

# PLACE AND MEANING OF THE VISA LIBERALIZATION PROCESS AND FURTHER EMIGRATION FROM THE WESTERN BALKANS

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*The European Union Stabilization and Association Process (SAP), the accession process, regional cooperation and visa-free travel to Schengen area are four instruments of the gradual process of integration of the Western Balkans (WB) countries into the EU. The European Union put in the perspective the visa liberalization of the short term visa for the citizens of all Western Balkan countries at the EU-Western Balkans Summit held in Thessaloniki in 2003, and has confirmed it for several times since then by the Council's conclusions. Although the process of Eurointegration had a positive impact on some of the economic indicators of the Western Balkan countries, this did not stop the outflow of population. Visa-free travel may have to do with this, but it may not be. In general, the movement of the inhabitants of the Western Balkan countries towards the Western European countries is facilitated, as is their employment within the EU, and the new trend that is noticed is the increased emigration of the population with higher education.*

**Keywords:** Western Balkans, European Union, visa liberalization process, emigration

## ***Introduction: Emigration from the Balkan countries as a continuous process***

The population of 9 Balkan states and entity - Kosovo has been steadily declining over the last 25 years. From about 66.5 million in 1991, it was reduced to 60.7 in 2011. A similar trend continued after 2011. The real situation is probably much worse than the official statistics of Balkan countries show (compare Tables 1 and 2, for example data from the Macedonian Bureau of Statistics and Pew Research Center data). The problem of permanent emigration is not only related to the Western Balkans, but to the entire Balkan region.

Table 1: Population of Balkan countries and entity Kosovo 1991-2011 [20, pp. 36-37].

	<b>1991</b>	<b>2001</b>	<b>2011</b>	<b>2011-1991</b>
Albania	3.225.417	3.069.225	2.831.741	- 393.676 (-12.2%)
Bosnia - Herzegovina	4.376.403	3.798.953	3.531.189 (2013)	-1.205.214 (-27.5%)

Bulgaria	8.487.317	7.932.984	7.364.570	-1.122.747 (-13.3%)
Greece	10.259.900	10.964.020	10.816.286	+556.386 (+5.4%)
North Macedonia	2.033.964	2.022.547 (2002)	2.062.294 (2012)	+28.330 (+1.4%)
Romania	22.810.035 (1992)	21.680.974 (2002)	20.121.641	-2.688.394 (-11.8%)
Serbia	8.010.906	7.498.001 (2002)	7.186.862	-824.044 (-10.3%)
Croatia	4.784.265	4.492.049	4.456.069	-328.196 (-6.9%)
Montenegro	615.035	620.145 (2003)	620.029	+4.994 (+0.8%)
Kosovo/UN	1.956.196	1.850.000 (~)	1.739.825	-216.371 (-11.1%)
Total	66.559.438	63.928.898	60.730.506	-5.828.932 (-8.8%)

„For most South-Eastern and Eastern European countries, emigration rather than immigration has been the key feature over recent years and decades, with fairly low levels of immigration compared with other subregions of Europe. Due to this and other factors, several countries in the region are projected to experience very significant population decline by 2050 (including Bosnia and Herzegovina, Bulgaria, Romania, the Republic of Moldova and Ukraine)“ [15, p.73]. All Balkan countries have traditionally been states of emigration, primarily to the Western Europe – Austria, Germany, France, Italy and Scandinavia.

„Depopulation is evident on the whole territory of West Balkan, especially in the last decade. Trend of population number differ in every single country. There is no one uniform explanation. The following facts are common for all countries. Different institutions are focused on the different population phenomenon. They have collected different data. Hence, data are not comparable, nor compatible. There has occurred a discrepancy from the planned concept of interpretation of the work results due to limitations because there was no census of the population in Kosovo. In addition, censuses of all Western Balkan countries have not been carried out at the same time; there is no data for Albania on age structure, so the index of aging could not have been calculated, or the age contingents of the 1991. Different migration data, in various literature sources were performed by different methodologies which certainly prolonged the comparison. There are two factors which affect on the depopulation: negative natural increase, which is consequence of bad age structure, as well as migrations. Migrations were provoked by civil conflict, which was accompanied by increase in mortality rates and decrease in fertility. Countries in the Western Balkans have traditionally been source of labor migrations to destination in Europe and overseas“ [14, p.18].

Some indicators even rank the Balkan countries at the very top of the various lists being created. According to a survey by the Pew Research Center, Bosnia and Herzegovina and Albania occupy the first two places in terms of the percentage of emigrants in the total population, while North Macedonia is in eighth place.

