



Center for Research and Policy Making

**STRENGTHENING CROSS-BORDER COOPERATION IN THE WESTERN
BALKAN REGARDING MIGRATION MANAGEMENT
MACEDONIA**

MIGRATION FLOWS IN MODERN MACEDONIA

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Chapter 1

INTRODUCTION

The history of migration in modern Macedonia starts in the early XX century. When the national consciousness of Balkan peoples began to crystallize during the 19th century, European powers found that drawing international frontiers along strategic or economic lines could not easily be reconciled with ethnic considerations. After 1870 Macedonia¹ had been an arena for political and cultural contention between Balkan states that regarded it as their promised land. All three nationalisms, the Bulgarian, Greek, and Serbian, denied the existence of a separate Macedonian identity and claimed Macedonia and the Macedonians as their own for their national states. All three developed complex justifications and rationalizations of their respective claims, which were based on a confusing array of irreconcilably contradictory historic, linguistic, cultural, ethnographic, and other arguments with accompanying statistics.² Macedonians supported the activities of the clandestine Internal Macedonian Revolutionary Organization (IMRO). In 1903 IMRO staged the Ilinden uprising liberating few towns and villages. The Ottoman suppression of the

¹ The territory known under the name of Macedonia is thus defined: to the south, it extends to Mount Olympus, the mountains on the north bank of the river Bistrica, Lake Prespa and Lake Ohrid; to the west it extends to the River Drim from Debar; to the north-west and north - the Shar Mountains, the highlands north of Skopje, the defile of Kumanovo, the mountains that mark the Serbo-Bulgarian border of before 1912, and finally the Rodope Mountains to the east; source: Rene Picard: *Les archives du Ministère des affaires étrangères* (Paris). Guerre 1914-1918, Balkans, Dossier general, pp. 158-165, at <http://www.macedon.org/makedonika/index.htm>; On the various definitions of what are the borders of Macedonia see Wilkinson H.R., *Maps and Politics: A Review of the Ethnographic Cartography of Macedonia*, (Liverpool: Liverpool UP, 1951), translated by Dimkovska Sonja, *Kartite i Politikata: Pregled na Etnografskata Kartografija na Makedonija*, (Skopje: Makedonska Kniga, 1992), pp.35-38.

² The Bulgarian, Greek, and Serbian claims were extensively publicized. For a representative sampling of the divergent points of view see T. R. Georgevich, *Macedonia* (London, 1918), and Jovan M. Jovanovic, *Juzna Srbija od kraja XVIII veka do oslobodjenja* (Belgrade, 1941) (Serbian); C. Nicolaides, *La Macedoine* (Berlin, 1899), and G. Modes, *Makedonikon agon kai i neoteri makedoniki istoria* (Salonika, 1967) (Greek); I. Ivanov, *La question macedoine* (Paris, 1920), and Institut za istoriia pri BAN, *Makedonskiat vupros. Istoriko-politicheska spravka* (Sofia, 1963) (Bulgarian).

uprising led to a number of civilian casualties. Killings, rapes, and burning of Christian villages were perpetrated by the Ottoman army and irregulars. As Duncan Perry notes, “Brutality was a hallmark” of the Ilinden uprising. Calculations from his archival research indicates that 4,694 Christian noncombatants were killed, 201 villages were burned, 3,122 women and girls were raped by Ottoman soldiers, 12,440 homes were damaged or destroyed, and approximately 70,000 people were left homeless. This was the first wave of migrations in modern times in Macedonia.³ Most of the migrants that went abroad emigrated to Sofia, although some went as far as the USA. Three years after the Ilinden uprising there was little improvement for villagers, conditions were still so poor that in just one day in March 1906, 600 migrants from Macedonia left for the United States. Chances for work in the booming metropolises of the United States and Canada seemed more real, and within months of the Ilinden uprising the slow trickle of emigration abroad became a stream.⁴

Poor economic conditions in the Balkans often forced local families to send young men abroad to earn additional income. Men of working age left their homes for work a distance away. This labor often entailed logging and hauling in Anatolia, Bulgaria, Romania, Serbia, Egypt, and Asia Minor. In Macedonia, labor migration was known as *pečalbarstvo*, and the migrant himself, as a *pečalbar*. The *pečalbari*, as they were collectively known, were almost exclusively male. While *pečalbarstvo* had existed for several generations, the increased tax burdens of the late Ottoman period, the rising social violence and banditry, and the reduction of agricultural output for each family brought on by the dividing of land over successive generations made the imperative for labor migration greater. One source suggested that in the last decades of the nineteenth century, 70,000 - 100,000 men went in search of work annually to other parts of the Ottoman Empire or Europe.⁵ The Ilinden uprising only heightened the sense of crisis.

³ See Perry Duncan, *Politics of Terror: The Macedonian Revolutionary Movement, 1893-1903*, Durham and London: Duke UP, 1988, pp.139-140.

⁴ See the Doctoral Dissertation of Gregory Michalidis, *Salvation Abroad*, 2005, University of Maryland, p.75.

⁵ See Institute of National History, *A History of the Macedonian People*, pp. 132-134; Skopje. 1993.

In 1912/3 during the Balkan Wars, Bulgaria, Serbia and Greece, conquered Macedonia divided it unequally among themselves, making arbitrary boundaries through Macedonia regardless of ethnological claims of the people. Many inhabitants of Macedonia were killed or forced to exile. Forced migrations of thousands of people happened in that period.⁶ There followed a “veritable migration of peoples, for in Macedonia, as in Thrace, there was hardly a spot which was not, at a given moment, on the line of march of some army or other...All along the railways interminable trains of carts drawn by oxen followed one another; behind them came emigrant families and, in the neighborhood of the big towns, bodies of refugees were found encamped.”⁷ Macedonians of Christian and Muslim faith have been forced to migrate, as well as Greeks and Turks. The Bulgarian government estimated that as many as 111,560 refugees fled to Bulgaria. About 50,000 of them came from the parts of Macedonia conquered by Serbia and to Greece.⁸ At Salonica the Commission visited the Islamic Committee, whose business was to transport Turkish refugees to Anatolia. At the beginning of September, when the Commission made its inquiry, about 135,000 refugees had been sent to Anatolia. Some Greeks were also forced to exile.

The peace conferences and treaties ending the First World War confirmed the partition of Macedonia and the Macedonians based on the Treaty of Bucharest (August 13, 1913), with some minor modifications at the expense of the once again defeated Bulgaria. Greece acquired Aegean Macedonia, the largest Macedonian territory; Serbia got Vardar Macedonia, with the largest Macedonian (Slavic Macedonian) population. Bulgaria, whose influence in Macedonia had grown steadily since 1870 and who was obsessed with the idea of annexing all Macedonia and thus creating a great San Stefano Bulgaria, ended up with the smallest part, Pirin Macedonia. Athens and Belgrade pretended that Macedonia and Macedonian problem had ceased to exist. Belgrade proclaimed Vardar Macedonia to be Old Serbia and the Macedonians Old

⁶ See International Commission on the Balkans, *Unfinished Peace: Report of the International Commission on the Balkans*, Washington, DC: Carnegie Endowment for International Peace, 1996.

⁷ See Ibid, p.151.

⁸ Ibid, p.154.

Serbs; for Athens, Aegean Macedonia became simply northern Greece and its Slavic-speaking Macedonians were considered Greeks or at best "Slavophone" Greeks. Once the new rulers had consolidated their controls over the respective parts of Macedonia, they initiated policies the aim of which was the destruction of all signs of Macedonian nationalism, patriotism, or particularism. This was to be accomplished through forced deportation and so-called voluntary exchanges of populations, forced transfers of the Macedonian population internally, colonization, social and economic discrimination, and forced denationalization and assimilation through the total control of the educational systems and cultural and intellectual life as a whole. The ethnic map of Macedonia was significantly changed in 1919 when Greece and Bulgaria signed a convention for 'exchange of populations'.⁹ As a result, around 60,000 Macedonians "voluntarily" left Greece and settled in Bulgaria. Following the 1923 Greco-Turkish exchange of populations, 354,647 Muslims left Greece and 339,094 Greeks arrived in Greek Macedonia from Anatolia.¹⁰

The rest of this chapter deals with the history of migrations in the Serbian occupied part of Macedonia, today's Republic of Macedonia. During the interwar period there were further migratory processes in this part of Macedonia. While Macedonians emigrated for economic reasons abroad, much of the Turkish population went back or was forced to go to Turkey. A process going in the opposite direction was the settlement of Serbs in what was a newly created province of Vardar Banovina. The Yugoslav-Turkish population exchange agreement of 1938 was an official endorsement of the migration of Turkish people from the European holdings of the former Ottoman Empire.

Macedonia became an independent entity within communist Yugoslavia following World War II. From a Macedonian national perspective, the establishment of Macedonian statehood, of a free Macedonia, within the confines of the communist Yugoslav federation represented at least a partial Macedonian solution of the

⁹ Often known as the Nouile Treaty as it was signed in Nouile.

¹⁰ See Pentzopoulos, D. *The Balkan Exchange of Minorities and Its Impact Upon Greece*, Paris and The Hague: Mouton, 1962, p.69, 107.

Macedonian question. Yet migratory trends continued to occur even in this free part of Macedonia. Most of the Macedonians expelled from Greece during the Civil War there (1947-1949) found refuge in Socialist Macedonia. Between 1948 and 1959, again great numbers of Turks from Macedonia migrated to Turkey. Together with the Turks, Macedonians of Muslim faith and Albanians also emigrated. Since internal movement of citizens of the other Yugoslav republic into Macedonia was not restricted many Kosovo Albanians emigrated to Macedonia during times of Serbian oppression in the province. Macedonian Albanians on the other hand moved to the larger cities of former Yugoslavia such as Zagreb, Belgrade or Ljubljana, looking for job security. Immediately after World War Two some 20,000 Macedonians emigrated to Vojvodina, settling on land vacated by Germans expelled by the Yugoslav communists.

Moreover, after World War II, Macedonians moved to Australia in increasing numbers. The majority arrived post-1960, moving to the suburbs of Fitzroy in Melbourne and Rockdale in Sydney. Much of the emigration is attributed to a disastrous earthquake in Skopje in 1963. The flow of immigrants to Australia waned in the 1970s. After a long lull, emigration to the USA and Canada also resumed in the decades after World War II. Closer to home, emigration from Macedonia to European countries such as Germany, Sweden and Switzerland increased after demand for cheap labor in the Western economies grew in the 1970's and 1980's. Many young Macedonians and, to a greater extent, Albanians from Macedonia emigrated to Western Europe in that period. A particular name for all the Balkan emigrants in that period to Germany is a guest worker, or "gastarbeiter" in German. Many of the Macedonian gastarbeiter are dominantly from Albanian descent that could not find available jobs in the socialist industrial capacities and depended on labor migration as a survival strategy.¹¹

The poor economic performance in 1990s, Kosovo crisis and 2001 internal security crisis increased the number of emigrants and asylum seekers from Macedonia. On the other hand, since independence in 1991 Macedonia hosted refugees from Bosnia and

¹¹ For the emigration trends during socialist times see Center for Research and Policy Making Study N.3., *How to Make the Economy of Gostivar a Champion?* Skopje, 2006.

Herzegovina, Albania and Kosovo. Very few of them remained in the country although during the Kosovo crisis in 1999, Macedonia received more than 360,000 refugees within a two month time period. The bulk of the refugees returned home after the Kosovo conflict although some 3,000 Roma from Kosovo have remained in Macedonia. In recent years Macedonia is subject to an increasing flow of people using the country as a corridor for onward travel to Western Europe, Greece in particular. The officially recorded figure for migrants illegally entering Macedonia in 2001 is around 12,100; the actual figure is likely to be much higher.¹²

The money transferred by migrants to their native town or villages or spent and invested there during their short visits are of utmost importance for post-transition economies such as Macedonia. Remittances have grown in value all over the world in the past several years. In several emigration countries, remittances in 2004, estimated by the IMF at 26 billion dollars worldwide, largely exceeded the volume of official development aid (ODA), and in certain cases even of foreign direct investments (FDI) or income gained from the export of goods and services.¹³ Macedonia belongs to this group of countries. The German Ministry of Foreign Affairs estimates that 70.000 Macedonian immigrants in Germany remit about 50 million dollars to Macedonia yearly.¹⁴ The State Statistical Office of Switzerland provides similar data. Data from IMF show that remittances in 2002 made 15.2% of the Macedonian GDP amounting to 278 dollars per capita.¹⁵

¹² See data from the European Agency for Reconstruction available at <http://www.ea.r.eu.int/macedonia/main/fyrom-a1c2e3h4a5.htm>.

