter the Kosovar labor market, 10,000 retire, while around 13,000 individuals leave the country to study, work, or live abroad.⁹ It is striking to understand that according to Kosovo Human Development Report, around half of the respondents aged between 18-36 years typically said they plan to migrate.¹⁰ With high unemployment rate of around 35.1%, especially among the youth standing at around 55.3%, the push to seek a better future abroad persists. Moreover, when considering that Kosovo has one of the youngest population in Europe, with around 200,000 individuals expected to join the labor market in the next five years, migration remains as a viable option for securing a decent livelihood.¹¹ In addition, poverty remains high; estimated by the World Bank around 34% of Kosovo's population are considered to be living under the poverty line, respectively with 1.4 € per day.¹² These figures show the relevance of flexible international mobility for Kosovar's future life choices. From 2008 until 2014 around 120,000 people have left Kosovo, out of which approximately 90,000 moved to EU member states, while the rest migrated to the US or Canada.¹³ This number is not entirely accurate, since many Kosovars have appeared in immigration offices with Serbian passports.¹⁴ This fact has led to inconsistent data gathered regarding the exact number of Kosovar migrants.

⁶ European Commission (2015) *Common European Asylum System* Retrieved from http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/asylum/index_en.htm

⁷ European Commission(2015)*Migration and Home Affairs: Irregular Immigration*; Retrieved from: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/immigration/irregular-immigration/index_en.htm

⁸ Eurostat (2014) *Third country nationals found to be illegally present - annual data (rounded)*Retrieved from: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/immigration/irregular-immigration/index_en.htm

⁹ UNDP(2014) Kosovo Human Development Report *“Migration as a force for development”* Retrieved from: http://www.ks.undp.org/content/dam/kosovo/docs/KHDR2014/KHDR_2014_ES_2.pdf

¹⁰ Ibid

¹¹ European Commision(2014) Instrument for Pre- accession Assistance (IPA II) 2014-2020 ,Retrieved from: http://ec.europa.eu/enlargement/pdf/kosovo/ipa/2015/09._ipa_2014_migration_asylum_and_fight_against_trafficking_with_human_beings_20141027.pdf

¹² USAID(2014) Kosovo 2014-2018 , Kosovo Development Cooperation Strategy, Retrieved from: https://www.usaid.gov/sites/default/files/documents/1863/CDCS_Kosovo.pdf

¹³ Hulumtim: Në vitet e pavarësisë, nga Kosova ikën më shumë se 120 mijë persona; *Lajmi*; Retrieved from: <http://lajmi.net/hulumtim-ne-vitet-e-pavaresise-nga-kosova-iken-me-shume-se-120-mije-persona/>

¹⁴ Ibid

Currently, Kosovo is the only country in the Western Balkans without a visa-free regime agreement with the EU, even though the visa dialogue between the European Commission and Kosovo's authorities has been launched since January 2012.¹⁵ Subsequently, even after Kosovo's independence there have been several attempts from citizens at different periods in time to illegally leave Kosovo. In October 2009, in the Tisa River, which marks part of the border between Serbia and Hungary, there was an attempt by 18 Kosovars to illegally cross the border, out of which 15 were killed in a sinking boat.¹⁶ The problem with the restricted visa regime has been manifested in other forms as well. On February 2014, several people, including some staff members of the Italian Embassy in Kosovo, were arrested for organized crime on the suspicion of being involved in the illegal procurement of visas.¹⁷ The group was producing fake documents for their clients to support their applications for Schengen visa at the Italian embassy; while the staff from the Italian embassy made sure that the fraudulent applications move along and were approved.¹⁸ These are indeed only two cases that gained wide media coverage, yet many other similar cases exist, which prove the struggles that Kosovars face when deciding to pursue a better life. In addition, this also proves the constant tendency for Kosovars to migrate to other developed states.

This paper shall provide a historical context as well as background information on the driving forces of Kosovo's migration and focuses in analysing the period of 2014-2015. Furthermore, the paper will elaborate the contribution of Kosovo's diaspora, the international labor migration, and remittance contributions with regard to human development and welfare improvement, and how this relates to the recent wave of migrants. Finally, the paper shall provide policy recommendation on both enhancing the benefits of the current diaspora and preventing the illegal immigration by improving the welfare of the country.

A situational Economic Analysis of Kosovo

In order to grasp an understanding of the reasons why Kosovo citizens are so highly prone to migrate, one must take a look at the economic situation and well-being indicators in the country. The living standards in Kosovo are significantly lagging behind in comparison to EU standards. Kosovo is considered to be one of the poorest countries of Europe with a GDP per capita of 2,894€,¹⁹ which accounts to 11% of the EU average.²⁰ During the 1990s, several factors including poor economic policies, ethnic war, weak access to external trade and finance, and international

¹⁵ European Commission(2014) Report from the Commission to the European Parliament and the Council; Retrieved from: http://ec.europa.eu/dgs/home-affairs/what-is-new/news/news/docs/second_commission_assessment_en.pdf

¹⁶ Musliu, J. (2012) Supremja Konfirmon 66 Vjet për Rastin Tisa; Gazeta Jeta ne Kosove; Retrieved from: <http://gazetajnk.com/?cid=1,1018,3378>

¹⁷ BYTYCI, F. (2014) Italian embassy staff implicated in Kosovo visa sales; Retrieved from: <http://www.reuters.com/article/2014/02/07/us-kosovo-italy-idUSBREA1610Y20140207>

¹⁸ Ibid

¹⁹ WIIW Annual Database, Retrieved from: <http://data.wiiw.ac.at/annual-database.html>

²⁰ European Commission "Kosovo Progress Report",2014

sanctions, have adversely impacted the economy in the country.²¹ Consequently, these occurrences have led to a reduction in output by half during this period and by 20% during the war of 98-99.²² Today, Kosovo's economy suffers from a low level of productivity, decreasing international investments, a negative trade balance, and an inadequate level of economic growth (See Table 1, for Macroeconomic Indicators).

Main Economic Indicators	2007	2008	2009	2010	2011	2012	2013
GDP (million euros)	3,411	3,851	3,912	4,216	4,637	4,885	5,169
GDP growth rate	4	6.9	2.9	3.9	5.2	2.3	2.6
GDP per capita growth rate (annual %)	5.4	6	2.1	3.1	3.8	1.4	1.1
GDP per capita (euros)	2,688	2,323	2,325	2,468	2,674	2,776	2,894
FDI net flows % of GDP	12.7	9.3	7.2	8.5	8.3	4.7	5.0
Exports(millions of euros)	512	569	612	820	875	933	995
Imports(millions of euros)	1,821	2,156	2,146	2,504	2,742	2,912	3,030
Current account(million euros)	-214.0	-460.9	-374.2	-515.7	-658.5	-380.2	-339.4
Capital account(million euros)	16.5	10.5	100.3	21.3	42.0	13.0	35.2
Financial account(million euros)	-5.8	288.5	109.0	275.9	376.8	130.3	123.5
Net errors and omissions(million euros)	203.3	162.0	164.6	217.6	239.6	236.9	181.2
FDI(million euros)	440.7	366.5	287.4	365.8	393.9	229.1	259.0
Remittances(million euros)	515.6	608.7	585.7	584.3	584.8	605.6	620.8
CPI Inflation rate (%)	4.4	9.4	-2.4	3.5	7.3	2.5	1.8

Source: WDI, 2014; WIIW, 2014; CBK, 2014; KAS, 2014

Figure 1: Macroeconomic Indicators for the period, 2008-2013

The private sector in Kosovo is facing low productivity with a lack of know-how and low access to markets, capital, and technology.²³ The small and medium enterprises (SMEs) representing the main

²¹ World Bank (2008) Kosovo Brief , Retrieved from: http://web.worldbank.org/archive/website01352/WEB/0__PAG-2.HTM

²² Ibid

²³ European Commission(2014) "Kosovo Progress Report", Retrieved from: http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-kosovo-progress-report_en.pdf

business activity in Kosovo contribute to 97% of the total employment. Nevertheless, they do not provide the needed level of assistance to lower the unemployment and poverty rate.²⁴ In addition, SMEs have the capacity to employ mostly 1 to 9 employees; however, this rate does not have the significant potential to contribute to efficiency gains as foreseen by the economies of scale.²⁵ Over the last years, economic growth has been hovering around 4% (Table 1), and this growth was mostly driven by public and private investments, which still did not produce any improvement in labour market conditions.²⁶ The pace of growth is insufficient to confront the challenges that Kosovo is currently facing.

Poverty reduction and welfare improvement in Kosovo are insurmountable without a strategy for creating employment; meanwhile, the prospects for this are not good. The most worrying aspect of the labour market in Kosovo is the high level of unemployment. Unemployment in Kosovo reaches an average rate of 35.1%, whereas youth unemployment rate (aged 15-25 years) is much higher and hovers around 55.3%. If we were to compare unemployment by factoring in gender, the rate is significantly higher for women (40%) compared to man (28.1%).²⁷ In addition, Kosovo has the youngest population in Europe where more than half of the population is under the age of 25. Thus, the high rate of unemployment among youth remains a big challenge for the country (See Appendix A for Unemployment among youth).

It is estimated that approximately 34% of the population lives in poverty with only €45 per month, which, put another way, means that they live with approximately €1.4 per day.²⁸ Moreover, in terms of welfare, Kosovo has inadequate social assistance scheme, since the current social assistance package does not offer unemployment benefits, maternity allowances, or child benefits.²⁹ Compared to the previous years, the number of the recipients has decreased but this is not due to the improvement in the welfare of the citizens but due to more rigid conditions that need to be satisfied in order to receive social benefits.³⁰ While it is reported that social assistance benefits should reach approximately 78% of the poor and around 45% of the bottom quintile, it is now clear that this scheme available to only 23% of the poorest in the population..³¹ Moreover, the monetary amount of the social benefits is insufficient to cover even the basic needs of the beneficiaries. Based on these statistical figures, we can firmly state that the main elements that would improve the overall living

²⁴ Veseli, L., Soini, E. (2011). FACTORS INFLUENCING SMES GROWTH IN KOSOVO (Master's thesis, Turku University of Applied Sciences). Retrieved from

https://publications.theseus.fi/bitstream/handle/10024/28428/Soini_Eveliina_Veseli_Labinot.pdf?sequence=1

²⁵ Ibid

²⁶ CIA The World Factbook Economy, Retrieved from: <https://www.cia.gov/library/publications/the-world-factbook/geos/kv.html>

²⁷ KAS (2014) Result of the Kosovo 2013 : Labor Force Survey. Retrieved from Kosovo Agency of Statistics website: <http://www.ks.undp.org/content/dam/kosovo/docs/ALMP/Labour%20Force%20Survey%202013%20%28July%202014%29%20%20Eng-%20Single%20Page-%20%282%29.pdf>

²⁸ USAID(2014) Kosovo 2014-2018 , Kosovo Development Cooperation Strategy, Retrieved from: https://www.usaid.gov/sites/default/files/documents/1863/CDCS_Kosovo.pdf

²⁹ Kosovo Agency of Statistics(2014) Publication of Social Welfare Statistics; Retrieved from: <https://ask.rks-gov.net/ENG/social-welfare-and-literacy/publications>

³⁰ Ibid

³¹ BTI (2014) Kosovo Country Report, Retrieved from: http://www.bti-project.org/uploads/txt_itao_download/BTI_2014_Kosovo.pdf

conditions are goal-oriented and reality reflective strategies, which would list feasible alternative for creating new job opportunities, combating corruption and nepotism, improving public institutions, and enhancing development in social and political arena.

