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**MACEDONIA'S COMPLIANCE WITH
EU POLICIES AND REGULATIONS FOR
IRREGULAR MIGRATION AND ASYLUM**

Abstract

Migrants and refugees coming from Africa, the Middle East, and South Asia have presented European leaders and policymakers with their greatest challenge since the Europe's economic crisis. Mediterranean external borders of the EU have been largely affected with tragic events and overwhelming management of huge migration flows, which in the last two to three years have changed their course through the territory of western Balkan countries. In 1999, the Heads of State and Government agreed that all EU MSs should share the responsibility for the refugees and irregular migrants; unfortunately, until today, an establishment of a single unified European asylum system based on the principle of shared-burden and solidarity is still waiting for execution. The paper, following an extensive documents review and analysis, attempts to presents in structured manner, the European Union policies and regulations, and poses the question on to what extent Macedonia, as one of the western Balkan countries affected by huge number of illegal immigrants, is in compliance with certain EU migration policies and regulations. The paper concludes

that EU immigration legal framework documents *de facto* reflects the whole rigidity and the failure of the European bureaucratic labyrinths as well as the EU legal inertness and cumbersome operational migration policy; it states some main concerns in relation to the development of the EU migration and asylum policies in the near future. In the case of Macedonia, it argues upon its position in the current migration flows and its main actions and responsibilities in complying with EU regulations and policies.

Key words: migration, asylum, EU, compliance, Macedonia.

INTRODUCTION

Western Balkan, as a region surrounded by EU MSs, continue to be largely a transit area for irregular migratory flows between different MSs and Schengen Associated Countries (FRONTEX, 2014). The ongoing dynamics of war conflicts in Syria and Iraq represents a source and main cause of the increased number of migrants transiting the western Balkans on their way to EU MSs as their final destination. These increased movements have significantly affected transit countries, especially Turkey, Greece, Serbia and Macedonia. There are several illegal migration routes identified; Frontex data from 2015 (comprising the period from January to September) revealed alarming numbers nearly identical as previous year however for a period of only eight months for the same routes.¹

The number of intentions to request asylum has been an indicator for the number of people crossing the Macedonian territory. After the adoption of the amendments of the Law on asylum and temporary protection in 2015, the category of 'intention to request asylum' was introduced (Law on Asylum and Temporary Protection 101/15) and since then, the Ministry of Interior reports regularly the number of issued intentions to request asylum. Since 19th of June until 31st of October this year, 200 238 intentions were issued to foreign nationals, whereas since that date, there were only 70 asylum requests, based on the previously issued intention.²

Taking in consideration the position of Macedonia as a transit country for migrants progressing towards western Europe on one side, and its EU accession status on the other, the paper poses the question of whether and to what extent the country's regulatory framework is in compliance with the EU measures in the area of irregular migration and asylum policies by utilizing a simplified comparative approach. The methodology applied is based upon a double field of intervention: EU (international) - scrutinizing the irregular migration and asylum *acquis* in general, and EU directives and regulations; and the Macedonian (local) - transposition efforts by the target country to resemble the EU *acquis* in these two policy areas. By investigating the transposition effectiveness in Macedonia, the subject of analysis in the paper are the Directives which the target country is obliged to incorporate into the domestic legislation as part of the EU accession process. In addition, the paper also takes in consideration the International agreement concluded with the country to strengthen the cooperation in combatting illegal immigration. In this regard, the paper covers 4 policy topics from irregular migration policy area: securing EU external borders, return procedures, combating smuggling, and readmission procedures; as well as 4 policy topics encompassed in the common European asylum policy area: applicants' reception conditions, general common procedures for granting international protection, definition of refugee status (qualification) and

granting temporary protection. We also analyse the identification and examination of applicants as part of the asylum policy on EU level, without doing an analysis on local level, as the policy topic is regulated primarily with Regulations which are applicable only to EU MSs.

