

## **Taking Down the Schengen Wall: Why EU's Paranoid Home Maintenance Should Not Hamper Macedonia's Integration Process**

*Skopje, April 2009*

*Strengthening people to people contacts represents a tangible benefit of the European integration for the citizens of the Western Balkans. A visa free regime should be established with all Western Balkan countries when the benchmarks defined in the visa liberalisation roadmaps are met. Student and young professional exchanges represent a particular contribution to fostering harmony and overcoming prejudice among the people of the Western Balkans and should be further promoted.”*

Conclusions from the informal EU - Western Balkans Forum Gymnich meeting,  
28 March 2009

### **Executive Summary**

The right to freedom of movement is a universal right which guarantees that the citizen of a state may, provided she has the proper documentation, freely leave the country, travel where she is welcome and return to her country at any time. Equally, or perhaps even more important is that this right includes the citizen's right to travel, stay and/or work in any part of the state without the state's interference.<sup>1</sup> The EU further developed the concept of free movement of the citizen with the development of the Schengen Zone.<sup>2</sup> In the Schengen Zone, the citizens of 22 EU countries<sup>3</sup>, as well as those of Norway, Switzerland and Iceland can move freely with only a passport or ID, in addition to having the right to stay, live, work and study within the EU. For European citizens, this was one of the major assets of European integration.

However, while the Schengen Zone made it possible for European citizens to travel freely by removing state borders and controls, it cemented the outer border, alienating further the countries on the other side. When Macedonia was part of the Yugoslavian Federation, its citizens were welcome in all the countries of the European Community (EU's predecessor). But starting in 1991, as Macedonia celebrated its independence, its citizens were faced, for the first time ever, with travel restrictions, as EU member states

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<sup>1</sup> Similarly, Article 27, Constitution of Republic of Macedonia

<sup>2</sup> The Schengen zone is formed by signing the agreement for free movement of the citizens of the signed countries, followed up by cooperation in the fields of internal affairs and judiciary. The Schengen zone is closely related to free travel of European citizens, and this text refers to the current situation

<sup>3</sup> With the exception of Cyprus, United Kingdom, Ireland, Romania and Bulgaria

enforced a visa regime for Macedonians. As the Schengen Zone grew in size, so did the travel restrictions for Macedonian citizens: by 1996 Macedonians could no longer travel freely to Hungary, the Czech Republic and Slovenia and by 2007, Bulgaria and Romania were also added to that list.

Today, in most instances when they have to leave the country, Macedonians need to have a visa. Macedonians can travel freely to only 22 countries of 196 countries worldwide, of which 6 are countries from the region (Serbia, Montenegro, Albania, Kosovo, Bosnia and Herzegovina, and Croatia). For the remaining 174 countries, including all EU states, Macedonians need a visa. The process of being issued a visa is lengthy, arduous, uncertain and expensive, and for the most part discouraging for Macedonian citizens. As the EU promises Macedonia the European perspective, it keeps its citizens outside the Schengen Zone, preventing them to move and travel freely.

The year 2007 was important for the EU as it was the key year in which it analyzed its visa policy measures in the countries of the Western Balkans. Agreements were signed and enforced as of 1 January 2008 to facilitate the visa regime and readmission with all countries of the Western Balkans. In addition, roadmaps were created for the liberalization of the visa regime, as a measuring stick for the progress of all countries involved. In this way, the EU was looking to create an adequate instrument for managing its visa policies, which would eventually be applied to other countries, most prominently the so-called EU neighbors. This was confirmed in the European Commission's report of 2008 on Eastern Partnership with Armenia, Azerbaijan, Georgia, Moldova and Ukraine (EU neighbors), in which the Commission recommends making agreements for the facilitation of the visa regime with these countries. It is expected that following the example of the countries of the Western Balkans, negotiations will begin on liberalizing the visa regime with these countries as well.<sup>4</sup>

This report analyzes the already prevailing issue of liberalizing the EU's visa regime for Macedonian citizens. The abolition of visas will allow Macedonian citizens a short-term stay of up to three months in the Schengen Zone countries. In addition, this will influence the abolition of visas for Bulgaria and Romania. The aim of this report is to present the arguments in favor of taking down the Schengen Wall for Macedonian citizens and the citizens of all Western Balkan countries. Getting on the road to a European future for the Western Balkans, which was mapped back in 2003, is long overdue and the first stop on that road should undoubtedly be allowing the 20 million citizens of those countries freedom of travel within the EU, which would allow them to learn first hand European ideas and values. The visa regime as it is currently formulated makes one question the EU's commitment to the promise of a European future it gave to the countries of the region, which significantly hampers the process of implementing the difficult reforms necessary for EU membership.

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<sup>4</sup> European Citizens Action Service (ECAS), "Does it really matter? Visa Facilitation in the Western Balkans: Monitoring of the new Agreements", International Conference, Brussels, 10 December 2008

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## **White vs. Black List**

The beginning of EU visa policies dates back to 1985, when five members of the European Community<sup>5</sup> got together in the small town of Schengen, Luxemburg to sign the first agreement on the creation of the Schengen Zone – a free movement zone.

