

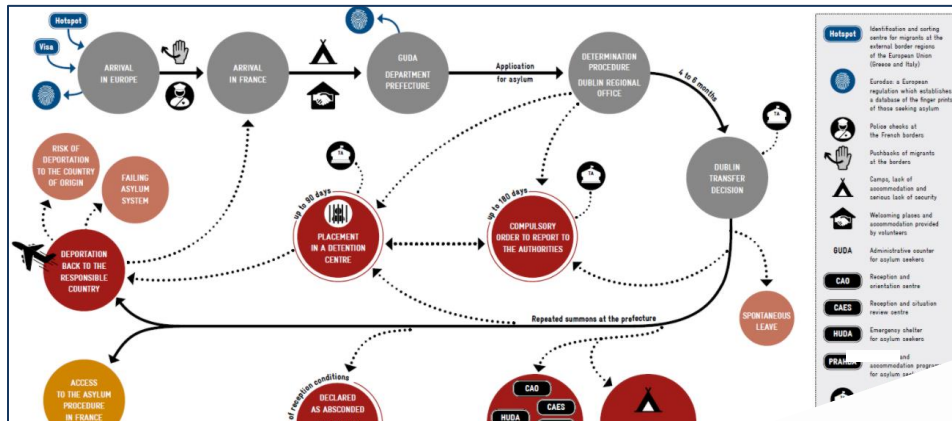


# EU READMISSION AGREEMENTS WITH WESTERN BALKAN COUNTRIES: MORE THAN MEETS THE EYE?

Ana Nikodinovska Krstevska, *Associate professor in  
EU Law and EU Foreign policy*

Faculty of Law, University Goce Delcev – Stip  
[ana.nikodinovska@ugd.edu.mk](mailto:ana.nikodinovska@ugd.edu.mk)

# EUROPEAN UNION ASYLUM AND MIGRATION SYSTEM – READMISSION POLICY



- Hotspot**: Identification and sorting centre for migrants at the external border regions of the European Union (Greece and Italy)
- EURODAC**: European regulation which establishes a database of the finger prints of those seeking asylum
- Police checks at the French borders**
- Pushbacks of migrants at the borders**
- Cameras, lack of accommodation and serious lack of security**
- Warning signs and accommodation provided by volunteers**
- GUDA**: Administrative counter for asylum seekers
- CAO**: Reception and orientation centres
- CAES**: Reception and situation review centres
- HUDA**: Emergency shelter for asylum seekers
- FRAN**: Accommodation programme for asylum seekers



**AGREEMENT**  
between the European Community and the former Yugoslav Republic of Macedonia on the readmission of persons residing without authorisation

of the person to be readmitted to the State of his/her choice.

Article 3

**Readmission of third-country nationals and stateless persons**

Third-country nationals  
The former Yugoslav Republic of Macedonia shall readmit,

The former Yugoslav Republic of Macedonia shall readmit, upon application by a Member State and without further formalities than those provided for in this Agreement, all third-country nationals or stateless persons who do not, or who no longer, fulfil the legal conditions in force for entry to, presence in, or residence on, the territory of the Requesting Member State provided that it is proved, or may be validly assumed on the basis of *facie* evidence furnished, that such persons:



**Audit preview**  
Information on an upcoming audit

**EU Migrant return policy – cooperation with third countries on readmission**

July 2020



they are nationals of

The former Yugoslav Republic of Macedonia shall readmit,

# READMISSION AGREEMENTS BETWEEN THE EUROPEAN UNION AND COUNTRIES FROM WESTERN BALKANS

Albania - 2006

Bosnia and Herzegovina- 2008

Montenegro - 2008

Macedonia - 2008

Serbia - 2008

Kosovo- 2016 (SAA)



# STATUS OF IMPLEMENTATION OF READMISSION AGREEMENT BETWEEN THE EU AND MACEDONIA (PERIOD 2009 - 2019)

## Readmission of citizens from the European Union to the Republic of North Macedonia in base of the Readmission agreement between the EU – MK from 2008