A BRIEF OVERVIEW OF EU MIGRATION AND ASYLUM POLICIES

When we analyse population movements in Europe, we see two different general concepts: 1) open borders and free movement of persons (regular migration movements) within the EU; and 2) closed borders, highly control external borders, known as creation of a “Fortress Europe” (securing external borders, irregular migration and asylum). The thesis of “Fortress Europe” (Gaddes, 2000) is formulated from the widespread view that European integration in general and the common EU asylum and refugee policy in particular, has a negative impact on protection regimes in Europe, making it more difficult for migrants to reach Europe. The European Union’s asylum initiatives have often been seen as sitting somewhat uneasily with the overwhelmingly economic nature of the European integration project (Guild, 2006). Chalmers (2006: 606) notes that the common policy towards non-EU nationals ‘has been framed to a large extent by the economic benefits or costs these are perceived to entail’.

Considering the two general concepts, we are analysing policies and regulations which are essential elements of the thesis of “Fortress Europe”, thus distinguishing between: 1) irregular migration; and 2) asylum policies and regulations.

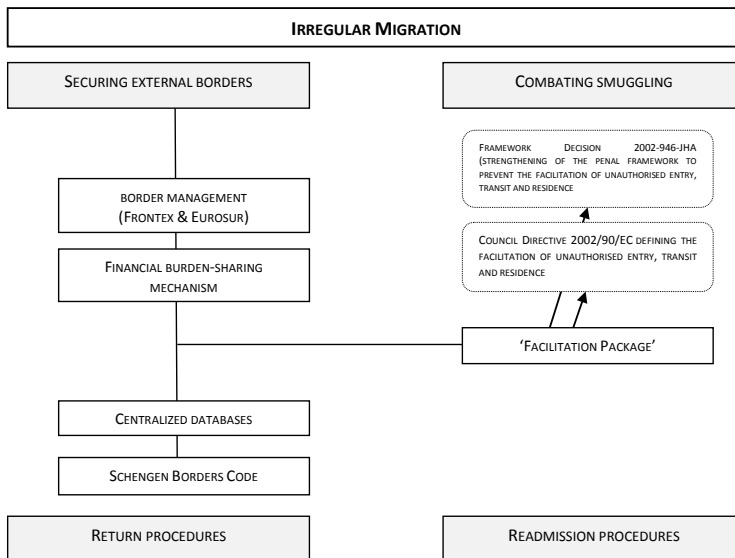
Irregular migration and the security of EU external borders

EU policies and regulations towards combating irregular migration are divided between four different policy areas (as described in Figure 1).

The Schengen area as a single area without internal border checks certainly requires a common policy on external border management; therefore the EU sets out to establish common standards with regard to external borders controls and an integrated system for the management of these borders. Such Schengen external border *acquis* (building on the original *acquis* incorporated into the EU legal order by the Treaty of Amsterdam) comprises broad range of measures regulating external borders crossing and conditions for reintroduction of internal borders checks (Schengen Borders Code)³, financial burden-sharing mechanism⁴, establishment of centralised databases⁵, set of measures (known as the Facilitators Package) designed to prevent and penalise unauthorised entry, transit and residence and

measures geared towards operational cooperation in border management⁶ (Frontex and Eurosur). The Schengen Process as a central element of the Europeanization of migration policies and Frontex the product of this process. The scholarly interest attracted by Frontex has mainly seen the agency as an object of policy study in the field of security and the study of the European harmonization process in the area of Justice and Home affairs; however studies and debates have given Frontex a significant role in migration issues as well (Kasperek, 2010).

Figure 1. *Four policy areas regulating irregular migration*



In 2002, the EU adopted rules to clamp down on migrant smuggling.⁷ Moreover, the EU has also adhered to the UN Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime.⁸ The Commission is currently evaluating the effectiveness of the EU legislation on migrant smuggling, expecting results of the evaluation towards the end of 2015. After the tragic Lampedusa events two years ago, the Task Force Mediterranean and stressed the need for a comprehensive EU Action Plan against Migrant Smuggling⁹, an idea which has been developed into an Action Plan (European Commission, 2015) as part of the European Agenda of Migration adopted by the EC in May 2015. In this action plan the Commission pledges for improvements of the existing EU legal framework to tackle migrant smuggling (of the so called 'Facilitators package') in 2016.