The first steps in the area of visa policy were made in the early 90ties within the Treaty on European Union. Article 100c of the Treaty required of the Council to determinate third countries whose citizens must be in possession of a visa when crossing the external borders of the Member States. Accordingly, the Member States agreed on the harmonization of different national policies which in turn resulted in Council Regulation 2317/95. This Regulation defines 101 countries, Macedonia included, whose citizens must be in possession of a visa. This was the first step towards formulating what would later become the EU “Black List”.

The Treaty of Amsterdam additionally developed the concept of a free movement area and further developed EU visa policy by introducing additional common measures such as asylum, migration and cooperation and coordination of judiciary and law enforcement forces, all with the aim of providing security and tackling organized crime. More importantly, the *Schengen acquis* was also included in the Treaty, thus officially becoming part of EU legislation. Council Regulation 2317/95<sup>6</sup> was amended with Council Regulation 574/99<sup>7</sup>, which further shaped the creation of a Black List. In March 2001, the EU Council agreed on regulation 539/2001<sup>8</sup> (updated in 2003), which officially introduced the concept of a positive and negative list.

The visa policy is a tool for regulating the migration of citizens of other countries, i.e. the countries that are not part of the Schengen Zone. In this way, the policy aims to tackle illegal migration and crime (such as human trafficking, illegal employment, and organized crime) on the one hand, and promote the legal flow of people on the other. Establishing a visa regime had the aim of protecting European citizens from potential threats posed by third party countries, but it was also a mechanism through which it was determined who gets the right to move freely within the EU, and who does not. Before issuing a visa, each member state embassy is given the responsibility of determining whether the foreigner will break the laws of migration or other important laws, and it does so by evaluating the foreigner’s financial means, connections to the destination country, as well as the motives for travel. In this way, the visas become the fundamental instrument of migration policy.

The Schengen Zone gradually expanded from five countries in 1985 to 25 countries in 2009, 22 of which are in the EU. For the EU, this was a major step in bringing closer the

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<sup>5</sup> Germany, France, Luxemburg, Belgium and Holland

<sup>6</sup> Council Regulation (EC) No 2317/95 of 25 September 1995 determining the third countries whose nationals must be in possession of visas when crossing the external borders of the Member States

<sup>7</sup> Council Regulation (EC) No 574/1999 of 12 March 1999 determining the third countries whose nationals must be in possession of visas when crossing the external borders of the Member States

<sup>8</sup> Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement

citizens of Eastern and Western Europe. In this respect, German minister for Foreign Affairs, Wolfgang Scheuble commented: *This is the crowning of the process we started 18 years ago with the fall of the Berlin wall. In less than two decades and the fall of the iron curtain, the kilometers of wire and concrete that physically separated the East from Western Europe turned into a huge fenceless yard, with the exception of the South-East.*<sup>9</sup>

In 2001, Macedonia, along with the other countries from the Western Balkans (excluding Croatia) made its way on the EU Black List, facing the most drastic visa regime along with such countries as Iran, Cuba and North Korea. The citizens whose countries are on the Black List are considered immigrants of a large scope. In 2001, the White List was made up of the member states of the OECD, the candidate countries and some countries in Central and South America, i.e. countries whose citizens will either benefit from EU membership, or those whose citizens are not considered likely to permanently move to the EU. Of the countries in the Western Balkans, only Slovenia and Croatia were placed on the White List, with the former having found its way on the List based on its EU candidate status. Croatia was a special case, with a political decision to have it on the White List despite the fact that it had not fulfilled the necessary technical requirements for the liberalization of the visa regime. None of these criteria, however, were applied to Macedonia when it was granted candidate status in 2005: it had remained on the Black List. To make matters worse, in 2007 Bulgaria and Romania (who are not members of the Schengen Zone) were obligated to introduce a visa regime for Macedonian citizens. This was yet another confirmation that these countries had no legitimate reasons for introducing the visas, but were obligated to do so as member states of the EU.

Even though in theory the restrictive visa regime is thought to provide a systematic control and regulation of the entrance of citizens from third party countries, there are two side effects that come with the package: illegal migration and corruption. In this respect, the European Commission representative for the Balkans noted that in the instances where it is difficult to cross a border due to a visa requirement or an effective visa policy, the only people that manage to get through to the other side are smugglers. Tourists and business travelers do not even put in the effort to try their luck – they are too discouraged by the arduous process of acquiring a visa.<sup>10</sup>

It is therefore no wonder that for Macedonian citizens, the liberalization of the visa regime is higher on the list of priorities than starting the talks on EU membership. According to December 2008 research carried out by the Institute for Democracy, as much as 45% of those polled thought that the number one priority for Macedonia is the liberalization of the visa regime, compared to the 30,3% who believed starting the talks on EU membership was a priority and the 18,6% for whom NATO membership was top of the list.<sup>11</sup> For Macedonian political leaders this was a reminder that the liberalization of the visa regime would always rank highly on the domestic political agenda.

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<sup>9</sup> Published in the daily newspaper "Vecer", The Borders of the Balkan, on 21.12.2007, available at: [www.vecer.com.mk](http://www.vecer.com.mk)

<sup>10</sup> ICG, *EU Visas and the Western Balkans*, 2005, available at: [www.crisisgroup.org/home/index.cfm?id=3809](http://www.crisisgroup.org/home/index.cfm?id=3809)

<sup>11</sup> Institute for Democracy (09.12.2008), available at: <http://www.idscs.org.mk/upload/publicOpinion/IDSCS%20Izvestuvanje%20za%20mediumi%20anketa-Dekemvri%202008.pdf>

The liberalization of the visa regime is a long term goal for the European Union, which, both for Macedonia and the other countries in the region, is contingent on their reforms in areas such as rule of law, tackling organized crime, corruption and illegal migration, strengthening administrative capacities of border control, as well as the security of travel documents. This set up goes back to 2003, when the liberalization of the visa regime for the Western Balkans first made its way into the European agenda<sup>12</sup> and the EU started using the visa policy as an incentive for implementing reforms in the judiciary and internal affairs.