Table 2: Percent of emigrants in total population [19].

country	% of emigrants	Number of emigrants
Bosnia-Herzegovina	30	1.650.000
Albania	28	1.120.000
Jamaica	28	1.070.000
Armenia	25	940.000
Kazakhstan	22	4.080.000
Syria	22	5.010.000
Trinidad and Tobago	22	360.000
North Macedonia	21	520.000
Portugal	20	2.310.000
Worldwide	3	243.700.000

The outflow of highly educated population is a particular problem for the Western Balkan countries [17, p.4] (Table 3). „On 27 December 2017, the Skopje-based Institute for Strategic Research and Education published a study showing that 69 percent of lecturers, assistants, and researchers working in Macedonia’s higher education system would consider leaving the country to seek new employment opportunities, and that 20 percent of them had already applied for a job abroad. A study conducted in Macedonia in 2010 estimated that, during 1995-2000, the number of scientists and researchers in the Western Balkans decreased by 70 percent. However, it is not only professors and teachers who have stated their willingness to leave the countries of the region; a high proportion of doctors and other medical workers are also willing to move abroad. In Bosnia and Herzegovina, the national medical workers’ association reported that around 300 highly qualified doctors left Bosnia and Herzegovina in 2016. The number of doctors who emigrate may be even higher, given the fact that some of them leave the country immediately after completing their medical education – and so never register in official workplace statistics” [21].

Table 3: Tertiary educated in total emigration [22, pp.2-3]

<i>country</i>	<i>total emigration</i>	<i>primary educated</i>	<i>tertiary educated</i>	<i>emigration % in population</i>	<i>primary educated</i>	<i>secondary educated</i>	<i>tertiary educated</i>
Albania	528.1	53.9	8.8	20.0	39.1	10.6	26.8
Bosnia-Herzegovina	1413.7	44.4	10.9	31.6	...	...	...
Croatia	870.2	42.5	13.0	18.9	19.6	17.3	20.1

North Macedonia	260.0	50.0	11.2	14.2	13.9	11.7	15.5
Serbia & Montenegro	1161.1	50.4	11.4	11.9	12.7	9.2	11.9

The trend of increased emigration of the highly educated population has been noticeable in the last decade and a half. While the lower - educated population was generally leaving Balkan countries in the 1970s and 1980s, this changed in the first decade of the 21st century. Alida Vracic also notes this: „according to the available data, the EU profits from this emigration a great deal. Germany, the wealthiest country in the EU, stopped accepting asylum applications from citizens of Western Balkans states in 2015. Since then, it has extensively relaxed its immigration laws for skilled workers from the region. Collectively, German companies have a record 780,000 job vacancies, or around 13 percent of their total capacity. In 2016, Germany welcomed only 40,000 new qualified workers, partly due to the language barrier and bureaucratic hurdles many immigrants face. The increasing number of vacancies in some key professions – such as engineering, software design, and healthcare – has prompted European countries to admit many people from the Western Balkans. Considering the current economic growth in Germany, it may result in even stronger emigration. As Germany’s population ages, these problems will grow in many industries. For example, German hospitals and care homes will need more medical staff. Migration has long enhanced the healthcare sector in OECD countries: in 2000, 11 percent of nurses and 18 percent of doctors they employed had been born abroad, allowing them to benefit from diversity and knowledge transfers” [21]. The question arises: is it also related to the visa-free regime, which facilitated the migration of the inhabitants of the Western Balkan countries to Western Europe?

### ***Place and meaning of the visa liberalization process in the Western Balkans***

The European Union Stabilization and Association Process (SAP), the accession process, regional cooperation and visa-free travel to Schengen area are four instruments of the gradual process of integration of the Western Balkans (WB) countries into the EU [10]. The SAP was launched in 1999 and is based on bilateral agreements (Stabilization and Association Agreement - SAA), financial assistance for the Western Balkans countries, political dialogue, trade relations and regional cooperation [10]. At this moment in the Western Balkans region Croatia is the member of the EU and all the other Western Balkans countries/entities are candidates (Serbia, Albania, North Macedonia and Montenegro) or potential candidates (Bosnia and Herzegovina and Kosovo\*) and have their SAAs in force.

