



# IRIS Network

IRIS NETWORKing  
CSOs for protection sensitive migration management

## Guide on referral system/social service delivery for migrants Regional Overview



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# GUIDE ON REFERRAL SYSTEM/SOCIAL SERVICE DELIVERY FOR MIGRANTS Regional overview

**Publisher:** Initiative for Development and Cooperation (IDC)  
Bulevar Zorana Đinđića 46/7, Belgrade, Serbia  
[www.idcserbia.org](http://www.idcserbia.org)  
mail: [jelena.a@idcserbia.org](mailto:jelena.a@idcserbia.org)  
Tel: +381 (11) 3129992  
Fax: +381 (11) 3129992

**Editor:** Jelena Leskovac

**Authors:** Jelena Anđelić, Biljana Zgonjanin

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# IRIS NETWORKing – CSO for protection sensitive migration management

**Implementation period:** December 2017 – April 2021

**Lead applicant:** Initiative for Development and Cooperation (IDC) (Serbia); **Action Partners:** ASB (Germany), LIR CD (Bosnia and Herzegovina), Open Gate – La Strada (the former Yugoslav Republic of Macedonia), Initiative ARSIS (Albania) and SOS Podgorica (Montenegro)

**Location of the action:** Serbia, Germany, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Albania and Montenegro

**Overall objective of the Action:** To empower CSOs to be effective and accountable independent actors and to improve their capacity to dialogue with governments influencing policy and decision-making processes.

**Specific objectives of the Action:** a) to enhance the impact of civil society by strengthening **capacities of CSO service providers** for actively engaging in protection sensitive migration management; b) to engage in structured civic dialogue with governments at all levels promoting **CSOs' involvement in public decision-making** and reform processes in order to improve service delivery for migrant population.

**Target groups:** 1) IRIS network; 2) at least **200 members of CSO social services providers** in IPA beneficiaries covered by the Action; 3) at least **20 CSOs** in IPA beneficiaries covered by the Action; 4) **Vulnerable and marginalized groups and individuals** including all categories of migrants in IPA beneficiaries covered by the Action; 5) **10 line ministries** for Social Protection and Migration Management in the Western Balkans region; 6) **200 public officials** in IPA beneficiaries covered by the Action; 7) **EU and National and decision-makers** in IPA beneficiaries covered by the Action; 8) at least **20 reporters from the media outlets** in IPA beneficiaries covered by the Action; 9) **Wider public** in IPA beneficiaries covered by the Action; **Final beneficiaries:** 1) Ministries in charge of the migration management and implementation of the social welfare policies; 2) Offices in charge for the cooperation with civil society in 5 WB countries; 3) Local self-government in WB; 4) CSOs providing social services; 5) EU Institutions, various EU based networks, organizations and stakeholders involved in the processes of social inclusion and migration related issues; 6) Media; 7) Users of the social services on the local level.

**Results:** 1. Increased quality of social and legal services provided by CSOs through capacity building activities; 2. Increased resilience and social cohesion of the local communities through civil society networking initiatives; 3. Strengthened national/regional coordination of the CSOs and public institutions in migration management; 4. Influenced reform processes in WB in order to improve service delivery for the migrant population.

**Main activities:** Pillar 1. Capacity building, Pillar 2. Policy influencing; Pillar 3. Awareness raising

# About IRIS Network

IRIS network, founded in 2012, is the only regional network that brings together CSOs social service providers in South East Europe, consists of 7 national networks from Serbia, Croatia, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Kosovo\* and Albania, gathering 203 member organizations that provide different types of social services to different vulnerable groups: people with disability, children and youth at risk, victims of violence, elderly and migrants.

IRIS aims to strengthen the role of civil society organizations social service providers throughout SEE and to ensure that these organizations are recognized as equal partners by the public sector. Furthermore, IRIS strives to achieve a more dynamic civil society actively participating in public debate on democracy, human rights, social inclusion and the rule of law and with the capacity to influence policy and decision-making processes. The Network seeks to achieve greater commitment and capacity of CSO networks and to give citizens a voice and influence public sector reform processes through analysis, monitoring and advocacy.

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# INTRODUCTION

Today's society is shaped by various social, economic, cultural and political changes. Migration is an integral part of the development of the human race and the reasons for people migrating can be different, complex and variable. This form of movement can have many causes and implications for the migrant and the environment in which they move. Many theorists (Stark, Oded) of international relations estimate that the XXI century will be a lifetime of migration, and in support of this they emphasize the fact that at the beginning there were more international migrants than ever in history. Migration can bring different opportunities, but it can be a source of vulnerability and discrimination (Lesinska, 2012). It is important to emphasize the importance of protecting human rights and social inclusion in order to facilitate the integration of migrants. The Global Migration Group concludes that "Human rights protection is not only a legal obligation: it is also a matter of public interest and is continually related to human development (Migration and Human Right, 2012: 8)". This crisis has threatened Europe for several years and in 2015 it has reached its peak. It still does not affect equally all European countries, and those who are exposed to the refugee crisis are reacting differently to it.

Western Balkan countries affected by the migrant crisis should dispose of its own strategic mechanisms, the action plan and the protection of migrants within its borders. The question arises to what extent countries are ready and organized, and can they

respond in a timely manner to this form of crisis? Also, one of the key issues is the question of the responsibility of individuals, different systems and the international community.

The Western Balkans (WB) region is facing two levels of challenges in migration – internally and externally induced migration. Internally, the region still deals with forced migrants coming from wars from the early 1990s. Large number of internally displaced persons (IDPs) and refugees from those conflicts presents a heavy burden for the social welfare systems already overwhelmed with high numbers of unemployed and excluded citizens in most of the WB countries. Due to poverty, lack of jobs and hampered development, citizens from the region are immigrating mostly to the EU, where their asylum applications constitute almost 9% of all asylum applications in the EU (Eurostat, Asylum Applications in EU27+ from Southeast Europe, 2013). Only few of the applications are recognized while rejected asylum-seekers are returned to their countries of origin under readmission agreements between EU and WB countries. Again, the safety nets and social services within social welfare systems as well as the civil society organizations (CSOs) are far from prepared to accept and integrate returnees from the EU (mostly Roma population). Externally, in recent years increasing numbers of people, including refugees, have been coming from the refugee producing countries via the so-called Balkan route - en route to Western Europe. Some have remained in the WB

region. Weak national economies combined with lack of political will are failing to connect migration management and social welfare systems and to introduce much needed social services for migrants which will help protect them and include them in the local communities.

The migration management is often perceived as a technocratic and security issue exclusively reserved for “Ministries of Force”, detached from the protection and social services. Lack of linkages with the services that CSOs provide is even more important considering that almost 35% of all CSOs registered in the WB countries provide some sort of social services and support to the vulnerable groups (Comparative Analysis of the Role of Civil Society in Providing Social Welfare Services in WB, 2015), and CSOs inclusion in migration management sector could be a tremendous impetus to improvement of the quality of life of migrants. As a result of these two trends, any serious inclusion and integration endeavors of both internal and external migrants in WB countries are seriously hampered. Identification of migrants’ specific needs, differentiation between various groups (refugees, unaccompanied minors, returnees, women and girls at risk, etc.), has to be significantly improved in all WB countries. Moreover, referral mechanisms, especially on the local level and in the local communities in most cases do not exist and/or are not fully operational. This is especially an issue in the cases of returnees from the EU (readmission agreements) and unaccompanied minors. In all of these areas, especially taking into consideration challenges related to integration of refugees and reintegration of readmission returnees, CSOs could play a very important role and be a reliable partner.

Finally, the increases in numbers of extra-regional migrants and refugees transiting the region irregularly, combined with the increased numbers of rejected asylum seekers readmitted

from the EU, makes this issue a truly regional challenge. Still, lack of regional initiatives and mechanisms in this field is very much visible. On the institutional side there have been few intergovernmental initiatives like MARRI ([The Migration, Asylum, Refugees Regional Initiative](#)), which remain to be focused on security and police cooperation, while tackling human dimension of migrations in a very limited way. CSOs proved to have more dynamic networks and regional response on variety of topics, like IRIS Network, which provided a very good response during the refugee crisis and managed to open active channels of communication throughout the Balkan Route.

The Regional Improvement Social Services Network (IRIS) was established in 2012 within the EU funded Civil Society Facility Partnership Programme for Civil Society Organizations (CSF). During December 2017, IRIS Network commenced a new regional initiative developed by the IDC and its partners from ASB, SOS Podgorica, LIR CD, La Strada and Initiative ARSIS with aim to significantly contribute to the improvement of service delivery and policy framework related to the migration in the region of Western Balkans (Albania, BiH, FYRoM, Montenegro and Serbia).

**This Guide will expose key referral system/social service delivery for migrants in Serbia, Bosnia and Herzegovina, FYRoM, Albania and Montenegro including political and economical structure of each country, analyses of the legal and institutional Framework regarding protection and provision of social services to migrants, main international, national and local institutions/organizations which are included in response on migrant crisis, recommendations for further involvement of CSOs in provision of social services to migrant population on national and regional level and impact towards EU policies.**

Process of migration will be shown in detail through review of civil society organizations as social service providers to migrants and other vulnerable groups. Through allegation of key challenges and recommendations at national and regional level for each of the countries dealing with migrant crisis, this Guide will create inside and outside profile of Western Balkan countries and give directions for future projections, real and hidden weaknesses, strengths and needs of these countries.

Finally, Guide is a multipliable model for efficient provision of social services to migrants in order to support establishment of protection sensitive migration management system in the target countries. It will serve to assist the migrants who approached an organization within the IRIS network, and ensure that the assistance in service provision is provided in a timely and professional manner.

# GUIDE ON REFERRAL SYSTEM/SOCIAL SERVICE DELIVERY FOR MIGRANTS IN REPUBLIC OF SERBIA

In the last three decades, Serbia has been faced with turbulent migration movements. Although a great number of persons are seeking international protection in Serbia, very few of them decide to stay in Serbia permanently. The biggest challenge in the process of accommodation and integration of refugees and migrants in the Republic of Serbia is the increased number of unaccompanied minors, who are exposed to a higher risk of human trafficking.

There are 5 permanent and 14 temporary reception centres (out of which 4 are currently not operating)<sup>1</sup> for asylum seekers and migrants, with total capacity of 6.000 beds for accommodation of migrants. Current numbers of migrants in Serbia are between 3000-4000. *Commissariat for Refugees and Migrations* is responsible to manage all aspects of migration policy in the Republic of Serbia. In addition to the Commissariat, several ministries are very actively involved in the process of migrant protection (Ministry of Labour, Employment, Veteran and Social Policy, Ministry of Interior, Ministry of Education, Science and Technological Development, Ministry of Health) and Coordination Body for Migration Monitoring and Management.

Local self government units have a significant role in integration

1) - Sid, Dimitrovgrad, Divljana, Presevo. More information on: <https://data2.unhcr.org/en/documents/download/55034>

2) - All aforementioned strategic documents can be downloaded from the following links: [http://www.srbija.gov.rs/vesti/dokumenti\\_sekcija.php?id=45678](http://www.srbija.gov.rs/vesti/dokumenti_sekcija.php?id=45678) and <http://www.kirs.gov.rs/articles/navigate.php?type1=14&lang=SER&date=0>

of migrants and in exercising their rights. At the *local level*, municipalities and cities have formally established the *Council for migrations*. Although institutions have the key role in dealing with refugees and migrants at the local level, they are lacking capacities to respond to the needs of all beneficiaries among refugees and migrants. Due to that reason, international and national non-governmental organisations have been emerging as significant actors in this area. All relevant actors in Serbia involved in provision of support to migrants cooperate with UN System of coordination mechanism in Serbia that deals with the crisis i.e. with the *UN Theme group for refugees*.