Evolving Patterns of Kosovar Migration

A Brief Historical Context on the Migration waves

Today, statistics suggest that there are approximately 700,000-800,000 people who were born in Kosovo and currently live abroad, a group that represents the Kosovo diaspora.³² This number includes only those who have applied and legal asylum seekers, which suggests that the total number could be higher due to others residing illegally.

Much of Kosovo's history has been marked by inflows and outflows of its citizens, but information on these fluctuations have become available as more precise numbers only in the recent decades. Until 1960 there is no exact information or data on the migration flows. We can only discuss of statistics and qualitative migration related information starting from the migration wave of 1960-1989, followed by the one in 1989-1997, thereafter in 1998-1999, and lastly the migration wave from 2000 until the recent illegal migration wave.³³ Specifics of these migration waves are provided below:

- The phase from **1960-1989** includes the temporary migration of Kosovars seeking employment opportunities mainly in Germany and Switzerland. The majority of the emigrants were from the rural areas and were either unskilled or had a poor education background. They were given special contracts which intended to keep them as temporary workers; these contracts also gave them the right to bring their families with themselves. Even though there were several programs to encourage their return to their home country, most of them chose to stay in the host country and make a living there.
- The phase from **1989-1997** includes individuals who escaped from the then obligatory army services, reaching the peak during the Balkan Wars. This group consisted of rather better educated and skilled individuals that came both from rural and urban areas. In addition, this phase also includes the period where Kosovo's autonomous status was abolished. This period was followed by the mass dismissal of Kosovars from their jobs.
- The phase from **1998-1999** represents a period of forced emigration and massive population displacement as a result of the war. During the war, more than 800,000 people fled from

³² UNDP2014) Kosovo Human Development Report;pp. XII, Retrieved from:
<http://hdr.undp.org/sites/default/files/khdr2014english.pdf>

33 Riinvest (2007). Diaspora and Migration Policies. Prepared for forum 2015. Pp. 27, Retrieved at:
<http://www.riinvestinstitute.org/publikimet/pdf/50.pdf>

Kosovo as refugees, mostly to Macedonia, Albania, Western Europe and the US. After the 1999 war, Kosovo experienced a mass return of its displaced population.

- The people who immigrated in the phase **from 2000 until the recent illegal migration wave** left the country for three main reasons, 1. Migration for the purpose of family reunification; 2. Legal migration for the purpose of education and temporary work arrangements; and 3. Illegal immigration fuelled from widespread poverty, corruption, high unemployment, especially among youth, and lack of future prospects.

The Impact of Diaspora in Kosovo

The Kosovo diaspora is large. Indeed, there is one person in diaspora for every five residents in Kosovo.³⁴ Labour migration and economic relations with the Kosovo diaspora are so pervasive that they strongly impact economic opportunities and the living standards in Kosovo. Besides improving the welfare state in Kosovo, migration has had substantive impact in the following fields: human development, remittances, transfer of skills/know-how, participation in the social and political activities, and support for mobility of Kosovo residents in the field of education, health care, and employment.³⁵ The level of impact depends on factors such as the socio-economic characteristic of the migrant, the level of integration in the foreign country, and their closeness to their families in Kosovo.

Years	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Remittances(in million EUR)	357	418	467.1	515.6	608.7	585.7	584.3	584.8	605.6	620.8	693.7

Source: Central Bank of Kosovo, 2014

Figure 2: Remittance inflows for the period, 2004-2014

Remittances continue to play a major role in the development of the private sector as they make up to 67% of transfers in this sector.³⁶ Revenues from the remittances in 2013 amounted to 620.8 million EUR, representing an increase of 2.51% from 2012. In the period 2004 to 2014, remittances have increased by 94.31%.³⁷ If we analyse the time series of remittance and FDI inflows in Kosovo, we can note that remittances are three times higher than foreign direct investment in Kosovo.

In terms of remittance inflows by country during 2013, the highest inflows were from Germany (34%) and Switzerland (23%); this percentage proportion corresponds to the high concentration of diaspora community in these two countries. Moreover, inflows from other countries are also important, although they stand at lower levels.³⁸ Remittances coming from the other big countries

³⁴ UNDP(2014) Kosovo Human Development Report; pp. XII, Retrieved from: <http://hdr.undp.org/sites/default/files/khdr2014english.pdf>

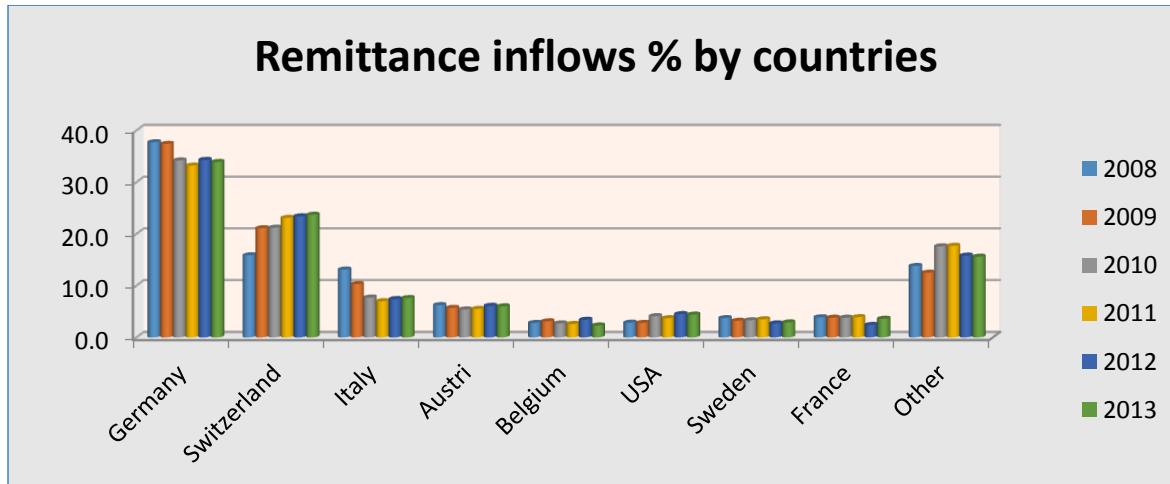
³⁵ Ibid

³⁶ Central Bank of Kosovo (2013) Time Series ; Remittances by Channel, Retrieved from: <http://bqk-kos.org/?m=t&id=55>

³⁷ Ibid

³⁸ Central Bank of Kosovo (2013) Time Series , Remittance by Countries, Retrieved from: <http://bqk-kos.org/?m=t&id=55>

where Kosovo diaspora is concentrated are as following: Italy (7%), Austria (6%), Belgium (3%), US (4%), Sweden/France (3%).



Source: Central Bank of Kosovo, 2014

Figure 3: Remittance Inflows (%) by Countries for the period, 2008 - 2013

Remittances contribute to the wellbeing of many residents in Kosovo, they add up to the household monthly budget by approximately €150 euros per month, amounting to 15% of GDP.³⁹ Furthermore, they help finance the economy by stimulating both consumption and investment.

Kosovar diaspora members do not only transfer labour income and remittances to Kosovo but they also transfer money through their regular visits to the country.⁴⁰ Diaspora members play a crucial role in the facilitation of foreign investments, mainly in the sector of real estate, respectively the construction services.⁴¹ In summary, remittances from migrants, labour income from short-term workers abroad, travel expenditures when visiting Kosovo, and other types of international reserve flows, contribute significantly towards strengthening the Kosovar economy.

Data analysis of Kosovar migration in the EU for the period 2008-2014

Over the period 2008-2014, the number of Kosovar applicants in the EU has grown but mostly in a descending scale. People believed that independence would resolve their economic and social problems, which would lead to a lower tendency to migrate. However, this was not the case. Research carried out in 2008, after the declaration of independence, has shown that migration intentions actually increased, doubling from 20% to 40%.⁴² The highest growth was marked in 2009,

³⁹ CIA The World FactBook (2015) Economic Overview , Retrieved from: <https://www.cia.gov/library/publications/the-world-factbook/geos/kv.html>

⁴⁰ Central Bank of Kosovo (2010) " Kosovo Remittance Study"

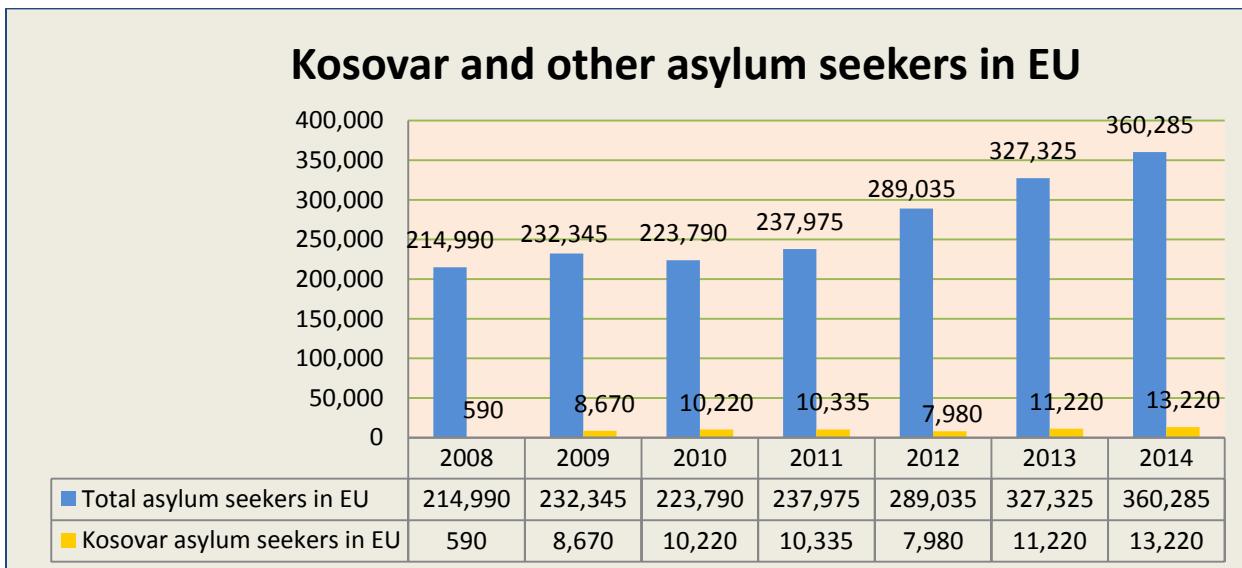
⁴¹ Ibid

⁴² UNDP(2011) Diaspora Engagement in Economic Development; Retrieved from: <http://www.ks.undp.org/content/dam/kosovo/docs/DEED/PRODOC%20DEED.pdf>

where the percentage increase of the applicants was higher than 100%. There are, however, notably more asylum applicants in 2013 and 2014 than in other previous years during the study period.