Some candidate countries started the accession negotiations by Intergovernmental Conferences and opening of the first negotiation chapters (they have the so called negotiations status). Montenegro opened first negotiation chapters in 2012 and Serbia in 2014 while others like Albania and North Macedonia are still waiting to do so and are

only officially recognized as candidates (North Macedonia in 2005 and Albania in 2014), although the European Commission recommended for several times in its reports to the Council to open the process of negotiations with these countries. Bosnia and Herzegovina submitted its application to join the EU at the beginning of 2016, but is yet to receive the status of candidate due to the slow process of answering the European Commission additional questions, failure to implement parliamentary dimension of SAA, need to adopt and implement a new set of socio-economic reform measures at all levels in the country, improve the process of solving disputes and ensure legal certainty regarding the distribution of competences between the state and the entities in order to effectively adopt and implement the EU *acquis*, adopt new Constitution, etc. Because of this the conclusion of the European Commission on its last Opinion from May 2019 was that “Bosnia and Herzegovina does not yet sufficiently fulfill the criteria related to the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities [7]. Also, good neighborly relations and solution of border disputes are some of the criteria set for the improvement of Bosnia and Herzegovina integration process.

Regarding regional cooperation, because of the conflicts in the region of the Western Balkans one of the first aims of the EU was stabilization of this area which needed to include one of the most demanding processes after internal reforms of the countries – process of regional cooperation. Various regional initiatives and organizations were developed and not small amount of financial support was dedicated to the projects and programs of regional and cross-border cooperation. The special emphasize was recently given to the so called connectivity agenda which was developed under the Berlin process, launched in 2014 by Germany in order to keep the interest and process of the EU integration at the top of the EU and those countries agendas, in the context of the EU internal reforms and the so called enlargement fatigue. Connectivity agenda promotes projects and cooperation between the Western Balkans countries through building infrastructure connections as well as cooperation in ecology, economy, tourism and security. It also promotes better connectivity of youth, business and civil society in this region.

Finally, in the case of visa liberalization, the whole process of integration of the Western Balkans countries into the EU is usually seen as the process of Europeanization, but some authors claim that the visa liberalization process is actually the process of internationalization whereas the EU acts as “norm promoter” or “norm-transmitter” cooperating with the Western Balkans and Eastern European countries in promotion and adoption of already existing norms approved at the international, multilateral level [4, pp.201-202]. Also, some thinks of the EU as the “norm-taker”, but not from the multilateral but from the bilateral perspective, namely when EU internalizes US border security norms [2, p.117].

Inside the European policy architecture, visa-free travel i.e. visa liberalization is part of the EU visa policy which is part of the EU migration and home affairs and internal security of the EU and its member states (so called Area of Freedom, Security and Justice) and the EU internal market. Visa liberalization links the EU external relations

with its internal security whereas external relations act as instrument for attaining the EU's internal security objectives [23, p.12].

EU visa policy is based on reciprocity with the non-EU countries and visa liberalization starts with visa facilitation agreements which are connected to the readmission agreements. Readmission agreements were necessary in the process of visa liberalization in order to fight illegal migrations and determine obligations and procedures for identification and effective return of illegal migrants from countries under this process or the EU. Regulation (EC) No 539/2001 contains the list of third countries whose nationals must be in possession of visas when crossing the external borders of Member States (Annex I or "negative" or "black" Schengen list) and the list of those whose nationals are exempt from that requirement (Annex II or "positive" or "white" Schengen list) and has been amended for several times since its adoption – the lists can be changed due to the regular case-by-case assessment of a variety of criteria needed for visa-free status. For the first time the "negative list" was determined in 1995 (EC Regulation 2317/95) and four countries of the WB region were listed there – Albania, FYR Macedonia and FR Yugoslavia (Serbia and Montenegro). Regarding Bosnia and Herzegovina, it was not included in the list but left to the Member States individually to decide on the visa requirement. Still, all Member States but one imposed a visa obligation for this country [5, p.2]. On the other side, Croatia was not included in the "black list" neither in the above mentioned EC Regulation from 1995, neither in the Regulation 539/2001 from 2001 and there was no need for special process of visa liberalization with this country. Also, the Regulation 539/2001 had no reference on Kosovo in 2001, but was amended in 2009 putting it on the "negative list" under the name "Kosovo under UNSC Resolution 1244/99". The detailed road of the WB countries to the visa liberalization will be considered in next chapter.