Current strategic and legal framework in Serbia comprises the key aspects of integration of refugees and migrants. However, many challenges emerge in the implementation process, from language and cultural barrier to obtaining legal rights. Having in mind restrictions of the existing capacities of institutions providing social services, civil society organisations (CSO) have proved to be the key partners to institutions in this area.

Strategic framework that encompasses migration issues in Serbia comprises several strategic documents<sup>2</sup>: Strategy for

Migration Management (2009), Strategy for Combating Illegal Migrations for the period 2018-2020, Strategy for Reintegration of Returnees under the Readmission Agreement (2009), Strategy for Integrated Border Management in the Republic of Serbia 2017-2020, Strategy for Preventing and Suppression of Human Trafficking, particularly women and children, and protection of victims for the period 2017-2022, National Strategy for Resolving Problems of Refugees and Internally Displaced Persons for the period 2015-2020, Strategy for Preserving and Strengthening Relations between the country of origin and Diaspora, and between the country of origin and Serbs in the region (2011) and Strategy for Sustainable Life and Return to Kosovo and Metohija (2010). The new *Response Plan in Case of Increased Inflow of Migrants for the period from October 2016 to March 2017*<sup>3</sup> is based on new assumptions about migrant population

Practical issues related to migration policies in the Republic of Serbia are mainly based on the principles defined by the Law on Migration Management (2012)<sup>4</sup>. In addition, key laws that define the work with migrants are the Law on Foreigners<sup>5</sup>, Law on Refugees<sup>6</sup> and Law on Asylum and Temporary Protection<sup>7</sup>, Criminal Code<sup>8</sup>, the Law on Foundations of Educational System<sup>9</sup>, Law on Social Protection<sup>10</sup>, Law on Health Care<sup>11</sup>, Family Law<sup>12</sup>,

etc.

Civil society organisations are holders of many initiatives and projects related to the protection of refugees and migrants in Serbia. Most commonly they provide various forms of support to vulnerable migrant groups and their families, in particular. Great part of CSO activities are trainings for public sector employees providing support to migrants and for representatives of other CSOs working with migrants.

*The Law on Social Protection* is in the basis of the legal framework for social protection system in the Republic of Serbia, along with other regulations. Social protection services are partly the responsibility of institutions on the national level and local self-governments.

Local self-government units (LSG) allocate insufficient funds for this purpose, relatively small number of beneficiaries is covered by the services and many services are provisional and unsustainable. The European Commission's last report on Serbia (2018) warned that availability and the quality of services in the community are very limited and unequal.

Total expenditures for social protection services in 2015 amounted to approximately 2,6 billion dinars. Purpose transfers

3) - [http://www.paragraf.rs/izmene\\_i\\_dopune/280717-odluka\\_o\\_izmenama\\_i\\_dopunama\\_odluke\\_o\\_obrazovanju\\_radne\\_grupe\\_za\\_resavanje\\_problema\\_mesovitih\\_migracionih\\_tokova.html](http://www.paragraf.rs/izmene_i_dopune/280717-odluka_o_izmenama_i_dopunama_odluke_o_obrazovanju_radne_grupe_za_resavanje_problema_mesovitih_migracionih_tokova.html).

4) - [http://www.kirs.gov.rs/docs/Zakon\\_o\\_upravljanju\\_migracijama.pdf](http://www.kirs.gov.rs/docs/Zakon_o_upravljanju_migracijama.pdf)

5) - [https://www.paragraf.rs/propisi/zakon\\_o\\_strancima.html](https://www.paragraf.rs/propisi/zakon_o_strancima.html)

6) - [http://www.kirs.gov.rs/docs/Zakon\\_o\\_izbeglicama.pdf](http://www.kirs.gov.rs/docs/Zakon_o_izbeglicama.pdf).

7) - <https://www.paragraf.rs/propisi/zakon-o-azilu-i-privremenoj-zastiti.html>

8) - [http://www.paragraf.rs/propisi/krivicni\\_zakonik.html](http://www.paragraf.rs/propisi/krivicni_zakonik.html)

9) - [https://www.paragraf.rs/propisi\\_download/zakon\\_o\\_osnovama\\_sistema\\_obrazovanja\\_i\\_vaspitanja.pdf](https://www.paragraf.rs/propisi_download/zakon_o_osnovama_sistema_obrazovanja_i_vaspitanja.pdf)

10) - [https://www.paragraf.rs/propisi/zakon\\_o\\_socijalnoj\\_zastiti.html](https://www.paragraf.rs/propisi/zakon_o_socijalnoj_zastiti.html)

11) - [http://www.paragraf.rs/propisi/zakon\\_o\\_zdravstvenoj\\_zastiti.html](http://www.paragraf.rs/propisi/zakon_o_zdravstvenoj_zastiti.html)

12) - [https://www.paragraf.rs/propisi/porodicni\\_zakon.html](https://www.paragraf.rs/propisi/porodicni_zakon.html)

made from the central level ensure additional funds from the national budget to finance social protection services under the competence of Local self-government units.

According to regulations of the Republic of Serbia, migrants registered before entering Serbia are entitled to social protection services to the same extent as the citizens of Serbia. But in practice, social protection services are provided to refugees and migrants on a very small scale. The situation with provision of services to migrants is further complicated by language and cultural barriers hence it is necessary to ensure cultural mediators/translators and take care of gender issues when providing any kind of support to migrants.

Centres for social work, as the key institution in the social protection system, cannot improve the position of the most vulnerable persons unless connecting with institutions in other sectors and with civil society organisations. Current human and material resources in the institutions of the system are not sufficient to provide adequate support to migrants in the Republic of Serbia.

The emphasised problems related to migrant population is the exposure of refugees to various forms of violence. When

resolving this problem, particular attention should be given to children. Also, key challenges referring to the provision of services to migrants are poor living conditions in asylum / transit centres and often insufficient sensibility of the staff working in the centres.

It is necessary to further develop policies and capacities for the implementation of social protection services in Serbia in order to enable greater availability and quality of services. In this regards, it is necessary to improve the regulatory framework, strengthen the existing mechanisms for the provision of the services including improvement of the system for funding the services. The services for migrants consider improvement of information system to migrant rights and other services available for them. Also, it is necessary to strengthen cooperation among actors in terms of data exchange and coordination at the local level and to provide full support to local communities in the implementation of integration programmes. Also, it is necessary to encourage development of regional mechanisms for early detection of the position of migrants, exchange of data on the position of migrants and establishment of permanent forum for discussions in order to make the best decisions.



## Key challenges related to the provision of social protection services, focusing on services for migrants

The first problem that migrants encounter upon arrival is the language and cultural barrier. Therefore, migrants should be provided with cultural mediators/translators for the first contact, who speak at least the English language, taking into account representation of both sexes because female migrants may not be willing to speak to males (translators, mediators).

Secondly, various forms of violence often occur within the groups on their way from the country of origin to Serbia, which are difficult to perceive. Therefore, it is important to ensure minimum quality conditions for security of all refugee categories in accommodation centres for refugees.

Accommodating of unaccompanied minors in the same space where adults are placed is a big problem, primarily because of possible incident of various forms of violence (especially sexual) against children. Placing children in institutes for children welfare has its disadvantages in several aspects. Placing children in foster families is not an ideal solution because of the language barrier and creation of temporary social relations.

According to research described in the publication titled How to ensure successful and sustainable integration of refugees and migrants (2018), key challenges related to the provision of

services to migrants are: poor living conditions in centres and insensitivity of the staff to the needs of refugees and migrants<sup>13</sup>.

Specific challenges that emerge are disorderly keeping records and documentation, as well as the lack of capacity for participative planning and evaluation, but also unsystematic and sporadic cross-sector cooperation. Also, a challenge in the work of Social Protection Centres is acting in very specific areas and sensitive situations.

Unreliable data. In Serbia, there is no reliable records on specific groups within the general migrant group (like unaccompanied minors), which is the starting point for systematic monitoring of the position and movement of migrants and asylum seekers and the basis for monitoring of fulfilment of Serbia's obligations related to the provision of adequate protection. Insufficiently precise data on the number of human trafficking victims, as well as on the number of children exposed to violence present a similar problem.

Insufficient and inadequate resources within institutions. Current human and material resources of the institutions are insufficient<sup>14</sup>, and the situation is additionally being complicated by language and cultural barrier. Moreover, prohibition of employment in the public sectors makes systemic engagement of appropriate staff impossible.<sup>15</sup>

System for identification and reaction in cases of violence and children trafficking not established. Although the system exists,

13) - Netkova B. et al. (2018). How to ensure a successful and sustainable integration of refugees and migrants. Belgrade. Athens.

14) - Praxis conducted and initial assessment of 83 unaccompanied minors and separated children, who contacted centres for social work in order to register and ensure accommodation. Social workers failed to come to the field in 43 cases; they discussed the situation on the phone or looked for another organisation to check with a child if he would like to be accommodated in some of the centres. Also, social workers go to the field over the weekend only in urgent cases (Praxis Protection Monitoring Report, 16 October – 30 November 2016, Belgrade, 2016).

15) - See an example answer by competent ministry to a request submitted by a centre for social work from Loznica, [http://www.ombudsman.rs/attachments/4398\\_Odgovor%20Ministartvo%20za%20rad%20BK.pdf](http://www.ombudsman.rs/attachments/4398_Odgovor%20Ministartvo%20za%20rad%20BK.pdf)

it is not sufficiently prepared for reaction in cases of violence and children trafficking among the migrant population.

It is necessary to define and monitor the implementation of service provision quality standards. Psychosocial services are mainly provided by CSOs. However, quality standards have not been defined for the services being provided, including competencies of those engaged in activities (especially in the provision of psychosocial support). At the beginning of 2018, the World Health Organisation (WHO) initiated drafting of Guidelines for the provision of psychosocial services, which should define standards, qualifications, types of services, mechanisms for evaluation and monitoring the implementation of these services. The document was adopted by the Ministry of Health and the Commissariat for Refugees and Migrations.

There is no overview of training sessions delivered to those engaged in work with migrants. In the last couple of years, from the start of the migrant crisis affecting Serbia, a large number of trainings have been delivered both to representatives of institutions and CSOs in order to raise capacity for work in the new situation. However, monitoring system is not comprehensive so that data on the number of training sessions delivered, number of participants, effects of the training, etc. are missing.

Dysfunctional division of responsibilities between institutions and CSOs. One of the examples of inconsistency in the application of formal referral mechanisms between the system institutions and CSOs working on children welfare is the referral of unaccompanied minors. Many CSOs dealing with children welfare believe that one of their priority activities is identification and referral of unaccompanied minors and separated children regardless of their age, although standard operational procedures allow CSOs to work on identification and referral of

children above the age of 14. The problem CSOs encounter is insufficiently slow reaction of centres for social work and the fact that the centres often fail to exercise their powers when there are indicator that violence has occurred or there is a risk of violence, smugglers and/or exploitation of children.

## Recommendations for actions at national level

Seen in terms of providing social welfare in general, and having in mind the aspiration for wider involvement of CSOs in this area, recommendations comprise two levels. The first level is a universal one and refers to services provided to everyone, while the second level of recommendations applies exclusively to migrants.