¹³ See: See: *Migration, Remittances and Development*, ISBN-92-64-013881 published by OECD 2005, p.9

¹⁴ See German Ministry of Foreign Affairs at: http://www.auswaertiges-amt.de/www/en/laenderinfos/laender/laender_ausgabe.html?type_id=14&land_id=110

¹⁵ See: IMF, Balance of Payments Statistics Yearbook, 2003; World Bank, World Development Indicators, 2003.

Table 12: Remittances versus FDI in Macedonian (in million USD)¹⁶

Year	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Remittances	13	34	42.5	64.2	66.2	47.4	69.8	130.2	146.3	155.3
FDI	11.2	30	127.7	32.4	175.1	440.6	77.7	94.2	155.8	97

One of the problems with the study of remittances is the difficulty of investigating their exact amount, especially since a large portion is sent through informal channels, not reported to the central bank or the respective ministry.¹⁷ A significant part of the money remitted circulates either through the emigrants traveling to their home countries or through “couriers” such as relatives, friends as well as private tour operators or bus carriers. This applies to Macedonia too, where the remittances sent via informal channels undoubtedly dwarf the official transfers. For instance, According to some findings, only 15% of the money transfers by Macedonian migrants were made through banks, the rest being made through relatives or friends.¹⁸ Be that as it may, the importance of the emigrants on life back home in Macedonia is huge, emigration is one of the factors that help diminish poverty in the country.

¹⁶ Source: National Bank of Macedonia see at:
<http://www.nbrm.gov.mk/WBStorage/Files/bilten%204%202005%20devizno.PDF> and
http://www.nbrm.gov.mk/WBStorage/Files/Tabela_1.pdf

¹⁷ See: *International Remittances and Development: Existing Evidence, Policies and Recommendations*, by Inter-American Development Bank and Universite de Cergy-Pontoise, January 2006

¹⁸ “Financial potential of migrants and its inclusion in the economy of the Republic of Macedonia”, Seadin Xhaferi, Skopje 2004

Chapter 2

A GENERAL OVERVIEW OF THE QUESTION OF MIGRATION

Introduction

This chapter aims to provide a general overview of the Macedonian situation regarding the question of migration. Initially, this part of the analysis will focus on the Macedonian institutional infrastructure regarding the problem of migration, as well as on the governmental policies that deal with that issue. In addition, as an important point the role of the international agencies in Macedonia will be described. The status and the rights of the different types of migrants in Macedonia will be presented. A comparison with the Slovenian case will be made. Eventually, at the end of this chapter the Macedonian position regarding security issues and migration flows will be discussed. Concrete measures concerning these issues will be discussed, by analyzing current cases that speak a lot about the capacity of Macedonia to face and deal with challenges in the field of migration and providing security for all citizens.

I PART

In the realm of European Union (EU) accession process, there exists a number of challenges that Macedonia faces when it comes to migrations. To a great extent, there is a debate within the EU about its migration policy (ices), where many countries are very cautious regarding potential migration flows. Among many member

states the perception of the Balkans is that of a poor region in the backyard of the EU, a crossroad of organized crime, a source of illegal migrants and cheap labor force that is eager to emigrate and find a better future in the EU. In this part, the analysis will be focused on how the issue of migration is regulated in Macedonia and the attention will be put on the immigration to, as well as on the emigration from Macedonia.

The *Law for Foreigners* was adopted on 23.03.2006.¹⁹ This law is in compliance with the EU standards and was an obligation for Macedonia from the Stabilization and Association Agreement, when Macedonia obliged itself to harmonize the normative regulations in the issue of migrations with the EU. The main changes²⁰ in this law refer to the introduction of four types of visas issued by Macedonian authorities to foreign citizens (airport visa; transit visa; visa for short-term stay and visa for long term stay), as well as to the conditions that a holder of a foreign passport should fulfill so that his/her travel document is recognized as valid by the Macedonian authorities. Interesting and important points that can be noticed in the new law are the introduced higher fines for aiding and being involved in illegal migration. The reason behind these changes of the law is the need to improve prevention of illegal migration.

Another relevant law to be mentioned in this context is the *Law for Asylum and Temporary Protection* adopted on 25th July of 2003. The general impression and the expert opinion²¹ on the law is that it generally fulfills the European standards in the area of asylum policies. Yet the critics point that the process of harmonizing the other laws with this one as well as the necessary training of the staff of relevant institutions lags behind.²² This law regulates the status, the rights and the duties of

¹⁹ www.pravo.org.mk

²⁰ <http://star.dnevnik.com.mk/?pBroj=2974&stID=72233>

²¹ <http://star.dnevnik.com.mk/?pBroj=2952&stID=70509>

²² <http://star.dnevnik.com.mk/?pBroj=2952&stID=70509>

the refugees and the asylum seekers and the status of the persons protected by humanitarian law.²³

As a result of the influx of refugees from Bosnia and Herzegovina the term “temporary protection” was for the first time promoted in the Macedonian legislation in 1993, when Macedonia “hosted” some 65, 000²⁴ refugees. Then, during the Kosovo crises 360 000²⁵ refugees from Kosovo found themselves in Macedonia. In 2003 2,544²⁶ people, have used the right to temporary protection among whom 2,328 were from Roma population. Regarding the situation of the Roma refugees, Macedonia faced a great criticism by the UNHCR²⁷ in 2005, when the number of the Kosovo Roma in Macedonia was 2216 (out of whom 12 had the status of refugee, 809 had a “humanitarian protection,” while 1082 had their applications “being processed”). Yet, the official position²⁸ was that Macedonia has “the best law for asylum in the region” and that even 50% of the applications for asylum are accepted while the average number of accepted applications in the most countries in the world is not more that 10%. As the criticism was on the poor conditions of living offered to the refugees, the Macedonian officials were trying to prove that because of the economic (under)development of the country a better environment for the refugees could not be provided.

The Macedonian institution²⁹ that works on the issue of migrations is the Ministry of Interior Affairs, more precisely the Sector for Foreigners and Immigration Issues, with two sub-sections. One is the Section for Asylum and Migrations and the other is the Section for Border Affairs, Foreigners and Traveling of Macedonian citizens. Within the Sector for Foreigners and Immigration Issues functions the Transit Center.

²³ Art.2; *Law for Asylum and Temporary Protection*; 25.07.2003 www.pravo.org.mk

²⁴ <http://www.mvr.gov.mk/Uploads/imigracioni%20prasanja.doc>

²⁵ <http://www.mvr.gov.mk/Uploads/imigracioni%20prasanja.doc>

²⁶ <http://www.mvr.gov.mk/Uploads/imigracioni%20prasanja.doc>

²⁷ <http://www.kanal5.com.mk/ShowNews.aspx?ItemID=5857&mid=1500&tabId=1&tabindex=2>

²⁸ <http://www.kanal5.com.mk/ShowNews.aspx?ItemID=5857&mid=1500&tabId=1&tabindex=2>

²⁹ <http://www.mvr.gov.mk/Uploads/imigracioni%20prasanja.doc>

On the other hand, Macedonia has made and is making great efforts in preventing the illegal migration. Important reforms have been done in the area of the border control, with the new law adopted on 8th June 2006 as well as with the successful control of the borders by the Border Police of Macedonia³⁰. Based on the law, the National Center for Border Administration (the members are representatives from the ministries of interior affairs, finance, agriculture, forestry and water supply as well as the Customs)³¹ was established in order to achieve greater efficiency and coordination in the exchange of information. Still much work has to be done especially regarding the information and telecommunication aspects of this area. Regarding the first trimester of 2006³², 716 illegal crossing of the Macedonian border were registered, an increase of 145% since the last year. Moreover, 320 illegal crossing of the Macedonian border were prevented which is an increase of 14,6 % regarding the prevention of the illegal migration since the last year.

The EU is still examining the capacity of Macedonia to deal with the issue of illegal migration. To a great extent that is the reason for EU's insisting on the need for Macedonia to have readmission agreement with all the Union's members as one of the main conditions for the liberalization of the visa regime for Macedonian citizens. On the other hand, it seems unreasonable that Macedonia with 2 million people could be an immigration treat for the EU. Only 0.01% immigrants from Macedonia were registered in the EU by Eurostat in 2003. In addition, information of foreign embassies in Macedonia show that 80% of the visas that were issued to Macedonian citizens were not misused.³³ Yet, it is more than obvious that the EU wants to make sure that Macedonia is not a "perfect transit country" for the illegal migrants that are trying to get in some of the EU countries. In that direction the readmission agreement(s) would mean that all citizens of third parties that came in EU through Macedonia are to be deported back in Macedonia, as the last country where they have entered before they have entered the Union.

³⁰ <http://www.mvr.gov.mk/DesktopDefault.aspx?tabindex=7&tabid=199>

³¹ Art.7; Law for Border Control; 08.06.2006 www.pravo.org.mk

³² <http://www.mvr.gov.mk/ShowAnnouncements.aspx?ItemID=2770&mid=1026&tabid=199&tabindex=7>

³³ www.dnevnik.com.mk; 29.11.2006

The number of the Macedonian citizens that live abroad is 284, 000. This number is not very relevant having in mind that data from 1994 has been used in the methodology. The national institution that deals with the issue of emigration is the Ministry for Foreign Affairs, more precisely the State Counselor and the Sector for Emigration with its staff of 10 people³⁴. The Ministry of Foreign Affairs is coordinating its activities with the Agency for Emigration. In this context should be stressed that Macedonia does not have a Law for Emigrants, so that issue is regulated by the basic legal acts, the Constitution and the Law for Foreign Affairs. Macedonia is facing great problems keeping track of the Macedonian citizens emigrated abroad, partly due to the lack of a Documentation Center³⁵ as part of the Ministry of Foreign Affairs.

The rights of the emigrants from Macedonia to other countries have been raised since the new right wing government has been elected in the summer of 2006. The new government has shown a great interest to pay more attention to the Macedonian citizens living abroad, announcing that they will soon gain the right to vote at national elections. Introducing such changes in the electoral law is a very serious step that needs a thorough analysis and debate.³⁶ Many issues and questions would emerge with the regulation of that right. For example it has to be decided which category of citizens that are abroad have the right to vote; at which elections they would have the right to vote, local or national; how would the implementation of the right to vote while living in a foreign country be regulated against the right to a secret ballot and so on. Besides transparency a big question is how much such an endeavor would cost. Until now only one analysis exists that is referring to this issue but it is focused only on comparative experiences in countries that have regulated the election right for their citizens abroad. The problem is that the Macedonian context should also be taken into consideration. At the moment there are not any recommendations regarding the best solution for Macedonia based on evidence based analysis.

³⁴ Macedonia-Migration Questionnaire (December 2006) <http://www.marri-rc.org/library.php>

³⁵ Macedonia-Migration Questionnaire (December 2006) <http://www.marri-rc.org/library.php>

³⁶ Comparative analysis of the vote privilege of the Diaspora
<http://www.pravo.org.mk/analizi.asp?ID=51>

The role of some international and regional organizations regarding the issue of migrations should be also mentioned. The International Organization for Migration (IOM) is an inter-governmental organization established in 1951. Macedonia is one of the 19 observer states, while the number of member countries is 120. IOM is trying to play an important role with the support of the implementation of the Macedonian national plan and to foster regional cooperation. In cooperation with the government, IOM is trying to contribute to the development of the institutional 'voluntary return mechanism', by facilitating the voluntary return of irregular migrants stranded in Macedonia³⁷.

