

The Visa Liberalisation and the Republic of Macedonia: Two Sides of the Coin

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ABSTRACT

The Schengen ‘wall’ that had kept the Western Balkans and the Republic of Macedonia casted out from the EU mainland was removed in 2009. Symbolically it coincided with St. Nicholas Day i.e. the celebration of the patron of children and travellers. The paper examines the effects of the visa liberalisation and the effects that may follow in case the newly adopted suspension mechanism is fully implemented. The basic assumption is that visa liberalization served as a ‘carrot’ to move forwards the EU integration process while the suspension mechanism is more of a disciplinary measure (the ‘stick’) but also an indication of a securitized migration policy. The paper underlines how visa liberalization has affected the governments’ treatment of the ‘bogus’ asylum seekers (mostly citizens of Roma and Albanian origin). The research question concerns the trade-off that national governments have made in order to preserve the visa liberalization and the impact in terms of human rights and discriminatory policies.

KEY WORDS: EU, free movement, visa liberalization, Macedonia, asylum seekers, human rights

POVZETEK

Članek načrtno Schengenski ‘zid’, ki je Zahodni Balkan in Republiko Makedonijo ohranjal zunaj ozemlja EU, je padel leta 2009. Simbolično se je to zgodila na dan sv. Nikolaja, zavetnika otrok in popotnikov. Članek proučuje učinek vizne liberalizacije in učinke, ki bi lahko sledili ob popolni uvedbi na novo sprejetega mehanizma za suspenz vizumske liberalizacije. Temeljna predpostavka se glasi, da služi vizumska

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liberalizacija kot 'korenček' za napredovanje procesa širitve integracijskega procesa EU, medtem ko je mehanizem za suspenz vizumske liberalizacije bolj disciplinski ukrep ('palica'), a hkrati tudi pokazatelj varne migracijske politike. Članek poudarja, kako je vizna liberalizacija vplivala na vladno obravnavno 'nepravih' prosilcev za azil (predvsem državljanov romskega in albanskega porekla). Raziskovalno vprašanje se ukvarja tudi z vprašanjem kompromisa, ki so ga nacionalne vlade sprejele, da bi ohranile vizno liberalizacijo in njegovim vplivom v smislu človekovih pravic in diskriminatornih politik.

KLJUČNE BESEDE: EU, prost pretok, vizna liberalizacija, Makedonija, prosilci za azil, človekove pravice

INTRODUCTION REMARKS

The human right to free movement and right to travel have been celebrated as a great achievement of any democratic society and the globalised world. The Universal Declaration of Human Rights stipulates that 'everyone has the right to freedom of movement and residence within the borders of each State. Everyone has the right to leave any country, including his own, and return to his country' (Article 13). Liberty of movement is an indispensable condition for the free development of a person and part of the 'liberty of man' (Jagerskiold 1981, 166). Freedom of movement is guaranteed by national constitutions and to some degree by a range of international legal instruments. It is believed that the scope of humans' mobility is a precedent to be found never in history of mankind. It was stated (*The Economist* 2010) that the citizens of rich countries have more freedom to travel than those of countries suffering from repression or war. While the former literally *enjoy* the right to movement (i.e. to travel for leisure or other reasons), the others *do so involuntarily* at high costs and life risk. Some argue that despite its wide recognition, in practice right to movement is still a rather 'inconvenient' human right (Juss 2004; Dauvergne 2004). However, there is also a view that migration has always been "the story of the human race":

Migration is an integral aspect of life on this planet. People move to survive. They move in search of food. They move away from danger and death. They move towards opportunities for life. Migration is tied to the human spirit, which seeks adventure, pursues dreams, and finds reasons to hope even in the most adverse circumstances. Such movement affects

the communities migrants leave and the communities that receive these migrants. This movement also impacts communities along the route of transit. (Parker 2007)

But the global economic crisis has turned the view on humans' great mobility from over-enthusiasm to fear-mongering, especially when it comes to 'uncontrolled' population flows (Isotalo 2009, 60-84). Paradoxically, the champions of freedom make this right subject to ever more restrictions. The most illustrative example is the US-Mexico border i.e. a series of physical barriers built in order to prevent illegal migration. The endeavour consists of operations with symbolic names - "Gatekeeper", "Hold-the-Line" and "Safeguard".

In practice the freedom of movement, including the right to travel, collides with the premise that a democratic polity has right and duty to control its borders to foreigners and to eventually close them when the authorities find it necessary. Yet the international law imposes certain obligations to states to open the borders and give protection to the vulnerable groups, especially refugees. This situation is explained as a fundamental tension between liberalism and democracy: while liberalism may require open borders, democracy requires a bounded polity whose members exercise self-determination, including control of their own boundaries (Abizadeh 2008, 37). Thus, the extended (cosmopolitised) human rights are viewed as constraints upon, and in tension with, the right of a democratic people to unilaterally control its own boundaries. Kymlicka (2001, 249) argues that state borders are 'a source of embarrassment for liberals of all stripes, at least if these boundaries prevent individuals from moving freely, and living, working and voting in whatever part of the globe they see fit'. Others describe borders as consequential condensation points where wider changes in state-making and the nature of citizenship are worked out on the ground (Sparke 2006, 152).

AMBIVALENT HOSPITALITY OF THE EUROPEAN UNION

Free movement is at the heart of the European project. Its uniqueness lies precisely in the fact that the European Union (EU) has managed to tear down state borders among its member-states so that half a billion people enjoy full freedom of movement across a vast part of the continent. The EU has gone a long way in providing unprecedented freedom for the nationals of its member-states since its early days

when such an achievement had seemed more of anticipation than a realistic policy goal. The 1957 Treaty of Rome had cautiously set in this vision by mentioning ‘abolition ... of obstacles for freedom of movement’, although for merely economic reasons. Gradually the economic rationale of the freedom of movement had been over-arched. The easier part was securing freedom *within* the borders of the emerging polity. The migration *into* the EU proved to be far more challenging. At first, ‘guest workers’ were welcome. The host countries were ready to turn their blind eye even towards the illegal immigrants; they have always been a very profitable asset for the businesses. Eventually as the conditions of the labour market changed so did the treatment of the ‘guests’. According to Pazarkaya (2011) the changes in Germany went through various stages: years of acceptance (1961-1973), years of legal suspension of worker immigration (1973-1981); years of stability and commitment to integration (1981-1990), years of exclusion that followed the unification (1990-2000); and years of a renewed integration debates (2001-2011).