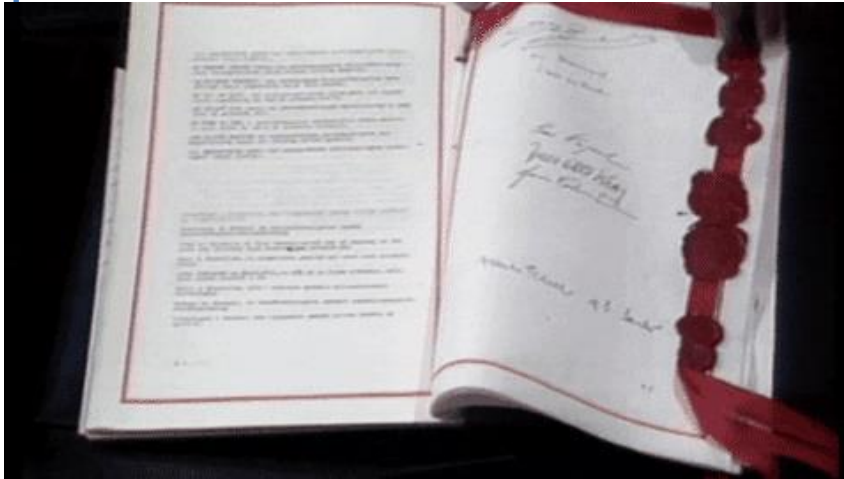
Year	Number of readmitted national citizens	Number of readmitted citizens from third countries
2009	697	No data
2010	839	0
2011	1.022	0
2012	1.076	0
2013	1.328	0
2014	1.213	0
2015	1.832	0
2016	5.975	0
2017	No data reported, apart from the phrase that 'the number of deported persons is very low.	0
2018	No data. It is only reported that the percentage of deported persons is equal to 128%, with high percentage of Roma population.	It is reported that repatriation of third country nationals is very low.
2019	No data. It is only reported that the percentage of deported persons is equal to 100 % with high percentage of Roma population.	It is reported that repatriation of third country nationals is very low.

**QUESTION:**

**WHY READMISSION AGREEMENTS ARE BEING  
IMPLEMENTED ONLY IN PART AND NOT AS A  
WHOLE?**



# 1. Lack of signed readmission agreements with countries of origin or safe third countries of transit



## 2. The pressure for determining the country of origin falls upon the requested state and also costs relative to the returnee subsistence

### Third-country nationals

In the case of the readmission of third-country nationals the Requesting State does not have to identify the person who is going to be readmitted. It is sufficient to prove that the person has come from the territory of the Requested State (or transited through the territory) and that the return complies with the conditions for readmission. The duty for identification and subsequent removal to the country of origin (if possible) lies with the Requested State.<sup>80</sup> The said conditions are determined in the agreements

<sup>78</sup> Birth certificates are rarely a secure document, and the case of adding it to principle list is an exception.

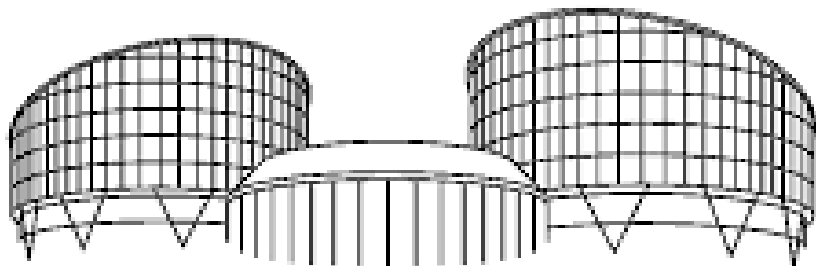
<sup>79</sup> Prima facie (Latin for “at first view”) - Evidence that is sufficient to raise a presumption of fact or to establish the fact in question unless rebutted or in other words presumption of nationality.