Another important initiative is the Migration, Asylum, and Refugees Regional Initiative (MARRI)³⁸, which was formed in 2003 within the context of the Stability Pact for South Eastern Europe. Macedonia is one of the six member states of the initiative. The main issue of interest for MARRI is the population movements in the Western Balkan. Interestingly, the general view by MARRI is that the issue of migration is not very much in the focus on a national level. Therefore, the MARRI Regional Center supports the harmonization of the national legislation with the EU aiming the European and international standards to be met by the normative regulation in the members of MARRI. To a great extent, the main goal of the activities of MARRI is capacity building of the national institutions that are dealing with the issue of migrations. As an important point in the approach of MARRI is the support for regional cooperation among its member countries and the support of developing regional migration management.

Third relevant initiative that deals with the issue of migration in Macedonia and the Western Balkans is the so-called Budapest process³⁹. The process was initiated by Germany in 1991 and now it functions as forum of more than 50 countries and 10 international organizations. The main purpose of the forum is exchange of

³⁷ <http://www.iom.int/jahia/page704.html>

³⁸ <http://www.marri-rc.org/>

³⁹ <http://www.icmpd.org/default.asp?nav=home>

information, experiences and best practices regarding the issues of regular and irregular migration, asylum, border management, trafficking human beings est.

The international organizations that work on this issue are interested in the implementation of the legislation and are especially interested in the implementation of the national plans of action, in the countries as the Western Balkan, which are facing great problems regarding irregular migration and organized crime. The Macedonian National Plan of Action for Asylum and Migration was adopted in 2002. Some of the activities have been done since the new Law for Asylum was passed in 2003, but still no progress has been made in the information and telecommunication aspects of the problem of migration in which context is the Schengen Information System. At the moment there is not an initiative for a new action plan to be adopted that would treat the more current issues neither there is a thinking of some revision and update of the 2002 Action Plan.

II PART

Macedonia has never faced constant immigration flows (except during recent war crises in the region when a great number of refugees from Bosnia and Herzegovina, and Kosovo came in Macedonia). Because of its poor economic development Macedonia has not been perceived as a country attractive for labor to emigrate from other countries. On the other hand countries such as Slovenia have faced a great interest of the labor from other countries. During the late 1990's Slovenia had 42,500 foreign persons (having come from other countries most likely from former Yugoslav republics; the total Slovenian population at that time was 1,992,000), while Macedonia had no more than 600 registered foreigners (the total Macedonian population at that time was 1,991,400).

Maybe these numbers⁴⁰ had inspired Slovenia to stipulate quite interesting solutions regarding the rights of the foreigners. There are statistics⁴¹ that show, especially in the late '90 before Slovenia has imposed visas, an increasing trend of immigrants that hold a work permit. Their number has never been less than 22 600 immigrants which is more than half of the total foreign population in Slovenia. Some of the interesting solutions regarding the rights of foreigners refer to the issue of voting rights. In Slovenia voting privileges are regulated by the law and the constitution. Article 43 of the Slovenian constitution⁴² regulates the right to vote. The 3rd paragraph of this act says, that the law may also allow foreigners to vote, while in addition, the 3rd paragraph of the 5th article of the Slovenian Law on Local Elections⁴³, says that all foreigners with a regulated permanent stay in Slovenia can vote. Based on this normative framework foreigners can vote in Slovenia, but only in the local elections. This right does not apply to the parliamentary and presidential elections.

In Macedonia, the Law for Foreigners (adopted on 23rd March 2006) regulates the rights and duties of the foreign citizens residing in the country. In article 88 it is stipulated that a foreigner with permanent residence has the same rights as the Macedonian citizens except the right to vote. That means that a foreigner in Macedonia has the right of residence in Macedonia without any time limitation, right of work, right of education, right of recognition of his/her professional qualifications, social protection, tax benefits alleviations, access to goods and services, right to associate and membership in work organizations, right of access to the all territory in Macedonia.

On the other hand, contrary to the positive perception of the Slovenian Law for Foreigners, Slovenia faced many critics⁴⁴ regarding the new law for asylum.⁴⁵ The

⁴⁰ <http://www.iom.int/jahia/Jahia/cache/bypass/pid/8?entryId=4992>

⁴¹ <http://www.iom.int/jahia/Jahia/cache/bypass/pid/8?entryId=4992>

⁴² <http://www.dz-rs.si/index.php?id=150&docid=28&showdoc=1>

⁴³ http://zakonodaja.gov.si/rpsi/r08/predpis_ZAKO308.html

⁴⁴ http://www.delo.si/index.php?sv_path=41,35,102011&src=rp

⁴⁵ http://zakonodaja.gov.si/rpsi/r07/predpis_ZAKO1437.html

ratification of the Slovene Law on Asylum is quite a controversial topic in Slovenia. The first and the biggest problem with this law is that the police (due to safety reasons and for anti - terrorist measures) is given the right to decide, if a certain person can in fact ask for an asylum or not. This may result in direct deportations from Slovenia, even before the asylum seekers have a chance to ask for it and is therefore a violation of human rights. The second problem is that now the asylum seekers are not entitled financial help in regard with judicial problems.

The Slovenian authorities present the new asylum law as EU compatible, which in fact it is, but the problem is, that the EU standards are only basic requirements. The first international organization that pointed a finger to this problem was the UNHCR in Geneva. Their opinion is that the Slovenian law on asylum is in violation of international law, and that it is not helping the unity of the EU asylum laws. There is a big possibility that some asylum seekers may be deported into countries, where they may find themselves in danger. The Slovenian Ministry for Internal Affairs replied that the new changes in the asylum act are not new in the EU countries, since the police deals with the asylum seekers also in Finland, Denmark, Norway, Czech, France Germany and Luxemburg.

According to statistics⁴⁶ Slovenia is facing a high interest by asylum seekers who are trying to find a “shelter” in a democratic and safe country. Thus, for 2004, 1174 applications for asylum were made in Slovenia, as registered by the UNHCR, while for the first nine months of 2005 that number was even higher (1229). On the other hand, according to the latest official statistics available from the Ministry of Interior Affairs Macedonia received a much lower number of asylum applications (51),⁴⁷. The rights and duties of the asylum applicants in Macedonia are regulated with the article 48 of the Law for Asylum and Temporary Protection. Asylum seekers in Macedonia have the right of: residence; accommodation; basic health service; right of work but only at institutions and organizations for which the Ministry for Labor and Social Policy has

⁴⁶ http://www.delo.si/index.php?sv_path=41,35,102011&src=rp

⁴⁷ <http://www.mvr.gov.mk/DesktopDefault.aspx?tabindex=5&tabid=102&parent=100>

given an approval; contact with UNHCR and other humanitarian NGOs that can provide legal help for the asylum seeker. Since one gets a refugee status he/she has the same rights and obligations as the Macedonian citizens except the right to vote, founding and membership in political organizations. In that regard a refugee has the right of gaining property; of work; accommodation by the state; financial help; health insurance. When one gets the status of a person that is protected for humanitarian reasons he/she has the right of: residence on the territory of Macedonia for one year (it can be prolonged depending of the situation); accommodation provided by the state; financial help; health insurance and education.

III PART

It should be noted that since the events that happened on 11th September 2001 the perception of the terrorist threat and the course of the events have dramatically changed. Macedonia has managed to find its own strategy how to fit in the new framework of the global policy against the terrorism. Against some critics, Macedonia assessed that the best approach in that “battle” would be to develop more close relations with USA and to become its ally. In that regard was the agreement for exemption of American citizens from the International Criminal Court, and the involvement of the Macedonian army in the USA and NATO missions in Afghanistan and Iraq. Thanks to that approach and regardless of the ethics behind the chosen policies that were often an object of public and expert criticism, Macedonia to a great extent, has succeeded to gain international support and got an unambiguous sign that it will be invited to join NATO at the Alliance’s Summit in Riga in December 2006. However, it should be stressed that Macedonia has made great progress in the reforms of the army which is one of the main criteria for the NATO accession. That progress was recognized in the EU reports.

Regarding the potential terrorist threats to the Macedonian security, the general impression is that Macedonia does not face a direct treat. Still, according to some Macedonian experts, because of its involvement in the missions in Iraq and Afghanistan, a potential danger of terrorist attacks faces the country⁴⁸. According to them the fear of Macedonia becoming a country “exporting” of fundamentalist Islamists is not real at the moment. On the other hand, the foreign experts⁴⁹ believe that the terrorism should be perceived as a global treat and that all countries should be worried of the global consequences of the “war on terror”. They give the example of Spain and Netherlands, which according to them are countries with low level of terrorist treat but still they have faced serious terrorist incidents.

Regardless of the strategies and the plans for prevention of a terrorist danger that Macedonia has adopted, to some extent doubts exists of the capacity of Macedonia to deal with potential terrorist attacks. Yet professors⁵⁰ of the Police Academy in Skopje are positive that if terrorism occurs the relevant institutions in Macedonia can tackle well this problem. They expect an increase of the danger from global terrorism to influence all countries in the world as well as Macedonia.

The National Concept for Security and Defense⁵¹ is the basic document concerning Macedonian security. This document updated the Strategy for Security and Defense. Within two main treats that can affect Macedonia in the current process of globalization are recognized: terrorism and organized crime. The focus is also put on the global trends of migration, especially irregular migration, since Macedonia even in the National Concept is regarded as a crossroad of terrorism, irregular migration, human trafficking, drug and arm trafficking from Asia and Africa to Western Europe. The main objectives that Macedonia has to achieve in the prevention of organized crime and illegal migration are: active participation in expanding the peace and stability in the world, as well as development of the good neighboring relations and

⁴⁸ <http://www2.dw-world.de/macedonian/politik/Mazedonien/1.200734.1.html>

⁴⁹ <http://www2.dw-world.de/macedonian/politik/Mazedonien/1.200734.1.html>

⁵⁰ <http://www2.dw-world.de/macedonian/politik/Mazedonien/1.200734.1.html>

⁵¹ http://www.vlada.mk/assets/Vladina_koncepcija_za_bezbednost.pdf

regional cooperation. Regarding the regional cooperation and the neighboring relations, Macedonia since the first EU report from 2002 got positive assessment and that was trend that is continuously positively noticed in the other reports.

The activities that have to be taken in the “battle” against the terrorism, irregular migration and the organized crime, stipulated in the National Concept are: achieving an efficient border police; harmonization of the mechanisms and procedures for exchange of information; improvement of the cooperation and coordination of the Ministry for Interior Affairs with the armed forces; decentralization of the police to a local level according to the EU standards. Some progress has been achieved, but still great challenges for Macedonia are the mechanisms and procedures for exchange of information and the police reform.

Regarding the real work on the challenges of terrorism and illegal migration Macedonia faced a very controversial situation in 2001. In the vicinity of “Rashtanski lozja” [the vineyards of Rashtak] when seven persons allegedly immigrants, six Pakistani and one citizen of India, were killed under suspicious circumstances by representatives of one unit of the Ministry for Internal Affairs. The Ministry at that time claimed that the killed persons were terrorists. Yet in the public there were rumors⁵² that the case “Rashtanski lozja” was ‘constructed’ and that the people killed were economic immigrants who were trying to get to Greece traveling through Macedonia. The foreign press⁵³ perceived this case as a spoiled effort of Macedonia to gain the affinity of America and to be perceived as a great fighter against the global treat of the terrorism, as the official version regarding this case was that the “terrorists” were planning attacks on a number of embassies in Skopje. The American authorities were quite reserved regarding the presented arguments by the Ministry for Interior Affairs at that time.⁵⁴ At the end of the judicial process the defendants were

⁵² <http://www.a1.com.mk/vesti/default.asp?VestID=13823>

⁵³ <http://www.a1.com.mk/vesti/default.asp?VestID=8380>

⁵⁴ <http://www.a1.com.mk/vesti/default.asp?VestID=11815>

not sentenced, but according to some⁵⁵, many things during the process have not been cleared up. It was not proven whether the persons killed were indeed terrorists.