A set of European regulations has been enacted in order to protect *internal freedoms* from the external pressures. The Council Regulation 1612/68 differentiated between right of free movement of Member-states’ nationals and those of third countries. When the Single European Act emphasized freedom of flow of capital, people and services, the immediate reaction was tightening of the movement of the ‘Others’. The nucleus of the European immigration policy lies in the Maastricht Treaty: immigration became an area of ‘common interest’. The Amsterdam Treaty provided for establishment of the area of freedom, security and justice; consequently visas, asylum, immigration and policies related to free movement of persons became part of the shared competences. The Council Regulation 539/2001 introduced ‘black’ and ‘white’ list of countries differentiating between nationals that had to be in possession of a visa and those who did not need one. A European Commission’s proposal (October 2007) for a Council directive set the following objective: improvement of ‘the EU’s ability to attract and - where necessary - retain third country highly qualified workers so as to increase the contribution of legal immigration to enhancing the competitiveness of the EU economy by complementing the set of other measures the EU is putting in place to achieve the goals of the Lisbon Strategy’. The ‘Blue Card’ directive (2009/50/EC) was enacted two years later. The Lisbon Treaty abandoned the pillar structure but further steps towards a genuine European immigration policy are still to be made.

Some argue that there is no consistent migrant policy not only on the European but also on a national level. Van Houtum and Pijpers (2007, 292) argue that the member-states differentiate between *economically valuable and market-redundant immigrants*. The 'danger' comes from the bogeymen i.e. immigrants who are surplus (life) from the labour market point of view. They appear as undeserving rivals for the social welfare benefits and are allegedly difficult to integrate due to their cultural and other differences (van der Waal et al, 2010). Advocates of the tighter yet flexible migration regime find confirmation of their success in the lesser number of granted asylum status. The efficiency of such policy depends on the dichotomy between good and bad migrants which is made on the basis of a so-called profiling - a procedure that distinguishes people on the ground of race, age, social status, language proficiency, etc. Profiling helps making generalizations about a person and whether s/he may be classified in either group of migrants.

Finally the EU set itself up as 'gated community' in which the biopolitical control and management of immigration is, to a large extent, a product of fear (Van Houtum and Pijpers 2007). The role of gatekeepers has gradually been transferred to the countries in the European periphery that have membership aspirations (Vachudová 2000; Jileva 2003). Through its neighbourhood and enlargement policies the EU has stepped-up the territorial sovereign power of non-EU states, turning them into proxies of the EU border control through capacity-building in activities such as monitoring, intercepting or detaining immigrants so that these do not arrive to EU mainland (Balzacq 2009). Protection of the borders but also of the welfare provisions and cultural security has become a cornerstone of the complex migration system. This development could be interpreted as deepening of supranational elements of the EU but also as distinguishing between 'Us' and 'Them' in the international arena. Where 'Us' ends 'They' begin; 'They' are allowed to join or visit 'Us' only under our conditions. This could be a plausible interpretation if one sees the EU as a united entity or even as 'Fortress Europe' that protects its values and citizens in an unselective manner. Behind the façade there are still many invisible borders that differentiate between 'old' and 'new' Europe, rich and poor, white and coloured, Christians and Muslims, and even between the citizens and elites². The disturbing pictures of

² The Schengen Agreement includes provisions that permit re-installment of border controls in case a country feels domestic security is threatened. France applied this rule during the 2009 NATO

ill-treatment and expulsions of Roma in France, Italy or Hungary are hard to ignore (Cahn and Guild 2009; Benton and Petrovic 2013).

The EU external border protection is frequently questioned. The Danish decision to reinstate internal border controls (Schult 2011) is in line with the (former) president Sarkozy's proposal to 'reconsider' EU passport-free travel (Rettman 2011). The dominant public perception of immigrants is negative: they are seen as criminals or 'fortune-seekers' and as such they represent threat for welfare system and public order, and even for the national/European identity (societal security concern). Freeman speaks of welfare chauvinism towards outsiders, some of whom live in the EU for two-three generations (Freeman 2009). Solidarity principle becomes selective: people support the principle of a welfare state but they are unwilling to share the benefits with immigrants (Koning 2011, 2).

In spite of all liberal and cosmopolitan cries, no democratic state - and for the same reason the EU as a polity - is able to provide unrestricted freedom of movement. The EU's 'self-enlightened' interest is well-established with regard to the external actions *in situ* (i.e. in failed/failing states). Resolving problems where they originate seem to be the best migration policy measure. Yet the critics point out double-standards and unfair trade rules that EU applies to faraway countries, which not only allow their exploitation but increase impoverishment (arms trade being an adequate example). As long as the migration policy is based on political methods and if simultaneously it treats asylum from the human rights perspective - there is no reason for concern. But migration has been moved out from the political realm and has been securitized (Wæver 2008; Huysmans 2000). It is increasingly associated with the internal security policy, especially the one related to fight against terrorism, organized crime, etc. The security structures and instruments at play are not means of 'normal politics'. Since the dissolution of ex-Yugoslavia till recent turmoil in North Africa and Middle East the influx of immigrants, refugees and asylum seekers has been continuously affecting the migration policy. In some instances, such as Lampedusa, the price was paid with human lives.

summit along the German border to prevent violent demonstrators from accessing the event. The same measure was taken by the Portuguese government that raised alert state to maximum level and deployed 7000 security personnel on the eve of the NATO Lisbon summit in November 2010. Another instance includes high-level meetings among politicians and large sport events. The latest instance took place during the G-20 summit in Cannes.

MIGRATION FLOWS: HISTORICAL BACKGROUND AND MODERN TRENDS IN MACEDONIA

Unlike the people behind the 'iron curtain', many citizens of the post-Yugoslav societies have memories of times when they felt 'citizens of the world'. It looked as if Yugoslavia's red passport had a magical power to pass all border controls, including the ones that divided East from West. The freedom of movement across the federation was unhindered and, with exception of a short period in the WWII aftermath, the right to travel abroad was also fully guaranteed. Decent living standard enabled many to travel abroad, mostly for short trips to the neighbouring countries to visit relatives or for shopping tours. More exotic travels or schooling abroad were privileges of 'red bourgeoisie'.