### Improving the Social Protection System in the Republic of Serbia

- Further regulation and implementation of deinstitutionalisation process with an accent on prevention of new institutionalisation of children, closure of large institutions for children with developmental disorders and more effective deinstitutionalisation of adults through development of new programmes and services in the community.
- Establishing mechanisms and programmes to support natural family and prevent (non-comprehensive) separation of children.
- Conducting a comprehensive analysis to determine a package of minimum services available at the local level in regard to national priorities and accepted international obligations.
- Determining prices for social protection services in the



community per beneficiary, for minimum quality standard of service.

- Improving mechanism of purpose transfers, with special accent on better definition of criteria for purpose transfers to be applied for LSGs.
- Implementation of programmes to enhance capacities of local self governments, CSOs and other local actors in connection with the process of identifying needs, financing and delivery of quality social protection services.
- Development of a functional system to monitor and evaluate the provision of social protection services. Strengthening the control services (human resources and professional development), strengthening the social protection inspection and supervision over professional work of social protection service providers.
- Completion of service standardization process and licensing of social protection institutions and professional workers.
- Regulation of procedure related to introduction of new services and defining new standards in the system of social protection, encouraging development of innovative programmes and social protection services.
- Development of regional social protection services where high level of expertise is required or for low occurrence phenomena, as well as for meeting the needs identified of a bigger number of small communities.
- Development of mechanisms for cooperation between institutions and organisations in social protection with other systems with the aim of ensuring integrative services, higher level of social inclusion of social protection beneficiaries in the society.
- Strengthening the role and position of centres for social

work as the key institution of social protection system. Increase the number of employed professional workers and associates in the centres for social work. Introduction of professional associates or para-professionals in social protection. Improvement of field work to enable detection of vulnerable individuals and families.

- Improvement of social protection services quality through strengthening monitoring and evaluation system of local social protection service.

### **Improving services for support to migrants in the Republic of Serbia**

- Improving the existing system to inform migrants on their rights and available service. As centres for social work do not have the capacity to provide more comprehensive information to migrants on services, this role might be entirely left to CSOs.
- For better information, the list and description of available services should be created and continuously updated both at national and local level (including programmes and services provided by CSOs), intended for all refugees and migrants.
- Due to cultural differences it often happens that migrant women are frequently left without information, hence it is very important to make sure that distributed information reaches all migrants – both men and women.
- Engaging male and female cultural mediators as field social workers to work for centres for social work so as to provide easier communication with migrants on their rights.
- Establishing reliable data base on migrant population through cooperation with police, local trustees for refugees and migrations, centres for social work, local councils for migrations and CSOs.

- Implement programmes aimed at sensibilisation of those working with migrants – training for those employed in different institutions of the system (police, social protection system, health system, education system, judiciary), as well as for representatives of CSOs.
- Strengthening the existing capacity of centres for social work through developing cooperation between the centres and CSOs at the local level and engaging external associates in centres for social work on the basis of fixed-term contracts.
- Strengthening the existing institutional capacities through appropriate training and exchange of experiences from practice, the so-called peer learning, mentoring, and events organised for sharing experiences and practices, the so-called peer review.
- Strengthening the capacity of local councils for migrations.
- Utilise the existing capacities of social welfare systems and support them to primarily provide appropriate accommodation and protection, especially to unaccompanied minors. Review alternative forms of accommodation for unaccompanied minors, further develop the concept of foster care as well as potential ways to finance the new types of services. Also, it is important to make the current accommodation capacities safe for women and girls in order to prevent violence against them.
- Develop programmes for psychosocial support to migrants, especially victims of violence or human trafficking.
- Establishing shelters in smaller towns would enable functioning of day care for children, first of all.
- Provision of comprehensive support to local communities in implementing the integration programme in accordance with effective regulations of the Republic of Serbia. Develop work activation programmes, programmes of retraining and economic empowerment of migrants.
- Inform and raise public awareness of the rights of migrants. Involvement of media in the campaign to reduce discrimination towards migrants.

## Recommendations for action at regional level

- Organising regular events for peer review between the Western Balkan countries, as well as with EU member states. In this regard, especially important is the exchange of experiences between the former Yugoslav Republic of Macedonia and Serbia with Albania, Montenegro and Bosnia and Herzegovina, all being on the so-called new Balkan route.
- Establishing instruments for sharing experiences at conceptual and technical level, exchange of data and establishing permanent forum for discussions at regional level.
- Support in developing regional projects at different levels (through EU funding or bilateral donors), aiming at improving the position of migrants: partner cooperation at national and local level, cooperation among civil society organisations in the region and the like.
- Encourage regional networking of CSOs, primarily through the current networks engaged in social protection services and support to migrants.
- Improving monitoring and evaluation system at regional level. Determining specific indicators and gathering data that relate to migrants.
- Development of regional mechanisms for acquiring timely information on the position of migrants.
- Conducting regional studies on specific issues related to

the position of migrants (access to labour market, access to education, assessment on the educational level and skills previously acquired by migrant population, study on the impact of migrations to economic development in the Western Balkans Region, etc.)

# GUIDE ON REFERRAL SYSTEM/SOCIAL SERVICE DELIVERY FOR MIGRANTS IN BOSNIA AND HERZEGOVINA

Bosnia and Herzegovina is a country in transition that faces challenges every day in all fields of social activity. The consequences of the war in the 1990s are still present, and it is also one of the poorest countries in Europe - GDP per capita is 28% of the EU average. According to the United Nations (UN), 17.9% of the population in Bosnia and Herzegovina live with incomes below 235 BAM per month, that is below the line that marks the critical population. This means that every sixth household in the country is poor. According to official data, about 48% of the population in B&H live on the poverty line, with monthly income of about 416 BAM<sup>16</sup>. UN research shows that every sixth inhabitant of B&H lives from 3-5 BAM per day or 90-150 BAM per month<sup>17</sup>. It is estimated that in 2017, 27% of the total population lived below the absolute poverty line, which is about 890,000 inhabitants of B&H. That is also indirectly shown by the World Bank assesment from 2017 that 24% of the population in B&H is poor. In B&H, a significant part of gross domestic product is allocated for budget transfers for social protection (permanent financial assistance, child care, protection of civilian victims of

war, civilian disabled persons, veteran's benefits including war invalids), and gross social product for health and social activities protection for 2016 was 4.59% and for 2017 it was 4.52%<sup>18</sup>. Compared with countries in the region, B&H social protection stands out less than the countries in the region.<sup>19</sup>

Poverty in B&H is most often measured by spending indicators, while multidimensionality of poverty is viewed through health, education, employment opportunities and access to social welfare institutions. According to the latest available data from the Agency for Statistics of Bosnia and Herzegovina, 16.9% of the population lived in relative poverty. According to the latest official annual report on the implementation of the South East Europe Development Strategy, the employment rate of the region of Southeast Europe is 51.4%, so that B&H lags behind the entire region by 8.2 percentage points. The Report on Social Inclusion of Bosnia and Herzegovina for 2016 indicates that people at risk of poverty and social exclusion need urgent support for full participation in economic, social and cultural life.

Social inclusion as a concept is the basis of social policies in EU

16) - Source: Civic Initiatives Centers, Report on the Monitoring of the Work of the Council of Ministers 01.01.2018 31.03.2018.

17) - Source: Bosnia and Herzegovina: Poverty Assessment, World Bank, Report number. 25343-BIH, p. 127.

18) - Source: Agency for Statistics of Bosnia and Herzegovina

19) - Source: Analysis and monitoring of the status and priority problems of marginalized groups in B&H, May 2018, UN research and data from the World Bank

countries, as well as their mutual coordination. Entity-level laws regulate issues in the field of social protection in different ways. In the Federation of Bosnia and Herzegovina, the system of social protection includes over 30 ministries and institutions, while Republic of Srpska has a centralized system of social protection and uniform protection at the entity level, within four ministries, and therefore a more efficient social protection system. One of the strategic goals of Bosnia and Herzegovina's development is the reduction of poverty and social exclusion. Due to financial constraints at all levels of government, the rights of social protection prescribed by the laws in this area have not been fully implemented in practice, so that some benefits are not paid or the amounts are reduced. Social Welfare Centers / Social Welfare Services do not have enough capacity to assess the needs of vulnerable groups, nor funding to provide adequate support. Slow economic recovery, poor macroeconomic performance and inadequate economic governance continue to result in a continuously high unemployment rate, a large number of the working-age population excluded from the labor market and, consequently, a high rate of poverty in Bosnia and Herzegovina, as well as a complication of social exclusion problems. Bosnia and Herzegovina, on its transition path, as well as its path to joining the European Union, faces major challenges in adapting its legislation to EU legislation. There are approximately 260,000 social protection beneficiaries in the country, or 7 percent of the population from each entity, and another 125,000 users are registered for child protection programs (2% of the population in the F B&H and 6% in the RS).<sup>20</sup>

The social protection system is extremely sensitive and complex, and in order to achieve social development in Bosnia and

Herzegovina, investments and resources are necessary but uncertain due to the poor economic development, and that can lead to further social deprivation of citizens.

Migrant crisis is a reality that inevitably permeates the society of Bosnia and Herzegovina and requires an adequate systemic response. Bearing in mind the various social implications that may result from this process, it is necessary to strengthen the decision-making systems in Bosnia and Herzegovina, both at national and local level. Slow resolution of the problems migrant crisis is carrying can have far-reaching consequences, and it is necessary to define the approach, mechanisms and directions of action that harmonize the needs of migrants, but also the needs and interests of the country. Economic and social changes that are constantly taking place in Bosnia and Herzegovina make the social security of citizens more uncertain, and its guarantee is the basis of economic well-being and a prerequisite for satisfying the social needs of all citizens. The number of refugees and migrants who arrived in Bosnia and Herzegovina recorded a significant increase at the end of 2017. In contrast to the average of 32 arrivals averaged over the period January-November 2017, the number of arrivals reached 198 in December. The trend continued in 2018 and the number of registered arrivals doubled more or less each month this year, rising from 237 in January to 2,557 in May<sup>21</sup>. As stated in the report on the multi-sectoral initial rapid assessment (MIRA) from April to May 2018, although the number of registered arrivals has not yet reached the level of humanitarian crisis, the current trend requires increased support, engagement and coordination by various actors, as and more funds. From the beginning of the year to the October 2018, 18,245 migrants were registered in Bosnia and Herzegovina, and

20) - Source: Council of Ministers of Bosnia and Herzegovina, Report on Social Inclusion BiH, 2017

21) - Source: Ministry of Security; MIRA (April - May 2018)

their ultimate goals are the countries of Western Europe.<sup>22</sup> Social protection in Bosnia and Herzegovina is under the jurisdiction of the Entities of the Republic of Srpska and the Federation of B&H, as well as the competencies of the Cantons and the Brcko District. The state of Bosnia and Herzegovina and its joint bodies do not have essential competencies in the field of social protection. There is no single strategic framework for the development of social protection, nor there are common policies in this field. The laws define the priority groups of beneficiaries and specific social welfare conditions that qualify them as potential beneficiaries of the social protection system. Migrants are not specifically treated as beneficiaries of the social protection system.