In parallel, the overall rate of migration from all countries worldwide in the EU has increased in the period, 2008-2014. The bar chart (Figure 4) shows that in 2008, there were 214,990 lodged applications for asylum in EU, while in 2014 this number increased to 360,285. During this time interval, it can be noted that the number of asylum seekers in the EU has increased by 67.58%. The rise in the overall number of asylum seekers in the EU has been driven mainly from the wars in Iraq, Syria, and conflicts/instabilities in countries such as Afghanistan, Eritrea, Ukraine, etc.⁴³ The top five EU countries which have received the highest number of asylum applications were Germany, France, Sweden, Italy and the UK.⁴⁴ In absolute terms, the highest number of granted positive asylum decisions, for both first instance and final decisions, were recorded in these five top member states.

If we compare the total number of asylum seekers in the EU with the number of Kosovar asylum seekers in the EU, we note a rising trend applying in either case. However, in the period 2008-2014, Kosovo comprises a much smaller percentage in the total number of asylum applications in the EU, hovering around 3-4 % (Figure 4).



Source: Eurostat, 2015

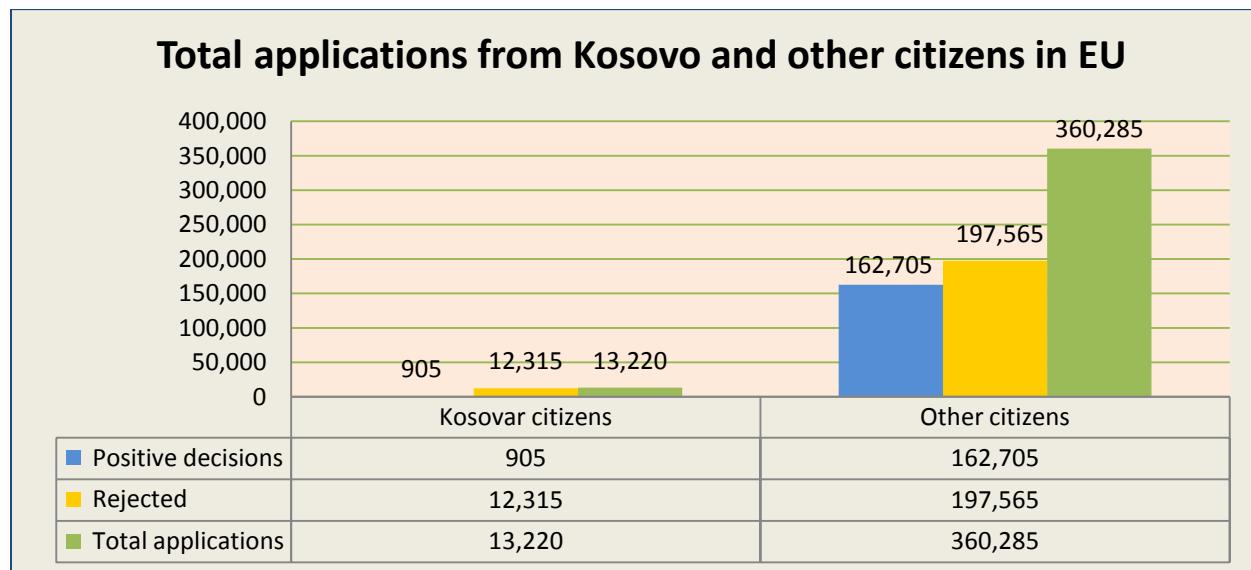
Figure 4: Kosovar and other asylum seekers in EU for the period, 2008-2014

⁴³ UNHCR(2015) Regional Operation Profile , Working Environment; Retrieved from: <http://www.unhcr.org/pages/4a02d9346.html>

⁴⁴ Ibid

In 2014, out of 360,285 asylum applications from all nationalities in the EU (Figure 5), 45.16% of them were approved, while 54.84% were rejected. In terms of Kosovar asylum applicants in the EU, out of 13,220 applications, 6.85% were approved and 93.15% were rejected. The same pattern of high rejections for Kosovar asylum applicants was present in the entire period from 2008-2014. The high number of rejections might be linked to the fact that since the declaration of independence in 2008, migration from Kosovo has been driven mainly by economic reasons,⁴⁵ which doesn't meet the EU requirement. During this period, other driving factors for migration were family reunification and education.⁴⁶ All these factors combined created the drive for the recent 2014-2015 illegal immigrants to flee from the country.

In 2014, out of 13,220 asylum applications from Kosovo citizens, 6.85% were approved and 93.15% were rejected.



Source: Eurostat, 2015

Figure 5: Total Applications from Kosovo and other citizens in the EU, 2014

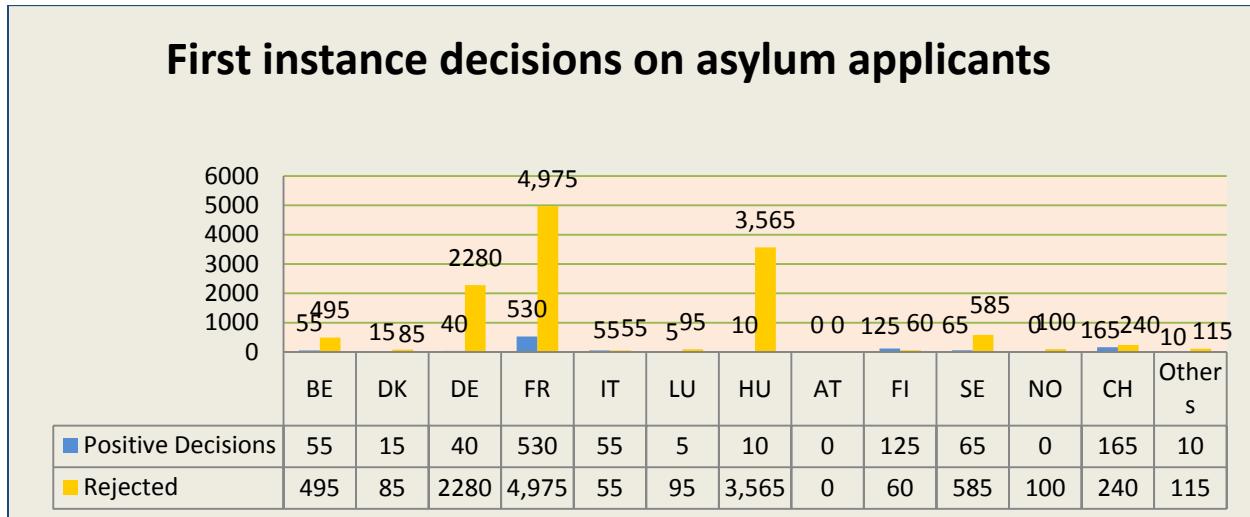
In the period 2008-2014, the top five EU countries with the most Kosovar asylum seekers and applicants were: Germany, France, Switzerland, Austria and Sweden.⁴⁷ In 2014, the ranking changed slightly as instead of Sweden, Hungary occupied the fifth place in terms of the number of Kosovar asylum applicants. This change is related to the latest illegal migration flows, elaborated later on. In terms of first instance decisions on Kosovar asylum applications in the EU member states for the period 2014 (Figure 6), France, being the country with the highest number of applications, approved 9.3% and rejected 90.37% of applicants. It was followed by Germany, which approved 98.28% and

⁴⁵ UNDP(2014) Kosovo Human Development Report, Migration Motives pp.26, Retrieved from: http://www.ks.undp.org/content/dam/kosovo/docs/KHDR/human_dev_rep_english.pdf

⁴⁶ Ibid

⁴⁷ Eurostat(2014) *First instance decisions on applications by citizenship, age and sex Annual aggregated data*, Retrieved from: http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asydcfsta&lang=en

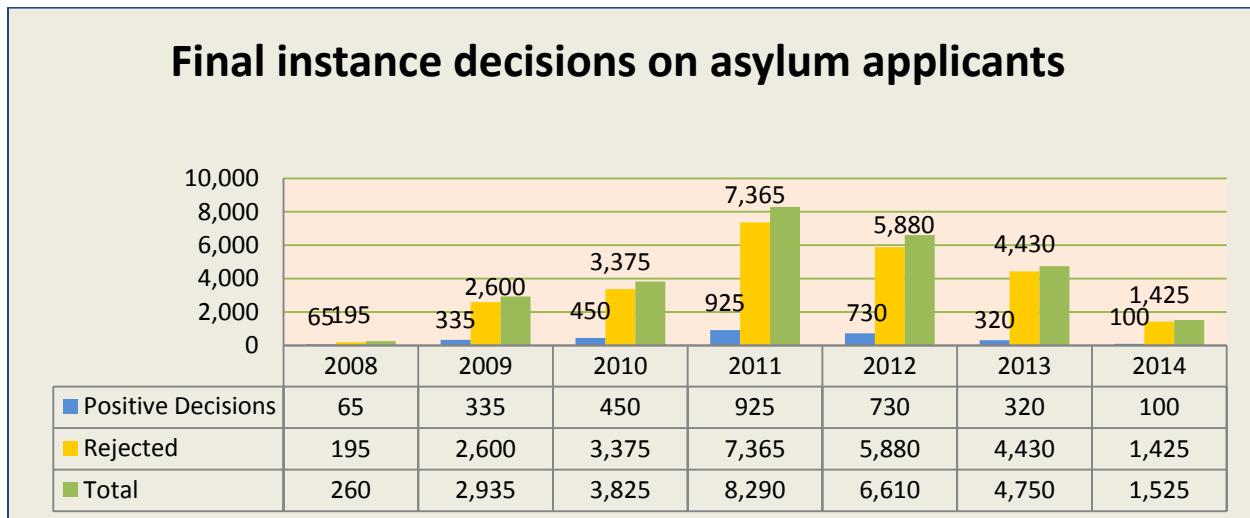
rejected 1.72%, and Hungary ranked third had the highest rate of rejection 99.72%, and the approval rate of 0.28%.⁴⁸