Due to historical reasons most of the nations had remembrance of and relationships with many generations of economic and political immigrants; Diasporas are the best proof of that historical fact. Mass immigrations used to be well-known phenomenon with Macedonians, Croats, Albanians, etc. Although unskilled, Macedonians of working age were going abroad in the neighbouring or overseas countries by mid 19th century and during the first decades of the 20th century (Uzunov 2011, 2). Leaving abroad was but a way of survival; yet it was not meant to be a permanent settlement. The immigration was almost exclusively related to male population, while the women took care of children and households. A vast part of the folklore is inspired exactly by the painful family separations and economic migrations. The Macedonian language has a specific word for this phenomenon - *pechalbarstvo*. In direct English translation *pechalbar* equals money-earner but its meaning is much deeper: the phenomenon became deeply intertwined with the traditions, mentality and cultural specificity of the population, a kind of a specific 'life style'; to an extent it is considered as such even today (Uzunov 2011, 2).

In the 60-70s, Yugoslavia witnessed a peak of a new wave of economic immigration in western Europe: domestically the unemployment rate grew higher, while the Western economies needed cheap labour force. Macedonia, the least developed republic, had a highest rate of emigration (5.2 per cent) in comparison to the Yugoslav average of 3.9 per cent (Gaber and Jovevska 2004, 100). For years these people were known under a bizarre name - 'our folks on a temporary work abroad'. Most of them have eventually integrated into the host societies. However, this trend is somewhat different with the Mac-

edonians. Unlike the immigration to Australia and Canada, the Macedonians who have immigrated to Europe rarely become citizens of the host countries. Within Macedonia, the Albanian-populated areas witnessed huge wave of immigration abroad due to both economic and political reasons. Most of them have stayed in their new host countries but kept close ties with their families at home.

The wars (1991-2001) caused different waves of mass immigration: many became refugees (or internally displaced persons), while military deserters became asylum seekers. By 1992, visas were introduced by all Western as well as by the neighbouring countries, and in most cases have not been lifted for 18 years (Uvalic 2005, 5). For a long time Macedonia was the only miraculous exception as the only Yugoslav republic to gain independence in a peaceful manner. The people of different nationality - including retired or active military personnel - became citizens of the newly independent state. But many people have been gradually leaving the country in search for a better living. In the first decade the migratory trends reached the highest peak since 60s (Janeska 2001, 172-175). The data available from the State Statistical Office and the Ministry of Foreign Affairs do not provide for a credible picture due to administrative incapacities and citizens' disrespect for the legal acts that require them to report longer residence abroad. On the basis of the available sources the estimation was that the total scope of immigration during the transition reached a figure of 150,000 people (MARRI 2009). The World Bank (2005) operated with a number of 400,000 people (20 per cent of the total population). The present-day outbound migration flows from the country are characterized by significant changes in the demographic and socio-economic features of immigrants. These are manifested in the increased immigration rate from urban areas, growing share of women in the overall contingent, enormous brain drain, continued inclination of immigrants from particular parts of the country towards the same receiving countries, indicating the existence of migration links.

Those who stayed had much more serious problems to resolve so the visa issue was not a priority - except for those who had to travel. During the period that preceded normalization of the war-ravaged region, the most frequent travellers (apart from the old *gastrabeyers* and migrants' families) were scholars, journalists and NGO activists. Although very welcome on international forums that dealt with the Yugoslav conflicts, still they had to go through unprecedented visa procedures. The intellectual elite of ex-Yugoslavia could write

volumes of anecdotes that took place at various consular offices and border controls. Gradually, the circle of (possible) passengers started to widen, encompassing people from all walks of life. A verse from a popular pop-song said it all: 'it is easier to get infected by AIDS than to get a visa.' Neil Campbell (2005) of International Crisis Group referred to the excruciating visa procedure as to 'consular sadism'. Financial costs of obtaining a Schengen visa were significant: a short-term tourist visa costs varied between 40-200 Euros, depending on the applicant (travel to the capital city, number of visits to the embassy, etc.). It was quite beyond the capacity of most people whose salary in average was between 200-300 Euros. There is a rough estimation that Macedonians, who could have visa-free travel only to 12 countries in the world, spent 2.5 million Euros a year on visa fees (Analytica Brief 2007). The cumbersome procedures helped erecting new barriers and led to alienation of the former 'free movers' from ex-Yugoslavia. Even the states not affected by wars, such as Macedonia, became increasingly isolated: economically, socially and culturally. In order to get out from the Western Balkan 'ghetto' (as they saw the situation) a big number of Macedonians applied for Bulgarian citizenship (over 42.300 people from 2002-2011).

It is believed that very high per cent the youngsters from the post-Yugoslav societies have never travelled abroad. Their parents' stories of unrestricted travel abroad are often met with disbelief as one of the many myths about former Yugoslavia. According to Doris Pack, member of the European Parliament, the visa regime especially as it was applied to the Balkans was counterproductive both for the region and for Europe:

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MEETING THE CRITERIA FOR VISA LIBERALIZATION: MACEDONIA'S SUCCESS STORY

The 2003 Thessaloniki Summit ended with a vision of Visa Free Balkans. Three years later the optimism almost faded, but in November 2006 the European Commission (EC) was finally authorized to open negotiations with the Western Balkan countries; Visa Facilitation

Agreements and Readmission Agreements started concluding between the EU and each country. The round was closed in April 2007. The EU officials (Joint statement of Franko Frattini and Oli Rehn 2006) had already stated:

This step reflects the commitment by the EU to promoting people-to-people contacts between the Western Balkans and the Union. It is really good news for the citizens in the region and a tangible proof of what the European perspective can offer.