### ***Visa liberalization process in the Western Balkans***

The European Union put in the perspective the visa liberalization of the short term visa for the citizens of all Western Balkan countries at the EU-Western Balkans Summit held in Thessaloniki in 2003, and has confirmed it for several times since then by the Council's conclusions. It is seen as part of the overall reforms need to be done in the WB states on the course of the EU integration. In discovering the motivation of the EU lying behind the visa liberalization for WB countries authors consider several things: political commitment taken by the EU, reasons of illegal migration, economy and security.<sup>5</sup> On the one hand it is possible that the West no longer saw that region

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<sup>5</sup> *Schimmelfennig explains the visa liberalization for the WB countries with the path dependency theory or "sociological institutionalism", because it cannot be explained with rationalist cost benefit theories, whereas the EU took political commitment on visa liberalization and entered the "rhetorical trap"; Guild made the point that visa liberalization in the WB countries was not necessarily result of the fulfilment of the set (technical) criteria but of the subjective change of viewpoint that these countries were no longer socio-political and economic burden; similarly Buzan view visa policy as part of societal security and product of subjective perspective of the countries whereas the visa liberalization of the WB states was product of overall desecuritization and regionalization, took in order to overcome the Cold War way of thinking. This points of view were summarized from [18].*

as refugee-producing or, on the other, the EU could thought that by offering a country visa-free travel, its citizens would no longer be entitled to claim asylum in the EU member states.<sup>6</sup>

Also it enabled the EU to sign readmission agreements, very desirable tool for the EU to solve the problem of illegal migrations from the WB countries. It is also related to the economy and greater commercial activities of both the EU and WB countries as well as fight against organized crime and maintaining public order, which is important for the stability of the whole region and the EU. Overall the visa liberalization should be the great incentive for the WB countries/entities to conduct necessary reforms, be stable (avoid future wars and conduct regional cooperation) and stay geo-politically and geo-economically connected to the EU. For the WB countries, on the other side, it meant the end of the period of isolation, sanctions and perception of them as trouble-makers.

Visa liberalization dialog with the Western Balkans countries took place in the framework of SAP. Also, visa liberalization related issues are part of the negotiating chapter on justice, freedom and security. The Council of the EU on January 2008 accepted the intention of the European Commission to start a visa dialogue with all Western Balkan countries. Dialogues started at the first half of 2008. The aim was to determine detailed conditions, each specifically developed for the country, for visa liberalization through the Visa Liberalization Roadmaps with clear benchmarks to be fulfilled by the countries of the region. The progress and reforms of these countries were constantly monitored by the European Commission, Council and Parliament, with regular annual reporting on the matter. Generally the conditions set in the Visa Liberalization Roadmaps refer to the effective implementation of agreements, document security (Passports / travel documents, ID cards and breeder documents), illegal immigration including readmission (Border management, Carriers' responsibility, Asylum policy, Migration management), public order and security (Preventing and fighting organized crime, terrorism and corruption, Judicial co-operation in criminal matters, Law enforcement co-operation, Data protection), as well as external relations and fundamental rights (Freedom of movement of countries nationals, Conditions and procedures for the issue of identity documents, Citizens' rights including protection of minorities).

Serbia, Montenegro and North Macedonia were granted visa free status in December 2009 (visa facilitation and readmission agreements with these countries entered into force at the beginning of 2008) and to Albania (readmission agreement entered into force in 2006 and visa facilitation agreement in 2008) and Bosnia and Herzegovina (visa facilitation and readmission agreements entered into force in 2008)

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<sup>6</sup> Because only individuals coming from countries that are on the "black list" can apply for asylum status. People from the WB countries could no longer claim refugee status [18, p.9].

it was granted in December 2010.<sup>7</sup> For Serbia it came in period when the Interim agreement and ratification of the SAA were blocked (especially due to the position of Netherlands and Belgium) because of the lack of Serbian cooperation with the International Criminal Tribunal for Yugoslavia (ICTY), which was special criteria for some WB countries to continue integration process with the EU. Because of the unresolved status issues (since five Member States of the EU did not recognize the unilateral declaration of independence of Kosovo from 2008) and security reasons, especially fear of the illegal migration stemming from and transiting through Kosovo, “Kosovo under United Nations Security Council Resolution (UNSCR) 1244/99” was excluded from the visa-free regime in 2009. It was added to the “black list” of the Council Resolution 539/2001 under the category „entities and territorial authorities that are not recognized as states by at least one member state“ where the Palestinian Authority and Taiwan are already listed [5, p.2].

Also, the Serbian passports issued by the Coordination Directorate at the Interior Ministry of Serbia to Kosovo residents were excluded from visa-free regime with Serbia. Before getting the visa-free regime Serbia had to establish direct police cooperation with the European Union Rule of Law Mission (EULEX). The protocol on cooperation between Serbia and EULEX was signed in September 2009 and Integrated Border Management agreement was reached in December 2011. This opened the large political debate in Serbia regarding the Kosovo status and the Government was accused that it established the border between Serbia and Kosovo, divided the Serbs, contributed to their ethnic cleansing, recognized the Kosovo independence and sold it for the “White Schengen list” [12]. On the other side, some opposition parties in Kosovo at that period accused their Government for accepting the agreement with the term “crossing points” and not “border” and for signing the agreement with “state” that does not recognize Kosovo borders [24].