<sup>80</sup> “The unlawfulness of entry, presence or residence shall be established by means of the travel documents of the person



and, for example, in case of the RA-EU readmission agreement, meaning that the person subject to readmission should (a) hold a valid visa or residence permit issued by Armenia or (b) illegally and

### 3. Obligation to respect sentences of the European Court of Human Rights and other obligations deriving from the Membership of the Council of Europe

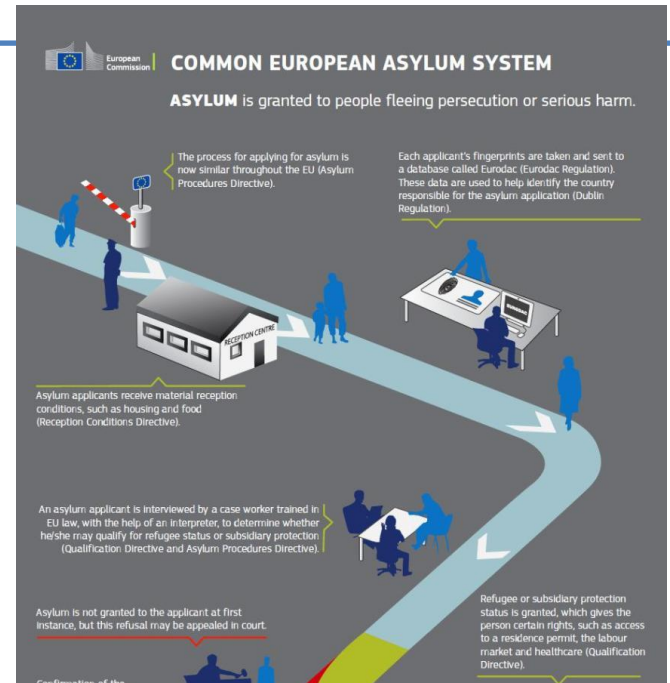


EUROPEAN COURT OF HUMAN RIGHTS  
COUR EUROPÉENNE DES DROITS DE L'HOMME





## 4. Negative repercussions from the Dublin system towards Western Balkan countries and Macedonia



# 5. High costs of Return operations

## Pre-departure Phase

### Boarding



FRONTEX EUROPEAN BORDER AND COAST GUARD AGENCY

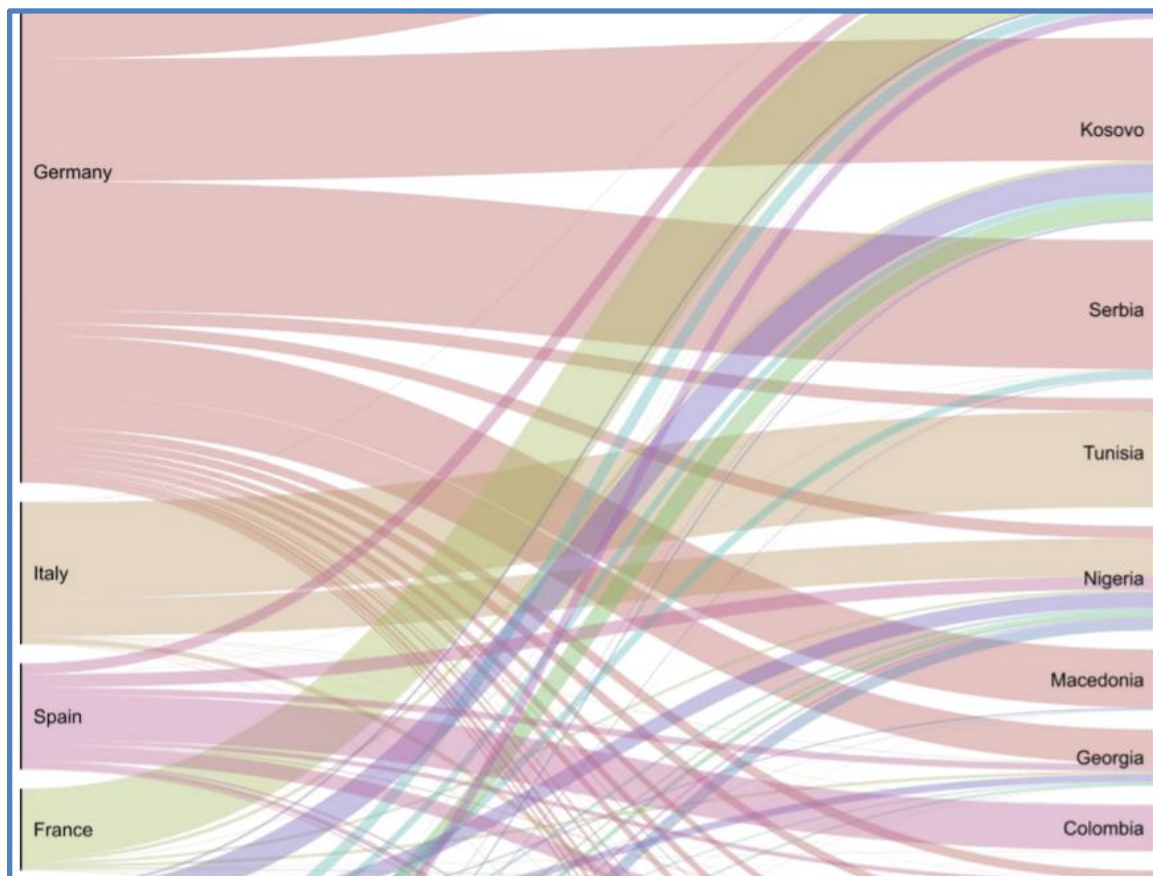
Figure 13: A slide from a Frontex training presentation on the different phases of a forced removal operation