Source: Eurostat, 2015

Figure 6: First Instance decision on Kosovar Asylum Applications in the EU member States, 2014

For first instance decisions, 45.17% of all positive decisions in the EU in 2014 resulted in grants of refugee status, while for final decisions the share was notably lower, at 22.64% (Figure 7). In the first instance decisions phase for Kosovar asylum applications, 6.85% resulted in grants of refugee status, while this share was also similar (6.56%) for final decisions after the appeal or the review. This low share of asylum acceptance is most likely related to the fact that the EU does not grant asylum to those fleeing from economic hardship.

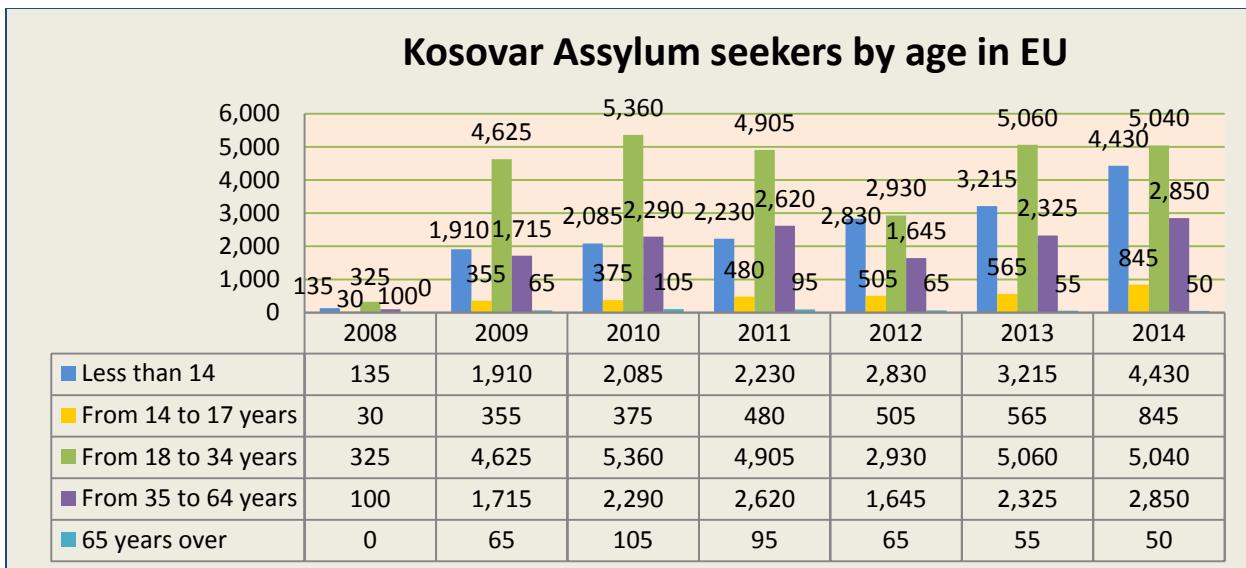


Source: Eurostat, 2015

⁴⁸ For the trends from 2008-2013, see Appendix B.

Figure 7: First Instance decision on Kosovar Asylum Applications in the EU member States, 2014

Figure 8 shows the breakdown of migration rates for the years 2008-2014 for both men and women by age distribution. In this period, the vast majority of Kosovar asylum applicants were aged between 18 and 34 years old, followed by the category of less than 14 (Figure 8). The former age profile reflects migration for the purpose of labour opportunities while the latter for the purpose of family reunification.⁴⁹ The high rate of unemployment among youth (53%)⁵⁰ is most likely the reason for the first category aged 18-34 years old to leave Kosovo. This age distribution for asylum applicants was common in the majority of countries within the EU, with the largest share of applicants falling in this age category.⁵¹ In other words, young adults are most likely to leave their country in search for better opportunities.



Source: Eurostat, 2015

Figure 8: Kosovar Asylum seekers by age in the EU, 2008-2014

On the other hand, the distribution of all asylum applicants by gender shows that men are more likely than women to apply for asylum in the EU.⁵² Across the EU, the gender distribution was most balanced for asylum applicants aged less than 14, whereas a greater inequality of asylum applicants was among the group falling in the category 14-17 and 18-34 years old.⁵³ In terms of distribution of

⁴⁹ Kosovo Agency of Statistics "Kosovo Population Projection "2011-2061" Retrieved from: <https://ask.rks-gov.net/rekos2011/repository/docs/KOSOVO%20POPULATION%20PROJECTION%202011-2061.pdf>

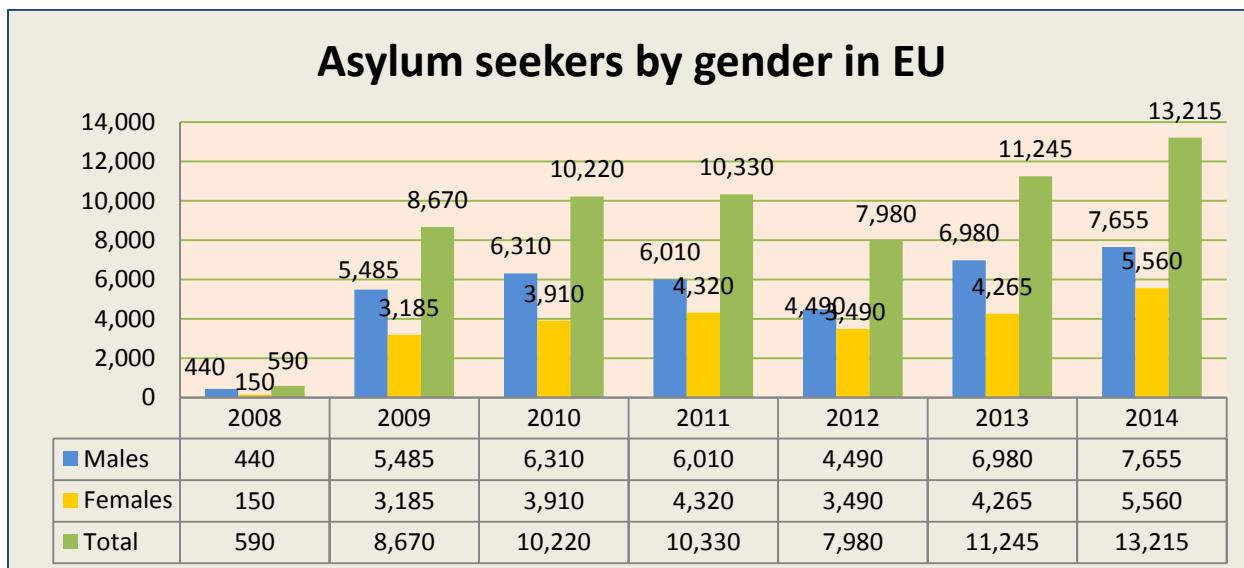
⁵⁰ Kosovo Agency of Statistics " Key Labor Market" Retrieved from: <https://ask.rks-gov.net/eng/>

⁵¹ Eurostat (2015), Asylum Statistics, Retrieved from: http://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_statistics

⁵² Eurostat(2014) European Commission "Asylum Applicants", Retrieved: http://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_statistics

⁵³ Ibid

Kosovar applicants by gender, data shows that asylum applicants were more often men than women (Figure 9). This can be related to the fact that Kosovar men tend to usually secure asylum for themselves, regulate their residence permits, and then make efforts to bring their family members over to the chosen host country.⁵⁴ On a general scale, in terms of gender distribution by age category across the EU, the most balanced categories were those of age less than 14 and those of 14-17 years old. The highest inequality in terms of gender asylum applicants was in the category 18-34 years old, where around three quarters of asylum applicants were male. The only age category where female asylum applicants outnumbered the male applicants was 65 and over, even though this group was relatively small, accounting for just 0.37% of the total number of applicants in 2014.



Source: Eurostat, 2015

Figure 9: Kosovar Asylum seekers by gender in the EU, 2008-2014

In 2013, more than 430,000 non-EU citizens were ordered to leave the EU. The number of orders to leave decreased in 2008 from 603,000 to 430,000 in 2013, which in percentage terms marks a reduction of 28.7%. The EU Member States that had ordered the highest number of persons to leave were: France, the UK, Belgium, and Greece. While the EU witnessed a decrease in the number of orders to leave for the time period 2008-2013, Kosovo witnessed an opposite trend. The number of orders to leave increased from 530 to 9,915, which amounts to an increase of more than 100 % (Figure 10). Further, for the period 2012-2013, Kosovo ranked in the list of top 10 countries that had the highest rate of effective returnees from the EU Member States.⁵⁵ All of the repatriated persons represent a major concern and burden for the Kosovo government, since they are in need of financial assistance to reintegrate back in Kosovo's society and context.