Visa liberalization dialogue with Kosovo, conducted without prejudice to Member States’ position on status, started in 2012. Since then, the European Commission recommended twice (in 2016 and 2018) to the European Parliament and Council to lift the visa obligations for Kosovo citizens, but it is still to receive the visa-free status. Germany, France, Netherlands and Belgium are the main countries blocking the start of visa-free regime due to the illegal migration problems from and through Kosovo to these countries.

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<sup>7</sup> *In the decision-making procedure (consultation procedure) in 2009 European Parliament gave the opinion to the Commission report that all the WB countries should be added to the “white list” at once and that visa liberalization dialogue should immediately start with Kosovo, but this two suggestions were disregarded by the Council. The position of Commission from the start was similar to the overall integration process - that each country will be assessed individually. It is interesting that the EP, which was in the same composition, did not put any amendment, especially about immediate start of visa liberalization dialogue with Kosovo, to the 2010 Commission proposal to put other two WB states on the “white list” although it was now deciding in the co-decision procedure (under the Lisbon Treaty). Some EP members said that this was because they wanted visa liberalization with Albania and Bosnia-Herzegovina to be implemented immediately and not to make them ‘victims’ of unresolved Kosovo status.*

As we mentioned, all five states of the Western Balkans got the Visa Liberalization Roadmaps in the first half of 2008 with similar conditions (or benchmarks) to fulfill - Requirements related to the effective implementation of the Community Visa Facilitation and Readmission Agreements and Requirements on Document Security, Illegal Migration, Public Order and Security and External Relations [11].

After receiving these Roadmaps WB states had to provide “readiness reports” by September 2008 in which they stated the situation in power regarding each of the requirements. WB states had to conclude the ‘implementing protocols’ with Member States, create proper infrastructure / administration to deal with readmission applications, respect the various deadlines set by the Community Readmission agreement and refuse the readmission applications only on the grounds provided by the Community Readmission Agreement, accept the ‘EU standard travel document for expulsion purposes’ and the readmission applications for third country nationals / stateless persons. Regarding the Visa facilitation agreement they had to cooperate with the European Commission on implementation of the agreement and monitoring of all institutions, authorities and bodies involved with the implementation of the agreement. On document security WB states had to issue biometric travel documents, establish measures to fight corruption in the public authorities that deal with visas and passports, report to Interpol / LASP data base on lost and stolen passports and provide high level of security for these documents and strict procedure for their issuance.

In the field of border management they had to adopt and implement new legislation on movement of persons at the external borders and organization of border authorities in accordance with National Integrated Border Management Strategies and Action Plans with clearly defined responsibilities of border management, provide effective technical means at the borders for border control, fight corruption of the border management officials through establishment of training programs and adoption of ethical codes on anti-corruption and to conclude a working arrangement with FRONTEX.

On asylum policy they had to adopt and implement new laws in line with international and EU standards and legislation and strengthen infrastructure for asylum seekers and bodies and procedures dealing with them. On migration management WB states had to set up and start to apply a mechanism for monitoring of migration flows, adopt and implement a National Returnee Reintegration Strategy, including sustainable financial and social support, develop measures to fight organized illegal migrations, adopt and implement a law on the admission and stay of third country nationals, and ensure effective expulsion of illegally residing third country nationals from its territory which is why they had to conclude bilateral readmission agreements with other countries.

On public order and security WB states had to adopt and implement strategies to fight organized crime, combat trafficking in human beings, strategies and laws that regulate fight against terrorism and legislation on confiscation of assets of criminals, on fighting drugs, corruption (and establishing national anti-corruption authorities or if they have already had them then to improve their functioning), and relevant UN and Council of Europe legislation in this domain. Regarding Judicial co-operation in criminal matters

WB states had to implement international conventions concerning judicial cooperation in criminal matters, improve the judicial cooperation in criminal matters with the EU Member States and neighboring states and develop working relations with Eurojust.

