



IOM International Organization for Migration
OIM Organisation Internationale pour les Migrations
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**Establishing Labour Migration Policies in Countries of Origin and Destination
and Inter-State collaboration in the Western Balkans**
Workshop Report
9-10 February 2009, Tirana – Albania

Contents:

BACKGROUND	1
OPENING Day 1: Monday, February 9th	2
Session 1: INTERNATIONAL LEGAL FRAMEWORK FOR THE PROTECTION OF MIGRANT WORKERS	3
Session 2: POLICY RESPONSES BY COUNTRIES OF ORIGIN TO LABOUR MIGRATION	6
COUNTRY PRESENTATIONS (Albania, Bosnia & Herzegovina, Kosovo under UNSCR 1244, the former Yugoslav Republic of Macedonia)	8
Session 3: POLICY RESPONSES BY DESTINATION COUNTRIES TO LABOUR MIGRATION	10
OPENING Day 2: Tuesday, February 10th	12
COUNTRY PRESENTATIONS (Montenegro, Serbia, Croatia)	12
Session 4: BILATERAL COOPERATION ON MIGRATION: PRACTICAL EXAMPLES	14
WORKING GROUPS	15
CONCLUDING SESSION	16

BACKGROUND

The Workshop on Establishing Labour Migration Policies in Countries of Origin and Destination and Inter-State collaboration in the Western Balkans took place at the Tirana International Hotel & Conferences Centre in Tirana on February 9th and 10th 2009. It was organized by the International Organization for Migration (IOM) in the framework of the “*Capacity Building, Information and Awareness Raising towards Promoting Orderly Migration in the Western Balkans*” project funded by the European Commission and the governments of Switzerland, Germany, Italy, Liechtenstein and Hungary, and implemented in direct partnership with the International Labour Organisation (ILO).

Participants in the Workshop included representatives of the aforementioned project partners, the Western Balkan countries: Albania, Bosnia and Herzegovina, Croatia, Former Yugoslav Republic of Macedonia, Montenegro, Kosovo under UNSCR No. 1244 and Serbia, dealing with labour migration issues, the European Commission, EU Member States, as well as representatives from Embassies and other international organizations in Tirana. International experts from countries of destination provided examples of interstate cooperation on labour migration as well as of integration as important aspects of labour policies.

OPENING Day 1: Monday, February 9th

The Chief of IOM Tirana Mission, **Ms Nicoletta Giordano**, opened the conference by greeting and thanking the donors. She welcomed to the panel, **Her Excellency Yvana Enzler**, Ambassador of Switzerland; **Mr Andrea Marto**, Secretary General of the Ministry of Labour, Social Affairs and Equal Opportunities; **Mr Luigi Brusa**, Chargé d'Affaires at the European Commission Delegation to Albania; **Mr Francesco Saverio De Luigi**, Minister Counsellor of the Italian Embassy; **Mr Bernhard Dresbach**, Second Secretary (Political and Press Affairs), Embassy of the Federal Republic of Germany; and **Mr Patrick Taran**, Senior Migration Specialist, ILO.

The Secretary General of the Ministry of Labour, Social Affairs and Equal Opportunities, **Mr Andrea Marto**, expressed the gratitude of his Ministry for the organization of the seminar that would help in making the migration policies in Albania more accurate and effective. He commented that the development of migration policies is not only a result of the work of the Albanian Government, but also through cooperation between his government and institutions such as IOM and other organizations. The Secretary General emphasised that the Ministry of Labour is cooperating with all relevant institutions and organizations, keeping in mind a liberalized approach. "Migration should be to the benefit of migrants. It is the task of the Ministry and its partners to promote knowledge about migration, which has to be properly managed. The Albanian legal framework is improving with the assistance of the international experience," Mr Marto said and added that additional legal provisions are being developed by the Albanian government working with the Council of Europe and the United Nations. Albania is trying to implement new and better migration policies to diminish migrants' vulnerability. The goals of the Albanian Government in labour migration management focus on following aspects: to reintegrate migrants; to respect their rights when they return home; and to make sure their rights are respected in the destination country, while ensuring equal treatment for all. "Our policy is very clear on the issue: coordinated action with the social partners, which have an irreplaceable role in this process; bilateral and multilateral cooperation; and participation of all stakeholders involved. Yes, there are challenges during this global crisis. We have to take measures for migrants; to prevent illegal trafficking and migration; to provide voluntary return; foster the brain gain process from migrants; and also try to find the best solutions possible." The conclusions of this seminar will be helpful, because they will give us guidelines for our work." Mr Marto thanked IOM as managing the project and ILO as partner, the European Commission and the other donors for the support given and wished success to their work ensuring the Albanian Government's commitment to this approach.

After being introduced by Ms Giordano, the Chargé d'Affaires at the European Commission Delegation, **Mr Luigi Brusa**, took the floor and stated that migration in Albania is a major concern for the European Union. In its Global Approach to Migration, the EU puts emphasis on global cooperation, also between the EU and candidate and potential candidate countries such as those present in the workshop. Mr Brusa spoke about the importance of promoting legal migration; strengthening the legal framework for migration; and fighting illegal migration, which are the three main fields of action for the EC. The AENEAS programme, the Charge d'Affaires pointed out, is a complementary support to migration policy, while the EC will continue supporting the migration policy of the Albanian government, with main goal to manage orderly migration, in Albania and the other Western Balkan countries. "Legal migration can be a positive force for the development of the region" Mr Brusa stressed in the end.

H.E. Yvana Enzler – the Ambassador of Switzerland - commented in her speech that she was pleased to speak also on behalf of the other donor country, Lichtenstein. The topic of this workshop

was very important for the Swiss Government, because it would enhance dialogue between countries of origin and countries of destination. Migration is not a choice, Ms Enzler underlined, but it is a necessity, so “destination countries should also accommodate migrants when these persons need it. Switzerland does support them. This was proved yesterday with the majority of votes to extend the free flow of people to the new EU Member States Rumania and Bulgaria. We are interested in this process, so this is why we supported this important gathering.”