The readmission agreements are actually established procedures for deportation

of non-EU citizens who without consent and approval of the home country are present on EU territory or they illegally transit. Their origin can be found in the Directive 2008/115/EC of the European Parliament and of the Council on common standards and procedures in MSs for returning illegally staying third-country nationals based on the Tampere European Council in 1999 establishing a coherent approach in the field of immigration and asylum, dealing together with the creation of a common asylum system, a legal immigration policy and the fight against irregular migration.

The Common standards of return (so called “Return Directives”) were agreed by the EU MSs and entered into force in 2010. They specify common rules for the return and removal as well as use of coercive measures, detention and re-entry of the persons concerned.¹⁰

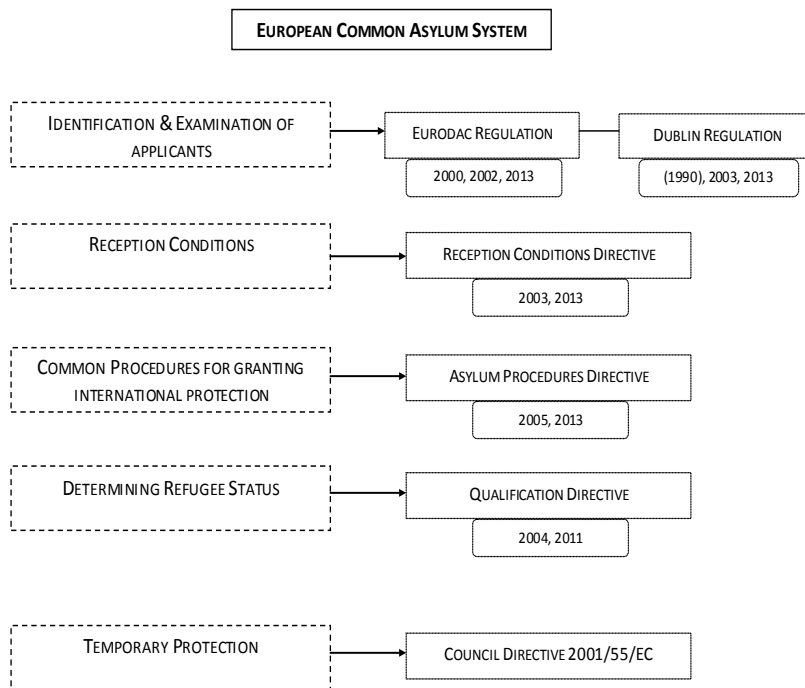
Common European asylum policy

The aim of the common European asylum policy was officially projected more than 15 years ago. In the fall of 1999, the Heads of the States and Government of the 15 MSs then were still under the impression of refugee movements caused by the wars in the former Yugoslavia and agreement was made that all EU MSs should share the responsibility for the refugees and irregular migrants coming to the EU. The common European asylum policy has been under a huge test for several years, becoming widely popular discussion topic with the ‘refugee crisis’ this year.

Between 1999 and 2005, an adoption of several legislative measures harmonising common minimum standards for asylum has been carried out (European Refugee Fund, in 2001, the Temporary Protection Directive and the Family Reunification Directive applying also to refugees). This was known as the first phase, upon which a public consultation was carried out based on a 2007 Green Paper on the future Common European Asylum System (European Commission, 2007). In June 2008 a European Commission’s Policy Plan on Asylum as an integrated approach to protection across the EU was presented (European Commission, 2008). The plan was composed of three pillars: 1) bringing more harmonisation to standards of protection by further aligning the EU States’ asylum legislation; 2) effective and well-supported practical cooperation; 3) increased solidarity and sense of responsibility among EU States, and between the EU and non-EU countries. Consequently, the corpus of rules deriving from these three pillars has been set; it comprises a number of directives and regulations. For more clear and structured presentation in this paper (see Figure 2), these legal instruments have been divided according to the issues they cover and regulate. Several specific issues arise: 1) identification and examination of applicants; 2) applicants’ reception conditions; 3)

general common procedures for granting international protection; 4) definition of refugee status (qualification); and 5) granting temporary protection.

