



Brussels, 11 October 2022
(OR. en)

13202/22

LIMITE

MIGR 288
COWEB 108
JAI 1298
RELEX 1317
ELARG 73
VISA 155
FRONT 360

NOTE

From: Presidency
To: Council

Subject: Recent evolutions on the Western Balkans migratory route: exchange of views
– *Discussion document*

1. Western Balkans Migratory route: areas of cooperation

The recent meetings at technical and strategic level within the Council have confirmed the following **key areas of cooperation** with the Western Balkan partners:

- Monitoring the **migration trends** and reinforcing **border management**, including by ensuring accuracy and efficiency in the registration and identification of migrants, and fully using Frontex' presence in the region;
- Ensuring effective **returns**, including by supporting the capacity in carrying out voluntary and forced return operations and with regards to the **readmission** of third country nationals;

- Enhancing **asylum** and reception systems in line with EU standards, including through cooperation with EUAA;
- Fighting **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;
- Encouraging full alignment with the EU on **visa policy**.

2. The visa policy of the Western Balkans partners: role in the migration along the route

The issue of the visa policy of the Western Balkan partners (WB) was further elaborated on 4 October during SCIFA.¹

As further detailed in the Annex, WB partners' visa policies are only partially aligned with the EU's list of third countries whose nationals are subject to the visa requirement or not. In particular **Serbia**, and to some extent **Albania**, have only made **limited progress in aligning their visa policy** to that of the EU. While transit via Serbia to the EU is only part of the overall trend of increased migratory pressure on the WB route, its visa-free regime with certain countries particularly contributes to the **growing number of irregular migrants** entering the EU via this route. **Albania** is second to Serbia in not-aligning with EU visa policy.

The Commission has been monitoring visa policy alignment by the Western Balkans partners in the context of the Visa Suspension Mechanism Reports, Enlargement Reports and regular Justice and Home Affairs subcommittee meetings. Repeated recommendations over the years have been issued for the region to ensure full alignment, not least because some third countries present irregular migration or security risks for the EU.

¹ See 12635/22.

The 2021 reports however observed that further alignment towards visa policy is needed in the region. Visa policy alignment with the EU is crucial for the good functioning of the visa free regime of the Western Balkans with the EU. The EU Member States are now suffering serious consequences for the visa policy non-alignment of our Western Balkan partners.

While Syria and Afghanistan are not visa-free to Serbia, the number of irregular migrants originating from these countries detected on the WB route is much higher, their movements being clandestine over land all along the route. However, the nationals from **Turkey, Tunisia, India, Cuba and Burundi**, in particular, enter legally (visa free) by air in Serbia (and from some of these countries also in Albania) and a very high number moves irregularly further towards EU Member States. Although there are no data available establishing precisely how many visa-free migrants use the airports of Belgrade and Tirana for this purpose, there is evidence to suggest a correlation between the number and nationality of these third-country nationals and subsequent irregular border crossings into the EU and the asylum applications lodged in Member States. As several Member States have pointed out lately, **these are unusual nationalities on the route and there is a risk of a growing trend.**

This situation is having a **visible impact on the migratory and asylum situation in countries bordering the WB route.** The increased pressure is also being felt in other EU Member States, where irregular entries from this route, along with others, have resulted in the detection of a higher number of irregular migrants than during the 2015-2016 migration crisis. The increase in irregular arrivals and ensuing rise in asylum applications are putting significant pressure on some EU Member States, leading to the need for common, coordinated action at Union level.

3. Actions to be taken

In the Presidency's view, there is a need for **immediate action to address this issue**, especially in case of Serbia. Although the Serbian authorities have recently made some commitments thanks to diplomatic outreach, there is a clear need to ensure that commitments will be fulfilled in the given time-frame and the ongoing abuse of the system will be tackled.

To this end and based on the various debates, the Presidency is listing the following immediate to short-term actions and proposing to the Commission to put forward and coordinate, in close cooperation with the Member States, concrete actions in advancing towards visa alignment, fight against smuggling, strengthened cooperation with Frontex in region, effective returns and readmissions, capacity-building on asylum and reception and operational exchange of information to achieve desired outcomes.

Action	Expected outcome
<i>Political outreach</i>	
<p>Intensified and continuous diplomatic outreach by EU Delegations and bilateral embassies towards the Western Balkan partners, especially Serbia</p> <p>High-level and continuous outreach by the Commission and/or Member States towards the Western Balkan partners, especially Serbia</p> <p>Regular HoMs meetings with relevant partners' authorities</p>	<p>Implementation of commitments by the Western Balkan partners, especially Serbia, to align the visa policy with the EU, monitored by the Commission in cooperation with Member States</p>
<p>Intensified and continuous diplomatic outreach by EU Delegations towards the authorities of countries of origin and transit relevant from the current situation's perspective</p>	<p>Raising awareness of the situation and agreeing on the possible avenues to prevent the situation</p>
<p>Strengthened cooperation with relevant airlines</p>	<p>Stricter requirements for travelling to the Western Balkan partners as to contribute to preventing abuse</p>
<i>Accession process</i>	
<p>Continue framing the issue of visa alignment in the framework of the accession process (Commission)</p>	<p>Continue monitoring visa policy alignment by the Western Balkans partners in the context of the Enlargement Package while creating diplomatic pressure in the case of continuous non-alignment</p>