Minister Counsellor of the Italian Embassy, **Mr Francesco Saverio De Luigi**, expressed his pleasure “to participate in this very important workshop for all of us and for this country. Italy has a very important story of migration in the EU and the US. Recently, Italy has been an important destination country, especially for Albanian migrants.” He pointed out that Albanian migrants are the third largest migrant community in Italy. “Albanians are the largest foreign entrepreneurs and student communities in Italy. This forces not only economic cooperation and growth, but also long-term development.” He concluded by thanking the organizers and wished a good continuation of the workshop.

Ms. Giordano thanked the Italian diplomat and welcomed the delegations from Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Croatia, Serbia, Montenegro and Kosovo under the UN 1244 resolution. She then introduced **Mr Patrick Taran**, Senior Migration Specialist at the International Labour Organization. He welcomed the excellent representation from the Balkan region in the workshop, emphasizing that cooperation is always more important than competition. Building perspectives and institutional capacities is already being done in the region, he emphasised.

Before making her speech, **Ms Giordano** underlined the cooperation of ILO and IOM. She welcomed all participants to the workshop and described the Western Balkans as a very diverse region when it comes to migration issues because some countries in the region are plagued by high unemployment rates and large outflows of emigrants and others already attract immigrants to fill the labour shortages in booming sectors of their economy. Ms Giordano reiterated the strong belief of IOM that, in addition to continued efforts in combating irregular migration - including the abhorrent phenomenon of trafficking in human beings - and with special accent on preventive measures, as well as comprehensive assistance to victims of trafficking, maximizing the use of legal channels for migrating should be an integral part of a comprehensive policy approach to migration in the Western Balkans, which would combine the economic and social interests of both countries of origin in the Balkans and destination countries. National Strategies or Policy Papers on Migration also addressing migrants’ labour issues can also be a useful instrument to facilitate and implement managed labour migration policies, Ms Giordano suggested. She mentioned IOM’s assistance to the Albanian Government in drafting the National Strategy on Migration including measures on labour issues such as management of circular migration, access to information on emigration possibilities, linking emigration of Albanians and development of Albania. “I do hope that the discussions during the next two days will be fruitful and inspiring and that we will all come out with better understanding of issues of labour migration and it can be better managed for the benefit of all,” the Chief of Mission of IOM Tirana concluded.

Session 1: INTERNATIONAL LEGAL FRAMEWORK FOR THE PROTECTION OF MIGRANT WORKERS

Mr Daniel Züst - Country Director, Swiss Agency for Development and Cooperation, Albania - chaired the first session. He greeted the organizers and gave the floor to **Mr Ryszard Cholewinski**, Labour Migration Specialist, IOM, who gave a presentation on the rights of migrant workers in a broader European and international context. He presented the universal principle of non-discrimination and provided information about the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, which includes 40 States parties to date, but which has not yet been ratified by any developed industrialized country. Mr. Cholewinski emphasised that this convention is a comprehensive instrument applicable to the whole migration process because it regulates the legal status of migrant workers and their families; protects their basic rights (of both lawfully resident and irregular migrants) on the basis of equality with nationals (Part III); and grants regular migrants a number of additional rights on the basis of equality with nationals (Part IV). The IOM specialist referred to a number of obstacles to its further ratification: practical and administrative obstacles, which include inadequate knowledge, implementation, length and complexity of the instrument; lack of resources and the need for coordination between different government departments; and legal/political obstacles, which include the provision of explicit safeguards for irregular migrant workers, the argument that migrant workers' rights are adequately protected by other human rights instruments, questions relating to the convention's continued relevance - i.e. changes to the labour migration landscape in the era of globalization - and the general lack of political will. In his conclusions, Mr Cholewinski observed that there was now a greater awareness of the application of human rights to all migrant workers and their families, which is enhanced by the work of human rights treaty bodies and the UN Special Rapporteur on the human rights of migrants; steady progress in acceptance by countries of the 1990 Convention on Migrant Workers; and the growth of importance of regional legal frameworks. He also pointed out that global and regional consultative processes are increasingly devoting attention to the protection of the human rights of migrants, in particular migrant workers.

Mr Züst expressed his satisfaction with the fact that migration policy has been gaining importance in the region. He gave the floor to **Mr Patrick Taran** from ILO, who presented ILO Conventions and Multilateral Framework on Labour Migration. Mr Taran described migration as a key feature in meeting economic, labour market and productivity challenges in a globalizing economy, because migration serves as an instrument to adjust the skills, age and sectional composition of national and regional labour markets. While speaking about being competitive, the ILO Senior Specialist clarified that "the regulation of labour migration, let alone labour markets, cannot be left primarily to market mechanisms. The lack of regulation for labour migration results in return of slavery-like conditions of forced labour; trafficking; generalized fear of loss of jobs and livelihoods blamed on immigration; as a result, increasing anti-immigrant hostility; and ultimately, communal violence." Mr Taran drew the attention of the participants to three fundamental notions that should characterize the protections in existing international law for migrant workers and members of their families, which are: equality of treatment and non-discrimination between regular migrant/immigrant workers and nationals in the realm of employment and work; universal human rights apply to all migrants, regardless of status; and the broad array of international standards providing protection in treatment and conditions at work. Mr Taran concluded his speech by explaining that the multilateral framework offers the policy options and guidelines putting in practice the principles and standards established in the Conventions, while he also appreciated the inclusion of social partners that Mr Marto mentioned.