At the level of Bosnia and Herzegovina, the implementation of the strategic goals is monitored through the Ministry of Civil Affairs of Bosnia and Herzegovina and the Ministry of Human Rights and Refugees of Bosnia and Herzegovina. The provision of funds for the financing of social protection, its establishment and the establishment of institutional mechanisms is in the competence of the entities, as well as lower levels of government, cantons in the Federation of Bosnia and Herzegovina, Brcko District and local communities. According to the official statistics of the Agency for Statistics in B&H in 2016, there are 106 Centers for Social Work (49 in the Republic of Srpska and 57 in the Federation of B&H) and 35 social services that operate in municipalities (22 in F B&H and 13 in RS). From 2000 to 2016, five laws regulating the field of migration and asylum in B&H were adopted: the Law on Immigration and Asylum of B&H („Official Gazette of B&H“ No. 23/99), the Law on Movement and Stay of Foreigners and Asylum („Official Gazette of B&H“ No. 29/03 and 4/04 and 53/07), Law on Movement and Stay of Foreigners and Asylum („Official Gazette of B&H“ No. 36/08), Law on Foreigners („Official Gazette

of B&H“ No. 88/15) and the Law on Asylum („Official Gazette of B&H“, No. 11/16). As the beneficiaries of rights in the social protection system, the Law defines each person who is in a state of social need, and who meets the requirements prescribed by law. Laws on social protection in both Entities and the Brcko District do not define migrants as social welfare beneficiaries but have rights as well as any person who is in a state of social need. The rights that migrants can achieve in social protection are defined by the Laws on Social Protection in Entities and Brcko District. Ministries, administrative organizations and other bodies directly responsible for migration management in Bosnia and Herzegovina are the Ministry of Security, the Border Police of Bosnia and Herzegovina, the Foreign Affairs Service, the State Investigation and Protection Agency, the Intelligence and Security Agency, The Ministry of Human Rights and Refugees, the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Civil Affairs, the Directorate for European Integration, the Court of Bosnia and Herzegovina and the Constitutional Court of B&H.

### **Legal framework - Republic of Srpska**

At the level of Republic of Srpska, the most important laws guaranteeing the right to social protection and establishing mechanisms for the realization of social protection and social protection services are the Law on Social Protection („Official Gazette of the Republic of Srpska“ No. 37/12, 90/16); The Law on Child Protection („Official Gazette of the Republic of Srpska“ No. 114/17); Family Law („Official Gazette of the Republic of Srpska“, No. 54/02, 41/08, 63/14); Law on Protection against Domestic Violence („Official Gazette of the Republic of Srpska“, No. 102/12, 108/13, 82/15); Law on the Protection of Civilian Victims of the War of the Republic of Srpska (consolidated text) („Official Gazette of Republic of Srpska“ No. 24/10) and the Law

22) - Source: Ministry of Security and UNHCR

on Professional Rehabilitation, Training and Employment of Disabled Persons („Official Gazette of the Republic of Srpska“ 82/15). All rights contained in the Law on Social Protection of the Republic of Srpska are also relevant for migrants if they find themselves in a state of social need, which meets the requirements prescribed by law. As the beneficiaries of the rights in the social protection system, the Law defines each person who is in a state of social need, and who meets the requirements prescribed by law, including migrants. In the Republic of Srpska, four ministries are responsible for social protection: the Ministry of Health and Social Welfare; Ministry of Labour and Veterans, Ministry of Family, Youth and Sports and Ministry of Refugees and Displaced Persons of Republic of Srpska. Social, family and child protection, as well as the protection of persons with disabilities, are predominantly under the jurisdiction of the Ministry of Health and Social Welfare of Republic of Srpska. The entities at the entity level of the Republic of Srpska for migration management are the Ministry of Internal Affairs of the Republic of Srpska and the Ministry of Public Administration and Local Self-Government.

### **Legal framework - Federation of Bosnia and Herzegovina**

At the level of the Federation of Bosnia and Herzegovina, the most important laws guaranteeing and recognizing the rights to social protection and determining the conditions, mechanisms and manner of providing social protection services are the Law on the Basis of Social Protection, Protection of Civilian Victims of War and Family Protection with Children („Official Gazette of the Federation of BiH“ No. 36/99 and 54/04, 39/06, 14/09, 45/16); Family Law of the Federation of Bosnia and Herzegovina („Official Gazette of the Federation BiH“ No. 35/05, 41/05); Law on Protection against Domestic Violence of the Federation of Bosnia and Herzegovina („Official Gazette of the Federation of Bosnia and Herzegovina“, No. 28/13) and the Law on Professional

Rehabilitation, Training and Employment of Disabled Persons („Official Gazette of the Federation BiH“ No. 9-10 / 10 ). In the Federation of B&H the competence for social policy and social protection, and thus the exercise of social protection rights and services, is in the joint competence between the Federation and the cantonal authorities. All social security rights established by the Law on the Basis of Social Protection are relevant for migrants if they find themselves in a state of social need that meets the statutory requirements, including migrants and as users of rights. The cantons have competencies established by the Constitution of the Federation of Bosnia and Herzegovina and the Cantonal Constitution. The rights to social protection are differently regulated by the cantonal regulations in this field. In the Federation of Bosnia and Herzegovina three ministries are responsible for social protection: the Ministry of Labor and Social Policy of the Federation of Bosnia and Herzegovina, the Ministry of Veterans and Disabled Persons of the Defense and the Liberation War and the Ministry of Displaced Persons and Refugees. Entity-level entities for managing migration in the Federation of Bosnia and Herzegovina are the Ministry of Interior of the Federation of B&H and the Cantonal Ministry of the Interior.

### **Legal framework - Brcko District**

At the Brcko District level, the most important laws guaranteeing the right to social protection and determination of conditions, mechanisms and means for the provision of social services are the Law on Social Protection of the Brcko District of B&H („Official Gazette of Brčko District B&H“, No. 1/03, 4/04, 19 / 07, 2 / 08, 21/18); The Law on Child Protection of the Brcko District of B&H („Official Gazette of Brcko District B&H“ No. 51/11 - consolidated text, 3/15, 21/18) and the Family Law („Official Gazette of Brcko District B&H“, No. 23/07). In the Brcko District, social protection and social welfare services are provided through the Social

Protection SubDivision, which operates within the Department of Health and Other Services of the Brcko District Government, covering the entire territory of the District. Brcko Distrikt has no public facilities for accommodation of beneficiaries and for its own needs it uses the services of institutions operating in the territory of the Republic of Srpska and the Federation of Bosnia and Herzegovina.

## Current migrant situation in Bosnia and Herzegovina

The number of refugees and migrants who arrived in Bosnia and Herzegovina recorded a significant increase at the end of 2017. In contrast to the average of 32 arrivals monthly recorded in the period January-November 2017, the number of arrivals reached 198 in December. The trend continued in 2018 and the number of registered arrivals doubled each month this year, increasing from 237 in January to 18,245 in October 2018. Legal migrants are detected daily by Border Police Officers of B&H, and crossed to 2 border crossings, from Serbia to Visegrad and Zvornik in B&H, while the second route is from Greece, through Albania, Montenegro and crosses the border into Herzegovina in Trebinje and Dubrovnik - Croatia. The roads connect to Sarajavo,

the Una-Sana Canton, and since recently in Prijedor. From there, refugees and migrants go towards Croatia and further into other EU member states, mainly in Germany and Scandinavian countries. Currently there are about 3,753 migrants in the Una-Sana Canton area. Background and readmission are problematic: Bosnia and Herzegovina has signed readmission agreements with other countries in the region, and agreements have also been signed with Turkey and Moldova, but have not yet been ratified. BiH has encountered a serious problem related to the return of illegal migrants resulting from the lack of mechanisms for positive identification. The increase in the number of illegal migrants from countries outside the region makes the problem even worse because most of them are not in the possession of any identification documents.

International organizations dealing with migration issues in B&H are UNHCR, the Office of the Resident Coordinator of the United Nations, IFS-Emmaus, Save the Children, SOS Kinderdorf, UNICEF and World Vision. National organisations are: Fondacija BH inicijativa zena, Vasa prava and Fondacija lokalne demokratije have signed an agreement with the Ministry of Human Rights and Refugees with the aim of providing psychosocial and legal aid to refugees and asylees in reception centres. Zena sa Une,







members of IRIS network, provide services (children friendly space and corner for mothers and babies) intended for children refugees and migrants as part of humanitarian care of persons legally and/or illegally residing in Una-Sana Canton. Help / Info Desk is one of the services provided by the Association of citizens “Otaharin”, member of IRIS network, which presumes providing relevant information and support to returnees, migrants and other marginalised and vulnerable groups in Bijeljina and Živinice. Red Cross and national humanitarian organisations Merhamet, Caritas provide assistance to migrants and refugees in BiH.

The IRIS BiH Network (22 members) is an informal group of civil society organizations from the whole territory of Bosnia and Herzegovina, networked with 6 other national networks from Albania, Montenegro, Croatia, Kosovo, Macedonia, Serbia and makes IRIS regional network whose role is to strengthen the capacities of CSOs-social service providers with the purpose of improving the position and ensuring a dignified life for the most vulnerable groups of citizens in B&H and to increase the impact on the reforms of the public sector of social protection in Bosnia and Herzegovina. A survey was conducted involving all networks. It was concluded that most organizations (90%)

do not have experience in migration management nor there is a system of referring migrants to the field. Also, strategic planning process in the field of social protection is highly represented in both entities where IRIS network organizations are active, the capacities of the organizations providing services social protection are different and in large measure in correlation with the assessment of knowledge about social protection laws. It is also concluded that migrants are not recognized as a target group in local strategic documents, that most organizations do not know the legal regulations, that it is necessary to strengthen sensibility in terms of overcoming cultural barriers, that the general problem of civil society organizations is a source of funding since 90% of organizations depend on foreign and national donors-project-oriented. IRIS organizations have shown interest in providing services to migrants.

## Recommendations on national level

Based on the analysis of civil society organizations-social service providers, the following recommendations on national level have been defined:

- To develop a Strategy for accommodation and support to migrants at national and entity level and to define the role of the State / Entities and the role of CSOs in assisting migrants;
- To harmonize state and entity laws with the real needs of migrants, to understand the cultural diversity of migrants and increase awareness of migrants' rights and migrants in general;
- It is important to have a stronger connection and communication between organizations and institutions that are competent for this area, as well as secure financial support and the strengthening of human resources;

- To strengthen the experience of working with marginalized groups and the capacities of professional staff (psychologist, social worker, teacher), linking with relevant institutions and organizing cultural mediations and family group conferences for target groups of the IRIS network, including migrants with the aim of achieving alternative measures for solving family problems;
- To develop relevant Strategies that can contribute to the development of social work in situations of crisis and carry out activities together with families;
- Training on legal regulations and the possibilities that B&H laws and institutions provide to migrants during their stay in B&H
- Evaluation of SCOs in terms of meeting the conditions to work with migrants, local community support and donor funds;
- Impacts on securing financial resources in order for CSOs to be able to support migrants, especially due to the upcoming winter season when they will need shelter and provision of basic needs, as well as identifying and licensing CSOs to work with migrants, by program and territorial principle.
- It is necessary to ensure coordination between CSOs in order to ensure maximum support and influence the modification of existing migration registry policies and procedures.
- coordination of organisations dealing with these issues,
- strengthening the capacities of CSO dealing with these issues and define mechanism for early warning of the arrival of migrants,
- defining the referral system for migrants at regional level,
- coordination of national bodies and institutions at the regional level and
- the opening of regional funds for the work with migrants.