Source: Statewatch, DEPORTATION UNION Rights, accountability, and the EU's push to increased forced removals, Authors Chris Jones, Jane Kilpatrick, Mariana Gkliati, Published by Statewatch, August 2020

Destination	Total deportees, 2009-18	Average expenditure per deportee
Somalia	2	€ 75,092.52
Uzbekistan	6	€ 23,076.68
Azerbaijan	12	€ 14,437.98
Sri Lanka	40	€ 12,506.56
Guinea	49	€ 11,922.76
Gambia	81	€ 10,020.86
Afghanistan	862	€ 9,303.79
Pakistan	1628	€ 8,318.50
Iraq	291	€ 6,576.67
Bangladesh	133	€ 6,388.02
Nigeria	5128	€ 5,888.10
Ukraine	98	€ 5,734.83
DRC	156	€ 5,202.85
Ghana	76	€ 5,106.53
Lebanon	70	€ 3,856.27
Senegal	206	€ 3,493.60
Sudan	40	€ 3,473.68
Egypt	265	€ 3,414.71
Vietnam	112	€ 3,386.77
Armenia	268	€ 3,362.05
Georgia	1983	€ 3,286.51
Mongolia	124	€ 2,996.57
Russia	444	€ 2,844.99
Tunisia	4407	€ 2,656.11
Albania	6592	€ 2,048.98
Macedonia	783	€ 1,851.15
Kosovo	5710	€ 1,608.21
Serbia	3068	€ 1,421.36
Montenegro	123	€ 1,033.10
Bosnia & Herzegovina	77	€ 939.18