Another case that drew much public interest is the largest trial regarding illegal migration, better known as “Jug 2.” At the end of the trial a total sentence of 100 years was passed for the 21 defendants involved in the case.⁵⁶ The main organizers of the crime were sentenced to 12 years in jail, while the others that provided the transport were sentenced to 5 years in jail. The case involved a very carefully thought out practice of smuggling illegal migrants from Albania, through Macedonia to Greece. Most of the illegal activities took place in the period of December 2005 to May 2006 when the crime was discovered by the police and this “chain of organized crime was broken.” In the mentioned period more than 100 Albanian citizens (also citizens from Moldova and India) illegally migrated to Greece by paying the smuggling gang between 200 and 800 euros.⁵⁷

The main controversy in this case was the involvement of representatives of the customs and the police, especially since one of the defendants (the commander Blazho Ivanov) accused high officials at that time that they had ‘constructed’ the case against him, because he did not approve and cooperate in their “business” of smuggling cigarettes.⁵⁸ Since the affair was revealed during pre- election period the political connotation were evident. Around that time an NGO affiliated to Gjorgji Ivanov, the brother of the defendant Blazo Ivanov, made an opinion poll that showed very low support for the political party in power. The ruling Social Democrats accused the NGO that the results of the opinion poll were rigged against them as a revenge for the arrest of Mr.Ivanov⁵⁹. Eventually, this case to a great extent got a political

⁵⁵<http://www.vreme.com.mk/DesktopDefault.aspx?tabindex=7&tabid=1&EditionID=401&ArticleID=25706>

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⁵⁶<http://www.a1.com.mk/vesti/default.asp?VestID=71234>

⁵⁷<http://217.16.70.245/?pBroj=2185&stID=76937&pR=15>

⁵⁸<http://www.vreme.com.mk/DesktopDefault.aspx?tabindex=14&tabid=1&EditionID=755&ArticleID=49128>

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⁵⁹<http://www.a1.com.mk/vesti/default.asp?VestID=67806>

connotation and defocused the public attention from the main point of the trial. Thus, the largest trial on illegal migration in Macedonia could not avoid controversy.

Conclusion

Focusing on the institutional frame regarding migrations and the most current cases of illegal migration (that were presented in this chapter), it is easy to assess the level that Macedonia has reached regarding this problem and the future challenges facing it. Some questions regarding the institutional and legal framework have to be decided, especially regarding the issue of the Macedonian emigration, but more important point here is the debate that has to be developed and fostered so as to provide relevant solutions of that issue. In addition, besides the positive assessment of the role that Macedonia has in the regional cooperation regarding the organized crime and illegal migration, still the institution building is an area that needs more attention. Eventually, it is more than clear that the overall political context is important for the improvement of the situation regarding this issue. The rule of law and the corruption are inevitable points that need to be worked out so Macedonia could deal with the criminal activities connected to the illegal migration more efficiently and responsibly.

CHAPTER 3

STRUCTURAL PROBLEMS REGARDING MIGRATION FLOWS

Comparatively little has been written on emigration from Macedonia, immigration to Macedonia and the inner-country migrations. However a lot has been written on ethnic relations between the Albanian minority and the Macedonian majority - a crucial factor which affects emigration from Macedonia, immigration to Macedonia and in the same time influenced the inner country migration flows in the last thirty years. As a result significant number of the emigrants from Macedonia is ethnic Albanians. The other Macedonian migrations are however influenced by historical events happening in Macedonia, but also in the neighboring countries where the Macedonians live (i.e. the Greek civil war).

The exact number of emigrants, and immigrants is however unknown as there were 5,613 claims for asylum by Macedonians in 2001 and 5,549 in 2002, with a low 2% recognition rate and a 7% total rate of protection (including temporary protection status), which likely accounts for a certain number of returning migrants. Although no information is available about the ethnicity of the asylum-seekers, the circumstantial evidence indicates that many are members of either the Albanian or of the Roma minority.

As mentioned before the data on immigration from Macedonia is also not reliable, although every Macedonian citizen who intends to stay abroad for the period longer than 3 months is legally obliged to report this stay in the Ministry of Interior, very insignificant number of citizens obeys to the rule. The Macedonian Agency for Emigration estimates that there about 350.000 Macedonian citizens living abroad, whereas according to the Ministry of Foreign Affairs this number amounts to

800.000.⁶⁰ Both numbers seem overstated and unreliable, since they refer to both institution's "own estimates" as well as fragmented and mostly outdated information from Macedonian consular representatives and census data from several countries suspected of hosting the biggest number of Macedonian immigrants.

Therefore, we have taken two measures as currently most reliable and up to date sources to measure immigration from Macedonia: (i) the 2002 census data and (ii) the voter's lists prepared for the Parliamentary elections held in July 2006. This data show that almost 10% of the population of Macedonia lives abroad; most of them are ethnic Albanians; and they reside mainly in Europe.

Table: Total number of persons from Macedonia, reported as being abroad, according to the country of stay.⁶¹

Number of persons from the Republic of Macedonia	Country of stay
5937	Switzerland
5874	Italy
4426	Germany
1298	Austria
825	USA
4635	Other countries
22995	Total

⁶⁰ Information obtained from Seadin Xhaferi, deputy-director of the Agency for Emigration, and from Sashko Todorovski, head of the department for emigration within the Ministry of Foreign Affairs

⁶¹ Source: State Statistical Office, Census 2002, Book IV- "The citizens of the Republic of Macedonia absent abroad", Skopje, April 2004, pp. 18, 48, 50, 58, 124, 136

Table: Total number of persons from Macedonia living abroad, according to the ethnic affiliation.⁶²

Number of persons from the Republic of Macedonia	Ethnic affiliation
14155	Albanians
6611	Macedonians
2229	Other
22995	Total

The number of emigrants from Macedonia has risen further since the 2002 Census. According to the updated list of registered voters presented at the beginning of May by the Ministry for Justice there are 59.650 voters staying abroad to the period of up to one year, among the total of 1.742.316 registered voters in the Republic of Macedonia.⁶³

To explain the reasons why citizens from Macedonia immigrate and what are the structural problems they face upon return we will use the evidence gathered through the IOM project, “Fostering Sustainable Reintegration in Albania, Kosovo (Serbia and Montenegro) and Macedonia, by reinforcing local NGO capacity service provision to returnees,” carried out within the framework of the European Commission’s High Level Working Group. The study targeted migrants who are asylum-seekers, rejected asylum-seekers, visa “overstayers” and other irregular migrants.

The project findings were that the overall economic/housing situation in the home country has been the worst for the Macedonians who have participated in the project, as 35.1% of them noted that their economic conditions were very unsatisfactory and 48.6% noting they were unsatisfactory before leaving the country. With respect to housing conditions, 48.6% of Macedonians felt they were very unsatisfactory and an additional 27.0% felt they were unsatisfactory. As a result the main reasons why they have departed were the following: general insecurity (78.4%), poor living standards in the country of origin (56.83%) and economic hardship (48.6%).

⁶² Ibid. pp.145, 160,161,165,198,204

⁶³ See: "Preku telefon i Internet do informacija za pravoto na glas", Vreme, May 5, 2006

Quite a significant percentage of these immigrants work on the black market, however, as just 25% of respondents working in Germany have had working permit, whereas others in other countries had none (overall 38% of all worked and only 3% had working permit). This implies that upon return these people can not claim pension rights in Macedonia, neither can assume the same from Germany.

Macedonians are the most indifferent of all potential returnees, with nearly one-third (31%, or seven respondents) saying they are indifferent to return. The rate of those saying that return would be a personal failure is the lowest among Kosovars (10%, or eight respondents) and the highest among Macedonians (18%, or four respondents). The primary circumstances under which migrants would be willing to return on a permanent basis are: acceptable level of security (78.4%); secured employment (91.92%), and acceptable living standards (81.1%); whereas acceptable medical and education services are least considered as important when returning home. As shown in a previous IOM study (2002a), there is a connection between perception of success and willingness to return: the stronger the perceived success, the stronger the will to return. The inverse applies in this case. The different migrant communities may also have different attitudes - as noted, much of the assessment of return is subjective; when returnees were asked to say why they were returning in one study, non-economic factors - the more emotional and subjective - dominated (King, 2000: 17). Thus, the immediate social context - both in the host country and at home - plays a significant role.

The Macedonians are the most pessimistic of all national groups, with 29.7% (11) saying they believe conditions will be very unsatisfactory when they will return and an additional 48.6% (18) selecting “unsatisfactory”. Just 10.8% (4) say conditions will be “satisfactory”, 8.1% (3) do not know, and no respondents believed that conditions would be “very satisfactory.”

It should be noted that return migration is closely linked to the question of irregular migration: very often, individuals considering a return home - a return which will likely be an assisted one, as opposed to the return home of regular migrants at the expiry of a short-term work visa - are irregular migrants. The European Commission, as well, has become interested in the topic of voluntary return, not least because of its connection with irregular migration (European Commission, 2002a). Based upon the Commission's Green Paper and the intensive discussion surrounding it, a Communication was issued in October 2002 (European Commission, 2002b). This Communication, among other things, noted the importance of integration, saying that

Care will also have to be taken to ensure that the ground is prepared for profitable reintegration both for the returnee and for the place of origin. This will require both a firm commitment on the part of the third country and the readiness of the European Union and its Member States to provide the necessary assistance where required (European Commission, 2002b: 5).

In other words, what are the grounds for profitable (sustainable) reintegration irregular migrants in EU Member States? - Receiving return assistance. The main types of return assistance desired were: loans for small and mid-size business start-up (63.0%), followed by job-seeking assistance (55.9%) and a housing allowance (50.2%).

Macedonia does not offer any type of return assistance to immigrants, neither has a policy to attract immigrants back home. However we analyzed the current conditions under which the returning migrants could get loans, housing, get their belongings back home and access medical and educational services.

Loans for small business start-up are clearly the assistance type of choice. There appears to be a widespread lack of confidence in the economy to provide jobs, hence the wish to establish one's own place of business. This is relevant considering the level of unemployment in Macedonia reaching 361.335 people in October 2006. By starting up one's own business, one is not dependent upon an employer for work.

Furthermore, if a returnee starts a small business, there may be jobs created if the business is successful; given the network nature of migration, these jobs could theoretically go to other returnees. Those immigrants that are returning home and are starting up their own business are also transferring knowledge and technology and contribute to the development of the local communities where their businesses are located⁶⁴.

However for one returning immigrant to receive loan and start up his/her own businesses s/he should provide a collateral (most preferable means of collateral are mortgage on the house, apartment, or office base located in the profitable economic areas of the towns) to the financial institution approving the loan scheme. And if as many as half of the surveyed immigrants were looking for housing allowance as a mean of returning assistance than they would not have the preferable collateral for the desired loan and thus would not get the loan itself.

The job seeking assistance is also not realistically to be provided for the returning migrants, as Macedonia does not provide such assistance to this particular group of people but provides assistance to all unemployed through the Bureau for employment that serves as a interlocutor between the job and employee seeking groups. Recently with the new Law on Labor Relations (Official Gazette 62/2005) a more pro-active measures to decrease unemployment were introduced through the private agencies for employment that also appear as intermediaries between the employers and job seekers.

Housing per se is not provided by the state except for the poor, young couples or the family of the victims of the 2001 conflict. The state does not have any schemes for provision of housing allowance, but such can be obtained on the market, from financial institutions such as banks, on commercial basis. For this to happen one must provide collateral, which again is a house, flat or an office base. However, there were successful cases when the host country provided housing allowance for the immigrants

⁶⁴ As in CRPM's study "How to make the Gostivar economy champion?", 2006

returning to their country of origin, such as the return of Roma from Germany in the eighties.

The immigrants face one prominent problem when coming back home, they have to pay custom fees for all belongings they bring back home. No alleviations are provided to facilitate the return of the migrants.

Education and health services are provided for all. Primary education is compulsory and free of charge. It is provided through a developed network of schools in all urban and rural areas in the mother language of all ethnic groups living in Macedonia. Health care in Macedonia is delivered through a system of health care institutions. It is organized at the three levels: primary (PHC), secondary and tertiary care. The implementation of the functional divide between the three is outstanding however. The last years have seen a substantial growth of the private sector, especially in the field of PHC. Most dentistry practices have been privatized, a process later expanded to the pharmacies too. Most of the Macedonian citizens are health insured as all that are employed, retired and studying are health insured through the employer, while those not working are again health insured through the budget, as a part of the solidarity system.