In this respect, one has to wonder what precisely the criteria are for a country to be transferred to the White List. In 2001 and 2002 respectively, Bulgaria and Romania made the White List. While the European Commission concluded that Bulgaria had at its disposal the necessary legal instruments to tackle illegal migration both within and outside its borders, Romania had been placed on the list probationally, contingent on fulfilling the requirements set out by the Council within 6 months. Bulgarian and Romanian nationals can since travel visa-free to all EU countries.

Analyzing the situation with Macedonia today, in comparison to Bulgaria and Romania in 2001/02, it can safely be concluded that Macedonia is presently at least at the level of Bulgaria in 2001, when the EU had promoted it to the White List. Macedonia has been an EU candidate since 2005, has signed all the necessary agreements for readmission and visa facilitation and fulfills most of the roadmap benchmarks (the technical requirements). Furthermore, it should be noted that many of these requirements, such as the biometric passports, were already in place before they were even imposed with the roadmap.

<b>Bulgaria (2001)<sup>13</sup></b>	<b>Macedonia (2008)</b>
New passports that incorporate a number of security features.	Biometric passports and Ids (2007)
Issuing visas is compliant with EU standards (no practice of issuing visas directly at the border)	Issuing visas is compliant with EU standards (no practice of issuing visas directly at the border) (2008)
Illegal migration sanctions for its citizens	Readmitting foreigners who have illegally migrated to the EU through Macedonia (2008)
Increased border control and monitoring staff	Continual increase and training of border staff, management is in the hands of border police continued training (2004)
A series of readmission agreements signed	A horizontal readmission agreement

<sup>12</sup> At the European Summit in Thessaloniki, the EU reiterated its unequivocal support to the European perspective of the Western Balkan countries and that the future of the Balkans is within the European Union: The European Council [...] reiterates its commitment to a full and effective support of the European perspective for the countries of the Western Balkans, which will become an integral part of the EU once they fulfill the given criteria. (available at [europa.eu/european\\_council/index\\_en.htm](http://europa.eu/european_council/index_en.htm) - 41k)

<sup>13</sup> Report from the Commission to the Council – Regarding Bulgaria in the perspective of the adoption of the Regulation determining the list of third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt of that requirement, COM(2001)c

	signed, in addition to bilateral readmission agreements with member states started the process for signing horizontal readmission agreements (since 2004)
Additional measures, such as working closely with Greece and informative campaigns for the Bulgarian public	A legal framework, cross border cooperation in the fields of law and migration with all neighboring countries and EU countries (since 2007)
	Integrated border management, migration management, fight against organised crime, corruption, terrorism (first steps taken in early 2000)

Due to the EU's restrictive visa policy, Macedonia, like other countries of the region, is facing a slowed down progress in trade, business, education, as well as development of open civil societies. And while at the beginning of the 90s the EU was committed to resolving the conflicts and wars in the countries of the Western Balkans, in the new millennium, the EU's main aim is to help them transform into societies in which European values are respected.

### **The Road to the White List**

At the 2003 summit on EU-Balkan relations in Thessaloniki, the European leaders had promised that *the Balkans would be part of a united Europe*. It was at this summit that the question of the visa regime was first raised and a promise was given that the European Commission would begin talks on the reforms necessary for the liberalization of the regime: *We acknowledge the importance the peoples of the Western Balkans attach to the perspective of liberalisation of the EU visa regime towards them. We recognise that progress is dependent on implementing major reforms in areas such as the strengthening of the rule of law, combating organised crime, corruption and illegal migration, and strengthening administrative capacity in border control and security of documents.*<sup>14</sup>

Following the summit in Thessaloniki, there was no significant follow up to the fulfillment of this commitment. In the mean time, the EU signed readmission and visa regime facilitations agreements with Russia, China and Ukraine, while Macedonia and the rest of the countries of the region remained on the Black List, despite the candidate status and despite the fact that in its 2006 report *Western Balkan on the road to EU: consolidating stability and raising prosperity*, the European Commission had pointed out that in the assessment of the visa regime liberalization, *their status as candidates or potential candidates* would be taken into consideration.<sup>15</sup>

<sup>14</sup> Thessaloniki Summit Declaration, June 21st, 2003, available at:

[http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressdata/en/misc/76291.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/en/misc/76291.pdf)

<sup>15</sup> European Commission, *Western Balkan on the road to EU: consolidating stability and raising prosperity*, 2006 available at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2006:0027:FIN:EN:PDF>

In 2007, following a number of talks between the EU and the countries of the region, readmission and visa regime facilitation agreements were signed, which entered into force in 2008. The visa regime facilitation agreement stipulates a simplification of the procedure for issuing visas, reducing the waiting period and the necessary documentation for the application, as well as issuing multiple-entry visas for certain categories of citizens. The readmission agreement additionally sets up procedures and responsibilities for when and how Macedonia will readmit illegal immigrants from the EU. According to the former Vice President of the European Commission, Franco Frattini, *"The signature of the agreements is an important political decision towards closer cooperation between the EU and the Western Balkan countries in the sensitive areas of migration and movement of persons. The smooth implementation of these agreements, together with tangible progress in basic JLS areas, will enable the Commission to start a structured dialogue on a possible visa free regime for the citizens of Western Balkan countries in the future"*.<sup>16</sup> In reality, however, based on the number of issued visas, these agreements give the right to a facilitated visa regime only to less than 10% of the population in the Western Balkans.