Figure 2. *Structure of the European Common Asylum System*



Compliance assessment with the EU migration and asylum acquis

The foundation on which the countries of the western Balkans and the European Union cooperate on policies related to migration and asylum is the Stabilization and Association Process (SAP). In the case of Macedonia, the contractual relationship with the EC was initiated in 2001 with the signing of the Agreement. The emphasis in the Agreement, in regards to migration, was placed on prevention and control of irregular migration as well as readmission of nationals of other countries and stateless persons. In addition, the consultation and cooperation efforts were concentrated on assistance in drafting the necessary legislation, best practices of controlling and protecting the borders, as well as enhancing the efficiency of the institutions charged with fighting and preventing crime and combating trafficking in human beings. In the area of asylum, the cooperation between Macedonia and the EC was propelled towards development and implementation of national legislation in order to meet the standards of the 1951 Geneva Convention relating to the status

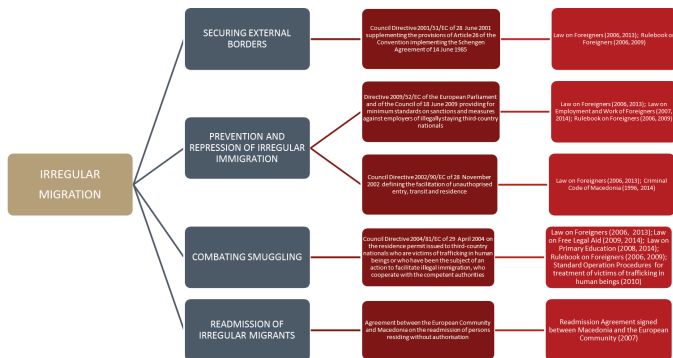
of refugees and ensuring respect of the principle of *non-refoulement* (Council of the EU, 2001).

Within the SAP framework, the Visa liberalisation dialogue between the EC and Macedonia contributed immensely on further alignment with the EU acquis in this area. The country-specific process structured in four blocks contained set of measures covering wide range of issues from document security, public order and security and external relations. One specific block of measures related to increased compliance and implementation of legislation in the area of irregular migration, including readmission and asylum.¹¹

Irregular migration

On a policy level, in 2009, the Assembly adopted a 5-year strategic policy document indicating the state of affairs, problems and measures regarding migration management, including irregular migration. The Resolution on Migration Policy 2009–2014 consequently determines the principles, elements, criteria and presumptions of the migration policy, as well as the migration processes and return policy in Macedonia (Resolution on Migration Policy of Macedonia 2009-2014). Currently, the Macedonian Government is in the process of preparing a new Resolution corresponding to the period 2015-2020 in which it projects the challenges the country is facing, and possible solutions in light of the European migrant crisis. In addition, Macedonia is implementing the National Strategy for combating trafficking in human beings and illegal migration 2013-2016 in order to comply with the EU directive 2011/36/EU which sets out minimum standards in preventing and combating trafficking in human beings and protecting victims.

Figure 3. EU vs Macedonian legal framework in the field of irregular migration



Regarding alignment with the EU *acquis* on legislative level, Macedonia has shown its commitment in applying comprehensive legal framework in the area of irregular migration legislation, and taking concrete step in fully transposing the directives in national legislation. Besides the country's evidenced progress towards overall compliance, still, Macedonia is partially compatible with the EU *acquis* in the area of irregular migration. Figure 3 below shows a comprehensive overview of Macedonia's legal framework in comparison with the EU policies and regulations in the field of irregular migration.

Subject of our analysis are the following directives:

- Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence;
- Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities;
- Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals; and
- Council Directive 2001/51/EC of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement.

The Directives that tackle the issue of irregular migration in the EU, in the context of Macedonia, are being transposed primarily to the Law on Aliens and the associated implementing legislation.