Law enforcement co-operation included obligations to ensure efficiency of law enforcement co-operation among relevant national agencies and improve exchange of information between them, reinforce regional law enforcement co-operation as well as with the EU Member States and conclude an operational cooperation agreement with Europol. Data protection requirements related to the adoption of necessary legislation on the protection of personal data and setting up of new state bodies to deal with personal data protection (or improvement of their work if they have been already established), signing, ratification and implementation of relevant international conventions. On External Relations and fundamental rights WB states had to ensure that freedom of movement of their citizens is not subject to unjustified restrictions, full and effective access to travel and identity documents for all citizens, full and effective access to identity documents for IDPs and refugees, adopt and enforce legislation to ensure effective protection against discrimination, specify conditions and circumstances for acquisition of their citizenship, ensure investigation of ethnically motivated incidents by law enforcement officers, that constitutional provisions on protection of minorities are observed and implement relevant policies regarding minorities, including Roma.

Also, due to the special position of Kosovo its Roadmap is a little bit different and more detailed than in the previous cases, but contains the same groups of requirements. For example, the EULEX have an important role in monitoring and advising Kosovo institutions and authorities on adopting and implementing the reforms and fulfilling the requirements set out in its Roadmap. Also, because it is not in position to conclude treaties with the EU, there is not Community Readmission Agreement between the EU and Kosovo, but Kosovo is obliged to implement domestic and existing legislation on readmission that cover all the EU Member States and, where appropriate, to conclude new readmission agreements bilaterally or with the group of states (for example one Readmission Agreement was signed with Benelux countries). On Border/boundary management Kosovo institutions should also cooperate with KFOR, beside EULEX. One of the requirements regarding border/boundary management for Kosovo was that it should “endeavor to complete, in a coordinated manner with the other party, the delineation of the border/boundary with Montenegro” [25, p.8].

Only after the ratification of the Delineation Agreement with Montenegro in March 2018 (and significant improvement in fight against organized crime and corruption) the European Commission stated that now all conditions set in the Roadmap were met and reconfirmed its recommendation to the Parliament and Council to adopt visa liberalization for Kosovo. The European Parliament voted twice (2018 and 2019) in favor of visa liberalization with Kosovo, but Council is still to discuss it and take the position, status and security reasons being the main obstacle in the decision making process.<sup>8</sup> In the press

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<sup>8</sup> First time the EP voted (September, 2018) 420 MPs were in favor and 186 were against visa liberalization with Kosovo, but the second time (March, 2019), only six months later, 331 MPs voted in favor of the visa liberalization with Kosovo and 126 were against.

release of the EP it was clearly stated that “visa waiver would allow the citizens of Kosovo to travel to the EU... for business, tourism or family purposes, but not for work” [26].

It was important for the EP to stress this because one of the researches conducted on the motivations of Kosovo citizen for traveling into the EU showed that the main reasons for the people of Kosovo to travel to the EU were to study (35%) and to work (24%), both of which are not actually covered by the visa-free regime [3, p.259]. It is a direct consequence of the lack of information about the rules and procedures of visa liberalization, poverty in Kosovo and high unemployment rate, especially among the young people [3, pp.258-259].

It is interesting that although the EU considers the visa liberalization process with Kosovo to be without prejudices on the status, European Commission expressed attitude that only Kosovo biometric passports issued by Kosovo authorities would be reliable for visa-free regime and not those issued by the Serbia’s Ministry of Interior Coordination Directorate, although Serbia asked these passports to be included in the visa-free regime too.<sup>9</sup>

This means that those residents of Kosovo holding Serbian passports would have to recognize Kosovo state and take dual citizenships. On the other hand, Serbian position was that “The visa liberalization should not apply to a type of document, but to all citizens of the territory that it was granted to” [27].

### ***Post visa-free status process - monitoring and evaluation***

Soon after WB countries got visa-free regime the Commission set up a post-visa-liberalization monitoring mechanism complemented by an alert mechanism to prevent abuses. Monitoring mechanism was invented to assess the fulfillment of requirements set in Roadmaps and several Commission monitoring reports were presented to the European Parliament and the Council. That means that once granted visa-free travel status is not permanent or unconditional but can be suspended “for citizens of non-EU countries when there is an emergency situation caused by the abuse of the visa-free regime by nationals of countries exempted from the visa obligation” [8; 28].