Except for the ‘oasis of peace’ attribute (applied during the Yugoslav bloody turmoil), Macedonia had not had many successes since 1991. However, the reforms concerning the visa regime are a shining result. The Visa Facilitation Agreement entered into force on 1 January 2008. Its goal was limited in terms of lifting some burden from the visa application process, such as: unification of the visa fee on 35 Euros, fee waiver for certain group of applicants (scholars, artists, sportsmen, businessmen, close relatives of EU citizens, etc.) and deadline of ten days for the authorities to respond to the application. There was also a possibility to get a short-term multi entry visa. Visa liberalization dialogue began in February; in May the government was handed the Roadmap for Free Visa travel, i.e. tailored-made document to address specific tasks for the state institutions. On 15 July 2009, the EC recommended visa free regime for Macedonia, which was adopted by the Council and got in effect on St. Nicholas’ day. The government did not miss to exploit this for internal purposes, especially in response to the opposition’s claims that it had impeded the integration process and endangered everything that the previous government had achieved (i.e. the candidate status in 2005).

The roadmaps were almost identical for all countries but they ‘took into account the specific situation in each country, in terms of existing legislation and practice’ (ESI n.d.). They consisted of four blocks of benchmarks to be met. The first three had security-related importance for the EU, while the last one concerned the status and the rights dimensions of citizenship: freedom of movement of nationals, conditions and procedures for the issue of identity documents and citizens’ rights including protection of minorities. While the scrutiny over the implementation of the first three blocks (dealing with the security of documents, migration and the fight against organised crime) was evident, the issues of citizens’ status and rights were downplayed. The decision to assess compliance in the fourth

block was made on the basis of the reports that the countries sent to Brussels and without on-the-ground peer mission assessments (Kacarska 2012, 9). Macedonia was seen as a frontrunner but still it failed to adopt a framework law on anti-discrimination with satisfactory compliance with the EU *acquis*.

The impact of visa politics on the minds of both the public and political elites is an undeniable fact (Luedtke, Byrd and Alexander 2010, 1). No wonder that both the EU and the domestic officials tried to gain from the visa-free regime: the EU could prove its best intention and open-door policy, while the domestic elites could deliver a success to the citizens. If in the case of Serbia, the prospects for a visa-free travel served as 'carrots' and something to smooth the dissatisfaction over Kosovo's independence, the Macedonian public believed that the gift was earned after hard and honest work (Kostovska and Nikolovski 2008, 30). The belief was not groundless: the visa liberalisation process was the most detailed benchmarking process employed by the EC and as such it is an exceptional example for evaluating the role of external actors in the domestic transformations. According to the EC (2010), the visa liberalisation process has demonstrated the effectiveness of an approach which set concrete, specific reform requirements thus allowing the countries to better focus their efforts. At home it was seen as a great political achievement of the consistent pro-European policy, but also something that could have significant social and economic effect. It was supposed to be a sign that the country has made it into the European club. The Macedonian public failed to see the real motivations behind decision to lift the Schengen barrier: it was a carrot for the unjustified delay in the integration process due to the 'name issue'. Macedonia got candidate status in 2005 but not the date for the start of the negotiation process. The 'White Schengen' was supposed to be a consolation prize and a stimulus to keep up the reforms.

ST. NICHOLAS' GIFT TO MACEDONIA: NOT USED OR ABUSED FREEDOM OF MOVEMENT?

At first it seemed as the 'White Schengen' finally added so needed realistic component to the EU integration process. Visa free travel was met with overwhelming joy. It was supposed to diminish the growing EU scepticism but also to encourage the overall reform process. The President of the Republic greeted the EU decision (Ivanov 2009):

Today is a big day for Macedonia. The European Council decision on visa liberalization for a long time has been an expected welcome for our citizens within the community of equal and free citizens of Europe. The visa liberalization represents a huge step closer to the EU and increases the feeling of common belonging within the big European family.

The official statement on Government's web-site (2009) read:

While Europe was celebrating the 20th anniversary since the fall of the Berlin Wall, the European Union destroyed the Schengen Wall between itself and the Macedonian citizens... With this, the Republic of Macedonia opened a new chapter in its history – a chapter of perspectives, achievements and opportunities for its citizens. This is an excellent sign that we continue to move forward, that our country is achieving progress, and that we are on the right way. The Republic of Macedonia has turned a new page in its European chapter. We proved that only strong determination and hard work can lead toward success.

The Macedonian Chambers of Commerce welcomed the decision on behalf of the companies and businessmen because two thirds of the export goes to the EU market. The visa free travel was over-optimistically seen as a factor to speed the dynamic of the economic cooperation - regardless the fact that the trade deficit with the EU is due to the low quality of the products. The population was uplifted with the good news, but some analysts were sceptical. In the words of a university professor, visa free regime would encourage migration flows, which would have negative impact on the development process: 'With no war, Macedonia would be dying; she will get emptied and deserted.' Behind such rhetoric one could recognize nationalistic fear of disturbed ethnic balance in case the ethnic Macedonians leave in greater numbers³. But the brain drain had taken a dramatic curve far prior to 2009. Macedonia had already been a case where brain drain was significant but with no public awareness of its re-

³ According to the 2002 census, ethnic Macedonians have 65per cent share of the population, The Albanians represent 25 per cent but have a significantly higher birth rate and younger population in average. Due to the consociational political system, the figures have great importance in the public sphere and the decision-making process. The census of 2011 failed amidst accusations of irregularities on both sides. Actually, both communities fear that the actual figures on citizens who de facto live in the country is much lower than estimated. So far, nobody insists on a new census.

percussions for the country's prospects (Horvat 2004). According to the 2011 Brima Gallup survey as reported by Radio Free Europe one fourth of the ethnic Macedonians expressed wish to leave. Yet two thirds of the respondents opted only for a temporary stay rather than permanent settlement. Less than one third of those willing to leave had had any realistic chances to immigrate. Namely the free visa regime assumes fulfilment of certain conditions (in addition to the biometric passport), such as sufficient financial means, proofs for the aims and conditions of the travel, proofs that the passengers are not potential threat for the public order, public health or internal security of the country of destination.