In accordance to the Directive 2002/90/EC, the Law explicates the circumstances under which one's entry and residence will be considered unauthorized by the Macedonian authorities as well as punishments and fines for entities' that assist a foreigner to illegally enter, reside and/or transit the country. In order to more efficiently combat illegal migration and trafficking in human beings, aspects of the Directive are transposed in the Criminal Code of Macedonia (specifically, article 418-a, 418-b and 418-c). Having in mind the purpose of the Directive, to provide a definition of the facilitation of illegal immigration and to render more effective the implementation of framework Decision 2002/946/JHA (see Figure 1), substantial legislative alignment has been carried out to ensure that the national legislation is in line with the Decision. The Law on Aliens and the Criminal Code were amended in several occasion due to further alignment with the Decision and contains provisions which lay down the criminal penalties including confiscation of any real estate and the transport vehicles used to commit the offence, procedure and prohibition of deportation, as well as liability and sanction of legal entities.

Provisions from article 418-d regarding trafficking in minors' places special emphasis on their protection and minimum penalties for the perpetrators. Furthermore, extraordinary rules and protections have been introduced for unaccompanied minors who seek entry in Macedonia. These provisions are in line with the Council Directive 2004/81/EC. Further alignment with this Directive is accomplished with provisions regulating deprivation (non-renewal and withdrawal) of the right to temporary residence.

In regards to further prevention and repression of irregular migration, the Directive 2009/52/EC to a great extent, has been transposed in the Law on Employment of Foreigners and the Law on aliens. The Law on aliens specifies penalties for assisting an alien to illegally reside in Macedonia.

Compliance with the Council Directive 2001/51/EC supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement is achieved with the Law on aliens and more specifically, provisions from article 22 which regulates the carriers' liabilities.

With the objective to strengthen the cooperation to combat illegal immigration more effectively, Macedonia and the EC, in September 2007, signed the Agreement on the readmission of persons residing without authorisation.¹² The Agreement regulates the readmission obligations on both contracting parties. Concerning the obligation on the Macedonian side, the Agreement states that the country shall readmit, upon application by a MS and without further formalities all persons who do not, or who no longer, fulfill the legal conditions in force for entry to, presence in, or residence on, the territory of the requesting MS provided that it is proved, or may be validly assumed on the basis of *prima facie* evidence furnished, that they are nationals of Macedonia. Furthermore, Macedonia has the obligation to readmit third country nationals and stateless persons in cases when: (a) the person concerned holds or at the time of entry held, a valid visa or residence permit issued by Macedonia, or (b) illegally and directly entered the territory of the MS after having stayed on or transited through the territory of Macedonia. Exemptions from these obligations are provided in the Agreement. Other sections of the Agreement contain provision governing the readmission procedure, transit operations, costs, data protection and non-affectation clause.

Asylum

The cornerstone of the Common European Asylum System is the Dublin System, constituted by the Dublin and Eurodac Regulation, and their implementing provisions. This system regulates the criteria and mechanisms for determining MS responsibility for examining an asylum application and establishes a EU asylum

fingerprint database. The implementation of the Dublin system requires full membership in the EU, therefore, is only applicable once Macedonia becomes a MS. In this sense, the accession process serves as a preparatory period for full harmonization with these Regulations, subject to frequent changes especially in recent times due to the European migrant crisis. However, preparation work resembling recruitment and training of staff to operate the national infrastructure of the Eurodac system; as well as to advance compliance related to the common principles and standards of the Dublin regulation. The amendments to the Law on aliens in 2010 provided the necessary legal framework for the establishment of a national database for foreigners, covering data on asylum, migration and visas.¹³ A separate chapter in the Law on Asylum is devoted to the regulating the process of processing, usage, exchange and protection of the data from the integrated database for aliens, including data on asylum, migration and visas.

The Law on Asylum and Temporary Protection and accompanying subordinate legislation is the main source of compliance with the EU asylum *acquis*. Taking in consideration the frequent changes and revision of the asylum *acquis* on EU level; financial burden on accession countries to establish and implementing asylum related reforms, and finally, the phase of accession, the Macedonian legislation is to a great extent complied with EU standards and regulation primarily in the policy areas of common procedures for granting international protection, determining refugee status, temporary protection and reception conditions.