Visa Suspension Mechanism was first adopted in 2013 (entering the force in January 2014) and further strengthen in 2017 in order for the EU to react more quickly and flexible if faced by strong migratory pressures or if some Member State is faced with internal insecurity as consequence of the visa-free regime. Under this new mechanism the European Commission is obligated to monitor and report on the fulfillment of requirements set in the Roadmaps or Actions Plans that stem from the visa liberalization dialogues with WB countries and Eastern Partnership. It does not cover the whole spectrum of justice and home affairs since they are covered through membership negotiations and chapters, but is focused on specific areas identified for each country in each of the annual reports. Under the new mechanism visa liberalization can be

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<sup>9</sup> *The EU Commissioner for Migration, Home Affairs and Citizenship Dimitris Avramopoulos, on a one-day visit to Pristina to present the EU Commission proposal to local officials in 2016 said: “Let me be clear on that. Only Kosovo’s passports are recognized. So, it is very, very clear” [27]*

suspended under the following conditions: “a substantial increase (more than 50%) of irregular migration, including people found to be staying irregularly, and persons refused entry at the border; a substantial increase (more than 50%) of asylum applications with low recognition rate (around 3-4%); a decrease of cooperation on readmission, notably in case of an increasing refusal rate for readmission applications; an increased risk to the security of Member States, in particular serious criminal offences” [9].

The Commission can also trigger the mechanism in case certain requirements of the visa liberalization are no longer met by third countries that have gone through a visa liberalization dialogue. Also, when country enters the EU it has to apply common EU visa policy including visa regulations toward the third countries whose nationals must have visas when crossing external borders and those whose nationals are exempt from that requirement which can cause some negative consequences for some countries like Serbia or those depending largely on tourism from nationals of third countries (ex. China or Russia).

Concerns of the EU’s Member States regarding visa liberalization in the WB countries/entities are related to the abuse of this regime in at least three ways 1) entering the EU for the longer periods of time than foreseen by the visa-free regime (90 days in 180 days period), 2) for activities or reasons not foreseen by the program (for ex. working or studying) 3) applying for international protection (asylum seekers – usually Roma population) [6, pp.41-42].

Having in mind previously mentioned research conducted in Kosovo on motivations of Kosovo residents for traveling into the EU, these concerns are not ungrounded. If these concerns are not met properly by the Western Balkans countries / entities the EU can threat with or implement the Visa Suspension Mechanism and reintroduce the visa regime to those countries. Under the strengthened Visa Suspension Mechanism the European Commission is obligated to report on the state and fulfillment of conditions of visa liberalization. Until now the Commission has issued two such reports – one in December 2017 and one in December 2018 [8].

In the Second Report it was stated that Albania has taken measures to tackle illegal migration, implemented the action plan against irregular migrations, continued to increase the operational cooperation with Member States most affected by irregular migration, conducted awareness raising campaigns on the rights and obligations of the visa-free regime, improved effectiveness of law enforcement, combating organized crime, adopted the anti-cannabis action plan, took further steps in fight against drugs and institutionalized cooperation with the EU authorities in the field of justice and home affairs. Result of this is the decrease in the number of refusals of entry, for illegal stay and asylum applications (asylum recognition rate of 2017 was 5.19%), with readmission and return functioning well. In the field of public order and security it was stated that Albanian-speaking organized crime groups are active in trafficking heroin and that several key locations in Albania have been a source of radicalization and recruitment of foreign terrorist fighters, although in decreased number. Because of the organized crime and illegal migration Netherlands recently proposed the abolition

of the visa liberalization for Albania. Regarding North Macedonia there was increase in the number of refusals of entry, no increase in illegal stay and decrease in asylum applications (asylum recognition rate of 2017 was 1.45%), with readmission and return functioning well. This country strengthened its border controls and document checks as well as the implementation of action plans to improve the assistance to vulnerable populations, it organized trainings for border police as regards the respect of human rights and took institutional measures and further international cooperation in order to fight organized crime. Still, organized crime groups from North Macedonia are also active in the drug trafficking and distribution and this country is recognized as source of trafficking of archaeological objects, religious items and cultural goods to the EU. Regarding Bosnia and Herzegovina there was an increase in the number of refusals of entry, no increase in illegal stay and decrease in asylum applications (asylum recognition rate of 2017 was 5.66%), with readmission and return functioning well. It was stated that Bosnia and Herzegovina's "decision to grant visa-free travel to Chinese nationals (decision effective as of May 2018) needs to be monitored closely" [8, p.5].