In 2008, the EU started the structured dialogue, first with Serbia and then with Macedonia, Bosnia and Herzegovina, Montenegro and Albania. Based on this, the European Commission gave Macedonia a roadmap for visa liberalization, with requirements in four fields: (1) document security, (2) illegal migration, including readmission, (3) public order and security, and (4) external relations and fundamental rights.

According to the Macedonian authorities<sup>17</sup>, Macedonia has already successfully fulfilled most of the requirements set out by the roadmap. In order to assess Macedonia's completion of the tasks set out by the EU, an evaluation team was sent at the beginning of 2009 to determine whether the European Commission will recommend the visa regime liberalization for Macedonian citizens.

The most significant progress that Macedonia made was in the field of security of travel and personal documents. As of 2007, Macedonian citizens are issued biometric passports and IDs and it is expected that all Macedonian citizens will have biometric IDs by 2010 and biometric passports by 2012. Compliant to the new standards, a total of 389.688 passports and 293.283 IDs have been issued so far. In addition, the Macedonian legislation on issuing travel documents, visas and the movement and residence of foreigners is completely compliant with EU legislation.

As part of the process for establishing integrated border management, a National Coordination Center for border management was created, in the framework of which the Center for Customs was established in 2008. Furthermore, the Visa Center, connected to 16 consular and diplomatic representations, is also presently operational and is in the

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<sup>16</sup> EU Press Release, Brussels 18 September 2007, <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/07/1350&format=HTML&aged=0&language=EN&quiLanguage=en>

<sup>17</sup> Overview II of activities for meeting the requirements of the EU visa liberalization roadmap for the Republic of Macedonia, March 3<sup>rd</sup>, 2009



process of connecting to the remaining 28 representations, as well as to the eight most frequented border crossings.

The National Coordination Center went on to install the adequate software and hardware equipment for enabling the connection with all relevant institutions, thus improving cooperation and information exchange. The Ministry of Internal Affairs is connected with the 16 border crossing points, while the remaining four should be connected during 2009. An ASF database for wanted persons, stolen vehicles and lost/stolen travel documents was installed in the customs offices at all border crossing points. In 2009, Macedonia signed a working agreement for cooperation with FRONTEX.

At the same time, Macedonia is the only country in the region that has adopted the Law on the Protection of Personal Data which is completely compliant to EU legislation and the Council of Europe’s Convention. Pursuant to EU requirements, Macedonia has a fully functional independent body for the protection of personal data since 2005. As a result, the Republic of Macedonia signed a cooperation agreement with EUROJUST in 2008.

The Republic of Macedonia borders with Albania, Kosovo, Serbia, Bulgaria and Greece. Agreements for cooperation have been signed with all the neighbors, with talks being held on both the local and the regional level. Between January and April 2008, there were 155 identified illegal crossings of the border, which is half of the 2007 numbers. In 2008 a total of 1.301 foreign citizens were prevented from crossing the border illegally, most of them on the border with Greece.<sup>18</sup> In addition to this, VISPEK machines for the detection of false documents were installed at the six most frequented border crossings.

Macedonia has also established an Agency for Managing Confiscated Property according to the Law on Management of confiscated property, property gains and items seized in a criminal or misdemeanor procedure that will become operational in following period. As far as the legal framework is concerned, the largest part has already been adopted and harmonized with EU legislation, as can be seen in the following table:

Adopted	In procedure for adoption
	Amendments to the Law on state border surveillance aimed at further harmonization with the Schengen Border Code
Amendments to the Law on internal affairs aimed at establishment of Training Centre (2008)	
Law on amendments to the Law on asylum and temporary protection (2008)	
	Amendments to the Law on asylum and temporary protection aimed at further harmonization with Council Directive 2004/83/EC
Law on amendments to the Law on foreigners (2008)	
	Harmonization of the Law on foreigners with Council Regulation 862/2007/EC

<sup>18</sup> A Review of Activities Carried Out for the Fulfillment of the Requirements Set Out in the Roadmap for Visa Facilitation for R. Macedonia by the EU, March 3<sup>rd</sup>, 2008

Amendments to the Law on family (2008)	
Amendments to the Law on employment and work of foreigners (2009)	
Law on management of confiscated property, property gains and items seized in criminal or misdemeanor procedure (2008)	
	Amendments to the Law on criminal procedure
	Law on international legal assistance in criminal matters
	Law on criminal procedure
	Criminal Code
Law on ratification of Convention for prevention of terrorism (2009)	
Law on prevention of conflict of interest (2007)	
Law on ratification of the 2 <sup>nd</sup> additional protocol to the European Convention on mutual legal assistance in criminal matters as well as Law on amendments of this law adopted in 2008	
	Law on ratification of the agreement on cooperation between Macedonia and EUROJUST
Law on public prosecution (2007)	
	Law on information exchange through establishment of the National database (draft)
	Draft Law on internal affairs in order to set up a career system
Amendments to the Law on interception of communication (2008)	
	Law on antidiscrimination

Other relevant bylaws and documents were also adopted that are required for fully implementing the new legislation and securing the continuous operations of the relevant institutions. Furthermore, continuous trainings for personal within all relevant institutions are being organized to secure a smooth implementation of the new legislation.