⁵⁴ UNDP(2014) Human Development Report, pp.26; Retrieved from:

http://www.ks.undp.org/content/dam/kosovo/docs/KHDR/human_dev_rep_english.pdf

⁵⁵ Eurostat(2014) Main citizenship effectively returned to their home country of origin 2012-2013, Retrieved from:

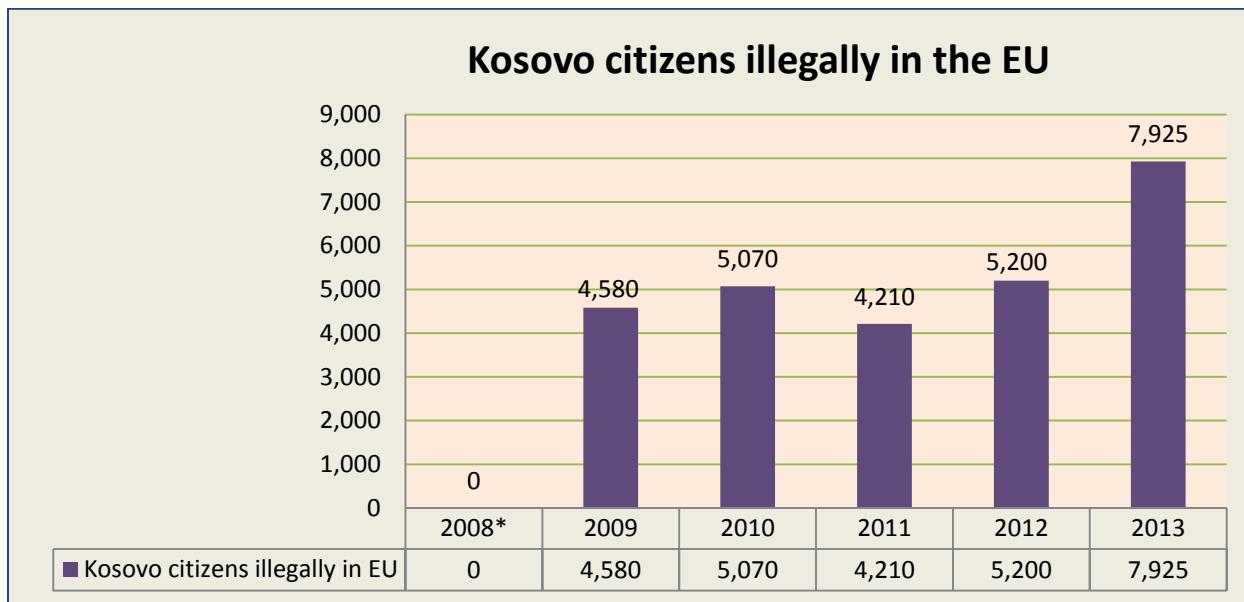
http://ec.europa.eu/eurostat/statisticsexplained/index.php/File:Main_citizenships_effectively_returned_to_their_country_of_origin,_2012%20%9313_V1.png#filelinks



Source: Eurostat, 2014

Figure 10: Kosovo citizens order to leave from the EU, 2008-2013

Over a five-year period (2008-2012) the number of Kosovo citizens apprehended to be illegally present in the EU hovered between 4000 to 5000 people, in absolute terms. While in the period 2012 to 2013, there was an increase of 52% in the number of Kosovo citizens illegally staying in the EU (Figure 11).



Source: Eurostat, 2015

Figure 11: Kosovo citizens found to be illegally present in the EU, 2008-2014

Focusing on the last two years, the highest increase in 2013 compared to 2012, respectively from 5,200 to 7,925, is more likely related to the EU facilitated agreement reached to allow citizens of

Kosovo to travel to third countries via Serbian border. In addition, based on the data disaggregated by gender for the number of apprehended Kosovar citizens illegally staying in the EU, they indicate that irregular migration was an issue mainly related to the male group of the society.⁵⁶ This might be due to the assumption that males are less vulnerable to poor and dangerous settings that the path of illegal immigration sets ahead.

Recent Illegal Migration Flows (2014-2015)

Illegal Migration from the Western Balkan countries towards EU member states is not a recent phenomenon.⁵⁷ However, in the last months of 2014 and in the first two months of 2015, the EU experienced a rise in the number of illegal immigrants fleeing from Kosovo.⁵⁸ There is no precise information on the number of illegal immigrants who immigrated from Kosovo, however, according to some estimates it was more than 50,000 individuals.⁵⁹ In mid-February, the Ministry of Education and Science in Kosovo released information showing that 5,200 pupils dropped out of school to follow their parents abroad.⁶⁰ This unexpected wave of immigration has been labelled by many as an exodus, considering the ratio of immigrants to the total number of Kosovo's inhabitants.

During this period, massive Kosovar crowds have left the country enduring uncomfortable night bus journeys and illegal border crossings to make their way through Serbia, which is considered to be the shortest direct route to Hungary and then into EU member states.⁶¹ If people could not flee immediately and cross the border into the EU, they were temporarily placed in the vocation houses at Palic Lake, a location in northern Serbia, which is part of the Vojvodina Province.⁶² Moreover, several motels and villas were rented exclusively for this purpose. The network of smugglers developed proactively, consisting of bus companies, travel agencies, corrupt border police, vocational rental owners, and other involved third parties who 'facilitated' the crossing of the border.⁶³ Despite the risks and level of danger that the citizens were exposed to, they all considered this a risk worth taking.

⁵⁶ Eurostat(2014) "Third country nationals found to be illegally present - annual data (rounded)", Retrieved from: http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_eipre&lang=en

⁵⁷ Lembovska M, Police Reform in the Western Balkans "Police cooperation in the field of combating migration and human smuggling" Retrieved from:

http://www.analyticamk.org/images/stories/files/2014/Police_Cooperation_in_the_field_of_illegal_migration_and_human_smuggling.pdf

⁵⁸ Rusila A,(2015) Peace and Collaborative Development Network "The Mass Exodus of Kosovo Albanians", Retrieved from: <http://www.internationalpeaceandconflict.org/profiles/blogs/the-mass-exodus-of-kosovo-albanians#.VRA4XY54pKU>

⁵⁹ Ibid

⁶⁰ Ibid

⁶¹ Launey De, G.(2015) BBC "Leaving Kosovo: Exodus of young people as frustration soars" Retrieved from: <http://www.bbc.com/news/world-europe-31967471>

⁶² Robelli.E,(2015) Tagesanzeiger.ch ,Weg Aus Kosovo Nur ein Weg!, Retrieved from:

<http://www.tagesanzeiger.ch/ausland/europa/Weg-aus-Kosovo-einfach-nur-weg/story/17762763?track>

⁶³ Ibid

Prior to the Brussels agreement on normalization of the relations between Kosovo and Serbia, Serbia has refused to recognize the legitimacy of Kosovo institutions.⁶⁴ In April 2013, the governments of Kosovo and Serbia reached agreements and deals in areas such as: regional representation, diploma recognition, trade and costumes, etc.⁶⁵ In the wake of these agreements, Serbian authorities agreed to remove restrictions and ease the traveling rules and procedures on their border crossing.⁶⁶ The latest wave of illegal migration followed immediately after the smoothening of travel rules, which in turn allowed Kosovars to reach the EU border via Serbia. Moreover, it also coincided with the latest political turmoil, street unrest driven by poverty, high unemployment rate, economic stagnation, problems with education and health system, nepotism and the lack of future perspective.⁶⁷ On one hand, one can submit that the illegal migration in Kosovo for the period 2014-2015 can be classified as voluntary mass escape driven mainly by the intention to continue life in the EU member states that offer a better standard of living. On the other hand, it is interesting to note that this latest wave of migration took place at a time when the EU is experiencing interesting demographic trends. Currently, Europe is experiencing serious demographic shifts which are expected to have widespread consequences across the whole continent, in particular in EU11⁶⁸ member states. The World Bank report shows that in less than forty years, more than one third of the population in the EU will be above the age of 60, while one quarter will be above the age of 65. Moreover, the report highlights the fact that as the population in the EU will age the size of the labor force will shrink, and these occurrences will further hinder economic development in this region.⁶⁹

Several embassies, the Office of the EU, and other individuals from the international community in Kosovo have informed people through media that their countries will not accept asylum applications from Kosovo. In addition, according to them the illegal immigrants are expected to be quickly repatriated,⁷⁰ a process which is already taking place. Also, they explained that the EU Member States do not grant asylum for economic, financial, or social reasons.⁷¹ To further explain, "Asylum is a form of international protection given by a state on its territory. It is granted to a person who is unable to seek protection in his / her country of citizenship and / or residence, in particular for fear of being persecuted for reasons of race, religion, nationality, membership of a

⁶⁴ Government of Kosovo(2014) State of play in the implementation of the Brussels Agreement, Retrieved from:

http://www.kryeministri-ks.net/repository/docs/Kosovo_Report_on_implementation_state_of_play_of_the_Brussels_Agreements_160114-signed.pdf

⁶⁵ Ibid

⁶⁶ Ibid

⁶⁷ Than K.,Bytyqi F,(2015) Reuters "Dramatic surge in Kosovars crossing illegally into EU", Retrieved from:

<http://www.reuters.com/article/2015/02/04/us-kosovo-eu-migrants-idUSKBN0L81120150204>

⁶⁸ EU11 Countries are: Bulgaria, Croatia, the Czech Republic, Estonia, Latvia, Lithuania, Hungary, Poland, Romania, Slovenia, and the Slovak Republic.

⁶⁹ The World Bank (2013) The EU11 in an Aging Europe , Retrieved from:

<http://www.worldbank.org/en/news/feature/2013/01/17/the-eu-11-in-an-aging-europe>

⁷⁰ Launey De Guy,(2015), BBC "Leaving Kosovo: Exodus of young people as frustration soars", Retrieved from:

<http://www.bbc.com/news/world-europe-31967471>

⁷¹ Koha Ditore (2014), Ministri Hyseni thote se qeveria I di arsyet e ikjes se Kosovareve" Retrieved from:

<http://koha.net/?id=27&l=37503>

particular social group, or political opinion.”⁷² In other words, asylum is granted only to those individuals who fall within the category as provided in the definition, whereas others will be rejected, unless they secure a work permit.

The Kosovo Assembly, after a long time of no response to the huge wave of illegal migration, decided to pass a special resolution to stop this illegal migration.⁷³ The resolution itself does not have concrete recommendations on how to address the issue at hand. It is drafted in broad terms and is not expected to lead to any positive end results.

In February 2015, a survey conducted by IVS (Initiative for Social Actions) in main municipalities, identified the main motives of the recent wave of illegal immigration.⁷⁴ The respondents of the survey listed the following drives or push factors in percentage terms that led to the illegal immigration. The listed reasons are as following: economic instability (69.66%), disappointment and disbelief in the country’s institutions (54%), lack of prospect for a better life (41%), social reasons (26.33%), and political reasons (27.66%).⁷⁵

In line with the findings of the survey and other reports on Kosovo’s situation has led to the following analysis:

Economic instability was the first ranked drive that pushed the illegal immigration for this time period. The illegal move into the EU member state was most likely driven by the motive to improve the standards of living and with the goal of securing a job with better conditions and salary.⁷⁶ Thus, people driven by this motive, immigrated for a larger economic benefit. For the economic situation in Kosovo, refer to the economic analysis, elaborated above (see page 4).