According to the Ministry of Interior, in the first months of the visa liberalisation as many as 200,000 citizens had crossed the EU borders. A survey conducted by Skopje-based Centre for Research and Policy Making in the period February 2010-March 2011 provided initial data on the effects of the visa liberalisation on the citizens' mobility along with the graphs on its findings (CRPM 2011). It showed that 39.5 per cent of the respondents travelled abroad in the year that followed visa liberalisation. In terms of their ethnic affiliation, 50 per cent of the travellers were Albanians, Serbs and Roma. Only 33.9 per cent of the ethnic Macedonians travelled to EU. Through the prism of age and professional background, the most frequent travellers were the students (59.5 per cent) and employed citizens (50.6 per cent), while on the bottom of the list (quite expectedly) were unemployed (33 per cent) and retired citizens (20 per cent). In terms of the educational background, over 56 per cent the respondents who travelled had higher education in comparison to only 28.4 per cent of those with lower education. The majority respondents (over 61 per cent) travelled to the Schengen zone countries, but it is indicative that Greece is on the top of the visited countries (37.7 per cent), followed by Germany (16.8), Switzerland (16), Italy (15.3) and Austria (11.25). Apart from Greece, obviously the other countries are the ones in which there are family ties. As main reasons for not travelling, the other group of respondents listed lack of financial means (over 50 per cent), and no possession of biometric documents (15.3 per cent). According to this survey, the respondents with higher income (higher than 300 EUR which is approximately the average salary in Macedonia) are among those who travelled the most (53.9 per cent). But it is also indicative that even people with income of 100-200 EUR or less travelled to a significant percent (32.7 per cent and 34.2 per cent respectively).

The fear that a huge mass of people would leave did not prove credible. But among the major countries of origin of asylum-seekers, significant increases were registered from Macedonia (+599%) and Serbia (+54%) (UNHCR 2011, 11). Continuously, the number of asylum seekers (both from Macedonia and Serbia) grew and so did the concerns of the most popular countries of destination (Germany, Sweden, and Belgium). A year later they articulated this tendency as a security threat and the visa liberalization was questioned. In March 2010 the Belgian Prime Minister (who would otherwise hardly pay official visit) went directly to the Lipkovo village where the most asylum seekers had come from in order to urge the authorities to make greater efforts to prevent mass immigration. According to the media, in January-March 2010 as many as 410 citizens had sought asylum in Belgium, which meant doubled increase of such application in comparison to 2009, and even more in comparison to 2008 (only 122 asylum seekers). The asylum seekers have been applying on the basis of a range of reasons starting with the economic situation and the claims that Macedonia is a partially free country with regard to human rights protection. Such data were astounding especially for the ethnic Macedonians who had not been aware of the ongoing process in the Lipkovo region and the Shutka municipality populated by Roma (Stankovic 2010). The surprise on the part of the public refers more to the Albanian claims than with the Roma ones. Lipkovo, once a hotbed of the UÇK battles during the 2001 conflict, has been governed by the representatives of the Albanian ruling party. A few analysts interpret the immigration as a signal of general disappointment of the people who achieved nothing from the alleged military 'victory': the ex-military leaders became members of the political elite while the everyday life for the peasants and former combatants remained all the same.

The EC proposed a safeguard clause to be inserted in the EU visa legislation, which would allow for a temporary reinstatement of visas for third countries, as it reads 'only in exceptional circumstances.' The officials tried to put it mildly by stressing that the mechanism would have been activated only as a 'last resort' and that it was not directed against any specific country. However, the proposal was a result of what was seen as 'serious visa abuses with the visa-free regime by Serbian and Macedonian citizens' (Topalova 2011). By the end of 2011, the Western Balkan countries became aware that visa reintro-

duction was imminent. It had been confirmed numberless times by the EP rapporteur Fajon and other EU officials.

The government swiftly formed a special monitoring committee which included high ranking officials (vice prime ministers for Euro integration and for implementation of the Framework agreement as well as the ministers of foreign affairs, justice and interior). The initial measures were directed towards the tourist agencies that organized bus transport. They were put under stricter control, in some cases sanctioned with financial fines or temporal suspension of work while some were closed down. The border controls also became tighter: in the period of 29 April-19 May 2011 as many as 447 Macedonian citizens were not allowed to travel to the European countries and charged for a criminal offence. Despite a certain decrease of the number of asylum seekers by the end of 2011, the preservation of the visa liberalisation was still priority. Prime minister promised to intensify economic and social measures that would improve living conditions of the people in the regions that witnessed more asylum seekers. However the punitive measures were easier to introduce than to increase employment rate and quality of life.

Although there is no legal definition of the abuse of the visa-free regime, neither in the national law of the countries of origin of the asylum seekers nor of the countries of destination, Macedonia is an exception. A questionable amendment was made in the Criminal code, targeting travel companies and tour operators. Having criminalised 'abuse of the EU visa-free regime and of the Schengen agreement', the new legislation stipulated that those who have been forcibly returned as fake asylum seekers could have their passports temporarily confiscated, pay fines up to 50,000 Euros or go to prison up to eight years. A few persons were jailed under this charge during 2013. The amendments to the Law on travel documents stipulated a possibility of taking away one's passport or denial of a new one in case a person had been forcefully sent back or expelled from a foreign country in case s/he broke host country's regulation for stay of foreigners. The Ministry of Interior started using the method of risk analysis and profiling. As quoted by *Dnevnik* on 19 March 2013 during the visit of her colleague from the German province of Saxony, the minister of interior announced that since April 2011 as many as 8322 citizens had not been allowed to leave the country with charges for abuse of visa liberalisation. The German official informed that not a single Macedonian citizen was granted asylum. The German press notifies

that by imposing huge pressure on Belgrade and Skopje, minister Friedrich pushes these countries back to 'real-socialism' disregarding the fact that during the socialism the citizens of ex-Yugoslavia enjoyed right to free travel unlike the people from the Eastern bloc.

The protection of visa liberalisation comes at high cost both. It is paid by violation of human rights and growing hostility towards the groups that give highest number of asylum seekers.

ASYLUM SEEKERS *Ante Portas*

Trying to deal with the increased number of asylum seekers from the Western Balkans, portrayed as a security threat, the EU institutions and the specific governments showed clear disrespect for international law. The principle of freedom of movement includes the right of an individual to leave any country including his or her own and it may only be restricted for serious reasons, but lack of sufficient resources or inability to justify purpose of one's travel in a way to convince border guards of its legitimacy or because a person may want to apply for asylum - are not among such reasons. The international legislation is an intrinsic part of the Balkan states' constitutions and legislation. But upon overt or covert pressure from the EU, the countries of the Western Balkans have transferred arbitrary power to border guards to decide on right to travel.