The progress of the countries of the Western Balkans in terms of the requirements set out in the roadmaps is subject to assessment on part of the Commission. The countries from the Western Balkans can be divided into three groups: in the first is Macedonia as the most successful, the second group includes Serbia and Montenegro, and the third Albania and Bosnia and Herzegovina. The progress report of November 8, 2008 for Macedonia on the third and fourth fields pertaining to public order, foreign affairs and human rights states that: *Significant efforts have been made in the field of public order and safety. The country has a wide legal regulation on organized crime and the fight against corruption. Progress was also noted in the effort to prevent corruption in the police force, the judiciary and customs. There has also been progress in incriminating individuals involved in organized crime, human trafficking and money laundering. In general, things are looking positive in the field of protecting personal data.*<sup>19</sup>

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<sup>19</sup> European Commission, *Assesment of Implementation of Visa Liberalisation Roadmap of Republic of Macedonia*, November 2008

## **Should we be afraid of “Macedonian Plumbers”?**

The liberalization of the visa regime depends on the fulfillment of the technical requirement set out in the roadmap given by the EU, but it also depends on a positive political climate in the EU. In this sense, European leaders have the task of convincing their citizens that abolishing the visa regime will not be a threat to EU security, and more importantly, that it will not make room for a large inflow of emigrants on a job search. European Commission officials have stated that some countries were unsatisfied with the liberalization of the visa regime for Bulgaria and Romania, claiming that a large number of them remained in the EU longer than the envisaged three months and that returning them home proved to be an arduous process. It is precisely because of this that the EU does not wish to make the same mistake with the Balkan countries and it is also the reasoning behind using a visa policy to regulate migrant flows.

Europe currently absorbs about two million new migrants each year. Increased migration in Europe is part of a global phenomenon: the UN predicts that based on current trends, the number of people that migrate throughout the world will increase by 40% in the next 40 years.<sup>20</sup> Migration policy is part of political debates in many European countries. Despite economists’ predictions that Europe will need migrants in the years to come, most of the polls reveal migrants are already treated as a problem rather than an opportunity.<sup>21</sup> In order to fulfill the promise given to the countries of the Western Balkans, European leaders must first convince their own citizens that the Western Balkans are not a threat to their job markets and that many European countries and their economies can benefit from the employment of Western Balkan citizens for seasonal work.

The myth about the heavy movement of citizens of the Western Balkans is debunked by the data provided by the research on migration trends in South Eastern Europe, published in *Seeking the Virtuous Circle: Migration and Development in the Balkans*.<sup>22</sup> This research reveals that the population in South Eastern Europe does not move as much as Western Europe believes, i.e. that it is in fact a very small percentage of the population that would choose to live abroad: 2% of Macedonians, 3% of Romanians and 4% of Bulgarians. Even if the Schengen Wall is torn down for the Western Balkans, most of the population would not go travelling, let alone move to another country. In numbers, the research shows that only 88.000 citizens would consider working outside of Macedonia, provided the Schengen visas are abolished (11% of the 800.000 workforce). In reality, this number would be halved, so less than 44.000 citizens would be able to seek seasonal work in the EU, as there are a number of other factors influencing real migration, such as *foreign connections and start-up capital*.

Analyzing the establishment of an effective migration policy that would regulate the movement of people, one must consider the factors that influence migration. Migration literature identifies two categories of factors that influence migration flows, the so called

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<sup>20</sup> United Nations, *Trends in Total Migrant Stock: the 2005 Revision*, 2006

<sup>21</sup> Hugo Brady, *EU Migration Policy: An A-Z*, 2008, available at [http://www.cer.org.uk/pdf/briefing\\_813.pdf](http://www.cer.org.uk/pdf/briefing_813.pdf)

<sup>22</sup> Alina Mungiu-Pippidi, *Seeking the Virtuous Circle: Migration and Development in the Balkans*, 2006, available at: [www.emins.org/english/public/books/visa\\_policy.pdf](http://www.emins.org/english/public/books/visa_policy.pdf)

push and pull factors. The push factors are present in countries that are a source of migrants and encourage migration. These would include instability, poverty and a high unemployment rate. On the other hand, pull factors are present in countries that are migration destinations and these factors include strong economies, a need for cheap labor, high salaries, improved working conditions and the possibility of family reunions.

The pull factors have always been present in Western Europe and have attracted migrants from all over the world. If we analyze migration in Europe from a historical point of view, we identify four migration periods: migration related to employment and building Europe (WWII to mid 1970s); economic crisis and family reunions (1970-1980); numerous asylum seekers and the migration of minority groups (late 1980s-late 1990s); and migration related to employment, with an emphasis on seasonal employees and highly qualified employees (from the late 1990s.)