Ms Agnieszka Weiner - Policy Officer, European Commission DG JLS - started her speech by clarifying that current EU Policies relevant to labour migration was a new area, and in the past, the

EU had concentrated mainly on the fight against illegal migration. The EC official underlined that the EU has reduced competencies regarding labour migration, so it is working only in cooperation with the Member States. "Labour migration is a victim of the economic situation. A reaction to those changes is needed. The EC has introduced some instruments to regulate the existing legal framework for family reunification, status of long-term residents, students and researchers," Ms Weinar added. She mentioned the 2004 Green Paper on an EU approach to managing economic migration, the 2005 Policy Plan on Migration as well as recent proposals such as the Blue Card Directive for highly-skilled workers; the Framework Directive on Single Permit and Migrant Worker's Rights; for seasonal workers and remunerated trainees; and for intra-corporate transferees. She highlighted that Global Approach to Migration means cooperation with the countries of origin and transit, while mentioning the three thematic pillars: legal migration, including labour migration; the fight against illegal migration; and migration and development. The geographical scope for EU action was Africa in 2006; East and South-East regions neighbouring Europe in 2007. Ms Weinar stressed that important tools in the area of labour migration are circular migration and mobility partnerships. Mobility partnerships can include support for Public Employment Service and also support for circular migration schemes, pilot projects on recognition of qualifications and labour matching. She reiterated that the actions and decisions lie with the Commission and the Member States. For example there are 12 Member States that offered to help the Public Employment Service in Moldova by opening their labour markets to Moldovan citizens. On the EU level, the topic of migrant rights is very much present and the European Commission is continuing to develop it."

Mr Züst had a question to the previous presentations: "It is important to highlight the funds that the EU is allocating to this issue. Let us come back to the legal tool aspect of Mr Cholewinski's presentation. How could one overcome the lack of will for the ratification of the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families?"

Mr Cholewinski: "I was recently involved in a study for UNESCO on the obstacles to and prospects for the ratification of the convention in the EU. In some countries, very little was known about the convention, even if the government had conducted a study on the question. In other countries, there was some support for the convention from the political parties in opposition, but when these came to power, they did not pursue their previous interest. Another problem was that a number of EU Member States are not prepared to move towards ratification outside of the EU framework. Even so, it is possible to ratify conventions or charters that provide for higher standards than EU legislation because the latter only sets minimum standards. However, a lot more work still needs to be done in the context of individual EU Member States because of the misconceptions relating to the convention."

Mr Taran: "81 countries have ratified at least one of these instruments which is already a pretty high proportion of countries. 55 are ratifying the convention or at least they are on the way to ratifying it. There are no significant diversions between the 1990 Convention and the national legislations. It is really a question of political will and of understanding and recognizing migrant's rights. There is competition between these countries and the EU Member States for the low wage jobs. However developing countries need more migrants in order for these economies to be more productive and effective"

Ms Weinar: "We are confronting a brutal reality, as Mr Taran said. EU Member States are interested in rights and decent work in the context of legal migration. Equal rights for illegal migrants are still discussed and EC directives advanced. Health services and education for illegal migrants should be a common legal practice in the Member States. In the world after the crisis, it might become difficult."

Session 2: POLICY RESPONSES BY COUNTRIES OF ORIGIN TO LABOUR MIGRATION

After the break, Ms Giordano introduced **Mr Gabriel Leonte** - Economic and Environmental Adviser at the OSCE. OSCE and ILO have regularly been sponsors of labour migration policies. Mr Leonte expressed his congratulations as chairman for this excellent workshop and gave the floor to Ms Elisabeth Warn.

Ms Elizabeth Warn - Labour Migration Specialist, IOM - thanked the hosts for the invitation. Ms Warn mentioned that some years ago the idea of having an emigration policy in one of the countries of the region had met with certain scepticism at that time (in Albania which has since become a good practice example). The situation nowadays with regard to emigration policies and particular on labour emigration has really changed, because countries of origin are aware that they can both protect their citizens (against exploitative recruitment and employment practices) and optimize the benefits of well managed labour migration (including identification of new markets, reduced costs for remittance channels, and wider development benefits), and that policies and legislation can be put into place to do this. In this regard both policy and legislation is being developed and countries can draw from the experience of the Handbook on Establishing Effective Labour Migration Policies in Countries of Origin and Destination, which has been jointly elaborated by OSCE, IOM and ILO, and will be used as a training tool in several countries of the region.

Ms Warn explained that assessing labour market and human resource development needs in countries of origin, called for the need to examine ones own labour market, looking at skills shortages and potential surpluses in the short, medium and longer term. She continued by adding that the return and reintegration of migrants in the labour market is a neglected aspect, and that the reinsertion into economic activity back home should take into account new skills and resources that may have been obtained during their time abroad. For example, in an IOM EC funded programme for Temporary Circular Labour Migration between Spain and Colombia migrants learn how to investigate co-development opportunities in their country of origin and receive vocational training so as to learn how to better channel their resources and promote local development.

Ms Warn also mentioned the various ways in which migrants can be protected especially as they face greater vulnerability to abusive recruitment and employment practices in particular given that the supply of low skilled workers far exceeds demand and that many more workers wish to work abroad than there are jobs. Some of the ways of protecting migrant workers include adherence to international Conventions and norms, licensing and regulating private recruitment agencies, the negotiation of bilateral arrangements. Pre-departure orientation can also provide a cost-effective means of preparing workers prior to migration.

In harnessing the benefits of well managed labour migration Ms Warn recognised that one aspect that has yet to be harnessed in the region is the development of a marketing strategy for overseas employment, as a means of promoting a countries labour force. She recognised that in a global context countries are competing for labour, marketing strategies are often viewed as expensive and complicated, and that relatively simple and inexpensive steps can be taken such as the development of a SWOT analysis to identify countries' strengths and weaknesses. Ms. Warn also mentioned that there are also innovative ways of exploring markets such as through labour attachés. The main message of her presentation was that there is a strong need for policy coherence, for dialogue and cooperation with countries of destination and transit, while there is also a need to engage between all countries involved in the migration process to coordinate and work together in this issue.

Mr Leonte thanked Ms Warn for the good presentation and encouraged questions on what countries of origin can do further in order to improve their legal framework in the issue. He also thanked for assessing the pro-active need for action in the future.