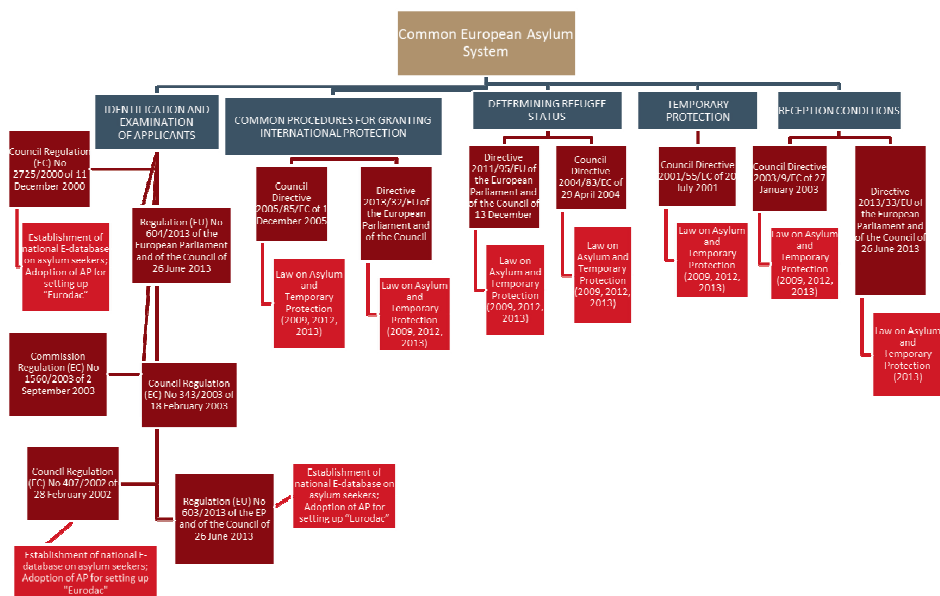
The following directives have been taken in consideration in determining the extent of compliance in Macedonia:

- Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in MSs for granting and withdrawing refugee status;
- Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection;
- Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted;
- Council Directive 2004/83/EC of 29 April 2004 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;
- Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons

and on measures promoting a balance of efforts between MSs in receiving such persons and bearing the consequences thereof;

- Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers; and
- Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection.

Figure 4. EU versus Macedonian legal framework in the field of asylum



Macedonia is sufficiently aligned in regards to the directives concerning the procedures for granting and withdrawing international protection. The alignment efforts were focus primarily on the Asylum Procedure Directive rather than on its recast directive. In this sense, it is important to stress that the recast directive on common procedures for granting and withdrawing international protection 2013/32/EU was adopted on 26 June 2013; with a deadline of transposition for MSs set on 20 July 2015.

The Law on Asylum and Temporary Protection defines the asylum seeker as an alien who seeks protection in Macedonia, and has submitted an application for recognition of the right to asylum, in respect of which a final decision has not yet

been taken in the procedure for recognition of the right to asylum. The definition and the procedure for requesting asylum are in line with the definition provided in article 2 of the Asylum Procedure Directive. Alignment is also achieved regarding the basic principles and guarantees, including access to the procedure, the right to remain in the country pending the examination, as well as the requirements for the examination of applications. Namely the Law provides two options for submitting a request: 1) to the police at the border crossing point or 2) to the nearest police station. It prescribes, that upon declaring a request for asylum, the police officer escorts the asylum seeker to the Section for Asylum or to the Reception Centre for Asylum seekers. In addition, there are provisions which guarantees high level of alignment with the Directive regarding requirements for a decision, obligations and guarantees for applicants for asylum, the manner in which the personal interview is conducted, provisions on legal assistance and representation as well as special guarantees for unaccompanied minors. In case of unaccompanied minors, persons with special needs and persons with no procedural capacity, the Law prescribes the appointment of a guardian. According to the legislator, the best interests of the child are the primary consideration when examining applications for recognition of the right to asylum of unaccompanied minors. The Law also regulates the role of United Nations High Commissioner for Refugees in the Asylum Procedure, modes of cooperation with national institutions as well as its involvement in the procedure for recognition of the right of asylum. Regarding procedures at first instance, including on the examination procedure, the Law recognizes implementation of two procedures: regular¹⁴ and accelerated¹⁵. The Law also acknowledges the concept of first country of asylum and the safe third country concept (Art. 9-a and Art. 10). In regards to the provisions for subsequent application, the Law prescribes that in case of submitting a new asylum application, the asylum seeker must provide evidence that his circumstances have altered substantially since the moment of issuance of the former decision by which his application has been rejected. Failing to do so results in rejecting the application.