On the other hand, Macedonia has a long tradition in emigration with a large number of push factors, such as a weak economy, war conflicts and instability. Most of the emigrants chose Australia (where there are 81.898 Macedonians) and the USA (43.783), with Germany coming in third place (with 42.550) in the period between WWII up until the 1970s. Today, the number of emigrants is significantly reduced. According to the migration profile for Macedonia drafted in 2007 by the International Migration Organization<sup>23</sup>, the net migration rate<sup>24</sup> in Macedonia is -1.00 (compared to the -3.71 for Bulgaria), which reveals that Macedonia is not a huge source of emigrants, especially if we consider its population of two million. At present, a total of 59.650 mature Macedonian citizens have been working abroad for more than one year. The most common reasons for emigrating are work, marriage, family reunion and education. Today, Macedonians mostly reside in Germany, Switzerland, Italy, Austria, Slovenia, France – of the EU countries, but Australia, USA and Canada remain attractive destination as well.<sup>25</sup>

For Macedonia as an emigrating country, the remittances by the emigrants to their families are of huge importance for the domestic economy. According to development experts, the remittances have a huge potential for reducing poverty and promoting the development of the poorer countries. It is estimated that migrants around the world send home about 400 billion US dollars annually, which is four times the assistance the West gives out through its programs.<sup>26</sup> The Republic of Macedonia is ranked 11<sup>th</sup> (of 30 developing states) based on the amounts received from emigrants calculated in GDP percentages. In 2006, based on research conducted by the Center for Economic Analysis, remittances made up 2.7% of the GDP.<sup>27</sup>

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<sup>23</sup> International Organization for migration and Ministry for interior of Republic of Slovenia, *The Former Yugoslav Republic of Macedonia migration profile*, October 2007

<sup>24</sup> The net migration rate determines the difference in the number of immigrants and emigrants on a given territory of 1.000 inhabitants. A negative value means that more people emigrate out of than immigrate to the country

<sup>25</sup> International Organization for migration and Ministry for interior of Republic of Slovenia, *The Former Yugoslav Republic of Macedonia migration profile*, October 2007

<sup>26</sup> Philippe Legrain, *Globalisation: A Liberal Response*, 2007, CentreForum

<sup>27</sup> Malgorzata Markiewicz, *Migration and Remittances in Macedonia*, 2006, Center for Economic Analyses available at:

[http://www.cea.org.mk/Documents/LGU\\_Project/Fourth\\_USAID\\_report\\_on\\_migration.pdf](http://www.cea.org.mk/Documents/LGU_Project/Fourth_USAID_report_on_migration.pdf)

On the other hand, the European labor market is facing a deficit of labor as a result of the current demographic trends. The EU lacks both low and high qualified workers that could be found in so-called emigration source countries. The line of thought is moving more and more towards finding a solution that will benefit both economies: the EU will use the potential it lacks, and the country will not be faced with a large loss in human capital. We can therefore conclude that both the Macedonian and the European economies can benefit from emigration. Namely, the EU can satisfy its need for labor, and the remittances significantly weaken the blow of economic reform. Furthermore, workers that have been employed in the EU return to Macedonia with progressive and entrepreneurial ideas that are of huge importance for the development of the domestic economy.

The entrepreneurial efforts of Nagip Fejzi from Gostivar provide an excellent example of this. Nagip had worked in factory for producing high quality cheese in Italy. Through time, he managed to buy this factory in Italy, but also to establish the same type of factory in Macedonia in which he invested his capital earned in Italy. Thanks to his experience of working in Italy, he brought new types of cheese that were previously unavailable on the Macedonian market and today his company sells its products on both Macedonian and Italian markets.

In the last years, most of the Macedonians that leave for seasonal work go to neighboring countries such as Greece and Slovenia. In 2007, Slovenia and Macedonia signed an agreement on contracting seasonal workers through which both sides regulated the procedures for cooperation in this field. Most Macedonians are contracted in tourism and agriculture in Greece and construction work in Slovenia. Seasonal work is a benefit for both economies – on the one hand Greece and Slovenia fulfill their need for seasonal workers, and on the other Macedonia softens the effects of poverty and unemployment for this category of citizens.

However, when it comes to visa policies, the illegal migration of the population is of special interest. European citizens are scared of potential economic emigrants who illegally remain in their countries and become a burden to their economies and social welfare systems. According to Van Selm,<sup>28</sup> in 2005 a total of 2050 Macedonian citizens were returned to Macedonia after unsuccessful attempts to migrate illegally into Western Europe. Detailed information from various sources is listed below.<sup>29</sup>

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<sup>28</sup> Van Selm, Joanne, *Macedonia: At a Quiet Crossroads*, 2007, Migration Information Source at Migration Policy Institute. Available online at:

<http://www.migrationinformation.org/Profiles/display.cfm?ID=608>

<sup>29</sup> More detailed information in *The Former Yugoslav Republic of Macedonia Migration Profile* prepared by IOM and Ministry for Interior of Republic of Slovenia, October 2007

**Table: Illegal migration of Macedonian citizens to the EU**

Country \ Variable	Denmark	Greece	Italy	Slovenia	Bulgaria	Romania
Macedonian citizens caught in EU15 states and non-EU member states, 2003	-	1.051	-	397	-	-
Number of Macedonian citizens who have been denied entry to EU15 states and to non-EU member states, 2003	1.466	1.019	599	2.031	303	246
Number of Macedonian citizens returned from EU15 states and non-EU member states, 2003	-	1.117	-	307	-	-

The readmission agreements signed in 2007 are closely related to illegal migration. In fact, the visa facilitation package was complemented with a readmission agreement according to which Macedonia is obligated to readmit any Macedonian citizen caught illegally residing in the EU. In addition, Macedonia will readmit all citizens of third party countries that illegally entered the EU from its own territory. The data reveals that these agreements do work in practice, with 140 citizens readmitted to Macedonia in 2008 alone.