The main problem and limitation of research is the competence of social protection in Bosnia and Herzegovina, because the state of Bosnia and Herzegovina and its joint bodies do not have substantive competences in the field of social protection, but the entities and the Brčko District. Further, inaccurate records or missing records on social welfare services, shared competencies with regard to migrants, too many other requests to the social protection system are also defined limitations. In particular, it is necessary to emphasize that it is necessary to create a database with service providers and a list of services in cooperation with local self-government and ministries and going to the field, because often local governments do not have information on CSOs as providers of social services, so this requires a snow ball method where one learns about other service providers.

When the provision of services in the social protection system in B&H is observed, the following problems can be identified:

## Recommendations for regional actions

Recommendations for regional actions related to CSO networking and impact on EU policies include:

- development of Regional Strategy for accommodation and support to migrants,
- development of a Strategy for family group conferences at national but also at regional level,
- Lack of defined standards of social protection services, which especially refers to services defined by municipal decisions on extended rights and lack of procedures for licensing service providers;
- Lack of procedures for licensing service providers and lack of legal obligation of local self-government to adopt annual

decisions on extended rights;

- Lack of legal obligation that local self-government units must adopt annual decisions on expanded rights and lack of specific social protection services to meet the needs of citizens who are in a state of social need in the Federation of BiH and Brcko District;
- Insufficient existence of strategic plans for the development of social protection services at the local level and lack of research on the needs of citizens for social services at the local community level;
- The need for additional sensibility of decision-makers at the level of local communities and poor awareness of social protection beneficiaries about the responsibilities of the system and the rights arising from the law;
- Weak professional resources of non-governmental and private sectors and lack of practical exchange of experiences and examples of good practice between local communities in the area of provision of social protection services;
- Insufficient existence of social protection institutions and professional institutions that would provide support to social protection service providers (eg social welfare chamber, social welfare institute, social welfare institutions for accommodation etc.);
- Strengthening the capacity of professional workers in social care institutions in order to provide better services and insufficient use of existing resources of the non-governmental sector and voluntary work in the provision of social protection services;
- Increased number of social protection system beneficiaries, to whom the provision of social services is the most adequate aspect of social support (elderly persons, persons with disabilities).

# GUIDE ON REFERRAL SYSTEM/SOCIAL SERVICE DELIVERY FOR MIGRANTS IN FORMER YUGOSLAV REPUBLIC OF MACEDONIA

In Macedonia, according to UNCHR, only in the period from September to November 2015, 428,597 persons went through the borders of the so called Balkans Route which took these persons to their wanted destinations in the Western Europe. Between 19 June 2015 and 7 March 2016, according to the Ministry of Interior, 477,856 refugees and migrants declared their intention to apply for asylum in Macedonia. This included 148,245 (31%) children, of whom 18,349 (4%) were registered as unaccompanied. Women and children made up 49% of the registered refugee flow.

Recognizing the importance of the crisis, after March 2016 was nailed a new dimension to interagency cooperation at the governmental level, but also to the cooperation with non-governmental stakeholders as an important and integral part of the system for responding to the humanitarian crisis. Many international key actors as UNHCR, IOM, UNICEF, UNFPA and Red Cross contributed significantly, supporting local and national stakeholders and CSOs – Open Gate/La Strada, Macedonian Yong Lawyer Association, Legis, Noon, and etc. in the implementation of international law and procedures and finding appropriate operational and regulatory solutions for different topics concerning the migrants, refugees and asylum-seekers. Significant impact in supporting infrastructure development and providing humanitarian, social, legal and health services also

have several ICSOs, as follows: Danish Refugee Council (DRC), Catholic Relief Services (CRS), Jesuit Relief Services (JRC), OXFAM, Save the Children and SOS Children Village.

The number of transiting migrants nowadays and refugees in Macedonia is steady, combined with persons who seeks an asylum and those who had rejected asylum from the EU states makes the social system in Macedonia more challenging to deal with them and provide to them necessary social services.

In that view, access to available social services to migrants is crucial for those who are transiting and those who are intending to stay in Macedonia.





## The summary of the main findings of the data analysed are:

1. According to the new legal framework the rights to use the services are categorized as following: person who seek an asylum, person with granted status of an asylum and person with subsidiary protection. Thus, representative from the government institutions have described that in this new legal framework the rights for the social service use are broken down by three categories. These three types of persons' once have been granted with the status can use the available social services.
2. Government institutions are managed through several crucial legal frameworks in providing social services. The most cited are: The law for social protection, law against family violence and the law for international protection for person who seek asylum and SOP for 4 categories: for vulnerable groups, for unaccompanied children, for victims of violence and for victims of trafficking. CSOs, which are providing services for the vulnerable groups, have described that their main strategic documents are their own long-term strategies or strategic priorities.
3. The data about what kind of services could provide CSOs and municipalities for the vulnerable groups and refugees vary. Many interviews indicated that many services are dependent by the finances. Most of the services offered by the CSOs which are filling the gaps in the system such as education for vulnerable children, for example for Roma children and street children preparing them for pre-schooling and mentoring.
4. Service-projects usually are carried out by the CSOs and they are donor based and regularly do the fund raising. However, as a good positive practice during the data collection for social service using supported by the local government, was the municipality.
5. The following good and best practice in dealing with vulnerable groups cases in general, and cases in the social welfare systems were emphasized:
  - (i) Good coordination among CSOs especially in emergency activities and good professionalism among activists;
  - (ii) Occupational activities and psychological first aid for adults are considered as the most vulnerable for the people while transiting

- (iii) Inter-sectorial co-operation is considered as good practice, especially in dealing with the complex cases of trauma; special guide to be provided to the front workers to deal with such person and the referral system for unaccompanied migrants
- (iv) Education along with occupational activities positively affects psycho-physical wellbeing of children.
- (v) Awareness raising among local citizens for migration issue and migrants.

## Institutional and national policy

Recognizing the importance of the issue of migration, Macedonia created its own profile migration for the period 2015-2020, which were created by the inter-ministerial group on migration policy comprised of representatives of 12 institutions members and four international organizations, according to the Official Gazzete, 2008/2015: Ministry of Interior Affairs, Ministry of Labor and Social Policy, Ministry for Foreign Affairs, Ministry of Economy, Secretariat for EU issues, State Institution for Statistic, Ministry of Education, MARRI Regional Center, IOM and UNFPA. Due to the importance of the integration of the refugees, the Ministry of Labour and Social Policy (MLSP) has established an inter-ministerial group for integration of refugees and foreigners, where the priorities also included the preparation of the draft Strategy for integration of refugees and foreigner for the period 2017-2027 which is still in a consultation process.

According to the Law on Social Protection, basic social protection, permanent social protection, nursing care and one-time financial assistance is available to all refugees, persons who seek an asylum and persons under subsidiary protection. The access and enjoyment of the social rights is equal to the ones offered to Macedonian citizens. Medical aid for this target group

in protection centers is mainly provided by the Red Cross in cooperation with Ministry of Health. The Centers for Social Work (CSW) are responsible for social protection management of the cases and the Centre for Integration is responsible to provide adequate information and support the refugees in preparing and submitting their application for social assistance. Provisions of other laws which stipulate rights of asylum seekers, persons with recognized refugee status or subsidiary protection are part of the following: Law on Basic Administrative Procedure, the Law on Administrative Disputes, the Law on Foreigners, Law on Social Protection, Law on Employment and Jobs for Foreigners, Law on Citizenship of the Republic of Macedonia, Criminal Laws and by-laws and public policies such as: Strategy for Refugees and Foreigners in the Republic of Macedonia 2008-2015 and Action plan for sexual and reproductive health for 2018-2019 in Skopje. However, the analysis and experiences show that if only one family member does not possess status and consequently does not possess personal identification number, than all family cannot exercises their right of social welfare in Macedonia.

## Social services in FYRoM

In the Republic of Macedonia there are 30 centers for social work of which 27 inter-municipal and 3 municipal. Professional workers in the Center for Social Work, work with the citizens and with family, have official duties and tasks to help in life difficulties and problems in individual living, partnering relations, premarital and marital relations, relations between parents and children, responsible parenting and family planning, to offer protection to the victims domestic violence and victims of trafficking in human beings, to provide social rights protection, usually in the form of cash benefits and give other advices and counseling services on issues of relevance to development and socialization the

personality and the realization and promotion of relationships in the family.

In addition to providing social services, the Centers for Social Work also run the system of cash benefits. Social services are prescribed mainly with laws on social protection, juvenile justice and certain aspects of the Criminal Code and can be divided into three broad categories:

- Preventive services
- Care and counseling services
- Legislative and protective duties.

Identified social services available in Macedonia aimed to target the poor and vulnerable groups, and to develop policies and measures to addressing the poverty according to the Ministry of Labor and Social Policy. Those are: Public kitchens, Health Promotion Services, Family center, Mobil gynecological practice, Program for Support of Commercial Sex Workers, Harm Reduction program, Daily and temporary acceptance and care for homeless people/families, Support for homeless people, Providing protection for the victims of domestic violence, Shelter for victims of human trafficking and sexual violence, Accommodation in small group home with or without support, Daily and temporary care.

The Government of Republic of Macedonia has allocated financial support for social protection for six subprograms: Centers for social work, institutional and non-institutional protection, social/cash transfers, conditional transfers, reconstruction on certain institutions and other social rights for vulnerable groups. As an example, in the sub-program N054 is planned in total 26,400,000 denars from the basic budget intended for the payment of rights for the person

with recognized refugee status, persons under subsidiary protection and asylum seekers, reimbursement of the rights of internally displaced persons and persons returned on the basis of readmission agreements.

## Recommendations

In the respect of good and best practices in dealing with vulnerable groups in general, and cases of vulnerable groups such as migrants, participants were encouraged to express their ideas for recommendations. Analysis of their responses in this respect revealed two types of recommendations - recommendations for professionals who are providing social services, and those recommendations for institutions on national and local level.

- Key recommendation focuses on better access to social services of the vulnerable groups, through providing enough information for the available services and increasing the number of social services in other municipalities.
- Increasing social services on a local level in a public private partnership between the civil society sector and the local self-government. With the new law for social protection which should be in place in January, 2019 it is foreseen many social services to be contracted within so called social contracts with the Government of R.Macedonia where CSOs, religious organization and other legal entities can provide various social services. This would make an opportunity for sustainability of the social services on a long-term run.
- Inclusive education for asylum seekers and their children and providing them with classes for learning the official

languages.

- Fully access to medical and health services for asylum seekers at primary level
- Identification of entities, which can participate, and managing social services for certain target groups, for instance, on 'migrant' children or unaccompanied children. Those who will be in direct contact with children and will promote child safeguarding, including identification of sexual and gender-based violence, cultural sensitization, dealing with confidential information, referral mechanisms and case management.
- Alternative services for vulnerable groups which can be offered by the CSO sector with well trained personnel that will assure a quality of services according to already defined standards. Similar examples are community-based services for people with disabilities or so called group homes. These services are supported by the MoLSP but run by the accredited CSOs.
- Local municipalities have to be more visible and to show own leadership in establishing social protection services on a local level introducing a participatory approach of the local communities.
- There is a strong need to promote awareness about the migrants who are transiting and persons who seek an asylum which will enable to prevent xenophobic beliefs among the population.
- Awareness promotion for integration and adaptation of the migrants in the country and people who seek an asylum through various services established, such as involvement of youth activists in volunteer activities with this vulnerable group, especially, in social activities.
- Education and training for professionals in each of the sectors dealing with various types of vulnerable groups on the topic of social services for vulnerable groups.