Disappointment and disbelief in the country’s institutions was the second ranked reason that pushed people to illegally immigrate during this period. The 2014 Public Pulse Poll results have shown that only 25% of Kosovars are satisfied with legislative, judiciary, and executive institutions all combined.⁷⁷ In 2014, the levels of satisfaction regarding executive institutions have decreased by 25%, reaching the lowest level of satisfaction since 2007.⁷⁸ The legislative institutions have experienced a decrease in satisfaction from 35% to 31%; they also reached the lowest level of satisfaction since 2007. The judiciary marked a decrease in satisfaction from 38% to 23%.⁷⁹ The

⁷² Eurostat(2015) European Commission ,Asylum Statistics, Retrieved from: http://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_statistics

⁷³ EurAktiv (2015) Poverty spurs mass migration from Kosovo , Retrieved from: <http://www.euractiv.com/sections/global-europe/poverty-spurs-mass-migration-kosovo-312131>

⁷⁴ IVS (2015) Studim mbi migrimet e kosovarëve gjatë 2014-2015, Retrieved from: <http://ivs-ks.org/wp-content/uploads/2015/03/Studim-mbi-Migrimet-2014-152.pdf>

⁷⁵ Ibid

⁷⁶ Ibid

⁷⁷ UNDP (2014) Public Pulse VIII , “Public Pulse Main Indicators”, Retrieved from: http://www.ks.undp.org/content/dam/kosovo/docs/PublicPulse/pp8/PP_8_Eng.pdf

⁷⁸ Ibid

⁷⁹ Ibid

highest dissatisfaction was marked in the work of Prosecutor's Office, which marked a percentage that was the lowest of all times since independence.⁸⁰

Moreover, according to the results of this poll, the majority of Kosovars (72%) appear to be either dissatisfied or very dissatisfied with the current political direction of the country.⁸¹ Another survey conducted by USAID in 2014, has shown that only 21% of citizens were satisfied with the overall work of the government.⁸² In addition, the same survey has shown that the satisfaction of citizens has decreased towards all public institutions.⁸³ Since after the war of 1999, education and health sectors in Kosovo have consistently been identified with serious problems, despite this neither of them has marked any reform to meet the country's development needs (the needs of both internal and the external market).⁸⁴

Other issues that relate to the lack of prospect for a better life are high corruption rate, inadequate rule of law, and an inefficient justice system. All of these have caused frustration among Kosovar citizens and consequently have led to illegal immigration. In terms of Kosovo's investor's perception regarding the business environment in the country, responses obtained from a survey with current and potential investors indicated that the main barriers to invest in Kosovo remain: lack of investment incentives, heavy regulatory burden, and a lack of guarantees and investment protection, lack of rule of law, corruption, and finally economic and political instability.⁸⁵ The main reasons provided for the lack of readiness to invest are similar with those reported as most prevalent factors that have led many Kosovars to illegally leave the country. The recent immigration wave is also a direct result of the latest political stalemate and social unrest in Kosovo, especially the controversial elections that were held in June, where Kosovo managed to only form a new government six months later.⁸⁶ (See Appendix C for the Chronological Events in Kosovo, period 2008-2014).

Moreover, the EU member states have decided to repatriate the latest Kosovar illegal immigrants, which will be handled in direct cooperation with the Ministry of Internal Affairs.⁸⁷ By the 25th of March 2015, 2,679 individuals were returned mainly from Germany, Hungary, Austria, and Belgium.⁸⁸ The repatriation of the remainder illegal immigrants is planned to happen gradually in the following months of 2015. After the return of these citizens in Kosovo, the issue of repatriation is transferred to the Department for Reintegration of Repatriated person. However, these people do not benefit from the Reintegration Program, because the timeframe of the law for this program is

⁸⁰ Ibid

⁸¹ Ibid

⁸² USAID (2014)_Kosovo 2014-208 "Country Development Cooperation Strategy" Retrieved from: https://www.usaid.gov/sites/default/files/documents/1863/CDCS_Kosovo.pdf

⁸³ Ibid

⁸⁴ Telegrafi (2015)"Si ta ndryshojmë arsimin dhe shëndetësinë?", Retrieved from: <http://www.telegrafi.com/lajme/si-ta-ndryshojme-arsimin-dhe-shendetesine-26-7315.html>

⁸⁵ Shaipi,K., Krasniqi,B.,Mati,B.,Gashi,E.,(2014) Investors perception of Kosovo's Business Environment, Survey with current and potential investors, Report

⁸⁶ Than K.,Bytyqi F.,(2015) Reuters "Dramatic surge in Kosovars crossing illegally into EU", Retrieved from: <http://www.reuters.com/article/2015/02/04/us-kosovo-eu-migrants-idUSKBN0L81120150204>

⁸⁷ Koha Ditore(2015)"Pritet Kthimi Masiv I emigranteve te Kosoves", Printed copy

⁸⁸ Koha Ditore(2015)" Vazhdon Kthimi I Emigranteve Ilegal", Printed copy

only for those people who have fled from Kosovo by 2010.⁸⁹ It is worth noting that this law has flaws as after this date all the repatriated individuals do not enjoy any protection from the state in material terms, nor do they receive any emergency assistance of any other type covered by this program. Consequently, the recent influx of returnees does not enjoy adequate legal protection from the state.

However, there are some emergent schemes that all the expats can benefit from, more specifically, the returnees can benefit through employment and vocational training programs which is currently funded by the Reintegration Program and implemented by UNDP (United Nations Development Program) and the Ministry of Labour and Social Welfare.⁹⁰ In addition, in order to benefit from this program, an individual should be registered as a jobseeker at the employment offices. In 2014, more than 250,000 Kosovar jobseekers were registered in the employment offices across the country.⁹¹ Yet, research indicates that these employment offices lack the capacity and effectiveness in placing the registered population in job positions. This is worrying, especially knowing the alarming number of long-term unemployment (12+months) that in 2014 was more than 60%.⁹² The data shows that the current employment plans are inadequate when it comes to absorbing new workers that enter the labour force. As such, the program of employment and vocational training for the influx of returnees from the last wave of illegal immigration is not a sufficient program alone.

Comparative analysis of Asylum Procedures in three EU Member States

A number of factors play a role in determining in which state an asylum seeker will lodge his/her application. These factors include, but is not limited to, historical ties of migration between the country of origin and the destination country, certain knowledge of the language used in the host country, a present and integrated ethnic community, economic situation of the host country, and the perceived likelihood that the destination country will grant a protection status.⁹³ All of the above facts remain relevant for Kosovar asylum applicants. In the period 2008-2014, the majority of Kosovar asylum applicants lodged applications in countries such as: Germany, France, and Italy followed by Switzerland, Austria, Belgium, etc.⁹⁴ Further, according to some assessments, the last wave of illegal immigration (2014-2015) was mostly directed towards countries such as Germany, France, Austria, Switzerland, and other EU member states.⁹⁵ Based on this assessment, Kosovo has a similar trend of migration over the years, especially in terms of applications based on location.

⁸⁹ Ibid

⁹⁰ Telegrafi (2015) "Jane kthyer 2700 emigrante", Retrieved from: <http://www.telegrafi.com/lajme/jane-kthyer-2700-emigrante-2-60865.html>

⁹¹ Agjencia e Statistikave te Kosoves(2014), CUMULATIVE JOB SEEKERS BY GENDER AND QUALIFICATION BY YEARS, Retrieved from: <http://ask.rks.gov.net/tregu-i-punes/tabelat>

⁹² Agjencia e Statistikave te Kosoves(2014) Result of the Kosovo 2013, Labor Force Survey, Retrieved from: <https://www.worldbank.org/content/dam/Worldbank/Brief/Europe%20and%20Central%20Asia/KOS-Labour-Force-Survey-2013-Eng.pdf>

⁹³ Eurostat(2014) Asylum Statistics Explained, Retrieved from: http://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_statistics

⁹⁴ Eurostat (2014) ,Asylum and new asylum applicants by citizenship, age and sex Annual data. Retrieved from: http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asyappctzm&lang=en

⁹⁵ DW(2015) Mobilizim ndërkombëtar dhe kosovar kundër migrimit, Retrieved from: <http://www.dw.de/mobilizim-nd%C3%ABrkomb%C3%ABtar-dhe-kosovar-kund%C3%ABr-migrimit/a-18255046>

There are four main procedures that determine asylum status. First, the EU member states determine a person's identity. Second, the situation is assessed in terms of security. Third, fingerprints, photographs are taken, and fourth, a first instance decision is taken on whether the individual is granted or rejected asylum.⁹⁶ During the last wave of illegal immigration there have been several misunderstandings regarding the asylum procedures. In order to clarify the differences, the table below compares asylum procedures of three main countries where most Kosovars lodge their asylum applications.