Chapter 4

THE MACEDONIAN MIGRANT - A PROFILE⁶⁵

<i>Area under consideration</i>	The Macedonian migrant is a person who:	<i>Statistical support for the claim</i>
<i>Economic conditions</i>	finds the economic conditions in Macedonia unsatisfactory;	48.6% of Macedonian migrants note that their economic conditions were unsatisfactory. 35.1% of them consider their economic conditions at home very unsatisfactory.
<i>Housing</i>	finds his/her previous housing conditions very unsatisfactory;	48.6% of Macedonian migrants feel that their housing conditions were very unsatisfactory. An additional 27.0% feel that they were unsatisfactory.
<i>Unemployment</i>	is unemployed prior to departure;	56.8% of Macedonian migrants were unemployed before leaving the country. 10.8% of them were unemployed for five to ten years. Unemployment for less than one year prior to departure is 8.1%.
<i>Insecurity</i>	perceives Macedonia as a country of general insecurity;	78.4% of Macedonian migrants point out at general insecurity as a reason for leaving the country.
<i>Ethnic cleavages</i>	does not pay too much attention to the ethnic differences in Macedonia;	35.1% of Macedonian migrants find ethnic cleavages a reason to leave.
<i>Poor living standards</i>	minds the poor living standards in Macedonia;	56.8% of Macedonian migrants identify poor living standards as a reason for departing.
<i>Circular migration</i>	leaves his/her home for the first time;	78.4% of Macedonian migrants have left their home for the first time. Circular migration is not

⁶⁵ Adapted from Amanda Klekowski von Koppenfels, "Profiling of Irregular Migrants and Analysis of Reintegration Needs of Potential Returnees from Kosovo (Serbia and Montenegro), Albania and Macedonia in Belgium, Italy, the United Kingdom and Germany," Final Research Report to the European Commission, November 2004.

		very current.
<i>Voluntary return</i>	is not very keen to return home voluntarily;	The period of 2000-2004 saw only 1483 voluntary returns to Macedonia.
<i>Native language</i>	speaks Albanian or Macedonian as his/her native language;	46% of Macedonian migrants have Albanian for their native language, whereas 43% of them opt for Macedonian. The rest of 11% have another mother tongue.
<i>Ethnic affiliation</i>	has Albanian or Macedonian ethnic affiliation;	The percentage is similar with the one of native language.
<i>Age</i>	is of 19-29 years of age;	Over two-thirds (67.6%) of Macedonian migrants are aged between 19 and 29. Those between 30 and 39 comprise 18.9% of Macedonian migrants.
<i>Gender</i>	is male;	59.5% of Macedonian migrants are males. Macedonia has the highest percentage of women (40.5%) migrants in the Balkans.
<i>Marital status</i>	is single;	Three-quarters (75.7%) of Macedonian migrants are single, 16.2% married and 8.1% divorced.
<i>Children</i>	has no children;	86.5% of Macedonian migrants have no children.
<i>Education</i>	has secondary education;	59.5% of Macedonian migrants have secondary education, 16.2% primary, 5.4% - university degree and 2.7% - a vocational training.
<i>Work experience</i>	has no substantial working experience;	21.6% of Macedonian migrants have a working experience for one to five years, 13.5% of them - for less than a year and 5.4% - for more than ten years.
<i>Reasons for selecting the host country</i>	perceives the host country as a temporary destination until moving permanently elsewhere;	37.8% of Macedonian migrants so perceives the host country. 18.9% of them selects the host country because of other Macedonian citizens live there. 13.5% do so because of family reunion. For 10.8% selecting the host country is a pure coincidence. Rumors about advantageous

		asylum policy in the host country and suggestions from persons who assist migrants to leave also play a role in selecting a host country.
<i>Length of stay</i>	has been staying in the host country for two to five years;	56.3% of Macedonian migrants have been staying in their host countries for two to five years. More women than men stay for one to two years, while fewer women stay for two to five years than had men. When it comes to longer stays, men and women are approximately equal.
<i>Knowledge of the language of the host country</i>	speaks the local language on a basic level;	59.5% of Macedonian migrants speak the local language on a basic level. 27.0% of them speak it well, while 13.5% do not speak it at all. None of them claims that (s)he speaks it fluently. Men's knowledge of the local language is stronger than is women's.
<i>Legal status of departure</i>	has gone abroad illegally;	54.1% of Macedonian migrants have headed abroad illegally. Men are more likely to have left home illegally than women.
<i>Current residence status</i>	is a visa overstayer or remains undocumented after the first entry;	32.4% of Macedonian migrants are visa overstayers. 27.0% of them are persons undocumented since the first entry. Women are considerably more likely to be visa overstayers and less likely to be rejected asylum seekers.
<i>Work history in host country</i>	has no work permit;	2.7% of Macedonian migrants have work permits. Women work less often than men.
<i>Studies in host country</i>	does not study in the host country;	A negligible percentage (approx. 3%) of Macedonian migrants pursue studies in the host country.
<i>Remittances and importance of remittances</i>	sends remittances every so often;	32.4% of Macedonian migrants send remittances. Women send remittances home somewhat less often than do men. 33% believe that remittances are important to their families.

<i>Success of stay</i>	is happy with the outcome of his/her stay abroad;	45.9% of Macedonian migrants note that their stay abroad has been successful. Women, for the most part, are more positive about their stay abroad than men.
<i>Wish to return home</i>	has no wish to return home;	29.7% of Macedonian migrants express wish to come back home. 21.6% say maybe. The rest does not contemplate such a motion.
<i>What return means to migrants</i>	has no particular stance on what return means to him/her;	31% of Macedonian migrants are indifferent to return. 18% of them see eventual return as a personal failure. 5% of them see it as a positive step. Women are considerably more unsure about what return actually means to them.
<i>Expectation from return</i>	has no belief in fast improvement of conditions back home;	48.6% of Macedonian migrants believe that the general conditions in Macedonia will remain unsatisfactory for some time to come. 29.7% of them think that the conditions will be very unsatisfactory. 10.8% say conditions will be satisfactory, 8.1% do not know, and none believes that the conditions will become very satisfactory.
<i>Circumstances of permanent return</i>	finds secure employment, acceptable level of security and good living conditions the most important factors in a decision about permanent return.	91.9% note that secure employment is the most important factor in a decision about permanent return. 83.8% thinks so of the acceptable level of security, whereas 81.1% gives most weight to living standards.

Chapter 5

CASE STUDIES - MIGRATING FROM AND TO MACEDONIA

Case study 1: Escaping into Macedonia

Ms. Menka Milevska-Gagalova (Melpomeni Gagalos) was born on 19th January, 1931 in the village of Gornichevo (Keli) near Lerin (Florina) in the Northwestern part of Greece, near the border with the Republic of Macedonia. Ms. Gagalova was born in the part of Macedonia that Greece conquered during the Balkan wars 1912/1913 and kept it after the First and the Second World Wars. While at the time of conquest (Aegean) Macedonia majority of the population of this region was Macedonian, with a strong presence of Turks, Jews and Greeks, the demographics of this area have gradually and at times abruptly been changed. The partition of Macedonia among Bulgaria, Greece, and Serbia during the Balkan Wars of 1912-1913 was a national disaster that divided Macedonians among three different states.⁶⁶

The partition of Macedonia among Bulgaria, Greece, and Serbia during the Balkan Wars of 1912-1913 was a national disaster that divided Macedonians among three different states. Greeks, Bulgarians, and Serbs tried to assimilate the indigenous population. For Athens, Aegean Macedonia became simply northern Greece and its Slavic-speaking Macedonians were considered Greeks or at best "Slavophone" Greeks. Needless to say, the claims of official Athens the partition and their policies solved or put an end to the Macedonian problem turned out to be no more than wishful thinking

⁶⁶ See for example Stojan Kiselinoski, *Etnickite Promeni Vo Makedonija*[Ethnic Changes in Macedonia] : 1913-1995, Kultura: Skopje, 2000, or by the same author *Grchkata Kolonizacija vo Egejska Makedonija*[The Greek Colonization of Aegean Macedonia] 1913-1940, Institut za Nacionalna Instorija: Skopje, 1983.

and self-deception. Macedonians rejected the partition of their land and the settlement based upon it.

Yet the Greek state also took specific measures to force the Slav-speaking population to speak Greek and to assimilate into Greek society. The Greek government changed Slavic place names and personal names to Greek ones and ordered religious services to be performed in Greek. These measures entailed considerable force, especially during the Metaxas regime (1936-1941), when the use of the Slavic language was forbidden and education in Greek was enforced. Milder versions of these tactics remained in place during the 1950s and early 1960s. The illiberal policy of the Greek government reached its climax under the Metaxas monarchist-fascist dictatorship (1936-1941) when even the private use of Macedonian language was forbidden.⁶⁷ Defiance of this ban produced Draconian measures, where a great numbers of Macedonians were convicted and deported to desolate Greek islands. While evening schools were opened in which adult Macedonians were taught Greek, ethnic Macedonian localities were flooded with posters that read “speak Greek”. Even more, a law that was adopted in 1936 forced Macedonians to change their personal names into the Greek ones. Thus, Jovan Filipov, became Yannis Fillipidis, while Ms. Gagalova’s name was changed into Melpomeni Gagalis.

Although harsh, there is no doubt that the Greek policies of repression had failed. In December 1944, Captain P. H. Evans, an agent of the Special Operations Executive (SOE) who spent eight months in Western Greek (Aegean) Macedonia as a British Liaison Officer (BLO) and station commander, reported to the Foreign Office:

It is a predominantly a SLAV region not a GREEK one. The language of the home, and usually also of the fields, the village street as is given on the market is MACEDONIAN, a SLAV language.... The Place names as given on the map are GREEK but the names which are mostly used ... are SLAV names. The GREEK ones are merely a bit of varnish put on by Metaxas.... GREEK is regarded as almost a foreign language and the GREEKS are distrusted as something alien, even if not in the full sense of the word, as

⁶⁷ On September 7, 1938 the legal Act 2366 was issued. This banned the use of the Macedonian language

foreigners. The obvious fact, almost too obvious to be stated, that the region is SLAV by nature and not GREEK, cannot be overemphasized.⁶⁸

The Macedonians of Northern Greece have kept their identity despite the assimilation strategy of the Greek state. Yet, even harsher times were to come.

During World War Two, in a partisan struggle, ethnic Macedonians in Vardar Macedonia won the right for a free federate republic within the framework of the Yugoslav federation. The creation of the Yugoslav Socialist Republic of Macedonia also had large influence on the Macedonians who lived in Greece. Promising equal treatment to the minority Macedonians and a large autonomy of Aegean Macedonia within the auspices of a communist state the Greek communists were able to attract the Slavic population by forming separate units--Slovenomakedonski Narodno Osloboditelen Front (SNOF). Thus, during the Greek Civil War (1946-1949) fought between the forces of the right wing- monarchist Greek government, and the communist National Liberation Front-Greek Popular or Liberation Army (EAM-ELAS), most of the Macedonians joined the latter. However, in 1949 DAG forces were defeated and a new exodus of Macedonians from Greece followed. The number of those who fled is estimated at 100,000 including 28,000 children. In fact, the victory of the Greek monarchists meant that Macedonians in Greece would remain unrecognized as a minority group.

Moreover, in 1947, the Greek government adopted a law that deprived all those who that had fought against the government in the Civil War, thus including many ethnic Macedonians, from their citizenship and their property. The situation remained complicated because part of the remaining Macedonian population fled to the new Yugoslav federation (Vardar Macedonia) and to other East European countries, while a considerable number of them emigrated to Western countries (mainly Canada and

⁶⁸ See Public Records Office (London), FO371/43649, Chancery (Athens) to Southern Department, 12 December 1944, Enclosure. Captain P. H. Evans's "Report on the Free Macedonia Movement in Area Florina 1944" (14 pp.) is given verbatim in Rossos, "Macedonians of Aegean Macedonia," A British Officer's Report, 1944," *The Slavonic and East European Review* 69, no. 2 (April 1991), 282-88.

Australia), giving rise to a Macedonian diaspora. The creation of the Socialist Republic of Macedonia in 1944 officially sanctioned the Macedonian identification and provided this population with a prospective national homeland.