# GUIDE ON REFERRAL SYSTEM/SOCIAL SERVICE DELIVERY FOR MIGRANTS IN ALBANIA

For a small country like Albania, migration has been considered as one of the most effective solutions to change the quality of life by fulfilling in a way “Albanian expectations” towards welfare, good health and education. Since early years, the Albanians have shown the tendency of external migration, but the fierce communist regime provided no opportunity for population movement. As the result of this isolation, the collapse of the communist regime dated in the 90s brought the first abroad mass movement of Albanians citizens. They migrated mainly to neighboring countries such as Italy, Greece and then spread throughout the world. Although the largest wave of migration movement was recorded in the 90s and 2000s, about four years ago another movement wave affected the country. Numerous citizens were selecting countries like Germany, France, Sweden, Belgium by filing a petition as an asylum seeker. During the years 2015-2016, the phenomenon spread in quite short term by registering around 57’300 requests of Albanians for asylum that were rejected<sup>23</sup>. Many migrants choose the voluntary return, but the Albanian state has no data on their reintegration related to the system of social protection, employment, education and vocational training.

Despite the limited data of migration, this phenomenon seems

to have a strong influence on the population including children and young people from marginalized communities facing absent or unavailable social services. The study aims to present a comprehensive framework of the social services situation and the migration referral system by searching and introducing the legal framework and social protection policies for the migrant target-groups such as refugees; forced or displaced migrants due to armed conflicts; voluntary returnees, returnees with rejected asylum request; persons in need of international protection; victims of trafficking etc.

In comparison to the other Western Balkan countries that have faced greater migrant and asylum seekers incomes, Albania has been partially affected by the so-called migrants and refugees crisis. Currently, in Albania are at least 3 main migrant groups categorized as follows:

- Long-term migrants returning due to the economic crisis of host country or for family and personal reasons;
- Asylum seekers, returning voluntarily or involuntarily after the rejection of their request;
- Seasonal migrants, returning after the realization of their temporary purpose in the host country.

23) - <http://cdinstitute.eu/web/wp-content/uploads/2016/12/Factsheet-1.pdf>

“In the worst case the returnees simply ignored their existence, as was the case of Migration Counters part of the government strategy of return and reintegration.

Referring to the above mentioned categories, the situation and expectations of returned migrants differ depending on the type of migration they have chosen.

The main national law governing migration is the law no. 9668/2006 (revised with Law No.10389, date 03.03.2011) "On the Migration of Albanian Citizens for Employment Reasons". Regarding the protection of children in case of migration, Law no.18/2017 "On the Rights and Protection of the Child" is a legal framework adapted to respect the rights of children and the structures responsible for their implementation. In the current legal framework, there are some special provisions for unaccompanied children, unlike other groups of migrant children. These children are mentioned in the Law "On Foreigners" and the Law "On Asylum", despite the fact that these laws refer to unaccompanied children entering Albania and by not mentioning unaccompanied children of Albanian nationality returning to the country. In addition, according to the Article 36, the police shall carry out detailed inspections when suspected a child is leaving the parental custody or when the child is unaccompanied. Article 16 of Law no. 121/2014 "Asylum" underlines the fact that unaccompanied children entering Albania as asylum seekers shall be assigned to a legal guardian. In conclusion, the migration ensures the safety and security of the migrant children.

The previous Strategy on Reintegration of Returned Albanian citizens 2010-2015 (ended in 2015, the new one is still in draft version), revealed that the core of the reintegration mechanism

relies within the state, mainly at local level through Migration Counters (MCs) - services located at Local Employment Offices (EO) in 36 regions, assessing needs of returnees and their referral to public services. Yet, the only direct reintegration services that these MCs deliver are job brokering and intermediation for vocational training<sup>24</sup>. This service is accessed by the returnees' initiative, thus leaving potential from those who do not reach those counters. Upon return, returnees experience high level of stress and discomfort with to none psychological support from state, despite CSOs. There are no reception sites that manage returnees' flows, near to the Rinas airport where the majority of failed asylum seekers flows occur.

Qualified returnees do not receive support to properly use their new skills as local authorities neither recognize skills/ qualifications nor do they assist them to find a job or start business. Income rates in many cases are lower than the social benefits in Germany<sup>25</sup>. Female returned migrants are informally employed in domestic sector (as baby sitting or sanitary). A large number of families with unemployed members have difficulties in accessing social assistance because if they possess a piece of land distributed by the commune, they do not qualify for social assistance, even though they do not have the necessary means to live<sup>26</sup>. The social assistance is limited to families registered in a given district therefore families from other areas not registered in the civil register cannot access it.

Both parents and children report that migrant children face discrimination bullying and exclusion in school settings<sup>27</sup>.

24) - Institutionalising Assistance to Returning Migrants Lessons Learned from the Albanian Experience- European Scientific Journal November 2013 edition vol.9, No.32 – Grazhdani T.

25) - DISCONNECTED: Return from Germany and Reintegration Challenges of Albanian Asylum Seekers December, 2017, Hans Siedel Foundation, Cooperation Development Institute December 2017.

26) - IBID.,

27) - Children and Migration in Albania- Latest trends and protection measures available, USAID, Austrian Development Cooperation, Terres des Hommes, March 2017.

Research evidence also lack of programs for reintegration of young returned asylum seekers into the educational system and/or labor market. Overall there is a common denominator, powerlessness to advance toward one's life.

## Key finding of CSOs analysis related to the provision of social protection services, focusing on services for migrants

Based on the goals, motives, objectives and findings accomplished research and the review of legal framework and social policies, the analysis of initial finding shall refer to the four main columns:

- i. Services in function of returning migrants provided by public/non-public institutions;
- ii. Access and impact of services in the successful reintegration of migrants;
- iii. Future service prospects and their providers;
- iv. The importance of cooperation between public institutions and the NGO sector.

Each one of the key social actors could realize the difference between the different need for services among the migrant categories. They could specify at least two categories of migrants, their situation and expectations depending on the type of chosen migration. The results showed that long-term migrants are more willing to make investments in the business sector and their priority need is the orientation towards the self-employment market. With regard to the category of asylum seekers returned due to the rejection of their request, the results showed that their urgent needs are sheltering and support for



basic needs - health and social care.

The analysis showed that the reintegration mechanism has begun to function more effectively but the migration management and its interaction with social and protection systems still seems labeled by the lack of coordination among institutions followed by the lack of human and financial resources. Despite the multifaceted aspects of migration outlined by social actors, it appears that the provided assistance and protection targets only "vulnerable groups" excluding automatically the others needing support.

The results of the interviews with service providers and beneficiaries showed that the reintegration mechanism is specifically set up to address the needs of returnees for information and referral to the existing public and non-public services in order to facilitate their reintegration process in Albania. The main function of this mechanism implemented by Migration Counters is to identify the needs of returnees and then process with the orientation and referral in public services or private ones. The main indicators of the functioning of social protection systems for migrants in Albania are:

- the inconsistency between the national priorities and the local situation and concerns,
- the reaction rather than prevention towards the dangerous types of migration and
- the programs in line with international standards, their implementation continues to be a problem.

The systems of migration management and social protection are limited by the lack of sufficient coordination among institutions followed by the lack of human and financial resources. In Albania, migrants are not considered as particular and prior category. Migrants have the same access to all services as the rest of Albanian citizens but in the same context led by the skepticism towards the institutional and administrative bureaucracies. Regarding the link between migration and social protection, the policy framework is largely driven by the international requirements and priorities set for the country, as part of the EU accession process.

Moreover, the current laws and policies are not in line with recent developments for migration trend. This also indicated the recent migrants and refugees flux. Consequently, there is enough evidence that migrants rely on informal social protection strategies, including support from their families, friends, NGOs and other networks created after their return. The NGO sector is one of the main service providers for migrants and mainly for unsupported migrant, specifically unaccompanied children. However, NGO claim that their provided services are not sufficient to improve the life situation of returned migrants even though they emphasize that public-civil partnership in Tirana has good coordination. The additional finding is related to necessity to establish long-term migration policy in order to improve the holistic approach towards returned migrants.

It is still important to develop partnerships between Albanian and European governments for matters such as employment opportunities, studies etc. of Albanian citizens in foreign countries. These findings showed that the local services have a lack of financial resources because they depend completely on donor funds. In order to meet the national approach on migration goals, Albanian government should prioritize the target-group of returned migrants in the frame of providing multidisciplinary services.

It is needed also the upgrade of laws, procedures and institutions dealing with the protection of children and the cases of migrant children. The State Agency for the Protection of Child Rights should establish a child protection system from migrant families. Moreover, the government needs to create supporting budgets for education and social inclusion of migrant children, especially from families in need. Another recommendation is to build a database for all migrant categories in order to serve as an inventory for returned migrant skills and their orientation in the labor market. In order to provide proper services for migrant families and children, a number of concerns and matters should be addressed in local level. The prior recommendations are as follows:

- The inclusion of all institutions that provide social services for migrants to analyze the operating procedures by determining the action steps and to identify the responsible institutions to ensure the interaction between migration structures and social services. Based on many updated procedures, it is recommended that the identification and the referral of the cases should start at the border. The Border and Migration Police should register the migrants as repatriated citizens and the voluntarily returnees. They should also forward these data to the Migration Counters near the Municipalities

of their residence;

- The improvement of human and financial resources of Migration Counters. The need of these counters for trained team and funds should be provided independently from the funds for the returnees. These institutions should have a proactive role in communicating with families and individuals based on good practices of service provider. The Migration Counters should provide quality service also for the internal migrants.
- The insurance of living expenses for returned migrants as part of the duty of government to provide social support and shelter respecting the Human Rights for the target of returnees. This service should be accessible for everyone in need.

## Recommendation for the actions

Migration is becoming an issue for Albania for its impact at the individual level, family and community as a whole. The mere fact that someone returns to a country or place where s/he has previously been living does not mean that reintegration is seamless. Being a multidimensional process, reintegration requires a holistic and need-based approach taking into consideration various factors including social, psychosocial and economic factors across individual, community and structural dimensions gender roles and regimes.

- At the individual level/micro required a full need assessment of returnees needed. This need-based approach will empower the returnee and create an environment in which the returnee takes responsibility for the reintegration process and decides on the use of reintegration mechanism. In this regard, effective information provision and counseling at the post-arrival stages allows to best tailor the assistance to

the specific situation of each returnee. The programmatic social services approach is based on: (i) immediate social and psychological support; (ii) access to services; (iii) and increased social cohesion within receiving communities.

- At the family-community level reintegration is sustainable if the returnees are harmoniously linked to the broader receiving community. In some cases the latter is not able to accommodate the considerable number of returnees, thus leading to tensions over available resources. As such, community based support can address community level factors of reintegration and facilitate the process.
- The involvement of the local communities will seek to foster dialogue, social cohesion and empowerment – as well as measures to reduce vulnerability of the receiving communities. Moreover, it is important to ensure local ownership of initiatives and consequently sustainability after the programmed has ended. Families of the returnees need it:
  - (i) an increased access to qualitative public services (protection, health and education);
  - (ii) capacity building to overcome the initial discomfort;
  - (iii) and develop positive approaches to create a friendly environment for their family members.
- At the structural/macro level a revision/upgrade of policy framework is needed for returnees-friendly policies as well as the standard operating procedures and protocols. It aims to: (i) strengthening of national capacities to provide reintegration services through technical support and tools;
  - (ii) facilitating cross-sectorial coordination;
  - (iii) establishing/strengthening national networks and referral mechanisms

(iv) and providing trainings and conferences to exchange lessons learnt and good practices.