Similar to the alignment actions with the directive regulating the procedures for granting and withdrawing international protection, the focus regarding the Reception Conditions Directives is placed on the earlier one, Council Directive 2003/9/EC, since the recast Reception Conditions Directive 2013/33/EU was adopted on 26 June of 2013. And the deadline of transposition is set on the 20 July 2015.

Regarding information provided to asylum seekers for at least any established benefits and/or obligations with which they need to comply relating to reception condition within reasonable time of applying for asylum, the Law on asylum and temporary protection obliges the Section for Asylum of the Ministry of the

Interior to inform them in writing and orally, in a language understandable to the aliens and within the timeframe of 15 days about the manner of implementation of the procedure for recognition of the right to asylum, their rights as well as other relevant information. The asylum seeker is issued a document, within three days upon submitting an asylum application, certifying his/her status as an asylum seeker justifying his stay on Macedonian territory during the period of procedure. Till the final decision is taken, the asylum seeker must complete medical examinations, treatment and omitted immunization in case this is requested. During this period, asylum seekers have the right to education as well as employment within the reception center or any other place assigned by the Ministry of Labour and Social Policy and conditional access to the labour market after 12 months of waiting for a decision at first instance. The asylum seekers benefit from the Macedonian social system. Special provisions are provided for vulnerable categories of asylum seekers. The funds for accommodation, social protection and health care are provided from national budget.

The Law also stipulates the conditions when reception conditions may be reduced or withdrawn. Thus, the asylum seeker is obliged to reside in the Reception Centre or other place of accommodation assigned by the Ministry of Labour and Social Policy and not to leave the place of residence without informing the competent authorities, and without having permission to leave. Asylum seekers have the right to submit a request to the Ministry of Labour and Social Policy to reside outside the Reception Centre, however, on its own expenses, and following the procedure of his/her photographing and fingerprinting. The Law further provides special safeguards for persons with special needs, such as unaccompanied minors, vulnerable persons with special needs, minors and persons with mental disabilities and persons with no procedural capacity.

Significant alignment with the asylum *acquis* can be detected also with the Council Directive 2004/83/EC and the recast of this (Qualification) Directive. The regulation of the assessment of applications for international protection is made by the Law on Asylum and Temporary Protection prescribing provisions specifying the responsibilities for the duration of assessing the facts and circumstances for recognition of the right of asylum (article 18-a, 20). The Law also defines what constitutes actors of persecution and protection (article 4-d, 4-e). Furthermore, specific chapters of the Law regulate the qualifications for being a refugee (article 4, 4-c). Article 38 sets out the conditions under which, an alien could be excluded from acquiring refugee status, and when refugee status may cease. Moreover, further provisions exist for the situation when an alien cannot enjoy the right of asylum.

In regards to the qualification for subsidiary protection, the Law defines a person under subsidiary protection as an alien who does not qualify as a recognized refugee

but to whom the Macedonia shall recognize the right of asylum and shall allow to remain within its territory (article 4-a). Additionally, this provides detail clarification of what constitutes serious harm. The Law also contains provisions establishing the causes for terminating the subsidiary protection status including description of circumstances under which an application has been considered as unfounded.

Concerning the content of international protection, article 7 of the Law sets out the contours for protection from *refoulement* of individuals, thus ensuring compliance with the Directive in this segment. The asylum seeker, recognised refugee or person under subsidiary protection cannot be expelled, or be forced to return to the frontiers of the state in situation when ones' life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion. This principle also applies to cases when an alien would be subjected to torture, inhuman or degrading treatment or punishment.