During the harsh winter of 1947 fighting intensified again in the Lerin (Florina) region. Hearing rumors of brutalities being committed against Macedonians by the Greek royalist in the surrounding villages the family of Ms. Gagalova decided not to risk facing the Greek right wing forces and fled to the north. The border with Socialist Republic of Macedonia was(is) twenty five kilometers away. Taking only their most precious belongings with them the Gagalov family crossed the border over mountain Kajmakchalan on 21st January 1947. They found themselves in the village of Sovich, Mariovo region. The father Dimitar immediately looked for a job, while the mother Evgenija was left home taking care of the four daughters, Hrisula, Ljupka (Agapi), Menka, and Aleksandra (Alexandra). Since Dimitar was a construction worker and could not find a job in the mountainous region they moved to Novaci, a village nearby Bitola. Evgenija found a job as a tailor. She used to do some sewing and stitching in her native village and used the skills to survive in her new land. They remained in the village for eight months. Then, they were given a small house that before the World War Two belonged to the Jews of Bitola to live in. This was to be a temporary solution as the communist party decided to send Macedonian refugees from Northern Greece to Vojvodina, to live on the property of the local Germans that were expelled from that region after the war. Not to leave Bitola all the sisters except Menka married to local men. Menka finished a vocational school in Bitola and met a young communist secret police officer Aleksandar Milevski.

Since Aleksandar got a post in Eastern Macedonia the whole family moved there. The father got a job as a security guard at storage of a construction company while the mother continued sewing. Aleksandar got them a flat of their own. After six years Aleksandar who already got a daughter with Menka, was moved to Gevgelija, a town in Southern Macedonia. Dimitar and Evgenija moved back to Bitola, the father getting a job in the local sugar processing plant. They were given a flat to share with another

family by the company. Only in 1962 they got a flat of their own from the state dying in Bitola in 1972. Aleksandar was given a new job in Tetovo and later to Prilep moving the whole family along. Finally in 1966 Aleksandar got a job in Bitola where the family permanently settled.

Case Study 2: Leaving Macedonia and Dreaming of a Return

This is the story of Bakiu family. Mr. Naim Bakiu born in Skopje, 1976, graduated from the Pedagogic Department within the University of Skopje in 1998. He began working in the Pension and Health Insurance Fund soon thereafter. In 1999 he was promoted to a higher position. However, in 2003 he met his love while visiting friends in Kosovo. She was/is from Albanian from Kosovo that lives in Finland. At the end of 2003 they married. Early 2004 Naim quit his job and moved to Turku in Finland. Immediately he started learning Finnish. In a record time of year and a half Naim learned the Finnish language. He obtained a residence permit and began working as a translator/interpreter. Soon thereafter he began working as a teacher for ethnic Albanians living in Finland. After another year he passed a course for bus drivers and began working for the local bus company first as a temporary employed person and later as a fully paid driver. At the moment he still works in this company. Ever since he moved to Finland he has visited his relatives in Macedonia only once. He stays in touch with the family sending remittances back home. His wife is also employed in a private Finnish company. They have no intention to come back to Macedonia or Kosovo at the moment hoping to return at a later stage.

Naim's brother, Agron lives in Ascoli-Piceno near Ancona in Italy. His story is quite different. Born in 1975 in Skopje, he finished high school there. Yet, immediately after graduation, in 1994, he emigrated to Italy. Agron is a typical case of a *pechalbar* (in Albanian *gurbetchar*). His reasons for emigration were economic, as Agron wanted to help the family meet ends. As few job opportunities are present in Macedonia and

Agron had to seek employment abroad. In the beginning he was asylum seeker and could only obtain job on the grey market. He worked manual jobs mainly in the construction business. Later, he applied for a residence permit getting it in 1996. For these two years Agron did not return home. Yet he sent remittances back home. During the next four years (1996-2000) he switched between jobs moving from town to town. In 2001, he found a good job and permanently resided in Ascoli- Piceno. Since 1996 he returns to visit his family twice a year. In 2002 Agron married a local girl from his old neighborhood in Skopje. Six months after they married Agron's wife obtained the necessary papers to move to Italy, and joined him in the winter of 2002. They live together in Italy now the wife still learning the language. Both of them are convinced to return back to Macedonia. At first they want to accumulate the necessary capital to come and invest in private business in Macedonia.

Naim and Agron's cousin Burim is in Sweden. His story is similar to Agron's. Born in 1976 he graduated from high school in 1994 getting a job at the Skopje Airport after two years looking for opportunities on the employment market. His job entailed a lot of travel. In 1997 on one of the business trips to Sweden Burim met a girl and fell in love. She is Kosovo Albanian, a refugee. The following year they got married in Macedonia and moved to Sweden immediately. For two years Burim studied Swedish working on the grey market meanwhile. After learning Swedish Burim began working as a teacher of Albanian language for ethnic Albanian refugees and asylum seekers. Burim's family also wants to return to Macedonia. It is a question of time and money to do that. Meanwhile Burim and his wife sent remittances to help their families.

Case Study3: Escaping Macedonia for a Better Life and Preparing to Return

Goran Stojanovski decided to leave Macedonia in 1972 and emigrate to Düsseldorf, Western Germany. At that time Germany needed cheap labor force attracting it from the Balkans. Goran worked well with pipes getting employment in *Mannesmann*. Soon

after his arrival he got a permanent residence permit. He fulfilled the conditions to obtain a German citizenship but refused to do so since Germany does not tolerate dual citizenship and Goran would have had to renounce his Macedonian (old Yugoslav). After five years working in Germany he met his love during the summer holidays spent back in Macedonia. Goran married Cveta that summer and took her with him to Germany. She also got a residence permit. Most of their friends are either Macedonians or other former Yugoslavs. The region around Düsseldorf boasts a strong presence of emigrants from former Yugoslavia and the Balkans. Therefore, the cultural life for many of them is not much different than life lived back at home. Organized in small cultural societies and church communities Macedonians like other Balkan emigrants mingle among themselves. There are few German friends to socialize with but most of the social life is concentrated on the ethnic kin. In 1979 Goran and his wife got a son. Curiously, Cveta decided to have Stefan back home and he was born in Skopje. She brought Stefan up for a couple of years before taking a part time job as a cleaner. Stefan was raised and educated in Germany. The family savings have been invested in building a family house back home, buying three shops to rent to interested clients. After getting retired they want to invest in car mechanics business back in Macedonia. Not surprisingly, this is the educational background of Stefan. Yet, Stojanovski family does not want to fully disentangle from their German life. They have bought a small flat in Düsseldorf the place where Goran originally emigrated to. It is not clear if Stefan would be interested in moving back to Macedonia with Goran and Cveta. Life in Macedonia is very different than the one in Germany. Like many second generation emigrants Stefan is dazed and confused about his identity and belongingness.

Case Study 4: Escaping Macedonia and Coming Back

The story of the dairy “*Caseificio Cesarina*”, producing different sorts of yellow and white cheese and other dairy products is a bit of an oddity in Macedonia. This family

managed to remain in tact despite having the son move to Italy living and working there for a while. Nagip Fejzi from Gostivar moved to Italy and found a job as an ordinary worker in milk dairy “*Caseificio Cesarina*” near Rome. He advanced quickly from the worker to supervisor position. In the meantime, the dairy started to face financial problems, and Nagip took the risk and invested his money in the factory buying off the management package. Now the factory in Italy has 9 employees, 3 of them from Gostivar.¹ In 2001, Nagip has decided to invest in opening a milk dairy in his native village Belovishte in the Municipality of Gostivar. Although the company is registered as “*Caseificio Cesarina*” it is more familiar by its brand name “Fejzi” in Macedonia. Besides the dairy in Belovishte, the company operates also a store in the center of Gostivar and one in the center of Skopje. The factory in Italy produces for the Italian market only and the factory in Belovishte only for the Macedonian market as well. However, the plans to penetrate on foreign markets are developed as the owner awaits for the approval from the Macedonian Ministry of Health to exports the dairy products produced in Macedonia. The company intends to start soon with construction of the bigger and more sophisticated plant in Gostivar, which should improve the production capacity as well as enhance the employment.

Chapter 6: Conclusion and Recommendations for the Government

Migrations are not new phenomenon for Macedonia. Thousands of Macedonians of all ethnicities, young men mostly, have been emigrating abroad since the late XIX century. There have been both migrations into as well emigration out of Macedonia. During times of armed conflicts such as the Balkan Wars, the First and the Second World War, there has been exodus of members of different nations in and out of Macedonia. Political dictatorships, fascist or communist alike have also resulted in population shifts. While wars and political turbulences have increased migrations peace has rarely meant reversal of fortunes. In peaceful times, the state of the

economy has affected migration trends. Colonies of emigrants from Macedonia have been formed in industrial towns in the USA, Canada and Australia. Migrants to Western Europe have tended to cluster in the German speaking countries and Scandinavia. Since independence Italy and the Great Britain have been destinations for many. Dreaming a better future many young citizens of Macedonia try legal and illegal ways how to reach Western Europe and find jobs there. Even more recent trends have witnessed a dozen of Macedonian residents apply for and work in companies such as KBR (formerly Kellogg Brown and Root) supporting NATO or USA missions in far away and dangerous places like Afghanistan or Iraq. Buildings in Kumanovo, a large northern Macedonian town where KBR was operating during the Kosovo crisis and the early 2000's, have been nicknamed "Afganistanka" and "Irachanka" denominating where many of its residents have went abroad to find employment. At least two Macedonian citizens have been killed in Iraq, speculations about a dozen more gone missing ripe. The numbers of are high- while the Macedonian Agency for Emigration estimates that there about 350.000 Macedonian citizens living abroad, according to the Ministry of Foreign Affairs this number amounts to 800,000.⁶⁹ Economic are the main reasons for emigration. Yet, emigrants help kin back home.

The money transferred by migrants to their native town or villages or spent and invested there during their short visits are of utmost importance for post-transition economies such as Macedonia. Remittances have grown in value all over the world in the past several years. In several emigration countries, remittances in 2004, estimated by the IMF at 26 billion dollars worldwide, largely exceeded the volume of official development aid (ODA), and in certain cases even of foreign direct investments (FDI) or income gained from the export of goods and services.⁷⁰ Macedonia belongs to this group of countries. The German Ministry of Foreign Affairs estimates that 70.000 Macedonian immigrants in Germany remit about 50 million

⁶⁹ Information obtained from Seadin Xhaferi, deputy-director of the Agency for Emigration, and from Sashko Todorovski, head of the department for emigration within the Ministry of Foreign Affairs

⁷⁰ See: See: Migration, Remittances and Development, ISBN-92-64-013881 published by OECD 2005, p.9

dollars to Macedonia yearly.⁷¹ The State Statistical Office of Switzerland provides similar data. Data from IMF show that remittances in 2002 made 15.2% of the Macedonian GDP amounting to 278 dollars per capita.⁷²

Studies show that remittances can affect local economic development, poverty reduction, improvement of education level, generate growth, investments in new value added.⁷³ Governments hope that remittances will facilitate creating of a long-lasting link between emigrants and their home country, which will be accompanied by transfer of the skills and knowledge gained in a more developed market environment.⁷⁴ For that reason, the national policy-makers use various options for attracting and proper utilization of remittances. The remittances Macedonians send back are vital to the survival of their families. However, their impact on the Macedonian economy can go further from sending remittances throughout the year and spending money in the local economy during the holiday's season. While remittances contribute to the increase of domestic consumption and poverty reduction in the home countries, they can also pose valuable sources for economic development and investment too.

At the moment, the significant amount of transfers remitted to Macedonia does not contribute to the more sustainable socio-economic development of the country. Largely spent on houses and flats this money rarely seems to create any value added for the local economy. A small number of private manufacturing ventures in Macedonia area have been established by returning emigrants, taking advantage of the technological knowledge and capital they have acquired in Western Europe. They have recruited skilled workforces and utilized commercial contacts built previously, so that to link their businesses with foreign markets and establish themselves as

⁷¹ See German Ministry of Foreign Affairs at: http://www.auswaertiges-amt.de/www/en/laenderinfos/laender/laender_ausgabe_html?type_id=14&land_id=110

⁷² See: IMF, Balance of Payments Statistics Yearbook, 2003; World Bank, World Development Indicators, 2003.