The question remains however, of whether or not EU's visa policy is generating the expected results. It would seem it does not, as a review of visas issued by EU embassies reveals that only about 6% of the total population leaves the country to visit EU countries. According to the table below, Macedonian citizens travel mostly to neighboring Bulgaria and Greece, and to Western European Italy and Germany.

**Table: Number of issued visas (A, B, C and LTV)<sup>30</sup> in 2006, 2007, 2008<sup>31</sup>**

	Bulgaria	Greece	Germany	Italy
2006		71.477	15.884	11.402
2007	83.414	98.317	19.085	15.400
2008 <sup>32</sup>	83.414	98.317	19.085	15.400

The numbers reveals that Macedonians are having a hard time with the visa regime. This process is long, arduous, uncertain and expensive, as it includes irrecoverable expenses that are necessary even if the visa is denied. For example, a Macedonian student who wishes to travel to the EU has to collect a number of documents (application forms, photograph, passport, invitation or letter of indemnity, proof that she is a student, proof that she possesses sufficient funds, proof of booked accommodation, proof of travel); pay for health insurance (100 EUR for 90 days) and pay a visa charge of 35 EUR. These

<sup>30</sup> Airport transit visa (type A), Transit visa (type B), Short-stay or travel visas (type C visa) and Limited territorial validity visa (LTV)

<sup>31</sup> Council of European Union, *Exchange of statistical information on uniform visas issued by member states diplomatic missions and consular post* for 2006, 2007, 2008

<sup>32</sup> We assume that the 2008 data is a mistakenly reported, but there were no other available sources

documents must be submitted in original (including those from abroad) and are to be submitted in person at the embassy, at the precisely set time and date.

The procedure for applying for a visa is not standardized in all embassies, so the required documents often differ between the embassies, with certain embassies requiring additional documents such as proof of paid accommodation or proof of paid travel expenses. Embassies take an average of 10 days to review the documentation and then give their verdict on whether or not the student fulfilled all the requirements, i.e. determine whether or not she is visa worthy. If the request for a visa is denied, the Macedonian student will not be reimbursed for the visa charge, the document collection or the purchase of a ticket.<sup>33</sup>

The adequate implementation of the visa regime facilitation agreements is one of the conditions for visa liberalization. However, despite the announcement that the visa facilitation would significantly alter the current EU visa policy, the Macedonian citizens' experiences have proven otherwise. It is precisely due to the importance of these agreements in 2008 that many NGOs followed closely the implementation of the benefits from the facilitation agreements in Macedonia. Interviews were carried out and a hotline was made available where citizens had the opportunity to share their experiences. The general conclusion of that research was that there were problems identified in all fields covered by the facilitation agreements, despite the fact that 80% of those traveling are using their visas properly. The possible problems can be grouped in seven categories:<sup>34</sup>

- lack of clarification as to why the visa request was denied,
- problems with necessary documentation, such as requesting additional documentation that cannot be issued by relevant local and central institutions,
- the implementation of a phone appointment procedure, which compensates for the lowered visa charge of 35 EUR
- an impolite and inhumane treatment on part of the embassy staff,
- the process of issuing a visa oversteps the projected 10 day timeframe,
- problems encountered in the issuing of short-term stay visas, and
- problems applying for a visa in embassies that are only accessible in Bulgaria (due to the additional requirement of obtaining a Bulgarian visa).

Furthermore, many of the objections to the visa regime facilitation agreements were directed to the fact that they only apply to certain categories of citizens. Similarly, Graham Watson, the president of the liberal group in the European Parliament, commented that dividing a society in those that are privileged enough to get a multiple entry visa and those that are not is a dangerous recipe for the future. *Diplomats, businessmen or sportsmen should be able to travel, but I do not see a reason why that privilege is not given to ordinary citizens or to young people who want to travel in search of new experiences.*<sup>35</sup>

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<sup>33</sup> This data was obtained by the REACTOR team carried out in 2006 in 14 embassies in Skopje, Macedonia. All embassies were contacted to find out what the procedure for obtaining a visa for a student wishing to visit the EU would be, and a comparative analysis was carried out to determine general documents

<sup>34</sup> Detailed report can be accessed [www.mcic.org.mk](http://www.mcic.org.mk)

<sup>35</sup> Published in the daily newspaper "Dnevnik", *Macedonia Without Visas Earliest in 2010* on 05.03.2007, available at: <http://www.dnevnik.com.mk>

## **Finding the Exit Sign – the Balkans’ Entry into the White Schengen List**

It would seem that there are more than enough arguments in favor of Macedonia and the Western Balkans finding their way into the white list of countries, i.e. in favor of the abolishment of visas for a stay up to 3 months in an EU country. In addition, the process of transferring them from the Black to the White list would be a great incentive for reform in the countries of the Western Balkans, as was the case with Bulgaria and Romania. A Bulgarian official described this as *the moment of confidence between the EU and Bulgaria. It was a loud enough signal for the politicians and citizens to start working hard towards accomplishing the necessary EU reforms. It was this step that showed Bulgaria that Europe was serious about their EU future.*<sup>36</sup>

On the other hand, the economic load these societies spend in the process of obtaining visas will be reduced, as Macedonians currently spend around 10 million EUR annually on visa charges for travel to the EU. The visas for Greece alone – 100.000 visas were issued in 2007 – cost Macedonians 3.5 million EUR, which is a third of the amount spent on visas altogether, and interestingly enough, a third of the assistance Macedonia received from the EU in 2005, through the CARDS program.