This approach has a strong impact on the minority rights in post-conflict and divided societies. Despite the rhetoric that usually refers to Macedonian citizens (or Serbian, for the same reason) no doubt that the focus has been put largely on the Roma and Albanians. The EU representatives keep claiming that no measure is meant to target minorities but also often point out that the abuse of the right of visa free travel does not provide a solution to the integration of Roma. It is explicitly said that 'the poor level of integration of local communities, in particular of Roma origin, continues to be a push factor for the vast majority of unfounded asylum applications' (Report from the Commission to the European Parliament and the Council 2010, 14). The statements of the governmental representatives show that Roma and members of other minorities are held responsible for the threat on the free visa regime. For instance, on the "Salzburg Forum" (November 2011) Jankuloska informed her colleagues that the Ministry of Interior had established a 'profile of false asylum seekers'. Also she

explained that the Ministry had launched a public information campaign on the 'proper use of visa-free regime benefits' together with the Roma Information Centres so there is no doubt over the clear definition of who are main 'false asylum seekers'.

The safeguard clause was adopted by the European Parliament in September 2013 and the Council did the same on 5 December 2013 (Council of EU 2013). This new "suspension mechanism" allows temporary reintroduction of the visa requirement for nationals of a third country who can normally travel to the European Union without a visa - in specific circumstances, such as a substantial and sudden increase in the number of irregular migrants, unfounded asylum requests or rejected readmissions applications. The EU measures intended to suppress so called 'poverty tourism' or 'welfare tourism' as well as the measures undertaken by the respective Balkan governments have met strong disapproval with those concerned with the human right dimension of the problem. Thomas Hammarberg, High Commissioner on Human Rights of the Council of Europe (2011), for instance, reminded that the pressures on the respective countries to prevent free travel of their citizens jeopardize the right to leave as an already established human right. The European Convention on Human Rights (Protocol 4, Article 2) stipulates that 'everyone shall be free to leave any country, including his own,' which is also a right protected by the constitutions of the Balkan states. The rigorous exit procedures and the risk of penalties on return have imminent negative effect and *de facto* represent violation of a guaranteed human right. These developments were noted by the members of the CoE Parliamentary Assembly and some members of the European Parliament. There have also been strong reactions also from NGOs who deal with the rights of Roma population, such as Chachipe - Right & Justice. In response the EC argues that measures reported by the western Balkans countries and by the Member States are equally applicable to all travellers regardless of their origin and therefore do not discriminate one or the other group. The fact that the majority of the asylum applicants from the Western Balkan countries are of Roma origin does not in itself mean that measures to tackle abuse of the visa-free regime are discriminatory (Parliamentary questions 2012). Yet, the EU officials conveniently forget about the profiling-procedures. Also having in mind all measures undertaken in order to prevent people leaving, one can only remind on Balibar's point (2003) that borders are no longer at the borders.

The EU indirectly compels such measures and turns its blind eye on another layer of discrimination particularly against Roma. They are the easiest to be recognized. The profiling procedure has already produced new corruption and intimidation at the borders. This is further amplified by the notion in public discourse that the visa-exempt status may be withdrawn because of these people. The Western media often imply that the rising numbers of asylum seekers are indications for the failure of national states to govern their territories authoritatively. The media focus on Roma, thus deepening the negative stereotype that already exists within EU borders when it comes to this population. Nevertheless, when the respective Balkan states impose stricter rules on their own citizens in order to prevent them leaving the country (and at the same time to please Brussels) it is said that their tactics teeter on the racist and the illegal. It seems as if the governments often find themselves between rock and hard place. But this situation gives them an opportunity to cover their wrong and discriminatory policies in European veil.

CONCLUSION

Migration is influenced by a combination of economic, political and social factors either in a migrant's country of origin (push factors) or in the country of destination (pull factors); the relative economic prosperity and political stability of the EU are thought to exert a considerable pull effect on immigrants (Eurostat Yearbook 2011). As for the push factors there are plenty of them, ironically enough, in countries that allegedly step boldly towards full membership in the EU. Behind the façade of the relatively positive and stimulating reports of the EC there is a picture of a region of weak states whose stability is maintained by the promises from the European and national elites. Those in greatest need and those with highest qualifications are probably the most rational citizens: they have nothing to lose and something to gain by travelling towards the West. Although the West is not as rich as it used to be yet it can still provide at least temporary social security for these people. The deep economic crisis and the austerity measures have direct effect on the more restrictive freedom of movement and asylum policies. The outsiders are welcome only if they can offer something in return (financial means, knowledge or

skills). The others are seen as social competitors and 'enemies' that should be excluded. Asylum seeker becomes a social enemy.

The rather exaggerated 'asylum crisis' brought about by the people from the Balkans and articulated by the European elites is a two-way street. It diminishes the credibility of the EU enlargement policy and induces frustration (with Europe and with fellow-citizens who are 'guilty' for the eventual loss of the free visa regime) and euro-scepticism (disbelief that Europe is truly devoted to accepting the poor people from the Western Balkans). On the other hand, the political and media fuss over the hordes of asylum seekers translates itself into a threat to European liberal values. The rise of welfare protectionist or ethno-centric nationalism and racism is evident. To make things worse, these currents take the central position in the rising popularity of the centre-left and far right parties. The increase in asylum applications is a symptom of failure on both sides of the equation. But the end result is an ever-lasting cycle of discrimination and marginalisation of minority and marginalised populations. The EU fortress sends ambiguous signals to the aspirant countries: while demanding the Balkan countries to embrace international human rights as part of the conditions for joining the EU, it implicitly agrees and even asks them to breach these very principles in a way to control immigration.

REFERENCES

- Abizadeh, A. (2008) 'Democratic Theory and Border Coercion. No Right to Unilaterally Control Your Own Borders'. *Political Theory*, Vol. 36, No. 1, pp. 37-65.
- ALDE. (2010) 'European Immigration Policy', *Background notes*, June, http://www.alde.eu/fileadmin/docs/documents/Background_notes/FT-ADLE-Immigration-en.pdf (Accessed 8 July 2013)
- Analytica. (2007) 'Grassroots Europeanisation in the Western Balkans is just starting: Visa facilitation', *Analytica Brief*, <http://www.analyticamk.org/files/ReportNo3.pdf> (Accessed 2 June 2013)
- Balibar, É. (2003) *We, the People of Europe? Reflections on Transnational Citizenship*. (Princeton: Princeton University Press).
- Balzacq, T. (2009) *The Frontiers of Governance: Understanding the External Dimension of EU Justice and Home Affairs*. In *The External Dimension of EU Justice and Home Affairs* (New York: Palgrave MacMillan).