- Regarding services, it is recommended to improve access to public services, and their quality. From an access point of view, there are two elements: eliminating bureaucracy in accessing public services and diversifying services, both in their diversity and space. In particular, it is necessary to expand the range of services that affect the social and cultural reintegration of migrants through community-provided services (and local service providers).
- Whenever possible, public institutions should develop and implement projects addressing the needs of specific categories of returnees (such as supplementary education in the Albanian language, a project to create a system for assessing and recognizing the skills acquired in emigration, etc.).
- In order to realize this intervention it is recommended to provide a more detailed assessment of the needs of returnees and address them in a step-by-step process. This can be achieved through the implementation of a “case management” model by the Migration Counters or other future institutions that will be responsible for providing reintegration assistance.

From the point of view of increasing the quality of public services, it is recommended to set delivery standards for each public service, together with rigorous monitoring of their implementation and the grievance process. A key element will be the proper planning of the services that presupposes and making available the appropriate financial and human resources for their qualitative delivery.

The institutionalization of the role of Migration Seats (through

the appointment of a special employee for migration issues and involvement in the regional and local employment offices organization) together with the support to increase the capacity of the Sports Hall (infrastructure, training, material base) will improve the process of orienting returnees to public services.

Returnees should receive the same level of services as other inhabitants of Albania with respect to social welfare, pension, and education - not more.

- Coordination of NGO inputs is critical to maximize the use of resources. There are many NGOs who have the resources to provide some support, but they need to coordinate to avoid duplication of these services.
- Temporarily ease processes and administrative costs in the municipality for returnees.
- Provide a balancing component for vulnerable members of the receiving community when designing projects to avoid creating internal conflict within communities.
- Operate a temporary transit center for individuals/families to stay if there is no immediate housing solution. The transit center should be viewed as a temporary solution until housing problems are addressed by the authorities.
- A strong coordination mechanism should be in place to connect central authorities to the grassroots levels.
- Support the development of grassroots organizations/associations of returnees so that they can advocate for their needs and for support from relevant stakeholders.
- Elaborate on law implementation. The legal framework on migration has massively improved over the past years in Albania, but it lacks by-laws and more specific acts needed for the actual use of the law at local level and by practitioners.

# GUIDE ON REFERRAL SYSTEM/SOCIAL SERVICE DELIVERY FOR MIGRANTS IN MONTENEGRO

Along with asylum, migrations are in a special focus of the European Union. In this regard, Montenegro has adopted the new Law on Foreigners, which is harmonised with EU Directives. Montenegro, as a candidate for EU membership, is already faced with an increased number of asylum seekers. The number of requests for asylum in the first part of 2018 increased by 100% (1886) compared to 2017 (850). Montenegro's Legislation pertaining to this field has been harmonised to the greatest extent, but the fact that Croatia has joined EU is a challenge given that Montenegro's border has become the border with EU. The Government of Montenegro has adopted the Strategy for Integrated Migration Management 2018-2020, with Action Plan<sup>28</sup>. By mid 2018, 2 documents were adopted at the global level aiming to define obligations and responsibilities arising from the New York Declaration<sup>29</sup>. It is about the Global Response to Migrants<sup>30</sup> and Global Response to Refugees<sup>31</sup>.

Key challenges for Montenegro in the coming period shall be reflected in the implementation of the Law on International and Temporary Protection of Foreigners, which entered into force on 1 January 2018 and requires capacity building and new bylaws.

28) - <http://www.gov.me/ResourceManager/FileDownload.aspx?rId=266271&rType=2>

29) - [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/71/1](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/71/1)

30) - [https://refugeesmigrants.un.org/sites/default/files/180713\\_agreed\\_outcome\\_global\\_compact\\_for\\_migration.pdf](https://refugeesmigrants.un.org/sites/default/files/180713_agreed_outcome_global_compact_for_migration.pdf)

31) - <http://www.unhcr.org/58e625aa7>

Strengthening regional cooperation in the area of migration is a particular challenge, especially multi-sector cooperation at national and local level, with active participation of CSOs, that could be a powerful resource in developing services for migrants/asylum seekers/returnees.

The right to asylum is guaranteed by the Constitution of Montenegro and the Law on Asylum regulates this right. Article 44 of the Constitution of Montenegro stipulates the right to asylum as follows: "A foreign citizen reasonably fearing from persecution on the grounds of his/her race, language, religion or association with a nation or a group or due to own political beliefs may request asylum in Montenegro". A foreign national shall not be expelled from Montenegro to where due to his race, religion, language or association with a nation he/she is threatened with sentence, torture, inhuman degradation, persecution or serious violation of rights guaranteed by this Constitution. A foreign national may be expelled from Montenegro solely on the basis of a court decision and in a procedure provided for by the law."

Before the big migration wave affecting all countries of Europe in

2015, Montenegro was the 5<sup>th</sup> country in Europe by the number of asylum seekers compared to the number of citizens. However, by opening the so-called “Balkan route” in 2015, which started in Greece and then went towards Macedonia, the number of asylum seekers and migrants drastically reduced in Montenegro. Having in mind the developments in the Balkans, the Government of Montenegro prepared in 2015 the Operational Action Plan to act in case of an increased influx of immigrants.

The situation changed already in August 2017 and the number of asylum seekers was increasing notably due to the increased number of the green line crossings from Albania. Such an increased number of migrants required stronger engagement of accommodation capacities besides the Reception centre for asylum seekers in Spuž. Therefore, additional capacity was provided in Konik for persons seeking international protection in Montenegro. Both facilities are open type facilities and cover all necessary services (medical aid, psychosocial support and other support). As migrations in Montenegro include a significant number of persons entering the country illegally, a number of the persons are placed at the Reception Centre for Foreigners, which is of the closed type. According to the Directorate for Asylum, 63 persons have been granted international and temporary protection in Montenegro since 2007, out of which only 32 persons are currently in the territory of Montenegro.

When talking about migrations in Montenegro, we have to classify the users into the following categories:

1. Migrants
2. Foreign persons who have expressed their intention to apply for asylum
3. Asylum seekers / foreign persons seeking international protection



*Reception centre for asylum seekers in Spuž*



*“Alternative” accommodation in Konik*

4. Foreign persons who have been granted international or temporary protection
5. Montenegrin citizens who have been returned to Montenegro through the system of readmission or voluntary return
6. Foreigners staying in Montenegro on grounds of temporary work and residence permits and foreign persons seasonal workers

Pursuant to the Law on International and Temporary Protection



of Foreigners and the Law on Foreigners, all target groups have different scope of rights in Montenegro, and the services that the civil society organisations are able to provide are different accordingly. Pursuant to the Law on Foreigners, foreigners can be granted: Stay up to 90 days, Temporary residence, Permanent residence. According to Ministry of Interior, the Directorate for Readmission, there has been planned the development of data base in the coming period to record all Montenegrin citizens who have been returned to Montenegro through readmission system or on the basis of voluntary return. Statistical data on persons who have been returned to Montenegro through readmission are available in annual reports of the Ministry of Interior, Directorate for readmission. However, the ministry representatives themselves openly say that the data are not complete and that the missing data refer to those persons who return to Montenegro voluntarily. More, representatives of the Ministry of Interior and other state institutions are not informed about those persons due to the fact that the law does not provide an obligation to report to the Ministry of Interior upon the return to the country of origin. Therefore, we cannot speak with certainty about the number of persons when we speak about returnees from EU or other countries.

Statistical data indicate that most of recorded asylum seekers in Montenegro are males, and it is a small number of women and children, as well as unaccompanied minors. It is very difficult to talk about countries of origin when it comes to this target group because these data depend on the movement in the Middle East, on conflicts, but also on the economic situation.

When talking about unaccompanied minors, it is very difficult to identify a minor and determine his/her age due to the lack of appropriate technical capacity.

However, when we talk about persons who have been granted international or subsidiary protection in Montenegro, according to data by the Red Cross of Montenegro, most of them are families with children and vulnerable groups and the current number in Montenegro is 32. When it comes to persons being placed in the Centre for reception of persons seeking international protection, 90% of them are single males whose stay on transitory nature in Montenegro.

## Analysis of the legal framework

The Law on Asylum was adopted on 17 July 2006 (Official Gazette of the Republic of Montenegro no. 45/06) to enter into force on 25 January 2007. The adoption of the Law on Asylum represents a significant step in creating an asylum system in Montenegro and meeting international obligations arising from international and European documents. Following the adoption of the Law on Asylum in Montenegro, a special organisational unit was formed within the Ministry of the Interior - the Directorate for Asylum.

The first draft modifications of the Law on Asylum were made in 2016, when in December 2016 the Law on International and Temporary Protection of Foreigners in Montenegro was adopted, to enter into force on 1 January 2018.

Within the Law on International and Subsidiary Protection of Foreigners in Montenegro, a set of bylaws has been developed to facilitate implementation of the said law.

At the start of 2018, the National Office for Combating Human Trafficking, in cooperation with UNICEF, developed standard operational procedure for treating unaccompanied minor migrants, as well as children victims of human trafficking.

One of the main changes that the new Law has brought is the transfer of competence of the Centre for Reception of persons

seeking international protection in the manner that the Centre for Reception has been moved from the Ministry of Labour and Social Welfare under the competence of the Ministry of Interior. Persons who have been granted international or temporary protection are now under the responsibility of the Directorate for Refugees and/or Ministry of Labour and Social Welfare.

Novelty of the new Law on International and Temporary Protection is the possibility of employment of asylum seekers staying in the territory of Montenegro, whose procedure lasts longer than 9 months. According to the information by the Red Cross of Montenegro, none of asylum seekers who had met the requirement for staying in the territory of Montenegro were able to get employed.

Besides the Law on International and Temporary Protection, the Law on Aliens in Montenegro (the Official Gazette of Montenegro, 12/2018) represents another very important legal document, which is significant for the stay of foreigners in Montenegro, as well as their access to rights and for defining their obligations.

When it comes to persons granted protection in Montenegro, or their status regulated by the Law on Aliens or the Law on International and Temporary Protection, provisions of the Law on Social and Child Welfare of Montenegro are applied. Pursuant to the Law on International and Temporary Protection Considering foreigners seeking international protection in Montenegro are entitled to one-off financial assistance obtained in accordance with the Directive on Financial Assistance to foreigners seeking international protection (Official Gazette of Montenegro, no. 28/18).

Nevertheless, most of these requests are not realised due to the fact that most asylum seekers leave Montenegro after a short period.

## Analysis of actors providing social services to migrants

The Law on International and Temporary Protection of Foreigners in Montenegro lays down competences of state bodies, the key ones being: Ministry of the Interior – Directorate for asylum; Centre for reception of persons seeking international protection; the National Office for Combating Human Trafficking; Police Administration – Directorate for readmission and illegal migrations; Department for Foreigners, Visas and Combating Illegal Migrations; Ministry of Labour and Social Welfare – Directorate for Refugees; Centre for Social Work). Except the aforementioned, the following institutions are involved in the support system: Ministry of Health (Health Centres, KBC (Clinical Hospital Centre), Ministry of Education as well as the Employment Office.