Country	France	Austria	Germany
Which types of procedures exist in the country			
Regular procedure	Yes	Yes	Yes
Border procedure	Yes	Yes	Yes
Admissibility procedure	No	Yes	Yes
Accelerated procedure	Yes	Yes	No
Dublin Procedure	Yes	Yes	Yes
Regular Procedure: General			
Time limit set in law for the determining authority to make a decision on the asylum application at first instance (in months)	6 (not binding)	6	6 (not binding)
Regular Procedure - Personal Interview			
Is a personal interview of the asylum seeker systematically conducted in practice in the regular procedure?	Yes	Yes	Yes
If so, are interpreters available in practice, for interviews?	Yes	Yes	Yes
Are interviews ever conducted through video conferencing?	Rarely	Never	Rarely
Regular Procedure - Legal Assistance			
Do asylum seekers have access to free legal assistance at first instance in the regular procedure in practice?	Yes	With Difficulty	No
Do asylum seekers have access to free legal assistance in the appeal procedure against a negative decision?	Yes	Yes	With Difficulty
In the first instance procedure, what does free legal assistance cover?	Legal Advice	Legal Advice	Legal Advice
In the appeal against a negative decision, what does free legal assistance cover?	Representation & Legal Advice	Legal Advice	Representation & Legal Advice
Dublin Procedure - Personal Interview			
Is a personal interview of the asylum seeker systematically conducted in practice in the Dublin procedure?	No	Yes	Yes
If so, are interpreters available in practice, for interviews?	No	Yes	Not Available
Dublin Procedure - Legal Assistance			
Do asylum seekers have access to free legal assistance at the first instance in the Dublin procedure in practice?	With Difficulty	With Difficulty	No
Do asylum seekers have access to free legal assistance in the appeal procedure against a Dublin decision?	With Difficulty	With Difficulty	With Difficulty
Admissibility Procedures - Legal Assistance			
Do asylum seekers have access to free legal assistance at first instance in the admissibility procedure in practice?	N/A	Yes	No
Do asylum seekers have access to free legal assistance in the appeal procedure against an admissibility decision?	N/A	With Difficulty	With Difficulty

Border Procedures - General			
Can an application made at the border be examined in substance during a border procedure?	No	Yes	Yes
Border Procedures - Personal Interview			
Is a personal interview of the asylum seeker systematically conducted in practice in a border procedure?	Yes	Yes	Yes
Border Procedures - Legal Assistance			
Do asylum seekers have access to free legal assistance at first instance in the border procedure in practice?	No	Yes	Yes
Do asylum seekers have access to free legal assistance in the appeal procedure against a decision made under border procedures?	With Difficulty	Yes	With Difficulty
Accelerated Procedures - Personal Interview			
Is a personal interview of the asylum seeker systematically conducted in practice in an accelerated procedure?	Yes	Yes	N/A
Use of NGOs			
Do asylum seekers have access to free legal assistance at first instance in accelerated procedures in practice?	With Difficulty	With Difficulty	No
Do asylum seekers have access to free legal assistance in appeal procedures against a decision made in accelerated procedures?	With Difficulty	With Difficulty	With Difficulty
Do asylum seekers located at the border have effective access to NGOs and UNHCR in practice?	With Difficulty	With Difficulty	With Difficulty
Subsequent Application			
Is there a specific identification mechanism in place to systematically identify vulnerable asylum seekers?	No	No	No
Use of Medical Reports			
Are medical reports taken into account when assessing the credibility of the applicant's statements?	Yes	Yes	Yes
Age assessment and legal representation of unaccompanied children			
Does the law provide for an identification mechanism for unaccompanied children?	No	Yes	No
Does the law provide for the appointment of a representative to all unaccompanied children?	Yes	Yes	Yes
Safe Country Concepts			
Is there a list of safe countries of origin?	Yes	Yes	Yes
Is the safe country of origin concept used in practice?	Yes	Yes	Yes
Is the safe third country concept used in practice?	No	Yes	Yes

Source: Asylum Information Database, 2015

Figure 12: A Comparison of Asylum Procedures of the countries with highest Kosovar Asylum Seeking Requests⁹⁷

The table above presents a number of key findings with regards to asylum procedures in three EU countries, respectively, France, Austria, and Germany, and as such it is structured around several themes, including the procedures related to the accession in a country's territory and the accompanying legal requirements as well as reception criteria and the need of procedural guarantees. Asylum applications in the three case studies compared may be lodged in the territory, at the border,

⁹⁷ Asylum Information Database(2015) "Compare key Asylum Indicators between 16 countries", Retrieved from: <http://www.asylumineurope.org/>

or from a host country detention centre. As it can be noted, from the general asylum procedures in the table, the differences between the procedures among countries are small, however, the decision on individual bases makes the gap difference big.⁹⁸

On the other hand, the length of the asylum procedures illustrated above, are not strictly defined. This is because sometimes in the same territory but in different admissibility centres the waiting period to obtain an appointment differs. In addition, designation of a country with the term “safe countries of origin” can lead to an accelerated processing of asylum applications which is mostly done in order to discourage further potential asylum applicants from that particular country. To clarify further, in the EU context, the concept of “safe country of origin” means that the countries listed under this concept can be designated as generally safe for their nationals to live in, thus application for international protection in most cases are unfounded and therefore rejected.⁹⁹ In a decision reached on the 16th December 2013, the Management Board of OFPRA listed Kosovo as a safe country of origin.¹⁰⁰ However, in the decision on 10th October 2014, Kosovo was removed from this list on the grounds that the country is still largely dependent on the support of international community and, given the unstable and political situation that Kosovo is experiencing, there is no guarantee of sufficient protection from public authority.¹⁰¹ Therefore, the time limit set in law (Refer to Figure 12) for the determining the authority to make a decision on the asylum application at first instance is applicable for Kosovo.

The comparison provided in the table above does not allow the drawing of any final conclusions as to the decision-making practice of these three EU countries. Rather, these countries consider several elements when evaluating asylum applications, among which are the characteristics of the case load, the nationality, the safe country of origin, the total recognition rate, the availability of admission centres, etc.¹⁰² Therefore, we come to understand that the procedures are largely dependent on the situation in the host country and the applications are treated on an individual basis.

Conclusions and Policy Recommendations

Migration as a force has had a significant impact in shaping and reshaping the Kosovar society. As a result we have today a large Kosovar diaspora, which throughout the history has played a crucial role in the development of the country. Currently, the Kosovar diaspora contributes to human development in diverse and substantial ways. Moreover, remittances from diaspora have been, and still are, utilized as a safety valve from Kosovar citizens, especially from those who are unemployed and live a life below poverty line.

⁹⁸ Ibid

⁹⁹ European Database of Asylum Law(2015)The safe country of origin concept, Retrieved from:
<http://www.asylumlawdatabase.eu/en/keywords/safe-country-origin>

¹⁰⁰ Asylum Application Database (2015) Annual Report , France

¹⁰¹ Ibid

¹⁰² Asylum Application Database (2015) MIND THE GAP: AN NGO PERSPECTIVE ON CHALLENGES TO ACCESSING PROTECTION IN THE COMMON EUROPEAN ASYLUM SYSTEM , Retrieved from:

Circumstances indicate that the migration will continue to be an integral part of Kosovo's economic, political, and social landscape. Therefore, it is important to strategize in terms of drafting policies and taking action that would ensure the strengthening of the link and a better utilization of the potential of the diaspora, which should be an important priority for the Kosovo government. However, it is needless to say that in parallel, the government of Kosovo should make all the efforts to prevent the illegal immigration of Kosovars to the EU by taking emergent steps to improve the overall situation in Kosovo, respectively the political ambiguity, economic instability, social unrest, poverty, corruption, nepotism, etc.

In response, below is a list of policy recommendation on both enhancing the benefits of current diaspora and stopping the illegal immigration through a well-established task force and by improving the welfare of the country:

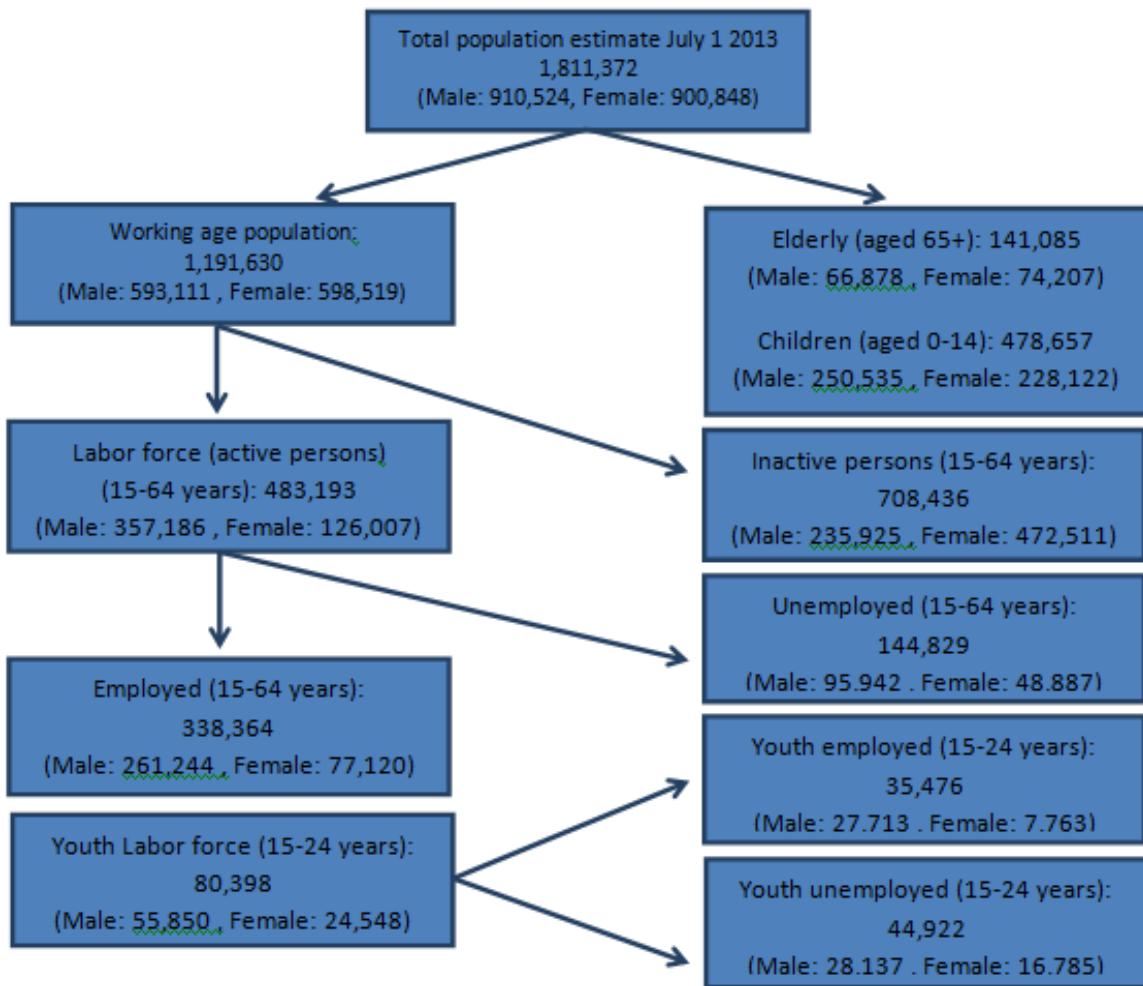
1. Kosovo should **increase the level of cooperation and information exchange in the area of migration with Serbia and Hungary**. These countries mark the routes that were used from illegal immigrants as transit to enter into the EU member states. Moreover, Kosovo needs to strengthen the investigating capacities in both combating illegal immigration and organized criminal groups of human smugglers. Therefore, a project that would facilitate joint investigations should be established. This project should include police officers from at least three countries (Kosovo, Serbia, and Hungary). Subsequently, cooperation at this level should encourage the creation of such joint investigation teams in practice. This cooperation would improve institutional coordination and cooperation on migration management aspects and at the same time increase efficiency in the supervision and border control of the country.
2. Kosovo should **draw up a contingency plan that would appeal to potential host EU countries to provide a number of Kosovars with working permit visa for 3-6 months**. This would aid the country's economic woes. Moreover, Kosovo's progress would be greatly facilitated if more opportunities would be given to its citizens for both labour migration and mobility in the EU. The contingency plan should include the request for international mobility for both study and work in the EU. Moreover, Kosovo's institutions should work hard to implement the roadmap that is set by the EU for the visa liberalization. This measure should be a priority for the government of Kosovo considering the earlier elaborated demographic trends in Europe and their need to inject young labour force into their job markets.
3. The Government of Kosovo should **allocate part of their budget to target social assistance for the influx of repatriated persons from the last wave of illegal immigration**, since the current program of employment and vocational training for the returnees is not a sufficient and sustainable program alone. Furthermore, since Reintegration and Repatriation of migrant's falls under the responsibility of the Ministry of Internal Affairs, they should organize an aid fund that would ensure that returned

vulnerable individuals do not fall under the poverty line. The Ministry of Internal Affairs can allocate the fund to distribute food packages and hygiene materials to the returnees for at least 6 months. The distribution of such packages can be realized in collaboration with Mother Teresa Association under the project “Voluntary Return and Reintegration Program” or other projects of the similar nature.

