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Presidency discussion paper

The Western Balkan region is the EU's key partner cooperating closely to address shared political and security challenges. The EU is also fully committed to EU integration providing political and financial support to the region. The EU-Western Balkans cooperation on migration is crucial with regard to various challenges, including political and security implications. The EU and other actors in the region, i.e. EU delegations, play a crucial role in driving and coordinating cooperation on migration with the Western Balkan partners.

Cooperation on migration is also discussed as part of the Stabilisation and Association Process. The progress is discussed at the technical level in the respective Justice, Freedom and Security Subcommittees and in the Stabilisation and Association Council. At a strategic and high level, migration is discussed at the annual EU-Western Balkans Justice and Home Affairs Senior Official Meeting held on 17 May 2022 and the EU-Western Balkan Justice and Home Affairs Ministerial Forum.

Member States are also engaged in cooperation with the partners in the region on a bilateral and multilateral basis. In this regard, migration dialogues and inter-governmental processes – **Prague Process, Budapest Process, Brdo Process, Berlin Process and Salzburg Forum** – provide a platform for regional and inter-regional dialogue, further engaging partners in the Western Balkan. The **Joint Coordination Platform (JCP)**, established in 2020, has supported efforts to coordinate operational measures implemented in the Western Balkan region, especially in the areas of return and readmission of illegally staying third-country nationals.

The Czech Presidency is committed to the region, EU enlargement negotiations and support for the accession process of Western Balkan countries being one of its priorities. On 3-4 November 2022, under the Czech Presidency, **the EU-Western Balkans JHA Ministerial Forum** will take place in Tirana. One of the topics for ministers to discuss will also be the migration situation along the Western Balkan route. The outcomes of the EMWP discussion will prepare the ground for the Ministerial debate. On 24-25 October 4th **Prague Process Ministerial Conference**, one of the flagship events, will take place in Prague, providing the opportunity to further engage with the partners from the region. Furthermore, **Frontex** under the auspices of the Czech EU Presidency, will organise a meeting in Prague on the border security operations and capacity building in the EU's neighbourhood (*November tbc*).

Overall situation at the Western Balkan Route

The Western Balkan route is well established as a **key transit corridor to the EU** for migrants and refugees heading toward Europe, especially from the Middle East, Asia, and Africa. According to the ISAA report 317, overall **migratory pressure** in the six Western Balkan partners (Albania, Bosnia and Herzegovina, Kosovo*, Montenegro, North Macedonia, and Serbia) **persist at high levels**. There is a particularly strong increase on the Greece-North Macedonia-Serbia-Hungary-Austria route and, to a lesser extent, on most border sections of the Albania-Montenegro-Bosnia and Herzegovina-Croatia-Slovenia route. The EU border section most under pressure is Serbia-Hungary, followed by the border sections between Bosnia and Herzegovina and Croatia and between Serbia and Romania.

While the reception and asylum systems in the Western Balkan region are not at this stage overburdened, increased movements within the region aggravated the detections at the external EU borders. To date, **over 85 000 irregular border crossings and attempts** (the same person may be counted multiple times) have been registered at the external borders on the Western Balkan route, with an impact on the EU countries¹, especially Austria, Croatia, Hungary, Slovenia and other countries along the route.

The Western Balkan route is also characterised by the high number of **migrants already present in the region** for a longer period. Most irregular border crossings are, therefore, linked to people who had been in the region for some time and repeatedly tried to reach their target country in the EU. As of the end of July 2022, **more than 10 000 persons** were **present in the region**, 72 per cent in Serbia and 22 per cent in Bosnia and Herzegovina. The number of irregular migrants in the region contributes to the tensions in local communities but also leads to increased **organized crime activities** – migrant smuggling, trafficking in human beings, and other forms of exploitation.

Even though countries of the region are not the main destination for refugees fleeing the **war in Ukraine**, further political developments on the Eastern route and protracted conflict could create additional pressure on the region. IOM reports the presence of **21 440 Ukrainian nationals in total** in the Western Balkans, many of them in Montenegro (over 11 000).

EU engagement in the region

The EU support for the region is long-term and stands on strategic foundations of the **Western Balkans Strategy** that also includes reinforced engagement on security and migration, underlined in the Brdo EU-Western Balkans Summit declaration. Enhanced strategic and operational cooperation between the EU and the Western Balkans on security, including through relevant agencies, is pivotal to addressing effectively and efficiently the existing security and terrorism threats that affect the EU and the Western Balkan region.