Further alignment has been achieved in terms of rights for recognised refugee and person under subsidiary protection such as residence, travel documents, identity card, freedom of movement, access to employment and education, social protection, healthcare, access to accommodation (article 48, 58-60). Vulnerable persons with special needs, as well as unaccompanied Minors, persons with mental disabilities and persons with no procedural capacity enjoy special protection when exercising these rights (article 23-a).

There is evidence of alignment to some extent with the Council Directive 2001/55/EC appearing in the Law on asylum and Temporary protection. Chapter VI is entirely devoted to temporary protection of persons in the event of mass influx. According to article 62, in such cases, the Government of Macedonia may grant temporary protection to persons coming directly from a state where their life, safety or freedom have been threatened by war, civil war, occupation, internal conflict linked with violence or mass violation of human rights. Concerning the access to the asylum procedure in the context of temporary protection, article 66 outlines that the person under temporary protection has the right to submit an application for recognition of the right of asylum at any time. Moreover, even if the person under temporary protection application has been rejected, s/he could enjoy the temporary protection until the expiration of the time for which it has been granted.

CONCLUSIONS

The significant increase of migrants transiting Macedoniain addition to the migrant crisis in which numbers and politics have constantly been altered, has been

the main cause of many concerns among EU MSs and western Balkan countries in the past several months. The findings of the paper confirm the necessity for channelling the complexity and perplexity of the EU's irregular migration and asylum *acquis*, which reflects the whole rigidity, and failure of the European bureaucratic labyrinths. This legislative state of play poses a threat for effective implementation and operationalization of these policies especially in events of mass influx of migrants as Europe is facing at the moment. However, this threat is also shifted to the accession countries such as Macedonia, which need to transpose the *acquis communautaire* in the area of irregular migration and asylum as part of chapter 24 of the accession negotiations. Ineffectiveness in the implementation of the relevant *acquis* was evident in recent times when the Macedonian authorities had to seek extracurricular solutions for dealing with the increased migrant flow outside the existing community legislation. This is the case; despite the results of the paper, which reveal that, Macedonia is sufficiently aligned in the area of irregular migration and asylum *acquis especially taking in consideration the status in the accession process*. However, if one looks at the number of recast directives which enter in force on EU level in mid 2015, Macedonia needs to put additional efforts in aligning with the new legislation. Therefore, conforming to the EU *acquis* in these areas needs to be furthered. Progress in the alignment process needs to continue since the emphasis in the negotiation process is placed on rule-of law issues due to the introduction in the new approach.

Notes

(Endnotes)

¹ Frontex operational data, at <http://frontex.europa.eu/trends-and-routes/migratory-routes-map/> (accessed 10 October 2015).

² Ministry of Interior, Press release, 1.11.2015, at <http://moi.gov.mk/vest/702> (accessed 8 November 2015).

³ Regulation (EC) No 562/2006 amended twice since 2006 (Regulation (EU) No 610/2013 and Regulation (EU) No 1051/2013).

⁴ In a form of External Borders Fund in 2007–2013 and for the 2014–2020 period Internal Security Fund: Borders and Visa

⁵ Schengen Information System (SIS), the Visa Information System (VIS) and Eurodac, the European fingerprint database for identifying asylum seekers and illegal immigrants.

⁶ Council Directive 2002/90/EC.

⁷ Directive 2002/90/EC and Framework Decision 2002/946/JHA.

⁸ Council decisions 2006/616/EC and 2006/617/EC.

⁹ COM(2013)869 final

¹⁰ Directive 2008/115/EC.

¹¹ The Visa liberalisation roadmap available at: <http://www.esiweb.org/pdf/White%20List%20Project%20Paper%20-%20Roadmap%20Macedonia.pdf> (accessed 2 October 2015).

¹² The date of entry into force of this Agreement was January 1, 2008.

¹³ New chapter X-a has been added regulating the establishment and functioning of the Integrated base for immigrants, including information on asylum, migration and visas.

¹⁴ The Section for Asylum is obliged to take the decision within six months from the day of submission of the application

¹⁵ The purpose of having and implementing the accelerated procedure is due to manifestly unfounded asylum applications, unless in situations when an unaccompanied minor, or a mentally disabled person has submitted the application.

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