⁷³ See: Migration, Remittances and Development, ISBN-92-64-013881 published by OECD 2005, pp.286-298

⁷⁴ See Ibid.

leading producers in Macedonia. The juice producer “Gudalat”, the dairy products maker “Caseificio Cesarina - Fejzi”, leaders in their business sector are some of the most successful examples. They show that the emigrants could contribute in the creation of a sustainable SME’s sector in Macedonia. The government should ease the procedures for the emigrants to return home and invest in Macedonia. It should promote a policy for attracting and utilizing remittances as soon as possible. Emigrants have become ministers in the new government of Macedonia. They should remember their own life stories and experiences and start working immediately on bringing many more back home to work for the country and to stop others leaving too.

Appendix: Legal Framework regarding migrations flows

STATE POWERS AND RESPONSIBILITIES			
<i>Field</i>	<i>Act</i>	<i>Short Description</i>	<i>Reference & Status in Macedonia</i>
<i>Entry, stay and exit</i>	The Universal Declaration of Human Rights (UDHR)	Art. 13(2) - Right to leave and re-enter one's own country.	GA res. 217A (III), UN Doc. A/810 at 71 (1948) Since the Declaration is not legally binding in technical terms, there are no signatories to the Declaration.
	The International Covenant on Civil and Political Rights (ICCPR)	(1) Limitations on exit if related to national security, public order, public health or morals or the proper administration of justice; (2) Right to re-enter; (3) Procedural protection for aliens lawfully present in a State prior to being expelled, including review by a competent authority and the	GA res 2200A (XXI) United Nations Treaty Series (UNTS), vol. 999, p. 171 & vol. 1057, p. 407 Treaty succession 18.01.1994

		opportunity to submit reasons against the expulsion; (4) Procedural rights may be denied, if national security so requires.	
Regional legal instruments and activities	Council Directive on the condition of entry and residence of third-country nationals for the purposes of studies, vocational training or voluntary service	Conditions for entry and residence, such as admission to an establishment of higher or professional education, means of subsistence, sufficient knowledge of the language of the course and prior payment of enrolment fees; Period of validity and renewal of residence permits; Rights of third-country nationals, such as right to enter and reside, qualified right to travel and to work; Procedure and transparency in residency permit application process	COM(2002) 548 2002/0242 (CNS) 7.10.2002
	Council Decision on a joint action adopted by the Council on the basis of Article K.3.2.b of the Treaty on European Union concerning travel facilities for school pupils from third countries resident in a Member	(1) Visa exemptions for third-country nationals who are legal residents of another Member State in case of school excursions.	31994D0795 94/795/JHA 30.11.1994

	<p>Council Resolution on the status of third-country nationals residing on a long-term basis in the territory of the Member States</p>	<p>(1) Conditions for the acquisition of long-term resident status, such as period of legal continuous stay, stable & adequate resources, insurance, relaxed conditions for refugees & third-country nationals born on the territory of a Member State; (2) Considerations of public policy, health or domestic security as a basis for withholding the status; (3) Procedures; (4) Enhanced protection against expulsion; (5) Right of residence in a second State of residence.</p>	<p>COM(2001) 127 2001/0074 (CNS) 13.3.2001</p>
<p>National, Macedonian legal instruments and activities</p>	<p>Law on Foreigners</p>	<p>(1) Conditions for entry, such as means of subsistence, letters of invitation, travel insurance; (2) Right to nuclear family reunion; (3) Types, issuance and cancellation of visas; (4) Temporary residency permits; (5) Marriage of convenience; (6) Illegal residence; (7) Expulsion & ban on entry/exit; (8) Travel documents & proof of identity; (9) Search; (10) Domicile reporting; (11) Records & files; (12) Legal aid.</p>	<p>Off'l Gaz'te RM No. 23 23.03.2006</p>

	Law on supervision of state border	(1) Information exchange facilitation; (2) Border-crossing; (3) Border control; (4) International police cooperation; (5) Personal data collection & procession.	Off'l Gaz'te RM No.71 08.06.2006
	Law on supervision of border crossing and movements in the border zone	(1) Border-crossing points & procedures; (2) Movement & stay in the border zone.	Off'l Gaz'te RM No.19/04 30.03.2004
	Law on asylum and temporary protection	(1) Non-refoulement & exceptions; (2) Safe countries; (3) The role of UN High Commissioner for Refugees; (4) Legal aid; (5) Regular & urgent procedures; (6) ID papers; (7) Legal status, rights & duties.	Off'l Gaz'te RM No. 49, 25.07.2003
<i>Consular protection and assistance</i>	The Vienna Convention on Consular Relations	(1) Protection of the interests of the sending State and of its nationals, both individuals and bodies corporate, within the limits permitted by international law; (2) Assistance to nationals, both individuals and bodies corporate, of the sending State; (3) Issuance of passports and travel documents to nationals of the sending State, and visas or appropriate documents to persons wishing to travel to the sending State;	UNTS Nos. 8638-8640, vol. 596, pp. 262-512 Treaty succession 17.11.1991

(4) Representation for nationals of the sending State before the tribunals and other authorities of the receiving State ...where, because of absence or any other reason, such nationals are unable at the proper time to assume the defense of their rights and interests.

RIGHTS OF PERSONS MOVING ACROSS BORDERS

Internationally recognized standards applicable to all migrants

The International Covenant on Civil and Political Rights (ICCPR)

(1) Definition of basic rights of all persons: the right to life, liberty and security, not to be held in slavery or servitude, not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment; not to be subjected to arbitrary arrest, detention or exile; to marry and to found a family; (2) Rights provision without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Supra

The International Covenant on

(1) Guarantee of the right to work, free

GA res. 2200A (XXI), 21 UN

<p>Economic, Social and Cultural Rights (ICESCR)</p>	<p>choice of employment and just and favorable conditions of work, the right to form and join trade unions, the right to social security, including social insurance, an adequate standard of living, the highest attainable standard of physical and mental health, education (compulsory and free at the primary level), and the right to take part in cultural life and benefit from scientific progress.</p>	<p>GAOR Supp. (No. 16) at 49, UN Doc. A/6316 (1966), 993 UNTS 3</p> <p>Treaty succession 18.01.1994</p>
<p>The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)</p>	<p>(1) Elimination of sex role stereotyping; (2) Suppression of traffic in women and exploitation of prostitutes; (3) Termination of discrimination in the field of employment and citizenship; (4) Elimination of gender discrimination in rural areas.</p>	<p>GA res. 34/180, 34 UN GAOR Supp. (No. 46) 193, UN Doc. A/34/46; 1249 UNTS 13; 19 ILM 33 (1980)</p> <p>Treaty succession 18.01.1994</p>
<p>The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women</p>	<p>(1) Establishment of a communications procedure allowing individuals or groups to submit complaints to the Committee.</p>	<p>GA res. 54/4, annex, 54 UN GAOR Supp. (No. 49) 5, UN Doc. A/54/49 (Vol. I) (2000)</p> <p>Ratification 17.10.2003</p>

	The International Convention on the Elimination of All Forms of Racial Discrimination (CERD)	(1) Guarantee, without distinction as to race, color, national or ethnic origin, of the right to equal treatment before the tribunals and all other organs administering justice, to leave any country, including one's own, and to return to one's country and the right to nationality.	GA res 2106 (XX) 660 UNTS 195 Treaty succession 18.01.1994
	The Convention on the Rights of the Child (CRC)	(1) Protection of migrant children from violence, abuse, neglect, exploitation and sexual abuse.	GA Doc. A/RES/44/25 Treaty succession 02.12.1993
Regional legal instruments and activities	Green paper on a Community return policy on illegal residents	(1) Recommendation to use the term "undocumented" instead of "illegal" whenever human beings are concerned; (2) Formulation of the principle of giving priority to voluntary return in all relevant documents concerning return policy; (3) Establishment of an independent monitoring institution; (4) Development of alternatives to detention; (5) Development of a code of conduct for expulsion, detention and removal;	COM (2002) 175 29.07.2002

		(6) Groups that should never be detained during expulsion; (7) Binding standards of detention; (8) Improvement of removal procedure.	
<i>Migrant workers</i>	The Convention concerning Migration for Employment (Revised) (No. 97)	(1) Provision of free and accurate information to migrants; (2) Prevention of misleading propaganda; (3) Facilitation of departure, journey and reception of migrants; (4) Prevention of discrimination against migrants; (5) Permission to send remittances.	120 UNTS 70 Treaty succession 17.11.1991
	The Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (No. 143)	(1) Requirement to the States to respect the human rights of migrants, to investigate, monitor and suppress trafficking and to provide equal opportunity and treatment in the areas of employment, social security, unions, and cultural rights.	Treaty succession 17.11.1991
	The Convention concerning Forced or Compulsory Labor (No. 29)	(1) Suppression of forced or compulsory labor in all its forms.	39 UNTS 55 Treaty succession 17.11.1991
	The Convention Concerning	(1) Suppression of forced or compulsory	

Abolition of Forced Labor (No. 105)	labor in all its forms.	Ratification 15.07.2003
The Equal Remuneration Convention (No. 100)	(1) Application to all workers of the principle of equal remuneration for men and women workers for work of equal value.	165 UNTS 303 Treaty succession 17.11.1991
The Discrimination (Employment and Occupation) Convention (No. 100)	(1) Obligation to promote equality of opportunity and treatment in respect of employment and occupation for all.	Treaty succession 17.11.1991
The UN Convention on the Rights of All Migrant Workers on Members of their Family	(1) Reaffirmation of basic human rights norms and their embodiment in an instrument applicable to migrant workers and their families; (2) Guarantee of minimum rights for migrant workers and members of their families who are in legal or undocumented/ irregular situation; (3) Prohibition of torture or cruel, inhuman or degrading treatment or punishment, slavery or servitude and forced or compulsory labor, arbitrary or unlawful interference with privacy or attacks on	Doc. A/RES/45/158 Neither ratified nor signed

		<p>honor and reputation; arbitrary denial of property; collective expulsion; (4) Freedom of thought, religion and conscience guaranteed; (5) Entitlement “to effective protection by the State against violence, physical injury, threats, and intimidation, whether by public officials or by private individuals, groups or institutions;” (6) Setting out the rights of migrants in expulsion proceedings; (7) Right of all migrants to seek the protection and assistance of the consular or diplomatic officials of their countries of origin.</p>	
Regional legal instruments and activities	The European Convention on the Legal Status of Migrant Workers	(1) Migrants in legal work situations	<p>CETS No. 093</p> <p>Neither ratified nor signed</p>
	The European Convention on Human Rights (ECHR)	(1) Provision of same absolute, non-derogable rights to foreign nationals as to European nationals, including the right to life and to be free from torture.	<p>Ratification</p> <p>10.04.1997</p>

<p>The European Social Charter (ESC)</p>	<p>(1) Provision of equal access to social housing for foreigners; (2) Accessible, effective health care facilities for the entire population; (3) Right to social security, social welfare and social services; (4) A limited right to family reunion; (5) Procedural safeguards in the event of expulsion; (6) Right of women and men to equal treatment and equal opportunities in employment; (7) Prohibition of forced labor; (8) No discrimination in application.</p>	<p>Signature 05.05.1998</p> <p>Ratification 31.03.2005</p>
<p>The EU Council Directive establishing a general framework for equal treatment in employment and occupation</p>	<p>(1) Protection against dismissal or other adverse treatment by the employer as a reaction to a complaint within the undertaking aimed at enforcing compliance with the principle of equal treatment; (2) burden of proof that there has been no breach of the principle of equal treatment in case of legal proceedings - to the respondent; (3) measures to promote dialogue among social partners, including NGOs, with a view to fostering equal</p>	<p>2000/78/EC 27.11.2000</p>

		treatment; (4) Measures to ensure that any provisions contrary to the principle of equal treatment are abolished.	
<i>Refugees</i>	The 1951 UN Convention Relating to the Status of Refugees	(1) <i>Non-refoulement</i> - a legal obligation of States to refrain from forcibly returning refugees to countries in which they would face persecution; (2) Exceptions to a state's <i>non-refoulement</i> obligation - states may return to a country of persecution an individual regarded "as a danger to the security of the country" of refuge as well as someone who "having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of that country;" (3) Regulation of rights of refugees who have been admitted into the territory of another country; freedom of religion, access to court, elementary education (same rights must be accorded to refugees as to citizens); (4) Guarantee of public relief to refugees lawfully residing in a host country; (5)	189 UNTS 150 Treaty succession 18.01.1994