¹ People fleeing the conflict in Ukraine and entering the EU through border crossing points are not part of the figures of detected illegal entries.

The EU and the Member States have been active in the region since the refugee crisis of 2015-2016. The management of migration flows remains one of the key challenges for the EU and the Western Balkans. The EU provides support in the implementation of national and regional programmes under **the Instrument for Pre-accession (IPA) funds**. However, there is a need for further support especially in building national reception and protection capacities, improving migration management, including border management, return and readmission, and the fight against migrant smuggling.

Also, in the framework of enlargement efforts, additional support for the region to facilitate the institutional and legal setup is essential to ensure the fulfilment of the requirement for **harmonisation with EU legislation in the area of asylum and migration**. Under the specific objective of IPA III, strategic and operational cooperation on migration, along different pillars (irregular migration, border management, international protection, and legal migration), must be further stepped up.

The support of the EU agencies (Frontex, EUAA and Europol) is also vital for the EU engagement in the region. Currently, cooperation with non-EU countries and Frontex includes **Status Agreements with Albania, Montenegro, and Serbia**, with a status agreement with **North Macedonia** awaiting signature. The status agreement with **Bosnia and Herzegovina** was initialled in January 2019 but was never signed. The Commission intends to propose shortly to the Council to authorise the opening of status agreement negotiations with Bosnia and Herzegovina under the new Frontex mandate. **Working arrangements** are in place **between Frontex and all the six Western Balkan partners**. Similarly, agreements for operational and strategic cooperation (or a working arrangement in the case of Kosovo) have been concluded with Europol and Joint Roadmaps with the EUAA.

We should further support cooperation with EU JHA agencies' activities, especially in fighting migrant smuggling and preventing irregular border crossings. Over the years, agencies created various tools to help with the challenges in the region. We need to make sure to regularly evaluate their efficiency and target desirable outcomes, also in close cooperation.

Main Challenges in the Western Balkans with the impact on the EU Member States and the way forward

Eastern Mediterranean and ensuing Western Balkan migration routes are susceptible to changes in political and security realities in the neighbouring regions. **Afghans have been the predominant nationality** among irregular migrants on the Western Balkan route for a few years, even before the Taliban took over the country. National composition of migrants changes depending on long-term trends as well as short-term events that trigger larger migration movements into the region. Further deterioration of the **political and security situation in Afghanistan** could increase the risk of displacement and subsequent movements of migrants toward Turkey and the Western Balkans. Currently, the main nationalities reported on the route are Afghan and Syrian.

Western Balkan countries generally have a **low rate of returns** to third countries of origin due to the absence of readmission agreements with the main countries of origin and the lack of political and financial support for the **implementation of forced returns**. Concluding such **readmission agreements**, including with countries of origin or transit whose nationals usually use the route to enter the EU irregularly, remains a challenge. This also creates additional pressure on the national capacities of Western Balkan countries. Protecting migrants in the country, building national migration and asylum capacities, as well as strengthening cooperation on returns and readmission of irregular migrants from the region to the countries of origin would have an important deterrent effect on migration flows and should remain a shared priority.

Countries in the region also report overall **low numbers of asylum applications** and international protection status issuance, given its transit character as perceived by the migrants and national authorities. Migrants entering the region irregularly usually do not apply for asylum or abscond during their asylum procedure and continue moving toward the EU. Asylum systems of several Western Balkan partners require further strengthening, and access to the asylum procedure must be guaranteed. **EUAA** is present in the region and has Joint Roadmaps in place with all Western Balkan partners to provide tailored capacity-building support to align asylum processes and improve the effectiveness and quality of the procedures, including reception capacity in line with EU standards.

The national administrative capacities of the countries in the region have increased, yet, there are still challenges in the field of migration that we need to focus on in the future. We need to continue with the dialogue and engage more partners in the region. The partners should also be more closely associated with relevant security policy discussions taking place in the EU on an *ad hoc* basis.