- Benton M. and Petrovic M. (2013) 'How free is free movement? Dynamics and drivers of mobility within the European Union', *Migration Policy Institute Europe*, <http://www.migrationpolicy.org/pubs/MPIEurope-Free-Movement-Drivers.pdf> (Accessed 12 June 2013)
- Cahn C. and Guild E. (2009). *Recent Migration of Roma in Europe*, (Vienna: Organisation for Security and Co-operation in Europe [OSCE] High Commissioner on National Minorities)
- Campbell, N. (2005) 'Consular Sadists', *European Voice*, 16 December <http://www.crisisgroup.org/en/regions/europe/balkans/op-eds/consular-sadists.aspx> (Accessed 12 August 2013)
- The Commissioner for Human Rights, "The right to leave one's country should be applied without discrimination", 22 November 2011, at <http://www.ein.org.uk/news/coe-right-leave-ones-country-should-be-applied-without-discrimination> (accessed on 10 December 2013)
- CRPM. (2011). 'Visa or financial barriers: survey analysis', *CRPM Press Release* <http://policy.mk/policywp/2011/04/%D0%B2%D0%B8%D0%B7%D0%BD%D0%Bo-%D0%B8%D0%BB%D0%B8-%D1%84%D0%B8%D0%BD%D0%Bo%D0%BD%D1%81%D0%B8%D1%81%D0%BA%D0%Bo-%D0%B1%D0%Bo%D1%80%D0%B8%D0%B5%D1%80%D0%Bo-2/> (Accessed 28 May 2013)
- Dauvergne, C. (2004). 'Sovereignty, Migration and the Rule of Law in Global Times'. *Modern Law Review*, Vol. 67, No. 4, pp. 588-615.
- ESI (European Stability Initiative). 'The visa roadmaps', online <http://www.esiweb.org/index.php?lang=en&id=352> (Accessed 10 June 2013)
- European Commission (2010) 'Enlargement Strategy and Main Challenges 2010-2011'. *Communication from the Commission to the European Parliament and the Council* Brussels: Commission of the European Communities
- European Commission (2006) 'Joint Statement by Vice President Franco FRATTINI Commissioner responsible for Justice Freedom and Security and by Commissioner Olli Rehn responsible for enlargement on the adoption of visa readmission mandates for the Western Balkans', 15 November, available at: http://europa.eu/rapid/press-release_MEMO-06-429_en.htm
- Europe in figures - Eurostat Yearbook 2011: Population. http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/CH_02_2011/EN/CH_02_2011-EN.PDF (Accessed 8 July 2013)
- Freeman G. P. (2009) 'Immigration, Diversity, and Welfare Chauvinism', *The Forum*, Vol. 7, No. 3, pp. 1-16.

- Gaber, N. and Jovevska A. (2004) 'Macedonian Census Results - Controversy or Reality?', *South-East Europe Review*, No. 1, pp. 99-110.
- Colin, H. and Barnidge, R. P. Jr. (2005). 'The right to leave one's own country under international law', paper prepared for the Policy Analysis and Research Programme of the Global Commission on International Migration, <http://www.qub.ac.uk/schools/SchoolofLaw/Research/HumanRightsCentre/Publications/ResearchReports/researchfilestore/Filetoupload,56100,en.pdf> (Accessed 11 August 2013)
- Government of the Republic of Macedonia, Visa Liberalisation, official statement 2009, available at <http://vlada.mk/node/306?language=en-gb> (accessed on 10 December 2013)
- Horvat, V. (2004). 'Brain Drain. Threat to Successful Transition in South East Europe?'. *Southeast European Politics*, Vol. V, No. 1, pp. 76-93.
- Huysmans, J. (2000). 'The EU and the Securitization of Migration', *Journal of Common Market Studies*, Dec., Vol. 38, No. 5, pp. 751-777. <http://onlinelibrary.wiley.com/doi/10.1111/1468-5965.00263/pdf> (Accessed 2 June 2013)
- Isotalo, R. (2009) 'Politicizing the transnational: on implications for migrants, refugees, and scholarship', *Social Analysis*, Vol. 53, No. 3, pp. 60-84.
- Ivanov Gjorge, statement of the President of the Republic, 30 November 2009, <http://www.president.gov.mk/en/media-centre/news/163.html>, (accessed 10 December 2013)
- Jagerskiold, S. (1981) 'The Freedom of Movement' in *The International Bill of Rights*. In Henkin. (ed.) *The Covenant on Civil and Political Rights*, (New York: Columbia University Press), pp. 166-184 .
- Janeska, V. (2001) *Sovremenite megjunarodni migracii, emigracijata od Republika Makedonija i socio-ekonomskiot razvoj*, (Skopje: Ekonomski institut)
- Joint Statement by Vice President Franco Frattini, Commissioner responsible for Justice Freedom and Security and by Commissioner Olli Rehn, responsible for enlargement on the adoption of visa readmission mandates for the Western Balkans, 15 November 2006, available at: http://europa.eu/rapid/press-release_MEMO-06-429_en.htm (accessed on 20 December 2013)
- Jileva, E. (2003) 'Larger than the European Union: The Emerging EU Migration Regime and Enlargement' in Lavenex S. and E. Ucarer(eds.) *Migration and the Externalities of European Integration*, (NY: Lexington Books), pp. 75-90.
- Juss, S. S. (2004) 'Free Movement and the World Order', *International Journal of Refugee Law*, Vol. 16, No. 3, pp. 289-335.