Ms Ana Milicevic Pezelj - the Head of Organization, Education and Publishing Department, the Union of Autonomous Trade Unions of Croatia (UATUC) - in her presentation summarised the institutionalization of the social dialogue and the activities of UATUC. She presented also some statistics related to the labour market in Croatia. Ms Milicevic affirmed that there are people waiting for nine months to get employed, so that improvements are needed in this respect. "We have good regional and bilateral ties with trade unions from other countries. We need to have well trained people from the professional point of view since we are applying for EU membership. We have a definition of social dialogue. It is interesting that EU models are a good example and serve as a guideline for us. Institutionalization of the bilateral labour agreements remains our main goal," Ms Milicevic claimed. "Migration in Croatia is not as well understood as is required. There is a lack of full data or precise information concerning the scope of migration," she admitted. UATUC employs 25 lawyers in country offices covering the whole country providing free legal counselling, also via a toll-free telephone number. In 2005, the Year Against Undeclared Work, UATUC run a campaign against undeclared work and is also a partner in a number of projects with IOM. She also brought to attention that since 1995 Croatia cooperates successfully with Italy, Slovenia and Hungary. A good network for trade union cooperation has been set up also in collaboration with the European trade unions. "We also organized a statistical service in Croatia, so now we know which enterprises employ our people. For every problem we try to find a solution including other institutions, because we know that there is a huge need for employment," Ms Milicevic continued.

Mr Leonte highlighted in this context the social dialogue and partnership between government and social actors, which the participating countries want to institutionalize. Research and data is not an easy task, he acknowledged, but it is a very important aspect, because every effective policy should rely on real data. He presented OSCE approach and contribution in the area of labour migration. Mr Leonte confirmed that migration has been on the OSCE agenda from its very beginning and that in 2005 and 2009 migration was and will be the main topic of OSCE Economic and Environmental Forum. OSCE views migration as a comprehensive security issue with links not only to security concerns, but also to economic development, human rights, gender and environmental degradation. Issues of special concern to the OSCE participating States are: improved migration management and more effective ways of addressing irregular migration, root causes of migration, tolerance and non-discrimination of migrants, smuggling of migrants and trafficking in human beings. Policy responses in countries of origin should focus on the protection of migrant workers (policy strategies, regulation off private employment agencies, procedures for departure, support services, inter-state co-operation); optimizing the benefits of labour migration (marketing, information dissemination, bilateral and regional agreements, remittances, education, training and skills' development, emigration of skilled human resources) and administration of labour migration.

Comment and question from **Ms Weinar**, the EC representative: "Interesting presentation from Ms Warn which can be also a public relations strategy. When you talked about the role of the labour attachés, would it be an added value in support to employment agencies in Eastern Europe and the Balkans?"

Answer from **Ms Warn**: "India is adamant to continue developing labour market strategies and that is a good example. Indeed, a public relations strategy is required when talking about marketing. The labour attaché has a valuable role in various levels: they can identify markets and protect workers, as for example the Philippines labour attaché. Even the employment services in the countries cannot have the all information about the labour situation. The direct contact matters in this case.

The attaché has an added value, but it is also an added cost for the Balkans. They could be partially attaché and partially economic advisors.”

Question to **Ms Milicevic**: “Could you explain more in details the labour matching and research studies?”

Answer from **Ms Milicevic**: “We have more capacities as compared to others, but we still lack data. That is why we conducted some research in cooperation with Italian trade unions. We have decided to focus more on the business area, construction, tourism. I think that through these studies we can understand the situation of our workers in Italy. This will be followed by statistics.”

COUNTRY PRESENTATIONS (Albania, Bosnia & Herzegovina, Kosovo under UNSCR 1244, the former Yugoslav Republic of Macedonia)

Mr Stojan Trajanov - State Advisor, Ministry of Labour and Social Policy, the former Yugoslav Republic of Macedonia introduced the session and the country speakers.

ALBANIA

Ms Etleva Dyrmishi, Specialist from the Directorate of Migration, Return and Reintegration Policies at the Ministry of Labour, made a brief presentation of the Albanian situation. She underlined that the policies of international migration cannot exist as isolated, because they have a global impact. “In the transition period, Albania has experienced both irregular and regular fluxes of labour migrants. We can also identify three periods of modern Albanian migration during the transition period. As different research demonstrates, Albanians are one of the biggest groups from third countries within the EU,” Ms Dyrmishi pointed out, while confirming that as to migratory statistics there is still no Albanian migrants’ register. She also mentioned the reasons that stimulate Albanian migration: search for higher wages; financial support for family; better working conditions; better living conditions; escape from events or the economic crisis (such as the pyramidal schemes failure and further crisis); unemployment. “The specific factors and the economic issues force Albanians to migrate. The Albanian state manages the migration considering it as a free choice of the individual. State authorities create legal and administrative support; they also sign bi- and multilateral agreements to enhance the employment in the countries of destination,” Ms Dyrmishi explained, while confirming that her Ministry assumed in 2006 the role of a coordinating body for the implementation of the National Strategy on Migration. She added that the Ministry of Foreign Affairs defends the rights of its citizens abroad, while collecting and disseminating information for the labour legislation and the social protection. The Ministry of Interior and the Ministry of Education also collaborate within their range of action, while the responsible institutions such as the Institute of Social Insurances negotiate for draft and signatures of social insurances, while the Statistics Institute collects relevant data.

Question from **Ms Weinar**, the EC representative: “Are you aware of the security agreements that are being negotiated? With whom are they being negotiated and which are the obstacles?”

Answer from **Ms Dyrmishi**: “Lately an agreement on social insurances has been signed with Italy, so that all Albanians travelling to Italy have to be insured in order to travel. There have also been some negotiations with Greece, but officially nothing more.”