According to the Report this country implemented Strategy and Action Plan on migration and asylum (2016-2020), conducted information campaigns on the rights and obligations of the visa-free regime, adopted an Action Plan for Emergency Measures, adopted a new Strategy on fighting organized crime and increased the capacity of the law enforcement in fighting it, implementing 2016-2019 Action Plan on fighting trafficking in human beings, action plan on anti-money laundering and financing of terrorism and still has to take some measures in order to have arranged cooperation with EU bodies in this field. Still, organized crime groups from Bosnia and Herzegovina are active in the fields of human beings, illicit drugs and firearms trafficking, organized property crimes and this country stands as a destination country for vehicles stolen in Member States. Regarding Montenegro there was an increase in the number of refusals of entry and illegal stay and decrease in asylum applications (asylum recognition rate of 2017 was 2.10%), with readmission and return functioning well. Montenegro adopted new Action Plan in order to improve the reintegration of readmitted nationals, adopted the new laws on foreigners and their protections, established good police cooperation with EU bodies in the field, as well as with Member States, improved the legislation on money-laundering and restrictive measures as well as bilateral cooperation in fighting trafficking in human beings. Investor citizenship scheme that was adopted in November 2018 is to be closely monitored because it could pose "migratory and security risks" [8, p.6].

Regarding Serbia there was an increase in the number of refusals of entry and for illegal stay and decrease in asylum applications (asylum recognition rate of 2017 was 3.23%), with readmission and return functioning well. The visa liberalization for Serbia was recently endangered because of the visa-free arrangement that Serbia had with Iran. Because of the abuse of the visa-free travel regime by some Iranian nationals, and in the context of the EU integration, requests from the European Council to respect the

EU visa policies and absence of bilateral readmission agreement with Iran, Serbia had to cancel visa-free entry for Iranian citizens more than a year after it abolished visa regime (from August 2017 to October 2018) [29]. The Second Report also states that from “2 September 2017 to 16 October 2018, 46,493 Iranian nationals were recorded on entry, 33,568 were recorded on exit” [8, p.7].

Serbia continued cooperation with EU bodies in the field, abolished visa-free regime with Iran, adopted new legislation on fighting organized crime, terrorism and corruption, strengthened its administrative capacity for the prevention of money laundering and the financing of terrorism. Still, concern remains regarding abuse of Serbia’s visa-free policy, which is not in line with the EU visa policy regarding third countries, especially from India’s nationals for which it is observed that may pose migratory and security risk for the EU. It is interesting that, differently than in the case of Bosnia and Herzegovina, in its Second Report the Commission didn’t express concern regarding visa-free regime Serbia agreed with China in 2016, although all countries with which Serbia has visa-free regime but are on the EU “black list” are listed in the EU progress report for Chapters 23 and 24 [30, p.16]. At that moment Serbia was the only country in the region to have such an agreement with China, and Bosnia followed. Also, it is stated that Serbian organized crime groups are active in the fields of organized property crimes in the EU, trafficking of heroin and firearms.

The next, third report of the European Commission under the Visa Suspension Mechanism is to be issued in December 2019.

### ***Continuation of the process: visa-free regime and the future of emigration***

“For several years in a row, Western Balkan labor market conditions have been improving. Unemployment rates are declining, reaching historic lows in most countries; employment rates are rising; and the gap with EU countries is gradually shrinking. The last year was no different: Although job creation slowed, the quality of newly created jobs improved, as found by the forthcoming Western Balkans Labor Market Trends 2019 report. But behind these positive trends, fundamental problems persist. The shares of those in vulnerable and informal employment remain elevated, indicating that the quality of employment is still a major concern” [1].

It is likely that in this conclusion M.Ardanarenko and S.Brodmann find the reason for intensifying emigration. The process of Euro - integration (EU accession) had a positive effect on individual economic indicators, but this did not stop the outflow of population. Visa-free regime may have to do with this, but it may not be. The movement of the inhabitants of the Western Balkan countries towards the Western European countries is facilitated, as is their employment within the EU. “The image of Europe is changing unstoppably. According to UN and Eurostat estimates, the population of individual countries will decline by 2050, leaving France with 55, the United Kingdom with 53 million, with the most pronounced declines in Germany (population to 63 million), Italy (around 37 million) and Spain (28 million). The relatively conciliatory observation of the

movement of millions inhabitants of Balkan states towards their countries is caused by the demographic decline in Western Europe. The Western European economy needs a working - age population in order to maintain the level of existing economic dynamics, and the advantage of the Balkan peoples is that (with the exception of some Albanians and some Bosnian Muslims under the influence of radical Islamic learning), they integrate easily and pose no security threat. Therefore, the observed trends can be expected to continue. Population will flow out of the Balkan states, the part that is the most vital in the reproductive sense and the most productive in the economically sense. This, in all likelihood, will have great consequences for the economy and development of the Balkan countries. Given the current and acute migrant crisis, the observed depopulation in the Balkans is also a first-class geopolitical challenge. Not just for the Balkan countries, but the whole of Europe“ [20, p.41].

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