Action	Expected outcome
<i>Operational cooperation</i>	
Continue pushing for developing Frontex's external action (status agreements, working arrangements) (Commission) and/or bilateral deployments of police officers (Member States)	Updated status agreements in accordance with EBCG regulation from 2019 and/or bilateral cooperation that allow guarding the borders between the Western Balkan partners
Improve cooperation on readmission/return to the Western Balkan partners, including of third country nationals, as well as from the Western Balkan partners to the countries of origin (Commission/Frontex)	Achieve good pace of cooperation on readmission to and from the Western Balkan partners, including of third country nationals, that will result in prevention of the irregular migration into the EU
Strengthen cooperation against smuggling along the Western Balkans route and with countries of origin (Europol) and enhance cooperation of the Western Balkan partners in EMPACT and other joint initiatives such as the Joint Operational Office in Austria.	Strengthened law enforcement and judicial cooperation as well as strengthened border management. Improved cross-border cooperation resulting in apprehending the migrants' smugglers.

4. Questions submitted to ministers

In case diplomatic efforts would fail, the EU needs to also be prepared and consider a list of other measures that could be used, including also in the context of the visa suspension mechanism, so as to respond effectively to the current situation as well as any other unforeseen events.

The outcome of the discussions by the Ministers will be used in the upcoming meetings with the WB partners (i.e. the Berlin Process, the Prague Process Ministerial Conference, the EU-Western Balkans Justice and Home Affairs Ministerial Forum, etc.).

With a view to guide the discussions and reach a concrete outcome, ministers are invited to reflect on the following questions:

1. *Do Ministers agree with the approach proposed above as well as the indicative list of actions to be taken?*
 2. *What other specific actions can we take to immediately address the current situation in Serbia and the region to address the current situation in a sustainable manner?*
 3. *Do Ministers agree to regularly discuss the results of this engagement and propose any adjustments as necessary?*
 4. *Can the Commission and the European External Action Service commit to take the actions?*
-

I. IRREGULAR FLOWS THROUGH THE WESTERN BALKAN REGION

87 000 irregular border crossings (IBCs) were registered along the Western Balkan route between January and August 2022, nearly three times more compared to the same period last year². The 16 000 registrations during the month of August was the highest monthly number since 2016.

Some of these irregular migrants certainly arrive as a result of WB national visa policies, enhanced passenger flows into the region, and non-commensurate control structures. There is evidence that the airport in Belgrade is particularly affected by increased flows of migrants, e.g. Turks, Tunisians, Indians, Burundians and Cubans who enter visa-free in Serbia but continue irregularly further north towards the EU. Also, the airport in Tirana is of relevance when examining flows and possible secondary movements.

II. CORRELATION BETWEEN THE MAIN NATIONALITIES ON THE WESTERN BALKAN ROUTE AND VISA-EXEMPT NATIONALITIES

The main nationalities on the Western Balkans route in 2021 and so far in 2022 were nationals from Syria and Afghanistan. Nevertheless, **2022 so far, is marked by a significant increase of irregular border crossings by nationals from Turkey, Tunisia, India and Cuba**.

Member States north of the Western Balkan region are reporting an increase of the pressure both on their borders and an increase of the number of asylum applications in the first half of 2022 compared to the first half of 2021. The **increase in the number of asylum seekers by citizens of countries which are visa-exempt in Serbia** is most clear in these Member States. The increase in other Member States further afield is difficult to measure but should not be neglected³, given that neighbouring Member States such as Croatia are often only transit countries.

III. ALIGNMENT OF VISA POLICY

In terms of alignment, there are differing approaches among the Western Balkan partners. Serbia is the least aligned, i.e. the gap between the number of 'visa-free' third countries to Serbia and the EU is 24. Kosovo* follows suit with a difference of 21 third countries, then Albania (19), Montenegro (13) Bosnia and Herzegovina (8) and North Macedonia (6). While full alignment is only a legal requirement by the time of accession, adhering to the EU common visa policy already at an early stage would demonstrate the Western Balkan partner's willingness to progress in this area and to curb irregular migration problems. The Council, in its conclusions on enlargement on 14 December 2021, specifically referred to Serbia and its commitment to align with the EU common visa policy given the high discrepancy.

² i.e. 29 707 IBCs between January and August 2021, thus marking an increase of +193% in 2022. <https://frontex.europa.eu>

³ Recently, Belgium has reported a rise in particular of Cuban and Burundian asylum seekers.