BOSNIA & HERZEGOVINA

Ms Radojka Tesanovic - Senior Labour Consultant, Ministry of Civil Affairs, Bosnia and Herzegovina – introduced her presentation by saying that “Bosnia is in the beginning of its process, so that is why it is necessary to adopt a series of measures to be unified with the approximation with EU *acquis communautaire*. Bosnia and Herzegovina is made up of two entities. There are relevant institutions of Bosnia dealing with migration issues and I can say that unemployment has been reduced, but we have a large black labour market. This applies to the social problems that the workers have themselves.” Ms Tesanovic explained that a series of measures have been adopted to support jobs’ creation. The government is working to reach bilateral labour agreements with the nearby countries, “because we could ensure a higher rate of employment and social insurance for the people. This would produce the reduction of the black market. We are working on increasing cooperation with the former Yugoslav republics, even if we have not succeeded fully yet.”

Under the program of the Ministry of Civil Affairs a migration law has been drafted in approximation with the EU *acquis*. In May 2008, the law on foreigners, asylum and right for employment was adopted. The Council of Ministers made new decisions for 2009 regarding work permits, new permits or their renewals. The Bosnian employment agency cooperates with ILO to improve the access of Bosnian nationals to international labour market. In 2007 Bosnia signed the Stabilization and Association Agreement with the European Union, to give possibility for the BiH nationals to enter the EU labour markets and to support their families. BiH workers have migrated mainly to the EU and the US, but also to Asia. Unemployment is the main reason for migration. “The migration issues are always dealt with at the ministerial level and also always in cooperation with the other international institutions for the social protection of workers.

KOSOVO UNDER UNSCR 1244

Mr Hafiz Leka - Head of Labour Division, Ministry of Labour and Social Welfare, Kosovo under UNSCR No. 1244 - greeted the organizers and thanked them for the opportunity given to discuss migration issues within the region. He underlined that Kosovo is in the first steps of dealing with the issue. One of the main characteristics of the migration issue in his new country is the high level of unemployment up to 43%. The migration phenomenon is widely spread in Kosovo with 17% of the population of Kosovo abroad, mainly in Germany, Switzerland and the US. Migration is an ongoing process since the 1960s. 2/3 of people had no job in Kosovo before migrating. 58% of Kosovo migrants are now employed mainly in sectors such as construction, gastronomy and production. “Migration happens because of the economic situation and this will get worse if no new jobs are created. We know many areas where the EU Member States need workers and Kosovo has some potential to fulfil some of these gaps. But Kosovo cannot actually use the potential quotas for employment in the EU countries.” The responsible authorities for migration are the Ministry of Labour and Social Welfare and the Ministry of Internal Affairs. Mr Leka confirmed that there is no official register of the population since 1981 and that his country lacks legislation, while saying that this will be one of their priorities in the future. Mr Leka recognized in the end that the ideas shared in this workshop will really help Kosovo regarding migration issues.

THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

Mr Stojan Trajanov - State Advisor, Ministry of Labour and Social Policy, the former Yugoslav Republic of Macedonia emphasised that the former Yugoslav Republic of Macedonia institutions are active in developing new laws and strategic documents to deal with migration issues in compliance with the EU *acquis*. The former Yugoslav Republic of Macedonia experiences an

increase in female migration, the youth migration and the highly skilled migration. Macedonian migrants choose mostly Switzerland, Norway or Austria as destination countries. Institutions dealing with migration in the former Yugoslav Republic of Macedonia are the Ministry of Interior, which is the competent authority for controlling entry and stay of foreigners; the Ministry of Labour in collaboration with the Employment Agency are committed in ensuring jobs and employment and offering the suitable conditions for workers. One priority is the establishment of a map of the former Yugoslav Republic of Macedonia Diaspora and their registration. The former Yugoslav Republic of Macedonia has a bilateral labour agreement with Germany and a bilateral agreement for seasonal employment with Slovenia.

Question from the auditorium: "What is the year of the former Yugoslav Republic of Macedonia's signing an agreement with Slovenia?"

Answer from **Mr Trajanov**: "It was signed in January 2005, and ratified in 2007 by the Slovenian Parliament and consequently entered into force in 2008. Such initiatives are about to start also with Montenegro."

Session 3: POLICY RESPONSES BY DESTINATION COUNTRIES TO LABOUR MIGRATION

Mr Flavio Lovisolo - Director, Italian Development Cooperation Office in Albania - thanked the organizers for the honour to chair Session 3. He confirmed that the institution he represents is paying more and more attention to migration and development processes.

Mr Taran in his summary of policy responses in destination countries defined four main challenges of establishing effective policies in destination countries: establishing the legal foundation based on international standards; admission and labour market consideration; labour market and social policies and institutional structures necessary to carry out the policy. Transparent policies for admission and employment of foreign workers are needed, based on labour market needs and demographic trends. Where appropriate, movement of migrant workers can be facilitated through bilateral, regional or multilateral agreements. Temporary work schemes should respond to established labour market needs, and respect the principle of equal treatment between migrant and national workers. Labour ministries should be provided with a key role in migration issues, while coordination and cooperation is needed between all specific structures and institutions. It is essential for labour migration policies to be gender sensitive, because women migrants constitute over 50% of all migrants in Europe".

He asked also for social security and benefits for all migrants; for access to healthcare; housing and education and schooling, while insuring that labour inspection reaches all workplaces. Mr Taran acknowledged the need for abusive practices against migrant workers to be immediately detected and prevented.

He introduced the IOM-ILO-OSCE Handbook on Establishing Effective Labour Migration Policies in Countries of Origin and Destination and specifically its relevant chapters on admissions and post admissions policies as well as administration of labour migration.

The Handbook is being translated as part of the IOM-ILO project "*Capacity Building, Information and Awareness Raising towards Promoting Orderly Migration in the Western Balkans*" for all of the workshop participating countries, and will be used in national training seminars scheduled in each country during 2009.