It seems that 2009 is the key year in which Macedonians expect the abolition of the visa regime. Even the Macedonian government made the fulfillment of all the necessary requirements for visa regime liberalization a priority for the year. In its annual report, the US based NGO Freedom House deemed Macedonia a partly free country in terms of respecting political and civil rights and freedoms. Macedonia was given a three on a scale of one to seven, where one is considered the best grade.<sup>37</sup> These reports should be a significant incentive for Macedonian authorities to resolve the number of issues in the fields that are closely followed for the liberalization of the visa regime, especially considering that human rights was one of the fields prioritized in the roadmap given to Macedonia by the European Commission. Priority should be given to the adoption of the anti-discrimination law. This process must be transparent, include all stakeholders and address comments provided by local organizations and the international community.

The year 2009 is also significant in that the EU will be evaluating the results of its visa policy for the Western Balkans. The European Commission has to create a political climate for the liberalization of the visa regime and consolidate this experience towards building a new visa policy for the EU that will be applied to the new EU neighbors. In this respect, former Commissioner Franco Frattini noted that *the EU wants to strengthen its internal security through a global visa facilitation and readmission agreements in the neighborhood based on the model currently developed in the Western Balkans.*<sup>38</sup>

The Western Balkans experiences reveal that the EU will have to modify its current approach to visa and migration policies. Continuing the current rigorous visa regime will only push the region into decline, without managing to prevent illegal migration and

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<sup>36</sup> ICG, *EU Visas and the Western Balkans*, 2005 <http://www.crisisgroup.org/home/index.cfm?id=3809>

<sup>37</sup> Freedom House report can be accessed at [www.freedomhouse.org](http://www.freedomhouse.org)

<sup>38</sup> Agence Europe 4/05/2006 in *EC visa facilitation and readmission agreements: Implementing a new EU security approach in the neighborhood* by Florian Trauner and Imke Kruse (April 2008)



crime. *Due to its geographical location, the negative effects of the visa regime are especially evident in the Western Balkans, where they provoked a growing European alienation. Several studies have revealed that the current visa regime is only hampering progress in trade, business, education and the development of open societies. The current visa regime is also questionable in that it has failed to generate the expected results.*<sup>39</sup> There is currently a consensus being built in the EU that illegal migration and crime cannot be prevented through a rigorous visa regime and heavy border control, but that what is needed rather is cooperation with the Western Balkans local authorities.

The rigorous visa regime has produced two negative side effects: illegal migration and opting for alternative solutions such as acquiring passports or IDs from neighboring countries in order to avoid the visa regime. A large number of Macedonian citizens are now bearers of Bulgarian passports, whereas Bosnians acquire Croatian passports. The big challenge for the EU now is how to create an adequate policy that will use the positive potential of Western Balkan migration, and at the same time drastically reduces illegal migration. Abolishing the visa regime seems to be the only logical answer.

In terms of satisfying both the labor deficit in the EU and the high unemployment rates in Macedonia, there are two possible solutions. One is promoting seasonal work which refers more to the engaging employees with low qualifications, and the other is the so called cyclical migration which refers to a highly qualified work force. Both cases allow individuals to migrate from their home state to one of the EU countries. Adopting national migration and visa regimes that would allow for seasonal work and cyclical migration will contribute to addressing many of the challenges related to migration: on the one hand it will address the lack of an EU workforce, and the other the migrants will be able to return to their countries, in a regular manner, and bring back funds, skills and new ideas. In this way the EU will be able to contribute even more to the development of European democratic societies in which it claims to want to transform the countries of the Western Balkans.

Now that the EU is looking at ways of dealing with the global financial crisis, it will have to demonstrate its commitment to the countries of the Western Balkans by abolishing the visa regime. For the citizens of the Western Balkans, now is the time for the EU to reaffirm its pledge to bring a European democracy to the region. This in turn will create a positive climate for the implementation of the reforms necessary for the transformation of the war-torn societies into democratic European societies. On the other hand, the citizens of the EU must be reassured that the citizens of the Western Balkans are not a threat to their safety, or as Doris Pack put it: *this rigorous visa regime, aside from being humiliating, seriously hampers the social and economic exchange and the development of the region, reducing the opportunities in various fields of education and trade, from regional cooperation to employment. The criminals have unfortunately already benefited from visa-free travel, so in some countries of the EU the crime rates are higher than those in some countries of the Western Balkans.* By abolishing the visa regime, the EU will make it clear that it has enough room for those who want to learn its values and ideas and reaffirm its commitment to a European future for the region.

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<sup>39</sup> Daily newspaper "Utrinski vesnik", *EU Accepts its Visa Policy Debacle*, 28.05.2008, available at: <http://www.utrinski.com.mk>