For the international organizations, the largest contribution to Montenegro is given by UNHCR and IOM. The civil society organization relates to the most active are Red Cross of Montenegro, NGO Legal Center that provides free legal assistance to international protection seekers and persons with granted protection, as well as support in access to rights, and from the beginning of 2018 NGO Bona fide from Pljevlja is providing support to women and children victims of violence through the programme in a safe house, accommodation and humanitarian assistance to migrants. It is important to emphasize that part of civil society organizations are actively involved in monitoring the legislative and political framework related to migration, campaigning, reintegration of victims of trafficking, Roma, etc. At the same time, there are many organizations that provide support services for different categories of people, which can be a powerful resource in the development of services for migrants

/ asylum seekers / returnees. However, at the moment there is no valid database of these organizations.

## Intersectorial cooperation when providing the services

There is no unique intersectorial group comprising state institutions and civil society organisations that represent a very important factor in the provision of social services in Montenegro.

As for as the state bodies are, there is an Operational team for actions in case of an increased influx of migrants that comprises competent state institutions, international organisations and the Red Cross of Montenegro. In addition to the above mentioned operational team, an intersectorial working group has been formed to gather representatives of state bodies responsible to monitor the implementation of the Action plan for the implementation of the strategy for migrations integrated management.

One of the formal intersectorial groups that gathers representatives from both the public system and civil society organisations is the National office for combating human trafficking, which covers within its responsibilities activities related to prevention, identification and protection of victims of human trafficking, regardless of their immigration status in the country, therefore it also addresses victims of human trafficking among migrants, persons seeking international protection and persons who have been granted protection.

However, as we have already stated, there is no formal intersectorial cooperation between relevant state institutions and potential providers of services from among civil society organisations, and since civil society organisations are holders of a significant number of social services, it is necessary to

engage them in the following period in the work with migrants and international protection seekers within the framework and pursuant to the Law on international and temporary protection of foreigners in Montenegro, primarily taking into account safety and security of Montenegrin citizens and respect of effective laws.

But, when it comes to treatment and reintegration of Montenegrin citizens, returnees through the readmission system or voluntary return to Montenegro, besides the legislation framework there is a lack of a significant set of activities which is seen in the interest of the World bank for the system of reintegration of returnees into Montenegro, while a particular emphasis is on Roma returnees, who represent one of the most vulnerable group in Montenegro. Also, in addition to reintegration programmes, the issue of urgent accommodation for individuals and families that do not have ensured accommodation upon their return to the country of origin has not yet been resolved. And besides, lack of information among the users from the group of returnees represents a great obstacle for an adequate access to rights.

## Obstacles in the provision of social services

Having in mind that Montenegro has not been affected by the migrant wave in the manner which required proclamation of emergency and that all previous activities were implemented within regular and existing state system provided for this target group. Very few civil society organizations are directly involved in working with migrants.

Providing support to these persons is greatly complicated by the language barrier, while the impossibility of engaging enough translators or court interpreters for all necessary activities

is the result of the fact that there do not exist in Montenegro translators for all languages required for proper communication. Current needs for translators for the Arab language are met in the manner that each institution / organisation engaged translator for Arabic language, which greatly facilitates the work with this target group. However, one obstacle is the lack of translators for Farsi, Pashto, Urdu and the like.

Another obstacle in the provision of services to migrants and asylum seekers is the short period of their stay (7 to 10 days), so that services provided to these persons are mainly those referring to urgent medical or humanitarian nature.

Another factor that may affect the provision of services to migrants and international protection seekers is the local community (society), as the receiving environment which is insufficiently informed about all that migrations bring and what problems these persons face on their journey towards a better life, so that individual cases of Xenophobia and expression of stereotypes on increased criminal activities in places in which migrants reside were observed<sup>32</sup>. Such an attitude of a community may additionally affect the provision of services to migrants and international protection seekers as well as their integration and social inclusion in the community. In line with the above stated, it is necessary to work on development of activities in the field of combating discrimination and Xenophobia in the future, in order to prevent possible conflict situations (which occurred in the previous period, but luckily in isolated contexts), but also to improve social inclusion, integration and re-integration.

Difficult access to labour market, hence more difficult gain of independence in the community is a significant obstacle for the integration of these persons, increasing the needs for the

32) - <http://www.vijesti.me/tv/azilanti-branili-smo-se-mjestani-prolaznike-su-gadali-kamenicama-924973>

33) - <http://media.institut-alternativa.org/2013/12/mapiranje-usluga-socijalne-zastite-u-crnjoj-gori.pdf>

provision of services, support and humanitarian aid.

Shortage of financial resources and funds was one of the obstacles in the previous work and engagement of civil society organisation in activities to provide support to international protection seekers, asylum seekers and migrants. Sufficient funds would provide organisations with the opportunity to properly prepare their own capacities and ensure conditions for the provision of support.

## Recommendations and conclusion

Civil society organisations represent more than 70% of providers of various social services in Montenegro<sup>33</sup> hence it is necessary to strengthen the capacity of CSO first of all, and then support their inclusion in all aspects of the provision of services and support to migrants, international protection seekers and persons with granted protection, especially when it comes to vulnerable groups, single mothers, children, elderly persons. In this regard, it is necessary to allocate budget resources at the level of competent ministries for the provision of services to all beneficiaries in migration.

It is necessary to prepare an action plan at the level of local self-government units and allocate resources for the work with beneficiaries from the aforementioned categories, and thus to enable the support of civil society organisations engaged in the provision of services to these persons.

Given the existing laws and strategies related to the provision of services, the role of civil society organisations in Montenegro need to be clearly defined and signing memorandums on cooperation with competent state institutions should be

encouraged, with clearly defined obligations of CSOs.

At the same time, and in line with good practice examples in other fields, local multi-disciplinary teams should be formed for the asylum system in Montenegro and work should be done on strengthening their capacities and developing referral mechanisms, providing individual approach in each individual case.

Further work is needed to harmonise the legal framework and implementation policy, with the accent on the development of bylaws, regulations and procedures required for the implementation of the law, international conventions and standards. Simultaneous development of an efficient information

system is needed in order to monitor the migration flows and recognise all vulnerable categories.

Development of activities related to the combat against discrimination and xenophobia is of particular importance for the prevention of possible conflict situations, but also for the enhancement of social inclusion, integration and reintegration.

Besides working with local community, CSOs and beneficiaries, it is necessary to work on raising awareness within relevant state institutions and departments responsible for the provision of support and access to rights from relevant fields both at national and local level.

# CONCLUSION

The migrant crisis is a reality that inevitably affects the society of Western Balkan countries, requiring an adequate systemic response. Migrations can have different implications - social, psychological, economic and cultural, as well as two-fold impact: the impact on migrants themselves and the impact on migrants reception society. As a social process, migrations change not only the geographical image of a particular community, but also significantly affect the personality of migrants who, due to the crisis, can be further violated and deprived. The migrant crisis that has escalated in the region in 2015, and numerous experts warn that the slowness and the resolution of the current problems that the migrant crisis brings with them can have far-reaching consequences.

Western Balkan countries have its own social structure, different level of economical development and different history, but in process of facing with migrant crisis they share similar needs and challenges, such as lack of capacities of institutions, importance of CSOs as key players in the process of services provision and advocating more inclusive migration policies, uncomplete legal framework to deal with migrant crisis, lack of migrant movements data, need for special protection of unaccompanied children in move, access to health services, improvement of Laws on Social Protection and better access to social services, lack of national funding, missing developing policies and strategies and need for training in area of crisis management. This crises did not occur at same time in Western Balkan countries, some of them are facing it at the moment (Bosnia and Herzegovina), so sharing

experiences and good practice is more than needed. Also, informing migrants about their rights and domestic population about crisis which affects homeostasis of their local communities is of great importance, and that is one of the reasons why raising awerness in society should be one of the priorities. Cultural mediators achieved important results, but they are not present in all countries and in countries where they act - are insufficient. Sensibilisation is condition for treating marginalized groups properly, so there is urgent need for promote sensibilisation in each country. Recommendations on regional level include possibility for writing and implementing joint projects, different studies on specific issues related to the position of migrants and networking in order to share joint ideas, knowledge and visions and cope with similar activities. One of actual and urgent challenges is to provide food, water, clothes, security and adequate accommodation for all migrants, especially bearing in mind winter season. Role of Centers for Social Work in each country facing with migrant crisis is extremely important. Employees of Centers for Social Work need additional education and trainings about social work in crisis, since this part of social work is not enough developed in WB countries. Centers for Social Work has lack of financial and material resources, dealing with work overload and during crises they should be focused on prevention, action and alleviating consequences. CSOs as key players in the process of services provision and advocating more inclusive migration policies are important. Some of the countries, such as Macedonia, made migration profiles predictive for future

period which is example of good practices and indicator of the whole system involved in migration crises. Cooperation among professionals in different areas and between countries was marked as one of the priorities in list of recommendation in Western Balkan countries. Different political structure of each country is also a challenge and its complicity will influence on level of rapidity in response on migrant crisis.

This Guide can contribute to individuals, professionals, researchers,

representatives from various institutions/organizations and to general public in making clearer picture of phases and migrant processes occurring in the Balkan region. The experiences of the countries that faced the migration crisis in the previous years are of great importance. Through the joint work of all actors involved in the complexity of the migration crisis, significant progress can be made in creating and maintaining a society with the capacity to respond to the migrant needs and to society's needs.









## Lead Project Partner

**Initiative for cooperation and development (IDC), Serbia** - dedicated to the social and economic inclusion of deprived categories of the population and the protection of their human rights.

[www.idcserbia.org](http://www.idcserbia.org)  
[admin@idcserbia.org](mailto:admin@idcserbia.org)  
[Facebook /idc.serbia](https://www.facebook.com/idc.serbia)



## Project Partners

**ASB SEE, Germany** - Arbeiter Samariter Bund - is actively involved in return and reintegration of refugee and displaced persons program, socio-economic inclusion of marginalized groups, the provision of transitional inclusion of Romani people, and the strengthening of civil society in South-Eastern Europe.

[www.asb-see.org](http://www.asb-see.org)  
[asb.serbia@asb-see.org](mailto:asb.serbia@asb-see.org)



**LIRC CD, Bosnia and Herzegovina** - wants to contribute to ensuring that the policies and programs of socio-economic development are adequate and effective.

[www.lircd.org](http://www.lircd.org)  
[lircd@blic.net](mailto:lircd@blic.net)



**Open Gate, the former Yugoslav Republic of Macedonia** - is an organization committed to combating violence and human trafficking, which aims to build society as a place where human rights are widely respected and all citizens have equal opportunities for socio-economic independence.

[www.lastrada.org.mk](http://www.lastrada.org.mk)  
[lastrada@lastrada.org.mk](mailto:lastrada@lastrada.org.mk)



**Social Organization for the Support of Youth (ARSIS), Albania** – delivers quality programs for children in vulnerable situations, disadvantaged youth, marginalised women and families by establishing strong and influential relationships with government bodies and civil society organisations.

[www.arsis-al.org](http://www.arsis-al.org)  
[arsistirana@gmail.com](mailto:arsistirana@gmail.com)



**SOS Podgorica, Montenegro** - provides support services to women and children who are victims of violence, educational programs and public advocacy with the aim to create an effective social system and other type of protection system for victims of violence.

[www.sospodgorica.me](http://www.sospodgorica.me)  
[sos\\_pg@t-com.me](mailto:sos_pg@t-com.me)  
[Facebook/sostelefonpodgorica](https://www.facebook.com/sostelefonpodgorica)  
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