Mr Prosper Dombele - Scientific Collaborator, Federal Office for Migration and Refugees, Switzerland – presented integration and immigration policy in Switzerland. Switzerland has a dual system for the admission of foreign workers. Gainfully employed nationals from EU/EFTA-states can benefit from agreements on the free movement of persons. Only a limited number of well qualified employees are admitted from all other countries. Third state nationals may only be admitted if a person can not be recruited from the labour market of Switzerland or another EU/EFTA member state. The salary, social security contributions and the terms of employment for foreign workers must be in accordance with conditions customary to the region and the particular sector.

Question from the former Yugoslav Republic of Macedonia representative for **Mr Taran**: “Can you tell what kind of migrants can apply for all the tools you described in your handbook? Why did you mention integration activities only for the second generation of migrants?”

Question from the Albanian representative for **Mr Taran**: “We have heard about the economic crisis and the economic impact on migrants abroad. Which are the measures that you suggest for policymakers to be taken in the countries of origin?”

Mr Taran: “About the first question, that is what the handbook is all about. Even with temporary migration, you have different situations in different countries. People come to a destination country for temporary migration and then change their status, which adds to the complexity. A minimum of education and health service has to be provided for every child up to 16 years old. Freedom of association is a fundamental right and there can be no discrimination. Under labour law and norms of equality of treatment, anyone should be entitled to obtain benefits such as retirement pensions (for example the situation in the Switzerland some decades ago when Spanish, Italian and Portuguese migrants were not allowed to take back home their pension, even if they had paid social financial provisions to the Swiss state). Also the UK issued work permits to employers in some sectors and not in others, giving birth to the black market.

As for the second question, I have to say that I expected it. Amongst working people, migrants are the most vulnerable during crisis and they are less of a priority than nationals. Migrants are amongst the first being fired or dismissed, so many of them have to go home. Because of the global crisis, jobs are being lost. There are no jobs for migrants at their home, so they are ready to accept worse conditions in the destination country. We need equality of treatment and minimum of conditions and payment. Migrants being sent home are one of the first effects of the crisis. This is going to have an impact on the economy as a whole. Expulsions have to be avoided (defined as firing all foreign workers and give the job to nationals that lost their job). My recommendations are: the reinforcement of equal and fair treatment; continuous inspection in order to avoid expulsion; and enhancing reintegration of migrants that are forced to come home.”

Mr Lovisolo: “In Albania there already is a practical reduction in remittances. As an Italian representative I can state that Albanian migrants are not only workers in Italy, because there are also some 16,000 Albanian small and medium enterprises.”

Question from **Mr Cholewinski**: “The Handbook on Labour Migration argues that an element of integration is required regardless of the length of stay even in the case of temporary migrant workers. However, for long-term foreign residents full participation in society can only be realised with the acquisition of the citizenship of the country. Does Swiss policy on integration contemplate facilitation of naturalization?”

Answer from **Mr Dombele**: “It is another office who deals with naturalization, so I cannot make any comments or criticism on this point.”

In consideration of the schedule of the workshop, Mr. Taran then suggested to deal with the next topic of the agenda on the morning of the next day. Therefore, he requested all participating delegations to think about three key migration issues of main concerns for and present them at beginning of the next day.

OPENING Day 2: Tuesday, February 10th

Ms. Dana Graber-Ladek - Head of Regional Support, IOM Budapest - made a summary of the previous day. She complimented the IOM Tirana office for the excellent organization of the day and summarised shortly the presentations made yesterday. She explained the way the working group were to work afterwards, with two representatives in each of the working groups presenting the result of the discussions. Ms. Graber-Ladek explained that the list of all participants would be disseminated, while afterwards she asked for the short presentations of the topics by a country representative to be shared with the others.

CROATIA: coordination of policies, better statistics; strengthened cooperation between government and civil society.”

SERBIA: capacity building; proper administration of return of migrants, emigrant databases

KOSOVO UNDER UNSCR 1244: better management to improve administrative capacities; strategic documents and legal infrastructure to better tackle the high level of unemployment, long term unemployment of young and minorities; the reintegration of the repatriated migrants, support to migrant communities abroad

BOSNIA & HERZEGOVINA: improvement in legal framework, pension rights for nationals abroad; a migration council working with all stakeholders

THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA: dealing with short-term migration, brain-gain of emigrants, database of all migrants

MONTENEGRO: Registration of residents; improvement in facilities to reintegrate returning migrants

COUNTRY PRESENTATIONS (Montenegro, Serbia, Croatia)

Ms. Marija Knezevic Kajari - Head of Section for Labour Market and Employment, Ministry of Economy, Labour and Entrepreneurship, Croatia – expressed her thanks for having the possibility to chair the continuation of Session 3 and also for this opportunity given to all participants because everyone in the workshop could profit from the experiences of one another.

MONTENEGRO

Ms. Zorica Spasojevic - Legal Adviser, Employment Agency, Montenegro – introduced the situation of employment of foreigners in Montenegro, having a quota system for job applicants. There is a legal framework for granting work permits with four conditions for a foreigner to be

fulfilled: temporary or permanent residence permits; jobs available; agreement or permit to stay, meeting all obligations from labour institutions. Foreign workers need to certify their education and pay contributions to the pension fund. The work permit is granted for one year,

There are more foreign workers active in the seasonal labour market. She mentioned also the characteristics of applying migrants: they are on from 18 up to 87 years of age and they come mainly from Serbia, Kosovo, Ukraine, France, Spain, Slovenia and Bosnia and Herzegovina. 49% of migrants have applied for the nationality of Montenegro, while there are no asylum seekers so far. Montenegrin workers mainly want to migrate to the United States, Canada, Australia and Slovenia, while young people want to get education in Serbia. Over the last year, 39,000 working permits more were given.