4. The government of Kosovo needs to **actively work in addressing the issue of high unemployment**. In particular, the government should draft strategic policy documents and other additional complementary documents that would address and provide practical actions for each of the recommended policy measures. It is important to emphasize that the issues of unemployment in the country should be tackled in a very short time span. While this requires long-term studies and well-drafted strategies, there are a certain number of measures that could be enforced immediately and lead to substantial positive results. Some of the measures that could be presented in the short run are: the reduction of the retirement age from 65 as it is now to 60 years old, the banning of the right to hold more than one job position in the public institutions, the presentation of credit taxes for the companies opening new job positions, the abolishment of inefficient governmental programs such as the “Cadre Fund Scheme”, etc.
5. Government of Kosovo should **improve the general investment climate**. Fiscal and in-kind incentives are a viable option that would encourage foreign direct investments from Kosovo Diaspora. Nonetheless, in order to attract this form of FDI, and not only, the Ministry of Trade and Industry through its Kosovo Investment and Enterprise Support Agency, should prepare a detailed medium term FDI plan which would indicate the sector investment priorities that are in line with the country’s economic development agenda. Additionally, the Ministry needs to continually review and refine its FDI strategy to reflect the impact of changes and the progress made. In order to create a commitment from Diaspora in this regard and incentivize them to invest in Kosovo, the Ministry of Diaspora should in parallel build a sustainable and effective communication and outreach strategy which would assure that the interest of Diaspora and the needs of the Kosovo’s economy match, hence leading to concrete and successful end results. Most importantly, an enhanced FDI trend from Diaspora would also have other positive effects, as it would serve as a promising signal to other international investors seeking to invest in Kosovo. Increased FDI would result in the generation of new jobs, hence creating employment opportunities for many Kosovars who would otherwise consider to leave the country.

Appendices

Appendix A: Details on the Population of Kosovo



Source: Agency of Statistics of Kosovo, 2014

Appendix B: Kosovar Asylum Applications

		2008	2009	2010	2011	2012	2013	2014
BE	Positive Decisions	0	115	140	240	95	30	55
	Rejected	0	950	1680	2520	1145	500	495
DK	Positive Decisions	0	15	35	25	10	0	15
	Rejected	0	55	120	115	125	80	85
DE	Positive Decisions	15	75	90	50	55	35	40
	Rejected	0	1275	2170	1795	2600	2825	2280
FR	Positive Decisions	0	110	105	100	210	205	530
	Rejected	0	2,355	3,375	3,295	2,295	4,215	4,975
IT	Positive Decisions	0	75	80	95	45	60	55
	Rejected	0	180	255	130	40	45	55
LU	Positive Decisions	0	5	5	5	0	5	5
	Rejected	0	155	90	85	175	225	95
HU	Positive Decisions	0	0	0	0	5	0	10
	Rejected	0	650	85	135	40	1,010	3,565
AT	Positive Decisions	60	80	70	35	35	30	0
	Rejected	505	1,040	595	330	230	745	0
FI	Positive Decisions	0	10	15	5	10	10	125
	Rejected	0	80	200	80	65	50	60
SE	Positive Decisions	0	105	35	50	40	30	65
	Rejected	0	1,195	940	1,150	685	1,020	585
NO	Positive Decisions	0	0	0	0	5	10	0
	Rejected	0	0	240	125	120	210	100
CH	Positive Decisions	0	45	80	55	50	85	165
	Rejected	0	185	290	205	300	355	240

Source: Eurostat, 2015

Appendix C: Chronological representation of main political and development events in Kosovo

Years	Events
2008 February	Kosovo declared its independence
2008 April	Parliament adopted a new constitution
2008 June	New constitution transferred power to majority ethnic Albanian government after nine years of UN rule.
2008 October	The UN General Assembly voted to refer Kosovo's independence declaration to the International Court of Justice
2008 December	European Union mission (Eulex) took over police, justice and customs services from UN. Serbia accepted EU mission.
2009 January	New multi-ethnic Kosovo Security Force was launched under NATO supervision, replacing a unit dominated by veterans of independence campaign against Serbia.
2009 February	UN war crimes tribunal in the Hague acquitted former Serbian President Milan Milutinovic on the charges that he ordered a campaign of terror against Kosovo Albanians in the 1990s.
2009 August	Ethnic clashes broke out in Mitrovica
2009 November	First post-independence local elections were held
2010 May	Serbs held local elections in two Serb-controlled districts in northern Kosovo. The vote sparked violent protests in the divided town of Mitrovica.
2010 July	The Hague War Crimes Tribunal ordered a new trial for former PM Ramush Haradinaj and two other ex-members of the Kosovo Liberation Army (KLA) on charges of war crimes, saying that an earlier trial was marred by witness intimidation. The International Court of Justice ruled that Kosovo's declaration of independence from Serbia in 2008 was not illegal under international law, in response to a complaint from Serbia that it had violated its territorial integrity.
2010 September	President Fatmir Sejdiu resigned after court ruled that he breached the constitution by staying in a party post while in office
2010 October	Caretaker president Jakup Krasniqi called early general election for February 2011. Fatmir Sejdiu's from Democratic League of Kosovo (LDK) pulled out of governing coalition.
2010 November	Parliament passed vote of no-confidence in minority government. Election date was brought forward to 12 th of December.
2010 December	PM Hashim Thaci's Democratic Party of Kosovo (PDK) won narrow majority in parliamentary election. Council of Europe published report alleging that Kosovo Liberation Army rebels then led by Mr Thaci were involved in organ trafficking and other crimes after 1999 war with Serbia. Mr Thaci rejected the allegations.

2011 February	Kosovo-Swiss businessman Behgjet Pacolli became president after winning narrow majority in third round of voting in parliament. Hashim Thaci was re-appointed as prime minister.
2011 March	Serbia and Kosovo had begun direct talks to try end their dispute (their first talks since Kosovo broke away from Serbia).
	President Pacolli stepped down after the high court rules parliament had not been in quorum during his election. In April, Parliament elected senior police officer Atifete Jahjaga to be Kosovo's first female president.
2011 July	Violence sprung as Serbs resisted efforts of Kosovo government to impose its authority.
2011 December	Kosovo and Serbia reached agreement on regulating border crossings. Nonetheless, tension rose as the European Union's Eulex mission blocked a Russian aid convoy to Serbian-dominated northern Kosovo on the Serbian border, saying it must accept a Eulex escort or enter via a Kosovo government-controlled crossing
2012 June	Energy prices Increased for 8.9%
2012	Kosovo gained membership in the European Bank for Reconstruction and Development
2012	Pension increased for many categories of pensioners
2012 October	On 19 October, the Prime Ministers of Serbia and Kosovo held EU-brokered talks in Brussels. This was the first time that the two sides had met at the prime ministerial level since Kosovo declared independence on 17 February 2008.
2013 March	Protest were held against price increase in energy
2013 April	Dialogue on the topic: Normalization Agreement between Serbia and Kosovo was held.
2013 November	Local elections were held on 3 rd of November, their performance was highly praised by domestic and international political factors
2013	After ten rounds of talks in Brussels, an agreement consisting of 15 points was made for the normalization of relations between Kosovo and Serbia, in the framework of mediated talks in Brussels, under the auspices of the Chief of Foreign Policy of the EU.
2013 October	Kosovo officially started on 28 October negotiations with the European Union 's Stabilization and Association Agreement
2013 December	Runoff, shifted the power in many municipalities
2014 January	Handover of duties were performed in early January , adding the elections in North Mitrovica , which were held in late February
2014 May	The Assembly was Suspended
2014 June	Kosovo experienced Political/Institutional stalemate (Misunderstanding on who has the parliamentary majority that will form the government and other

	institutions).
2014 July	Energy Prices increased for 4.57%
2014	Kosovo held general elections/ Parliamentary elections
2014 September	Energy Prices Increased for 5.18%
2014 November	The wave of illegal immigration started
2014 December	Kosovo experienced political turbulence and social unrest, which held an inconclusive election in June and only formed a new government six months later.
2015 January	Kosovo parliament approved the budget for the year 2015
2015 January	Macedonia, Kosovo signed a deal on investment 'stimulation and protection'
2015 January	Jablanovic angered Kosovo Albanians by calling a group of protesters against Serbian pilgrims in Gjakova/Djakovica over Orthodox Christmas "savages".
2015 January	Early in January, the government announced that voting expedition on the transformation of the Trepca mines, (once Kosovo's most profitable industrial complex).
2015 January	The next day, on January 16th, after two meetings, the Kosovo government announced that it would postpone voting on the transformation of the Trepca complex.
2015 January	A protest called by "Vetëvendosje" and NGO " Thirrjet e Nënave " against Jabllanovic and the decision for Trepca.These protests, considered to be the largest since the Kosovo declared independence in 2008, have resulted in violent confrontations

Source: BBC, 2014; Security Council Report, 2014; Balkan Insight, 2014