		Prohibition on application of the Convention in a discriminatory way regarding race, religion, and country of origin. With regard to wage-earning employment, refugees are accorded national treatment after three years of residence in the host country.	
<i>Conflict-induced displacement</i>			
Regional legal instruments and activities	The European Union Council Directive on minimum standards for giving temporary protection in the event of a mass influx of displaced persons	(1) Protection in situations of mass influx if the Council, upon recommendation by the Commission and taking into account reception capacities of the Member States, so decides by a qualified majority; (2) Temporary protection up to a maximum of three years; (3) Obligation for the Member States to grant beneficiaries a residence permit, employment authorization, access to suitable accommodation, social welfare and medical assistance, access to education	Official Journal L 212, 07/08/2001 0012 - 0023 2001/55/EC 20.07.2001

		application. States may suspend the examination of such applications until after the end of temporary protection.	
	The European Union Council Directive on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted	(1) Subsidiary protection to any person who cannot return to the country of origin because of serious harm, which consists of (a) death penalty or execution; (b) torture or inhuman or degrading treatment or punishment of an applicant in the country of origin; (c) serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict.	Official Journal L 304, 30/09/2004 0012 - 0023 2004/83/EC 29.04.2004
<i>Torture victims</i>	The 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	(1) Commitment not to return a person “where there are substantial grounds for believing that he would be in danger of being subject to torture.”	1465 UNTS 85 Treaty succession 12 Dec 1994
Regional legal instruments and activities	The European Convention on Human Rights and Fundamental Freedoms	(1) Prohibition of return to a State where there is a “real risk” that the person will be subject to inhuman or degrading treatment and punishment.	Supra
<i>Stateless persons</i>	The Convention Relating to the	(1) Accordance to stateless persons	360 UNTS 117

<p>Status of Stateless Persons</p>	<p>within the territories of contracting parties treatment at least as favorable as that accorded to their nationals with respect to religion, property, association, access to justice, employment, rationing, housing, public education, public relief, social security, administrative assistance, movement, identity papers, travel documents, fiscal charges and transfer of assets.</p>	<p>Treaty succession 18.01.1994</p>
<p>The Protocol Relating to a Certain Case of Statelessness</p>	<p>(1) In a State whose nationality is not conferred by the mere fact of birth in its territory, a person born in its territory of a mother possessing the nationality of that State and of a father without nationality or of unknown nationality shall have the nationality of the said State.</p>	<p><i>League of Nations, Treaty Series, vol. 179, p. 115.</i></p> <p>Treaty succession 18.01.1994</p>
<p>The Convention on the Reduction of Statelessness</p>	<p>(1) A Contracting State shall, upon fulfillment of certain conditions, grant its nationality to a person born in its territory who would otherwise be stateless or to a person, not born in the territory of a Contracting State, who</p>	<p>989 UNTS 175</p> <p>Neither ratified nor signed</p>

		would otherwise be stateless, if the nationality of one of his parents at the time of the person's birth was that of that State; (2) If the law of a Contracting State entails loss of nationality as a consequence of any change in the personal status, recognition of affiliation, renunciation of nationality, naturalization in a foreign country, departure, residence abroad, or failure to register, such loss shall be conditional upon possession or acquisition of another nationality.	
<i>Human trafficking and smuggling</i>	The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	(1) Requirement to States to adopt measures to criminalize trafficking, to provide assistance and protection to victims of trafficking, to provide repatriation assistance to victims of trafficking, and to prevent and combat trafficking.	Doc. A/55/383 Signature 12.12.2000 Ratification 12 01.2005
	The Protocol against the Smuggling of Migrants by Land, Sea and Air	(1) Requirement to States to adopt measures to criminalize smuggling and to prevent smuggling to preserve and protect the rights of migrants who have	Doc. A/55/383 Signature 12.12.2000

	been smuggled and to facilitate the return of migrants.	Ratification 12 01.2005
The International Convention for the Suppression of the Traffic in Women and Children	(1) Agreement to punish any person who procures, entices or leads away, for purposes of prostitution, another person, exploits the prostitution of another person, keeps or manages, or knowingly finances or takes part in the financing of a brothel.	96 UNTS 271 Treaty succession 18.01.1994
The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Sex Work of Others	(1) Identical with previous.	Signature 12.12.2000
The United Nations Convention Against Transnational Organized Crime	(1) Criminalization of participation in an organized criminal group; (2) laundering of proceeds of crime; (3) Measures to combat money-laundering; (4) Measures against corruption; (5) Assistance to and protection of victims.	Doc. A/55/383 Signature 12.12.2000 Ratification 12 01.2005
The Hague Convention 28 on Civil aspects of International	(1) Measures to secure the prompt return of children wrongfully removed	Treaty succession 01.12.1991

	Child Abduction	to or retained in any Contracting State. (2) Measures to ensure that rights of custody and of access under the law of one Contracting State are effectively respected in other Contracting States.	
	The ILO 182 Convention on the Worst Forms of Child Labor	(1) Measures to secure the prohibition & elimination of all forms of slavery, sale & trafficking of children, debt bondage & serfdom, forced or compulsory labor, forced or compulsory recruitment of children for use in armed conflict, the use, procuring or offering of a child for prostitution, for the production of pornography, use, procuring or offering of a child for illicit activities, especially the production and trafficking of drugs, work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children under age of 18; (2) Monitoring mechanisms.	38 I.L.M. 1207 (1999) Ratification 30.05.2002
National, Macedonian legal instruments and	Criminal Code	(1) Art. 418 - Slavery, Servitude & Bondage; (2) Art. 418a - Trafficking in Human Beings; (3) Art. 418b - Human	Off'l Gaz'te RM No.19 30.03.2004

activities		Smuggling; (4) Art. 418c - Organized Human Trafficking & Smuggling	
	Law on Public Prosecution	(1) Art. 29 - Organized Crime Department	Off'l Gaz'te RM No. 38 17.06.2004
	National plan on asylum and migrations	(1) Standardized asylum-seeking form; (2) Technical and human capacity building of the Asylum and Migrations Department; (3) Information system redesign & data-base creation; (4) New accommodation facilities; (5) Improvement of coordination; (6) Legal harmonization; (7) Conclusion of readmission agreements.	2003
	National strategy and action plan for combating trafficking in human beings and illegal migration	(1) Preventive measures aimed at addressing the root causes of trafficking; (2) Measures aimed at disseminating information & awareness raising campaigns about trafficking; (3) Measures to be taken by the Ministry of the Interior regarding identification of victims of trafficking and illegal migrants as well as prosecution of traffickers.	Off'l Gaz'te RM No. 23-457/1 05.02. 2002

<i>Nationality</i>	The Universal Declaration of Human Rights	Art. 15 - Right to a nationality.	Supra
	The Convention on the Reduction of Statelessness	(1) Requirement to States to grant nationality to persons born in their territories who would otherwise be stateless	Supra
	The Convention on the Elimination of All Forms of Discrimination against Women	(1) Granting women equal rights with men to acquire, change or retain their nationality; (2) Granting women equal rights with men with respect to the nationality of their children.	Supra
	The Convention on the Nationality of Married Women	(1) Agreement that the nationality of the wife shall not be affected by celebration or dissolution of a marriage between a national and an alien, change of husband's nationality during marriage; (2) Agreement that the alien wife may, at her request, acquire the nationality of her husband through specially privileged naturalization procedures.	309 UNTS 65 Treaty succession 20.04.1994
<i>Family unity</i>	The Universal Declaration of	Art. 16(3) - State protection of the	Supra

	Human Rights	family as a fundamental group unit of society.	
	The Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages	(1) Permission to restrict the admission of minor children over the age of twelve.	521 UNTS 231 Treaty succession 18.01.1994
Regional legal instruments and activities	The European Union directive on family reunification	(1) Right to family reunion of a sponsor holding a residence permit issued by a Member State for a period of validity of at least one year who has reasonable prospects of obtaining permanent residence, if the members of his/her family are third country nationals of whatever status; (2) Possibility for rejection of an application for entry and residence of family members on grounds of public policy, security or health; (3) Requirements for the exercise of the right (accommodation, insurance, income, compliance with integration measures); (4) Family members' access to education, employment and self-employed activity, vocational guidance, initial	OJ L 251 03.10.2003 2003/86/EC 22.09.2003

		and further training; (5) Checks and inspections where there is reason to suspect that there is fraud or a marriage, partnership or adoption of convenience; (6) Right to mount a legal challenge where an application for family reunification is rejected.	
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INTERNATIONAL COOPERATION

<i>State-state cooperation in combating human trafficking and Smuggling</i>	The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	(1) Cooperation in identification of perpetrators or victims of trafficking in persons; (2) Types of travel document that individuals have used or attempted to use to cross an international border for the purpose of trafficking in persons; (3) Means and methods used by organized criminal groups for the purpose of trafficking in persons.	Supra
	The Protocol against the Smuggling of Migrants by Land, Sea and Air	(1) Information sharing on issues relevant to combating smuggling, such as embarkation and destination points, routes, carriers and means of transportation, authenticity of travel documents and the theft or related	Supra

		<p>misuse of blank travel or identity documents; concealment and transportation of persons, unlawful alteration, reproduction or acquisition or other misuse of travel or identity documents; legislative experiences, practices and measures; scientific and technological information useful to law enforcement, etc; (2) Cooperation with each other and with competent international organizations, non-governmental organizations, other relevant organizations and other elements of civil society.</p>	
Regional legal instruments and activities	The UN Convention Against Transnational Organized Crime	<p>(1) Confiscation of proceeds of crime; (2) Extradition; (3) Transfer of sentenced persons; (4) Mutual legal assistance; (5) Joint investigations; (6) Transfer of criminal proceedings; (7) Law enforcement.</p>	Supra
	European Convention on mutual assistance in criminal matters and its additional protocols	<p>(1) The requested Party shall effect service of writs and records of judicial verdicts which are transmitted to it for this purpose by the requesting Party.</p>	<p>ETS No. 030 Signature & Ratification 28.07.1999</p>

			Entry into force 26.10.1999
<i>Entry, stay and exit</i>	Council Directive on the mutual recognition of decisions on the expulsion of third country nationals	(1) The issuing Member State shall provide the enforcing Member State with all documents needed to certify the continued enforceability of the decision.	301L0040 2001/40/EC 28.05.2001
Regional legal instruments and activities			
National, Macedonian legal instruments and activities	Readmission agreements	(1) Italy, (2) Slovenia, (3) France, (4) Slovakia, (5) Germany, (6) Hungary, (7) Poland, (8) Spain, (9) Austria, (10) Benelux, (11) Denmark, (12) Switzerland, (13) Bulgaria, (14) Croatia, (15) Romania, (16) Albania, (17) Norway and (18) Sweden.	(1) Off'l Gaz'te RM No. 34/97; (2) 21/98; (3) 13/99; (4) 13/99; (5) 9/2004; (6) 42/2004; (7) In Process of Ratification (IPoR); (8) 68/2006; (9) Ratified but not Published (RbnP); (10) IPoR; (11) IPoR; (12) 27/98; (13) 12/2002; (14) 47/2002; (15) 42/2004; (16) 40/2005; (17) IPoR; (18) IPoR.
<i>Responsibility sharing for refugees and displaced persons</i>	The 1951 UN Convention Relating to the Status of Refugees	(1) Cooperation with the UN High Commissioner for Refugees, including providing information on the conditions of refugees, the implementation of the Convention and laws, regulations and decrees related to refugees.	Supra

	The Protocol Relating to the Status of Refugees	(1) Cooperation of the national authorities with the United Nations; (2) Information on national legislation.	606 UNTS 267 Treaty succession 18.01.1994
Regional legal instruments and activities	EU Council Decision on the exchange of information concerning assistance for the voluntary repatriation of third-country nationals	(1) Information exchange & coordination regarding national voluntary return programmes.	L 147 05.06.1997 97/340/JHA 26.05.1997
<i>Negotiated commitments in trade agreements</i>	The General Agreement on Trade in Services (GATS)	(1) Provision of a framework for States to make commitments that govern temporary movement of certain service providers.	1869 UNTS 183; 33 ILM 1167 (1994) Treaty accession 04.04.2003