SERBIA

Ms Kajari thanked Ms Spasojevic for the interesting presentation and gave the floor to **Ms Dragica Ivanovic** - Head of Department of Active Employment Policy, Ministry of Economy and Regional Development - who introduced some characteristics of migration in Serbia. From 2006 to 2008, in Serbia there were less than 1000 unemployed foreign nationals, with a high share of women (85%), a low qualification structure (60% without qualification), also due to the degree validation problem. Most of the foreigners in Serbia are Romanian, Macedonian, Russian and Ukrainian. 70% of work permit holders are males and concentrated in big cities (73% only in Belgrade). The main sectors of employment were foreign representative offices, banks and construction. Regarding the employment of Serbians abroad, she mentioned the bilateral agreement with Germany and the agreement with Libya on Employment of Health Workers. She also paid some attention to the fact that all the agreements before the 1990s became void, so Serbia has only the two agreements mentioned above. She showed the data of Serbians employed overseas and abroad. The brain drain is a problem also in Serbia as in the whole region, because many qualified people are leaving, and Ms Ivanovic stressed the need for accurate data and a computer database for migrants. She also confirmed that there is a general strategy for migration in Serbia; that the process of harmonization of legislation and that of signing international agreements and institutional capacities strengthening is continuing, while she reiterated that improving statistical reporting, approximation with EU *acquis* and signature of international agreements are the Serbian priorities.

CROATIA

Ms. Kajari gave the floor to **Ms. Ljiljana Maglic Rados** - Head of the Unit for Foreigners' Status Affairs, Ministry of Interior, Croatia and to **Ms. Ivanka Zlatec** - Head of EURES and International Placement Division, Croatian Employment Service, Croatia. The legal framework on foreigners is effective since 2008, and several measures offering equal treatment have been adopted. There has also been a reduction of the foreigners working in Croatia, since there is the annual quota being applied. There is a need to build new legal framework and database in order to enforce specific programs and plans for foreigners' employment to control the migration flow. The Ministry of Interior has the main responsibility for migration issues in Croatia, while the quota is determined by the government in cooperation with the Ministry of Labour and other institutions involved, in order also to encourage employment in some sectors. From 2006 there has been an increase of the work permits, while only certain categories of foreigners can apply for permits. Those who work only 30 days per year do not have to apply for a work permit, even if they have to apply for permanent residence in Croatia. Most of the foreigners in Croatia come from Bosnia, China and Serbia, and Croatia has agreements with the Netherlands and Germany. Croatia used to have such an agreement also with Slovenia.

Question from the Albanian representative: “About the reduction of foreign workers in Croatia, did it happen because your institutions decided for lower quotas or because of the labour market situation (unemployment in Croatia) or because Croats emigrate to EU countries?”

Answer from **Ms Rados**: “This quota depends on the labour market in Croatia and this is connected with the recession that unfortunately has affected Croatia. Each country has to protect its own labour market.”

Session 4: BILATERAL COOPERATION ON MIGRATION: PRACTICAL EXAMPLES

Chair: **Mr Abdulah Abdic** - Chief of Sector for Migration, Visas and Readmission, Ministry of Interior, Montenegro - continued according to the agenda and gave the floor to **Ms Silvia Achille** - Official, Ministry of Labour, Health and Social Solidarity, Italy - who introduced the participants to the Italian immigration law and the special quotas dedicated to countries that sign bilateral agreements with Italy (Moldova, Egypt, Morocco and from December 2008 Albania). These agreements contain also the right for Italy to fix quotas (4500 for Albania). Bilateral agreements mean also an exchange of information and lists of foreign workers; vocational training and Italian language courses; and also an exchange of experiences and best practices. Their goals, as Ms Achille claimed, are to implement an appropriate strategy and promote and strengthen legal entry channels; to foster the capacities of third countries to meet EU requirements; and to ensure the respect of migrant’s rights. The Italian official presented the Italy-Albania relationship as an example of good cooperation, which brought a decrease of illegal migrant flows from Albania to Italy. The Albanian part governs a percentage of the quota, while the Italian part promotes the mechanism among Italian employers.

Mr. Abdic gave then the floor to **Mr Ugo Melchionda** - Labour Migration Expert, IOM Rome - who underlined the positive effects that migration brings to a country. By using Italy as an example, he confirmed that Italian migration policies are based on planning and determination of migration flows, which are the key for success. He also mentioned the Registration Mechanism and Data Storage Software that IOM elaborated on the basis of specific indications and data required by the Italian Ministry of Labour integrated with additional personal bio-data and professional information gathered through the selection process and useful for the applicants’ future job placement. Mr Melchionda acknowledged that the online databases for different countries are not reliable because they are not updated, but otherwise they would be very important and effective. He gave also some examples of language training and cultural exchange which is an important part of the process.

Question from the representative of **the Albanian Ministry for European Integration**: “Since the number of persons that want to stay in Italy is very small compared to the number of people already being there irregularly, there are some irregular migrants who fear to go and get legalised. What is being done?”

Answer from **Ms Achille**: “We are aware of the number of Albanians in Italy, but we are starting now some projects for information campaigns in countries of origin in order to prevent irregular migration. Regarding the future, the global financial crisis has affected the Italian labour market, so the government will provide a stop for all new entries, because we want to facilitate the replacement of the legal workers in Italy. The regularisation of the healthcare sector is more needed now.”

Answer from **Mr Melchionda**: “It is still not a political space of freedom of movement to EU MS which is a core problem. Albanian people entering illegally to Italy fear that if they go back to Albania, they can not re-enter Italy, so in a full visa liberalization situation this would not be a problem anymore and they would come and go regularly.”

Ms Gemma Pinyol - Migration Programme Coordinator, Centre for International Information and Development Studies (CIDOB), Spain presented the Spanish experience of bilateral labour agreements. Bilateral labour agreements are an important mechanism for inter-state cooperation:

- to protect migrant workers;
- to match labour demand and supply;
- to manage irregular migration;
- to regulate recruitment.

The first immigration law in Spain came into force in 1985 as a pre-requisite for EU accession. First BLAs were signed between 2000-2004 with Ecuador and Colombia and were characterised by quota system; protection of foreign workers’ rights; temporary workers; and voluntary return. Second generation agreements contain readmission clause, integration measures, and linking migration and development (Gambia, Guinea, Senegal, Mali, Cape Verde, Niger). Ms Pinyol confirmed that a new “migratory diplomacy” has been put into place with countries of origin of irregular migration (mostly Western African, North and Sub-Saharan countries).