Visa policies of Western Balkan partners

The Western Balkan countries are currently not fully aligned with the EU's visa policy and its requirements². This applies to all Western Balkan partners, and in particular to Serbia, given its importance as a regional travel hub. Further divergences between national entry regulations and the EU *acquis* must be monitored closely and reacted to accordingly. Even though the EU acknowledges the positive impact of the visa-free regimes on the Member States and its partners, we also need to address **their negative impact in terms of irregular migration.**

To ensure a well-managed migration and security environment, the Western Balkan partners must ensure full **alignment with the EU's visa policy.** The Commission has repeatedly urged partners to do so in the annual visa suspension mechanism and enlargement reports.

² Albania – citizens of the following 19 countries can enter ALB without a visa, but require a visa for the EU: Armenia, Azerbaijan, Bahrain, Belarus, China, Egypt, Guyana, India, Jordan, Kazakhstan, Kuwait, Morocco, Oman, Qatar, Russia, Saudi Arabia, Thailand, Tunisia, Turkey + UAE residents.

Bosnia and Hercegovina – citizens of the following 8 countries can enter BiH without a visa, but require a visa for the EU: Azerbaijan, Bahrain, China, Kuwait, Oman, Qatar, Russia, Turkey.

Kosovo – citizens of the following 9 countries can enter XKX without a visa, but require a visa for the EU: Bahrain, Botswana, Guyana, Jordan, Kuwait, Oman, Qatar, Saudi Arabia, Turkey.

Montenegro – citizens of the following 10 countries can enter MNE without a visa, but require a visa for the EU: Azerbaijan, Belarus, Cuba, Ecuador, Kuwait, Qatar, Russia, Saudi Arabia, Turkey; UAE residents (visa free entry and stay for up to 10 days).

North Macedonia – citizens of the following 4 countries can enter MKD without a visa, but require a visa for the EU: Azerbaijan, Botswana, Cuba, Turkey.

Serbia – citizens of the following 23 countries can enter SRB without a visa, but require a visa for the EU: Armenia, Azerbaijan, Bahrain, Belarus, Burundi, Bolivia, China, Cuba, Egypt, Guinea-Bissau, India, Indonesia, Jamaica, Kazakhstan, Kuwait, Kyrgyzstan, Mongolia, Oman, Qatar, Russia, Suriname, Tunisia, Turkey.

Since mid-2021, instances of abuse of the visa-free regimes that the Western Balkan countries currently have with some third countries are increasingly documented. In parallel, the EU has observed a significant increase in the arrival of irregular migrants from third countries that have visa-free regimes with some Western Balkan partners, in particular Turkey, India, Tunisia, Burundi, and Cuba, and to a lesser extent, Egypt and China. Many of such arrivals land at the region's international airports. Indians have become the top nationality of asylum seekers in Austria in August 2022, according to EUAA. Abuses were also documented by residents of the United Arab Emirates travelling to Albania and Montenegro visa-free.

Despite repeated recommendations to Western Balkan partners to align with the EU's visa policy, noted both in the annual enlargement and visa suspension mechanism reports, there has been little progress. In countries like Albania, Montenegro, and Serbia, there has even been a deviation from the alignment.

Western Balkan partners must increase their efforts to reduce the abuse of their visa regimes for irregular migration along the route. The EU must use all available tools to exert pressure to support the alignment of the visa policies, including political outreach, reports on monitoring of the EU visa-free regimes, enlargement reports, and accession negotiations.

The Presidency, based on already existing support and established cooperation in the region, would like to bring attention to the following **key areas of cooperation** that should be primarily addressed:

- Migration and border management, including by ensuring accuracy and efficiency in the registration and identification of migrants, and fully using Frontex' presence in the region;
- Returns, including by supporting the capacity in carrying out voluntary and forced return operations and with regards to the readmission of third country nationals;

- Asylum and reception systems in line with EU standards, including through cooperation with EUAA;
- Organised crime, in particular by combatting migrant smuggling and trafficking in human beings;
- Improving the exchange of operational informational and interoperability of information systems is essential to all of the above areas of cooperation;
- Full alignment with the EU on visa policy.

On the basis of the above, delegations are invited to reflect on the following questions:

1. Do you agree with the list of key areas of cooperation? Would you highlight any other?
2. The EU-Western Balkans JHA Ministerial Forum in November will provide an opportunity to discuss key issues with the Western Balkan partners. Do you have views on what concrete commitments we should seek from our partners during that forum?
3. How should we proceed regarding the visa policy of the Western Balkan partners? Which further steps should we take from a short to medium-term perspective?