1	2	Costs - all ops	Averages			2018	
			Total deportees	Total cost	Per deportee	Deportees	Total cost
3	Somalia	6	€ 150,185.03	€ 25,030.84	4		
4	Uzbekistan	6	€ 138,460.06	€ 23,076.68			
5	Azerbaijan	12	€ 173,255.72	€ 14,437.98	8	€ 143,856.0	
6	Guinea	49	€ 584,215.05	€ 11,922.76	16	€ 176,955.4	
7	Sri Lanka	49	€ 500,262.51	€ 10,209.44	11	€ 247,277.3	
8	Gambia	81	€ 811,689.73	€ 10,020.86	77	€ 546,216.0	
9	Afghanistan	862	€ 8,019,864.08	€ 9,303.79	495	€ 3,082,769.1	
10	Pakistan	1628	€ 13,542,517.65	€ 8,318.50	394	€ 3,332,004.8	
11	Iraq	291	€ 1,913,810.83	€ 6,576.67	4	€ 83,027.2	
12	Bangladesh	133	€ 849,606.10	€ 6,388.02	94	€ 306,302.5	
13	Nigeria	5128	€ 30,194,160.18	€ 5,888.10	261	€ 1,678,671.4	
14	Ukraine	98	€ 562,013.66	€ 5,734.83			
15	Democratic Republic of the Congo	156	€ 811,644.23	€ 5,202.85			
16	Ghana	76	€ 388,096.58	€ 5,106.53	76	€ 388,096.5	
17	Lebanon	70	€ 269,938.99	€ 3,856.27	4	€ 80,598.0	
18	Senegal	206	€ 719,680.98	€ 3,493.60	206	€ 719,680.9	
19	Sudan	40	€ 138,947.00	€ 3,473.68			
20	Egypt	265	€ 904,899.02	€ 3,414.71	81	€ 280,573.5	
21	Vietnam	112	€ 379,317.70	€ 3,386.77			
22	Armenia	268	€ 901,029.83	€ 3,362.05	228	€ 771,563.8	
23	Georgia	1983	€ 6,517,156.16	€ 3,286.51	906	€ 2,911,775.8	
24	Mongolia	124	€ 371,574.33	€ 2,996.57			
25	Russia	444	€ 1,263,177.21	€ 2,844.99	291	€ 838,808.3	
26	Tunisia	4407	€ 11,705,486.74	€ 2,656.11	2068	€ 5,417,032.9	
27	Albania	6592	€ 13,506,890.78	€ 2,048.98	1429	€ 2,878,511.4	
28	Macedonia	783	€ 1,449,448.83	€ 1,851.15			
29	Kosovo	5710	€ 9,182,867.18	€ 1,608.21	13	€ 20,914.3	
30	Serbia	3068	€ 4,360,724.73	€ 1,421.36	243	€ 345,914.3	
31	Montenegro	123	€ 127,070.89	€ 1,033.10	65	€ 64,209.9	
32	Bosnia & Herzegovina	77	€ 72,316.80	€ 939.18			
33	Burundi		€ 273,206.03				
34	Moldova		€ 57,186.02				
35	Ecuador						

Table 2: Average expenditure per deportee by most to least expensive destination, 2009-18



**Statewatch, DEPORTATION UNION Rights,  
accountability, and the EU's push to increased forced  
removals, Authors Chris Jones, Jane Kilpatrick, Mariana  
Gkliati, Published by Statewatch, August 2020**

# CONCLUSIONS AND SUGGESTIONS:

I. Need to revisit the EU System in asylum and migration

II. Need for the EU to act as a facilitator for signing Readmission agreements with third countries or offering the possibility to use EU readmission agreements as a legal platform for return operations with third countries

III. Observance of the commitments that proceed from the Council of Europe

IV. Division of costs for return operations between the EU and transit countries

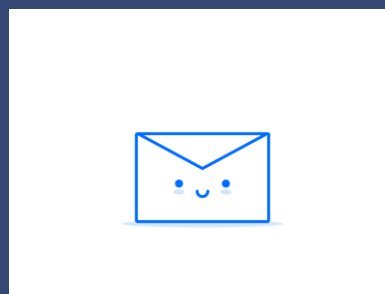






**EUWEB**  
EU-WESTERN BALKANS  
Cooperation on Justice and Home Affairs

Thank you for your attention!  
Any questions?



[ana.nikodinovska@ugd.edu.mk](mailto:ana.nikodinovska@ugd.edu.mk)