WORKING GROUPS

Working group 1: Working within the framework of the Western Balkans: Collaboration between Government agencies on issues of labour migration. Agreements between local employment services on facilitation of info flow

Facilitator: Ms Elizabeth Warn, Labour Migration Specialist, IOM
Rapporteur: Ms Suna Skupnjak-Kapic, IOM Zagreb

Ms Skupnjak-Kapic presented recommendations from Working Group 1. Her group had identified the need to strengthen cooperation between governments of the region; the lack of accurate data on labour market and migration within the region, lack of data on own nationals abroad and also the lack bilateral labour agreements in the region as one of the main problems, since there are only some cooperation agreements between the public employment services and bilateral agreements on social insurance between the ex-Yugoslav countries. She confirmed that some social security agreements are being adopted between the ex-Yugoslav countries; Albania that has this kind of agreement with Turkey, even if it is still on ad hoc basis. There’s also a Memorandum of Understanding between Albania and Kosovo on vocational training. There are no inter-state labour migration agreements between the WB countries at all. The recommendation from Working Group 1 is to improve the cooperation and to initiate the signing of multilateral and/or bilateral labour agreements; to improve data collection, exchange and harmonization; the information exchange like the example of the Centre of Public Employment Services of Southeast European Countries that was founded in 2006 but it is still under development. There’s a clear need to examine the possibility of a free movement regime aimed at fostering labour circulation within the region. She emphasized the importance of EU integration while taking into account different stage of EU accession of Western Balkan countries and the signature of bilateral agreements. She reiterated

that some specifics of the agreements should also be taken into account, and overall there was a clear call for stronger cooperation.

Working group 2: Working with destination countries in the EU. Bilateral labour agreements and their implementation

Facilitator: Mr Cholewinski, Labour Migration Specialist, IOM

Rapporteur: Ms Sonja Bozinovska, IOM Skopje

Ms Bozinovska presented the results of the Working Group 2 on bilateral agreements.

The recommendations from Working Group 2 were the following:

- there should be greater mechanism to exchange data and information on labour market needs, statistics and labour migration policies,
- Labour migration within the region should be facilitated through legal channels
- There is a need to ensure proper infrastructure and migration policy at national level for bilateral agreements to work
- Bilateral agreements alone are not sufficient, they need to be complemented by social security agreements
- there is a need for better coordination with EU countries and a need to go beyond good political will to better implementation.
- Countries should explore possibility to move towards bilateral agreements with EU as a whole
- Specific provisions should be made for return/reintegration within bilateral agreements
- The second Working Group acknowledged that countries should look also to possibilities to arrange bilateral labour agreements with countries with high illegal migration flows, while considering as a model the ILO convention on migration of 1949.

CONCLUDING SESSION

Following the reports from the Working Groups, Ms Giordano gave the floor for concluding remarks to **Mr Adam Piños** - Counsellor, Embassy of the Czech Republic, Albania, on behalf of the Czech Presidency of the EU. He expressed his pleasure to conclude the proceedings of the workshop as part of the EC AENEAS program in which most of the participants are contributing to as stakeholders.

He noted with interest the program and the issues being dealt with in this workshop, including the challenges of providing protection to all migrant workers whilst at the same time ensuring sustainable and equitable labour market conditions in both origin and destination countries; the impact of irregular migration and the challenges of managing regular migration flows. Also, he stressed the importance and constructive role that countries consular representations abroad might have in assessing labour migration trends, and protecting respective migrant workers. He remarked that "the Czech presidency of the EU is going to continue with the efforts at the EU level to advance a common, concerted and balanced policy on migration, including the development of directives relating to labour migration, the Blue Card directive on highly qualified third country nationals, and a directive protecting the right of lawfully resident migrant workers from third countries." He noted the ministerial conference "Building Migration Partnerships," being organized in Prague in April 2009 for

the genuine partnership between origin, transit and destination countries, where many representatives will focus on the fight against illegal migration, return and readmission, legal migration, integration and migration and development.

He expressed his word of thanks to the organizers and the sponsors of this event, the representatives of the Commission, some of EU member states and also Switzerland, and in particular to the representatives of countries in the region as partners in the project “*Capacity Building, Information and Awareness Raising Towards Promoting Orderly Migration in the Western Balkans*”. Mr. Piños was confident that the various presentations and facilitations have drawn up constructive comments and recommendations in line with what is increasingly emerging as a central theme of migration management.

Ms Graber-Ladek then summarized the proceedings, also confirming that the Handbook would be made available for each of the trainees in the upcoming national trainings. She asserted that Migration Service Centres were operational in each of the participating countries and more information about the project could be found on www.migrantservicecentres.org, including the project newsletter. She also maintained that the latest IOM World Migration Report might be also helpful to the participants. In the end she expressed her gratitude to Ms. Giordano and IOM Tirana team for the organization.

Mr Patrick Taran took the floor and hailed this event as “not just a technical workshop, but an instance of political cooperation between the Balkan states.” He noticed the very substantial dialogue between participants who expressed the need for mutual exchange of information and cooperation; for bi- and possibly multilateral agreements; for implicit and explicit expression of desire for cooperation; for social security and social insurance; and for instruments to measure labour market needs or skills and to be exchanged. He was pleased to reiterate his congratulations to what he called the leadership for the ratification of the two ILO conventions for migration. “We look forward with IOM and the EU to continue the work to administrate labour migration and to use it for the development,” Mr Taran concluded.

Ms Giordano thanked the country delegations and all other participants and mentioned that the ongoing national trainings on labour migration in the upcoming months will follow on the discussions from the Tirana event. Finally, she wished for the participants to enjoy the rest of their stay in Tirana and a safe return to their home countries.



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