- Kacarska, S. (2012) 'Europeanisation through mobility: visa liberalisation and citizenship regimes in the Western Balkans', University of Edinburgh, *CIIESE Working Paper* 1012/12
- Koning, E. (2011) 'The Real and Perceived Economics of Immigration: Welfare Chauvinism and Immigrants' Use of Government Transfers in Twelve Countries', paper prepared for 2011 *Canadian Political Science Association* conference, Waterloo, Canada, May 16-18. <http://www.cpsa-acsp.ca/papers-2011/Koning.pdf> (Accessed 2 July 2013)
- Kostovska S. and Nikolovski D. (2008) 'Macedonian Progress with Regard to the Benchmarks Set in the Roadmap on Visa Liberalisation', *CRPM Report*, <http://www.crpm.org.mk/wp-content/uploads/2012/03/CRPM-analysis-on-visa-liberalisation-final.pdf> (Accessed 21 May 2013)
- Kymlicka, W. (2001) 'Territorial boundaries: A liberal egalitarian perspective' in Miller D. and Hashmi S. (eds.) *Boundaries and Justice: Diverse Ethical Perspectives*, (Princeton: Princeton University Press), pp. 249-275.
- Luedtke, A., Byrd D. G., and Alexander K. P. (2010) 'Politics of Visas', *The Whitehead Journal of Diplomacy and International Relations*, Vol. 11, No. 1. pp. 147-160.
- Mekina, I. (2002) 'Stanovnici Evrope', *AIM Press*, www.aimpress.ch/dyn/dos/archive/data/2002/20125-doss-01-02.htm (Accessed 28 May 2013)
- "Nitu edno baranje od nashite azilatni ne e prifateno vo Germanija" [No asylum request has been accepted by Germany], *Dnevnik*, 19 March 2013 <http://www.dnevnik.mk/default.asp?ItemID=3612A43CD022574AAE533021D385E493> (accessed 10 October 2013)
- Parker, Lynette M. (2007), "The Ethics of Migration and Immigration: Key Questions for Policy Makers", Markkula Center for Applied Ethics, A Briefing Paper, May 2007, available at: http://www.scu.edu/ethics/practicing/focusareas/global_ethics/migration.html#9 (accessed 20 November 2013)
- Parliamentary questions. Answer given by Ms. Malstrom on behalf of the Commission, as of 9 February 2012, available at: <http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2011-012329&language=EN> (accessed on 10 December 2013)
- Pazarkaya, Y. (2011). 'Bırakılan İzler Geri Gitmez: Göç Sürecinde Elli Yıl' [Traces that won't go away], *Varlık*, No. 10, <http://www.eurozine.com/articles/2011-10-27-pazarkaya-en.html> (Accessed 10 August 2013)

- Press Release of the Council of EU, 5 December 2013, http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/139926.pdf (accessed on 10 December 2013)
- Report from the Commission to the European Parliament and the Council. Third Report on the Post-Visa Liberalisation Monitoring for the Western Balkan Countries in accordance with the Commission Statement of 8 November 2010, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0472:FIN:EN:PDF>, (Accessed 10 August 2013)
- Rettman, A. (2011). 'France: EU passport-free travel should be "reconsidered"', *EU Observer*, 2 November, <http://euobserver.com/22/114484> (Accessed 11 August 2013)
- Schult, C. (2011). 'The Saboteurs among Us. Danish Border Controls Shake EU Foundations', *Spiegel On-line*, 7 May, <http://www.spiegel.de/international/europe/0,1518,772517,00.html> (Accessed 10 August 2013)
- Sparke M. B. (2006) "A neoliberal nexus: Economy, security and the biopolitics of citizenship on the border", *Political Geography* Vol. 25, No. 2, pp. 151-180.
- Stankovic, S. (2010). 'Begstvoto od Makedonija' [Runaway from Macedonia], *Globus magazin*, No. 151, 9 March 2010 [online] <http://www.globusmagazin.com.mk/default.asp?ItemID=B411291D5EAC7A4090DB5E9642138A6F> (Accessed 10 August 2013)
- The Economist*. (2010) 'No Visa Required', 25 August 2010, <http://www.economist.com/node/16885221> (Accessed 12 August 2013)
- Topalova, E. (2011) 'EC proposes mechanism against visa abuses', *Euinside*, 26 May, <http://www.euinside.eu/en/news/the-commission-proposes-a-visa-safeguard-clause> (Accessed 9 August 2013)
- UNHCR. (2011). 'Asylum Levels and Trends in Industrialized Countries 2010 -Statistical overview of asylum applications lodged in Europe and selected non-European countries', Geneva
- Uzunov, V. (2011). 'Macedonian Emigration: History, Trends and Current Profile', *Iustinianus Primus Law Review*, Vol. 2, No. 2, pp. 1-19. <http://www.law-review.mk/pdf/03/Vancopercent20Uzunov.pdf> (Accessed 10 August 2013)
- Uvalic, M. (2010) *Serbia's Transition: Towards a Better Future*, (NY: Palgrave)
- Vachudová, A. (2000). 'Eastern Europe as Gatekeeper: The Immigration and Asylum Policies of an Enlarging European Union' in Andreas P. and Snyder T. (eds.), *The Wall Around the West: State Borders and*

Immigration Control in North America and Europe (Boulder, Colorado: Rowman and Littlefield), pp. 151-171.

van der Waal J. et al. (2010) 'Some are more equal than others': economic egalitarianism and welfare chauvinism in the Netherlands, *Journal of European Social Policy*, Vol. 20, No. 4, pp. 350-363.

van Houtum H. and Pijpers R. (2007) 'The European Union as a Gated Community: The Two-faced Border and Immigration Regime of the EU', *Antipode* 39, pp. 291-309. http://www.crassh.cam.ac.uk/uploads/documents/van_houtum.pdf (Accessed 10 August 2013)

Veninova, E. (2007) 'Visa Regime Fails to Keep Balkan Immigrants at Bay', *BIRN*, <http://fellowship.birn.eu.com/en/fellowship-programme/topic-2007-moving-on-visa-regime-fails-to-keep-balkan-immigrants-at-bay> (Accessed 2 August 2013)

Vlada na Republika Makedonija (MARRI) (2009) *Migracionen profil na Republika Makedonija 2008*, Skopje, January <http://www.marri-rc.org/upload/Documents/PROFILEper cent20mak.pdf> (Accessed 12 August 2013)

Wæver, O. (1998). 'Securitization and Desecuritisation' in **Ronnie**