The link between non-alignment of visa policy and irregular migrant flows from the region, and in particular **Serbia**, is not new. In 2017-2018, there was a sudden and sharp increase in arrivals of Iranian migrants in Serbia, which was reflected in an increase in secondary movements to EU Member States. It was only because of strong pressure by the EU that a visa obligation for Iran was introduced and the situation was eventually defused. This example shows that strong, targeted political pressure may have a positive effect.

While **Albania** has stepped up actions to tackle irregular migration and continued to strengthen operational cooperation with the Member States most affected by irregular migration from Albania, its visa policy has deviated further from that of the EU in 2021/22. Moreover, the issue of Albanian nationals making **unfounded asylum applications** in EU Member States and Schengen-associated countries still requires substantial efforts from the Albanian authorities. In addition, a recent initiative by authorities in Albania towards the introduction of a "**golden passports**" investor citizenship scheme presents a cause of concern to the EU due to risks of infiltration of organized crime, money laundering, fiscal evasion, and corruption in the candidate country and eventually the EU.

Visa-free countries among the top 14 nationalities of irregular migrants detected on the Western Balkan route

WESTERN BALKANS ⁴		
Top-14 nationalities (visa-free in Serbia) (visa-free in Serbia and Albania)	2021	Jan-Aug 2022
Syria	38 723	43 567
Afghanistan	12 297	16 237
Turkey	1 652	6 186
Tunisia	842	5 777
Pakistan	802	5 167
India	557	4 469
Morocco	1 249	1 544
Iraq	698	800
Palestine	733	495
Somalia	927	362
Cuba	36	339
Libya	768	275
Burundi	0	259
Bangladesh	453	241

The six countries highlighted above in blue and red are among the countries for which visas are required for entry to the Schengen area while they enjoy visa-free entry in Serbia and/or Albania. In 2021, migrants from Turkey, Tunisia, India, Cuba and Burundi represented 2.5 % and in 2022 so far, 20% of all irregular border crossings on the Western Balkan route.

⁴ Frontex <https://frontex.europa.eu/we-know/migratory-map/>

As far as **Tunisians and Turks** are concerned, the **arrivals are increasing significantly on the Western Balkan route** while they are stable or decreasing on other routes. Indian nationals are arriving irregularly in the EU almost exclusively via the Western Balkan route. The same applies to Cuban nationals although in smaller numbers.

The increase in below nationalities among irregular migrants being apprehended in the Western Balkan region is also reflected in the increase in asylum applications not only in Slovenia, Austria and Croatia but also significantly in the whole EU.

Evolution of asylum applications ⁵									
Nationalities (visa-free in Serbia)	Slovenia		Austria		Croatia		EU27		
	Jan-Jul 2021	Jan-Jul 2022	Jan-Jul 2021	Jan-Jul 2022	Jan-Jul 2021	Jan-Jul 2022	Jan-Jul 2021	Jan-Jul ⁶ 2022	
Turkey	75	185	360	1 880	80	610	8 475	21 160	
Tunisia	30	25	140	5 555	20	10	3 065	9 350	
India	0	275	235	4 050	0	45	1 425	6 955	
Cuba	0	320	5	10	0	500	745	1 970	
Burundi	0	100	0	30	0	470	465	1 490	

⁵ Eurostat. Asylum applicants by type of applicant, citizenship, age and sex - monthly data (rounded) (consulted on 12.09.2022)

⁶ The number of first-time asylum applications in June is not yet available for all MS. The total for the EU is provisional.

Visa-free countries for Western Balkans/ Visa- required countries for EU ⁷	Albania	Bosnia-Herzegovina	Montenegro	North Macedonia	Serbia	Kosovo
Armenia	x				x	
Azerbaijan	x	x	x	x	x	
Bahrain	x	x			x	x
Belarus	x		x		x	
Belize						x
Bolivia					x	
Botswana				x		x
Burundi					x	
China	x	x	x		x	
Cuba			x	x	x	
El Salvador	x		x	x		x
Ecuador			x			
Egypt	x					
Fiji						x
Guinea-Bissau					x	
Guyana	x					x
India	x				x	
Indonesia					x	
Jamaica					x	
Jordan						x
Kazakhstan	x				x	
Kuwait	x	x	x		x	x
Kyrgyzstan					x	
Lesotho						x
Malawi						x
Maldives						x
Mongolia					x	
Namibia						x
Nauru						x
Oman	x	x			x	x
Qatar	x	x	x		x	x
Russia	x	x	x		x	
Sao Tome						x
Saudi Arabia	x		x			x
South Africa						x
Suriname					x	
Swaziland						x
Thailand	x					
Tunisia					x	
Turkey	x	x	x	x	x	x
UAE residents	x		x		x	x

⁷ Contains only third countries that have been completely visa free. Does not encompass countries that have been made visa-free temporarily, e.g. for the summer season.